

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 13, 2005

A Regular Meeting was held by the Board of Trustees on Tuesday, September 13, 2005 at 8:05 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 Francis A. Frobel, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Seventeen (17)

PRESENTATIONS - Quarry Study Committee Report

Mayor Kinnally: The first item on our agenda is a presentation of the Quarry Study Committee Report. I would thank all the participants because this is not only a very comprehensive labor but, obviously, a labor of love. You cover everything that has happened in the past and everything you want to see happen in the future

Village Clerk Maggiotto: It was November 16, 2004 when you passed a resolution charging us with investigating all the uses for the quarry and asking us to have a report by May 15 of this year. We were substantially complete by May 15, which I think is quite a remarkable achievement. Knowing that the summer was not the best time to present it, we took our time putting this report together. This report attests to the diligence, the intensity, the thoroughness, and the creativity of this group. It was a great group. I loved working with all of you. And I think we all had an enjoyable experience.

The members who are here are Ron Cascone the representative from the Conservation Commission, Steve Horelick, Bob Cadoux, Betty Ryberg, John Flack from the Friends of the Old Croton Aqueduct, David McCullough from the Historical Society, Christine Lehner, John Dailey from the Parks and Rec, and Tim Hayes. Steve Odesser, Fred Wertz, and Jonathan Zipp could not be here.

I want to introduce Christina Lomolino, who is very much responsible for this fabulous report. I cannot thank you enough, Christina, and I want to turn it over to you.

Christina Lomolino, Quarry Study Committee: I would like to thank the Board and the Mayor for establishing the committee, and I would like to thank Susan Maggiotto for chairing the committee and for all of her good advice and support throughout the process.

We would also like to thank the board and the officers of the Friends of the Old Croton Aqueduct, and especially Mavis Kane for her helpfulness and support, and the officers and board members of the Historical Society, particularly Muriel Olsson and Fatima Mahdi for providing so much historical research to the committee.

Our mission was to study and evaluate alternatives for the future use of this 5-1/2 acre old marble quarry, which is located alongside the Old Croton Aqueduct just west of Draper Park near Washington Avenue. The members of the committee are extremely enthusiastic about this project and believe that our Village has an opportunity to polish up this intriguing site and make it one of the most captivating and beautiful places to enjoy the outdoors in our Village.

One of the first things our committee did was familiarize ourselves with the quarry by visiting it in person and studying all the available documents related to it, including photos, newspaper articles, and other historic information. We would like to start our presentation by showing you a DVD of the quarry's history narrated by WCBS news broadcaster and Hastings resident Irene Cornell.

[DVD presentation]

Ms. Lomolino: Steve Horelick is going to highlight the location and some physical qualities of the site.

Steve Horelick, Quarry Study Committee: The entrance to the quarry is right off the Aqueduct. This is Draper Park. This is all private property, and the quarry cliffs are along the east side. The quarry is 5-1/2 acres in an elongated shape, like a spatula, relatively narrow at the north end but widening towards the south. At this point in time, it is about 920 feet long and 260 feet wide at the south end and about 105 feet wide at the north end. The southern end is pretty level, but there are mounds of asphalt, soil, and organic matter on the east and west edges of the quarry that raise the surface levels up to about 12 feet. The tunnel that goes underneath the Aqueduct is located in the southwest corner, and there is that right-of-way all the way down to the waterfront, which is part of the quarry trail.

Fred Hubbard, our Village naturalist, did a preliminary inventory of the flora, fauna, and geology. There are 15 different types of trees, including the sugar maple, the Norway maple, black cherry, sycamore, red pine, and red oaks; six different types of shrubs; nine different types of vines; 29 different types of herbaceous plants. Animals that have been spotted have been the white-tailed deer, the gray squirrel, racoon, and all kinds of other rodents in the mice family. Thirteen types of birds have been spotted there, including the tree swallow, the cardinal, the red-bellied woodpecker, and the Baltimore oriole.

When you walk into the quarry space, everyone experiences it, it has such a majestic, wonderful quality that 30 years of neglect has not diminished. I am looking forward to seeing the development.

Trustee Holdstein: Are the four properties south of Draper all four different owners?

Mr. Horelick: As far as I know, yes.

Ms. Lomolino: But the quarry itself is entirely owned by the Village.

Mr. Horelick: Right, and at one time there was a path along the upper ledge of the quarry, which is documented in the report.

Ms. Lomolino: I want to talk about the workings of the committee, how we functioned, and how we reached the conclusions that we did. In order to gather informed community input on the future of the quarry, the committee conducted a well-attended tour of the quarry led by our Village naturalist, Fred Hubbard. This was followed by a public forum, during which Village residents viewed historic photos. They saw a videotape of the tour, and there were presentations on the history and the topography of the site. The forum culminated in residents suggesting and reacting to a wide range of uses together with the committee. It was a very lively and well-attended meeting.

