

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**APRIL 5, 2016**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 5, 2016 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Peter Swiderski, Trustee Meg Walker, Trustee Nicola Armacost, Trustee Daniel Lemons, Trustee Walter Stugis, Village Manager Francis A. Frobels, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

**CITIZENS:** Nine (9).

**APPROVAL OF MINUTES**

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of March 15, 2016 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 67-2015-16	\$121,581.96
Multi-Fund No. 68-2015-16	\$ 37,733.22

**Mayor Swiderski:** Before we head on to public comments, one or two clarifications for the Board discussion and comments. Riverview Park is not a Board discussion, it is a report by our Village Manager on a meeting held yesterday with Parks and Rec and interested parties updating us on what happened there, and also, to put that into the public record.

Similarly with the consent decree, we have got a budget discussion coming up after this meeting and I, for one, rule mercifully. It would be a lot to have a long discussion on the consent decree, then move into a long discussion on the budget. We will move that consent decree item to the next Board meeting. It was a continuation of gathering the comments of Board members, if there are any left to gather, on the consent decree before we have a final round of negotiations with the parties to that decree. That item will be two minutes of just making sure we need this again on the agenda in the following meeting, and that will be the extent of the consent decree discussion.

## **PUBLIC COMMENTS**

**John Gonder, 153 James Street:** Yesterday I got a letter from the Village of Hastings in regard to sustainable energy. There is a question I have for the attorney because at the last Board meeting you said you made the decision green power. Yet I get a form on the back that said choose the option with no additional renewable content, and it gives you some computer things you can get the lower price. I am looking for a lower price because I get reassessment at my home that is worth \$449,000, and my tax increase is going up \$5,540. That is going to kill me, but it is also going to hurt a lot of other older people that bought their homes 40, 50 years ago. If you remember, we talked about the homestead tax option, which you have the authority.

**Mayor Swiderski:** We do not.

**Village Attorney Whitehead:** The town does.

**Mr. Gonder:** Just the town?

**Mayor Swiderski:** Just the town.

**Mr. Gonder:** And you do not have the authority also to put in a five-year distribution.

**Mayor Swiderski:** No, this is a town reassessment on the town assessment roll.

**Mr. Gonder:** I was disappointed with Tyler, the people that had access. I was one of the first ones, in September, 2014, and I pointed out a lot of things. No notes taken, and I am talking about asbestos, lead paint, water running, carpenter ants and a hundred other things. All they were interested in was measurements. I do not see it and, at my age you don't need aggravation and get ill over some stupid thing. I know I have to get reassessed, there is no problem, but fairly. My home is worth around \$325,000 to \$360,000 tops. In fact, I will sell you my home, affordable at \$549,000. By law, I would have to tell you everything that is wrong with it and you would laugh at me. Now I have to fight. And that is terrible, especially at my age. There are a lot younger than me, too, that are complaining. It is Irvington and Hastings, and I hope there is something that can be done about it.

**Jim Metzger, 427 Warburton Avenue:** I would like to take this opportunity to thank our newest Trustee in a hard-fought campaign, and I wish you lots of luck. Now I am going to give you a hard time. Going from five minutes to three minutes is a disservice to everybody who shows up at these meetings that wants to talk about important topics. I do not believe three minutes is enough time. I have been up here more than my share of times when I wish

in had six, seven, ten, twelve minutes because the topics are so expansive and so many issues are on the table, especially with the waterfront, the consent decree, Riverview Park and all these other things that are going on in the Village. Three minutes is barely enough time to get your thoughts together, let alone convey a cogent message. I wish the Board would reconsider. Maybe you could take a few meetings and see how the three minutes works out. I know from standing on this side of the microphone it would be nice if people were self-limiting. I know I can be not self-limiting at times, but I believe that five minutes for public comment is something the Board should consider taking seriously.

**Susan Cooper, 378 Warburton Avenue:** This relates to the budget, and I am going to read this so I do not leave anything out.

