

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 23, 2016

A Regular Meeting was held by the Board of Trustees on Tuesday, August 23, 2016 at 7:34 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

ABSENT: Trustee Nicola Armacost

CITIZENS: Twenty-one (21).

APPROVAL OF MINUTES

On MOTION of Trustee Walker, SECONDED by Trustee Stugis with a voice vote of all in favor, the Minutes of the Regular Meeting of July 19, 2016 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 10-2016-17	\$ 11,927.40
Multi-Fund No. 11-2016-17	\$184,813.81
Multi-Fund No. 12-2016-17	\$822,389.79
Multi-Fund No. 14-2016-17	\$ 10,778.83
Multi-Fund No. 15-2016-17	\$207,351.34
Multi-Fund No. 16-2016-17	\$356,140.95

PUBLIC COMMENTS

Mayor Swiderski: There is no public comment period dedicated to the proposed anchorages. If you are here to speak on that, please approach the mic during this public comment period, and in relation to anything else on the resolution agenda.

John Gonder, 153 James Street: I was disappointed the Board did not have a meeting earlier this month, the reason being, many people got green cards in the mail. I think there were 500 in the village of Hastings. This is all about their reassessment. Many people like myself are getting hit very, very hard, even though we fought them and won a little bit. They want to give us a tax break for two or three years, but you have got to have a certificate of

occupancy. Some of these houses are so old they never got one. I called up our Village Building Department. They said no problem. What does it cost? It costs \$150. I thought, I have fuses. Maybe the code says you have to have circuit breakers and it is going to cost me an electrician. Or maybe something else. I came down and canceled my thing, and I talked to our Building Inspector, who was very nice, Mr. Minozzi. He said we have your plan, 1904. Oh, gee, I think there is one thing that is a little different, or maybe two things. He says some people put nice cellars in and finished basements and everything else, and then we are going to get you because you are going to have to get a permit and you are going to do this and that. And it may cost you several thousand dollars.

I want to thank Jeremiah Quinlan because he was the only one on the Board at that time that opposed going for reassessment. It is going to hurt our servicemen, especially the older servicemen. What are you doing about the servicemen? It took you six months for Artis to say go ahead and get your SEQRA or whatever, permits and whatnot. But you do nothing for your veterans. Very little. I think you bought a sign for Veterans' Way coming down the street, and maybe bought some hot dogs at a parade or something. You take care of the merchants and the businesspeople, but you have not yet decided on tax relief for your veterans, and I hope you do it pretty soon.

I do not hear anything about the bridge. The sidewalks are crumbling, I could not believe it, on that new Warburton Avenue bridge. There are cracks all over the place. They should put these people in jail, and what are we doing about it.

Frank Broadhead, 1 Main Street: I would like to make two suggested additions to the resolution on the anchorages and make a short point about what the root of the problem is. First of all, although this resolution is excellent as far as it goes, and it is powerful because it stresses the local concerns of our village, the elephant in the room is the oil and the oil industry. This is mentioned only in passing. When the resolution was brought to the Coast Guard by the Maritime Association, the first paragraph in their discussion reads: "For several years, the USA has developed as a major energy-producing nation. Trade will increase on the Hudson River significantly over the next few years after the lifting of the ban on American crude oil exports for foreign trade," blah, blah, blah, blah.

What I would like to suggest is that as a second "whereas" language along the following lines be introduced: "WHEREAS, the applicant's stated reason for establishing new anchorages is to accommodate the needs of the oil industry, whose products are toxic both to our climate and the Hudson River itself."

The second point I would like to bring up is a little background on what is coming and why we have it now. This is not about naps for tugboat operators. This is to accommodate the

needs of two giant Fortune 500 corporations. One is called Global Partners, the other is called Buckeye Partners. One is based in Houston, the other is based in Boston. They had a combined revenue last year of \$12 billion. This is very big bucks. The chances of them winning are very high. The Port of Albany will benefit, the oil industry will benefit, the congressmen will benefit, the maritime industry will benefit. We are up against very big stuff. Why is this happening now? There are a couple of things. Even though there is a decline in the oil industry globally, the global partners entered the field a few years ago and bought an oil field in North Dakota. That is where their oil is coming from. Both Buckeye and Global Partners are contracting with the Canadian tar sands. Their idea is to liquefy the tar sands in Albany and send it down the river. If they get a permit to do this that will be what is coming. The first tanker out of Albany that ran aground had the amount of oil in it that the Exxon Valdez had. This is very big stuff.

