

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 19, 2016

A Regular Meeting was held by the Board of Trustees on Tuesday, July 19, 2016 at 7:32 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: Nine (9).

APPROVAL OF MINUTES

On MOTION of Trustee Armacost, SECONDED by Trustee Walker with a voice vote of all in favor, the Minutes of the Regular Meeting of June 21, 2016 and July 5, 2016 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 8-2016-17 \$208,516.30

PUBLIC COMMENTS

John Gonder, 153 James Street: At the last meeting Mr. Lemons stated that everything was on the up and up with the Artis evaluation. To me, it smelled like a rotten fish deal.. It reminded me of a few other things. Like when Atlantic Richfield/BP gives the Village \$1,000 for Friday Night Live, for Henry Hudson's 600th birthday, and things like that and we negotiate with BP/Atlantic Richfield. Maybe we did not get the best deal, even though I was for the deal. But maybe we did not get the best deal because even though it is legal, everything you do when they hand something out, "Well, we may give you some property on the Hudson, on the west side, overlooking the best part of the view of the Hudson." It smells fishy. You did it in record time, five months.

Trustee Armacost mentioned something about the assisted living; that it is in the documents we have that we should consider it. But we had a lot better trustees years ago that made that property residential. It is the same thing, Mr. Mayor, that you said you got into politics because of a supermarket on 9-A. I would rather see three supermarkets than what has gone

up there. Because our board that made those things changed the zoning from commercial to industrial, and we do not take care of our neighbor. We are going to dump 60 or more students into Ardsley school district, even though it is a Hastings mailing address and fire zone. You are making big mistakes. And I think, Mr. Mayor, we would have been better off with three supermarkets there than what we have there. Because it was changed twice. It was going to be a condo where people worked and made things there. Then there was a depression, and what happened? Somehow they wanted just condos. I know you got affordable housing there, which was good, but we are still going to have parking problems when all these people looking to go into the city for their jobs. I think you made a big mistake there, too.

Jim Metzger, 427 Warburton Avenue: I agree with what Mr. Gonder said about Artis. Not necessarily about the way in which the project was put together, but why developers continue to buy property that is too small for their project and then spend the resources of this village over months and years to get us to change things that are not necessarily to our benefit. We should put a stop to that process here. You want to buy a piece of property for a project, find the right piece of property. This is crazy. We keep going through this process every time. And as Trustee Stugis said, they should come before you with a revised scope of work that looks like it may possibly fit on that piece of land before you waste your time and energy on this project.

Warburton Avenue Bridge. They were covering some of the cracks on the parapet today, which is great. But there are 37 full-length cracks from the power pit to the curb, on the sidewalk, just on the west side of the bridge. We are going to be dealing with this nightmare for the next 50 years. Somebody from the county needs to be held responsible for this. It is their project, they should fix it so we are not constantly living with repair work that is never going to hold.

Building 52. I do not know what the proposal is, but in my discussions with other people there is the possibility they would take the building down but leave the slab in place. I believe it is four feet thick, it has got no cracks after being in place for 100 years. They say it is a great cap for the site. If you are going to leave the slab in place leave the building in place. There is no reason to take that building down and leave the slab there. Stormwater runoff is going to be a nightmare; you are going to be dealing with all of the same issues. So unless BP is saying we are removing that slab I would not grant them a demolition permit. I would like the building to stay, as you well know. The benefit for the Village would far outweigh any of the negative aspects. Mr. Gonder and I do not agree on that. Trustee Armacost has shown me the money, and I totally understand that. She has been doing great work for the Village. But sometimes, you have to take a leap of faith and you have to talk to people that have done this work for many, many years. A lot of people that I know that are

very smart about these kind of projects say this is a benefit for the Village, not a negative. So I hope you will take that into account.

Gary Weinberg, 1085 Warburton Avenue, Yonkers: I am the past president of the co-op, and we represent 204 families in our building alone. There are currently 800 families in the community that is just a quarter mile extending south of the Hastings border, and there are soon to be another 500 families once the two Ginsburg properties are developed that are already begun.

Our area recently had a down-zoning. The properties south of the Hastings border were down-zoned from high-rise zone A to garden apartment zone MG. Now, Hastings is looking to up-zone north of the property, and we are concerned. There are problems with the traffic in the area; there are problems with lack of parking; there have been numerous development failures. Every single property has attempted to dig to put in their foundation. To make their building as high as possible they had to go down. Our building is the building right at the Greystone train station. The property south, 1077 Warburton Avenue, has been through two developers that have failed. They started 10 years ago, there is still a pit there. There is a new developer that purchased the beginning of the year; we do not know what their intentions are. They dug and they dug, they chipped and they chipped, for nine months or more. They still would have to go another foot down to finish the foundation. The property on the east side of the street, 1111 Warburton Avenue, building into the hill. Developer came, he chipped away for over a year, ran out of money and stopped. So we have this pit on the east side of Warburton Avenue. When GDC took away trees and houses on the west side, where they are now building going back 10 years ago, during a storm there was a flash flood that came down from the hills. It went across 1111 Warburton Avenue, went into the GDC property, and then the trunk line that takes all the sewage from north to south ended up breaking. This is 2007, so 10 million gallons of raw sewage went into the Hudson River.

There have been multiple attempts on multiple properties to keep digging and build into a very difficult site. I hope due diligence is done appropriately if this proceeds with the environmental review. That they do many, many borings going as deep as they need to go because that rock is very hard.

Patrick Randolph Bell): Building 52. I think the old demolition permit, I am not sure if it has changed, said you could use the broken pieces of the building and the slab as fill to get it up to 11 or 14 feet. I want to make sure you do not do that. Just make sure that was removed.

I want to talk about some minutes. I FOIA'd all the minutes from all the Village board meetings for all the different commissions and committees. Everybody had them. The Parks

and Rec Commission lost a couple. They swore in the future they would make sure they have them. The only committee that does not have that is a Conservation Commission, since February. I do not want to keep going back to these guys. Trustee Lemons, you are the trustee liaison. Make sure they hand them in, make sure they take them. Otherwise, nobody knows what goes on in that meeting. Sometimes you are not even at the meetings so even you will not know except for a phone call. Can you fix that for me? They are the only people not doing it, after everything we have gone through with them.

For Mr. Frobel: the trees. I was at a barbecue in the waterfront park the other day, next to Harvest on Hudson. I looked up, and there are multiple huge dead branches over the top of picnic tables. They are all over the place, including one that is a six to eight inch round tree that goes pretty much straight up and maybe half a branch, about 30 feet, completely dead. You can shake the whole thing. It wiggles like a stick. I would hope that you could send your DPW guys down there tomorrow morning and take care of that. It is really dangerous. It is good for the safety of the Village and the children and the people.

To go back to last week about the Village e-mails, you were sending them out, some, by personal e-mails. I thought about it. You said you do not have that capability. I realize everybody up there has a real iPhone or an Android or Samsung. You can easily configure phones to send Village e-mails and receive them all from a certain account, a little app. I would ask you to go talk to Raf about that, and he can set up your phones. We never have that problem again; all e-mails would be officially sent from a Village e-mail.