"Twenty-eight percent of the Village budget, the largest slice of budget pie, is for employee benefits. While pension benefits are legislated, health care benefits, as I understand, are negotiable and have risen again by six percent. That is six percent, and every yearly increase is compounded. When asked what the greatest invention was, Einstein said 'compounded interest'. "While many of us have experienced stagnant and diminishing incomes, we are also paying 40 to 50 percent of the premiums for our own health care. Most government, state and local employees, active and retired, are contributing either nothing or very minimally per paycheck. For example, according to the contract for DPW and Rec departments, employees hired before 1998 shall continue to receive fully-paid health and dental insurance for the employee and dependents. "Employees hired after 1998 shall contribute \$3.85 for individual and \$7.69 for family coverage per paycheck. The Village will pay 100 percent of the cost of health insurance for a retired employee and family after 20 years of service. I believe this is called OPEB, other post employment benefits. The budget details, going forward, need to outline the specific contributions the various department members make to their own health care costs. I believe this is for transparency.

"Related to this, last year in Albany there was a bill for single-payer health insurance that, ostensibly would be based on income levels. That sounds like a plan approaching parity and I certainly would support that. But the detail left out was that public employees, including the politicians who created the bill, could continue paying according to their contracts. This would mean that someone working at the diner here would be paying more for their health care than, for instance, Manager Frobel, with all due respect, with a yearly total compensation package of around \$200,000 plus a housing allowance. Manager Frobel has also stated in the past, and I quote, 'The cost of providing health care has risen faster than the cost of living. Little has been accomplished to efficiently stem the cost.'. Health care costs for

public employees need to be commensurate with what the broader swath of citizens can reasonably afford, while also paying heavily, or most of it, for their own. Also, those running for public office really need to stop saying that these are costs beyond our control and, at the very least, say whether you agree with them or not."

Thank you for listening.

**Patrick Randolph Bell:** First, I want to say thank you for Trustee Apel for all her years of service. She was great. We might not always have seen eye-to-eye, but I knew I could trust her to at least ask these tough questions when they needed to be asked, to vote not based on her politics, but based on her conscience; and to try to do the best that she could ever possibly do for the Village. I want to thank her for that. She was wonderful.

We have a new Trustee. I would like to welcome him, Trustee Stugis. I hope you can follow in Trustee Apel's footsteps and vote with your conscience and vote with what you think is best for the Village, and vote for the people who you support and the community that you have always been a part of in your life in Hastings, and not always about, maybe even let us say, your party politics. These are five different people up here who vote, four and the Mayor votes extra. He does not have to, but he does which I do not mind at all. I think it is a good thing. So vote for yourself, whatever you think is best, whatever you can go home at night and sleep with. Anyway, welcome, sir. I appreciate it.

The budget thing is later tonight. Can you make the celebrations budget more transparent? It is usually a page and a half of expenditures, but it is hard to tell what those expenditures go to. Bouncy castle, what event is that for? I have to call up Ms. Maggiotto and then she has to look it up on the computer. If I FOIA that I want to see this went to this, this went to this project, that went to that project. That is one little part of the budget I have an issue with. It is the least transparent part of the entire budget that I can figure out. No idea where some of this money goes. Sometimes it is easy, sometimes it is not.

Like Mr. Metzger said, that was a horrible vote: five-nothing, from five to three. You cut public input at these meetings by 40 percent. That is something you should have had some public input on. That does not bode well for Trustee Stugis. The first vote you took was to cut public input by 40 percent, and you said aye. That is one where you could still say "nay." You will still get outvoted four to one, and you can still go home with a smile on your face: I voted for public input. That is what I am trying to tell you about. Before you vote, think about those things. Forty percent of public input was just cut. What did you save, six minutes? I would like you to reopen that in the future and see what the public thinks and not what you guys think because you want to be in bed by midnight. Good luck to everybody, and welcome to a new year. Thank you for your service in the last so many years.

**23:16 APPROVAL OF FIRE DEPARTMENT PARTICIPATION IN WESTCHESTER COUNTY CAUSE AND ORIGIN TEAM**

**Mayor Swiderski:** This is more informally the arson team.

**Village Manager Frobel:** Right. That is what we heard from the fire chiefs at our last meeting, Mayor. They would like to have this gentleman trained under that program.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the participation of Hastings Fire Department member Stephen Shryock in the Westchester County Cause and Origin Team, such activity to be covered by the Village's Workers' Compensation insurance.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**24:16 EARTH DAY PROCLAMATION**

**Trustee Armacost:** May I just say special thanks to Susan. We conspired together to have this added as a proclamation last year, and she was the one who came up with the fantastic language. So thanks.

