

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

A Regular Meeting was held by the Board of Trustees on Tuesday, July 5, 2016 at 7:50 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 Deputy Village Clerk Linda Loeb

CITIZENS: Twenty (20)

APPROVAL OF WARRANTS

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

Multi-Fund No. 6-2016-17 \$182,860.70

PUBLIC COMMENTS

Mayor Swiderski: Our Village Clerk, Susan Maggiotto, is out tonight and did not have a chance to pass on the intimate workings of the timing clock to our stand-in so we are going to operate a stopwatch and a raised hand 30 seconds before the three-minute time limit is up.

Mr. Gonder, 153 James Street: I wanted to talk about the park department. But Hudson River is more important. Recently, the Yonkers site would be the largest new anchorage, accommodating up to 16 vessels in the area, spanning 750 acres. The site would stretch from Glenwood train station to Dobbs Ferry train station. Apparently, you could make some comments to the Coast Guard, but I hope you notified them that Hastings should get involved with any discussions.

Secondly, Dobbs Ferry had a Chamber of Commerce and I think we should eliminate our advocate and spend that \$30,000 for a decrease in taxes for veterans. You, a lot of times, just keep on doing whatever the merchants want. They should get together. I have only seen one merchant in about eight years up at this mic, and he said your advocate is useless.

I had an interesting thing happen with the Village. I called up and got the bus driver, and had a situation that a limb was way over my garden and I hand-water it so I do not waste water. He was very nice, talked to me. He says I got to go and he took my phone number. I was a

little upset so I wanted to call Ms. Maggiotto. She happened to be on vacation so I got another woman, and she says write a letter or send e-mail. I said I use the phone, and I got a little hot under the collar and was ready to go down to the department. But a truck came in front of my house and it happened to be the parks driver that works on the parks. He looked at the situation, made a phone call, and took care of the situation the next day.

Jim Metzger, 427 Warburton Avenue: Mr. Gonder and I have discussions about things we do not agree on all the time, and one of them happens to be the Downtown Advocate. If people have been to Food Town and like being there, that was in part facilitated by our Downtown Advocate. The taxes we bring in from that business being in Hastings is probably offsetting whatever money we are paying the Downtown Advocate. One of the reasons Juniper is able to move to a larger space, have a second chef there with another business, and be able to open to taco place? Facilitated by our Downtown Advocate. People do not understand what is happening behind the scenes. It is not that it is being done quietly or in secret. But we have somebody in the Village now who is doing what the Chamber was never able to do. The Chamber is a private group, it has nothing to do the Village. The reason you do not get merchants showing up at meetings, because I have spoken to merchants about this, whatever side of an issue they may be advocating for half the Village is going to disagree with them and they are not going to show up to be there. So they need to maintain a certain amount of neutrality to appeal to a largest number of people. As someone who runs a business, I understand that.

I just got back from Whidbey Island in Seattle. Fantastic Pacific Northwest, 18-hundred people, low taxes, views of the Puget Sound. The downtown is planted with wildflowers and landscaping that is done because people want to do it. People are not clamoring for the trustees to get out there with a rake and a hoe and start digging things up; they do it because they want to. We have committees in this village that are doing the best they can, they could all use more help. If we want this place to be clean and beautiful let us stop talking to the people who are being overworked at the job they are already doing, and stand up and volunteer and start making this a better place. The first time you improve one location, I guarantee that will snowball and people next door and down the block will want to do it, too. I am asking people, now is the time. Stand up and start volunteering.

Patrick Randolph Bell: I finally got sworn in so I am a real New York attorney at law now. I want to thank you all for your support for all this time, for always being kind and nice to me. That being said, I have something new to discuss with you guys. It goes back to the organizational meeting, from the five minutes to the three minutes and the vote you took at the meeting. I did a FOIA request on e-mails from between you all surrounding that. The FOIA request was very interesting, what it revealed to me. It starts off with the Mayor sending out a general e-mail to the Board saying we have got an organizational meeting

coming up, and how about changing it, basically, from five to three. Then we get an e-mail back right after that from, I think, Trustee Lemons. Or who was the first one? Whatever, it comes within minutes, and I think it is Trustee Armacost. Trustee Armacost, it is blacked out, what she says. The next morning we get one from Trustee Lemons. It is blacked out what she says. A couple days later we get something from Meg Walker, it is blacked out what it says. Then we get from the Mayor saying, So, I guess it is four votes to nothing. In the subject line of that e-mail is "three minutes it is." It is as bare as you get. It is straight-up evidence of you guys having an off-line vote and avoiding a public meeting. Additionally, originally from the Mayor it says, at the end of that e-mail, "no reply all," which is another end run around the open meeting law to prevent a serial communication. Which would then also bring in the open meeting law. You are aware of this open meeting law, and this is prima facie evidence of you not caring about it and doing what you can to avoid it.

It is really disappointing to me, and I wonder what other votes you have taken off-line, showed up at a meeting, and said this is from the organizational meeting itself right here, this is all we get on it. The Mayor says, I would like to argue that, given the length of our meetings and the ability to describe a topic efficiently in three minutes we go from three minutes to five. I am going to ask if anyone dissents with that, otherwise we will ask for a motion as your dissent for five minutes. Only Trustee Armacost says, No, I think that is warranted. You know why there was only one person? Because you guys already discussed it all off-line and already all voted off-line. Why vote when you get here when you have already voted?

Mayor Swiderski: Your three minutes are up.

Mr. Bell: It bothers me. I hope you never do other things, and if anybody ever asks to look something up, also the private e-mails, I think, from Niki, from Meg Walker, trusteemegwalker@gmail.com, and then there was one other one possibly. You are fine, Mr. Stugis. I do not think you are involved, or Apel. I think it was the other four. If you are going to FOIA anything, if you are going to look for anything in a lawsuit, I am not giving you legal advice but every personal e-mail up there has to be checked out to see what is going on behind the scenes. My last thing is, I request that all Village business be done only through official Village e-mails. I think you all have access to that at your homes. It can go through the official Village e-mails and never use you own private e-mails ever again for Village business. That way I know the Village Clerk can easily look it up.

Mayor Swiderski: The three minutes are up, but I do want to explain about the open meetings law. That is not a deliberate end run, it is deliberately seeking not to have a conversation by e-mail. We are all trained in the open meetings law and we take it quite seriously. We are not obligated not to have a conversation in e-mail. You can.

Mr. Bell: Of course you can, yes.

Mayor Swiderski: But we do not. We do not have collective conversations where we talk back and forth about issues.

Mr. Bell: No, you did not. It was all back to you individually.

Mayor Swiderski: This is not a conversation between me and you. I am explaining something.

Mr. Bell: Yes, sir.

Mayor Swiderski: Three minutes are up, and I need to be fair to everybody else who approaches the mic so they do not have an equal expectation of a conversation.

However, to finish up an explanation because you are articulating an assumption that we are doing something untoward, we were not. I count noses sometimes. If there is no real support for something I do not move forward with it. They tend to be fairly inconsequential. We do not have deep discussions by e-mail because it is not right, and we do not talk among ourselves to reinforce opinions or gather a consensus among us because that is not right. It is not something that the open meeting law permits.

Indeed, you are a frequent FOIA'er. If you were to FOIA other decisions you would find what I am saying is true. I deliberately say do not reply all because I do not want to have cross-pollination of ideas and opinions that are efficiently a conversation among Trustees. We do not talk much among ourselves outside of these Board meetings, much less so than people probably think we do. We have relatively few conversations on policy because it does not feel fair. Occasionally I will talk to individual Trustees to get a sense of where their head is at, but it is not with an attempt to build a consensus. That is not how I operate. It is how plenty of boards do operate, but it is not how I operate or how we operate.

The point about using the Village e-mail is absolutely well taken. It is the preferred method. Sometimes, the way the Village e-mail system works it that it is echoed to a private address if you do not have a device that allows you easy access to the Village e-mail server. If you want to be responsive, you are going to respond from that device and it is going to go back by the e-mail. It is not ideal, it is not the preferred option. I have a dedicated device just for Village e-mails so it is a bit easier for me. Others may not, but I agree.

Mr. Bell: Perhaps we can get that from the Village. You all have your BlackBerry.

Mayor Swiderski: That is money which is no longer available. But it is not something we do.

Mr. Bell: I just request in the future that if you do have these discussions and do not write something about three minutes it is, where it looks like you did take a vote. And do not say, but we have four votes to change. That is all I am saying. I totally agree with everything you said. You are allowed to have these communications.

Kathleen Sullivan, 17 Wilson Place: I feel like I have untangled a knot finally and I have some concerns. You will be discussing, and potentially voting, to approve the consent decree this evening. However, this document has a fatal flaw, and the Board of Trustees can fix it immediately. The consent decree will create greater risk to future inhabitants from flooding than it needs to. At the last meeting Meg asked a question of me, which was why not wait and consider the proposed maps at the same time as rezoning the waterfront. If you put aside the consent decree, the question is that the Village has a duty to manage flood risk in this community. The requirements of the new flood map can be adopted by the Board at any time so there is no reason to wait. FEMA has put us on notice that the risks down there are greater. And in the consent decree are items that are suspect under the new regulations as well as the new building code. I do not know how the Trustees have discussed this. I do not know if people are aware of the risks this will entail. And I do not know if there is a plan to address them. But like New York City, like the State of New Jersey, Hastings can do the right thing and adopt and plan appropriately for future development and future use down at the waterfront.

