

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 17, 2004**

A Regular Meeting and was held by the Board of Trustees on Tuesday, August 17, 2004 at 8:03 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, Deputy, Village Attorney Brian Murphy, and Deputy Village Clerk Linda Knies.

**CITIZENS:** Three (3).

**PRESENTATION**

**Mayor Kinnally:** The first item of business this evening is a presentation of a service award for 30 years of service to the Village of Hastings-on-Hudson to Rocky Tollefsen, who is a member of our Department of Public Works. Rocky, it is good to have you here this evening, and it is my pleasure to give you this certificate. Congratulations for a job well done. On behalf of the Village, thank you.

**APPROVAL OF MINUTES**

**Trustee Apel:** Page 3, warrants, seconded by Southside; I don't know who seconded.

**Trustee Holdstein:** Page 15, second line where I am speaking, add we do not *want to* make it worse; add we *should* try to limit.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of July 13, 2004 were approved as amended.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 12-2004-05 \$ 76,543.08  
Multi-Fund No. 13-2004-05 \$274,554.44  
Multi-Fund No. 14-2004-05 \$ 4,369.24  
Multi-Fund No. 15-2004-05 \$ 56,287.99  
Multi-Fund No. 16-2004-05 \$ 26,076.48

Multi-Fund No. 17-2004-05 \$ 17,000.00  
Multi-Fund No. 18-2004-05 \$ 5,019.86  
Multi-Fund No. 19-2004-05 \$ 1,881.80  
Multi-Fund No. 20-2004-05 \$253,350.49  
Multi-Fund No. 21-2004-05 \$ 36,523.52  
Multi-Fund No. 22-2004-05 \$ 92,837.06

#### **64:04 RESCISSION OF BID STREET RESURFACING**

**Village Manager Hess:** At the time the bids were received a calculation was done by a secretary in the Public Works Department and she miscalculated the milling cost; they recommended Peckham for the bid. In actuality, Columbus Construction had the lowest overall bid. The difference in the milling, even though their top and binder is about \$3 more per ton, will save us about \$21,000 overall. When I discovered this I notified both Peckham and Columbus of the error and told them that we were going to rescind the bid award to Peckham and award it to Columbus.

**Trustee Holdstein:** In the minutes that we just approved there is a quote from the Village Manager: "Peckham has a good reputation. We had Columbus many years ago and we were not pleased with our work." I have just conferred with counsel and, unfortunately, the fact that we were not pleased with this person we are about to hire does not give us the latitude to not go with the low bidder.

**Village Manager Hess:** Columbus Construction took the bid approximately seven years ago. While they were doing their resurfacing they attempted to contact the superintendent of Public Works at that time, Mr. Gennarelli. They were unsuccessful in contacting him. There was a difference in the tonnage used from what we had estimated, creating an overage of approximately \$20,000. We went to court over that matter, and Columbus Construction won because they had attempted to contact the superintendent. So giving them the benefit of the doubt that they needed to lay down more tonnage than was estimated in the bid, Mr. Gunther, the current superintendent, is going to inspect this construction from start to finish. He is going to be with them the entire time, so you will not have that situation happening again.

**Trustee Holdstein:** Is there a prescribed number of inches on a given street or is it something that they have to make a judgment call as they are working?

**Village Manager Hess:** Sometimes it is a judgment call.

**Trustee Holdstein:** Did they give Mr. Gennarelli enough time to respond?

**Village Manager Hess:** The problem is when you have trucks coming in with asphalt, it has to be put down. It cannot go back to the plant.

**Mayor Kinnally:** How was the quality of their work?

**Village Manager Hess:** The quality of their work was fine. We had a significant difference of opinion in terms of the quantities and the cost.

**Trustee Apel:** If we do not like the person with the lowest bid, if we do not like the work that they have done, are we stuck with hiring them because they have the lowest bid?

**Village Attorney Murphy:** You do not have to award the lowest bid, but there has to be a concrete reason as to why the lowest bidder is excluded from the process, and it is more than dislike or dissatisfaction with prior service. You need to establish that the person is incapable of performing the job as bid. Most of the bidders who were rejected by municipalities have wound up winning if they sued. It is a difficult burden to show that they are not responsible.

**Trustee Apel:** Have we checked to see if anybody else had complaints with this company?

**Village Manager Hess:** Columbus does a lot of work for the state and everybody else. You can hold off the bids, but then you are putting off street resurfacing until the end of September. The work was satisfactory. I was not enthralled with them laying down more than they should have.

**Mayor Kinnally:** This was over six years ago. I do not know what kind of communication there was back and forth and what efforts were made to get in touch with Neil. But in today's day and age, with the communication equipment available to us, it will not happen again. If it does happen again there will be serious consequences.

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 rescind the bid awarded to Peckham Road Corp., Carmel, New York on July 13, 2004 due to a miscalculation of the terms of another bid led to the award which excluded the lowest bidder.

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**65:04 AWARD OF BID STREET RESURFACING**

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

**RESOLVED:** that the Mayor and Board of Trustees award the bid for street resurfacing to Columbus Construction Corp. as follows:

Top:	\$70/ton
Milling:	\$ 3.38/sy
Manholes:	\$ 420 each
Binder:	\$70/ton

For a total cost of \$478,146 to be paid from general fund (\$75,000), Consolidated Highway Improvement Fund (\$243,174.23), and bond proceeds (\$159,971.77).

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

**66:04 ATTORNEY RETAINER FEE**

**Mayor Kinnally:** This is a one-year agreement. The Board has discussed this in Executive Session.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby authorize the Mayor to execute the Legal Services Retainer for 2004-05 with Murphy Stecich & Powell, LLP in the amount of \$44,000.00 and for \$150/ hour for Special Counsel Services as authorized.

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

**Mayor Kinnally:** This agreement is a change from prior retainers dealing with how the hours will be allocated to the Village. To the extent the 400 billable hours are not used over a 12 month period for meetings such as this, or other meetings or work, they will be credited to \$150 an hour non-retainer services provided on a daily basis for the Village.

#### **67:04 AGREEMENT TO PROVIDE THERAPEUTIC RECREATION SERVICES**

**Mayor Kinnally:** This is an extension of an agreement with the Town of Greenburgh to provide community-based year-round therapeutic recreation programs for children and adults with disabilities who live in the Town of Greenburgh. The present agreement expired on December 32, 2003 and has been honored by the Town of Greenburgh to date. Neil, what services in kind has the Village provided to the Town of Greenburgh in connection with this program?

**Village Manager Hess:** Our staff time relative to signing up people for the programs, getting them involved in the programs, transportation.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Mayor to renew the agreement between the Village of Hastings-on-Hudson and the Town of Greenburgh for six years, from 2004 through 2009, for the Town to provide therapeutic recreation programs servicing children and adults with disabilities and be it further

**RESOLVED:** that the Mayor and Board of Trustees affirm that all residents of our community be afforded access to recreation programs.