**Mayor Swiderski:** Thank you. This is a community that tries to live up to the proclamation.

**Trustee Lemons:** You can look at these kinds of resolutions as highly symbolic, but I think it is not in Hastings; there is a lot that backs that up. I would like to share something that was said in our final organizational phone call on the solarize campaign. This is a comment that came from outside the Village; it came from the installer. We have an enormously successful campaign. We doubled the number of contracts relative to the number of households from any other campaign. He said he was pretty blown away by the reception they received here, and that it was clear that this was a community that put a very high value

on sustainability. He explained the most difficult thing they faced here was going to someone's house and saying this is too shaded, it is not going to work, and having this adamant homeowner saying no, I am sure it will work. I felt it was a high endorsement of the Village and the deep commitment there is to sustainability here. We obviously have a lot more to do, but there is serious commitment here.

**Mayor Swiderski:** Agreed. The history and dedication on these issues is 40 years old, and certainly over the last 15 years.

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

**WHEREAS,** the global community faces extraordinary challenges such as environmental degradation, climate change, food and water shortages, and global health issues; and

**WHEREAS,** all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment; and

**WHEREAS,** it is understood that the citizens of the global community must step forward and take action to create positive environmental change to combat the aforementioned global challenges; and

**WHEREAS,** a sustainable environment can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

**WHEREAS,** it is necessary to broaden and diversify the environmental movement to achieve maximum success; now therefore be it

**RESOLVED:** that Mayor Peter Swiderski does hereby proclaim Friday, April 22, 2016 as Earth Day in the Village of Hastings-on-Hudson and urges all citizens to support environmental initiatives in the village and to encourage others to undertake similar actions.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	

Trustee Walter Stugis	X
Mayor Peter Swiderski	X

**25:16 ARBOR DAY PROCLAMATION**

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

**WHEREAS,** on January 4, 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS,** this holiday, called Arbor Day, was observed with the planting of more than a million trees in Nebraska on April 8, 1874, and in 1875 became a legal holiday in Nebraska, and

**WHEREAS,** Arbor Day is now observed throughout the nation and the world, and

**WHEREAS,** trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

**WHEREAS,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

**WHEREAS,** trees in our Village increase property values, enhance the economic vitality of business areas, and beautify our community; now therefore be it

**RESOLVED:** that the Village of Hastings-on-Hudson, recognized as a Tree City USA Community by the National Arbor Day Foundation for thirty-one (31) years, desires to continue its tree planting ways, and be it further

**RESOLVED:** that Mayor Peter Swiderski does hereby proclaim Friday, April 29, 2016 as Arbor Day in the Village of Hastings-on-Hudson and urges all citizens to support efforts to care for our trees and woodlands.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Meg Walker	X	
Trustee Nicola Armacost	X	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

**Village Manager Frobel:** I would add that Kendra Garrison, the Superintendent of Parks and Recreation, has an event planned this month. Her outdoor adventures group, as they typically do, will be planting a tree or trees. I do not have a date or time, but it will be celebrated by the department and the community.

### **VILLAGE MANAGER'S REPORT**

**Village Manager Frobel:** On the Hillside Avenue sidewalks, that project is moving forward. The staff currently is developing the specifications. We expect to have the bids ready to be opened on April 27, and we are looking to have that work awarded by the Trustees at your May 3 meeting. The construction work will not take that long. It will come down to a question of the availability of the contractors. We understand the urgency because, as we discussed during the budget presentation, we will be moving youngsters from the school to the pool during the summer months, and this link in the safe pathway to the pool will be very important.

**Mayor Swiderski:** Is it legal for us to set, as a criteria for that RFP, a timeliness component that has to be executed by the firm by a given date? That is key here. Missing the end of the school year is the same thing as adding thousands of dollars to the expenses.

**Village Manager Frobel:** I will mention it. I can work that into the specifications.

**Trustee Lemons:** Ten-thousand, as I recall.

**Mayor Swiderski:** Right. And moreover, it is a safety issue.

**Village Manager Frobel:** I agree. My only fear would be alerting the bidders to the urgency and having them place a premium on that. But let me give that some thought.

**Trustee Lemons:** Maybe you can give them a bonus for finishing early.

**Village Manager Frobel:** Yes, let me work on that. There is a correction to my weekly

report. The working estimate for this project is \$57,000. I overstated that, my error. Of course, we will know better when we formally bid it.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Riverview Park**

**Village Manager Frobel:** Last evening the Friends of Riverview Park put on a wonderful program explaining their desired improvements to Riverview Park. Trustee Armacost and I were both in attendance. I would say everyone in the room supported the project. There may have been one or two speakers who are still advocating for a dog park, but the consensus is the dog park not be at that location but there is a need in the community for a formalized dog park.