In the process of considering uses, the most valued features of the site became clear, and the committee began to develop basic principles that would serve to guide its development. The committee researched and discussed a large number of possible uses and design features. Each was evaluated in view of the characteristics and the constraints of the site, the needs and values of the community, input from various Hastings organizations, and in consideration of the Village's tight fiscal budget. The site is an exquisite natural setting comprised of open space, cliffs, and river views. It is a haven for wildlife, and connects with Draper Park, the Old Croton Aqueduct, and the future quarry trail to the waterfront. The quarry is like a microcosm of Village history, including early industry, aesthetics, and recreation. The quarry has been shaped by the creative imagination of Village residents in the past, and still now attracts our ability to envision fresh blends of nature and our own imaginations.

Residents view the quarry as a unique and inspiring place that is both multi-faceted and yet unified with a special sense of place that, as Steve pointed out, impresses everyone who sees it. Residents want to preserve its exquisite natural beauty, to showcase its tall, rock cliffs, and preserve its wildlife. Highlights of the quarry: its breathtaking views, especially at sunset, and its ready accessibility as a stopping place along the way. You can walk on the

Aqueduct north and south and take a detour into the quarry. You can visit it coming to or from Draper Park or walking east or west on the future quarry trail. Residents are also intrigued by the quarry's rich Village history as the site of Hastings' first industry, the industry that brought one of the first waves of immigration to Hastings.

So these are the physical features, the character, and the rich historic connections that residents want to maintain in any future uses of the quarry. Planning principles readily grow out of these values. Development should maintain the uniqueness, the complexity, and the unity of the site. The natural beauty, the wildness, and existing sense of place should be preserved and enhanced. Places for viewing and casual relaxation should be provided and featured. The quarry should be more a place one finds along the way, as opposed to a big destination that would generate traffic in this quiet area of our town or require additional parking. The quarry should physically link with its surroundings, Draper Park, the Aqueduct, and the waterfront. And its designs should complement the observatory cottage, the home of the Hastings Historical Society, Draper Park, and the Aqueduct. The quarry revitalization should be treated as a single project with the renovation of the quarry trail. The site should offer multiple uses that are mutually enhancing and compatible with one another. Design features should continue the tradition of enhancements that blend with nature. The quarry should honor and commemorate its history, and educate visitors who come to it about that history. The quarry can be a place of multiple uses, ranging from quiet contemplation and enjoyment of nature to activities that would appeal to a wide range of residents, and provide neighbors with possibilities for convenient recreation.

The quarry is located in the part of Hastings that has the most multi-family dwellings, and the most renters and people who might not have back yards. Having a quiet oasis where people can enjoy nature is especially valuable in this part of town. But this is a unique spot for the entire Village and users of the Aqueduct. The committee came to the conclusion that a park, would be the best way to reclaim what the community values most about this site. It would be neither strictly a nature preserve exclusively for passive enjoyment, nor a place where standard recreational facilities would be imposed over the natural contours of the site. As history has demonstrated, a mix of contemplative and active uses that grow out of, and enhance, the natural site and honor the sense of place will be most highly valued.

Some of the specific uses that the committee researched and highly favored are described in detail in the report. We also explain some of the less favored uses that were brought up in the public meetings and e-mails and letters that were sent to the committee. The first use that the committee felt strongly about and highly favored is a soft, open-air amphitheater; a place for very small community gatherings. This is not a big development. Steve researched this, and we have some photos and he is going to tell you about this idea.

Mr. Horelick: One of the potential uses is what we call a “soft amphitheater.” By “soft,” we mean flexible use. It could be used as a small-scale theater for local production, for music, for outdoor classroom activities, which is one of the more important ones, since this is such a fascinating geological site, for children’s programs of different kinds, for environmental activities. It is soft also by blending into the environment. We do not see building anything there except maybe a small wooden platform for a stage. The platform could have the backdrop of the cliffs.

Another thing that could provide a stage is a labyrinth, which would give this a dual use which would be very nice. It would be informal seating, maybe just some grass berms and concentric circles or some inlaid stone maybe from the quarry itself, blending into the natural setting. We believe that the Hastings residents will benefit greatly from, and probably show a lot of support for, an outdoor gathering place of this kind. There is really no such place in Hastings where people can congregate in such a beautiful and natural setting.

Ms. Lomolino: The next use that the committee favored highly was a decorative labyrinth. We happen to have in Hastings an expert who has just written a book about labyrinths, David McCullough.

David McCullough, Quarry Study Committee: You are probably prepared for the cliffs when you walk into the quarry, but one of the startling things is a very natural, sloping connection into Draper Park that comes on the northern end and slopes around to a natural incline. Part of this inclined form is a natural amphitheater.