The last thing was about the Mayor's message, beautiful message about Dallas you sent out a few weeks ago. I do not think that is a proper use of the Village e-mail list. It is a proper use from your own personally gathered e-mail list that you have all done, that we all had a big discussion about. You guys have thousands, use them. I also encourage everybody else, Trustee Armacost, Trustee Lemons, Trustees Walker and Stugis. You all have your own accounts. Use those. Based on the law that I could look up, and I would like Counselor Whitehead to look into it, I do not think that is a proper use. I think it is illegal to use them like that. Beautifully written, everything, I love it. But not everybody wants to see those. We want to learn about the facts of the Village, what is going on. That is all. And I would like to give you at least two opinions from the office of the state comptroller for you to start your inquiry, possibly.

Steven Siebert, 113 Hamilton Avenue: I am not sure exactly what to say. Here we are seven months after the announcement of the urgency of deciding on Building 52 and the consent decree. We have had our opportunities to find some alternative to enable Building 52 to stand and we have not done so. But what would be good for the Board to understand is that the delays here, despite the professed concerns about the urgency of it, by listening to

citizens has led, on the consent decree, to a better consent decree. And the delays will, even if Building 52 has to come down, lead to a safer and more viable and appropriate way to bring it down. So I would encourage you, in the next time something like that comes up, to listen to the people in town. There is a lot of competence that the people in town have. And the sense that we have to decide this now, and cut off public discussion, is not the way that I would think that we in Hastings should govern.

One other tangential note, again it is tilting at windmills at this point. I received a letter from the person who was one of the project managers of the remediation of MASS MoCA, where he said in no uncertain terms that he was sure that they could remediate the site. This is after I sent him the information about the contamination. It does pain me, even though, again, our ad hoc citizens' committee has not found a viable alternative to make the building sustainable, that the Board has not had enough imagination, it seems to me, to pursue those options. Instead, we have moved toward demolition of it without properly considering the impact of losing a historic building on the waterfront.

On both of these I would encourage you, in the future, to take time to listen to the citizens in the Village. Because the citizens in the Village have a stake in the Village and we have a lot of competence, a lot of passion. The result of listening are better decisions all around. .

Mayor Swiderski: Thank you. I will point out that we did, and in fact exactly what you are describing is what happened. We took a step back and a deep breath, and we did exactly that. Like you said, as a result the consent decree is stronger and there has been more time to consider Building 52. Not only is the point well taken, but it was well taken.

I am going to shift the schedule and move the second Board discussion item up before the resolutions.

BOARD DISCUSSION AND COMMENTS

1. Notice of Application for Liquor License – 559 Warburton Avenue

Mayor Swiderski: We have somebody here who will be applying to the state for a liquor license. This is an event that happens once or twice every few years. We have a right to opine, though not the necessity to do so. Right?

Village Attorney Whitehead: Correct. The state requires them to give notice any time there is a new liquor license or renewal. Notice has to be given to the municipality.

Mayor Swiderski: And our decision not to opine, is that a formal resolution? Or can it be a sense of the Board, and we move on?

Village Attorney Whitehead: It can be a sense of the Board. It acknowledging you got the notice.

Paul Molakides, 117 Overlook Road: Thank you so much for having me. It is a pleasure to be here. I am a Hastings resident since 2010. Although it falls under the liquor license umbrella, we are applying for a wine/beer license. We have signed the lease. It may be a coffee shop if we do not get the license, but we are applying for a liquor license for an establishment that is called Boro 6 Wine Bar. My wife Jennifer Aaronson and I both reside at 177 Overlook Road with our children, Georgio and Francesca Molakides, who are in our schools here. Since we have moved here I have been looking for spaces, and I was one of the guys who looked at the Mill space

I have been in restaurants for 20 years, more recently the general manager of the BLT Steak at the Ritz Carlton; before BLT Prime in the city. I ran the private restaurant at 15 Central Park West under the Zeckendorf brothers for five years. I saw that open from the ground up. Before that, 11 Madison Park for three years. It has been my dream, as long as I have been in this crazy business, to open a place in my town where I could have my kids come after school, do their homework and have dinner, and my wife could pick them up after the train station and take them home. We finally found a space, thanks to the Hall brothers, who have been very gracious and have done their homework as well during this whole process. We are making a bar where there is no bar. You all know the space, 549 Warburton.

Mayor Swiderski: That is the former Expressions space.

Mr. Molakides: Yes, lovely corner space. Ed Weinstein has signed on to be our architect, he is right around the corner here. Brendon Dunleavy is our contractor. He recently did our house at 117 Overlook Road. It is going to be a very tasteful, hopefully quiet space, where adults can come, and children. Adults can come from the train station, have a glass of wine, enjoy charcuterie cheeses, small salads and panini. There is going to be no cooking. It is like if you fell into Rome or Paris, or maybe Tuscany, and the husband and wife ran this little shop where you came after your day of sightseeing. It happened to be in the lobby of the small pensione where you are staying and they served you a refreshment and a bite to eat before you went upstairs to your room. That is the feeling we are striving for here.

Hastings, from the moment I saw it in 2008 when I ran a wedding service for a fledgling company called Hudson Yards Catering, which is now Union Square Events with Danny Meyer, was our first event outside of the city, I went home to my wife that night and said,

"Hastings is the town for us" and, fortunately, we bought two years later. I think the Rivertowns are ripe for this, I think you are going to have more guys like me standing in front of you in the years to come, who want to open these small little places that are cozy and offer people a respite from their crazy lives. It is not a full dinner. It is just a place to let your steam off, without loud music and with friends and neighbors.

Mayor Swiderski: Thank you. I will say you had me at the "I'm renting that space and want to open something there."

Trustee Armacost: On the note of friends and neighbors, we are neighbors. Paul and Jennifer are down the road from me. It is a complete thrill that you have decided to do this. I am looking forward to being one of your first patrons.

Mayor Swiderski: What is before the Board is, do we want to opine. Is it a negative opining, or is it any opining?

Village Attorney Whitehead: If you do not say anything it is deemed that you have no objection.

Mayor Swiderski: And it is only an objection; there is no need to support. Does anyone have a desire to move forward with an objection to this?

Trustee Stugis: Does it help to support?

Village Attorney Whitehead: It cannot hurt, but I do not know that they would look at that. The liquor license review process is an odd process.

Trustee Armacost: We should be sending good wishes and saying nothing.

Mayor Swiderski: Agreed. God speed.

Trustee Walker: We can say we are looking forward to it though.

Trustee Lemons: That we are.

Mayor Swiderski: We are going to proceed through the resolutions, but I am going steal the negative thunder of the 52 demolition permit because there is at least one person here who has an interest in that. Though we will go into more detail when we get to it, we are not going to be discussing this tonight. Under advice of the team of experts who are helping us, there is additional documentation that needs to be provided and, as a result, as far as any

discussion about the SEQRA process on this property, there is not one. I am trying to spare you 20 minutes of your evening.

Village Attorney Whitehead: It is not that there is not one, it is that we are not ready yet.

Mayor Swiderski: We are not ready yet.