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

**68:04 BUDGET TRANSFERS FY 2003-04**

**Village Manager Hess:** From the police and fire retirement system, \$77,885; from the employees retirement system, \$90,007; from the contingency fund, \$158,700; from the transfer to capital fund, \$73,684; and from serial bond interest, \$24,186. Total: \$424,462. Transferred to the following accounts: Village court, A1110500, \$4,994.

It has to be a 400 account if it is a contractual expense. There are no 500 accounts.

**Deputy Village Treasurer Zaratian:** We numbered it 500 because it is contractual but it is not a regular contractual.

**Village Manager Hess:** Village Manager membership, \$452; Village Clerk advertising, \$4,518; law, special counsel, \$28,903; Village Hall, fuel for heat, \$5,574; communications, software, \$9,008; unallocated insurance, \$85,704; municipal association dues, \$654; judgments and claims, \$2,338; taxes and assessments on municipal property, \$2,875; safety inspections, \$3,012; fire department projects, \$3,940; central garage, \$14,634; youth employment, \$1,238; senior outreach, \$408; parks, \$3,344; snow removal, \$60,009; culture and recreation administration, \$12,478; playgrounds, \$2,703; after-school programs, \$1,137; zoning, other services, \$3,401; planning, other services, \$6,660; sanitary sewers, \$1,591; refuse, \$32,065; shade trees, \$45,545; social security, \$5,438; workers compensation, \$21,706; health insurance, \$59,955; BAN interest, \$178. Total: \$424,462.

**Village Manager Hess:** You cannot keep a 500 number. It is not in the state chart of accounts. It has to be a 400 number. It is a contractual expense.

**Deputy Village Treasurer Zaratian:** Let's create one right now.

**Village Manager Hess:** Four-ninety-nine. The resolution is amended.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Treasurer to make budget transfers for Fiscal Year 2003-04 as follows:

[See attached spreadsheet]

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

**Mayor Kinnally:** How did we wind up with a surplus at the end of the year?

**Village Manager Hess:** Although there was over \$300,000 appropriated in this year's budget, we only used about \$120,000, so we added to our overall surplus. We used less surplus going in to this budget than we had to. Our total unappropriated surplus was over \$500,000.

**Mayor Kinnally:** What would our percentage be?

**Village Manager Hess:** Right now we are about 6%. We should be up around 7%.

#### **69:04 SALARY OF VILLAGE MANAGER / TREASURER**

**Mayor Kinnally:** Over a number of months we engage in a process of reviewing all the personnel in the Village and enact resolutions dealing with raises. The last one is the Village Manager, and we had a number of meetings during the course of the spring and early summer dealing with the Village Manager. He will explain some of the components of that salary.

**Village Manager Hess:** This is my final year with the Village. There are 11 months to go before my retirement. The Board granted me an increase to \$160,000 for this fiscal year.

But also taken into account is vacation time of 47 days, which I have cashed back to the Village, accounting for \$28,915, establishing my annual salary at \$188,950.

**Trustee Swiderski:** In the search for a replacement when we refer to a base salary of the prior manager is it \$160,000 or is it \$188,000?

**Mayor Kinnally:** We are starting from zero because we do not know how we are going to configure the job. The new manager may just be a manager; it may be a treasurer.

**Trustee Swiderski:** But is the base considered \$160,000 or it is considered \$188,000?

**Village Manager Hess:** It is going to show \$188,915.

**Mayor Kinnally:** But for our purposes it is \$160,000.

**Trustee Swiderski:** What does that mean?

**Mayor Kinnally:** It means that is the level that we are paying Neil, and then he has cashed in vacation.

**Village Manager Hess:** What I did was sell back my time as opposed to taking off or getting paid for it on my last day here. But it is added into the salary.

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

**RESOLVED:** that the Mayor and Board of Trustees establish an annual salary of \$188,915 for the position of Village Manager/Treasurer effective for the 2004-05 fiscal year.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
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:** Comments have been sent to the Yonkers city council relative to Ridge Hill. We are going to put them up on our website. Angie Witkowski did the analysis of the EIS and helped in the preparation of that response, so I wanted to thank her for her work on that.

**Mayor Kinnally:** At the end of July I had a meeting with the mayors of Elmsford, Ardsley, and Irvington about Ridge Hill. The mayor of Dobbs Ferry was unable to attend, but has been in communication with us. The consensus was that we were going to reach out to the mayor of Yonkers and some other elected officials to discuss our concerns about the scope of the project and the impact that it will have on the neighboring communities. We are also going to talk to the town supervisor and discuss our approach with him, and we are in contact with the coalition. We are trying to coordinate our efforts to see if we can have a greater impact, and greater input, on what is going to happen.

**Village Manager Hess:** The following streets are going to be resurfaced: High Street, the entire length from Farragut Parkway to Broadway; Prince Street from High Street to Green Street; Cedar Street from Hudson to Bevers; Aqueduct Lane from Washington Avenue to Division Street; Williams Street from Aqueduct Lane to Warburton Avenue; Division Street from Aqueduct Lane to Warburton Avenue; Marble Terrace from Division to the end; Burnside Drive off of Farragut Avenue; Nichols Drive, Rosedale to the dead end; Rosedale Avenue; both sides of Mt. Hope Boulevard; Jefferson Avenue from Mt. Hope to Cochrane; Fairmont Avenue from Lefurgy Avenue to Lincoln; Lefurgy Avenue from Mt. Hope to Edgewood; Overlook Road from Mt. Hope Boulevard to dead end; Ravensdale Road, the entire length; the pool parking lot; and the pool road. It is a very aggressive program.

**Trustee Holdstein:** Did we not talk about holding off on Division because we were about to face some construction there, and why not do that in the next round after the construction?

**Village Manager Hess:** We will do from Division beyond the property up. There has to be a different type of pavement at that end of Division; they will create ridges in the road for the winter on the hill. Construction is going to be from Warburton. It is not going to be from Division.

**Trustee Apel:** Whatever you do should be thought about, given there will be trucks, and since it is on a hill, heavy trucks could come down and cause damage.

**Village Manager Hess:** Those trucks are not going to be on Division. It is steeper than Washington.

Pool memberships for 2004 through the end of July are up 61% from last year. Through the end of July our revenues are about \$9,500 more than last year. You have to remember we gave several discounts, including a 10% discount. Pool guest fees are almost 70% higher than they were last year and we still have all of August through the middle of September. We are pleased with the results so far.

**Trustee Jennings:** What percentage of members applied for the 10% rebate?

**Village Manager Hess:** Between 60 and 75%, considering the number of vouchers I approved.

Day camp has been completed and we received very nice comments. We want to congratulate Ray and everybody involved with the camp this year.

We received a \$60,000 grant from the federal government homeland security for our fire department for communications, Scott air packs, and a cascade system for replenishment for the air packs.

I would also like to compliment our first responders, police, fire, and public works, for their preparation for the storm that never came to be on Saturday. The citizens' corps was notified and they were on standby. Luckily, it was not necessary.

Our Seagrave pumper should be in Mamaroneck now and we should have it delivered within the next two weeks. We will have our brand-new pumper in Uniontown.

