

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 11, 2007**

A **Regular Meeting** was held by the Board of Trustees on **Tuesday, September 11, 2007** at **8:06 p.m.** in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobels, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Eighteen (18).

PRESENTATIONS/APPOINTMENTS

Mayor Kinnally: We have a few presentations this evening. We have a presentation of 25 years of public service:

“This certificate from the New York State Conference of Mayors and Municipal Officials presents this quarter-century certificate of public service to William Finkeldey in recognition of 25 years of distinguished public service to your community. The New York State Conference of Mayors is pleased and honored to publicly acknowledge your dedication and commitment.”

Bill, congratulations on behalf of our village for all that you do for families and everyone here in our village. Your service is truly remarkable. Another 25?

And although Marie could not be here this evening, we also have the same certificate for 25 years of public service for Marie Oelkers. I thank her for her many years of service to our village and our community.

We also have some appointments this evening.

Conservation Commission: Kerry Jane King, for a term expiring in 2009.

Comprehensive Plan Committee: We have 11 members of the Comprehensive Plan committee and have made some appointments, but I am only announcing 10 of them this evening. The committee consists of Richard Bass, Steve Corrigan, Ellen Hendrickx, Rebecca Strutton, Robert Mayer, Lynda Merchant, Jim Metzger, Kathleen Sullivan, Carolyn Summers, and Harry Thomas. We have Jim Metzger here this evening.

I welcome everyone. I thank everyone for their commitment. It is going to be a heck of a lot of work. I guess, Susan, we will talk about when the first meeting is going to be. But I thank

everyone. Jim, thank you for agreeing to serve. I think it is an exciting time and venture for the village, and we will see what can be accomplish.

APPROVAL OF MINUTES

1. Public Hearing of August 21, 2007, Prop. LL#5 Flood Damage Prevention

On MOTION of Trustee Swiderski, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing were approved as presented.

2. Public Hearing of August 21, 2007 #4, Storm Water Management

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman with a voice vote of all in favor, the Minutes of the Public Hearing were approved as presented.

3. Regular Meeting of August 21, 2007

Trustee McLaughlin: Mayor, there are several typos, but I do not think they need to be mentioned in the minutes that they need correcting. But there are a couple of things. On page 12, the first time you speak, about a third of the way down the page you were asked about making the garbage transfer station. You said we cannot meet the requirements. I had thought you said we cannot meet state requirements. There were some kind of requirements we did not meet that I thought you stated. Do you remember?

Mayor Kinnally: I do remember discussing it. You are looking for an adjective there.

Trustee McLaughlin: Yes. Was it state requirements that we did not meet?

Mayor Kinnally: Or environmental, something like that. There are certain prerequisites of space and drainage and setbacks.

Trustee McLaughlin: May I suggest that we amend the minutes to say we cannot meet the state requirements?

Mayor Kinnally: That is fine.

Trustee McLaughlin: Another one was on page 27. It is about the seventh line from the bottom. I am speaking, and we are talking about permit parking. In Boston you can live on Beacon Hill and park a mile-and-a-half away from your home and still be in your parking

district. The minutes say your parking distance. That does not make sense that way, so that word there is district.

Those are my changes.

Mayor Kinnally: I have one also, on page 26 at the bottom. I was talking about Hastings people from, it says, distinct areas. I think I said discrete areas.

The next to the last line: first tough decision is, do we want it. That is my nits for the night.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of August 21, 2007 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 18-2007-08	\$778,364.34
Multi-Fund No. 19-2007-08	\$ 58,006.54

PUBLIC ACCESS TELEVISION VOLUNTEERS

Mayor Kinnally: Before we do public comments, let me move an announcement up a little earlier this evening in the hope of reaching a broader audience. We have behind our camera this evening Jen Corso. But this is supposed to be public access TV and public participation. So my entreaty to people is the same: please, if anyone wishes to volunteer their time to man the camera so we can relieve our professional staff to do other things it would be greatly appreciated. It is not only for these meetings, but we have many other meetings that we cover. The Board has discussed the possibility of having various work sessions covered. But it is difficult to schedule the time of Village personnel to stand behind the camera to film, or tape, the various boards and commissions in the Village.

So if we can get volunteers to take over that chore we will be able to expand our offerings and the programs that we have on Channel 75. So please, if anyone, any ages, can reach the camera and can operate it, we would be more than happy to have you. So thank you.

PUBLIC COMMENTS

Mayor Kinnally: Anyone wishing to comment on an item that is not otherwise on our agenda this evening, please come forward, name and address for the record.

Bob Simmons, 10 Travis Place: Hello. How is everybody? My name is Bob Simmons, I reside at 10 Travis Place, Hastings-on-Hudson. I am a resident of the Village for 37 years. I think at this point I might as well say that I am an employee of Verizon for 27. But I am here as a resident. I am interested in finding out from the Board their stance on the Verizon FiOS TV. I think a lot of our residents are looking forward to it, and just a quick question: where it stands with the Village. We have about 16 to 19 other communities around us that have it right now, and I think a lot of us like it. It is a good product. But I am not here on Verizon's point of view, I am here as a resident. I keep on getting asked by my wife when is the FiOS TV coming in, we want it. That is the question to the Village: where we stand.

Mayor Kinnally: I think I may be able to answer that. We have been in negotiations forever, it seems, with both Verizon and Cablevision over franchise agreements. The cable committee is going to be meeting tomorrow night at 8 o'clock. We are not meeting with Cablevision or with Verizon tomorrow night, but it is a strategy session for us to assess where we are and where we are going to go. We have had any number of meetings with Verizon and Cablevision. Both of them have been very difficult in dealing with them. As anxious as we are here, the cable committee and the community, that is not matched by the service providers. It has been a tough time to get an agreement that protects us.

Other communities have come to agreement with both of the cable providers. We have not, in part, because our situation is a little different. The area that we want to have covered extends beyond the boundaries of Hastings, and that has proven to be a difficult point with both Verizon and Cablevision. The people who live in Donald Park who are part of our school district want to have access to our programming here, including the school programming. Because they are in the Town of Greenburgh they are covered by the Greenburgh franchise. And coming to an agreement as to what they will do either contractually or voluntarily in providing the service to the people in the Donald Park area is something that we have not been able to resolve at this point.

So I am happy that other communities have it. As I have said in the past, it takes two to tango and they are not on the dance floor yet. So we are trying to get them there, but I engage both Verizon and Cablevision. Certainly Verizon, I remember, it was the day after election day in November and here we are coming up to a year and we still have not gotten there yet.

Mr. Simmons: Okay, that's fine. That answers my question.

Trustee Quinlan: Lee, can I just add something to that? Bobby, one of the other things that is a problem as far as I am concerned, because a lot of people ask me too and I think the competition would be great, we need competition maybe the prices would go down. I am all for that. But one of the problems is that Verizon is insisting on a side agreement with very important provisions in it. In the agreement itself on all four they are insisting on a clause that anything outside of the agreement is unenforceable. So as a lawyer, that does not make a lot of sense to me to have important provisions in a side agreement, and in the main contract have a provision that nothing outside of the main contract is enforceable. So that is a big problem, that is a big impasse, because there are important things in the side agreement that, by the agreement itself, are unenforceable. So that is a problem.

Mr. Simmons: Is that agreement something different than what Cablevision brings to the table?

Trustee Quinlan: Cablevision now has no contract, and that is another point that you make that is very important. They are operating on just an ad hoc basis based on their old contract. They do not have a new contract. You are aware of that, I know. That happens; unions work without contracts and provide services despite the fact. And whatever we kind of agree with for Verizon, common sense would be agree with it for Cablevision. So that is another problem we have.

Mr. Simmons: All right, that sounds good. As long as it has not been lost underneath the table.

Mayor Kinnally: We are trying to get everybody around the table.

Mr. Simmons: Okay, thank you.

Mayor Kinnally: Anyone else? Any other public comment?

John Gonder, 153 James Street: I am still here trying to fight the bus. You are all familiar with it. It has Florida plates. The plates are due to be changed sometime next month, and I know somehow it will be done.

But my problem is, not only is it a bus that is parked on residential property, but I am trying to fight this for my whole community on James Street. It seems that nobody cares about us. I think this bus may have some problems with insurance. We do not know because it does not come under New York State laws. It may not have any inspections. I do not think

Florida requires inspections. And I think it is something you should do. If I am not mistaken, I think Mr. Frobel told me that the lights were illegal and if it was off the residential property somehow it could get ticketed. I am just wondering if the police chief, the sergeants, and all the officers know that it is in violation of the New York State motor vehicle code.

But I think there is something else you could do: pass an ordinance. It was sold as a bus, it looks like a bus. You made him paint it from yellow to this rusty brown. I think there is something you could do. I have better things to do with my time and your time, but you are the only people that I can come to. I am getting old in age, but I will be here fighting this until I die or we have some success. Thank you.

Mayor Kinnally: Thank you. The matter has been referred to the Village Attorney and she has given us advice. She has, I know, coordinated with the police department on it also, right?

Trustee McLaughlin: Mayor, I have a question about this. Thank you, Mr. Gonder, for bringing this up because it does remind me of a question I have had for years. Since we in New York pay such high automobile insurance, it is sort of an open secret that all over the place there are people who drive cars that are here at least 10 months a year but they have registrations in other states. So if this vehicle gets its registration renewed, presumably, is there anything that we can do with the fact that the car is here all the time and yet he is pretending it is in Florida? I mean, if he renews it at a distance.

Village Attorney Stecich: I don't know that off the top of my head. I have to talk to the police department about it. But it is a good question, and I will get to it.

Trustee Quinlan: I have a question of you, Marianne. So we have referred it to counsel, and what have you found out about this bus?

Village Attorney Stecich: Actually, when it was first referred to me there were two things. There was another bus there also, which we got rid of; the police department got rid of. Unfortunately, this vehicle that is there falls between the cracks in terms of definition. Originally we said it could not be there because it was a commercial vehicle. You cannot have commercial vehicles, and that is how they got rid of the other one. He was saying this one was not a commercial vehicle even though it looked like a school bus. My position was, a school bus is a commercial vehicle. The guy is very clever. He paints it another color so that it cannot be a school bus because it is this brown color.

Mr. Gonder: His intent is to make it a recreational camper. It is registered, it has a valid registration. He does not take it over the road because he still has those lights on it. But his intent is to make it a camper for his family.

Village Attorney Stecich: And recreational vehicle is defined so broadly under the state vehicle and traffic law that it is very hard to get at it. I do not want to even say what you could make into a recreational vehicle, not to give anybody else ideas. But this guy, I have to say, probably has a better handle of this law than I do because he is always a step ahead.

But we will look at it again. We have not even really focused on the registration and insurance issues. I have a feeling we will not get too far with it, but I will take a look at it and talk to the police chief about it.

Mr. Gonder: Thank you.

Mayor Kinnally: Any other public comment?

RESOLUTIONS

69:07 SALE OF SURPLUS VEHICLE

Village Manager Frobel: A recommendation that we brought to the Board a few meetings ago and received your okay to test the waters. We did receive two bids. We are looking to receive your permission to sell it to the firm that has offered the higher bid.

Mayor Kinnally: Okay, and the other bid was \$2,000?

Village Manager Frobel: It was \$3,750.

Mayor Kinnally: All right, any comments or questions from the Board on this? From the public?

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

WHEREAS, sealed bids were received on September 5, 2007 for the sale of a 1991 25-yard sanitation truck, and

WHEREAS, the highest bid received was from Liberty Motors Inc, Brooklyn, NY, for \$7,601.99, now therefore be it

RESOLVED: that the Mayor and Board of Trustees approve the sale of a 1991 25-yard sanitation truck to Liberty Motors Inc., Brooklyn, NY for \$7,601.99.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

70:07 AUTHORIZATION TO RECEIVE BIDS – FIRE PUMPER TRUCK

Village Manager Frobel: Back in August we had a rather lengthy work session in which you met with the various fire chiefs. We spent a lot of time talking about the need to replace engine 46. After 22 years of service we are now experiencing some problems; everything from metal fatigue to the water tank leaking. The chief talked about some transmission problems.