44:16 DECLARATION OF INTENT TO BE LEAD AGENCY FOR REVIEW OF THE APPLICATION OF ARTIS SENIOR LIVING HOLDINGS OF HASTINGS, LLC

Mayor Swiderski: This is the outgrowth of the discussion from the last meeting, where we agreed we would be the lead agency and this is the formal resolution.

Village Attorney Whitehead: This is a procedural step at this time. You have to circulate your notice of intent to all the involved agencies or all those agencies that have to issue an approval. Among others, it includes your Planning Board and Zoning Board, Westchester County because it is a county road, and several other agencies. But they all get this notice, and they have 30 days in which to object. At the end of the 30 days, if nobody has objected, then you are the lead agency and can proceed to get into the process.

Mayor Swiderski: And if there is an objection?

Village Attorney Whitehead: I do not think there is likely to be an objection here.

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

RESOLVED: that the Board of Trustees of the Village of Hastings-on-Hudson hereby determines that the application of Artis Senior Living Holdings of Hastings, LLC for a zoning text amendment and development of a proposed assisted living/memory care facility at 1 Warburton Avenue (the "Action") is a Type 1 action under the State Environmental Quality Review Act (SEQRA) and declares its intent to act as Lead Agency under SEQRA for review of the Action, and directs the circulation of a Notice of Intent to be Lead Agency to all Involved Agencies together with a copy of the Environmental Assessment Form and the Petition.

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	

Village Manager Frobel: Linda, were we going to speak about the need for an escrow agreement.

Village Attorney Whitehead: Yes, the escrow is an administrative matter. It is provided for in your code. Fran and I spoke about contacting the applicant. I did mention to them today about setting up an escrow account. That would be to pay for all the retained professionals like Hahn Engineering. The other question we wanted to put to the Board was whether you wanted to retain a planner as a consultant for this review, especially with an EIS involved.

Mayor Swiderski: So there is no need to modify the resolution we just passed.

Village Attorney Whitehead: No. You have the authority under your code to retain the professionals you think you need, and they are required to pay for them through the escrow. And they are nodding their heads, so they are well aware of that.

Mayor Swiderski: What is the next step? We wait for the response?

Village Attorney Whitehead: First we would like some idea if the Board wants Fran and I to start on the process and talk to planners. Do you think you need a planning pro?

Trustee Walker: I think it would be the right thing to do. I know our Building Inspector is really busy. He is not going to have time to shepherd this through.

Village Attorney Whitehead: And he is not a planner. He does not have the SEQRA process.

Trustee Walker: Exactly. The whole SEQRA sequence and all the paperwork that goes along with it I have had some experience with, so I think it is the right thing to do.

Village Attorney Whitehead: Obviously, we would be working closely with them. But they would bring another piece to it.

Mayor Swiderski: Are you speaking specifically about a firm, or conceptually about a planner?

Village Attorney Whitehead: Conceptually, at this time.

Mayor Swiderski: And typically in this process, when is a planner engaged?

Village Attorney Whitehead: Soon. Because at the end of the 30 days your next step as lead agency, assuming you are at that point the lead agency, would be to make your determination of significance, which we already talked about is likely in this case to be a positive declaration, and then be moving into the EIS process, where the first step would be scoping. You want to have your planner on board at that time. Fran and I can toss around some names, Meg if you had anybody you would want us to at least speak to.

Trustee Armacost: I think it is a good idea to have a planner. So the planner reports to us as the lead agency, but the Planning Board has access to the planner.

Village Attorney Whitehead: Right. But the Village is retaining the planner, and they would be both to support you and to support the Planning Board process. They would even be involved, potentially, after the SEQRA process ends in helping the Planning Board with the site plan.

Trustee Armacost: That is helpful for them, as well, because it is quite a burden.

Trustee Lemons: So they quarterback the process.

Mayor Swiderski: I do not know if I would use "quarterback."

Village Attorney Whitehead: You are the ones making all the decisions.

Mayor Swiderski: They provide us with significant assistance.

Trustee Lemons: Well, the coaches call the plays.

Mayor Swiderski: Right.

Trustee Armacost: We need a not sports analogy.

Mayor Swiderski: "Trusted advisor," how about that?

Trustee Walker: There is a lot of communication and paperwork. There is a lot of sending out mailings, a lot of different things they can do. Then just having their expertise in reviewing the DEIS, that is critical.

Village Attorney Whitehead: Meg, Fran and I spoke about this but you are in the field, if you have some ...

Trustee Walker: I have not had much to do with this kind of review in a few years in Westchester.

Village Attorney Whitehead: Just be in touch with Fran and I, and we are going to try to get some proposals. It does not need to go out for bid. It is professional services.

45:16 AUTHORIZATION OF SUBMISSION OF GRANT APPLICATION TO OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR QUARRY PARK ENGINEERING SERVICES

Village Manager Frobel: A few weeks ago I previewed for the Board this grant funding opportunity. There still remains a piece of this puzzle in bringing about construction at the Quarry Park. What this funding will allow us to complete is the landscape architect's review, or rather on-site construction inspection services. Also, the lion's share of the grant would cover the specialized environmental engineering requirements that are required as part of our permit from the DEC. Then finally, part would be for us to design this temporary bridge that we are going to need to construct to get materials across the Old Croton Aqueduct. So there still remains work to be done before we can do some construction out there, and this is an important part of that program.

Trustee Walker: So a portion of it, you said, would be going to the landscape architecture firm.

Village Manager Frobel: Yes.

Trustee Walker: Because when we had it re-priced recently it exceeded their original estimate and the amount we had secured in the previous grant. So this is filling that gap.

Village Manager Frobel: Yes, exactly. This remaining piece would cover their time in the field to provide oversight during construction.

Trustee Walker: And in terms of match, now we have a fund.

Village Manager Frobel: We will, shortly.

Competition will be tough, as most of them are. The state has been very supportive of this project from the beginning. Our hope is they will continue to show that support to allow us to get to the point of construction.

Trustee Walker: As you said, it is this puzzle to put together, piece by piece by piece.

Mayor Swiderski: It is the long march, when we say these dates aloud.

Trustee Armacost: If this does not come through, are we moving ahead anyway?

Village Manager Frobel: If it does not come through we have enough money to complete a final design of the landscape architect's work. We do not have money for the environmental engineering the project will require.

Mayor Swiderski: Well, we do have money. We have a huge pot of money, but we will have to dip into that.

Village Manager Frobel: I want to avoid that.

Trustee Armacost: What I would like us to not do is punt endlessly.

Mayor Swiderski: I agree.

Village Manager Frobel: This has been an enormously complicated, difficult grant to put together. What we are trying to do is to maximize your money to spend grant money towards completion of this project. That has been our philosophy from the beginning.

Trustee Armacost: Great. And then I guess we will cross that bridge when we get there.

Village Manager Frobel: Now, this grant does not include the cost to construct this temporary bridge over the Old Croton Aqueduct.

Mayor Swiderski: Do we have any other alternative?

Village Manager Frobel: We have explored possible way short of bringing the soil in by helicopter. The difficulty is that it is landlocked with the cliffs, Draper Park, Washington Avenue, and the Old Croton Aqueduct. The only way to get to it is to cross the Aqueduct.