A very dramatic, but very natural thing, to have as part of this amphitheater, which could actually be the stage of it, would be a labyrinth. A labyrinth is not something like a maze that has walls. It is a flat design on the ground. It is a path which makes its way to the center. The stones would be flat onto the ground, and they could be taken from the quarry itself so it would be a natural part of the landscape. A great thing about it also is that the making of the quarry could be a community project. There have been a number of labyrinths made in New York City by children and neighbors in neighborhoods. One of the most beautiful is in Battery Park, which is part of a memorial to 9/11. It is too new to be located on the maps, but what is on the maps is called Jerusalem Grove. It was made totally by volunteers with very little expense, which we could have here. If we did have one here, we would be the first public labyrinth in Westchester County. There are other ones, but they are all on private land or religious or meditative organizations. It has a multi use. Beside being a dramatic design element, a walking labyrinth is a very popular form of meditation. If anyone has ever seen a bunch of kids descending on a labyrinth, the natural thing to do is move through it and run and have a very good time. It would add, I think, a joyful element to the whole park.

Ms. Lomolino: I am going to run through some other uses that are discussed in the report. The views are obviously very beautiful from the cliffs and from the foot of Draper Park, and from the wooded knoll in the northwestern part of the quarry. The committee believed that if we had some observation points it provide nice vantage points for people to come, enjoy the sunset and the great views of the river and the Palisades from the quarry.

A great lament of many who knew the quarry park in its heyday, and know its history, is the loss of the lake. Many long-time residents have great memories of swimming in the original, crystal clear, quarry lake in their youth. Consequently, a water element that would harken back to this historic feature was a desire expressed by many residents. At the same time, it was acknowledged that the creation of a reflecting pond or other water element such as a fountain may pose some technical challenges. Depending on engineering surveys and environmental factors that would determine feasibility, it may be possible to capture some runoff and create a shallow pond. It has been done in other quarries around the country and around the world.

Some of these stone steps from the original quarry park can still be seen. It is desirable to have a public access from the floor of the quarry up to Draper Park and also connecting with the Aqueduct. A walkway, either a ramp or some kind of stone steps, or even a restoration of some of the existing stone steps, would provide a historic note as well as a practical means for visitors to get around in the quarry.

There were a couple of caves in the 1930s. The landfill has obscured the lower one, but there is a higher one that is still there and still attracts children. We would have to put in handrails and a pathway, and a safe way to enjoy it, but it is an awfully nice feature of the quarry.

A modest footbridge spanning the area from the foot of Draper Park to the wooded knoll in the northwestern portion of the quarry. That way, people from Draper Park could walk over the quarry, enjoy all the plantings below, and readily access the Aqueduct from Draper Park directly.

The tunnel. This is the mouth of the soon-to-be-restored quarry trail, that is right in the quarry. It is a beautiful structure. It is still intact, and this is where the inclined railway full of marble brought the marble down to a dock at the waterfront to be loaded onto sloops.

Landscaping, plantings, designed so that maintenance is not a big issue. No one on the committee saw this as a formal garden. They saw it as a place where plantings would be hearty, indigenous to this area so that they would grow without a lot of maintenance. It was also thought that there might be gardening enthusiasts that would want to form committees

and work in these gardens and beautify them for the public, or that fund-raising would create the means to maintain plantings in the park.

A perimeter trail for walking, hiking, biking. A way to enjoy the quarry. Unobtrusive, certainly not paved. A low-impact approach was the most popular, and a perimeter trail to allow people to detour off of the quarry on foot or on bikes was highly favored.

Bird nesting boxes. Already bluebird boxes have been put there by the Audubon Society as part of a program in the Hudson Valley to bring bluebirds back. We would want to form alliances with organizations like that that might have contributions to make in terms of bringing desirable wildlife into the quarry.

Benches and swings, and we are not talking about the kind of playground that already exists in other parks in the Village, but unobtrusive swings, maybe one or two here or there. Places where kids could go and enjoy it, or older people, or any people. Adults that come with kids could sit, have a swing, sit on a bench and relax. These are benches, and these photos come from the Central Park Conservancy Adopt a Park Bench program. They add benches gradually to park land, depending on how many people make a contribution. A plaque is put on the bench. Sometimes it is a memorial tribute, sometimes just a generous person who wants to provide a bench in the park.

Historic markers, preserving the history and making it accessible to people who visit the quarry, is an important feature. These are examples of ways to tell people about the role of quarrying in Hastings. Historic markers could also refer to the wildlife in the quarry, the linkage with the Draper Cottage, the railway tunnel.

Exercise stations. This was a bit controversial. Some members of the committee felt that this kind of thing would be better suited in other parks in Hastings, but if done properly it could certainly blend with the concept that is being presented, provided the signage was not too big and it was sited well. Many runners really like this. Another thought was that we would have some exercise stations in the quarry and some in other parks, so that a person could run along the Aqueduct, stop off in various Hastings parks, and have a mile-long course.

In order to explore whether such multiple uses and design features are compatible with one another and with the space itself, the committee enlisted the help of a local architect to map its favored uses onto the quarry site. The result was very positive, and convinced the committee that multiple integrated uses could fit together in a harmonious way and make for a good park. We have a copy of the sketch that the committee used as a working tool.

I would like to introduce Betty Ryberg who is going to speak about environmental aspects of reclaiming the quarry.