Franco Fugel, 4 Riverpointe Road: About the Artis proposal, many of my friends could not be here today because of the holiday weekend. They are away at camp and things. I have lived here since I was six months old. I am a junior in high school. I use the Aqueduct to bike to work in town, to bike to my friends' houses who live along the Aqueduct, and we use it for cross-country training at school. I think this Artis proposal is going to deface a vital part of the Aqueduct that my friends and I honestly stop and look at every single time we are passing it. Many of my friends stated their disapproval to me about what this Artis plan is proposing to do and how it could harm this beautiful part of the Aqueduct. I watched the first meeting, the Q&A with Artis, and was enraged with their plans to t destroy the Aqueduct and that part of it. It is wrong. The Aqueduct has been part of our history, and it is up to the whole Board of Trustees to keep it that way.

43:16 AUTHORIZATION TO SIGN MODIFICATION TO 2003 CONSENT DECREE

Mayor Swiderski: We are not having further discussion of the consent decree. That has come and gone.

In regard to the issue raised by our Planning Board Chairman, the consent decree is not a zoning document. That lies ahead of us. I anticipate we are going to start to kick off the zoning process on the waterfront as soon as the fourth quarter of this year or first quarter of next, at the latest. That process will include consideration of the FEMA flooding maps and everything else that will go into that zoning discussion in, I guess, a couple years' process. But one of the biggest complaints we had about this consent decree was that there are too many zoning considerations in it. We tried to strip out one or two, and what is left is what the other parties have agreed to in terms of changes, and reflects input from the community we are able to integrate into that document. It is a huge step forward for us and a historic step forward for us, and I am eager to have it on this agenda and eager to see it pass. We took a break in February, to gather those opinions and questions, get the answers, and renegotiate this. So a few changes were made. It is July and the resolution is before us. I do not know if there is a lot of discussion left here on this.

Trustee Walker: I have a couple of things about the bullet points, and feel they do not characterize what is in the consent decree. Of course it does not fully characterize it, but I think it mischaracterizes it in a couple points. The one that says "the remainder of the site shoreline may be a vegetated armored slope, and in such event the Village and ARCO will cooperate on the design." I think we are hoping to cooperate on the design no matter what the shoreline becomes. If it is a bulkhead, if it is a combination of bulkhead and sloped shoreline, we are going to be cooperating on the design. Otherwise, I would not be moving forward with hiring a consultant.

Mayor Swiderski: Is there an issue with striking "in such event?" OK, we will strike "in such event."

Village Attorney Whitehead: Could we just say "and the Village and ARCO will cooperate?"

Trustee Walker: And "may be a vegetated" is correct. That is the way it was stated in the OU-1.

Then "boathouses/boat storage facilities," et cetera "may be constructed within 60 feet of the coves," I think it is more general than that. It is not just within 60 feet of the coves.

Village Attorney Whitehead: The point is that nothing else can be constructed in that area.

Mayor Swiderski: And within the 100-foot border of the entire site, right?

Trustee Walker: But here it says "may be constructed within 60 feet of the coves and/or within the northwest corner," but it does not say the entire shoreline. This, again, has to do with our keeping up with this concept design.

Mayor Swiderski: And that is in the consent decree. We will modify it to say "and within the 100 feet border of the waterfront.

Trustee Walker: I have thought about this a lot in response to Kathy Sullivan's point. I, too, have concerns about the height and eventual height of this site and whether it is going to meet the FEMA requirements and whether it is going to meet the requirements of sea level rise in the future. But I do think we have to move on with this. This has already been argued several times with ARCO. I do not think we are going to achieve anything by going back to them and saying no, we want it to be 14 feet or 17 feet. We are just going to have to address that in the next phase, as you pointed out, whether it is zoning or coming up with an immediate study where we have to look at the FEMA maps and adopt them. I think we are going to do that, but we are not going to do it with this document.

Village Attorney Whitehead: Another thing to remember is that before anybody can build anything, which could be many, many years out, FEMA maps could change. Whatever gets built, whenever it gets built, it will have to comply with the FEMA regulations then in effect. So whatever it is at that time they have got to comply.

Trustee Walker: Yes, and this is really about remediation, it is not about development. We are going to have many discussions about development.

Mayor Swiderski: Endless. Any other comments from the Board?

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

WHEREAS, Hudson Riverkeeper Fund, Inc., now known as Riverkeeper, Inc. ("Riverkeeper"), the Village of Hastings-On-Hudson (the "Village") and Atlantic Richfield Company ("ARCO") entered into a Consent Decree (the "2003 Consent Decree") that was duly entered by the Court on December 19, 2003 in settlement of the litigation entitled "Hudson Riverkeeper Fund, Inc. and Village of Hastings-On-Hudson vs. Atlantic Richfield

Company,” Civil Action No. 94-2741, in the United States District Court for the Southern District of New York; and

WHEREAS, the 2003 Consent Decree related to the remediation of the approximately 28 acres of land bordering the Hudson River and known as 1 River Street, Hastings-on-Hudson, NY, currently owned by ARCO, that was the site of former industrial activities (the “Site”, also referred to as “Operable Unit 1” or “OU-1”); and

WHEREAS, the 2003 Consent Decree was based, in part, on a proposed remedial action plan issued by the New York State Department of Environmental Conservation (“NYSDEC”) for the Harbor at Hastings Site Operable Unit No. 1 Village of Hastings-On-Hudson, Westchester County New York Site Number 3-60-022, which remedy was ultimately set forth in a Record of Decision issued by NYSDEC in June 2004 (the “OU-1 ROD”); and

WHEREAS, based on new information which indicated a need to modify the remedy set forth in the OU-1 ROD, the NYSDEC issued an amended Record of Decision for the Harbor at Hastings Site Operable Unit No. 1 in March 2012 (the “OU-1 ROD Amendment”); and

WHEREAS, the Village, Riverkeeper and ARCO negotiated a proposed “Modification to the 2003 Consent Decree” based in part on the changes contained in the OU-1 Rod Amendment and certain issues of concern to the Village (the “2016 Consent Decree Modification”); and

WHEREAS, the Village held public meetings at which public comment was sought and received on the proposed 2016 Consent Decree Modification; and

WHEREAS, the Village Board of Trustees carefully considered the public comments received at the foregoing meetings, as well as comments received thereafter in writing and at the Board’s regularly scheduled meetings, and each of the Board members provided comments of their own; and

WHEREAS, as the result of the various comments, additional negotiations took place between the parties which resulted in additional changes to the 2016 Consent Decree Modification; and

WHEREAS, the Board has concluded that the 2016 Consent Decree Modification contains benefits for the Village in addition to those set forth in the 2003 Consent Decree, including but not limited to the following:

- The bulkheading of the northwest corner of the Site to support a ramp to a floating dock;
- The remainder of the Site shoreline may be a vegetated, armored slope, and the Village and ARCO will cooperate on the design (which will include a 30-foot wide walkway);
- Boathouses/boat storage building, public seating area and ancillary facilities (such as a café) for the service of light foods, restrooms and similar services, may be constructed within 60 feet of the coves and/or within the northwest corner of the Site and/or within the 100 foot border of the waterfront;
- The sloped shoreline will be designed to include a kayak/canoe boat ramp or similar boat launch to provide access to the Hudson River;
- The developable portion of the site will be at least 11 feet above low mean sea level, to facilitate resiliency;
- Provision for a potential funding mechanism to save, or replace or refurbish, the water tower;
- Funding to restore and reopen Quarry Park and for the Village Historical Society to preserve the history of the waterfront;
- Additional funding for Village monitoring of the remediation.

NOW, THEREFORE BE IT

RESOLVED: The Mayor and the Board of Trustees hereby authorize the Mayor to sign the 2016 Consent Decree Modification in settlement of the litigation entitled Hudson Riverkeeper Fund, Inc. and Village of Hastings-On-Hudson vs. Atlantic Richfield Company, Civil Action No. 94-2741, in the United States District Court for the Southern District of New York.

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

Mayor Swiderski: I would like to thank the Board for working with me on this. It has been a long process and an important one, and an exciting step for the Village.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: I am happy to report that we have made some good progress at Riverview Park. The contractor, over the past two weeks, has been out there. The trees have been removed that are scheduled to be removed. We have cleaned up the vines. We have authorized installation of the fence. A great deal of site work has already occurred on both the upper and lower level. The lower level is beginning to take shape where we have the stones placed in prescribed areas. Up top, we have cut the asphalt and begun to shape that up into a smaller paved area.

I do not know if the water company has yet visited the site. We are waiting for them to do a field visit to determine the existing connection from the water main, but that is not holding up anything else. We have ordered the hot box, which will house the meter and the backflow preventer. We are coordinating with Con Ed and our electrician. We have taken out the necessary paperwork for Con Ed to begin to engineer where the pole will go and how it will be fashioned. It is moving. We knew it would take time. We are dealing with utilities and that will take time. We are beginning also the design for the water connection. We have an engineer who will assist us in the permitting process for that.

Donna is away for two weeks so she will not be here this week and next. I am not sure exactly how much site work will occur during that time, so there may be a bit of a delay during that but perhaps not. I am out there almost every day so I am observing it, although I am not the architect of record so I am not sure exactly what is being designed. But it looks like it is making good progress. We have recently processed a \$23,000 payment. So about a third through their work and that gives you some sense of where we are.

Trustee Walker: What is your estimate now of the plumbing and electrical cost?

Village Manager Frobel: With the electrical, with the pole, plumbing, it will probably be close to \$25,000 or \$30,000.

Trustee Walker: It is quite a bit additional to the construction cost, but in the long run it is going to be valuable. Certainly doing it now is better when the site is under construction than to do it later and have to rip things up. It is the right thing to do. And it makes the space much more flexible and usable for lots of different events and activities.

Trustee Armacost: The neighbors are sending e-mails that they are happy with the progress. So congratulations on having a group of happy citizens.

Village Manager Frobel: That is encouraging, thank you.