The hurricane that hit Florida did hit close to home. Bill Gunther, a former fire chief who used to live on Farragut Avenue, lives right in the eye of the storm. They had some serious damage down there and we send him and his family our best wishes and prayers.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** We are scheduled to have a meeting with ARCO on September 8. They are going to bring us up to date on their cleanup plan and moving forward with the provisions of the settlement agreement whereby they are to work with us to determine the public's open space, etc. There has been a lull while they have worked through the engineering with the state, but it is time for us to move ahead. We are fully funded with the trust fund that was part of the settlement agreement. We are in the process of starting to decide how we are

going to spend the money. I am going to reach out to the DEC commissioner on their timetable for approving the cleanup plan for OU-1, and where they are on OU-2.

## **2. Boulanger Wall Update**

**Christina Griffin, architect:** I am here with our engineer Anthony Sarubbi, and I am giving you an update on where we are since we received the bids over a month ago. Because of how high the bids were, we explored other options. Our original scheme was to replace the entire two walls. All our assumptions are based on the original engineer's report that the upper wall has to come down because there are cracks throughout and it is leaning forward. We received very high numbers for excavation, demolition, and labor to tear down the two walls, and we looked at more creative solutions. One was to put a reinforced concrete wall against the wall so we would not have to tear it down. But we would have to excavate the pavement in front of it.

Another option would be to use pre-cast because usually this is the most economical way to build a retaining wall. I consulted two potential bidders, a concrete company and one of the largest pre-cast companies in the area. We put together these new estimates. Putting a new wall on to the wall, we are at \$263,000. I did an estimate for the pre-cast wall to demonstrate that it is more expensive than doing the reinforced wall because we still have to demo and tear down the old walls.

I would like you to hear from Anthony Sarubbi. Before we go out to bid again he would like to do some research on this wall to make sure that our original assumption is correct, and have some excavation pits dug to see the condition of the footing of the existing wall and have all the vegetation cut back to see if some of the old wall can be kept. Our original report said that the entire upper wall has to be replaced and the only way to do so is to tear down both walls. Maybe part of the upper wall can be replaced because right now our estimate, using this wall, is still a little over our original budget figures.

**Anthony Sarubbi:** I sent you a letter with my opinion on how this should be researched more accurately. I agree with Christina that this total length is not to be accepted at this time. I went there about a month ago. I could see nothing. The place was totally overgrown with trees, shrubbery, and what-not. The whole area between the two walls should be totally cleaned out. I would then examine the wall, section by section. If we can salvage one or two of those increments you might knock out 20% or 30% or more of the entire project. I could not believe that all of it was leaning to a point where it was unsafe.

The wall that I have designed for in front of the lower wall is the most economical. It does not involve removal of the rear walls. It does not affect the structural stability of the project because the wall that I have designed would take all of the pressure that is being put behind that wall. The space between the two walls would be backfilled with earth up to the level of the new wall. The front wall with the L-shaped footing below grade would satisfy all the structural pressures on that wall. Of course, that affects the sidewalk and the street because both have to be excavated out to allow this L-shaped footing. The footing there is for the total stability. Without that, the wall would keel over.

**Mayor Kinnally:** What happens if there is a failure of the rear wall over time?

**Mr. Sarubbi:** The rear wall has nothing to do with it anymore. The space would be filled between the rear wall and the new wall with earth. That wall is now dead. It is locked in the ground, with earth on both sides of it. It has no effect whatsoever on this new wall. It has no place to go, it exerts no pressure because there is earth on both sides. It is like standing in a pool. With water on each side, you have no pressure pushing you over.

**Mayor Kinnally:** What type of vegetation is on that wall?

**Mr. Sarubbi:** I cannot tell you what types of plants they are, but it is packed and the three or four trees are large, so you can imagine the root system and its effect. You see sidewalks popping up with a 6-inch tree in a sidewalk, so you can imagine what a one foot diameter tree with a root system is doing as far as exerting pressure.

After I can make a visual analysis and check those walls, I need to check the lower wall where it meets the sidewalk with three or four intermittent holes to see if the footing is deep enough. If the footing is only a foot or two below the sidewalk, it has to be underpinned. I know there are aesthetic concerns. People want the stone. All I am thinking of is the structure, stability, safety, and cost. As far as embellishing it with stone, maybe a small intermittent tier every 20 feet or so of the stone to give it a little character. But the process that I am prescribing is the most stable and the most economical.

**Trustee Jennings:** How far out from the existing wall would the new wall be?

**Mr. Sarubbi:** The sketch I sent you was 18 inches thick with reinforcement which goes down and is spliced into the footing. So if that is the face of the stone wall we would be out about a foot and a half and the footing goes about another six or seven feet out underground. The sidewalk and the street would be restored after the wall is poured and cured. You would

not know there was a footing there, but you would see this 18 inch thick concrete wall that goes up 16 or 17 feet.

**Trustee Jennings:** Would we lose parking spaces?

**Ms. Griffin:** There is a 30 inch wide sidewalk that is not very useful. We were not planning to use it a sidewalk. So that would be reduced. It would not affect parking spaces.

**Trustee Apel:** Do we know if we are dealing with solid rock under there, or soil? As we know with other things that we have dealt with, all of a sudden we find that there is rock and then it costs us hundreds of thousands of dollars in more excavating.

**Mr. Sarubbi:** If we went down two feet and found solid rock, I would not go any further. I would have pins drilled into the rock to tie in our new structure. I do not have to go three foot six. That concept is to overcome the effect of frost and heaving. You probably would save money because you would eliminate the additional excavation, you would eliminate some vertical length of wall, and you would add the cost of drilling dowels which is not that big a thing. So it would be a slight savings.

**Trustee Swiderski:** I am still wrestling with the question on what if the original upper wall gives way after it is behind this wall. I am assuming that the pressure that is currently causing the buckling will not necessarily diminish. So do you have over-pressure in front of it that is equal to the pressure behind it?

**Mr. Sarubbi:** No, because the pressure I am talking about is the total pressure behind the new wall, designed for the total pressure behind the new wall. Now, if that is level up there, it is not exerting any pressure at that level. It starts to exert pressure as you go down, sort of in a triangular diagram of pressure as you go down. So at the top level it means nothing. It is just like having a curb. That wall could be considered a curb in the parking lot. It has the parking lot on one side, earth on the other, and it has no lateral force whatsoever on the new wall. All the wall is taking is any pressure exerted by the soil behind that wall. I know exactly what I am doing, so I would say you do not have to worry about that. It will have no effect whatsoever.

**Mayor Kinnally:** If you did not backfill you would have that problem.

**Mr. Sarubbi:** Then you would still have the problem of the upper wall exerting pressure because that upper wall is not designed properly to take the pressure that it is taking. Either it is not deep enough or it does not have a footing under it large enough. Right now it is in a

slightly unstable condition. I do not know about the rest of it from the east side, but the west side I can see a little bit. I would like to explore the whole length and be able to come with an accurate picture of the condition. If you can eliminate 30 or 40 feet at that easterly end you would save a lot of money.