Next steps, the Commission wants a little more time to discuss what they heard last evening at the meeting, looking at the site plan. Once the Commission has had a chance, I would hope we would be developing the specifications and looking to put the project out to bid. I will have some recommendations as to the best way to bid that project, but I will leave it up to the Commission and the Friends of the Park as to how they see it should move forward. One of the members of the Commission gave a very nice opening comment about the history of the park, and he also very clearly spelled out the commitment on the part of the Trustees to support the work financially. Ms. Armacost, you want to add anything?

**Trustee Armacost:** I agree. The Friends of Riverview Park made a wonderful presentation. You could tell they had solicited the views of all different constituencies. They had thought about what would work for small children, for teenagers, for older people, for people who were newly in Hastings, people who had been in Hastings for a long time. It was clearly something that was brought out of consensus, and the designs are pretty inspiring and draw from some of the interesting work that has been done on facilities like the High Line. It is quite creative, and what they did effectively was to point out, not surprisingly given the name of the park, that the main feature is the view and it should be about the view. It was very gratifying to see all of that community work, so many thousands of hours put in by volunteers in coming up with that idea. And the commitment of the group also to fund-raise, to continue to enhance the park, and to keep the park moving forward. It was very productive. Certainly, there are meetings needed with Fran to understand the procurement processes. Also, I wanted to thank the Parks and Rec Commission who were very gracious, and to Angela Reeve, to you and your team who were gracious in receiving the group and very thoughtful in their comments and questions, and attentive to this issue, understanding that that park has suffered neglect and now is our time to reclaim it and show our commitment to that neighborhood. So thank you.

**Mayor Swiderski:** Do we have a time frame on Parks and Rec?

**Village Manager Frobel:** I would think at their next meeting. I will be in attendance and will hear their discussion, and advise them as to how we would like to see them move this forward quickly. Again, to my way of thinking one general contractor providing coordination of the various trades that are going to be involved in the park would be helpful. I think it might not guarantee, but might assure, good pricing. My fear is if we rely on a series of subcontractors it can be difficult to be certain you are getting the best price even though you could solicit quotes for each of the individual tasks.

My other concern is sequencing of the work. The worst thing is to have a contractor show up before he is needed. But we can work through all those details. I would like to see us starting in June. I do not think, from what I see, it is a lot of work. I do not think it is a lot of time, although I do not know if it is three weeks of work or four. But it is not a major undertaking. I think it can be accomplished.

**Trustee Armacost:** The group would love to be able to start prior to that if that is possible.

## **2. Shoreline Advisory Update**

**Trustee Walker:** I was not sure if you had all seen the charge to the committee, so we included it in your package to review again and see if you have any questions. We have met once, and we are meeting again tomorrow. We are moving ahead with crafting the request for proposals we want to send out to, at this point, an invited group. It is a pretty large group of potential consultants to seek proposals from. Most likely, it is going to be not just a landscape architect or a marine engineer, but will probably be a team.

**Mayor Swiderski:** Can you give two minutes about what this is about?

**Trustee Walker:** We have talked about it before, right?

**Mayor Swiderski:** We have, but now that you are talking money and charges.

**Trustee Walker:** The Village received a grant from the DEC Hudson River Estuary program. Its primary focus is on shoreline stabilization and erosion control, which is a major issue on our waterfront since the DEC and BP/ARCO have decided to make much of the ARCO shoreline a sloped shoreline as opposed to a seawall, except in the northwest corner, where contaminants need to be contained, and that will be a bulkhead or sheet pile seawall.

The design of this whole shoreline, not just the sloped part, needs to take into account a number of factors. We applied for a grant to hire a consultant to help us, the Village, come up with recommendations to then give to BP/ARCO and their engineers as they complete the remedial design. They have expressed willingness to listen to our recommendations and we hope to meet with them during the whole process so whatever we are working on with the consultant is, in fact, feasible and will be accepted by them.