The second matter, the Mayor asked me to talk about what appeared in the local newspaper. The Department of Homeland Security and the Coast Guard are considering expanding what they call "the anchorage grounds." This is for the barges and large ships that go up and down the Hudson. They are looking to expand it from the existing location in Yonkers as far as Dobbs. They have asked if anyone would like a public meeting. Riverkeeper has requested a public meeting for Pace University. I do not think there is a date set for that yet. They are welcoming comments up until September 7, so perhaps after the public meeting and we hear from the Coast Guard the Board will be in a position to offer some comments. I forwarded to the Board what I got from the Coast Guard and from the Federal Register, along with a map of the area. It has to do with traffic. And the fact that it is taking longer, with larger barges to offload elsewhere, these boats are beginning to back up. From what I understand, it is usually in the evening hours overnight. It is not like they sit there during the day but is during the evening as they begin to queue up, and then offload at a later time. But I do not know much about it. That is what we would find out during the public meeting.

Mayor Swiderski: I heard about this first maybe two weeks at the Yonkers Canoe Club. The barges were parked in daylight all the way down to New York and were all fuel oil barges, by the looks of it. Not that I am a professional, but I was told that is what we can expect. I would like to reach out to Riverkeeper and make sure we participate in that public hearing. We will probably have a strong opinion here.

Village Manager Frobel: They are our advocate, and I was pleased to hear they have gone on record for wanting that public meeting.

Trustee Walker: Has Riverkeeper issued any statements? It would be interesting as to what their concerns are.

Village Manager Frobel: Not that I am aware of, but I can find out. There have been some comments. If you go to the website you can read the comments that are coming in from interested parties.

BOARD DISCUSSION AND COMMENTS

1. Board Discussion on Artis Proposal: Discuss Next Steps

Mayor Swiderski: I am going to start by asking our Village Attorney to frame what we are doing here and how this should proceed.

Village Attorney Whitehead: As has been discussed, you have before you a petition requesting a zoning amendment which would affect other parts of the Village, but would also

allow this particular project to move forward. We are at the very beginning of this process. They have submitted that petition to you. The zoning amendment is a discretionary matter, it is a legislative act which is completely discretionary. Your board can either consider it or not consider it. If you do choose to move forward and learn more and consider it and get more into the process, there are a couple of things that would be your next steps.

The first would be to decide if you wanted to be the lead agency for the State Environmental Quality Review Act review. It is a project that would have to go through a lengthy environmental review process. It will also ultimately require not only the environmental review, but once you were to adopt, if you were to adopt, the zoning amendment it would then also require site plan approval from the Planning Board and a special permit from the Zoning Board. This is the beginning of that process.

If you decided you wanted to be lead agency you would circulate a notice of intent to be lead agency, which has to go to the other involved agencies. Involved agencies are other agencies that have to grant an approval. That would include your planning board, your zoning board, Westchester County because it is a county road and they require a curbcut permit, the New York State DEC, and the City of Yonkers because they are connecting to Yonkers sewer and water. There are generally involved agencies, and then what are called "interested agencies." A list would be put together, but the lead agency notice has to go to the involved agencies because any one of them could pipe up and say no, we think we want to be the lead agency. That is why there is a requirement for you to circulate your notice of intent.

Assuming nobody objects, after 30 days you would then become lead agency and your next step would be to make a determination of significance, which is basically a decision as to whether you are satisfied you have enough information to determine and make what is called a negative declaration and determine you do not believe the project will have any potential significant adverse environmental impacts. Or you make a positive declaration, in which case you identify areas of potential significant impact you want the applicant to study further in an Environmental Impact Statement.

You then get into a process that is called "scoping." The intent of scoping is to define what you want them to study, in detail, provide a detailed outline for that Environmental Impact Statement. The scoping process would include public input either in writing or by a public scoping session. Initially the applicant would provide a draft scope, but then it becomes yours and you take comments. If you revise it you will ultimately adopt what you think the scope of the Environmental Impact Statement should be. They then go away and do all those studies, and put together the Environmental Impact Statement. Once they think they have completed it in accordance with the scope they submit it back to you. You review it for what is called "completeness." It is not whether it is right or wrong, it is whether the information

you asked for is all there. Sometimes it can go through a couple of revisions before you are satisfied there is enough information and everything you requested in the scope is there.

Then there would be a public hearing on the Environmental Impact Statement. It also goes to all the involved and interested agencies and they can all comment as well. Once the public hearing and the written comment are closed, the next step is that the applicant has to prepare a Final Environmental Impact Statement. Now technically, you as the lead agency can do the Final Environmental Impact Statement. More typically the applicant will do it, but you have to accept it. The FEIS is a document where they have to respond to all the comments. They need to address every issue that is raised through the comment process. You review those, then ultimately you would accept that document.

At that point, with all that additional information, you would be back to making a determination: are we satisfied that all of the potential significant adverse environmental impacts have been mitigated to the maximum extent practicable. At that point you would adopt a finding statement, where you make that finding. If you cannot make that finding, at that point you say it cannot be mitigated, we are not satisfied the significant environmental impacts have been mitigated and maybe you decide not to move forward based on the environmental impacts at that point. That is a short summary of the SEQRA process.

Trustee Stugis: That is the short version?

Village Attorney Whitehead: That is the short version. I have taught it and I have taken a lot longer than that to teach it.

No other actions can be done until the lead agency finishes the SEQRA process and adopts a finding statement. You will get input from your planning board and your zoning board during that time, but you cannot act on the zoning amendment until that is done and they cannot act on the applications before them until that is done. Simultaneously, though, you can refer it to them and get some comments from them not just on the SEQRA process, but on the text amendment itself. The text amendment, as they proposed it, might get massaged during that time, the language might change a little. In the Environmental Impact Statement you can require them to look at certain alternatives. Unfortunately, the SEQRA process and the other processes do not always work well together. We try to make them work together.

Mayor Swiderski: Right. I want to understand how you can initiate a SEQRA process without some assumptions about the development going down. You have to make certain assumptions about setbacks and number of units and everything.

Village Attorney Whitehead: Right. They have given you a proposal which includes a plan, they have given you a long-form environmental assessment which has some general information about the impacts of the project. So you have that. This is a little different than zoning amendments that the Board might choose to do on its own without a particular project. In this case, because the zoning amendment has been brought to you by an applicant with a specific proposed project, in that process you have to study not only the impacts of the zoning amendment but the impacts of this particular project.

Mayor Swiderski: Is it based on the latest submission?

Village Attorney Whitehead: Yes.

Mayor Swiderski: Or could they revise that submission and have that as part of the EIS?

Village Attorney Whitehead: They could. They have certainly heard some comments already about some of the public's concerns and this board's concerns and they could revise their plan, and make that the plan they study. But you do have in front of you a plan. It gives you information on what the setbacks are going to be, it gives you how many beds they are proposing, how many parking spaces, how much impervious surface. We have not gotten into it but the environmental assessment form does have a fair amount of information in it. Because this is what is called a Type 1 action under SEQRA, they were required to provide, and did provide, a long form environmental assessment form.

Mayor Swiderski: Again, because this interplay between SEQRA and the site plan is not trivial here, whatever site plan they use as a basis for SEQRA cannot be too far away from whatever is approved by a planning board, if it is approved. Because otherwise, if it changes radically it would have to restart the SEQRA process.

Village Attorney Whitehead: It cannot become something that has additional potential impacts. It cannot get bigger, if you will.

Mayor Swiderski: OK, so it could get smaller.

Village Attorney Whitehead: It could become less. But the Planning Board is going to be involved in the SEQRA review and give you input. The other thing is, during the SEQRA process the plan can evolve and change. To quote someone who worked in this field for many, many years, that is SEQRA working, that is the process working. The idea is that at the end of the day the project may get better, the project should get better. Impacts could be identified and ideas about ways to mitigate impacts could come up through the process. The process is not just an exercise to take a plan at the beginning and have the same plan at the

end, and say OK, we are satisfied. It is really meant to study that plan and say, OK, here is a potential impact, is there something more we can do to mitigate that impact.

Mayor Swiderski: And the zoning language requested is across all of the R-20s, right?

Village Attorney Whitehead: All of the R-20s and the R-10s.

Mayor Swiderski: Anything that inherits R-20.

Village Attorney Whitehead: Correct. The other zones do not inherit everything that is in the R-20s. As you go through the other zones there are some carve-outs. It is everything permitted in the R-20 except for this. So that is something you can do, too. If you would not want it in some of the smaller zones you could limit it to the R-10 and the R-20. Those are some of the things to be looked at.

Mayor Swiderski: And this is applying to R-20. The obligation of the SEQRA process is to look at the impact it may have on other suitable plots.

Village Attorney Whitehead: Correct. So they would, as part of the Environmental Impact Statement and as a basis for your ultimate decision, have to look at other properties where this use could be permitted when and if the zoning amendment is adopted.

Trustee Lemons: It is a long time ago now, months and maybe even a year and before this project came up, we talked about the special permit and making changes in the language. I am not sure I am totally clear. Can you explain that again?

Village Attorney Whitehead: Sure. We talked, and it was a conversation that came out of discussions about the Comprehensive Plan and the next steps in implementing the Comprehensive Plan and the large tracts discussions and everything else. Your zoning ordinance, like most others, has some antiquated things in it and some language about senior uses. We had this discussion, probably close to a year and a half ago.

Trustee Armacost: I can tell you the exact day. It was June 2, 2015, and it was pages 26 through 29.

Village Attorney Whitehead: We did talk about, and you had a list of implementation items you were going to be looking at. Of course, the cluster zoning provision was number one so that is where we focused then. But among the list that this board discussed of other things to look at was updating your zoning code with respect to senior uses, if you will. Because the language that is in your code is so antiquated and does not match what is out

there today; things like assisted living, independent living. Interestingly, when you did the MUPDD zone you did a little of this, but only for that zone.