On the other side you have some housing. It is almost impossible to get there. As you know, a few years ago we had an opportunity to get soil and fill at no cost. I went through the exercise of retaining an engineering firm to begin to approach the state to allow us to cross. They said no, without building this temporary bridge. So we are going to have to address that when and if we get to that point. Between tonight and when we have to build a bridge is probably going to be 18 to 24 months. I am hoping there will be another grant round, and we will try for a grant to build this temporary bridge.

Trustee Lemons: That is just because of the structural concerns of the Aqueduct, not like a high bridge, but to take the load off?

Village Manager Frobel: Yes.

Trustee Walker: One other question about the engineering services. Do we still have, within the Matthews-Nielson budget, engineering for grading of the park itself?

Village Manager Frobel: Yes.

Trustee Walker: So the engineering you are talking about now is for remediation, or a capping.

Village Manager Frobel: Yes. Matthews-Nielson has a relationship with, is it Sherwood, the engineering firm? That is the firm that will do the on-site drainage you are referring to.

Trustee Armacost: But we are not taking it back to 1964, though. Because in 1964 was it not lovely? Or was it a dump in 1964?

Village Manager Frobel: Oh, no. We are not going anywhere near back to what it was.

Trustee Armacost: Because the way it was was stunningly gorgeous.

Village Attorney Whitehead: In 1964 it was the dump.

Trustee Walker: Then there was a time when it was a pond.

Trustee Armacost: When it was a grotto.

Village Attorney Whitehead: That is way back.

Mayor Swiderski: Way back, sadly enough. Not unless we encounter a rich sugar daddy with very deep pockets.

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

WHEREAS, in 2002 the Village granted an appeal brought by residents and community organizations to close the Quarry to dumping; and

WHEREAS, the Village of Hastings Quarry Study Committee's 2005 report, The Future of the Old Hastings Marble Quarry, recommends that the Quarry be reclaimed as a naturalized park; and

WHEREAS, the NYS Department of Environmental Conservation determined in 2013 that the proposed closure for the site is eligible for exemption from 6 NYCRR Part 360 Solid Waste Management Facility Regulations, allowing the Village to proceed with the closure as proposed in the Landfill Closure Plan; and

WHEREAS, 2013 New York State Parks and Federal Recreational Trails grants are supporting the design of the park and the completion of the trail connecting the park to Southside; and

WHEREAS, the remaining funding gap in the project to restore Quarry Park to the public resource and attraction it was prior to 1964, is for engineering of the environmental soil cap and the bridge to transport the necessary fill across the Old Croton Aqueduct Trail; and

WHEREAS, the Village Administrator has identified the New York State Office of Parks, Recreation and Historic Preservation's Environmental Protection Fund Parks program as a funding source appropriate to this project; and

WHEREAS, applications are due by July 29 ,2016. Successful applicants will be required to provide 50% of the total project cost in matching funds; now therefore be it

RESOLVED: that Francis Frobel, Manager of the Village of Hastings-on-Hudson, is hereby authorized to file an application for funds from

the NYS Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Parks Program in an amount not to exceed \$83,500, and upon approval of said request to enter into and execute a grant agreement with the Office of Parks, Recreation and Historic Preservation for such financial assistance to provide environmental engineering; and be it further

RESOLVED: that the Village Manager is herein authorized to take all such steps as are necessary to effectuate the intent of this resolution.

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	

46:16 PARTICIPATION IN RIVERTOWNS JOINT MUNICIPALITY FUNDING PROPOSAL FOR A ROUTE 9 CORRIDOR TRANSPORTATION STUDY

Mayor Swiderski: I thought we had agreed to some small pot of funding for this.

Village Attorney Whitehead: For the grant writer.

Trustee Lemons: Our part of funding the grant writer would be \$400.

Mayor Swiderski: That is a small pot. Should that be in here, or not?

Village Manager Frobel: I would say no. Because administratively, I have the authority from time to time to hire grant writers.

Village Attorney Whitehead: And it says the villages agree to obtain the grant writer.

Trustee Walker: There is no "whereas" about the New York State Department of Transportation and their kind of agreement to this study or their partnership in this study. It would be very unusual.

Trustee Lemons: They are, in fact, already looped into this. Whether we need to put that in here, I do not know. That group is very attuned to the fact that without their being in the

process from the get-go it could be a complete wasted effort. One potential amendment to this, and Meg, you and I did not get to have an interchange about this, you could very well take my place on that steering committee.

Trustee Walker: Do we need to say this in this document? We could figure that out later, could we not?

Trustee Lemons: Only because it is a formal authorization to represent the Village in that grant application process.

Trustee Armacost: I think there is a difference between the grant application and the committee that comes afterwards. My reading of this is that this is specifically about the grant application which, hopefully, does not last that long.

Trustee Walker: Except it says it formalizes their participation in the project "team."

Trustee Lemons: The decision, so far, of the organizing group was to try to get the villages to commit to three firm members as the grant is being put together.

Trustee Armacost: So why do we not just add something that says "with substitutions, if necessary" or something?

Trustee Walker: Or we can add my name and we can tag team.

Trustee Armacost: For example, what if Andy cannot attend? Could someone else from the Conservation Commission attend? It is equally important there, or you have all three of you. Part of it is also that you have three people. So what is going to happen? Are all three of you going to collude to go on vacation in the same week?

Trustee Lemons: The idea of three was, in fact, partly because of that. We know that is going to happen.

Trustee Armacost: The same thing happened for the solarize campaign. The people who were listed were there, and we all managed, one way or another, to support each other.

Trustee Lemons: So we can leave it. We can make a replacement if needed. You could think about it. I am on there because of my work with the Conservation Commission. That is really where it came out of but it is much more your bailiwick.

Trustee Armacost: Or have somebody from the Transportation Working Group. I know this predated that. But that group has a specific interest to have a representative. Andy is the representative to the Transportation Working Group so he covers both of those angles.

Trustee Lemons: We tried to get someone from that group and did not get any takers.

Trustee Armacost: They are probably overwhelmed with what they have to do.

Trustee Lemons: I get that. They already feel like they are putting a lot of time into that group.

Trustee Walker: Any discussion decisions will go back to that group, as well as to us. But they will be included in the discussions.

Trustee Lemons: Most of the villages have a group like that working on some aspect of this, and they are all going to be interconnected with this.

Trustee Walker: Because they will be looking at Hastings specifically, and they will have their own ideas about what we should be doing here. Is Yonkers included?

Trustee Stugis: In your original briefings, the bookends were Yonkers to Sleepy Hollow. That is disappointing.

Trustee Walker: What happened to them?

Trustee Lemons: I am not sure. I remember there was someone from Yonkers involved. Maybe they were not able to mobilize.

Trustee Walker: Our southern stretch, Broadway, depends on Yonkers' participation if we want to do something. It is silly to create a bike lane that ends at the Yonkers border.

Trustee Stugis: A progressive community wants to try and bridge some of the income, culture and communication gaps, and that is a neighbor that we need to bridge more gaps with. A trail could invite some interconnection.

Trustee Lemons: My understanding is it was their choice. I could be wrong about that.

Trustee Walker: That is a campaign we could launch later.

Trustee Armacost: But they could also not know enough, in a similar way we almost miss certain things for a variety of reasons.