The areas we would like to have input on are a concept for stabilization of the sloped shoreline, including planting and habitat restoration, and how this sloped shoreline and its vegetation and armoring will help to mitigate impact of flooding and tidal surges. We need specialists to advise on how this can best be done, but we want to go further than that. It is not just a sloped shoreline that could break tidal surges as they come in and reduce flooding on the upland area, but we also want to have river access there. That is very important. The second thing the consultant needs to look at, and which we need to engage with the public in discussing, is the location of water-related recreational and commercial uses, everything from kayak and canoe launching areas, ferry terminals, different types of boat access like floating docks for commercial transient boats, fishing piers, swimming beaches, boat houses, and perhaps some ancillary structures that could support the water-related uses such as a café or refreshment kiosk.

That is important, that we solicit input from the community and engage the consultant we are going to hire in figuring out how we are going to put these things on the shoreline, and then take that to BP. Then a couple of other things. Location and concept design for an esplanade or a trail along the entire length of the waterfront. This has been something we have talked about for a long time. It is probably going to be incorporated into the sloped shoreline. We want to figure out how that can be done. It may flood and it may be under tidal surges, but it still can be something that is permanent and does not disappear. It is an important feature, we think, of the waterfront.

Finally, we need to set the parameters for the upland. Even though we may not know the complete extent of parkland, between six and half and eight acres probably that the Village will control on the ARCO property. We do not know the exact boundaries of it, but we can set some parameters in terms of where roads will go and how roads and trails could access the waterfront. Even if there is no developer waiting in the wings when the remediation is complete, and we do not go immediately into construction, we will have a park we can access and we will have a shoreline. We may not get all the marine uses we would like right off the bat. If we can that would be great, but at least we will have access to our shore. That is important, and we have to figure out how we can do that across the property, because that is going to be, in fact, Village-owned parkland and how do we get to it.

Those are the elements we want to include in a conceptual site plan that will be developed by a consultant or a team of consultants. Then we will give that to the BP/ARCO engineering team. We are also going to engage a number of stakeholders in this process. We have already asked Scenic Hudson to be involved, the DEC Estuary program will be involved, we may reach out to the remediation team and the DEC as well because we may need feedback from them. We may reach out to Riverkeeper, and there may be a few other agencies we may want to engage during the process. We need to talk about that with the consultant. Do we talk to the Army Corps of Engineers, do we talk to any other federal agencies.

That is what we are undertaking and are trying to move quickly in creating the RFP and getting it out to a select team. After we have our team, our consultant team which means our attorneys and potentially our engineer, we will review this. We will ask the DEC Estuary program people to review. Then we will bring it to the Board for approval. That is the process. We will explain to you the list of consultants we would like to solicit proposals from. So that is the next step. Questions?

**Trustee Lemons:** Just thinking about the Hudson River comprehensive restoration plan and the way this group gets connected to them, that is an umbrella that has not only Riverkeeper and all those organizations like the Army Corps, the EPA, and Fish & Wildlife Service, it seems like it is going to be important to have somebody in this group who is going to have that job of staying connected to that larger group. There is funding that is coming down through that umbrella, and we definitely want to be in synch as much as we can with what that whole group is aiming to do.

**Trustee Walker:** I understand what this umbrella group means, but we do have a person at the DEC Estuary program who has been assigned to us. He is going to review our RFP, he is helping us figure it out. His name is Daniel Miller, and we will be inviting him down to meet with us. I am hoping he is the liaison to this larger group, and I will ask him that.

**Trustee Lemons:** However, I think we need an organic connection because there is so much going on.

**Trustee Walker:** No, it is true. Maybe somebody on our committee can be assigned that role. That is a good idea.

**Trustee Armacost:** It is like Sustainable Westchester for the river. It has been quite useful for us. We learned things as a result of being involved on the CCA that we would not otherwise have known. It is quite helpful.

**Trustee Walker:** That is a good point, because it involves more than just the DEC Estuary program. Of course, Scenic Hudson is involved in it pretty intensely. But we have to understand how they benefit us, then, as a larger group. You are right, that is a very good idea. We have not gone to all those meetings for nothing, right? We are going to post minutes of our meetings on the Village Web site. The next meeting is going to be tomorrow night at 8 p.m. at the Community Center downstairs in the meeting room, for those who are interested in attending. They are public meetings.