We also spent some time talking about changes in federal and state regulations regarding safety of the occupant, the fireman, using the vehicle to respond to a call, and some of the changes in technology that are necessary when they reach the call for service. We believe that this is the time where we need to go out and purchase a new one, despite the cost. We did spend a lot of time that evening talking about the cost. We are looking tonight for your okay to go forward and put this out to bid and see what the prices are for the replacement of this fire truck.

Mayor Kinnally: Thank you. I know the chiefs are here this evening: Chief Bannon, Chief Pecylak, Chief Sarfaty, and is Chief Gagliardi here? There you are. Anything to add on the pumper? I do know there was extensive discussion about the problems with the engine mounts, and the metal fatigue. Which is, I guess, not unusual. A neighboring community is having the same problems with the metal fatigue. Anything you want to add, Chief?

Fire Chief Bannon: I just want to add that the main concern with the replacement of engine 46 is, obviously, to meet the requirements of NFPA Standard 1901, which governs the construction of fire apparatus. In NFPA 1901 specifically there are two chapters: chapter 14, which relates to gear and equipment storage; and chapter 15, which relates to firefighters' safety. Currently, engine 46 has a storage problem. I don't know if some of you have seen

it, but a lot of the firefighter equipment bags are currently stored outside the engine. They are on a hose bed, and we have improvised. They are also in a box that we have constructed on top of the cab of the engine. Obviously, this presents operational problems on the fire ground if we are trying to hook hoses into the engine and we have people trying to put their gear on. It presents a safety problem as well as a deployment problem to get the firefighters into the building, into the scene, safely.

Also in the same light with equipment standards and equipment storage, the engine was built in 1984, before the advent and use of 5 inch-large diameter hose which now all the engines have on them. That presented some problems. We had to modify the current layout of the engine. We were able to stow 5-inch hose on the hose beds, but the problem is we can only use it for intake and not for discharge. So we can take a lot of water in, but we cannot get that large volume of water out properly. So if we have a large fire, or we need to do relay operations, we cannot do that. This new engine will have that capability.

Mayor Kinnally: Thank you. Any questions for the chief?

Trustee Goodman: Just a comment. Some of us don't know our engines, so could we explain that you are from Riverview Manor firehouse?

Fire Chief Bannon: Right. 83 Euclid Avenue, which is on a cross of Pleasant Avenue.

Trustee Goodman: And also, one thing that I was very grateful to you for, that the public will not hear because it was a work session that we were not able to televise, is the fact that you spent a lot of time looking at the new specifications and that you are purchasing an engine which you expect will have a longer life because you have really paid so much attention to the details of the metals that were going to be used. I was very, as a taxpayer, grateful to how much time you and all the chiefs have spent to learn about the equipment and to get us the best possible product on the market. So I thank you.

The other thing, could you explain about the renovations that will be needed to the firehouse? You can explain it better than I, I guess.

Fire Chief Bannon: Yes, currently the new engine that is proposed will be slightly larger than the existing engine now. It would require an extension on to the front of 83 Euclid Avenue. We would have to extend probably, we are working on the drawings right now, anticipating, about a 5-foot extension out into the existing apron of the firehouse.

Trustee Goodman: And I think also many of us did not know, and I do not think I well understood it until you mentioned it at the work session, that that cost, because the firehouse is owned by the unit, is going to be borne by the men of the house, correct?

Fire Chief Bannon: Correct. The members of the house, right.

Trustee Goodman: Yes. And so I am very grateful to the efforts, the time, and the money spent. So thank you.

Mayor Kinnally: Anything else? Thank you, Chief.

Just before we move on, I want to share with the community a piece of correspondence that I received right after our last meeting. It is a letter from Hackley School, the headmaster of Hackley School, to Chief Bannon writing "to express the gratitude of all of us at Hackley School community for the exceptional work of the fire department performed at Hackley School's fire on August the 4th." He notes that he received approval from the board president and treasurer for Hackley to make a contribution of \$500 to your department, represented by the enclosed check.

So thank you again, Chief, and it certainly is public recognition for what we all know, and recognition outside of our Village. I spoke about this at the annual inspection, which was this past Sunday, down at the Harvest. As good as our local fire department is, there is strength in numbers because we have a mutual aid operation with the adjacent communities. It was gratifying to see a number of the chiefs from our neighboring communities there, basically to celebrate what we were doing here, and extending a thanks to them for all of the work that their departments do in answering mutual aid. This letter from Hackley School is an indication of exactly what that is all about, because our department was called out to assist in the fire up there. So thank you.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to receive bids for a fire pumper truck for Engine 46.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	

Trustee Danielle Goodman X
Mayor Wm. Lee Kinnally, Jr. X

71:07 AUTHORIZATION TO RECEIVE BIDS – AMBULANCE

Village Manager Frobel: Just by way of introduction, also at that work session back in August, which I do wish was videoed because it was an excellent work session, I think we had a great opportunity to discuss with the chiefs their needs, one of which was the ambulance. It is time to replace it; probably something we should have done a few years ago. We did hold out some hope that we would receive a corporate donation, but that time seems to have passed. And we are at a point now where we need to replace that. Chief, if you want to talk about the condition of it and why we are in the situation as we are.

Fire Chief Gagliardi: Yes. Right now currently we have two ambulances: the ambulance 1, which goes out on the initial calls, right now that is a 1998, it has got 31,219 miles on it; and ambulance 12, which is the backup ambulance, or the second ambulance, is a 1989 that has 26,198 miles on it right now. We like to say that we re not replacing the 1998, we are replacing an 1989. The 1989 is 18 years old at this time. There have been some problems over the last couple of months, and it is really starting to show its age. Again, like the Hahn , the 1984 Hahn, this is starting to show its age. It is starting to show wear and tear because we kept the rescue equipment on there, which was changed over to the 1998, which now is in the process of being changed over to one of the engines.

But just for some information, the Ambulance Corps was formed in 1955. I have the amount of responses, ambulance calls, during those years. What I did was I took the calls of the years that ambulances were purchased in. In 1955 there were approximately 200 calls. In 1965 was when we got the next ambulance, there was 237 calls. In 1971 there were 286 calls. In 1980 it was 309, 1989 was 356. In 1998 there were 595 calls. Last year there were 623 calls. My point is just to show you the amount of calls and the wear and tear on the ambulances. They are getting more and more mileage, and I figured out that the last six ambulances, the average life expectancy of them was 8.66 years. Right now we are already past that with the ambulances that we have now.

If there are any other questions from the Board, I have some information that might be important to you. The second ambulance was used 40 times in the last year; 20 on mutual aid calls to Greenburgh and 20 on mutual aid calls to the other towns. So it shows that our mutual aid system is definitely intact, and our ambulances are used for other towns, too.

So right now, if there are any other questions...

Trustee McLaughlin: Yes, Chief, thank you. A couple questions. One of them is, since we had the 1989 ambulance for nine years before we bought the 1998 ambulance, how come it has less mileage on it?

Fire Chief Gagliardi: Because in the last, say, 10 years we have been going more and more to the medical center. The medical center is a trauma center. Because of the increase in calls it obviously increases the mileage that has been put on it. This is the first time that the newer ambulance has more mileage on it than the old ambulance.

Trustee McLaughlin: Is it because of our mutual aid that the ambulance now has so many calls. I mean, that is more than two a day. And just even 10 years ago it was not anything like that. What explains that jump in numbers?

Fire Chief Gagliardi: Well, the mutual aid calls were approximately 40.

Trustee McLaughlin: Did he not say there were 600?

Mayor Kinnally: We are getting older.

Trustee McLaughlin: Is that it? The population is getting older?

Mayor Kinnally: I am serious, yes.

Fire Chief Gagliardi: Yes.

Mayor Kinnally: Well, I am not getting any younger. I don't know about you.

Fire Chief Gagliardi: The calls to the Andrus retirement community have increased. For awhile they were renovating the second, third, and fourth floors so they actually let their residency go down. It was down to about, I think, 50 people at one time, and now it is up to 200. So our calls have increased there also.

Trustee Swiderski: But your question was about the mutual aid calls.

Trustee McLaughlin: Well, I brought mutual aid up, and then it kind of got lost. My question was, was mutual aid the reason we had this big jump in the number of calls, and it does not sound like it was. It sounds like it is the elderly population that was the cause of it.

Fire Chief Gagliardi: Right. It is more that we were going to the medical center more.

Trustee McLaughlin: Well, that explains why you put on more mileage, but it does not explain why we would have more calls.

Fire Chief Gagliardi: As far as mutual aid?

Trustee McLaughlin: No, just in general the number of calls has gone up so much. Just has gone up, okay.

Fire Chief Gagliardi: Yes, we are getting older.

Trustee McLaughlin: I guess he is, too. I will be darned.

Mayor Kinnally: All right, anyone else?

Trustee Goodman: I just had something to share with us all. Corky Soderstrom, my neighbor who is on the Ambulance Corps, gave me this. It is an editorial from the *Journal News* 8-20-07. It is about problems in Putnam County with ambulance service, and it is something we do not experience here because of our good volunteers. But Putnam was having problems with having enough volunteers, and also their population has gone up quite a bit. They had to resort to contracting services with an outside vendor. Before that, their response times had risen to 30 minutes. I am sure our response time is not anywhere close to 30 minutes; it is probably 2 minutes, or 3. But the cost, in the first year of that contract, was \$485,000 for the first year, and the company was supposed to receive \$504,000 for the second year. The company, however, decided to bail on the contract because they said they could not do the job for less than \$950,000. So it is opting out of the contract.

So thank you, Chief, for being there. And whatever the cost of the ambulance is, it does not even come close to these numbers. If you want a copy of this I will give it to you.

Fire Chief Gagliardi: Yes, I was going to ask you for a copy of that.

Mayor Kinnally: All right, any other comments?

Jim Metzger, 427 Warburton Avenue: Just for people who are watching, and wondering why a vehicle with 31,000 miles might be old because your cars typically will go three or four times that, the hardest miles you put on a vehicle are short-distance miles. When you turn the engine on, you run it for two or three minutes and then turn it off, the oil never gets a chance to heat up, the transmission never gets a chance to heat up. So just as a means of educating people to why a low-mileage vehicle needs to be replaced, these are very, very difficult miles we are putting on these vehicles. As a member of the community, every time

I hear those sirens go off, when I am in the middle of a barbecue or watching TV, I really want to thank the guys that are dropping the forks on their plates and saying good-bye to their families and running out to take care of this.

This, to me, is the most important thing we have going on in our community. We have an incredible volunteer service that rarely gets seen unless you are the person in trouble. So I just want to make sure that everybody knows that, and that these are critically important things we need to maintain. Thank you.

Mayor Kinnally: Thank you, Jim. Anybody else?

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to receive bids for an ambulance.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Mayor Kinnally: Thank you. Just one further thing. I mentioned that the inspection was held last Sunday. Chief Jim Drumm received the Bob Schnibbe Fireman of the Year award. Jim works for the Village and is a long-time member of the fire department, a 40-year member I believe, and our congratulations and thanks to him for his many years of service both in the fire department and as a member of our Village team.

72:07 REQUEST FOR GREENWAY TRAIL DESIGNATION OF THE QUARRY LANE TRAIL

Village Manager Frobel: This is a request from our Village Naturalist, who was going to be here this evening. But we are looking to have this trail incorporated into the overall system. In fact, we have a dedication ceremony, if this passes, Saturday, in which this will be formalized with a group of participants.

Fairly straightforward. Looking forward to having this join the rest of the trail system and receive some recognition.

Mayor Kinnally: Any comments or questions from the Board? From the public? A great addition, just incorporating the entire Greenway system with our community, and I think it enhances everything.