Trustee Walker: They have a terrific planning commissioner who is very aggressive so maybe she was not on board when they were working on this. She is pretty new. Anyway, we cannot force that issue at this point. You could either add my name, or we can figure out a way we can slip me in later if it starts to become difficult for you to attend meetings.

Trustee Lemons: I have no sense of ownership here, and I am happy to put your name in place of mine if you feel that is a better fit and you would like to do it.

Mayor Swiderski: How about "Trustee Lemons," comma, and "Walker," comma, and "Village Manager Frobel."

Village Attorney Whitehead: Just add it and then you have four.

Trustee Lemons: I do not think that is going to work or we are going to have to go back to all those other villages and say we want four. Everybody agreed with three.

Village Attorney Whitehead: "Or Trustee Meg Walker."

Mayor Swiderski: "Or" it is.

Trustee Armacost: But that they are going to say can you not decide.

Mayor Swiderski: I do not care.

Trustee Walker: I think some of it depends on our workload, moving forward.

Trustee Lemons: Yeah, let us do that.

Trustee Walker: My only fear is, when the waterfront heats up I am going to have a lot on my plate. It is just a timing question. Being able to fit it in. From a planning and suitability standpoint, I would like to work on it. I have worked on it a bit.

Village Manager Frobel: Our first meeting is August 5 at 9 a.m. in Dobbs.

Mayor Swiderski: Let us leave it "or."

Trustee Lemons: OK.

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

WHEREAS, interested residents, officials from the municipalities of Sleepy Hollow, Tarrytown, Irvington, Dobbs Ferry and Hastings-on-Hudson (the Villages) have come together subsequent to a “Complete Streets” workshop held in Hastings in Fall of 2015 with the intent to work together to achieve safer bicycle and pedestrian conditions in the shared “Route 9 Corridor” (Project Team); and

WHEREAS, the aforementioned Villages are members of the inter-municipal joint venture Sustainable Westchester which hosted the Complete Streets workshop and has offered to serve as the applicant on behalf of the communities; and

WHEREAS, the New NY Bridge project includes a dedicated bicycle/pedestrian lane; and

WHEREAS, the New NY Bridge Community Benefits program includes funding to facilitate bicycle/pedestrian connections to adjacent communities; and

WHEREAS, the New NY Bridge project authorities have indicated that planning and demonstration activity for bicycle / pedestrian enhancements and facilitating such connections on roadways adjoining and feeding the NNYB traffic corridor, such as the Route 9 Corridor, would be appropriate scope for an application for such funding; and

WHEREAS, the Villages, under the auspices of Sustainable Westchester, submitted a Letter of Interest (LOI) to the New NY Bridge Community Benefits Program stating their intent to apply for \$150,000 in funding for a proposed Active Transportation Corridor Study and Plan along U.S. Route 9, from Hastings through Sleepy Hollow and interconnecting with the planned bicycle/pedestrian lane on the New NY Bridge; and

WHEREAS, following submission of the LOI, the New NY Bridge Community Benefits Program issued a written communication stating the LOI had been reviewed by the Grant Review Committee and invited the Villages to submit a formal application for funding; and

WHEREAS, it is understood that the target funding program does not require a match from applicants; and

WHEREAS, the Villages have previously agreed to retain a grant writer for this purpose; thereby it is hereby

RESOLVED: that the Village of Hastings-on-Hudson:

1. Is desirous of working with its neighbors to achieve the bicycle and pedestrian enhancements as envisioned and supports the grant application; and
2. Recognizes the positive impact such enhancements offer for quality of life of their residents and commercial vibrancy of their community; and
3. Recognizes Mr. Andrew Ratzkin, Conservation Commission member, Trustee Daniel Lemons or Trustee Meg Walker, and Village Manager Francis Frobels, for their participation in the efforts to date and hereby formalizes their participation in the project team on behalf of the Village; and
4. Supports and endorses said application and authorizes its submission in its name along with the names of the other Villages; and
5. Shall actively support the implementation of the project should the application be successful.

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

**47:16 SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW B OF 2016
TO ADD HANDICAPPED PARKING SPACE ON WARBURTON AVENUE AT
RIVERVIEW PARK**

Village Manager Frobel: This is creation of that one space right at the entrance to Riverview Park.

Trustee Armacost: Thank you for doing that. That was something that came up in various meetings with the public in that area, and it makes complete sense.

Trustee Walker: It does make sense.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Aug. 23, 2016 at 7:30 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law B of 2016 amending Chapter 282 Vehicles and Traffic of the Code of the Village of Hastings-on-Hudson, Section 282-27 Handicapped Parking to add a new subsection N. for a handicapped parking space in front of Riverview Park, 337 Warburton Avenue:

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

SECTION 1. Section 282-27 of the Code of the Village of Hastings-on-Hudson is hereby amended to add new subsection N as follows:

§282-27.N. One space on the west side of Warburton Avenue in front of Riverview Park, 337 Warburton Avenue.

SECTION 2. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

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	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Riverview Park. I am not sure we made a lot of progress this week. The architect who was providing oversight to the project was away for two weeks. So some work, but the crew was not there every time I went to the site. We may have lost our place in line with Con Ed in terms of permitting of the pole, a slight delay and I think we can get back on track. We were not able to supply the company with some information regarding the load that would be required for the site. I finally also had the site visit with the water company. It took about three weeks to get them out there, only for them to tell me they cannot tell me anything until we excavate the area. Frustrating because I certainly think we could have excavated the area in advance of that. It has been somewhat disappointing. I think it slipped a little bit. But the work that has been incurred on the site with the contractor is shaping up nicely. You can see how it is starting to take shape, and I think we will be very satisfied. But a little bit of disappointment for the utilities. We will get through it, and it will be there before winter.

Trustee Armacost: I wanted to thank you, Fran, for your vigilance and shepherding it through.

Mayor Swiderski: Persistence, doggedness.

Trustee Armacost: It has made a big difference to have you involved. Patience, all sorts of other words.

Village Manager Frobel: Thank you. Of course, Buddy Minozzi and Mike Gunther have been very helpful.

A final note, Aylone Katzin, who is in the audience, has been attending the meetings and this may be his last meeting. His internship is drawing to a close. He has been a big help to me and to the staff over the summer. He has helped me on the Quarry Trail specifications, the Quarry Park grant. He has been developing some productivity measurements for our DPW, and more on that later on. He has also attended the Riverview Park inspections with me. And, Meg, I hope he helped with your estuary grant with a review form that he created.

Trustee Walker: Yes and helping us shape, along with you, Fran, this whole RFP process. We really are very grateful.

Village Manager Frobel: He was a very valuable addition, and I know he has got a great future ahead of him. He is going to make a fine city manager some day.

Trustee Armacost: Yes. I was going to say he has to come back and tell us when he actually becomes one.

Mayor Swiderski: Well, we've got an opening in a couple of years.

Village Manager Frobel: He could very well. He would be a good candidate.