Trustee Armacost: I looked for those minutes because I remembered that conversation. I wanted to refresh my memory on what came up. We said we wanted to do it quickly.

Village Attorney Whitehead: It got caught up in the cluster and then the consent decree.

Trustee Armacost: Many other things came along. But it was something we felt at that time would be valuable, without knowing about any other proposal, that that language should be updated. Now there is a specific project, and I would rather we update the language without being forced to look at it through the project. Maybe we do not have a choice now, but to me what we were talking about back then was the issue of for-profit not-for-profit, how we can have more modern language so it reflects the way people are living today.

Village Attorney Whitehead: Right. And there was discussion, even in line with the large tracts discussion, that some of these uses might even be desirable on some of those because they are somewhat low-intensity. I am sure you are finding it there in the minutes. I do not think that was the first time we had this discussion. We had it in more detail at that meeting, but I seem to remember something like a year and a half ago. Then, as I said, we all decided the first thing we were going to do is the cluster and when we finished the cluster the waterfront came along.

Mayor Swiderski: We went ahead and made a cluster modification and I do not recall an elaborate SEQRA process. What would have happened if we had proposed this language back then? Would we have gone through the equivalent SEQRA process we would engage in if we decide to go in that direction?

Village Attorney Whitehead: The difference between the process you would have gone through if you did this zoning amendment on your own versus the process you are looking at today is having a specific project and having to look at the impact of this specific project. Had you done it without a specific project before you, you would have had to look at the same thing in terms of the different parts of the Village where it applied. We did a lot of that with the cluster, similarly. So you would look at the different R zones, and whatever language you were looking at what it could allow. But you would not have to do the project-specific analysis because you would not have a specific project before you.

There are some things you could do. You could say to Artis, you know what? We are not going to consider your proposal at this very moment, but we are looking at this as a bigger picture item, because you were looking at more than just what they are asking for.

Trustee Armacost: That, to me, is important. They have, in a way, forced us to have the discussion we started a year ago again. But that was y an important discussion with or without them, and I would rather have it be a broader discussion than be narrowed into what they are proposing.

Village Attorney Whitehead: But you do have a proposal before you so you have got to do something, or nothing, with what you have before you. It could be a way to start the bigger discussion. You could say we want to look at not only this change, but we want to, at the same time, look at some of these other things. The main things had to do with some of the things you put into the MUPDD and applying them more broadly. I think some of the definitions that are in there are even outdated already.

Trustee Armacost: But maybe it is a good exercise. If you have a live project you can sort of see ... sometimes when it is done in too theoretically a way you forget things. It is quite useful to have a live project to be able to make those considerations.

Village Attorney Whitehead: Because you are guessing if you are doing it without a project. It is tough and it is very complicated.

Trustee Armacost: The one concern I would have is that it is not narrowed to the needs only of that project. It is important that it is broader; that while there is a live test project, it is broader than that. That was the spirit of where our discussion was.

Village Attorney Whitehead: Correct. That is why they would have to study the impact not only of their particular project but the impact of the zoning amendment they are requesting on other parts of the Village; other R-10s, other R-20s. You get that, with them doing the work for you.

Mayor Swiderski: So if there was no zoning language changed would the project have to go through SEQRA anyway?

Village Attorney Whitehead: Yes. If it did not require a zoning change they would not be before you, they would be before the Planning Board and the Planning Board would be doing the SEQRA process. But yes, every project, every action has to go through SEQRA. So the environmental impacts of any project, except for some smaller projects that are classified Type 2 on the regulations. And no, you do not want me going into that. Most projects have to go through some degree of SEQRA review.

Trustee Walker: I would be interested in knowing if you have seen some interesting language about senior facilities and locations for them, and sizes and massing so they will fit into a residential neighborhood. Has there been research on this that you have seen?

Village Attorney Whitehead: We could look at it. I have seen a lot of municipalities do it, often in response to an application. They all say we need to do this but they do not get around to doing it until it is forced by an application.

Trustee Armacost: You said there is a body of work to work from.

Village Attorney Whitehead: A number of municipalities, certainly not all but a number, have updated their codes. Greenburgh has been through it two or three times now. So there is language out there, there are things out there that can be used as a resource. I am not sure what the process was when you put some of this in when you did the MUPDD.

Mayor Swiderski: Similar. I do not remember the SEQRA being over the zoning. I remember there being a very long SEQRA with the Ginsburg Development.

Village Attorney Whitehead: Which has been through several iterations over the years, starting with the supermarket.

Trustee Armacost: It is interesting reading these minutes because there were a bunch of other things we said we would do that we did not, moving forward.

Village Attorney Whitehead: You got busy.

Mayor Swiderski: So the issue before us is, do we move forward with considering a modification to the zoning language.

Trustee Walker: And this project. Or you are saying just modifying the language?

Village Attorney Whitehead: No, at this point you would have a segmentation issue.

Mayor Swiderski: We would have a segmentation issue. It is hard to pretend there is not a project on the table and proceed with a discussion of the zoning without that project.

Trustee Walker: I thought maybe you were saying the question is do we want to set this aside and discuss the zoning, as Niki was saying.

Village Attorney Whitehead: But Niki was saying in some ways it is helpful discussing it with a real project.

Trustee Stugis: When Jim Metzger solicited our input from the Senior Advisory Council a bunch of years ago for what he thought should be in the Comprehensive Plan we gave him some language to use. It made it into the plan, and it had some specific new-paradigm, frail/elder care models in mind that end up in residential neighborhoods; one in particular the Robert Wood Johnson Foundation tested and is propagating all over the country, basically nursing homes for between 12 and 15 elders, in a neighborhood where that house is next to other houses that have kids and dogs and flowers. It is really working. So we anticipated some day maybe Hastings would get lucky enough and get one or two of those. When you are considering different zoning, I cannot imagine doing it without some concept in mind, whether it is a continuum of something that Artis has proposed or something like that.

Village Attorney Whitehead: One of the reasons you have not seen that is the finances of doing something that small can be difficult.

Trustee Stugis: They are building hundreds of them around the country because it works.

Village Attorney Whitehead: You do not see a lot of them in New York State. New York State is heavily regulated, and assisted living is a regulated senior use. Independent is not as much, but the assisted ...

Trustee Stugis: There is one in Penfield, New York, where I grew up. Around here I was never very hopeful because of the cost of. You have to have some model in mind.

Village Attorney Whitehead: What I was going to say is that if you look at other zoning codes, senior uses are a very common special permit use in residential zones. It is not that unusual, and this is f an interesting spot because it has had a commercial use on it for many, many years. But is not uncommon for these types of uses to be permitted by special permit, which gives a little added protection, in residential zones.

Mayor Swiderski: I am trying the square the circle here between what Walter is talking about and what is before us. It is a stepping forward on our end, committing to the language of the petition before us. Or can that language be enhanced before the EIS process begins, the sequester process begins, so it is broad enough to cover other eventualities?

Village Attorney Whitehead: We could work with the applicant to enhance it before they even get to the point of preparing their EIS. We can also, in the scoping, make them, in their EIS, consider some alternative language and the impacts of the different alternative

provisions. One thing I already see is that this needs to be melded with the definition you already have in there that was used for the MUPDD. You cannot have two similar definitions. I know they felt that one did not work for them because, first of all, it is a very vague definition. But it also says "senior assisted living," and especially for dementia and Alzheimer's the word "senior" can be problematic because it is not always seen there. You usually are not seeing these uses defined with the word "senior" being in the metric.

Mayor Swiderski: Use of the word "assisted living," and this on the continuum, really is beyond nursing care.

Village Attorney Whitehead: It is not beyond it, it is different. Skilled nursing is the highest level. Assisted living is a step down from it. But what they are proposing, which is memory care, is a subset, if you will, of assisted living. These people do not need heavy-duty nursing care, medical nursing care, necessarily, but they need to be in an environment. They explained it pretty well when they talked about it. They need to be in a controlled environment, and they need assistance with daily living, which is what assisted living is all about. But also being in a controlled environment. That is the way New York State regulates it also. New York State regulates skilled nursing facilities and assisted living facilities. Those are the two levels.

Mayor Swiderski: Those are the two categories?

Trustee Armacost: What Walter is getting at is important, which is that the definition be broad enough to include some cutting edge facilities that are particularly attractive to people in Hastings. We have a character in Hastings, and there is a way we want to envision our seniors, or people who are in that kind of situation, being able to live. So irrespective of whether this particular petitioner has that in mind or not, I would like to see the definition be broad enough that it can include that vision.

Village Attorney Whitehead: It may have to be more than one definition, and you have already done that with the MUPDD. You have got a senior assisted living, you also have senior independent living which are congregate living type of facilities where they may not need the level of care. But it is group living, and they have services and they eat together and they have activities and services but they do not have the same level of need for medical or as much of a controlled environment. It more independent congregate living. That is something that definitely, again, you put it into your MUPDD. It has been 20 or 30 years now, but that has become a very common type of facility you see. Also, when we talked about this before, that was one of the things I was thinking needs to be somehow put into your code.

Trustee Armacost: So is the next step is that we request the Artis lawyer works with you?

Village Attorney Whitehead: At the same time. If you want to be lead agency you can send that notice out. There is a 30-day period on that anyway. In the meantime, if you direct me to contact them and work with them to do some things with the language I know this board wants from prior discussions and from this discussion we can certainly do this, so that by the time we get into the SEQRA process and they get into the EIS we can massage the language a little. We dealt with the issue of the two definitions.