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

WHEREAS, Article 44 of the Environmental Conservation Law (ECL) directs the Greenway Conservancy for the Hudson River Valley, Inc. to designate a Hudson River Greenway Trail, and

WHEREAS, the Village of Hastings-on-Hudson manages, owns or holds an easement for a community trail which will enhance the opportunity the public has to appreciate and support the preservation of the historic, scenic, cultural, recreational and natural resources along the Greenway Trail, and

WHEREAS, the Village of Hastings-on-Hudson requests that 575 feet of the Quarry Lane Trail be designated as a connector trail as part of the Hudson River Greenway Trail System, now therefore be it

RESOLVED: that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson requests designation of the Quarry Lane Trail as part of the Hudson River Greenway Trail System.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Trustee Swiderski: Lee, it seems to be a good moment to mention that next Saturday at 10:30 a.m. we have the dedication of this trail.

Mayor Kinnally: Yes, we will have people from the Historic River Valley Greenway. It is 10:30 at the Aqueduct Trail.

Trustee Quinlan: It is going to be at the Aqueduct, at the beginning of the trail, which is at the south end of the quarry at the Aqueduct where the tunnel originally goes underneath. There will be parking right there, right before the quarry at Aqueduct Lane, and then you can walk. It is probably less than 100 yards to where the ceremony will take place.

Mayor Kinnally: Great, 10:30 on Saturday.

Trustee McLaughlin: Mayor, I would also like to add that this Saturday is the Great Hudson Valley Ramble, I think it is called. It is all up and down the Hudson Valley; places where there are trailways are having all sorts of guided walks and unguided walks and all kinds of special events. If you check your newspaper for weekend events you can find something wherever you feel like going somewhere in the Hudson Valley.

73:07 ADOPTION OF LOCAL LAW NO. 4 OF 2007 – FLOOD DAMAGE PREVENTION

Mayor Kinnally: The attached is a multi-page document. I am not going to read it.

Village Manager Frobel: It has appeared on our Website.

Mayor Kinnally: It essentially updates what we have had in place for a number of years.

Village Manager Frobel: That is right. Federal law requires that municipalities participate in the National Flood Insurance program. Part of that is adoption of a local law. As the Mayor indicated, we have had one since the 1980s. The state and federal government, and county, has required an amendment, an update, to that law. With changes in technology, they have been able to better identify those areas that are at risk to flood hazard. What this law does, which was submitted to us as a model and adopted as such, designates certain standards to be followed in new construction in areas so noted as being in the 100-year flood hazard zone.

Mayor Kinnally: All right, any comments or questions from the Board?

Trustee Goodman: I had a couple of questions. One was, this is the basic package that we were given. But there is also the ability to adopt additional provisions. From what I understand, the additional language would make the requirements more stringent, but safer for buildings being built in the floodplain. If we adopt the additional provisions there is a

possibility of having residents who live, or remodel, in flood zones to have lower flood insurance. So I do not understand why we did not discuss this or consider it.

Some of the provisions, frankly, I do not understand. Perhaps we need an engineer to help us. I was going to ask, if we are going to pass the basic law, if we can go back and amend; if it is advisable to use the additional language that will make flood insurance lower. If it is feasible, it makes sense.

Village Manager Frobel: Here is what I have found out since you and I spoke. You suggested we pursue this a little closer, and I agree we should have probably spent a little more time on this. I took comfort in the fact that it was really replacing an existing law, but there are some technical nuances that we could pursue. I did contact FEMA today and had a lengthy conversation with a staff member. Of course we can amend a local law at a later time. That is not a problem. The main thing is to get this model law in place with the deadline.

Having said that, the Village is not a member of the FEMA community rating system. Part of these five additional options really point to the fact that a community should belong, or if they belong, to this community rating system. The woman I spoke to was uncertain as to why Hastings-on-Hudson had never done that. She suspected because we are not a community in a high hazard risk area. In other words, the area that is in the flood zone is a very narrow area. If 40% of the community was at risk perhaps then we would pursue this community rating system, which would enable you to get these extra points for a homeowner to receive a further discount. In other words, it seems to be more a community like a Florida community or a community that is in a flood hazard type zone of a greater extent than we are. But we can pursue that. And you are right. The local options, as we talked, some apply to us. One of them, for example, is extra points if you do not build behind a levee or below a high-hazard dam, which we do not have.

Trustee Goodman: Yes, it does not apply.

Village Manager Frobel: Another one is that we promise not to build any of our critical facilities in a flood hazard zone which, of course, we would not. One, there is not land in the area to build. But even if we did, we would not build a police station or a fire station.

The other three are somewhat technical. They involve repetitive damage. You avoid building, or prohibit building, in areas that are continuously subject to flooding. So there are some technical things that we can look at, and we do have time to amend this at a future time, if you would like.

Trustee Goodman: Well, I thought it might be looking into only rising water levels, predictions for increased storms. We know that actually the fire department spends time pumping out houses along the Saw Mill River particularly, and I assume those homes are in this flood hazard area. Flooding is expensive, and if there is a way of helping out and it is not too difficult for us to get the certification, it would be, I think, a good thing.

Village Manager Frobel: Let me find out more about that to make sure that we are eligible. The woman I spoke to said that she was not that familiar with the program, but did verify for me that we are not a member of that.

Mayor Kinnally: She was not familiar with the program here in Hastings.

Village Manager Frobel: She was not, right.

Mayor Kinnally: All right, so we can always revisit it.

Trustee McLaughlin: Might this be something where, if Greenburgh is a member, we would be a member?

Village Manager Frobel: I do not know. I did not think to ask her if Greenburgh was in the community rating system.

Mayor Kinnally: But if we are part of the Greenburgh system, they have got a heck of a lot more flooding if you consider Elmsford and Ardsley. So I do not know how that would impact it. Anything else?

Trustee Goodman: Yes, I had one other question. There is a provision for waiver, which was on page 22, section 146-13. Our proposal was to have applicants for waivers from these provisions go to the Zoning Board of Appeals. I just wondered whether there should not be some discussion of that. Because I thought that our intention with respect to the stormwater management regulations was to put that with the Planning Board. This seems like it is building, it is water, it is engineering. To have two different boards learning, and having to get that learning curve and for our Building Inspector to have to bounce between two boards and the engineers we hire to help interpret these laws, it seemed to me as though it might be better to have one board deal with flood issues, storm and water issues. So I was wondering if there was some consideration of making it easier. I mean, we have had people come here and complain about the fact that this is not a user-friendly system, and this seemed to me maybe a way in which we could simplify things.

Village Manager Frobel: I agree that may make good sense, but Marianne does not.

Village Attorney Stecich: I was just going to say that, if you recall, that was one of the issues I raised in my memo in July. The reason I drafted it as the Zoning Board is, under the current law it is not the Zoning Board. In the 20-some years I have been representing the Zoning Board nothing has ever come before the Zoning Board on that. But that would be the sort of change that would be easy enough to make but, again, could be done.

Trustee Goodman: It is just that you offered that and we did not respond to you.

Just the last point is, if we are bypassing this law and someone does renovations, repairs, or buildings, and they do not comply with the law, there are penalties and fines. Marianne questioned whether the fees set in the statute were too low, and we did not discuss that.

Village Manager Frobel: I posed that question to the staff member at FEMA. She did not have a sense. She is going to survey communities for us.

Trustee Goodman: Okay, great.

Village Manager Frobel: She did point out that in a couple of communities in the northern part of the state 250 seemed very high to them. I indicated that, of course, our goal is not to penalize, but to bring about compliance. But she would survey for us, and find out what others are charging.

Trustee Goodman: Thank you, Fran, for looking into that.

Mayor Kinnally: Okay, any other comments or questions about this?

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 4 of 2007 amending the Code of the Village of Hastings-on-Hudson, Westchester County, New York, Chapter 146 Flood Damage Prevention as follows:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Chapter 146 of the Code of the Village of Hastings-on-Hudson is hereby repealed and replaced in its entirety with the following as attached.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

1. Kinnally Cove Bids

Village Manager Frobel: I have a couple of things I just wanted to inform the Board on. The Kinnally Cove project is now out to bid. We have a site visit with interested bidders tomorrow. There has been some interest, not a lot. We have compressed the schedule somewhat, so we are scheduled to open bids on the 26th of the month. But if I do not get a lot of bidders, or sufficient bidders, I may try to extend that a little bit. Our goal is to have as many contractors in this project, to get good prices, as we can. So site visit tomorrow, and bid opening on the 26th.

As discussed, we have arranged it so that there is a base bid, and there is a deduct for landscaping and development of the marsh area. There is a deduction for the kayak boat launch, if we choose not to do that. And there is a separate price for the wake deflector, that wave fence, that we talked about. So if we eliminate any of those items, we will still have a project.

We also bid the project with unit prices. So that if we are able to use, say, that stone that we saved from the Community Center excavation we would be able to use our own product and perhaps save some money there.

2. Consolidated Edison Tree Trimming

Village Manager Frobel: The second item, the tree trimming program with Con Ed is nearing completion. We understand that they are finished with all tree trimming in the Village with the exception of three separate locations. It involves private trees and negotiations with homeowners. So there are trees that Con Ed would like to trim and they are, they being the company, still negotiating with the homeowners to bring about agreement as to the extent of the work. So then after that they should be finished.

There are still some areas in town where they have to go back with a larger piece of equipment to pick up the logs that are left on the side of the road. Although they have picked up a lot of them, I do know there are still some areas that they have not removed all of the logs from. But they have not lost track of that. They will be back.

3. Trailways Map Reprints

Village Manager Frobel: The third item, I just wanted to mention to the Trustees that you received your update to the trailways map. That arrived late last week. That is the reprint. As you know, we had asked for a grant for that reprint. We were not successful in getting that, but ARCO has funded the reprint of this and we have given them some credit on the front that this reprint is provided by the generosity of the Atlantic Richfield Company. As you know, this is a very popular map. The first printing went out pretty quick. We have been short for awhile, but now we have sufficient copies and I hope everyone will stop by and pick up an update and make good use of it.

That is everything I had, Mayor.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: There are two things. We usually start with an update on the waterfront and an update on the comprehensive plan committee. Those are two staples that we will have in the future. But let me just jump in and talk about an update on the waterfront.

I had reached out to Joe Sontchi of ARCO to get an update on where things stood with the testing. He sent me an e-mail. Let me read it to you.

“We completed 16 borings at the site. The borings were completed on Friday, August 24. Since we were so far ahead of schedule we did the 14 borings that we had originally planned and added an extra two borings, one at the north end and the south end of the area, to give us a little extra coverage. On August 27 and 28 we installed a larger-diameter groundwater monitoring well near the existing well MW-12 (the well that contained the PCB material). I plan to sit down with our consultants, Haley and Aldrich, and go over all of the information next week. I will give you an update once I have had a chance to sit down with them and look at the information that we collected.

I had some correspondence with the drilling company last week regarding the offshore work, and hope to finalize the details in the near future. Once I get things finalized I will let you know.”

I am going to follow up not only with Joe, but also with George Heitzman of the DEC to get his independent report to see if things gibe. But my experience in the past is that as far as the drilling and the well monitoring, etc., the stories are fairly consistent. So if I have anything in addition to this for next week’s meeting I will report on it. If not, it will be the first meeting in October. I am pushing them to complete all of the drilling in the river so we can get moving with the PRAP.

2. Comprehensive Plan Committee Report

Mayor Kinnally: We announced the members today. There was some private discussion among members of the Board about having a meeting on the 25th, and I guess part of it is coordinating not only with the committee but also with staff on availability. But let us see what we can do. I think maybe we should ask around of various members to see if they are available before we schedule the meeting but, certainly, the sooner the better. But let us see what we can do, and I assume with the Community Center open now we have plenty of meeting space so we are much more flexible in that regard.

Anybody have anything on the waterfront or the comprehensive plan?