The final note is that he has been working on a questionnaire. Part of his capstone project, because he is in his last year of grad school, is that he has chosen to help me develop some measurement matrices for the DPW. Part of that is a questionnaire that he is looking to present. It has gone through several reviews. In fact, I have got some comments, Aylone, for you for tomorrow to work on. It is going to be a valuable tool. It will be going out to the community later this month. It builds off the work done by the students from Yale a number of years ago. At that time, we were looking at combining our operation. Here, we are just trying to get some measurements as to citizen satisfaction so we can see if we have made improvements over the last two years, and then strive for better productivity and accountability to the community and the Board of Trustees as it relates to our DPW.

Aylone, did you want to offer any comments?

Aylone Katzin, Village Intern: I want to say thank you, Village Manager Frobel. It has been a great summer, and I have learned so much. Thank you, all, to the Board and to the Mayor. I have definitely enjoyed my time here, and who knows? Maybe I will come back at some point.

Village Manager Frobel: You may very well. Thank you.

Mayor Swiderski: Thank you.

Trustee Walker: Thank you, Aylone.

Mayor Swiderski: Public administration has a very strong element of public service. It takes a special personality and dedication that goes above and beyond the paycheck. So hats off to you.

BOARD DISCUSSION AND COMMENTS (Continued)

2. Building 52 Demolition Permit Application – Review of Documentation Provided by ARCO Environmental

Village Attorney Whitehead: Several months ago we had worked with your consultant, Len Warner, at Louis Berger, and with Buddy and Mark Chertok to put together a letter that went out to BP/ARCO requesting additional information before this Board can make its decision. In part, this Board has to make a determination under SEQRA. In order for you to proceed, if you want to make a negative declaration under SEQRA, you need to be satisfied that the demolition will not result in any potential significant adverse environmental impacts. A lot of the information we asked them for was to help this Board in making that determination.

Within the last couple of weeks, they submitted a pretty significant amount of information that the consultants have now gone through and found it does not include everything this Board would need to make that determination. We received today two documents. One is a draft memo from your consultant, going through some general comments. We had a long conference call the other day discussing how we were going through this. There are the things you need to know they are going to do to make your SEQRA determination, and then your decision, on the demolition permit. Then there will be another series of administrative things, where they have to satisfy the Building Department and other municipal officials. We have tried to separate these out at this point. This memo tries to identify those areas where more information is needed in order for this board to be able to make a determination under SEQRA.

Mayor Swiderski: And that determination is whether a negative declaration is possible.

Village Attorney Whitehead: Right. Whether you can reach that conclusion that there will not be a significant adverse environmental impact. One of the problems we had is, a lot of the information they submitted is somewhat general and they are trying to leave a lot of it to

their contractor. We need to make sure there are some minimum standards that will be complied with that will give this Board that comfort level. Even if there may be more details coming later from their contractor, there need to be some minimum standards.

This draft memo from Len outlines six areas where he thinks more information is needed. The other document you received, we asked him to go back through the letter and identify, the item from the letter, and then where and whether they responded. That is what the table you received today is. Based on all of this, we felt there is a need to go back to them for more information before this board can really move any further.

Trustee Armacost: The Louis Berger note seems to have quite a lot more than six areas that required more information. I am wondering what you are counting as six.

Village Attorney Whitehead: That is where we narrowed it down to which are the items that are administrative and needed before a permit can be issued, as opposed to the items this Board needs to be able to make a SEQRA determination.

Trustee Armacost: Just substantive.

Mayor Swiderski: Right. Attorney Whitehead, this is not the first time we have issued a demolition permit on the waterfront.

Village Attorney Whitehead: Correct.

Mayor Swiderski: You were not here for our first iteration, but I do not remember a process of this depth. Is that because of the pollution inherent in the building structure?

Village Attorney Whitehead: I was not here so I cannot answer definitively. But I think there is more concern with the amount of PCBs that are in this building. You did do a SEQRA determination, you did issue a negative declaration before approving it. You authorize or approve the building permit, but it is the Building Department that issues the permit.

Mayor Swiderski: Right. So what we are essentially doing is ...

Village Attorney Whitehead: Being more careful.

Trustee Walker: I was thinking did we go through this for Building 51?

Mayor Swiderski: No, because 51 was not as contaminated.

Village Attorney Whitehead: But 51, my understanding, was more an emergency.

Trustee Walker: Emergency structural, I know.

Mayor Swiderski: But there were a lot of other structures, as well.

Trustee Walker: Then remember, none of us were around for Building 15 with all the waste inside, the construction waste inside, a lot of which was toxic.

Trustee Armacost: Standards also may have elevated. And we also may have more rigor.

Village Attorney Whitehead: I also think you have learned more through the process with the DEC, and all the additional studies and information that has been provided, that yes, it has heightened your awareness so you are trying to be more careful.

Trustee Armacost: I also think the issue of toxicity was not a huge issue a lot of the time. And that is a very big issues this time.

Village Attorney Whitehead: This is a more polluted area. This building itself has more. We know it is in the paint, and there are definitely more issues.

Village Manager Frobel: We have not heard back from the state department of health or the DEC on the permit for the demolition, correct?

Village Attorney Whitehead: Correct. We have been told they submitted the CAMP, the Community Air Monitoring Plan, to the DoH. But we have not seen any comments.

Trustee Walker: And the DEC has to issue a permit, as well, on demolition?

Village Attorney Whitehead: I believe the DEC has to give some approvals because of the contamination existing in the building.

Mayor Swiderski: Right, but they are not issuing a demolition permit.

Village Attorney Whitehead: Not a demolition permit, per se.

Trustee Lemons: And also DoH has to approve the CAMP.

Mayor Swiderski: Right.

Village Manager Frobel: But you are going to want those both in hand prior to the issuance of the demolition permit, correct?

Trustee Walker: Yes. I was collecting all these documents to try to read. But I did not find the demolition waste strategy report. We do have that, submitted supposedly June 24?

Village Manager Frobel: Buddy, are you familiar with that one?

Building Inspector Minozzi: Yes.

Trustee Armacost: Is that this?

Trustee Walker: So we received that? And there were demolition drawings, as well.

Village Attorney Whitehead: Yes, the drawings were there. If there is anything you are missing, the best thing is to contact Mark Chertok. It all went from BP/ARCO to Mark, and then Mark distributed it.

Trustee Lemons: We had not gotten the draft CAMP, but he sent that.

Trustee Walker: So Len had a chance to review all those documents, including the latest from June 24 and the demolition sign-on.

Village Attorney Whitehead: When we had our call on Friday we confirmed that Len and Buddy had everything.

Trustee Armacost: Is the June 20 document private or public?

Village Attorney Whitehead: I believe everything was put up on the website.

Mayor Swiderski: That is up. I believe I put that up. And if not, we should put it up because there is no attorney product here.

Trustee Armacost: The one thing about this document that has not been resolved for me is that if this is public we can discuss it. Then the issue that has not been explained as to why the strategy has not changed is the issue of the slab. This says following the completion and disposal activity, the contractor will be required to clean the concrete pad and remove residual dust solids prior to final clearing of the slab, implying that the slab will stay. So what is the justification?

Mayor Swiderski: It is not that the slab will stay. The slab located where pollution has been identified will have to be removed for the pollution to be remediated. But that is the defined areas of the building.

Trustee Armacost: So where is that in here? I looked for that specifically.