**Trustee Armacost:** How soon will the group have finished its charge?

**Trustee Walker:** That is a good question. In this charge it says completed by July 31. I do not think that is going to happen. We have been delayed in starting. But we hope that we will engage the public before the end of June and before summer break. Our consultants can be doing their work over the summer, then bring back proposals to us in the fall. We will have meetings in which we are proposing they present three alternative plans to the public.

**Trustee Armacost:** So maybe by November?

**Trustee Walker:** Yes.

**Trustee Armacost:** Is that too late?

**Trustee Walker:** I hope not.

**Mayor Swiderski:** No, that is about as late as we can go.

**Trustee Stugis:** To judge if it is too late or not, whether or not the findings can be incorporated into the engineering plan. They need to have it by a certain time.

**Mayor Swiderski:** We need to check.

**Trustee Walker:** That is right. I reached out to folks to get a liaison at BP we could invite to meetings. We need to have communication with them in an ongoing way.

### **3. Consent Decree**

**Mayor Swiderski:** I introduced this meeting with the statement that we are not going to linger here. A couple meetings ago we had an extensive session on that. In terms of the Board's sentiment here on the amount of questions they still have outstanding and what additional amount of time we should allocate, what is the Board's sense here?

**Trustee Walker:** We have some questions that are outstanding for BP; I would like to hear back from them at the next meeting, if possible.

**Mayor Swiderski:** Questions about the demolition permit or about the consent decree?

**Trustee Walker:** The consent decree questions have to do with ... the ones that I raised, and you all may have others, but about the final ... and this impacts the work of our Shoreline Committee. The final elevations, are we really talking 11 feet? There were questions that Kathy Sullivan raised at our last meeting when we were discussing the consent decree which I would like to have answered by BP/ARCO.

**Trustee Armacost:** You are talking about the 100-year floodplain.

**Trustee Walker:** Several things. One was that she said FEMA does not allow more than two feet of fill and we are talking more than two feet of fill. We were saying we wanted a developer to come in and build up to whatever height we think is going to compensate for sea level rise, and Kathleen Sullivan told us you cannot do that. You cannot bring fill up to the bottom of the building. It will just have to sit there on piles, and can you imagine that? I hate to say it, but how ugly and not only just ugly but how difficult accessibility will be to buildings like that. I had imagined they could sit on a parking pedestal or something. But if you really cannot do anything like that, you have this skeleton underneath.

**Village Attorney Whitehead:** No, it could be parking.

**Trustee Walker:** According to what she read to us it could not be even parking, and that was a surprise to me. She said it was something new.

**Village Attorney Whitehead:** The regulations are ever-changing so it is very hard for you because you are looking at and trying to predict what the regulations might be five years, seven years, ten years from now when a developer comes in. Any developer in the future is going to have to meet whatever the FEMA regulations are at that time. The flood elevations may very well change, so while you can anticipate certain things you cannot guess or anticipate what the regulations are going to be at that time.

**Trustee Walker:** Then new FEMA maps came out describing a different kind of 100-year floodplain. Has that been taken into account? And finally, the sea level rise and that is a moving target as well. She asked questions in that document she gave us. That was really useful.

**Mayor Swiderski:** Why do I not revisit the letter with the attorney and figure out which are salient to the consent decree, and also if you have other questions you want answered please let us get this together in the next week or so.

**Village Attorney Whitehead:** Marge raised a number of questions and comments. What we are really looking for is are there more beyond that?.

**Trustee Walker:** One other question was brought up by a member of our Shoreline Committee who is an environmental engineer. She asked about compensatory flood storage. When you build in a floodplain that FEMA requires you create the ability or the location for flood waters to be stored somewhere else.

**Village Attorney Whitehead:** It is complicated.

**Trustee Walker:** It is complicated, but it is a question. Is there an issue about compensatory flood storage and has that been taken into account, and how can that be taken into account?

**Trustee Lemons:** I am pretty sure it has not been.

**Trustee Walker:** So then the question is, in the Hudson River is it a critical thing? Maybe it is not, maybe because it is so broad and with the capacity of the river that it is not as critical as it would be on a smaller one.

**Village Attorney Whitehead:** I know from experience elsewhere the capacity of the water body gets taken into consideration. Also the consent decree talks about going up to elevation 11, but it also acknowledges that when a developer comes in they have to raise it higher.

**Trustee Walker:** So is that feasible, based on what Kathy said the law was?

**Mayor Swiderski:** There is the record in the minutes and Sullivan's letter. If I could ask the Board to review the record in the minutes and the letter, and heading into the next meeting come with any remaining questions if there are any, I will work that into a final document to go out to BP and the team.