Betty Ryberg, Quarry Study Committee: The quarry has been used as a landfill for municipal waste and yard clippings. In October of 2002, shortly after it was officially closed by the Village, the Village put together a landfill report and sent it to the DEC. This was done in connection with the quarry trail, which is the light rail trail that has been mentioned. The idea was to see what could be done with the trail and what limitations might be placed by the DEC on the property. So we took advantage of that information. The DEC responded favorably to a passive use of the area. They said that two feet of clean soil should be placed onto the existing surface, and to maintain a vegetative layer to prevent runoff, and that there should not be a lot of grading done but pretty much maintain it intact. We did check back with them to see what they were thinking, if they had any thoughts currently about the site. They were, once again, receptive to a passive recreational use for the site, but actually could not find the file for the quarry. So that may be good, that may be bad, but that is currently what we know about that aspect of it.

Ms. Lomolino: The committee did research and discussed the kind of organization that would best serve the development of quarry park, one that would maximally engage the community in the evolution, funding, and maintenance of the park while costing the Village minimal sums. The committee recommends a public-private partnership formed on the model of the Central Park Conservancy or the Friends of the Old Croton Aqueduct to function together with Village organizations and to be accountable to the Village Board of Trustees. The mission of the conservancy would be to assume management and fiscal responsibility for quarry park in a partnership with the Village in order to assure a high standard of excellence in the park's care and to make quarry park a vibrant and valuable resource for recreation, education, and utility for the surrounding community as well as for the entire Village and users of the Aqueduct. Such a conservancy would promote community involvement and volunteerism, enlist the public in programming, and assume primary responsibility for maintenance and fund-raising. The conservancy would be responsible for assisting the Village in designing and implementing a management and development plan for the quarry park, including fund-raising, programming, restoration, creatively designing the park, and caretaking of the park in collaboration with interested Village groups. The conservancy would assure the commitment and active involvement of the community in the future of quarry park, and defray costs.

In conclusion, the reclaiming of the quarry will not take place overnight. It can happen in stages, over time. Improvements can be made as grant monies and other funds allow. The project has sparked the interest of many Village residents, various non-profit organizations,

and several officials within the local, regional, and state park systems. The innate appeal of creating a new quarry park for the enjoyment of Hastings residents and future generations has generated sufficient enthusiasm to carry the project through to successful completion. The Quarry Study Committee aimed, through research and public input, to classify the unique nature and potential of the site as well as what Hastings residents value most about it. This yielded planning principles that can flexibly guide governmental and community initiatives that shape the evolution of quarry park. The committee also focused on very specific suggestions of uses and design features, researched them and evaluated them. Although the committee does not intend to suggest a fully-formed plan that would be adopted once and for all, a great deal of attention was given to the mutual compatibility of the various uses proposed.

The uses the committee favored are therefore not a random collection, but a thoughtfully considered vision of what a quarry park can be. It is expected that as quarry park begins to take shape, users of the park themselves may suggest fresh, creative uses not envisioned by the committee. Perhaps the place to start is with site preparation that would set the table for a wide variety of uses and legislative action to designate the quarry as parkland. We are fortunate that the Village owns this area, so it is within our ability to designate it as parkland in perpetuity. We are also suggesting the appointment of a group of residents to carry forward plans for reclaiming the quarry. The committee presents this report to the Board of Trustees and to our fellow residents as a guide and a reflection of the kind of enthusiasm and diligence that we hope goes into the planning of the future of this local treasure.

Mayor Kinnally: Thank you, Christine to you, and to the committee, and to Susan, a job well done. It certainly gives us not only an appreciation of what we have but what we can have, and gives everyone a lot to think about. This is but the first step in a long journey. What we want to do in the future is to set up time so we can get input from the community, whether at a regular Board meeting, or at a special meeting or work session. This report is available on our web site and in the library for people in the community to read and digest.

Trustee Holdstein: I thought the report was excellent. I have gone on record with my own ideas for the uses, and I have done a 180 based on the fine work of the committee. Some of the ideas that I may have had really are not appropriate for this site. You have identified better uses for the site. One of the things that became very clear is the impact of cars in that neighborhood. It does make a lot of sense if we can encourage more foot traffic to the site. My only concern is that the soft amphitheater might bring an influx of people and cars. Did you think about that?

Mr. Horelick: We understand that parking is very limited. It was never envisioned as a Broadway kind of production, with a lot of cars. Anything that we envision there is based upon getting there through Draper Park where there is parking, and walking via the Aqueduct. We are looking at a very small kind activity, more classroom oriented, more school, more small gathering type of usage.

Trustee Jennings: I would like to congratulate and thank the committee for a terrific job. The report is really well done, very interesting, very educational, very thoughtful. You folks have really raised the bar when it comes to study committees and input of this sort. I would hesitate to be on the next committee we form, to try to follow in your footsteps. And it is very refreshing for us to have such a thorough job done. I am very positively impressed by lots of the ideas. I love the idea of having continuity from Draper Park on one side, down to the riverfront on the other side: try to get the stone steps back, try to restore some of the 30s work that was done. I cannot imagine what those people were thinking. But that was then and this is now, and going forward, we will not make those same mistakes again.