Update on the Waterfront (continued)

Trustee McLaughlin: Actually, I am curious. Can you refresh my memory of this about the waterfront, Mayor? How long is the monitoring going to take once the wells are dug, or bored?

Mayor Kinnally: I don’t know.

Trustee McLaughlin: I mean, are we looking ahead a year? Are we looking at six months, five years?

Mayor Kinnally: For what?

Trustee McLaughlin: Until they have test results.

Mayor Kinnally: Oh, no, they have the data right now. They were going down with those wells to pull out the material, so they were not expecting that there would be a lag time in assessing what was in those wells. They know what they are looking for.

Trustee McLaughlin: So in other words, by November we may be able to move ahead one step?

Mayor Kinnally: Yes. The question is, how big is that step. I don't know if they will be finished with the river component. See, they need both components to go back to the DEC to finalize the design for the remediation. This is really addressed to the question of can they move the bulkhead out a bit. And depending on what they find, if that DNAPL material is there they do not want to drive the piles into the basal sand. So that is what we are waiting on. I do not have a timetable. That is basically what I am trying to find out from Joe and from George Heitzman.

Trustee McLaughlin: Well, is this the time, then, to consider the request for extension from the preservation committee, as long as we are talking about the waterfront?

Mayor Kinnally: I guess we can, sure.

3. Request for Extension - Waterfront Preservation Committee

Mayor Kinnally: There is a request to extend what the Waterfront Preservation Committee is doing. What is the sense of the Board? The end of the letter for this: "We hope that you will favorably consider our request for an extension of our mandate for an additional year to September, 2008." That is from Stu Cadenhead, the chair of the Hastings Waterfront Preservation Committee.

Trustee McLaughlin: Well done, Stu.

Mayor Kinnally: So what is the sense of the Board?

Trustee McLaughlin: A year?

Mayor Kinnally: Yes, until September, 2008.

Trustee McLaughlin: Can we actually give a year? I mean, do we know where ARCO will be a year from now? I love the idea.

Mayor Kinnally: It does not stop ARCO from doing anything. ARCO is not free to do whatever it wants to do anyway. It has to coordinate with the DEC and they have to come out with the PRAP, and then the design guidelines have to be completed. So they are not going to be having a shovel in the ground in a year.

Trustee McLaughlin: Okay, do we need a resolution to do this, then?

Mayor Kinnally: I don't know. How did we set it last time?

Trustee McLaughlin: We did have a resolution to establish it in the first place, yes, for 12 months.

Stuart Cadenhead, Hastings Waterfront Preservation Committee: It was a sunset clause.

Mayor Kinnally: All right, is there a motion to extend that sunset clause?

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski the motion was approved to extend the sunset clause for one year.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Mayor Kinnally: Stuart, are you going to get a report to us?

Mr. Cadenhead: I have an interim report. What you just mentioned about ARCO extending the schedule was sort of the impetus for us to ask for more time. Let me just hand this out.

Trustee McLaughlin: Would this probably be put on our Website?

Mr. Cadenhead: I would rather we have time to design it a little more. This is just something to give you in the meantime.

Trustee Quinlan: Some late-night reading?

Mr. Cadenhead: Yes.

Mayor Kinnally: All right, I thank you.

4. Request to Purchase Village Property - Paper Street at 162 Warburton Ave.

Village Manager Frobel: You have in your packet a letter from the family that is interested in purchasing this property. I believe the homeowner is here this evening. He wanted to make a presentation for the Board to discuss it.

Trustee McLaughlin: Excuse me, Mayor. I asked you this afternoon if we could possibly, before we hear Mr. Anuszkiewicz's presentation, discuss the procedures that we use to dispose of Village property.

Mayor Kinnally: Sure, I'm sorry. Yes, of course, go ahead.

Trustee McLaughlin: Three times in the past several months questions of paper roads have come up before this board. The first was the matter of Christie Terrace. The builder of 45 Main Street has been using Christie Terrace for a year-and-a-half to store his building materials and equipment. We learned a couple of months ago that he had been given permission to use that land and close it off, and that the Village had not charged him. So led by Trustee Quinlan, we voted to have this company pay for the use of the land.

Then the petitioners who wanted a change in the use of their property on Warburton Avenue had hoped to pave part of paper Ridge Street and build a garage back there. Now, they withdrew their petition for that use, but since individuals in the Ridge Street neighborhood have begun to use Ridge Street as parkland we could have anticipated some long public discussion about the alternate possible uses of Ridge Street.

So now we have before us a request for the property that you see on this map here, which is a paper road called, I believe, Glen Drive. It runs from Warburton up to the Aqueduct, and the property owner whose property is bisected by that road wants to buy it.

In thinking about these three requests to the Village for the use of land that the Village owns, I was curious about the way that we dispose of public property. In my 21 years in Hastings, paper roads have been sold and they have been used, and a request to buy them has also been denied. There did not seem to be any policy as to why the Board chose to act in a particular way. In particular, Ridge Street was one thing that came up, and was very dear to my heart. I live near Ridge Street. It is a very densely populated neighborhood that has no parkland.

Personally, I was sympathetic to the people in the neighborhood who were resistant to having that piece of erstwhile parkland paved. It also seemed to me that because the Village owns these paper streets they were presumably platted out when these neighborhoods were developed. And at some point the developer transferred ownership of that land, which is like an implied easement, to the Village. But it has never been paved. It may have trees growing on it, it is not maintained in any way. But nonetheless we own it and we could do things with it.

Our community is only going to get more densely populated, and do we want to be put in the position of not having a policy for dealing with this land? Because here is what happens if you do not have a policy: the land just sits there. We may or may not know that we own it. I am not aware that we have an inventory of that land. Perhaps we do, but nobody seems to know where it is. And if somebody comes and asks to buy a particular piece of land, the Board then decides that that land can be sold and offers it for sale. In effect, you are selling into a buyer's market because you are only selling that piece of land and you are selling it because one person wants to buy it. And you are not making a decision of how to dispose of all the Village's property. So I thought it might be useful for us to have a policy for what we do with our paper streets, with our pathways and so on, if people want to buy them.

Now, I had hoped to come in here tonight with a draft resolution, and what I thought would be useful is to have a resolution that said that for three years we would not sell, or give away or otherwise dispose of, paper roads, pathways, or any other Village-owned property. A lawyer friend told me that I could not write such a resolution because he tells me that the Village cannot restrict its own future behavior, even with a finite period of time like three years. So I have discussed this with some of the other Trustees. They understand sort of where I am going, but this question of the fact that we cannot restrict our own behavior, we cannot, apparently, pass a resolution that says we will not sell paper roads, we will not sell paper streets. I am curious to hear a discussion, what other suggestions, how else we might do this. I think this is something we should put over to the comprehensive planning committee. They should inventory the land that the Village owns and propose possible policies that we might set into place. They might even say, for instance, that we should not sell any more paper roads or pathways; we should give them all over to our trailway system. Ridge Street, for instance, would connect with the Quarry Trail if you pursued it far enough. So I am just curious to hear if any of the other Trustees want to weigh in on this.

Mayor Kinnally: Just a few things. There was no garage that was part of the Ridge Street thing.

Trustee McLaughlin: Garage? I thought they wanted to build a garage on their property that they would access through Ridge Street.

Mayor Kinnally: No, they were simply going to have a parking area back there.

Trustee McLaughlin: Okay, whatever.

Mayor Kinnally: And the parking area was part of the turnaround area.

Trustee McLaughlin: Right. That does not really affect what I was thinking.

Mayor Kinnally: And let me tell you, Ridge Street is not an erstwhile park. It is an unimproved extension.

Trustee McLaughlin: Well, the people in the neighborhood treat it like parkland, but actually that does not really matter. The fact of the matter is that right now it is not paved, it has got trees growing on it, it can be used as a walkway. And once it becomes paved it becomes a totally different kind of amenity.

Mayor Kinnally: Well, I agree. We are not talking about that tonight. We are not talking about paving it.

Trustee McLaughlin: No, we are not.

Mayor Kinnally: We do not give away any of this property.

Trustee McLaughlin: But we have certainly sold property.

Mayor Kinnally: Yes, we have, and we have had many instances when people have come to us over the years asking for pieces of property. It goes to public auction, and in many instances we have not sold it because the people do not like the terms and conditions that the Village gives. And we can restrict, as we have in the past, how that property can be used: whether it can be built upon, whether it can be improved, paved, etc.

Village Attorney Stecich: One other important thing, Mayor, and this really goes to what is the policy on it. Before the Village can sell any property it has to make a determination of whether the Village may have a use for it or not have a use for it.

Trustee McLaughlin: Oh, I know. That is very clear. Susan provided us with the memo from January 4th, 1999. It sets forth what the New York State village law is in terms of disposal of property, and then it explains what the village procedure is. We all understand what that procedure is.

Village Attorney Stecich: No, but I think it is important for the public to understand that its procedures are part of its policy, and you do not just sell property because you could get a good price for it. First, there has to be a determination that the Village would have no need for it. And actually, that has been a big basis, as far as I can see, for rejections. Because things have come up before. I remember something coming before the Planning Board not long ago, and their recommendation was that it not be put up for sale because it could be used as a trailway. So actually, over the years, I have seen probably more rejections to people who want to buy it.

Mayor Kinnally: Diggitt, I do not know what you would like to do. Do you want to table this?

Trustee McLaughlin: Well, I would like no action, or refusals with one possible exception, to request to purchase paper roads, until the Comprehensive Planning Committee has inventoried the land and provided us with a report for it. Because planning for the future use of Village property is certainly an important function of the Comprehensive Planning Committee.

Mayor Kinnally: Well, I think we do have identification of paper streets, do we not, Susan?

Village Manager Frobel: Oh, I am sure we do.

Mayor Kinnally: I think we do.

Trustee McLaughlin: Well, I asked Angie about it, and she did not seem to be very certain about it. There certainly is not anything in the library.

Village Manager Frobel: There should be, but you are right. A comprehensive plan study would do an inventory of all Village-owned assets: real estate, streets, easements, rights-of-way.

Mayor Kinnally: So are you suggesting a moratorium?

Trustee McLaughlin: Peter made the point to me that it is not really a moratorium because a moratorium exists if we restrict the use of land of property owners in the Village. But if we restrict the use of our own land it is not a moratorium.

Mayor Kinnally: Essentially what you are saying is you want a hold on any applications.

Trustee McLaughlin: Well, I had wanted it three years just because that seemed like a good time. Or until such time as the Comprehensive Planning Committee inventories it and comes up with a specific policy that may include incorporation of Village land into the railway system. Or something like that, yes.

Mayor Kinnally: Marianne, what do you think?

Village Attorney Stecich: I share the concern of whoever your lawyer friend is, but I guess maybe I do not understand. You always have the right to say, No, we are not going to sell it.

Trustee McLaughlin: Right. But the fact is that you have the right to say no, but you do not have a policy that says, Right now we are not doing this. So it becomes a case where every decision is an ad hoc decision, in a sense, and property owners, well, people who do not own property in the Village, could be sold property and be told, Yes, that is a paper street, but the Trustees will sell it to you. Whereas if we have a policy in place that says for three years we are not going to, that cannot be misrepresented to new property owners. And people who are planning what they are going to do with their property will bear in mind that there is this thing, and that will not be something that they will entertain for awhile.

Trustee Goodman: May I be heard? I agree with Diggitt. I do not want to put words in your mouth, but what you might be searching for is criteria, or values, put on the property for a particular use. I think that the comprehensive planning would do that. But until we have land use goals laid out, which is what the comprehensive plan will do, that will help when applicants want to decide whether they are going to approach us or not. So I think this is a worthy endeavor, to have a policy. Once again, if we are going to try to make government more user-friendly, having it laid out in a document somewhere what the policy is we value these pieces of property that either become trails, or used for recreation, or some other public use, people will not be confused about it or maybe waste the time or spend the money to do applications. Because they will know up front, well, the Village is not going to pave over this road, or it is not going to let us use this road, this is our policy. And that would be for the comprehensive plan.