Village Attorney Whitehead: There is still some discussion about the slab.

Mayor Swiderski: Whether it is going to be in full, or not.

Trustee Armacost: That is something essential to know the answer to. Because if the kind of critical argument is that we need to have as thorough as possible a cleaning, and we are leaving a slab in place that is covering toxic ...

Mayor Swiderski: No.

Village Attorney Whitehead: If it is over a certain level under the slab it goes.

Mayor Swiderski: And we could have BP make that explicit, but absolutely the argument, the back and forth, that attorneys and environmental counsel have had with BP is over full removal, which they are not obligated to do. But they are obligated to remove the slab. Once the building comes down, the slab has to come up over the pollution and the pollution has to be removed.

Trustee Walker: But this is two separate processes. One is the demolition of the building. The slab is going to be there for awhile until they are ready to start the remediation, just like their slabs all over the site.

Village Attorney Whitehead: None of the slabs have been removed.

Trustee Walker: And what they are doing is protecting us while we are waiting and preparing the remediation.

Trustee Lemons: Because once they start breaking that slab up they are into the remediation.

Village Attorney Whitehead: So the slab is not being removed as part of the demolition.

Mayor Swiderski: That is right.

Village Attorney Whitehead: But some portion of it may be removed as part of the remediation.

Building Inspector Minozzi: That is what it is. There are certain permissible levels that are allowed to stay. Anything that is over those levels as per the test borings, those areas of the concrete slab are going to have to be removed so they can get to the area of contamination below. There are very specific levels of PCB contamination that they are checking for. There is nowhere in any of the documentation that says the entire slab is coming out. It is very specific that they are only going to take out the parts that meet this level of contamination. I am sorry, I do not have the PPMs in front of me.

Mayor Swiderski: It is one at the surface, 10 subsurface.

Village Attorney Whitehead: But that is not part of the demolition. That will be as part of the remediation.

Building Inspector Minozzi: We are also going back and forth with them during the review process, and this is the level of detail we were speaking about before; how those areas are going to be handled after the slabs are removed. There is a level of detail that I am not sure where you need to be to issue your neg dec. There are a lot of specifics that the Building Department is going to need, along with Len. I have been working with Len very rigorously over the last couple of days. We are going to need to issue the demolition permit once it is approved here. It is just that I am not sure what level you are going to be comfortable with to issue that neg dec, and I think that is something we need to have a conversation about with the attorney and the Village Manager.

Mayor Swiderski: I agree. I do not want this to head off into a spiral, where we are doing your job and expressing expertise up here that we do not have on details. What we need at our level of understanding of the issue is to be satisfied there is no negative impact as a result of the demolition. There is a cap there that has to be something we are satisfied with, or an indication that it will be done properly. But it will help to have a memo from you to the Board indicating how we read these documents. Because otherwise, we can head down an ugly rabbit hole.

Village Attorney Whitehead: And I will work with Mark Chertok, with environmental counsel, on that. That is the split we were talking about before, the administrative things the Building Department will need as opposed to what this Board is going to need.

Building Inspector Minozzi: Because basically, they have addressed all the big-picture comments.

Village Attorney Whitehead: We are not satisfied with how they addressed some of them.

Building Inspector Minozzi: Exactly. They are not at that level of specificity they need to be at this point.

Village Attorney Whitehead: And that is what Len's memo focuses on. Some of it is we just need more information, some of it is substantively we are not satisfied with how they addressed it. The most specific one on that, as an example, is that they identified one downwind air monitoring location.

Building Inspector Minozzi: One upwind and one downwind, which is completely not going to be sufficient.

Village Attorney Whitehead: That is a substantive comment we are giving them, that that is not going to do it. The information you provided is not satisfactory.

Building Inspector Minozzi: The route of the trucking and stuff. There are errors in their plan. There are a lot of small details we are going to make sure are correct.

Village Attorney Whitehead: And there were some inconsistencies between their plans and their documents.

Mayor Swiderski: In the interest of moving this along, given that there is a fairly large gap between here and August 23, if you could work with Attorney Chertok to get the memo out to the Board and notify BP/ARCO of deficiencies immediately so Len and yourself can assess the response enough so that the recommendation can be made to the Board that what we received is sufficient. I would like to go into the August meeting knowing we have what we need.

Village Attorney Whitehead: This memo, the draft, that Len provided today is the start of what we need to back to ARCO with.

Mayor Swiderski: That is right.

Building Inspector Minozzi: Absolutely.

Village Attorney Whitehead: And we just received that today.

Mayor Swiderski: I did receive a call this morning from BP/ARCO, Paul, and I directed it toward you. I knew the memo was forthcoming, but I indicated that you would be the keeper of the golden copy of the memo.

Village Attorney Whitehead: Me, not Mark? Their primary contact has been Mark.

Mayor Swiderski: It is an interesting transition because it is heading off the environmental attorney and into issuing of a local demolition permit.

Trustee Armacost: I will not be here, so if you want us all to vote on August 23 I will not be able to do it unless I do it by Skype.

Mayor Swiderski: Maybe by Skype. I do not want to delay it. That does not mean we have to vote on the 23rd, I just want to move this process along. There is quite a bit we have to get to around the water tower and other issues, and we are trying to move this forward.

Village Attorney Whitehead: We could do a discussion on the 23rd, and then your next meeting is two weeks later. You could vote on September 6.

Trustee Lemons: I wonder if I could get a little verification. So the CAMP which will be approved by the Department of Health, there is a draft version of that. What kind of back and forth will there be around that? For instance, we would love to trust the New York Department of Health that they have done a good job and are going to give us a good plan. But let us say they decided that two sampling locations were sufficient, and we say we cannot feel comfortable with that. How does that back and forth go?

Building Inspector Minozzi: We have gone through the CAMP pretty specifically and it is just not there yet. As far as I am concerned it is a very general CAMP.

Trustee Lemons: That is what it looked like to me.

Building Inspector Minozzi: I am not sure how the DoH or DEC is going to respond to this.

Mayor Swiderski: A CAMP is a Community Air Monitoring Program. They have to hire an external agent who will monitor the air quality around the demolition site to make sure that any issues are quickly identified so they can be rectified. When we did Building 51 and the aluminum building demolition, we had a series of air monitoring stations including up on Warburton and immediately to the east of the site. The results of those were posted on the Web daily so people could see what levels of dust and pollutants were present.

Building Inspector Minozzi: One of the things that is in the CAMP is that they are going to do three days of air monitoring per phase. That is a very basic one that we are not going to accept. It has to be real-time, every day.

Village Attorney Whitehead: It has got to be every day.

Trustee Lemons: So let us say we approve it. Before you will issue that, all those issues have to be resolved.

Building Inspector Minozzi: Absolutely.

Trustee Stugis: So all this back and forth happens between now and a week before the 23rd? So we get to read stuff that is finished, or no?

Village Attorney Whitehead: We are going to get the memo out them probably this week. And they took a long time to respond. That is going to be up to them. They are going to have to respond. They are pushing for a decision sooner rather than later, so it is in their interest to respond quicker.

Trustee Armacost: To the Mayor's point that he would like to move this forward, I am not really clear. You want to move it forward without getting the information that we are requesting?