Trustee Apel: Yes, this is very impressive. I would like to see the Village Manager come up with a time line of when we are going to do this, when we are going to have the meetings. I would like to see a decision by this spring, and I think we can do it. I do not want this sitting on a shelf. I want it completed.

Trustee Swiderski: I share the sentiments of the Board. It is an impressive document. I wish we had something equivalent on a couple of other projects before the Village. I would like to see this move forward, open it up one more time to the public to see what else we might get. I am assuming that the Conservation Commission and Parks and Rec went through the vetting process as well and have taken a look at this, but if not there will be time for that. I agree with Marge, I do not want this to be a five-year project. It would be nice if something was happening next year.

Ms. Lomolino: I just wanted to say a word about Susan's chairing of the committee. She gave us such good advice, she kept the committee together, she created a tone in the committee that was extremely collegial and enjoyable, really encouraged participation, and set a tenor in those meetings that caused us to be as productive as we were able to be. I want to really thank you, Susan.

PRESENTATION - Public Service Award

Mayor Kinnally: I am proud and pleased to present Sergeant Ricky White with a certificate from the New York State Conference of Mayors and Municipal Officials for a quarter

century of public service. In recognition of distinguished service to your community for more than 25 years, the Conference of Mayors is pleased and honored to publicly acknowledge your dedication and commitment. Congratulations for a job well done.

Sergeant Ricky White: It has been a pleasure serving the Village for 25 years. Thank you.

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 August 2, 2005 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Regular Meeting of August 16, 2005 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 21-2005-06	\$48,267.56
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88:05 APPROVAL OF AGREEMENT - PACE MICHAELIAN INSTITUTE STUDY GREENBURGH/SIX VILLAGES RELATIONSHIPS

Mayor Kinnally: My understanding is that all of the other villages have approved this proposal that was submitted by the Michaelian Institute with Option 1A.

Village Manager Frobel: It is, as I understand, a cost benefit analysis to see if it makes sense for those villages to keep their relationship with the Town.

Mayor Kinnally: It also is to give us an inventory of what is provided by what entity so we can go into that analysis. It is an educational tool so we can act intelligently in moving forward. We would be derelict in not doing it.

Village Manager Frobel: There were some comments from the Village Attorney.

Village Attorney Murphy: They were minor. I was advised that the agreement had been already approved by most of the villages in the form that it existed. I am not recommending that you try to go back to square one on it.

Mayor Kinnally: The Michaelian Institute will work with us on it, and if there are any serious concerns you can raise them with them and we could revisit it. But it is a good deal. We have talked to the other villages to get their input. Elmsford is participating without contributing, and it is fair and equitable. They shouldered the majority of the expenses in connection with the tree issue.

Trustee Swiderski: Perhaps as a result of knowledge that this effort was underway the Town Supervisor put together a committee to look at the budget relationship between the Village and the town. I have heard that it is a relatively fair process and document. If it comes out in time, I hope it feeds this process.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the Agreement for Professional Services between the six Villages in the Town of Greenburgh and The Michaelian Institute for Public Policy and Management of Pace University to study the economic and legal relationships between the Town of Greenburgh and its six Villages as outlined in Option 1A and 1B in the amount of \$4,500 to be paid from the general fund.

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

89:05 APPROVAL OF INTERMUNICIPAL AGREEMENT- SHARING OF EQUIPMENT AND PERSONNEL WITH HASTINGS SCHOOL DISTRICT

Village Manager Frobel: This is an agreement between the Village and the school for the use of a piece of apparatus used to groom the infield of the ball fields, bought by the Village with a contribution from Little League. This is necessary to formalize that relationship. The only element that is not included yet is a per diem charge. There has been some discussion of \$50 a day, but that letter would be a separate attachment to be ironed out at a later time.

Trustee Holdstein: I am curious as to the genesis of this agreement. We approached the school board a year ago when Little League approached us to purchase this, and they were not interested. So I am curious as to how we came from there to this.

Village Clerk Maggiotto: There was a lot of input from Little League to the school, and they realized that it would be very useful for them to have this piece of equipment, so they called us. We talked about buying it together but then we decided that was not the best way to handle it for legal and other reasons and it made more sense to rent it on an as needed basis. Brian came up with this universal agreement which will cover us not only in this instance, but in other things that we share with the school.

Village Attorney Murphy: Issues came up such as joint liability; the intermunicipal agreement allowed us to establish that each party would protect the interests of the other by insurance. In terms of selling an interest, aside from the legality, there is the difficulty of selling a portion of Village equipment and then trying to evaluate whether the portion you sold would be adequately recompensed or whether the Village, in effect, would be denied use of its own equipment through such an agreement. It appeared easier to use an intermunicipal cooperation agreement.

Trustee Holdstein: Does the document cover the equipment being used by a private individual such as a Little League coach?

Village Attorney Murphy: No, it does not. The agreement protects only the use by the school district or its authorized employee, not by a private person.