Trustee Armacost: That seems to be sensible to me.

Mayor Swiderski: I want to understand more about how closely bound the proposal and the zoning change are.

Village Attorney Whitehead: The SEQRA binds both.

Mayor Swiderski: Let me state the specific question. Is a potential outcome here that we pass through SEQRA, pass the zoning change, but then the project crashes and burns on site plan approval?

Village Attorney Whitehead: Once it has gone through SEQRA, and if you pass the project itself through SEQRA, the Planning Board is also bound by that SEQRA process. They have been part of that process as an involved agency. There could still be site plan issues that need to be delved into deeper, and there could still be some modifications on things that are not necessarily environmentally related. But it would be unusual. They could not deny it for an environmental reason that was already addressed in the SEQRA process.

Trustee Armacost: But they could deny it for another reason.

Village Attorney Whitehead: That is complicated.

Trustee Armacost: The other ones we have seen have lasted 10, 15 years. I remember Ginsburg saying that it took 15 years for 9-A to get to the state.

Village Attorney Whitehead: That went through a lot of iterations.

Trustee Walker: I am of the opinion that unless this project is drastically reduced in size it cannot fit on this site. I want to put it right out on the table that I am opposed to going forward with the project as it is. But I am very interested in getting Alzheimer's facilities into the Village. My mother and my mother-in-law and my grandmother all suffered from

Alzheimer's and I spent a lot of time in these kinds of facilities that are specifically dedicated to Alzheimer's. I believe it is a really valuable thing to have, and lumping it into any nursing home is not always the best thing to do. I am interested in that kind of facility, but I do think we need to look at the size and the location and how it relates to major streets and how it relates to residential neighborhoods and how it relates to environmentally sensitive areas. That is where I think this one falls short. There may be other sites in the Village that are much more appropriate. I am seriously concerned about the Aqueduct and potential damage to the Aqueduct from blasting. I am seriously concerned about the amount of retaining wall that would be required to be built after the blasting, after the how many hundreds of cubic feet of rock are removed. Then they build a 40-foot high retaining wall right up against the state park property, and it encircles this. I do not know if you remember on Central Avenue in Yonkers, when they are building this retail and blasting away the hillside right up to the edge of these poor people, these single-family houses, that are sitting up there on the ridge. You see this gigantic retaining wall. That is what I fear this will look like.

Village Attorney Whitehead: This is what the SEQRA process is intended for.

Trustee Walker: I know, but I am an architect. I am looking at the size of this thing, and I cannot imagine any other way. They could move it forward on the site and maybe put the parking across the street on the piece they want to give to us. But then it will be much more visible from the Aqueduct. The way it is tucked back right now is less visible. But I think you will see the roof. That is why they y put up this hedge. They showed this hedge at the meeting, where it would be hiding the building but it would also be hiding the river and most of the Palisades from the most beautiful spot on the entire Aqueduct, all 26 miles. This is the most dramatic view on the entire length of the Aqueduct. I have walked the whole thing, I have ridden my bike over the whole thing. This is the best spot for a view, and we are threatening to lose it.

Then we have the steep slopes law that is trying to preserve the natural terrain and vegetative cover. Its purpose and intent states: "Steep slopes, including vegetation and rock outcroppings located on them, are important environmental features that contribute significantly to the visual impression one forms when traveling through Hastings-on-Hudson. Areas that are highly visible from roadways, other public places, and adjacent and nearby properties are particularly important in maintaining Hastings-on-Hudson's character. Overdevelopment of, or improperly managed disturbance to these areas are detrimental to the visual character of Hastings." So, in fact, yes there is a parking lot there. But if you look at it, there is a tremendous amount of rock outcropping and large trees still on that site. That would all go, and you would basically have the site flattened and this big retaining wall.

Finally, we have been talking in our Comprehensive Plan about the importance of our gateways to the Village and how they present the character and we want to preserve the character of the natural character, the pastoral character of Broadway, and historic character. I think this is not the character we want to see when you enter the Village, coming in. This site across the street, if it were given to the Village I am not sure what we would do with it besides turn it into maybe a dog park. It is too removed for folks to use. It will be a nice park for people in Yonkers. It is not going to be a park for people in Hastings unless they bring their dogs there. So I do not see that as a tremendous asset to the Village.

Looking at all these things, we do have to take seriously that the Aqueduct is on the National Register of Historical Places and it is a national historic landmark. There are only 2,500 such landmarks in the entire country, and its structure is what is protected. The trail is also protected, but the structure is the national historic landmark. I am concerned that we potentially damage it. Yes, you go in and you can monitor it and see, and they could repair it. But the damage would be done. If you go in afterwards and it is cracked, what are you going to do about that, it is cracked. What are we going to do about the view once it is gone? We cannot get it back.

Mayor Swiderski: And where does that leave you?

Trustee Walker: Where does that leave *me*? My opinion is we should not do this project, that we are not going to rezone the property for this project. However, I do believe we should move forward with looking at potential sites within Hastings and writing the language that is appropriate for this kind of use, and being more progressive about the kinds of memory or senior facilities we want to see in this village. There are a lot of great examples. I visited co-housing projects for seniors. In Colorado they were fabulous. There are a lot of different models out there to look out. We could be really creative about it. Then make it a place where we all want to be.

Trustee Stugis: I echo a lot of what Meg said. I am still trying to understand what a property owner's rights are in pursuing this process. Do they get their day in court?

Village Attorney Whitehead: Not on a zoning amendment. It is completely discretionary.

Trustee Stugis: It has been a year of trying to socialize this concept with the community and that has not worked with the concept that is in front of people now. It sounds like an awful lot of work by somebody, and I am not sure who, to do the SEQRA process. I am not interested in it unless we skip ahead to step four or five that you outlined and do the scoping first. I am just not really interested in it and I do not think this project would have much of a chance if it continued to include removing the massive rock formation, or continued to be an

incursion on the border of the Aqueduct trail. I guess I would be open to it. I see a glimmer of hope if it ended up being three or four homes for 12 or 15 frail elders, just like it would be three or four homes if it stayed residential. One of the comments from somebody in the public was we are not naïve, we know it is going to get developed some day. It will end up being four or five really nice houses.

Village Attorney Whitehead: You will not get assisted living or memory care in three or four separate structures. They have to be all in one building. You might get a different kind, the more independent. Again, you can go in for whatever you want until someone wants to build it. It does not really matter.

Trustee Stugis: But I just cannot imagine. The gentleman from Artis, last week or two weeks ago, said it is a parking lot now, what is the big deal? Half of it is a parking lot and half of it is a massive rock formation that is all vegetated, slopes right up to the Aqueduct, and provides what you see when you are on the trail. I have a lot to learn still about the process and what is fair, but I do not want to put people through all that much work for the thing the way it is proposed now. I also think there might be some potential in the building across the street. It has been bandied about, maybe we could turn into living quarters for volunteer firefighters. I am interested in that asset part of it, but I am not interested in the blasting and drilling and bringing down the rock formation. That is the biggest thing to me.

Mayor Swiderski: If the developer hears that and walks away with that, to me SEQRA, as you put it, is a process. If concerns are addressed as part of the process, if you believe nothing can be done, I am not an architect and I do not have that imagination. So I simply do not know what is possible or not possible with the site. I agree that there is too much blasting, certainly in the proposal we heard earlier. But I do not know if other configurations are not possible. I have referred to your Mediterranean village tucked up against the hill that would achieve much of the result without the concurrent blasting. But I do not know.

Trustee Stugis: That was my suggestion. Do the scoping first because the current scope sounds untenable.

Mayor Swiderski: Well, is the scoping not done first?

Village Attorney Whitehead: Scoping is done early in the process. It is you outlining what you want them to study, including alternatives in the EIS.

Trustee Walker: But once we kick off the process it has got to go through its phases. Even if we want to end up wanting to say no at the end we have to go through that whole process, which is lengthy and expensive.

Trustee Armacost: But not for us.

Village Attorney Whitehead: No, the cost is on the applicant.

Trustee Walker: But it is time-consuming for us.

Mayor Swiderski: It is time-consuming, but that is not a reason not to tackle it.

Trustee Walker: No, it is not a reason not to tackle it if we really wanted this.

Trustee Lemons: Or want anything. Because at some point there will be some other proposal for that site. A lot of the issues are very real about view and so on, but if anything will ever go on that site that view is going to change and there will be buildings down there. If they are moved out towards the road they are going to be more visible rather than less visible. I gathered from the Artis presentation two meetings ago that one of the reasons they proposed blasting was because of trying to put the buildings back out of sight rather than in sight. One of the consequences, possibly, of saying we do not like the idea of that retaining wall blasting, and I get what you are saying about that because the blasting is a huge concern, is that our predisposing to the future whatever development that will be will be buildings near the road and more visible.

Trustee Walker: Well, if somebody decides to buy it as a restaurant.

Trustee Armacost: It has already been bought. One thing we are forgetting is that it is owned by people. I am really interested in the rezoning. Not for them, but for us as a village. That is important, and we have a lot of power in the way we choose to rezone. And it is in the interest of Artis to work with us if they have a goal of building something at all there in the space of assisted living. They have an interest, I think, in working with us to create a definition that fits in with the character of Hastings. They ought to have an interest in that, whether they do or not. We postponed a year ago, and now rather than having zoned it and had people come in with a proposal we are having to deal with a proposal. It is going to happen; there are more and more tracts that are in this situation. My view is that we should take this opportunity. They own that land, one way or another they are going to build something there at some point.

Trustee Walker: Not necessarily. They could sell it. But that is a question about the zoning. We could create overlay zones, could we not, for certain types of assisted living or senior living if it is going to be of a certain size. Or it could only be in the large tracts, in the R-20 areas, where we have much larger properties.