**Trustee Apel:** Now that you have built the front wall and you have filled it in, in order to maintain it to prevent pressure would we not put plantings in?

**Mr. Sarubbi:** There would be no trees. You could seed it and grass it, or use small ground cover.

**Ms. Griffin:** If we bury the upper wall we will have more property, eliminate that two feet of space that was impossible to maintain. And, of course, there should be no trees.

**Mr. Sarubbi:** We noticed that at each tree you can see the crack; some are directly behind the tree, some are emanating from the base of the tree and on an angle. As I mentioned in my letter to Mr. Hess, the crack should be taken care of as soon as possible. I think that the tree behind it and that area should be cleaned out, and the corner rebuilt; put some weep holes in the corner, and get that done before the winter sets in.

**Trustee Jennings:** I wonder if you have considered the feasibility of having two new supporting walls, but with a setback as the current configuration is, in order to get away from such a massive, unbroken surface.

**Mr. Sarubbi:** No, you cannot. If there is a footing up there, six to seven feet above this ground level, that footing is carrying the weight of the wall and it is also carrying the resultants from the horizontal pressure behind it. So we want to get rid of that problem, and the only way to do that is to fill it up with earth or remove the whole thing. If you remove it you do not have a parking lot up there.

**Trustee Apel:** Are you recommending solid cement?

**Mr. Sarubbi:** Yes, it is a poured concrete wall.

**Trustee Apel:** A lot of it would probably have to do with how we decide how we want to decorate it.

**Ms. Griffin:** There is a huge range of colors and textures of stucco. I am hoping that we can have some kind of articulation so it is not totally unrelieved.

**Trustee Apel:** I think of stucco on houses as stuff that cracks and falls off. Is that the same kind that you are talking about here, or does it not crack and fall off anymore?

**Ms. Griffin:** I do not think they would use something that would crack and fall off because it has to do with getting the right people, being sure it is cured properly. Cement stucco has a curing process. There are a lot of people who do not understand that. If it is too hot, it is brittle, it cracks. If it is too cold, you cannot cure it properly. There are many houses that are 100 years old with hardly any cracking. It has a lot to do with the curing process, and also the sub-strength. Concrete and stucco are much more compatible than stucco on wood because wood expands.

**Mr. Sarubbi:** ...and deteriorates.

**Mayor Kinnally:** You do not lathing. It adheres right to the concrete.

**Mr. Sarubbi:** No, we do recommend the wire lathing. It is anchored into the concrete and then the new bonding of the stucco to the wire lath. It is touching the concrete, but it is really locked into that wire lath.

**Trustee Jennings:** We cannot resolve the decoration of the facade tonight. But here we have the opportunity for a public art project: a mural or other artistic decoration. You are giving us a very large blank canvas. For future discussion we ought to consider the possibility of that.

**Ms. Griffin:** Or maybe a section that you dedicate. This is highly visible. The edges of the space are what people experience all the time because it is such an important parking lot in downtown Hastings. So I will explore options for that.

**Trustee Holdstein:** I am extremely disappointed with this project. You came back to this board with additional charges. You brought Mr. Sarubbi in. I do not think we are getting well-served. I do not feel we are getting fair information. And I am feeling like we have been misled from the beginning. The fact that you came back after you made a proposal to do the work, and asked this board for additional money, and then we get bids that are so out of whack with the budget, and now we are going back to things that should have been done at the very beginning of the process. For the record, whatever the rest of the Board decides, from an aesthetic standpoint and the final determination, I am going to go along with it. But I feel like we have been getting misinformation, including an increase on your budget, from the get-go.

On these price estimates in the first group of numbers you have \$36,000 and one-half of that cost is listed as supervision. That seems like an awfully high percentage.

I am frustrated that we have to go back to the drawing board because the consulting engineer has got to do more research, which I would have assumed would have been done in the beginning so we know what we are up against. I feel like we are trying to shoot ducks in a barrel here. It is all guesswork.

**Ms. Griffin:** I would like to explain. We received an engineer's report and drawings from Ward Bond, and we used that as a basis for our drawings and our estimates. We then consulted some contractors who felt that it was impossible to just rebuild the second wall. When we went out to bid we tried to come up with a wall that was a buttress wall because we wanted to reduce the amount of foundation work, but we found that the cost related to the demolition and the labor with the prevailing rates was tremendously high.

This is an engineer's project. We practically need an engineer's budget. We are going to absorb the time and expense of getting a more economical solution. But the whole project depends on an engineer's advice. We feel that all the contractors had extraordinarily high overhead numbers. Even the numbers we have now, I worked directly with two potential bidders and they all feel that there is a lot of overhead in this. That is a supervision number coming from a contractor.

They are concerned about the difficulty in doing this project and making it safe and the amount of excavation and overseeing it. These are numbers that we feel are more accurate. We have put more effort and more time into getting these numbers. I feel that most of these numbers are numbers you are going to see if you went out to bid again. I want to examine it a little more carefully, because the assumption was the entire wall would come down, so we can even reduce the numbers even further. We just need a little more time. It has been a little more than a month since we received those bids. I am wholeheartedly looking at this from an engineer's point of view. We are going to fine-tune it and look at it in a more technical way, get existing conditions that were not in the original report. The original report was only a page and a half long. These are inexpensive ways of getting better information to give you, more accurate information, and make sure we get a better solution.

**Trustee Holdstein:** So when you embarked on the project you did not see that the issues with the wall were something that required a heavy amount of engineering expertise?

**Ms. Griffin:** We were asked to renovate Boulanger Plaza, and part of the renovation was repairing retaining walls. We received a report from an engineer, and we used his



recommendations that the entire top wall would come down and we would retain the lower wall. But the response from contractors was that it was impractical, so we asked for another opinion. So the entire phase I project has become totally a structural project. We even divided the project into two phases, recognizing that we must take care of the structural problem. We were talking about a landscape architect, aesthetics, the layout of the parking lot. We were not focused on the structural problems. When we finally looked into it, we found it is a very complicated situation. We are between two parking lots, we have tremendous loads from a building, from the parking area. It is very difficult to figure out how to do this and keep the area functioning.

The solution is not obvious. Contractors know more than anyone how complicated this is: to get materials in, to demo a wall, to get the stone taken out, and to secure the earth while trying to put the new wall up. We are getting figures directly from contractors who are interested in bidding on this. I would like to come back with better figures. I have always believed if you put in the time into engineering you will end up spending less in the long run.

**Mayor Kinnally:** We are somewhat in a conflict here. We are right to question the numbers, but not to say that they are too high. Because on the one hand you say we were not given realistic numbers. And then when they come back with realistic numbers, if they are too high, you cannot say to knock them down because you are not going to get a contractor to do the job for lower numbers.

**Trustee Holdstein:** I respect that. I am just asking whether the ratio that I see here of 50% of this one line, which is supervision, is fairly standard.