Trustee Holdstein: Does it only apply to this piece of equipment?

Village Attorney Murphy: It is drafted so that other equipment, non-highway equipment, could be used if that were the case. But their only interest currently is this particular piece of equipment. It does not require the Village to grant permission to use any other piece of equipment. It is entirely discretionary.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Intermunicipal Cooperation Agreement between the Village of Hastings-on-Hudson and the Union Free School District of Hastings for sharing of equipment and

personnel as needed for the period September 1, 2005 to August 31, 2006, to be reconsidered on an annual basis thereafter.

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	

**90:05 SCHEDULE SPECIAL MEETING - AWARD OF BIDS HARMON
COMMUNITY CENTER / GINSBURG DEVELOPMENT PRESENTATION**

Village Manager Frobel: We opened bids today and we think we did very well. We think we will have a project to recommend to you at your next meeting. It things go smoothly, we will try to have something to you Friday. If not, we will try to get it to you before the meeting.

Trustee Holdstein: We are making reference also here to the MUPDD. To get back into the discussion of the MUPDD, do we not have to know the MUPDD is back in place?

Mayor Kinnally: Yes, and why do I not reach out to Susan Newman and see if I can get an update from her. This assumes certain things, and I do not know if the assumption is valid. But we are not going to waste our time. We do want to know if certain things are in place.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Special Meeting for Tuesday, Sept. 20, 2005 at 8:00 p.m. to award bids for the demolition and construction of the James Harmon Community Center; to hear a presentation by Ginsburg Development Corporation on a concept plan for the development of the 9A property according to the requirements of Mixed Use Planned Development District zoning; and to schedule a Public Hearing to consider the advisability of entering into the Westchester County Greenway Compact.

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	

91:05 CHANGE OF MEETING DATE

Mayor Kinnally: Rosh Hashanah falls on October 4

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

RESOLVED: that the Mayor and Board of Trustees hereby change the date of the Regular Meeting of the Board of Trustees from Oct. 4, 2005 to Oct. 11, 2005.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Con Ed has begun their work on South Calumet Avenue. They are putting in two 6-inch gas mains in that area. We stopped doing the paving until they have finished their work rather than interfere with it. So they, hopefully, will be finished within two weeks. We are hoping to contact our contractor for the paving and begin within the next several days.

I did indicate that we opened the bids for the Community Center today. We think we are going to have a project to recommend to the Trustees next week. We did very well in terms of the number of bidders submitting proposals. At this time, it is up to the architects to review the qualifications. But it does appear that we have a project.

The Village participated with neighboring communities to challenge the efforts of United Water to raise their rates rather dramatically. We had expected our share to be \$2,500. Because of the amount of testimony and the expert witnesses that were necessary, our share has increased to \$4,575. I would ask if I could secure your permission to honor the invoice we received. When you work with an estimate, with a matter of this complexity, it is difficult to narrow it down to a good working number. We have been assured that the original effort of a 41.2% increase in the water rates the first year, 6.5% the second, and 7.8% in the third year, for an overall 60% increase, was warranted to challenge. We have been told that now we are looking at a rate of an 8% increase in the hydrant rental costs. It ended up being a 13.9% increase in the first year; 3% in the second; 2.1% in the third; and 3% in the fourth year. So it was a dramatic savings and the challenge was successful.

Mayor Kinnally: I certainly think the money is well spent. Although they did exceed the target, the result more than outweighs whatever the additional cost is. I think the community was well served by the consultant here.

Mayor Kinnally: Any comments from the Board on this? From the public? The sense of the Board is that you are authorized to pay the bill.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Fred Yaeger, ARCO Liaison: Buildings 15, 22A, 52A, 52B, 53, 54, and 79A have been taken down. For Building 52 there is an overhang adjacent to the Tennis Club, and that is going to be taken down in the next few days. There is a remaining wall between Building 15 and 22 that is in the process of being braced, and that wall will stay. Building 15 is all down except for one bay, which will remain as part of that wall adjacent to 22.

A total of 82 trucks have taken out the nonfriable debris, and over 120 trucks have been used to remove the steel. There are a lot of clean areas; there is a lot still to be done. We average eight to 10 trucks a day taking debris away from the site, and all the trucks with debris are covered, as requested.

Mayor Kinnally: What is your anticipated date of completion of removal of the debris?

Mr. Yaeger: The end of October.

The Atlantic Richfield Company has selected two very prestigious, leading companies in the remedial design field, Haley & Aldrich and ENSR. They will be starting the remedial design stage of the work next week. Those companies will begin the boring and test pit phase of the pre-design investigation; that is expected to take about eight weeks. It requires the use of drilling equipment and backhoes. Most of the investigation is focused on developing soil data for use by geotechnical engineers during design for the structural element, such as sheet pile bulkheads along the waterfront and excavation support systems.

The other part of the investigation is focused on improving the definition of the proposed excavation areas, primarily in the northwest corner of the site. It is important to note that air monitoring will be performed very meticulously throughout the investigation to insure that any contaminants do not impact on the health and safety of the workers or the community.