But I think it may take more than two years to do the comprehensive plan, so in the interim I think what Diggitt is looking for, it sounds like, is to have at least an understanding of some sort that we do not want any more ad hoc decisions. I think in the past it is some get sold, some do not, walls get built.

Mayor Kinnally: Every application is an ad hoc decision.

Trustee McLaughlin: Well, we are trying to avoid that. I mean, I do not think it serves us well.

Mayor Kinnally: But it is in the nature of how you dispose of property. And when we say dispose of property, first of all I do not remember any paper street being paved over.

Trustee Goodman: Christie Terrace.

Mayor Kinnally: I think it is being used right now. I do not know if it is being paved over, is it?

Trustee Goodman: It is going to be paved at the end of the project, and it is going to have a wall built.

Mayor Kinnally: It is going to be improved, that is right.

Trustee Goodman: And all those things are going to be given over to us that we are going to have to maintain, which is a whole nother issue.

Mayor Kinnally: You know what? I understand when you want to take a look at something comprehensively, but I do not know if you want to unduly restrict a board. It is one thing to say that it is user-friendly, but it is another thing to say to the property owner, No, you do not need to apply because we are not even going to entertain it.

Trustee Goodman: I am just saying there should be guidelines.

Trustee McLaughlin: But, Mayor, the point is not precluding this forever and ever, but doing it until such time as the comprehensive plan is done. And at that point presumably, because we have it inventoried, because the comprehensive plan will create policies for land use through the Village, then this will happen. There may be, for instance, I can imagine, the comprehensive plan; since I do not know where the public land is in the Village, it is entirely conceivable to me that, like New York City, the Village of Hastings-on-Hudson owns odd little 10 by 10 triangles here and there, and so on and so forth, and we do not know. I mean, a small triangle of land does not do us any good. We might as well sell it. So at such time, however, we would have an auction of all of our land rather than selling it because one person wants to buy it, and then at auction that one person is the only buyer. But the thing is, if the Comprehensive Planning Committee suggests that, it is in the context of planning for the entire Village.

Mayor Kinnally: Okay, I would caution you that the last thing you want is to have a wholesale auction of our property.

Trustee McLaughlin: I did not say that I wanted a wholesale auction of the property, but I said that it is within the realm of reason that a comprehensive plan could say any parcel of land that is less than 100 square feet can be auctioned off. For instance, I am not recommending that, I do not know where the parcels of land that are less than 100 square feet might be, but it is conceivable that that would happen. What is of concern to me is the parcels of land that are under paper roads and pathways that provide spokes in our transportation system, and can be pathways because they connect other pathways.

Mayor Kinnally: I agree. And where that happens, generally the approach of the boards has been that the current use would continue unfettered.

All right, let me hear from the rest of the Board. Peter?

Trustee Swiderski: It is a tough one. Because I look at the Board discussion, and I guess here is my dilemma around the comprehensive planning process. We have begun to engage in this process, but I do not know if we can stop on any number of planning initiatives, such as the traffic study or the LWRP, or this, or the large capital projects underway. Conceivably, they all wrap into the comprehensive planning process and we do not know how long that process is going to run. And we do not know if it is a two-year process or a ten-year process. It has been 10 years in some communities; it might be three or four years. I do not know if I am prepared to advocate a policy-making function on our end for that as-yet-undetermined period of time.

Trustee McLaughlin: That is why I sort of imagined this as being a three-year resolution. Because three years has a foreseeable end. And if you are a property owner, and you have covetous eyes for a piece of public land near your property, three years is a livable piece of time. You know, it just is not permanent. I mean, three years does go by fairly quickly.

Trustee Swiderski: No, I understand. My concern is, it is the waiting-for-the-bus syndrome, in that three years will go by, and this is what happened on the 9-A project when we had one moratorium after another. The problem with these moratoria is, after three years the comprehensive planning process may not be done and it may look like it is just one year away. So we will give another year extension at the end of that year. So this could very easily blossom into an abdication of responsibility on our end for five or six or seven years. And a restriction, it is not on property rights per se, but on the possible choices of homeowners in this community to try to seek something that might make sense.

You know, my feeling is that there is probably not enough of these disposition issues that come before the Board. Right now it might feel that way because we had a burst of three. But I suspect if we did a survey of the literature it probably averages out to a couple a year, and I personally do not find that onerous. And I think the mindset on this Board is of the sort that it is going to closely mirror the value the community places on certain types of Village property. So without jumping the gun and discussing the particular proposal on the table before us, the nature of our discussion around this I think would be thankful and respectful of what the Village rights are. And I do not know if deferring it by three years or five years or eight years or whatever it might be is fair to the property owner who has come before us and is necessary. I think it is part of our charter, and I do not need to abdicate that for three years.

Trustee McLaughlin: Mayor, may I go on to sort of move ahead, away from this, to what it occurred to me we might offer the resident who is coming in tonight?

Mayor Kinnally: Well, we have not even heard from him, so maybe it is a bit presumptuous to offer him something if we have not heard from him.

Trustee McLaughlin: All right, but instead of simply saying absolutely not, we are not going to entertain this, I did have a further thought on the material that came to me in the packet.

Mayor Kinnally: I do not want to say you cannot have that, but I think logically it may be more appropriate to hear from him and then you can react to it.

Trustee Swiderski: Jerry, do you have a sentiment here?

Trustee Quinlan: At this point I have no comment. I would like to hear from the applicant.

Adam Anuszkiewicz, applicant - 162 Warburton: A couple things that I should point out about this application that you mentioned which are not true. One is that this particular paper street does not access the Aqueduct.

Trustee McLaughlin: According to the map here it does.

Mr. Anuszkiewicz: Well, you have to look at the property lines. Because there is a portion of it that goes over the ramp, but that is only a portion of it. Then it dies before it goes up to the top of the ramp, and it becomes our property again. So actually there is no way that the Village could ever access the Aqueduct with this particular paper street. In fact, this

particular paper street does not access anything the way the property is platted out and the property lines are drawn right now. That is one thing.

The second thing is, I only really know about this paper street because it is on my property. But it is not fair to say that they are not maintained. They are maintained by us. One of the principle issues that we face with this particular street is that it is not paved and it erodes severely because of the steep slope on our property. That is something that we are trying to address, but something that we also had to address financially twice this past year. We have had to lay down dust on top of that to stop the erosion, to stop the street from simply pouring out into Warburton Avenue. You can talk to the sanitation department and they will tell you that every Monday morning when the street cleaners come through they basically are cleaning out a pile of rubble at the base of this street, which is from the erosion there.

So I think that it is important to realize those two things about this application. That we are not talking about something the Village can use to access the Aqueduct, and that there are maintenance issues that we have to bear. And a moratorium for three years means that we will have to bear that for three more years. In particular, I do not understand that if the goal is only to buy time. I think if the Village has an idea about paper streets and they want to identify a policy, that may be one thing. But if they do not, and they are just, in effect, taking time to kind of think that through, I question the value of that. I think it is really just kind of putting off a decision on something, and in the meantime it continues to grow over with weeds, to erode, to look terrible, in my case. And I know this is not the case with every paper street, but for my property that would really just be a mess effectively.

Trustee McLaughlin: In fact, I walk by your house several times a week so I know about your erosion, which is why I thought there has to be a better answer than the way that it currently is. But can you show us exactly? Because the paper street, I remember when I moved to Hastings there was a paper street that went all the way through to Pinecrest and I thought it was this one. As I recall, this had gone up on the ramp and then somehow wound up over on Pinecrest. I do not know how it did, but it did.

Mr. Anuszkiewicz: What happens to this, these are two sides of our property and this is the stone wall of the ramp which is on our property. We also have to maintain that ramp, so we are also responsible for that. Anybody who is coming, walking up, this pathway is actually going to go off of Village property at this point, onto our property, and then onto New York State property before they reach the Aqueduct. Because this is actually the Aqueduct; this is the ramp that takes you up.

Trustee McLaughlin: What is the New York State property if it is not the Aqueduct?

Mr. Anuskiewicz: It is the Aqueduct. That is what I mean, right there.

Trustee McLaughlin: I see. So in other words you go onto Aqueduct property, then back onto your property?

Mr. Anuskiewicz: No. If you are going to go on Village property there is no way to access New York State property without crossing our property.

Trustee McLaughlin: What I had thought might be something to explore about this is that, obviously, Glen Drive as it currently is disposed is no good to the Village. And it is right beside your house so people would not be keen on using it as a walkway. But having another access to the Aqueduct, especially since we are so close to the Fred and Louise Hubbard Trail here by the gully, if there were some way that we could have a property exchange, have we ever done that, Mayor?

Mayor Kinnally: We have exchanged property. We exchanged what our DPW is on for the property that the Newington Cropsey Museum is on.

Trustee McLaughlin: Right. So that Mr. Anuskiewicz could have the driveway seeded over and sort of treat his property properly, but that over here to the southern end we could have a walkway that went up and accessed the ramp and got onto the Aqueduct.

Mayor Kinnally: I do not know who owns that property. Who owns lot 3? Do you own lot 3?

Mr. Anuskiewicz: No, that is my neighbor. I own 1, 2.

Mayor Kinnally: And 4, 5, right?

Mr. Anuskiewicz: So on 4, for example, there would be a walkway.

Trustee Swiderski: At the southern border of 4, right?

Mr. Anuskiewicz: Right.

Mayor Kinnally: You could always work out an easement, I guess.

Trustee Swiderski: So the driveway would effectively be swapped for a piece of land that would border it.

Mayor Kinnally: No, you would not even have to swap it. You could do an easement, a permanent easement to the Village.

Trustee Swiderski: Along the border...

Mayor Kinnally: Of lot 4. It is feasible. I do not know what the topography is there.

Mr. Anuskiewicz: It is a steep drop. The lot is a greater than 45-degree slope down to the creek.

Trustee Swiderski: What about lot 4?

Mr. Anuskiewicz: Lot 4 is our property.

Trustee Swiderski: Well, yes. That is what we are talking about.

Mr. Anuskiewicz: Yes, that is where it starts to slope. And lot 4 cannot be accessed easily off of Warburton Avenue. I think basically what you are proposing is a lot more complicated than the terms right now. There is no access to lot 4 because of the slope.

Trustee McLaughlin: Where does the parapet for the bridge end in terms of the lot 3-lot 4 line? Because obviously you cannot go from the bridge onto the property, but you could go beside the bridge onto the property. But where does that parapet end?

Mr. Anuskiewicz: I am not sure exactly, but I know it is south of lot 4. So it is probably either along the lot 3 line or even further to the south. But our lot 4 starts dropping away from Warburton Avenue, and then lot 3 becomes a very steep drop. So somebody cannot just hop off of Warburton Avenue and have an easement along the south edge of our property. That would start to get pretty involved. Then I think that would be something which we have to consider because that would create a lot of traffic, basically, through, or very close to, our property here. I am not sure. You know, there would be issues with safety and security. And then the stone retaining wall, you would have to put up a fence there because it is really very high.

Trustee McLaughlin: I have to tell you that where I used to live my husband and I actually re-landscaped our property to encourage people to walk out of the woods across our property. It was never really a hassle. It may seem like it will be but, in fact, it just isn't.

Mr. Anuskiewicz: I think I would prefer to not have that situation. I would prefer that you would consider letting us acquire Glen Drive and letting us maintain it and letting us pay taxes on it. That would be my preference.

Mayor Kinnally: That's all right. The tax part is fine.

Trustee McLaughlin: The tax part is great.