**Mayor Kinnally:** But it is \$18,000 out of a \$400,000 estimate.

**Mr. Sarubbi:** That is reasonable. I would like to comment on that first thing here. He has dewatering, \$1,000. Well, dewatering might be \$500, but it might be \$1,500. It depends on how much rain there is. So it really is a balanced guesstimate.

The other engineer who made the report, he came to the project and what did he do? Did he just make a visual inspection and then prepare his report?

**Ms. Griffin:** He had a plumb bob out there to see how vertical the upper wall is; it is all based on visual inspection.

**Mr. Sarubbi:** Was the complete length from west to east out of plumb? Is that the assumption?

**Ms. Griffin:** I think that that is what you would consider, reading his report. It did not say that exactly.

**Mr. Sarubbi:** I have it at the office. If I am going to get involved with this it should be checked very accurately. If you can salvage a 30 foot or a 40 foot increment, you are going to save a lot of dollars. I am not questioning his ability, but I am not comfortable that the whole wall has done that because I see it going downhill. As you go to the east it is going downhill, and the pressure is less. The first thing is to get it cleaned out so I can make an evaluation and because it is damaging the lower wall. I am very confident of the design that I gave her. It will take any load that they can put up there.

**Village Manager Hess:** The next week or two we can get that upper area cleaned out. I would need you to mark on the pavement exactly where you want the excavations, and maybe give Christina a spec on how deep you want them. I will have public works do it. I will put you in touch with Mike Gunther and you two work out on a date. We are not looking to go to bid until the winter anyway. We will get much better prices. If I can get everybody for a work session September 28, we will discuss it then.

**Mayor Kinnally:** Christina's recollection of how this thing has expanded is certainly accurate. It was designed for the parking lot, and then we made a decision that we could not do anything with the parking lot until we stabilized the wall.

### **3. Postcard Notification**

**Trustee Apel:** I strongly believe that we should add to what we do for notifying people, that we send postcards to people in a designated area or around a particular project. When we discussed it before, someone said why not send it to everybody in town. That is fine as long as we send at least to the people around the neighborhood.

There should be outreach to the community, and I am not sure how it would done. We could find out from people. They could opt to be on the e-mail list or get the postcard. Then, once we know, that would certainly save us some money. From my experience, you get a lot of e-mails and sometimes you do not even read them. But when someone sends me a postcard about something, I have it posted. It is in my face. I would recommend that when we want to initially notify people in the area of a meeting that we send out postcards to an area similar to the area for notifications for zoning variances.

**Trustee Holdstein:** The Village does a good job of notifying people and keeping people who are concerned and interested abreast of what is going on. My concern is threefold. One, the

cost. Two, defining your target, because somebody is going to say that this project affects me even though I do not live next door. We often say that everybody in our village is our neighbor and while projects may not happen in your own back yard, they do have an impact and an effect on others. And then defining what project gets a postcard. Would everybody in the Village need to get a postcard about Boulanger parking lot? You may run into more frustration rather than less.

**Trustee Jennings:** I agree with Michael's concerns. I do not want to disenfranchise anyone from getting the information that they are entitled to have. I want to do everything we can to facilitate public participation in our Village government. But I do not think this is the right solution. If there are people who are not able to take advantage of our electronic communication, we should make some provision for print notification. But a partial mailing is not the solution. We cannot afford numerous general mailings. I would prefer to have print notifications in the newspaper and in other places where people who do not have access to the electronics can readily see it.

The other thing that bothers me about this proposal is the idea of being able to define the affected neighborhood or the target population. I see no alternative to general mailings. I am troubled by anything that smacks of the notion that some people in Hastings are more entitled to be concerned about an issue than anybody else in the Village. Therefore, any kind of selectivity in this area has the potential to send an unintended message that is divisive and out of keeping with the spirit that we have tried to strike in the way we do business in this village, and I do not favor that.

**Trustee Swiderski:** I am in accord with Marge. It is a question of definition, which is not terribly difficult. I do not see the one-class or two-class status Bruce is bringing up. The requirement we have for homeowners seems to be adequate as far as a criterion for deciding who gets a postcard. It should not go out to the whole town. That is too expensive. It would be limited to the current distance requirement for a zoning request change. It would be at the start of a process, and after that people are expected to stay informed. This is a way of reaching out to people and, again, the amount of people who are on the Village e-mail list is still way under 20% or 25% of the community.

**Village Manager Hess:** No, we reach over a thousand households, about 35%.

**Trustee Swiderski:** But it is not clear to me that the other 65% will be reached over the next few years. There is going to be a stratum of people who will never sign up. As a mechanism for reaching out to people, this does not seem to be extravagant or divisive in any way. It is

an attempt to make that special last effort for the people most likely affected by a physical change, and it is a worthwhile experiment.

**Village Manager Hess:** Is that how you are identifying the target?

**Trustee Swiderski:** Physical proximity.

**Village Manager Hess:** What type of project? We need a definition for what instances you want people notified, however that is done.

**Trustee Holdstein:** Let me give you four sites. The pool and the turnaround; Division Street; the West Main Street project; the Main Street project.

**Trustee Swiderski:** Yes, yes, yes, yes.

**Trustee Holdstein:** But do you think you could set a clear definition that would be uniform for those four sites to define the target of who would get the card?

**Trustee Swiderski:** Physical proximity. Whatever we right here arbitrarily tossed out as some reasonable limit, whether it is 100 yards or 200 yards.

**Mayor Kinnally:** Let us use 100 yards and talk about the pool. From where do you make that 100 yards? Would the pool fall within what we are talking about? And let us say we two years later we decide we are going to put lights in. Do you send out a card?

**Trustee Swiderski:** If it sounds like material difference, let us do something.

**Mayor Kinnally:** Every time there is a material difference are we going to send out a card?

**Trustee Swiderski:** Spot decision on the moment.

**Mayor Kinnally:** I have a real problem. Bruce comes with both logic and eloquence. He says you have to define the target population. If you use as your template what we do with variances, owners of property get it. Tenants are not going to get it because we do not keep a registry of who the tenants are.

Is it a physical change to a piece of property or to a structure? Let us take the trailways. Are we going to notify people when we are expanding the trailways? Are we going to notify people when we are putting in sidewalks? Are we going to notify people when we are going

to pave? How do you define when you have reached that juncture where we have to let people know that it has materially changed? With the Harmon Community Center, if it is going to go from two to three stories do we tell them that? Or do we just say in the postcard that we are going to discuss renovations to Harmon Community Center, and then two years later somebody is going to say I didn't know you were talking about putting an extra story on there. You are going to block my view. I should have been notified.

I am all in favor of disseminating as much information and notifying as many people as we can. But there comes a point where there is some obligation on the part of the community to find out what is going on. We are going to get to the point of paralysis. Do we send? Don't we send? What do we put in? Who is going to decide to draft something in a postcard to send out to people? When do you tell them it has changed? And why is someone 100 yards entitled to more notification than someone 150 yards away?

**Trustee Holdstein:** I guarantee you there are a lot more people beyond that 100 yards who are interested in the future of the Community Center.