#### 4. Other

**Mayor Swiderski:** There is one more thing not here, but I want to put it out there and by saying it out loud I am committing myself to it. As a Board we tend to divide the world of issues we work on among ourselves so we get more done that way. With turnover, we

address that. So by the next meeting I am hoping to be back here with any adjustments to that coverage we have had.

Also, it feels like there is enough on the agenda between the consent decree and Artis and Building 52 and what you are working on and various parks and playgrounds that need renovation, et cetera, that I am going to tentatively lay out a proposed schedule for the balance of the year so we have some idea what our load balance here is from month to month. I will have a proposal by next meeting. Having said those words aloud, I can see myself scrambling the Monday night before the next meeting to do that, but I think it is necessary. We have got a lot here and we need to make sure that important stuff gets done.

**Trustee Armacost:** The 19<sup>th</sup> is the budget vote meeting?

**Village Attorney Whitehead:** That is when you will be voting.

**Mayor Swiderski:** Do you want me to raise the issue around the bridge engineering expense here, or is done as part of the working group?

**Village Manager Frobel:** We could mention it. I wrote to the Trustees today indicating that regarding the Warburton Bridge rehabilitation engineering study, after five months we have finally received a positive indication from Westchester County that they would like to meet to go over with us what are the documents exactly we are asking for. I think we laid out pretty clearly what we are looking for several months ago, but be that as it may, this brinksmanship has brought it to a point where they would like to meet with us in their offices, us being the engineer and myself.

We had authority to spend up to \$10,000. A meeting like this and the subsequent review of the documents we hope to secure from the county will require the engineer to do additional work. In keeping with my recommendation, I was hoping to have it in increments of \$10,000. Obviously if it is less then it will be less. If I need to come back here for more authorization I will.

We are looking for the specifications, we are looking for the inspection reports, we are looking for any design modification, change orders, and a host of documents that we think are critical as part of this review. The first phase you received in early February, the draft of the engineer's preliminary findings; he noted there are some areas he thinks warrant closer examination. In particular, some of the change orders that were agreed to by the county we think have an impact on our future maintenance of the bridge. We want to bring that to their attention as well.

The time frame has taken a lot longer than we thought. We expected greater cooperation, we did not think we would have to go through a Freedom of Information request to secure these documents, which we do not have yet. All we have is a meeting they would like to hold with us so we can narrow the amount of documents we are requiring.

**Mayor Swiderski:** So you are asking the Board for authorization to spend up to \$10,000 more on an engineering review of documents the county has in its possession?

**Village Manager Frobel:** Yes.

**Trustee Armacost:** I think it is a worthwhile investment.

**Mayor Swiderski:** The engineer found issues in its first draft. I think it is worth it.

**Trustee Armacost:** I endorse it, Fran.

**Trustee Walker:** Yes, me too.

**Mr. Metzger:** Mr. Mayor, before you vote I need to check one thing to add to what you are asking the engineer to look at. I have observed rusting on the support pipes holding up the mesh. It was our understanding those pipes were going to be stainless steel so we would not have to deal with any maintenance. There is some serious rusting on some of the pipes and there is some minor rusting on some of the pipes. Mary Jane Shinsky's office is aware of this, but our engineer should be looking at that as well because that will impact our ability to maintain the bridge.

**Village Manager Frobel:** We challenged the methodology used to anchor the fence to the parapets. They used the alternative method. If you look on the specs there were two ways it could be done, they chose one way versus another and we are challenging that.

**Mr. Metzger:** I am talking about the tubing itself as opposed to just the supports.

**Mayor Swiderski:** That they are not stainless steel.

**Mr. Metzger:** They may have substituted a lesser quality steel than what might have been spec'd but the engineer should be aware of that.

**Trustee Armacost:** Do you want to vote?

**Mayor Swiderski:** I would like to have everybody say out loud if they are in favor of not.

**Trustee Walker:** I am in favor.

**Trustee Lemons:** Yes.

**Trustee Stugis:** Yes.

**Trustee Armacost:** And I already said I was in favor.

**Mayor Swiderski:** All right, and I am as well. So you have your authorization.

**ADJOURNMENT**

On MOTION of Trustee Armacost, SECONDED by Trustee Lemons with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:10 p.m.