Mayor Kinnally: You know what? It is awfully difficult to negotiate this, or even discuss it, because there are so many ramifications to it. You know, Mr. Anuskiewicz has an application before us. I think, in all fairness, we should discuss the application. If the Board says no to the application, the Board says no to the application. But in fairness, there are useful alternatives. What is the sense of the Board? What would the Board like to do with this? And it is not a final decision we have to make tonight, but if the Board doesn't want to entertain it I do not want to waste either the Village's time or resources nor the applicant's time and resources. You know, it is not like he is coming in and saying, I am going to put blacktop on this. Are you going to blacktop it?

Mr. Anuskiewicz: I would like to. I do not know if it is blacktop, but there is erosion. So even if it is Village property, something has to be done. I am resurfacing it with coriglass every six months, which is washing away.

Village Manager Frobel: It is like a stone dust.

Mayor Kinnally: Yes, I know what it is.

Village Manager Frobel: We could build even an apron.

Mayor Kinnally: So what is the sense of the Board? Danielle, what would you like to do with this application?

Trustee Goodman: Well, I walked the property, but I was confused, obviously, because it was not staked out. I did think that there was a way of getting from the Aqueduct. I did not find it to be really dangerous or steep. And I had a hesitation about the application because just from even an emergency standpoint of the Village, once you are on the Aqueduct you are on the Aqueduct. If someone gets sick or needs to get off quickly, this, to me, seemed like a good egress to get back down to Warburton and the sidewalk.

Mr. Anuskiewicz: It would have to be maintained. It would not be good to try and carry somebody on a stretcher right now down there. It would be inaccessible.

Trustee Goodman: No, I am talking about the situation where someone feels ill and they can walk out, or get down to the sidewalk.

Mr. Anuskiewicz: It is not passable.

Trustee Goodman: I don't know, I walked it. But I was confused. I thought that this trail behind your house, or off the Aqueduct and behind your house, was part of the Village property. I felt that the land was valuable and that we should not give up egress from the sidewalk to the Aqueduct just from emergency standpoints and whatever. But if you are saying, and it is hard for me to read this map, that absolutely we have no right to walk across there I guess I have to understand that from the attorney and go walk it again, and understand that you are saying that we could not do a land swap. Because to me, that would have been a good resolution. You would get your driveway and your land intact, and we could have an edge of lot number 4.

Mayor Kinnally: But I don't know what we are getting. I do recall it does drop off there, it certainly does drop off there. There is no direct access from the street to that edge of the property.

Mr. Anuskiewicz: There could be an easement from lot 3. I do not see what the difference is between 3 and 4, and you own 3.

Trustee Swiderski: Three is your property, is it not?

Mayor Kinnally: It is your neighbor's property. We do not own it.

Trustee McLaughlin: It probably belongs to Graham Windham?

Trustee Swiderski: Who knows, but it is not something we can horse trade over.

Mayor Kinnally: If it is not ours we cannot.

Trustee Quinlan: I was not, and I am still not, sure, although I am not doubting you. Until tonight I thought that Glen Drive connected to the Aqueduct, and we will have to do some more research on that so that we can get our own evaluation of that.

Having said that, I am not philosophically in favor of selling any Village property at this point in time. But having said that, if you want to offer me six figures or something like that, then maybe we could buy the ambulance with it. Because it seems to me that you bought

this land knowing that this paper street was there. It has been there for a long time. I knew the woman, and the family, who owned the property before you. I think that it would make your property a lot more valuable to have it joined up and be one continuous, rather large, lot. It would be over 112 feet long along the road, which is large by my standards. So are you offering six figures?

Mayor Kinnally: Jerry, we are not going to get into that.

Trustee Quinlan: Well, why are we talking about it then?

Mayor Kinnally: You asked me a question, which we are talking about it.

Trustee Quinlan: I did not ask you. You interrupted me.

Mayor Kinnally: We cannot talk about a price. It goes to bid.

Trustee Quinlan: Okay, if we cannot talk about a price, then I am wasting my time talking about it. Because how can I talk about selling a piece of property if I do not know what the price is?

Mayor Kinnally: Because what we do is make a decision as to whether or not we want to put the property up for sale, then we establish an upset price, and then we go to public bid. That is the way we do it. And even if it was to discuss a price, we do not do that in public. That is for an executive session under acquisition or conveyance of real property. So I am not going to talk about how much money we are going to get from anybody because we cannot sell it to him, we could not agree tonight to sell it to him. We are disposing of property, and we go out to bid. It may be that the only person who wants to bid on it is him, but nonetheless we establish a price in executive session after consultation with counsel and with our assessor and then we have a public auction.

Trustee Quinlan: Are you finished now? Here is the problem with the process, okay? The property is a lot more valuable to him than it is to anyone else bidding for the property. Who is going to buy a 12-foot piece of land that goes up in the middle of his property for any kind of price? It is worthless to anybody else almost except for him. That is why the process that you described is foolhardy.

Mayor Kinnally: Then we will talk to Albany about it. The upset price is the minimum bid.

Trustee Swiderski: And is the upset price a price that is published ahead of time so it is clear what the floor is?

Mayor Kinnally: I believe so, yes.

Village Manager Frobel: Yes, it is part of the bid package.

Trustee Swiderski: So you say the Village is willing to set a minimum price of \$150,000, and then there is a quote, unquote auction. But essentially, that is the offer.

Mayor Kinnally: That is the offer.

Trustee Swiderski: Because of the simple fact that Jerry is pointing out. That ultimately there is no real auction here, it is going to be a single buyer, that upset price tends to be the price.

Mayor Kinnally: Yes, but we have had a situation, I can remember a situation, up on Southgate where we set an upset price and the guy refused to bid.

Trustee Swiderski: Oh, I have no doubt.

Mayor Kinnally: But it is not something that is done in a vacuum. We take a look at it, and part of what you are looking at is what is the enhanced value to the property. Now, we had a sale awhile ago where there was a condition on the sale that they could not use that property to join with an additional piece of property, an adjacent piece of property that the property owner had, to build another structure. A deed restriction on it.

Mr. Anuskiewicz: And also I should point out that the addition of that sliver of property to our lot does not make another buildable lot, so that is not what we are trying to do.

Trustee Swiderski: My own personal input here is, I am in accord with the other Trustees who see a value in any piece of land, especially like this, that provides a corridor. Whether it is existing now or not is of less interest. I can paint a picture in 30 years time where gasoline is \$100 a gallon and everybody is walking everywhere. These sort of thoroughfares turn out to be quite precious to us. So my personal willingness as of this moment to part with that is low. The suggestion that Diggitt was pursuing of some sort of swap, I myself do not know if I particularly like an easement. I think I would prefer a swap; suits my predilection for holding on to these spokes, as Diggitt referred to them. Because they potentially, one day down the road, could be quite valuable.

So my preliminary sense is, even if we were to set an upset price of \$150,000 or something very nice and sweet and high, I am not sure I want to. I think right now I would be inclined

to take a look at the property and understand. I also went by, and I thought there was a walkway there, a straight access, as well. Understand if the swap could enable an access. If you come up from Fred Hubbard's Trail under that bridge, I have always had hope one day that you could somehow build a staircase and head off up to the Aqueduct from there. And that could conceivably travel along this easement that we would be talking about, or swap. Regardless, I myself would prefer to pursue, as a Board, an option of swapping after we review whether that is a possibility.

Mayor Kinnally: Let me throw something else on the table. You do not have to swap. You can convey the property and get an easement back.

Trustee Swiderski: Easement on what?

Mayor Kinnally: On the property that you are conveying. It happens all the time.

Trustee McLaughlin: I do not think I want an easement on the property we are conveying.

Mayor Kinnally: Why not? If you want access to the Aqueduct, and you are saying there is no access now, I am not asking you to do this, but I am just saying, philosophically...

Mr. Anuskiewicz: I am telling you, there is not access right now.

Mayor Kinnally: But I am just saying there is no reason why you cannot convey that property and take back a permanent easement if they give it to you.

Trustee Swiderski: You know, I hear you, Lee, and I think that is a possibility if the alternative of a swap does not work out. My problem with that is fairness to the applicant. He built himself a driveway with nice curbing and flowers with no intention down the road of one day having the idle walker cutting in front of his...

Mayor Kinnally: That idle walker can do it right now.

Trustee Swiderski: But does not. And I am talking about a future where on a swap we might have a more formal path and it is not cutting right in front of his house on his driveway. Out of fairness to the applicant, if we are going to do this, I would like to first pursue the chance of doing it in a way that down the road would not be hugely inconvenient to him. I am quite sympathetic to the erosion issue here. He has a piece of property, he is suffering from its unimproved nature.

Mayor Kinnally: And the Village as an improvement is not maintaining it.

Trustee Swiderski: And I do not anticipate us paving.

Village Manager Frobel: We could address that. We could do an asphalt apron, 12 feet by 8 feet or whatever, to capture that so it does not pour out into the street. I was unaware of that situation. And with it could be some signage to make it accessible if he wanted people to access the trail that way. So there are some things we can do short term.

Trustee McLaughlin: It occurred to me last night, I went to a meeting in Katonah and there was an explanation of a new act that was passed that permits towns and cities to have bond issues for the acquisition of land. It does not permit villages to do it. But if New York is moving in such a direction that it is going to encourage towns and cities to buy open land for public access, I can see that down the road it may permit villages to do it. Or we might wind up doing it through the Town of Greenburgh. Something like that would permit us to perhaps, not the existing law but I can imagine a future one, raise money for the maintenance of a railway. I think everybody who uses our railway system kind of looks forward to that day. It is not going to happen now, but it could conceivably happen in the future. At such time, if we had property that we intended to use for that purpose, that is when we could improve it. And until that time it would just be there, but I think it would be nice for us to get away from his driveway.

Mayor Kinnally: Before we move on, Jim?

Mr. Metzger: I am pretty familiar with this area of the Village. I walk my dogs down the Aqueduct there. I just have a few facts to throw out, and I do not come on either side of the Board's deliberation. But in terms of emergency access to the Aqueduct from that area of the Village, there is now a paved driveway coming down. It is indicated as the Graham Windham service road.

Trustee McLaughlin: But it is on private property.

Mr. Metzger: Well, it is indicated as a trail here.

Trustee McLaughlin: Yes, but it is on private property, so they could sell it. Again, in the future we cannot depend on that for access or for anything else. Ten years from now it could be sold off and have a house built on it.

Mr. Metzger: Right. Okay, I just wanted to point out that there is already a paved road there. That may factor into this issue.

Secondly, to Trustee Swiderski's comment, if you come up along the Rowley's Bridge trail up towards the falls there is actually a way, as you go underneath the bridge, if you go just to the right, you can actually come up the bank and come up onto the Aqueduct. It is not a formal trail, but most of the dog-walkers that use that area will take their dogs down to the stream in the summer to allow them to swim. So that would be a fairly easy trail to cut in, mark a more formal connection coming up and around.

Trustee Swiderski: Do you know whose property that is?

Mr. Metzger: According to this map, I believe it is part of the Graham Windham property. But I do not know technically where their property lies in terms of whether it is within the easement of the Aqueduct trail. Because it does run right along the Aqueduct, so it may fall within the New York State property. Thank you.

Mayor Kinnally: Anybody else?

Mr. Simmons: Up until this point where the resident had a request for this property, how much interest did the Village have in this property, in maintaining it, and in creating it as part of our trailways? Up until this point.

Mayor Kinnally: None.

Trustee McLaughlin: I had no idea. My whole point is that we have no inventory of land that we own. If there are maps that the Town of Greenburgh has that indicate that some things might be paper roads, at least as far as I have been able to read them, it is not clear. People continue to tell me about paper roads that are not marked on that map. So that is why I think we need an inventory. I mean, you cannot control or manage an asset if you do not know it is yours. So basically what we have been talking about is the fact that since so few people know that we even own this land we have not maintained it because we do not have the money to do it. But we can imagine a future in which we will use this asset, and it will be valuable to us then.

Mayor Kinnally: Diggitt, a couple of things. First of all, there are maps that we have. I know Susan worked on something about paper streets and staircases, things of this nature. But we have not maintained this not because we do not have the money, but we do not maintain these streets. We have never maintained these. We have left them as open pieces of property.