**Mayor Kinnally:** I agree. From a personnel standpoint and staffing, it is going to be a nightmare.

**Village Manager Hess:** I will use some of Michael's examples: 422 Warburton, 45 Main, 10 West Main. Everybody was notified within 300 feet of every one of those projects because they all required zoning or planning reviews. We sent out letters to everyone who owned property within 300 feet that we were discussing the Community Center. No one showed of the people that were notified.

**Mayor Kinnally:** Let us say the Village owns Grace Church and we want to make a renovation to Grace Church. Are we going to give notification to the owner of La Barranca and 445? People there are not going to get notification, but it makes us feel good: the owners are getting noticed. And what are they going to do? They are going to file it in the circular file. The owners are not here, and they are not going to tell their tenants. The net effect is not going to be what everybody hopes it to be. We have talked a lot about getting a community billboard. But short of having a town crier, it is very difficult to identify the information you want disseminated, identify the target community, and disseminate the information. Your mailings are not going to hit your target community.

**Village Manager Hess:** When we notice things we put them up in this building, the library, and the community center. We used to do the train station but they kept pulling them down. They will not give us permission.

**Trustee Apel:** The reason that I brought up the postcards was that we are talking about communicating with the public, and we say that we have a lot of different ways, yet for some reason there are people that are not getting this information. I do not know what is going on. And I do not disagree with trying to notify everybody. If you could notify everybody, that is great. But it is a matter of analyzing communication today and how people are interacting and responding. Yes, everybody has computers. One could decide that we want to only notify people by e-mail, and therefore when you pay your taxes you have to give us your e-mail address and that is how we are going to notify you. We could require the owners of the apartment buildings to get the e-mails from their tenants.

**Mayor Kinnally:** I do not see how we can require a landlord to give us information which may be private. There are serious privacy problems.

**Trustee Apel:** You could ask the landlords to send information out to the tenants telling them if they wish to be notified that they must give us e-mail addresses. Then you could have all these e-mail addresses and then, from my experience, people change them and you have to keep it updated. So it is a big effort.

**Trustee Holdstein:** Where does the line get drawn where it becomes the responsibility for someone in the community to say I'm interested, I want to know more, I want to seek out how I can get that information?

**Trustee Apel:** I can talk about from personal experience from where I work. People do not take responsibility; they want you to come to them. That is the unfortunate way the world is working now. And those are the people that are probably going to come to us and say they didn't get information. I am trying to figure out the best way to get the information out in a more expanded way, if there is such a thing. The reason I brought up postcards was because I deal with people that are not reading their e-mails, and the one thing that really works is snail-mail.

**Mayor Kinnally:** But it does not work. If they get 1/10th of 1% response to a mass mailing it is a big response. Most mail goes directly into the garbage.

**Trustee Apel:** I am not disagreeing with that. But if you get a postcard and it said there was a meeting about tearing up Villard you would put that postcard someplace.

**Mayor Kinnally:** But you are assuming that person is going to read the postcard.

**Trustee Apel:** But we could offer people an option for the e-mail system or the postcard.

**Mayor Kinnally:** But you cannot identify the people. You are talking about tenants. How are we going to find out who they are? It has to be spotty at best. How many people came to us in the affordable housing controversy and said, I just moved in, I am a tenant, I never got anything. We do not keep a roster of who lives where. From a privacy standpoint, you are not going to tell the landlords to give that information out. You cannot go to the Post Office and get that information. Mr. Klein is here. When the pool project opened, the people who owned his house at the time may have gotten notification. What are we going to do when he moves in? Notify him all over again? The concept is fine, but the devil is in the details in this one and I do not see it working.

**Village Manager Hess:** We give legal notices for the ZBA and the Planning Board. When we resurface streets we hand out notices to the residents on that street a couple of days before. We do not mail them. For the Community Center we mailed out a notice. If we are going to rip up sidewalks and put in curbs, of course we notify residents, but it is not a special mailing or a postcard. We draft up a letter and hand-deliver it a couple of days before. I am looking for a definition of what you want in terms of projects which would require a mailing, because we already do notifications.

**Trustee Jennings:** I agree with the Mayor. It is an administrative and logistical difficulty. You described two types of notifications: those that are required by law, and those where we want to tell people what is going on in their neighborhood generally and where we need their cooperation, such as moving their cars. What we are talking about here is adequate notification for those who want to participate in government and want their voices heard. The problem is not that people do not have the information now or do not have access to it if they wish to get it. It is that they are not paying attention to the information that they are getting. The idea that they will pay more attention to the post office mail than they do to their e-mail is a dubious proposition; you may be right for a few people, but it would not be cost-effective for the Village to reach those few who might pay more attention to a postcard than an e-mail.

We are misdiagnosing the problem. The problem is not how you notify people better, but how you get more people more generally interested in the decisions that are being made by the Village that affect their lives.

**Mayor Kinnally:** The consensus is that it is a good idea but we have to go back to the drawing board. Is that fair enough?

**Trustee Apel:** I think it would be a good idea to think about other things like the other notification board. If we are going to do it, why not do something like that and not drop the whole thing?

**Mayor Kinnally:** I agree. We are always looking for ways to expand our communications.

**Trustee Holdstein:** How about in the next newsletter putting in a list of topics that are going to be discussed over the next year? At least we are putting it out there and then it is up to them.

#### **4. Zinsser Bridge**

**Village Manager Hess:** On my memo to the Board about the Zinsser Bridge, I asked if we need a second bridge to the waterfront. I think the consensus is yes. Is that the best location for it? I think that is still up in air. I need the Board's opinion on this. Do you want to look at an alternate location on the waterfront for a second bridge?

**Trustee Holdstein:** I definitely think we need a second access to the waterfront, but given that we have lived without it for a year, could this not be lived without for several years, until such time that the waterfront is actively being moved forward in development? And then could that second access be part of our plan for the waterfront, so that the responsibility for getting it built might be shared with the developer of the waterfront?

**Village Manager Hess:** It could be borne by the developer. But the decision has to be made now, because we have a \$250,000 grant to design a bridge.

**Trustee Apel:** I think we should design it, but not place it there.

**Village Manager Hess:** We could take part of that money and have an engineering evaluation of other locations. Assuming they recommend an alternate location, then you could evaluate that and move forward with designing a bridge.

**Trustee Holdstein:** Using the grant money to do the exploratory work for us certainly seems like a worthwhile project.

**Village Manager Hess:** That would be a small part of that grant.

**Mayor Kinnally:** It is not a question of locating the bridge in another spot but of how that bridge is going to tie in with the rest of the community. If you a look at what is along Southside you see the difficulty that we have in threading any traffic into the community. If we can massage that grant in such a way to help with both the redesign of a bridge and the placement of the bridge and its connection with the rest of the downtown Village, that is what we should do, and fairly quickly.