Trustee Jennings: During the summer many members of the ARCO site team were kind enough to meet with our Public Health Board. We had a very informative and helpful meeting. They are being kept apprized of the plans for the next phase of the cleanup, as are we. It has been a very cooperative and forthcoming relationship. Thank you for that.

Mr. Yaeger: We are also supporting Fred Hubbard and the Ramble on Saturday. We are happy to participate and be a good corporate neighbor in the community.

Trustee Holdstein: What about a plan as to the remaining buildings: what will be maintained, for how long, for what use versus getting the entire site cleared. Is that something that is in discussion that you can present to us?

Mr. Yaeger: It is, and I will try to give you some information at the next meeting on that.

2. Metro North Lease Agreement

Village Attorney Murphy: Metro North has submitted a draft parking program lease agreement. The most significant concept is the expansion of the parking area to include the additional spaces, which apparently were paved by Harvest on Hudson. The new proposed lease contemplates a change in the fee structure which would reduce, as the Village Manager has laid out in memo form, the revenue situation, which would reduce nonresident parking fees in the current amount of \$600 to \$440, and increase resident fees to that amount.

The cost of construction of the additional improvement, or the additional area to add the additional spaces, may be amortized under this lease. However, the particular provision,

Section 3, does not explain over what period it is to be amortized, which is an answer the Village would need to have. This is an issue of this particular document.

Mayor Kinnally: One of the problems that I had going through this was that they make reference to parcels 1 and 2, shown on maps as Exhibit A-1 and A-2. This is part of a widening of Southside Avenue. I do not see anything here.

Village Attorney Murphy: I do not believe we were provided with maps. I noticed that some provisions such as net lease in paragraph 6.3.2 seem to conflict somewhat with their right to amortize our payments for improvements.

Mayor Kinnally: I have a feeling this is a form that anticipates some buildings. When you are talking about net lease, usually you are talking about buildings.

Village Attorney Murphy: Yes, this would appear to be the magic form for all purposes. It lacks a number of definitions, such as a requirement that the Village operate a "first-class parking facility," and that phrase is not defined. There are the expected requirements for insurance coverage, which should be reviewed by the Village's insurance advisor.

Trustee Holdstein: The proposed fee changes: who makes the final decision?

Village Attorney Murphy: Metro North has indicated that the lease is dependent upon acceptance of their indication of the fee changes. In this draft lease it is not a negotiable item; it has been established.

Trustee Holdstein: In the previous lease, did they dictate fees?

Village Clerk Maggiotto: The previous lease did not state the fees. But it did state that they had to approve whatever fees we put in place. When we raised fees the last time they approved it after the fact. We did not get their prior approval. They want the fees in the lease. I do not think it is negotiable. They say they cannot sign a lease that differentiates fees among their users. They want to be consistent up the line.

Trustee Holdstein: Can we not go back to them and say that we have had this for some time and you agreed to leases in the past that have allowed us to do this.

Mayor Kinnally: We could argue all we want; their position is it is not negotiable. This is the fee structure that is in place at all their other facilities, and I assume it is take it or leave it.

Trustee Holdstein: What leverage do we have? Can we tell them we do not accept the lease, and therefore then what?

Village Attorney Murphy: They have the option of leasing it to a commercial operator under such terms as they would deem appropriate.

Mayor Kinnally: Or telling us that it cannot be used and not allowing any parking there.

Trustee Holdstein: Has Metro North spoken with the owners of Harvest and are there any implications or ramifications to those spaces?

Village Clerk Maggiotto: Bruce Bernaccia from Harvest was here at the meeting with Metro North. The issue is that in order to access the spaces that they are adding to the agreement they have to travel over Harvest property. How they are going to work that out is between them. I am assuming that since they are offering us this lease that they have worked it out because otherwise they do not have access. There is an easement across that property to get to the Tower Ridge Boat Club, but it is an issue between the lawyers whether that easement applies to Metro North or not, or what they are going to do with it.

Trustee Holdstein: My biggest concern is for residents of Hastings who are going to get whacked yet again under this deal.

Village Clerk Maggiotto: Residents still have the option of parking in the Zinsser lot at the lower fee. A certain number of residents like to park over there, but they do not have to.

Mayor Kinnally: This is also somewhat of a benefit because a portion of these spaces are going to be metered. It will increase the opportunity for our residents to get metered spaces. The complaint is, at peak times when people come down to catch the 11 or 12 or 1 o'clock trains, there are no spaces available. At least it gives them another option, although it is going to be a walk when they come back from the city.

Trustee Holdstein: We are going to have disparity on the meter rates. They park in our meter lot as opposed to parking in their meter lot. It creates a tremendous amount of disparities on a lot of fronts.

Village Attorney Murphy: According to this lease, the parking is solely for the use of Metro North customers, not for downtown.

Trustee Apel: The people who park there at night find it dark and they do not feel very secure over there. What is Metro North doing to make somebody parking there feel safer?

Village Attorney Murphy: They have left it to the Village.