Trustee McLaughlin: Well, it just has not been a priority in terms of factoring them into any kind of network.

Village Manager Frobel: Or a need.

Trustee Swiderski: If anything, they were much more heavily used in the more distant past. A lot of old timers say these paths were heavily used. And clearly they have decayed in many cases. But regardless, the one thing I am sensitive to is, you sell a piece of property and you are never going to get it back again. So it is a one-way diminution of the Village properties that we cannot undo, and only do that where we are certain there will not be a use. I have no doubt there are, as Diggitt referred to it, the 3 by 6 foot corners of streets, whatever, that I really could not care less about if we sold them or not if they finished off somebody's property nicely. This, however, I could see as a path and so I am a little bit more reluctant, a lot more reluctant.

Trustee Goodman: Can I ask a question? How are we going to determine...

Mayor Kinnally: That is what I was going to ask. What are we going to do with this? What is the sense of the Board on the application at this point?

Trustee Swiderski: I would like to ask the applicant if he would be willing to explore with us taking a look at the property and seeing if this sort of swap that Diggitt was talking about is an option; if that is something that you would consider. I know it is not your top choice, but it is a choice.

Mr. Anuszkiewicz: Yes, I think the nature of the swap will take a little time to sort of figure out, and I think it is probably worthwhile.

Trustee Swiderski: Yes, we are certainly sensitive to your issues. It is just a question of preserving rights on all sides.

Mr. Anuszkiewicz: Right, sure.

Mayor Kinnally: So do you want to hold this in abeyance until we take another look-see?

Mr. Anuszkiewicz: I was just going to ask, what would be the process for that?

Trustee Swiderski: I think we all want to take a look, and understand where the border of the property is and what we have here. I took a look myself, but I was not sure. I thought you had all that property. I don't have the map in front of me anymore, but all of it. And as a result, I was looking at it with that information.

Village Attorney Stecich: You might want to have it staked, the property line to be staked.

Mr. Anuszkiewicz: Would you want to stake it? Would you be willing to stake it?

Trustee Swiderski: I have no idea how we would figure out how to stake your property.

Mr. Anuszkiewicz: Do you pay for it if I make arrangements?

Trustee Swiderski: Well, do you know what the property line is?

Mr. Anuszkiewicz: Well, it is right here.

Village Attorney Stecich: You have to have a surveyor go up.

Mr. Anuszkiewicz: I can have a surveyor come and stake it for you, and then you can all come and walk it if you want.

Trustee Swiderski: I cannot say I am terribly interested in paying for that.

Village Manager Frobel: At your expense, you are suggesting?

Mayor Kinnally: Well, I think he can get a pretty good sense. It is 50 feet from the end of the driveway south.

Trustee Swiderski: Is that what it says? It does not need to be formal. We do not want you to go out and blow \$500 on something with fancy tripods and equipment. Just flag-mark at the 50-foot mark.

Mr. Anuszkiewicz: Yes, we can do that.

Trustee Swiderski: Just so we have an idea.

Trustee Quinlan: Peter, can I just suggest what my issue is, and I think most of our issue is? It is not the west side, but exactly where the property ends and where the paper street ends vis-à-vis the Aqueduct. This is what is confusing me on this map that you provided me. It shows me the end of your property line, and at the end of your property line the paper street is there. On the other side of your property line there is no drawing of the paper street. So what I want to know is, the paper street does go to the end of your property by this survey?

Village Attorney Stecich: It goes to the Aqueduct. You can see that from the map. Not from his survey, but from the map the street goes to the Aqueduct. Whether it is accessible or not is another issue. It was the point of this street to connect the Aqueduct to Warburton.

Mr. Anuskiewicz: I know what you are saying.

Village Attorney Stecich: What goes there? Whether it is accessible or not is a separate issue.

Mr. Anuskiewicz: Yes, it may narrow down to 24 inches in that process.

Mayor Kinnally: But it sweeps over the boundary line there.

Trustee Quinlan: So do we agree now we are not talking about accessibility, we are talking about property rights, private property rights? But do we agree now that the paper street goes up to the line of the Aqueduct?

Mr. Anuskiewicz: I see that it might, but I do not think that this will tell you that.

Village Attorney Stecich: Your survey does not show it, but the Village map does. That is where I got it from, the Village map.

Trustee Quinlan: So then if it does go up to the Aqueduct, if it is not accessible now it could be made accessible. And there we have what everyone else has been talking about, an access between Warburton and the Aqueduct, which is not something I am inclined to give up.

Mr. Anuskiewicz: Yes, we could provide it. But I think the way this map shows, that we block most of that access with our property whether it goes around there or not. But we could potentially provide that.

Trustee Quinlan: No, you do not block it. You are just a line, you have a property line that goes across the paper street. The paper street continues right up to the Aqueduct.

Mr. Anuskiewicz: Right. But if we put a fence along our property line that would be the end of the access.

Trustee Quinlan: No, you cannot put a fence across the paper road because you do not own it.

Mr. Anuszkiewicz: I would not have to.

Trustee Quinlan: No, you cannot.

Mr. Anuszkiewicz: Well, I am not proposing that.

Trustee Quinlan: No, but you cannot put a fence on Village property.

Mr. Anuszkiewicz: I am not proposing that.

Trustee Quinlan: But you just said if you built a fence.

Mayor Kinnally: I think we are getting a little hyper-technical at this point.

Trustee Swiderski: I think we should walk it and see. Because the issue is that the paper road terminates in the stone retaining wall. And as a result, if you just take the paper road literally, just to that, I believe it terminates in the stone retaining wall. That ramp, the point being made by the applicant, between those two stone walls, is only a narrow, tiny bit of that paper road. And the rest of it is his property there, kind of bulging up. So a land swap, if we were to use that ramp, would need to take a bit of his existing property in return for giving up the road. I think it is best done by walking.

Mayor Kinnally: Yes, I think that is it. Who owns the wall, the front east wall?

Mr. Anuszkiewicz: I am not positive, but I believe that is the state, New York State.

Mayor Kinnally: So we shall walk. How is that?

Mr. Anuszkiewicz: I will stake, you walk.

Trustee Swiderski: Thank you.

Trustee McLaughlin: Thank you very much.

Mayor Kinnally: We get there eventually. Thank you very much.

Trustee Swiderski: And I guess just to circle around one more point...

Mayor Kinnally: As long as we do not go in a circle.

Trustee Swiderski: Well, this is circling back to Diggitt's earliest point. I guess this is a good example of where I would not necessarily want to defer on talking about this for three years because the guy has got an erosion problem. In fairness to an applicant, I do not know if you can go into abeyance on that sort of decision-making. Because things like this do come up, and I think in fairness to ourselves we are going to come out the same way we would have anyway. But it is a good example of where I think we would hamstring ourselves.

Mayor Kinnally: I agree.

5. Traffic Study Report

Mayor Kinnally: At the conclusion of the last Planning Board meeting the Planning Board asked Angie to convey to the Village the request of the Planning Board that the Village prioritize the various elements that were identified in the traffic study report. I think this is probably a good candidate for a work session. We may even want to invite the Planning Board to it, I do not know. But I think it is a good candidate for that. I just throw it open for discussion.

Trustee Quinlan: Well, I have a question. Angie gave us questionnaires, which I answered and sent in. Do we have any kind of final statistics?

Village Manager Frobel: Not that I have seen.

Trustee Quinlan: Because when Peter did the same thing for the Conservation Commission he was kind enough to add it all up and show us where the votes came in. So I would like to see that. I mean, I am not against a work session, but I have one question. Is there anything in this traffic study that we could do that does not cost the Village a penny? Because quite frankly, although I think traffic is a problem and I would like to see some of our traffic problems solved, I really feel that our taxes are way too high to spend any money on any of these recommendations that we just do not have right now. So if you can tell me, Fran, or anybody else on the Board, that certain ones of these things could be funded by grants, then I am willing to consider them and sit down at a work session. But if you are going to tell me that our Village taxes are going to go up to implement any of these ideas, then I have to tell you that our taxes are way too high, our school taxes and our Village taxes, and I just do not think that the majority of the residents of this Village are willing to see their tax money go higher and higher and higher for these types of improvements.

We have to buy a fire engine, we have to do that. We have to buy an ambulance, we have to do that. We have to buy a dump truck, we have to do that. There are many improvements in

this Village that have to be made. Our curbs are falling down. And quite frankly, if you cannot tell me that we can get grants for these, then I cannot see sitting here and discussing them for hours and hours and hours. Because personally, I am not going to raise Village taxes to implement these things.

Mayor Kinnally: Well, you can get grants for some of this stuff. There is always a matching component. There is no free lunch.

Trustee McLaughlin: Mayor, I probably should not quote the member of another Village board who said this to me, but I have been given to understand that the New York State DOT would be willing to do some things on Branford Road that involve re-striping that could help some of our problems. I mean, it would help very few of them, but it would help some. That would be a State DOT expense.

Mayor Kinnally: That is right, but the striping may be the easiest part. There may be SEQRA involved.

Trustee McLaughlin: For striping?

Mayor Kinnally: Sure. You are changing the traffic pattern.

Trustee McLaughlin: Yes, of course.

Mayor Kinnally: So I don't know. I think these are the things that we have to get into in work sessions and see what the impacts are, both financially and otherwise.

Trustee McLaughlin: I mean, I absolutely agree with what Trustee Quinlan says about raising taxes, but I suppose we would have to discuss the entire transportation report. Or would we, if we were just looking for the things we could do with, say, re-striping on state roads?

Mayor Kinnally: Well, I guess we could do that. What the Planning Board has asked us to do is, to use that terrible word, prioritize the dozen or so items that are in there. You know, it is a wish list. It is a classic consultant's report, which examines the landscape but does not give you the answers that you need: what is it going to cost you and where are you going to get the money, and what impact is it going to have on the community. So there are a number of things that we have to look at. And some of the improvements are not necessarily just Village improvements. It may impact some of the adjacent property owners.

Trustee Goodman: On Broadway.

Mayor Kinnally: Sidewalks, you know. And the school has said that they will not put sidewalks in in front of the Burke Estate. They have said that.

Trustee McLaughlin: Recently?

Mayor Kinnally: Oh, I cannot say recently, but the last time it was raised with them they said they are not going to do it. I don't know if they have gotten an infusion of cash.

Trustee McLaughlin: Well, they have not gotten an infusion of cash, but they may have gotten an infusion of complaints. Although they did provide the walkway inside the Burke Estate now.

Trustee Goodman: I had a comment. Fran, you will not find my responses to Angie because I did not fill out the survey. First of all, I felt that I could not prioritize without an explanation, and I did not want any of my answers to ever be taken out of context. That is number one.

Number two, a lot of the suggestions proposed involved adding curbing and trees and the like. Given the state of the street trees, and the time that we spent with an arborist and discussing with Con Ed, our traffic expert specifically was telling us that we needed to plant tall trees along the roadways where he was suggesting the trees, and in the medians. That eventually will interfere with power lines, so a lot of the suggestions were landscape suggestions as well as traffic suggestions. So that is difficult for me to break out. Because I could say that having walked around the Village, looking up for half the summer, even the trees not involved in the power lines, which are street trees, are suffering. It is a hostile environment for a tree to live, and cars find the side of a tree and the like.

So to me it just seemed like I was living in a parallel universe. Because on the one hand we were struggling with cutting trees, and the very next week someone was proposing for us to plant more trees and build medians in the roadway while citizens were sending e-mails about their broken curbs and sagging streets. So I have a hard time, or a difficult time, with a lot of the proposals. Things that could be simpler, and traffic calming, we should probably try to focus on.

Mayor Kinnally: This is great, but you are getting into what we should talk about at a work session. Many people may have different reactions to the whole thing, and I think it is an opportunity for us to get it in front of us and to say, okay, let us have a free and open exchange of information on this. Because each of us has concerns, from a practical standpoint and from a monetary standpoint, I think, on it.