**Trustee Holdstein:** I would agree with that.

**Trustee Apel:** I agree.

## 5. Kinnally Cove Update

**Village Manager Hess:** Our last discussion on the cove came down to general agreement on all the elements except the tidal marshland. Ray Gomes and Angie Witkowski met with a representative of the DEC, who does not believe that the Army Corps would approve a tidal marshland. Only a small portion of one of the grants was on the tidal marshland. They are meeting with the Army Corps and the DEC next week to discuss the tidal marshland and the rest of the project. The Parks & Recreation Commission discussed it last night, and they are talking about an access out this way without this boardwalk bridge going across; doing some plantings in here; some areas with benches; having the access out to the water. They even talked about putting a picnic shelter, barbecue area, in there. Possible restoration of the beach, or putting in more appropriate plantings, benches, access, for the public.

**Trustee Apel:** It is my understanding that Angie and Ray did not speak to the person who was the wetlands naturalist resource expert.

**Village Manager Hess:** They spoke to Chuck Nieder. He is with the DEC, and he is the one in charge of it.

**Trustee Apel:** Yes, but that is not his expertise. My concern about this, which I would like them to follow up on when they go back to the DEC, is that we had a committee, they did all these studies, they got information, they were told they could do wetlands there. Now this guy says you cannot. So there is something here that is not quite right. How come the wetlands was a great idea before, and the people that the committee spoke with said you can do it and it would work out well, and now all of a sudden they are not?

**Village Manager Hess:** What experts did they talk to before? I am telling you what the DEC said now, and he said it is doubtful that the Army Corps of Engineers would be in favor of a tidal marshland as large as the proposed half-acre. He saw nothing there that exhibited that it was saline enough to promote a tidal marshland. He said there are not native plants there. He does not believe they thrive in that area. But they will find out next week.

**Trustee Apel:** I know about that meeting, so I wanted more information as to whom they actually spoke with and who they were going to speak with.

**Village Manager Hess:** Do you want to be involved in the meeting?

**Trustee Apel:** I am just concerned that the committee and the experts on the committee came back with a totally different point of view and came up with a plan, and now this guy...

**Village Manager Hess:** But we were also told that it was a mitigation and this gentleman from the DEC says no, that does not have to be mitigated that way. Let us see what happens with the Army Corps, since they are the ones who have to issue the permits.

**Trustee Holdstein:** If we eliminated the tidal marsh and the shrubbery and changed it to benches and smaller shrubbery, could I just walk down and launch a kayak?

**Mayor Kinnally:** It is all mud flats at low tide. Even at high tide you are not going to be above your knees.

**Village Manager Hess:** I would like to get authorization to go out with an RFP to start getting a final design from an outside firm. If you remember, we had Imbiano Quigley do the original design that we used for the grants.

**Mayor Kinnally:** The broad outline of that original design is essentially what we are going to have. We are still going to have the pier going out into the river. That is the launch area. We are going to have a storage area there. We are talking about some of the plantings and the other improvements that will be parallel to the shore.

**Village Manager Hess:** There was question last night at the Parks & Recreation Commission about whether or not to have any kind of storage facility there.

**Mayor Kinnally:** I think you should have a storage facility.

**Village Manager Hess:** If we get authorized, we will go out with an RFP. We will hire an architect who specializes in this type of work, or a marine engineer, to come back with some designs that we can look at. We would like to bid this out over the winter so we can start the project in the spring.

**Trustee Holdstein:** And the boardwalk gets eliminated automatically? I thought that part of the issue was that you had to link the tidal marshland with the Army Corps of Engineer to get that boardwalk, and we wanted the boardwalk to create the extension from MacEachron Park, flowing south.

**Mayor Kinnally:** If you look at where the pier juts out now, the area south of that would still remain, because you would tie in with the tennis club, and then south.

**Village Manager Hess:** From the Parks & Rec Commission meeting last night, the tidal marshland and the footbridge could be added later.

**Mayor Kinnally:** Money is sitting in some of the grants. I am worried about the money in the trust fund. If we do not spend it, I do not want somebody else saying, we want to come in and we have our own project.

**Village Manager Hess:** We have over \$200,000 in grants. By the time we are done, we are looking at a \$400,000 project.

**Trustee Jennings:** If we do not put a salt marsh ecosystem in the mud flats, what are we going to do with it? Are we going to leave it mud? Are we going to put ramps across it so people can walk out to the bridge from many different angles?

**Village Manager Hess:** Parks & Rec mentioned the possibility of putting up some kind of stone wall, with plantings and benches.

**Trustee Jennings:** Once we clarify this business about remediation, I do not see why the Recreation Commission felt that without the salt marsh the boardwalk going north was undesirable or should be eliminated. Seems to me that there are lots of good reasons to have that boardwalk going north regardless of what you do in the mud flats.

**Trustee Holdstein:** I would agree with that.

**Village Manager Hess:** I was just reporting what that meeting was. But what I want to do is get authorization to hire a designer to get this thing moving.

**Mayor Kinnally:** Is it the sense of the Board that we authorize Neil to do this?

**Trustee Swiderski:** Yes, though my understanding from Ray was there is a complete consensus on the desire for a pier and there was less consensus on the boardwalk. So at least let us move forward on the access to the water. But as you heard from Bruce, Mike, and myself, the north-south boardwalk is an attractive feature with swamp grass or without. When you go to the DEC, make sure that is raised as an issue.

**Village Manager Hess:** It definitely will be. We will go through it from a Parks & Recreation standpoint on the type of amenities that should go on this type of a facility. Then we will have him do a preliminary design and come back to the Board and the Parks & Recreation Commission. This is the same process we are using with the Community Center.

**Trustee Swiderski:** But we already have gone through a process. We do not want to discard what has happened in the past.

**Village Manager Hess:** No. The permit process will drive it more than anything else. Permits with Army Corps could take four, five months. That is why I want to get someone on board who has dealt with the Army Corps, who can get to their offices in New York and push the process through.

## **6. Sidewalks/Curbs Program**

**Village Manager Hess:** As part of my budget proposal for this year I had recommended two items for Board consideration: aggressive street resurfacing, and a sidewalks and curbs program. Sidewalks and curbs would be to the tune of \$100,000 a year over the next ten years. Obviously, we cannot commit everybody to ten years in the future. We are working on the walkable communities program. We are putting together an RFP to hire someone, a professional design person, for walkable communities. I need some direction on the curbs and sidewalks. There are areas in the Village that need curb replacement. Lefurgy Avenue north of Mt. Hope is the first thing that jumps out at me. Some areas on Villard need some curb replacement where the curbs are nonexistent or they were covered up over the years. We will find out when we mill them down.

**Trustee Apel:** You are talking about the same curb as it relates to the street you are paving?

**Village Manager Hess:** No, not necessarily. We have areas in the Village where you have concrete curbs that have been broken up over the years, complete sections missing. We have sections on Farragut in the islands and by the Burke Estate that should be replaced. If you look at reducing Broadway from a four lane to a large two lane, you need curbing and sidewalks for a vast portion of that.

**Trustee Apel:** Are you looking for a general consensus that we should do this, but not specifically where we are going to do it?