Mayor Kinnally: Improvements will be at our expense. We can amortize some of it.

Village Attorney Murphy: They have left it fairly broad-based as to the Village's decision as to what improvements are to be made. They do not require specific improvements, but they do require approval before they will allow the Village to amortize the cost. So ultimately they will review whatever improvements the Village proposes.

Trustee Apel: So they do not share in the responsibility or liability.

Village Attorney Murphy: No, by this lease they absolve themselves from any liability and make it wholly the liability of the Village, or the responsibility and liability that goes with the operation and maintenance of the parking.

Trustee Apel: And they are getting 50% for this. They should get less.

Trustee Holdstein: We have raised some interesting points here tonight, and I think it is at least worth going back to them.

Mayor Kinnally: Our fees for parking meters in this Village are a relative bargain when you take a look at some of the other communities and what it costs for comparable parking. To be able to park for \$2 or something a day is a pretty good bargain. So we will continue negotiating and get some clarification on the open items in the lease.

3. Other

Trustee Apel: When are we going to get the large land tract report, and what is happening with the LWRP?

Mayor Kinnally: The LWRP was supposed to have a meeting the other night. It was canceled. I will follow up with Phil on that. We will see where the Planning Board is on the large tracts.

Trustee Apel: One other thing we should think about is the parks and facilities that we have, and think about is that what we wanted. We voted in the concept of developers giving

money for parks. So where is this all going, and what is our plan in relation to the parks that we have, maybe parks that we are sharing, or land that we have. What is our future vision? I don't know who is in charge of that. Parks and Rec?

Mayor Kinnally: It would go to the Parks and Rec Commission for starters. But we can also put our thinking caps on, since they are our parks. But that is a good start.

Trustee Jennings: On October 17, under the auspices of the Helen Benedict Foundation and Andrus on Hudson, there is going to be a public lecture by a leading authority on community development and inter-generational relationships and services for kids and for seniors named Professor John Kretzman from Northwestern University. The event will be held at Andrus on Hudson and will be free and open to the public. I would like the Board's approval to have the Village co-sponsor this event and to use the various mailing lists and e-mails and HoH and so forth to help publicize and advertise this event. Co-sponsorship will not cost the Village anything.

Trustee Swiderski: In line with the cooperative agreement with the school on the equipment, there is another cooperative agreement that was signed with the elementary school principal on rerouting traffic so that parents are not picking up their kids at the same time school buses are arriving at the end of the day. There is going to be an alternative for parents to pick up their kids from the pool parking lot. An aide will escort kids down who sign up for this program to the parking lot, and parents will be able to pick up their kids there. Our Village Manager and the new principal, working together, came up with a very straightforward, ingenious solution to a problem that every elementary school parent complains about: what happens at 3 p.m. Congratulations. Very simple and glad to hear it.

Given that Valley Place and other roads are going to be re-paved, can that be timed so that it is not occurring on a school day but a weekend? But certainly not at the busiest hours when people are dropping their kids off or picking them up from school, that would be ideal.

Trustee Apel: Did we resolve what Bruce asked?

Mayor Kinnally: I am all in favor of it.

Trustee Jennings: I did not hear any dissents. It is resolved. Thank you.

Mayor Kinnally: We had the fire department inspection the other day which was, again, quite impressive. It was a beautiful setting Sunday afternoon at the Harvest and a great turnout. I had an opportunity, along with Trustee Apel, to buttonhole our state senator and

talk to him about a number of things. Marge talked to him about deer problems, and he has promised to get back to us on trying to enlist the support, both moral and financial, from the DEC or another agency to help us in the mapping of the herd and everything else. I think we really brought home to him the severity of the problem.

We also called to his attention the woeful condition not only of the entrance and exit to the parkway from the Saw Mill Parkway in Hastings, but also the whole length of the Saw Mill Parkway. It is pretty shabby these days. He has been trying to get the regional people from the DOT to respond to him somewhat favorably. The DOT's shabby treatment of us has been extended to him, and he has given up on getting anything from the regional DOT and is going to the commissioner.

The last thing, and music to my ears, he said we should come up with ideas for member items and he will try to fund them. So put your thinking caps on. We will visit this next Tuesday.

Trustee Apel: Relative to the state and the paving on Farragut Parkway, what about those little squares?

Mayor Kinnally: That is a prelude to putting striping down, and I do not know when they are going to do that.

Trustee Apel: Has anyone brought to their attention what a sloppy-looking job the paving is?

Mayor Kinnally: Speaking of sloppy paving, Warburton Avenue looks terrible. The county has not done anything. I am going to have a meeting with Tom Abinanti and the head of the county DPW to address Warburton Avenue. I also want to take them up to Farragut and Five Corners to show them the abysmal wear and tear on the eastern part. They repatched part of it, but it is horrible.

There was an incredible turnout on Sunday after the fire inspection at Temple Beth Shalom; over 700 people came for the bone marrow registry. My hat is off to all of the volunteers from the temple and from the community and the medical establishment who helped bring this together.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:05 p.m.