Village Attorney Whitehead: It is more common to do it as a special permit use in certain zones than as an overlay, but it could be done as well. You are starting to get a lot of overlays on top of overlays.

Trustee Walker: I know, because we have cluster and everything. But what I am saying is that maybe we could have more control about where it goes, especially if it is large.

Village Attorney Whitehead: Well, you can control density, you can do beds per ...

Trustee Walker: You have a certain size and plot.

Trustee Armacost: In this situation there is a particular spot that happens to be owned where there is a proposal. For other facilities elsewhere that might work.

Trustee Walker: Yes, and every site is going to have its issues. But this one has particularly compelling issues.

Trustee Armacost: People are talking as if there is very final plan that is being built and drafted. I did not understand it that way. I did not think we were at the site plan stage yet. I thought we were pre that, and there was a conceptualization, and that a lot of work has to go into commingling up with a plan that fits into that space that meets both whatever the proposed zoning requirements end up being as well as other things that are important to the Planning Board and to us. I feel as if I have seen a very straw man. I do not feel like I have seen a final design, and that could be very wrong. But it feels as if we are quite far away from that place of a site plan and design. And it seems premature to me to something we have said we wanted, independently of this proposal, to shut it down and not even let it go. If they are willing to spend the money to go through a SEQRA process because they think it is worth it at the end of the day, then I am hopeful we will get something that ends up pleasing people at the end of the day. But it seems unfair to shut it down before that has happened.

Trustee Lemons: I saw it the same way, that what has been presented, and I heard that response coming back from Artis, that they see it as a very fluid plan. Now, Meg, you have stated very categorically that you do not think anything will fit there that will work. Maybe that is the case. The way I view it is that the process is where that gets worked out. There are very real concerns we have heard and have been expressed. They have to do with blasting and its potential, they have to do with view sheds. Those are all real, and no project could go in there unless all of those were satisfactorily addressed. But right now I cannot look at that site, even pretty good at visually doing stuff like that, and say for sure that no,

there is no way that could work. I am not at that point. I would have to have confidence in the SEQRA process and the evaluation process, and there are these issues that are going to have to be addressed. We heard a blasting person present information. That is fine, but that is not going to satisfy us. We have to have that analyzed and say here are the real risks of taking out that much rock and somebody else who really knows the Aqueduct and the structure behind can say that is just too risky, you cannot do that. The process tells you that. And I have not so far seen something that convinced me that something could not work. Maybe it is not that big and maybe it is scaled in a different way, and it probably is not that big. I do not know their finances, and when they look at it and say finally, we have pared it down so much this will not work for us, that could easily happen in the process of trying to answer these questions. But I do not know that we are at that point.

I am hesitant to close it off and say no, you cannot do it because I do not think there is anywhere near the detail of study that has been done to satisfy me that it could not be done. Probably not at that scale, I am pretty sure of that. But at some scale? Again, because it is something we have already said is an interest for us I am reluctant, at this point. I would not want to even take another step if I had any sense, that once you take that first step it is a fait accompli, it is going to happen.

Trustee Walker: No, it is not that it is going to happen. It is just we have to go through the process.

Trustee Lemons: You have to go through the process, and that does sound painful.

Trustee Walker: I would agree. I can envision a different type of massing on that site that could work, but I am not sure it is going to work for them.

Trustee Lemons: When you really dig into it, it may not work for that.

Trustee Armacost: But that is their choice at that point.

Trustee Walker: Yes, it is theirs.

Trustee Armacost: They own that property. We can put up all sorts of requirements, and they probably would view them as barriers because we want to preserve our village in a particular way. But to outright deny it without having that, they are asking to do something we said we wanted to do a year ago.

Trustee Lemons: And they might end up doing the legwork for somebody else. Because eventually it might turn out that it is not going to work for that purpose, but now you have

had a study and you have scoped out what would potentially work in there. We need that question answered, at some point.

Trustee Walker: That is all true. And I said at the beginning that if they were able to reduce it in scale, size and massing, and answer all those questions, then I am willing to consider it. But I have put my cards on the table that unless they can do those things I am pretty skeptical it can be done.

Trustee Lemons: We should be skeptical. That is the whole point of the process: you are skeptical, and you also have clear criteria. We have already made a strong commitment to protect our gateways. Unfortunately, that gateway has been seriously compromised a long time ago.

Trustee Walker: It could be better than it is now.

Mayor Swiderski: I am the man in the middle here. This is at an unholy intersection of all sorts of things. There is some irony that this comes before a board that is as progressive and concerned about environmental issues, and this is not a betrayal of that to consider this. There are all sorts of red herrings thrown out in these sort of discussions. I got my start in politics fighting against ShopRite on 9-A, which was around the corner from where I lived, and I was not going to let that happen. I did what everybody on the other side of this dais did, I organized like hell and we won. We beat it back. Ginsburg thought he was being a white knight and came in, and then we beat up on him for 15 years. But he did not give up and finally got his development.

I understand how this process works from both sides of the table. I understand that Riverpointe Road has a sweet deal, with all due respect. It is a beautiful view, it is a beautiful location. It is a development right up to the edge of the Aqueduct and I understand the desire to want to preserve that view. As lots of people in New York experience, no view is sacred necessarily, and there are view preservation laws here in Hastings that attempt to preserve that. But in the end, unless you own that property there is going to be a risk that somebody will come along and build something on it, whether that is five or six homes, or something else. The question of this being permanently virgin territory into perpetuity is not on the table. That view, to some degree, will be compromised in some fashion, period. I believe that. That is statement number one.

The view preservation law will do its best to minimize that, but something will happen. What will not happen is some of the more scary prognostications about blocking river views. It is not likely to block a view of the road, least of all the river. That impact is going to be there, but it is questionable until a lot more work is done of what that impact is going to be.

In regards to the gateway argument, that has to be disaggregated from the discussion about the view. The gateway argument is how the Village is perceived from the road as you enter the Village. There is no longer a green gateway at this location in the Village, and the compromise to that gateway not only will be relatively small compared to the full length, almost a mile, that is green, it will not go further because the rest of it is parkland. So regardless of what happens there whether it is houses or this, that bit of gateway will be compromised, so to speak. I want to disaggregate that argument from the other argument. I do not think it is a reason to turn away.

I do think that the Riverview facility has a potential for the Village. Whether it is affordable housing for firemen or something, it is a real utility. I cannot let it guide a decision, but I cannot ignore it because we are not up here as the royal defenders of the Riverview or one set of views. We have to consider the bigger picture and try to imagine how this might all tie together. That is a component in the argument. It cannot be anything we hang our hat on because we do not know anything about that structure. You may poke it and it may turn out to be structurally unsound for anything other than what it is and that is the end of it, but it is a component in thinking about this site.

I have done the Aqueduct tour underground. You can go up to Ossining, and once a year they let you go into the tunnel. It is remarkable. It is well worth the time and effort. I completely echo Trustee Walker's concern about the risk of damage to that structure. You do not have to wince very hard to imagine the first dynamite blast bringing it down. You just do not know what shape it is in and that is a real issue, as are 40,000 or whatever the number is of cubic yards of rock. I do not need to know that that could be constructed into a stadium, I just know 40,000 is a lot of anything, especially cubic yards. The excavation and blasting, or however that is done, would be intrusive to say the least. But that, in and of itself, is not reason to say no because construction always involves noise, et cetera. But it is a consideration, especially for the structural integrity of the Aqueduct.

I sit up here, I hear these things, and I fall in the camp to my left, where to categorically say no without that further investigation seems unfair to the process, to the Village, to the zoning, and perhaps least of all to the applicant. I may be progressive, that does not mean I do not have some respect for property rights. You have a right to ask for this, and the Village has an obligation to respond. To respond categorically no because it might not be what we want seems arbitrary. I have done a major renovation to my house, as have friends of mine, and it is not comparable but it is morally not totally incomparable. You do not want to be shut down just because it is not attractive to the neighbors; you want to be given a fair hearing in court, so to speak. SEQRA is a pretty brutal, fair hearing. It is going to put them through the hoops.

I am willing to bet even odds that once scoping is done it may not be worth doing the rest of SEQRA, for them, because it will be so narrowly defined that it simply will not be worth going forward. But that is their problem to determine. If, indeed, they configure something we can live with, then we will have accomplished something that is fair and, right by the process, provides a facility that is useful to some people and something we have said we want, and changing the zoning so we can look forward in the future to something similar being done elsewhere. I do not know if this is a 3-to-2 decision, or if we are at that point where we are voting this way. But I am inclined to move forward because everybody has the right to their day in SEQRA court here, and I think it is worth that step. If we did not do the tough stuff up here we would not be getting a lot done. Part of what we land up doing sometimes is stuff we know is going to be ... I am stepping into an election season in March. This does not make me happy. I do not think any of you will be glad to vote for me in five months' time if this moves forward. So it is not necessarily an easy thing, but that does not mean it is not the right thing to do.

I think the next step to begin this. And while I am at it, if we kick off this process we have to believe, we have to say yes. And then to kick it in somebody else's lap would be cowardice. If we are going to screw our courage to the sticking spot, and Lady Macbeth I do not think it ended well for her, we should just take it on ourselves to shepherd this process through. It is going to be one of several burdens we are going to face over the next year, all of them controversial so welcome to the Board, Walter. Rezoning of the waterfront next year is going to be heavy. What you are finishing up will have its own burden. But it is why they pay us the big bucks and that is where I am.

Trustee Lemons: If I did not have confidence in this board and the commitment of this board with a pretty strong set of values the Village holds, and our sense of the importance of the environment and the importance of the character of the Village, all those things are very strong sentiments on this board. So knowing that, I am not worried about going into a process where we are going to use those criteria to evaluate through that SEQRA process. Are those impacts compromising those, any sense of that not being answered in the right way, then I have a lot of confidence this board will act appropriately.