**Village Manager Hess:** Yes.

**Trustee Apel:** And in relation to the walkable communities?

**Village Manager Hess:** Yes.

**Trustee Apel:** I think it is fine.

**Trustee Holdstein:** I agree, but is the goal that every street in the Village is going to have a curb, and that can be accomplished with one million dollars over ten years?

**Village Manager Hess:** The answer to the second part of your question is definitely no.

**Trustee Jennings:** If you are looking for a general consensus to go forward with a program to upgrade the sidewalks and curbs of the Village, I would vote yes. But I hope at our earliest opportunity we can have a discussion of how that planning process should proceed, including how we want to set the goals and set the priorities.

**Mayor Kinnally:** I agree.

**Trustee Swiderski:** I agree, and I do not know if it can happen fast enough. For example, on Ravensdale, where there is a clear need for curbing, there is also an intention to repave it. That works into the whole thing with flooding issues. So I am all for it, but I do not know how we are going to do this and coordinate it with the paving.

**Village Manager Hess:** Cliff Gold only called for 50 feet of curbing on Ravensdale. That portion I am just going to do in asphalt this year.

**Trustee Holdstein:** To go back to my question, is our ultimate goal to have curbs on every street? If the answer is no, to spend money wisely and effectively, you have to define it. Do we define it as we have to identify the following 50 or 60 locations that require curbing for a variety of safety issues, and those 50 or 60 locations are going to take 10 years at \$100,000 a year, and in those 10 years then we will hit those 50 or 60 locations?

**Mayor Kinnally:** I do not think that is the case.

**Trustee Holdstein:** Fine. If we define it as truly needing a curb?

**Mayor Kinnally:** I think it is a start.

**Village Manager Hess:** You will not define it by street. You are going to define it by what you want to accomplish.

**Trustee Holdstein:** In other words, is Lefurgy more important than Ravensdale to have a curb? I am just going through the streets. I do not know.

**Trustee Apel:** Well, some need sidewalks, some need curbs.

**Village Manager Hess:** Based on the criteria that the Board developed, maybe yes, maybe no.

**Mayor Kinnally:** Part of it will be developed with the walkability. There are certain areas, as Neil pointed out, that need it right now. There is curbing, it is deteriorated, so it is a commitment on the Board to move forward. How and where to move forward is still to be determined. I get a sense, let us move forward.

**Village Manager Hess:** We can start developing a policy for you to look at.

## **7. Amendments to Parks & Recreation Law**

**Village Manager Hess:** Based on several items that were discussed this summer, I am proposing several amendments to Chapter 209 of the Village Code, Parks and Recreation. Now it says: "The use of the pool and related facilities shall be limited to residents of the Village of Hastings-on-Hudson; at no time may the swimming pool be used by more 300 persons." My proposed change would read as follows: "The use of such pool and related facilities shall be limited to those persons or groups as authorized by the Board of Trustees of the Village of Hastings-on-Hudson; at no time may the swimming pool be used by more than the number established by the Westchester County Health Department."

The second change addresses the issue of the turnaround. "No building, structure, paving, or other improvement or facility of any kind other than replacement, maintenance, alteration, or repair of an existing building, structure, pavement, improvement or facilities shall hereinafter be erected or installed in any naturally vegetated area of Hillside Park." I have added the following: "unless the Board of Trustees determines, after public hearing, that said building, structure, paving, or other improvement or facilities is necessary for the safety and/or enjoyment of park users." That would deal with the issue of the turnaround.

The other thing I noticed is that it gives a definition of what a vehicle is and states that you cannot drive in any park or parks between 11 p.m. and 6 a.m. That would seem to say that

you can take your ATV and ride through Hillside Park and Hillside Woods, or you could drive your 4 X 4 into the park. So I amended it to say that any vehicle owned or driven by such person cannot remain in any park or parks. It has to be on paved road, grades, or parking lots. I added: "Vehicles at all other times shall be allowed only on paved areas or parking lots." It recommends fines of \$100, but not more than \$1,000.

If the Board is interested in calling for a public hearing on these amendments, I would forward it to Parks & Rec for their input.

**Mayor Kinnally:** We want Brian to take a look at it, too. We could have a parallel review, get their comments, and then schedule it for public hearing. What is the sense of the Board?

**Trustee Swiderski:** I think that is a good idea. Let us move forward on it.

**Trustee Apel:** Fine.

**Mayor Kinnally:** Send it along, and we will talk to Brian about it, and ask them if they can report to us after their next meeting.

## **8. Anderson Project PILOT**

**Trustee Swiderski:** Anything concerning the PILOT from Eric Anderson, coming back to us with something specific? Are we supposed to be doing something there?

**Village Manager Hess:** No. The Board previously indicated they agreed with the concept of a PILOT. We have got an updated report from Bruce Dale. I have shared it with the Town of Greenburgh and the school district. The school and the town have not determined one way or another yet. Once they do, then we would try to get two Trustees from each group to meet with Eric and negotiate an amount which would be approved by the full Board. We agreed with the concept; they have not, as of yet.

## **PUBLIC COMMENTS**

[comments off microphone]

**Mayor Kinnally:** You have to stand up and give your name and address for the record. The problem is that when we send out an occupant mailing it is for the whole Village. You cannot say now we are just going to send out to Hillside Avenue. You have to specify addresses on Hillside Avenue.

**John Klein, 115 Hillside:** You send it to the occupant of that address. They would get the postcard.

**Village Manager Hess:** Let me give you an example. We can send out a mailing, let us say, within 100 feet of the pool. With our system, it will come up with name and address of the owner of the property. It may not be the occupant, but it will be the owner of the property. If we send out something to Broadway for something that is going on, let us say, at Villard Park, it is going to go to owners of 555 and 565 Broadway, which is a management company.

**Mr. Klein:** But you send the Village newsletter to every apartment in 555.

**Village Manager Hess:** That is my point. Local Postal Customer, 10706 goes to everybody in the Village through the Post Office. You cannot do selective mailing. You have to do it on a Village-wide basis or you cannot do it.

**Mr. Klein:** So let us say within 150 feet, we know that this property with this many apartments are within it. We know the apartment units in that building, and we could just send an occupant postcard.

**Village Manager Hess:** I do not know how many apartments are in the building.

**Mr. Klein:** We collect taxes based on how many apartments in that building, do we not?

**Village Manager Hess:** That was another point that was tried to be made before. Are we going to hire staff to start researching all these every time we are going to send out postcards?

**Mr. Klein:** I think it would be less difficult than you think it would be.

**Village Manager Hess:** We are always looking for volunteers.

**Mayor Kinnally:** I think it would be very difficult to ensure. If you are the person who does not get that notification you are going to be down here saying I am supposed to get notified and I did not get notified. We have C of Os, every place has a C of O, we should know how many apartments are there. We do not know who is in those apartments, though.

**Mr. Klein:** Why do we need the name?

**Mayor Kinnally:** But how are you going to do it? Send it out to occupant?



**Mr. Klein:** Right, just to say that there is going to be a discussion at the Village meeting about this issue that might be of concern to you. It is an idea.

**Mayor Kinnally:** Your point is well-taken.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:50 p.m.