So shall we try to schedule something in October perhaps?

Trustee McLaughlin: October 9th?

Mayor Kinnally: I don't know if we're ready. I am just trying to look at upcoming things, whether it is the 9th or whatever. Is the sense of the Board that they want to have a work session on this?

Trustee Swiderski: You know, the costs associated with an improvement is certainly a factor. But for years, as long as anyone can remember, 20 years at least and I only go back 12 here, we have heard from the community there are traffic issues that need to be addressed. We finally get around to a traffic study, which may not be perfect, but it has a set of ideas worth reviewing. And there may be costs associated with implementing some of those ideas, but safety has its own prerogative. And if certain of those ideas will cost some money, but it seems to make great sense to implement them, I am going to assume that there will be some support for those improvements. So certainly we should have a work session. I am not willing to preclude spending public money on safety issues. You know, I am not going to pull out the I-have-two-kids-in-the-school card here, but children have been hit and this is an issue we need to address. And the financial aspect of it is only a small part of it.

Trustee McLaughlin: My feeling, Mayor, is that for a board that is wildly enthusiastic about planning I think it would be wrong of us, having commissioned the study, to then ignore it.

Mayor Kinnally: Oh, I agree completely.

Trustee McLaughlin: So fundamentally, the only really ethical thing for us to do is to have a work session. Even if we are not crazy about the idea of spending a lot of money, I think we must open it up to the public and hear the comments, and share ideas perhaps with the Planning Board. And if we are not going to do it, then we will have given it at least a full public examination.

Mayor Kinnally: Agreed. Yes, sir?

John Spiciarich, Hastings: I am up on North Broadway just before Dobbs Ferry in the garden apartments. Broadway, the highway really, it is 40, 50 miles an hour, very unpleasant, very unsafe. And I am troubled by the gentleman, Trustee Quinlan, who framed it as a traffic issue. It is a safety issue. Scores and scores of us met several times since almost four years ago, and it is safety. I am not troubled by traffic going slow; I am concerned about the mad

people barreling down streets. It is madness. There are speed freaks everywhere, and we need to address that whether it is with plastics, trees, whatever. On Broadway there are plantings. I suggest perhaps we could put parking meters. Allow people to park up there, we would have a barrier to the sidewalk, and we can make a few bucks. And we could also perhaps offer the parking to others other than Hastings. A lot of folks do not have access to railroads and they drive into the city, and we use a lot of gasoline that way. This might be a goodwill gesture to other residents in Ardsley and so forth: to come on in, there are 20, 30, 40 spots on Broadway. That we could protect ourselves, and make a few bucks, and save some cars going into the city.

I am sure there are other ideas. Let us keep an open mind. We need to address this issue. It is safety, it is sanity, and it is really necessary. So I look forward to this work session. Thank you. And I want to take a moment out to really thank all you folks for serving the Village. I am very grateful we have folks like you to spend long hours addressing these things. Thank you very much.

Mayor Kinnally: You're welcome. Thank you very much. Appreciate your comments. Anybody else on this?

6. Miscellaneous

Mr. Skolnik, 47 Hillside Avenue: I just have a question procedurally. The work session is not a public session, is that right?

Mayor Kinnally: Work session is done right here.

Mr. Skolnik: Oh. You were describing going into a work session.

Trustee Goodman: That is executive session.

Mayor Kinnally: It is a work session, not an executive session. It would be done out here. You see, the work sessions generally are an opportunity for the Board to have give-and-take among themselves. Whether the Board wants to open it up to the public, I mean we are being asked by the Planning Board to prioritize something. You know, the traffic consultant's report is the result of a lot of input from the community. This is the first opportunity that we have had to discuss the various elements. That is what I expect, but it would not be an executive session. It would be here.

Mr. Skolnik: So I guess my question is, just to understand the process, if, assuming that it is mainly a discussion amongst Boardmembers and that the result of that discussion goes back

to the Planning Board, I am just trying to understand what the next step would be. That you do have more of an opening for public discussion.

Mayor Kinnally: There will be many opportunities for that, but this is a first step. Thank you.

All right, anything else on this? So what I am going to ask I do not know, frankly. My schedule in October is a little crazy. I set something up for the second week in October, and I am going to have to go back and take a look at what days are open. We are meeting next Tuesday night, so maybe we can pursue this, alright?

Village Manager Frobel: It looks like a very light agenda for the 18th as well. Susan and I discussed it before, tonight.

Mayor Kinnally: Well, it was a light agenda tonight, too. It is 10:20 and we are not finished.

Village Manager Frobel: And that second week in October, both Susan and I will be at our national conference so we will be away. I mean, you could obviously meet without us, but we will not be here.

Mayor Kinnally: So the 2nd, 9th, 16th, the 23rd, and 30th are possible dates in October.

Village Manager Frobel: And we do have other topics for a work session as well, so we could bundle.

Mayor Kinnally: Yes, we do. And that brings me to the next thing that really has precedence at this point. The LWRP report is in front of us. Phil Karmel has been very gracious in not pressing the issue, but it is hard for me to make eye contact with him these days. We have got to get him in here, and the committee, to discuss the next steps. I met last Friday with Mark Chertok, our counsel. And as Angie frequently reminds me, we have to satisfy the state that we are moving ahead with what is required here. So I would like to get both Mark and Phil in to discuss where we go with the LWRP and what we are going to do with it.

So I do not think it would do us any good to do both of those the same night. But frankly, I think we have to get to the LWRP first and then the traffic thing second, in addition to any number of other items that will come before us. But maybe we can all look at our schedules. I know Jerry, you are going to be out a bit, right?. That last week of October is out for you, right? The 30th would be out?

Trustee Quinlan: I am actually out of town both Tuesdays, the 23rd and 30th. But if I cannot be here, Lee, then Village business has to go on without me.

Mayor Kinnally: But it is a work session to get everybody's input on it. Okay, let us revisit this next Tuesday. We have a Board meeting next Tuesday night. We all can take a look at what we have, all right?

Trustee McLaughlin: So you are suggesting that we need to schedule one work session for two items?

Mayor Kinnally: No, I do not think we should do both on the same night; I think we shortchange both of them. That would be my suggestion.

Trustee Quinlan: The other thing, too, Lee, everyone has their priorities. But we are looking to, sometime in the fall, I am asking for a work session on the Steep Slopes Law.

Mayor Kinnally: Yes, let me address that because I talked to Patty today. Patty said that they have so far been unable to come to an agreement as to what to recommend on steep slopes. I said that we wanted to discuss it on Tuesday night. She asked our indulgence, that we put it off. They have their next meeting on the 20th, so we should have a report from them, whether they are in favor of anything or cannot reach consensus, that we can take up at our first meeting in November, which would be November 6th.

Trustee Quinlan: Right. I am sorry, Lee, I did not copy you and I did not get a chance to talk to you before the meeting because I was a few minutes late. But I did e-mail both Fran and Patty because they had asked me to put this off until after their next meeting, which of course I agreed to.

Mayor Kinnally: Okay, good.

Trustee Quinlan: November is fine. It is just something that cannot go on indefinitely.

Mayor Kinnally: No, it could be on in October, I am saying.

Trustee Quinlan: Well, maybe October, November. But I know we have the LWRP, we have the traffic study, and we have steep slopes. Now, I am not saying steep slopes cannot go third, but it is just something we have got to keep in the back of our mind.

Mayor Kinnally: Absolutely. Any other Board discussion and comments?

Trustee McLaughlin: I did want to make a report from the arts committee. Do you want to have reports if any of us have anything?

As you may know, every Trustee has a group of liaisons, and the Mayor assigns them at the beginning of the Board year. One of my committees is the newly-formed Village arts committee. This Saturday they will be sponsoring, I am drawing a blank on this, Fran. What is it they are sponsoring? They are sponsoring "Take Me To The River," which will be not be on the river. It will be at Draper Park, and there will be several groups playing. There will be a children's tent, a nature tent, a circle of song. Clearwater's singers will be having a reunion. There are tickets, they are 10 bucks. It is from 1 o'clock to 7 o'clock this coming Saturday, and everybody is invited.

The arts commission has several things it is thinking about for the next year or so. It is going to be creating a database of local artists whose works might go into the Community Center on exhibit. It wants to talk to the Village Manager, and possibly counsel, on that because it is an official non-profit. It is talking to lawyers for the Lipshitz Estate about possibly doing something with the Lipshitz Studio on the Aqueduct. This is all very tentative, but that is what your Village Arts Commission is doing.

Trustee Quinlan: If I could just weigh in, Diggitt, that reminded me of something and I am glad you brought that up. And Lee, you also brought up our need for people to man the TV so we could have more televised work sessions.

I am the liaison to the Beautification Committee, and through that association I have been able to learn a lot. Basically, what I have learned is that this is a small, active group of Hastings residents that does invaluable work for free, cleaning up our Village and making it beautiful. They need help, too, and I am asking everyone to consider joining the Beautification Committee who are watching this program. It is fun, it is worthwhile, and if you are interested we need help and please contact Suzanne Smith through the Village. If not, you can contact me and I will ask her if it is okay to give her contact information, which I am sure she is willing to give. They need help, and it is just a great committee.

Trustee McLaughlin: Jerry, very briefly, what is it they do?

Trustee Quinlan: I will just give you an example. Last Friday they cleaned up the parking lot across from the post office. They spent hours basically pulling weeds all over that parking lot. The people that got out of their cars that were thanking them was an amazing thing. So that basically, they could get to the meters: the weeds were growing so high that you could not go easily and put money in the meters. There were bags and bags and bags of

weeds they took out all over that parking lot. That is just one example. Every Friday they meet at a different location in the fall and the spring and just clean it up. They plant beautiful flowers. All the barrels that you see downtown are maintained by them. Usually there is an individual that they assign it to; the ones outside the library, the ones outside this building. It is just a fantastic committee and they need help, and it is fun, too.

Mayor Kinnally: All right, anyone else? Any other board discussion and comments?

Trustee Goodman: I have one comment for Fran. That is, he sent us a letter that said his hard work and Mike Gunther's hard work paid off with FEMA; that we applied for storm damage monies and we are awarded \$40,532 to fix a stormwater conduit which collapsed on Southside Avenue. So thank you. Will we get more money, or is this going to be all?

Village Manager Frobel: Oh, yes. We should reach close to \$90,000 or a little more when it is all said and done.

Trustee Goodman: Well, thank you.

Trustee McLaughlin: Great. Well done, Fran.

Mayor Kinnally: Yes, sir. Anything else from the Board?

Trustee Swiderski: I have two more things on Saturday, in addition to the Quarry Road opening and the music fest. That is, the chance to get rid of your chemicals and paints, etc. Once a year or once every six months you get to do this, and this one is actually convenient to us. It is right across from Stew Leonard's. All the paint sitting in the back of your garage.

Mayor Kinnally: Actually, they will not take the paint at this point.

Trustee Swiderski: They will not take paint?

Mayor Kinnally: I do not believe so. Go on their Website. I think what you do is, you open up the paint and dry it out and you can take it and throw it out.

Trustee Goodman: Kitty litter.

Mayor Kinnally: But pesticides, herbicides, cleaning fluids, things of that nature, turpentine. But I think the paint has changed.

Trustee Swiderski: And the second item, a reminder that not only is it a Board meeting a week from this week, but there is also a primary. So Democrats, do your duty and go out there and vote in the primary. Civic reminder.

Trustee McLaughlin: Also, I believe that the library is collecting old cell phones. Chargers, anything like that that is related to your old cell phone, you can take to the library. They are being donated to a project that refurbishes them, I cannot remember why.

Trustee Goodman: Verizon.

Trustee McLaughlin: So it is an opportunity to get that stuff off your shelves and into someone else's hands.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:30 p.m.