Mayor Swiderski: We need that information.

Trustee Armacost: So you are only moving it forward. You are hoping for the 23rd. It is not a categorical thing.

Mayor Swiderski: I do not want it to be us holding up the process. I want them to have the memo and to respond to it and for us to have a chance for our attorney and engineer to look at their response and deem it worth of our review. I am eager for us to be delivered a packet at least four or five days before we have to opine on it that is complete. So I am eager to move it along.

Village Attorney Whitehead: And we will let them know that because they are now starting to push.

Mayor Swiderski: But we are not going to rush our review. I just want to make sure we take our steps in a timely way; that we are not the party holding this up. It took them almost

two months to come up with what they did. It was OK, but we are hoping the missing pieces are not two months' worth of work.

Trustee Lemons: And a minimum four to five days because that is a lot of material.

Village Attorney Whitehead: If we get the memo out this week I am going to ask them to respond by the 16th.

Mayor Swiderski: At least the 16th because I want you and Len to review it and weigh in. Because ultimately we are not scientists and engineers, and we need Len to intermediate and tell us this is ...

Village Attorney Whitehead: And Buddy working together.

Mayor Swiderski: This is not garbage.

Trustee Armacost: And to make clear that if it is not in by then it is going to be postponed, and that is what they have to live with.

Building Inspector Minozzi: That is the reason Len split this memo like, Trustee Armacost, you had asked before. This is the reason that Len split it was because these are the things he feels need to be done for the neg dec. Then everything else is what we are going to deal with later. That is also an attempt to make this move along a little faster.

Mayor Swiderski: All right, any more questions? Please? It is out of order, but you are an interested party.

Mr. Siebert: I speak now not as somebody arguing that Building 52 should stay, though I will still argue that. Not now, but I find myself astonished that we are doing a full SEQRA review on the Artis project and we are seeking to do a negative declaration on something that has such tremendous health impact if, in fact, their claims about the contamination on the site are the case. To make a negative declaration on this, and a full SEQRA on that, does not make sense. It does not seem it is serving the health and safety of citizens in this village.

3. Other

Trustee Walker: I wanted to mention where we are with the shoreline committee. We received five proposals to our request for proposals.

Mayor Swiderski: Give a two-minute summary on it.

Trustee Walker: Just the background? Because BP is going to be rebuilding the shoreline, replacing seawalls, and as part of the record of our decision and the DEC's ...

Mayor Swiderski: Their ROD and our consent decree.

Trustee Walker: Their ROD, thank you, and our consent decree, the DEC stipulates either a seawall or a sloped shoreline. What some people call a "living shoreline" along the entire extent of the BP property except at the northwest corner, which is required to have a seawall or a bulkhead. We wanted to have some input into how this would be designed. We applied for a grant from the state, which we received from the DEC estuary program. We are using that grant to pay a consultant to work with the Village. That is not just us, but the community, to determine what kind of shoreline we want to see there. That has to do with river access, recreational and water-related uses, a promenade or path, habitat restoration, and uses we may not even have thought of like a boathouse or a café; things that we want to see on the shoreline.

This is not a waterfront plan, it is not a development plan. It is just looking at the area that is about 100 feet from the river's edge upland. We sent out an RFP to 35 potential candidates, or teams of candidates, and we also advertised the RFP. We received five pretty strong proposals, and each one of them is a multi-disciplinary team. Because, in fact, it requires both environmental and marine engineering on the one hand, and also conceptual design abilities on the other hand. Most of these teams have these capabilities. We have narrowed it down to three which we are going to interview next Wednesday.

It is an interesting group. One is led by an engineering firm, one is led by an architect, and one is led by a landscape architecture firm. But they all have people with a lot of expertise dealing with all the things I mentioned, including sea level rise, resiliency, planning for flooding and tidal surges. That is a big component that a lot of them are interested in right now. And also wetland restoration and habitat creation and things like that. We are learning a lot. I am looking forward to the interview process because it will be so interesting to hear how they propose to approach it.

As you saw, we had a pretty detailed RFP. We defined a scope of work, we defined a budget because we have a grant. However, each one of these teams has their own approach and has their own way of doing community engaging. It will be interesting to look at them and compare the three.

Trustee Lemons: I was impressed by the breadth of most of those teams. And the scope is amazing. It is really multi-disciplinary. You could not adequately approach that problem without that breadth.

Mayor Swiderski: Have you engaged BP/ARCO yet?

Trustee Walker: They were alerted that we were doing this, and Fran sent the RFP to them. We have not heard anything. We probably need to start talking about when we can meet.

Mayor Swiderski: They should be a part of this process, too.

Trustee Walker: Well, not the selection process necessarily.

Mayor Swiderski: No, not at all.

Trustee Walker: But once we have our consultant, then part of the process. One of the first tasks is a kickoff meeting and we want them to attend. It may not be until September. But we need to start communicating with them that we want them to be a part of it. So we are really pleased. It is going to be so great to have all these new eyes helping us.

Mayor Swiderski: And this is for-real.

Trustee Lemons: I am not sure people realize that yet.

Trustee Walker: No, we have done it so many times before.

Mayor Swiderski: Where you draw that pencil line is going to be embedded in an engineering design.

Trustee Walker: When we give this to BP we want them to take it seriously and we want them to work with us on it for that reason.

Mayor Swiderski: Given that the engineering design is approved by the DEC, and this grant is out of the DEC, we need to make sure the DEC pressures BP to being a good partner.

Trustee Walker: I hope so. It is f two different branches of the DEC.

Village Attorney Whitehead: And they do not talk to each other.

Trustee Walker: But we can talk to both of them. We have not started the other outreach we need to do, to Scenic Hudson, to other potential partners and other state agencies potentially. There are folks out there like Scenic Hudson and the Estuary Program and the DEC that can provide us with technical assistance. We probably should be looking for it.

Mayor Swiderski: Any other Board discussion items?

Trustee Armacost: I just have one, which is to find out when the audit is happening.

Village Manager Frobel: They will be out here probably early September.

Mayor Swiderski: I received an update from Paul Feiner that Greenburgh passed a local law that instantiates this state-level law that was passed about the phase-in of the hit if you had too big an increase in your taxes. Exactly how that will be rolled out I will have to work out with Paul and communicate out to our public. We have got plenty of time here; it is not until the 2017 taxes that this hits. But you would want to give people a chance to hear about it, react, and apply. So it is good news.

Trustee Armacost: It is good news to some people.

Village Attorney Whitehead: Good news for those who went up.

Trustee Armacost: Not good news for the people who are subsidizing that.

Trustee Walker: I do not understand how that works in the rollout phase. I understand how it works once the rollout is done.

Trustee Lemons: They do not get the full benefit of a reduction.

Mayor Swiderski: Everybody is sick of my Play-Doh comparison.

Village Attorney Whitehead: Collect the same amount. however it is run out.

ADJOURNMENT

Mayor Swiderski: I would like to adjourn in memory of lost lives in the police departments in Baton Rouge and Dallas over the last few weeks: tragedies that were felt deeply in every police department. A moment of silence.

On MOTION of Trustee Armacost, SECONDED by Trustee Lemons with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:05 p.m.