I know that is not what the residents of Riverpointe Road want to hear at this point, but I hope they will have the confidence in us as a board that we have no other interest in mind other than to do those things, to sustain those values. The one thing I do want to say as a part of this discussion, I just have to get this off my chest. At the very beginning of this conversation, a couple of meetings ago, there was a suggestion made by the attorney for Riverpointe that there must be something fishy going on because why would they purchase this property without having cleared these very significant hurdles. I can understand where

the question comes from, but on the other hand I have to say that I resent that question. That point has been made several times in the discussion since, and I just want to make it very clear that there is none of that going on as far as I know. I cannot imagine that there would be. And I resent that kind of suggestion because that is not what this board is about as I understand, and it is certainly not what I am about on this board. Would it be great to have some land donated to the Village that we might do something with, yes, that would be great. But that is not the question that is in front of us. That is a potential bonus that could happen. If it does not happen, fine. That is not going to influence this, even though I know there is nothing particularly wrong with that kind of agreement. But what was suggested was well beyond that. It does not help our conversation, it does not help the discourse, which is a very important one that we all need to be involved in to have that kind of suggestion floating around repeatedly.

Mayor Swiderski: I agree. A number of members of the Riverpointe community were uncomfortable with that language and have reached out to me. I reassured them that the trajectory of a lot of these discussions often involve a fair amount of mud thrown. I have a couple of inches of alligator skin from more years up here, and I resent it too. But it comes with the territory. I would suggest it is not the best for business, but that is their own decision. Meanwhile, while I categorically reject it, it is just water off my back. I can move forward and accept that I think most people in the community and at Riverpointe understand in the decisions made up here we try to do this out of a sense of what is right for the Village as a whole. It seems like a silly theory, because what is the quid pro quo here? It is insulting.

Trustee Walker: I was the planner for the Village when Riverpointe Road was before the Planning Board, and it did go through a pretty lengthy SEQRA process. There was a lot of discussion about how the character of the Aqueduct was going to be changed by this new residential development there. We went through a lot of how can we put in some trees, a buffer between the Aqueduct and Riverpointe, and how is that going to be maintained over time. We spent a lot of time on that and, unfortunately, most of that buffer has disappeared because people wanted to open up the views. The character of the Aqueduct has been changed, unfortunately. There was a beautiful grove of white pine trees there that a lot of people wanted to preserve. But it was impossible because of the development. At any rate, now this is progress.

Mayor Swiderski: So I monopolized some time here, but in the end this cannot be solved. It has to be explicit on the next step. I am going to start with you, Walter.

Trustee Stugis: I am still learning what things like SEQRA mean and how to say that. The essence of my comments were, the way it has been scoped so far by the applicant,

whether it is interpreted as a detailed plan or concepts, along the way, I think early in the next phase it requires some pretty significant re-scoping. I hope they can listen, and I am glad to hear that it is fairly early in the process because I would not want to put them through a whole lot of work, or whatever our role is in shepherding the process along through a lot of work. I am all for examining it and going through the process, but I encourage them to listen pretty hard to the big issues that have been made pretty clear.

Mayor Swiderski: When you say you are all for it, does that mean you are willing to move forward with the process?

Trustee Stugis: I am willing to move forward with the process, but I encourage them to not waste our time or their time.

Mayor Swiderski: Meg, unanimous consensus is never a requirement. It is to you.

Trustee Walker: I would prefer to say no at this point, and start our own more proactive zoning process to define what we want in terms of assisted living, senior living, memory care, and where and how big and defining the type of more progressive things. Not that this is not. I appreciate memory care, for sure, but in terms of how it could be located and how it could relate to the rest of the Village. I would like to do that proactively rather than reactively.

Mayor Swiderski: You are saying no.

Trustee Walker: Yes.

Trustee Lemons: I think we should proceed, and I like the way Walter phrased that. I think, hopefully, Artis has heard the comments that have been made. But there is a lot to be gained by doing that process and figuring out what is going to work there. Whether it is going to be that facility or something else, something is going to go there and it is going to ultimately, hopefully, be to the benefit of the Village. It is well worth the effort to try to figure that out. But we know the constraints. We have made it pretty clear what the constraints are going to be.

Mayor Swiderski: So you are yes.

Trustee Lemons: Yes.

Trustee Armacost: I am a yes. My main reason is that I do care about this zoning change that we had discussed a year ago completely out of this context. I think it is useful to do it in

the context of a real project, and I believe that we are very early on in the planning stages and site map stages. I am confident that what we will see through this process is something that will look completely different than what we have now. It will have to take into consideration all the views that have been raised here, as well as the views that have been raised by people who are in this room who are neighbors and who are in the Village and care about the way things look and the spirit of the kinds of buildings and enterprises we want to have in our village. I think it will look different, I hope it will look different, but I want that zoning amendment.

Mayor Swiderski: I concur, yes, and onwards. You can vote yes here, lead agency, I assume?

Village Attorney Whitehead: You can have a resolution for that for the next meeting. We will put together a resolution. There are some other steps. You should have the applicant establish an escrow account, determine what consultants you might want to retain. It may be too early for that, but things we can talk about. But we will have our resolution for lead agency for the next meeting.

2. Building 52 Demolition Permit: Review State of Documentation Received in Response to Questions on Demolition Permit for Building 52 and Determine Next Steps

Mayor Swiderski: We have received all the documentation that ARCO will be providing on Building 52. I will be posting it in the next two days. We received the last pieces last week, so I will be posting tomorrow everything on the Village website. At this point, you will all have it. We have also asked our engineer to take a look at it to determine if there are issues.

Village Attorney Whitehead: And the Building Inspector.

Mayor Swiderski: The Building Inspector and our environmental attorney, Mark Chertok, is also taking a look at it. I would like to have the Board take a look at it ahead of the next meeting, and I will see if I can have the engineer and attorney Chertok provide some feedback at that point, and the Building Inspector if he can manage by the next meeting.

Village Attorney Whitehead: We had talked about having another follow-up meeting with staff to go through that.

Mayor Swiderski: I do not think, given the nature and volume of documentation provided, that it will be necessarily quickly determined what we do at the next meeting. The likely story arc here is fairly straightforward. They have provided a lot of documentation that

reinforces the case around how this is done. But there are likely to be questions and there should be an opportunity for them to be asked. It will be strictly Board discussion and questions at the next meeting, and I will poll everybody here to see where we are in 10 days' time; whether you are going to need more to consume to everything, and we will see where we are in that meeting. But this will be on the agenda for the next meeting as a discussion item, and my sense is any resolution around a permit is at least in August, at the earliest.

Trustee Armacost: Will the public have an opportunity to read all the material that we receive?

Mayor Swiderski: It is all going to be up on the website because that is where you are going to be getting it. A couple of the pieces are so large that I cannot send it to you.

Trustee Armacost: And will the public have an opportunity to interact with us about that? Or what recommendations do we make to the public who care strongly about this issue?

Mayor Swiderski: That is a good question. I am going to check with our environmental attorney and Linda, and advice of counsel on that. We have gone through a lot of input. There is probably one more round, but I want to make sure that is called for and is not running afoul of anything.

Trustee Armacost: Because there are really two options. One is that there is a public scenario here, or people have to lobby us off-line.

Village Attorney Whitehead: You can always submit comments in writing.

Mayor Swiderski: Right, but let me have that discussion with the attorneys and I will report back in two days', three days', time. Unless you have a sharp opinion here right now.

Village Attorney Whitehead: I want to talk to Mark.

Mayor Swiderski: I want to talk to Mark, too. It has taken them awhile to get us all this.

Trustee Lemons: We asked for a lot. The fact that it is substantial does argue for some public input step. A lot of new response came in, and it seems to me that is prudent.

3. Next Steps After Consent Decree Resolution

Mayor Swiderski: We passed a consent decree, and this is going to be a discussion, not just me talking. One of the salient items in the consent decree is the water tower. Explicit in my

discussions about this, and also in the phrasing of the consent decree, is a decision to be rendered on the water tower. We need to formulate, and the term "referendum" has been used but that is incorrect because this is not an item for public referendum, this is an item for public input. The question is how to solicit that in a way that is broadly democratic and not just the people who show up at a meeting with the loudest opinion. But not just those who are on e-mail mailing lists. It has got to be something that maximizes the opportunity for all voices to be heard to preserve some integrity of the vote, and gives the opportunity for the maximum number of people to react.

Specifically, what we need to do is put out to the public a range of options. I can reel these off from memory, but the first thing that happens before even that begins is we hire the engineer who pokes at the structure and tells us that it can even be saved. It may be a rust bucket down to the core, and then it is not a very interesting survey at that point. It becomes more of an indicative: do we want a replacement there, or not. If it is reasonably structurally sound, then the choices are who cares, tear it down anyway; save it and rebuild it in current or improved form; and then finally no, I do not want that structure, I want a new one instead,. So those are the three choices.

Trustee Stugis: For people to make an intelligent vote they would have to know the costs associated with each item.

Mayor Swiderski: What that means to them on a taxpayer basis, yes. Some of this is going to be subsidized. A rebuilding is heavily subsidized by BP, but not totally. It is not clear that will be the other side of the rebuilding, it may be a developer. But the storage is likely to be on us because there is no developer waiting in the wings even to curry favor and pay for that storage. That is a big structure and there is likely to be some expense associated with assembling it and safely storing it. It cannot just be brought down. There is no way you can get it somewhere without taking it back in pieces.

Trustee Walker: We have to determine what that is going to entail and how much that is going to cost in terms of taking it down. Does it require a crane?

Mayor Swiderski: My bet is the disassembling expense is probably the easiest computable component here. Finding a place to store it may be a challenge. Then the other pieces. We are going to move forward with getting an engineer to poke. After that, we will structure a conversation. And I am asking the Board. I do not know if you have any thoughts on this. I wrestle with how you carry out this sort of polling of the public in an age where half the households are on the Village e-mail list, but half are not. And all voices are equal, but you do not want chaos where we have 4,000 votes in a community of 2,000 households. It has got to be some mechanism. It may be a mailing to all households with a return envelope.

Village Attorney Whitehead: And an electronic option.

Mayor Swiderski: And an e-mail option, but somehow it cannot be duplicated. We have to figure out a way that it is done .

Trustee Lemons: It becomes a ballot, and either you choose to vote or not.

Mayor Swiderski: You have it literally carried out as an election where people show up. But that is going to suffer from the self-selection people who really care, the 25 percent who show up for local elections. I would like to have it broader than that.

Trustee Armacost: But it should be the people who really care.

Mayor Swiderski: The act of filling out a ballot, putting it in an envelope, and mailing it takes more than most will muster. But that may be sufficient to get a representative sample.

Trustee Armacost: But what about children? Will it only be the adults? A lot of children care about the water tower.

Mayor Swiderski: I do not know how you monitor and track that because they are not registered. And speaking of registered, the registered voter list under-counts the Village because there are people here who are not citizens, who are legitimate homeowners and have a stake in the community and are not on that list.

Trustee Armacost: If we go a formal route, then it is a formal route. But if we go an informal route, then I think our village is quite interesting.

Trustee Lemons: Given recent history with referenda I think we should avoid that term for one thing. I like that idea of trying to find a more informal process. We are not suggesting that it is this a binding or a firm decision simply because there may be unknowns there, cost being one of them, that even though we will try to predict we may not.

Mayor Swiderski: It would be binding if the tower is salvageable on the decision to salvage. I would suggest that, unless there was something desperately awry with the process.

Trustee Lemons: But let us say we see it as a binding decision, however it is arrived at.

Mayor Swiderski: On the future different Trustees.

Trustee Lemons: But then we find that in fact this is not 2 million, this is actually 5 million. You cannot have encumbered the tax base with a decision.

Mayor Swiderski: No, you cannot.

Trustee Lemons: It has to have a provisional ...

Mayor Swiderski: It is not a legal referendum. In the end, we would have the right to refute the will of the people if it turned out the people were told it is 2 million and likely would have voted differently if it was 5 million, a la EU BREXIT.

Trustee Lemons: And that is a reporting caveat to keep up front there. We want to do what we discern most people want to have happen.

Trustee Walker: Is it not more complicated than just yes or no? A developer could come forward and pay for the whole thing so it may not fall on the Village.

Mayor Swiderski: It may not. In fact, I would argue probably they do as part of the site plan.

Trustee Armacost: But part of the point is that if there is not a white knight are people willing to step up if there is a cost. What you are doing is tapping whether people care or do not care. And that is where, of course, it gets tricky with young people who can vote and there are no financial consequences to their vote. But it is not a typical referendum. We much as we can, as much as it is possible to. A lot will be determined after we have some feedback from the engineer to see what is preservable or not.

Trustee Walker: It could be an electronic option that goes out in a Village e-mail. But you could also set up a little station in the library. It could be an electronic station and people could come and register their vote, and it could be open to anybody over the age of 16 or something. That way we would be assured that people who do not have computers at home or are not getting our e-mails would find a way. We can put up posters, we could go to the senior meetings, we can let people know about it. A lot of people go to the library so it could be something like that. But they would be registering.

Mayor Swiderski: Some way to prevent ballot stuffing. For those *really* caring ...

Mayor Swiderski: That is what is going to kick off immediately, and I will have a longer description of the subsequent pieces, including money for the Quarry Park that kick off as well. These are all part of the benefits we enjoy now out of the consent decree.

4. Downtown Process Improvements: Discuss Next Steps

Mayor Swiderski: This item I put there when my ambitions on Friday were higher than the fun I had over the weekend realized, and I did not have a chance to come up with it properly structured. I have a bullet point list, but I want to be coherent so I am retracting this item.

Village Attorney Whitehead: The Land Use Task Force Committee is meeting the 20th to prioritize as this board has asked us to do.

Mayor Swiderski: Good, then I will wait until August.

4. Other

Trustee Walker: I would like to bring you up to date on the Shoreline Committee's work. We are receiving the consultants' proposals on Monday and we are going to meet next week. We will probably have two meetings to review the proposals. We are finalizing the dates so I will make sure we get that on the calendar on the website if people want to come to those meetings. We are going to be talking about the proposals. I am going to ask our intern, Aylone, to help us with some rating sheet so we can review them in an objective way, we have criteria, and it is all spelled out. Then we are going to have an opportunity. We do not have to do it, but interviews July 27 if we decide to this.

Mayor Swiderski: Has BP or ARCO been engaged? Have they offered up a body yet?

Trustee Walker: No, I have not reached out to them yet either. That is another thing we must do because they said they would be happy to let us meet with the engineers. We are so focused on getting that proposal out, and then I went on vacation.

Village Manager Frobel: I have reached out to them and I was surprised that they would not allow us for a pre-bid site visit for those who wanted to, and they denied it. They did not want us on the property. I wrote back to the one firm that asked. I said you are going to have to look at the site from certain locations like the train station, the Warburton Bridge, the end of Southside. They seemed satisfied with that, but it would have been nice to have met on the site, all of us as a group.

Trustee Walker: I do think when have a consultant on board ...

Mayor Swiderski: It is going to be mandatory.

Trustee Walker: It is going to be necessary.

Village Manager Frobel: I hope. But it never occurred to me in advance of that to inform the company that we were at this point where we out to bid for proposals for the study.

Trustee Walker: They know we are doing it.

Village Attorney Whitehead: You discussed it when you did the renegotiation, right? So maybe they need to be reminded that they said they would cooperate. And cooperating means letting us on-site.

Trustee Walker: Or maybe it is one level that is not cooperating.

Village Manager Frobel: It did not surprise me. We have had this trouble before, where they had this set of criteria on the safety uniforms and the shoes. But one afternoon, for an hour-and-a-half?

Mayor Swiderski: No. It is going to have to happen during the process, at least one visit.

Trustee Walker: And we said that in our RFP that they would visiting the site. I know it is going to get rebuilt, but they are still going to want to see it. That is that process, so we will probably have somebody on board by the beginning of August.

Village Manager Frobel: Late summer, you are hoping.

Trustee Armacost: I have one point, Fran. I wanted to thank you for your e-mail earlier today about the progress regarding the Transportation Working Group because that group is filled with very enthusiastic, raring-to-go people and they want to make sure that their recommendations get implemented. If you want to summarize where we stand and how we think things will move forward.

Village Manager Frobel: As you know the Board met and it was decided that we would look at placing the stanchions at all locations. I came back to you with a price. Since that time, we have gone out further and we were able to do better than the State of New York bid price. So we have got it down to about \$425somewhere, per stanchion. We have ordered 12. We also asked the vendors if there is a shorter stanchion. No, 44 is the height they come. There is nothing shorter than that.

Also, we have been in conversation with the Town of Greenburgh. Greenburgh does not do any of the line striping with the thermo-reflective paint. We spent a lot of time with their director of public works. He has been very helpful. Greenburgh is prepared to help us. If

we purchase the product they would install the reflective tape. You have seen that now on Ravensdale and a few other locations. So we would buy the tape, they would apply it. They would train our people how to do it because it is put on with heat. You have got to torch it and melt the ends of it to apply it to the pavement. We are also talking to two private line-stripping companies to get their price and to find out if they are in a position to help us paint the lines with something other than the paint that all our neighbors and the Village and the Town are using on crosswalks.

Stanchions should be here in a few weeks. It is not a stock item. Although he does have a few in stock, I think he wants to ship them all at the same time. We are working with Greenburgh to line up some reflective tape to put down at certain key intersections. We are working with two private vendors to see what they can do for us in terms of applying a more reflective paint than any of our neighbors or the Town is using, and I would say give us another three or four weeks to get this moving.

Trustee Lemons: That has a little elevation to it, right?

Village Manager Frobel: It does.

Trustee Lemons: Can you feel it when you drive over it?

Village Manager Frobel: Initially perhaps, but in time it wears pretty quickly. It becomes flush with the pavement. In time, it can tear it up, like anything on the surface, depending upon the use, the travel. Ravensdale is a well-traveled road so it has more wear than perhaps some other locations.

Trustee Walker: I spent the last two weeks in Norway and Germany and I have seen hundreds of speed humps and raised crosswalks on all sizes of roads. In Norway, they have them on highways. I have not heard that Norway has any problem with snowplows on these. It is a country that does receive some snow, right?

Trustee Armacost: It has only got about 12 people living there.

Trustee Lemons: I spent two weeks in Italy, and when you are driving, as all over Europe, you go around roundabout after roundabout after roundabout. It got me. When I came back, looking at the Five Corners again ...

Trustee Armacost: Oh, it should be a roundabout.

Trustee Walker: Norway has hundreds of roundabouts.

Village Attorney Whitehead: The topography does not ...

Trustee Walker: No, no, I saw some.

Trustee Armacost: You can have roundabouts on slopes.

Trustee Walker: I do not think it is a problem.

Mayor Swiderski: It may be for a people that are used to it, but it would be chaos.

Trustee Armacost: No, people would adapt very quickly. There are roundabouts all over Denver.

Trustee Walker: Even Colorado Springs, which is the capital.

ADJOURNMENT

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