Finally, it is a very weak ending, and I would like to suggest two additions. One is that at the end, where it says "resolved," blah, blah, blah, we insert, after "Urges its disapproval that the Coast Guard be asked to hold public meetings as soon as possible, not until 2017." And secondly, that the Coast Guard commission environmental and economic impact reports, both of these points are in all of the opposition literature from Riverkeeper and so on to the Coast Guard proposal. I think we should just join the consensus and include those under "resolved." Thank you for the extra time.

Orlando D'Oro, 645 North Broadway: I reside at River Glen. We handed out a packet earlier to describe some of the critical points that are still affecting our complex. Over 13 months ago a sinkhole incident happened where a car was nearly devoured. We have been living with this problem ever since. Because part of the garage bank had to be demolished, a resident has been without a garage for over 13 months. Some of the emergency work was performed by the Village. To that extent, the garage that is missing needs to be reconstructed. We signed off on what the Village had proposed to us, and we would like to request your cooperation in going forward, at least going forward with that part of the project, and request from a timeline and scheduling in order to proceed in a more expeditious manner. We are receiving complaints from neighbors on the street below us complaining that it is affecting the sale of their home because of the exposed garage bank. In essence, one of the major issues we still have is that when the Village performed the paving it drastically changed the pitch that was there. So it is causing severe erosion, which you can see here. We have ditches now that are over 24 inches deep that are no longer accessible by many of the residents to go through Lower Glen. More seriously, we have elderly and handicapped that can no longer access the garbage bank. They have to walk entirely around the garage bank in order to go and dispose of their refuse.

This had an impact also on the desirability of River Glen. There are two units that have not been put on the market because realtors have informed some of the residents that are willing to sell that the appeal is no longer there. So the property value is suffering to some extent. I am joined by a number of my neighbors here. On behalf of all of us, we would like the request your cooperation, and please, moving in scheduling. One last item is that we sustained considerable expense just to shore up the garages to make the four remaining ones usable. We depleted our reserve fund, and had to dig into the assessment fund for re-paving, which we cannot possibly do until the Village comes forward and gives us a hand and possibly cooperating as much as you can with a timeline and scheduling.

Mayor Swiderski: In response to that, we intend to meet in executive session today as a board. We are going to be talking to both our Village Manager and Attorney to understand how to move this forward, to address your issues, and to bring it to a quick close. I am sorry you have had to go through all that.

Ellen Hendrickx, 63 Clarewood Drive: I am wearing my legislative aide hat for Mary Jane Shimsky. She cannot make it tonight, but she asked me to let people know that with regard to the barges the Board is considering a resolution. There are a number of communities that are affected. She is preparing a letter, with technical information, so she can submit that on behalf of the Village and the other communities.

Mayor Swiderski: Submit it to the Coast Guard. Thank her for the work on our behalf. We are going to be going into some detail about the efforts underway. Our trustee, Dan Lemons, is taking point on this and met with Mayor Spano and others yesterday that are coordinating an effort to respond in a coherent way. I am sure she will be involved.

Elisa Zazzera, Pinecrest Drive: About the anchorages, and thank you for having this resolution. I too would like to add my voice to Frank that the resolution needs to be amended. I am going to start from the bottom, and ask that it also be sent to the Coast Guard and to other bodies and organizations that are in support of these anchorages. I note that the resolution does not address what I believe to be the ultimate argument against this possible rulemaking, and that is the environment. While the resolution does include, in the 14th whereas, "Large anchoring equipment used by commercial vessels disturbs bottom sediments and can damage wildlife habitats including those of endangered species residing in the river"; and number 16 includes "the anchoring of unmanned, unlit barges potentially carrying large amounts of fuel is a health, safety and welfare concern, with possibilities of spillage, et cetera," there is no mention of the increase in trafficking of fossil fuel these anchorages are meant to accommodate, as Frank so ably pointed out; and the great harm that bringing this fuel to market poses to everybody on the planet.

We know that the planet is headed for climate catastrophe unless we can get a handle on our emissions of greenhouse gases. The EPA states that our largest source of greenhouse gas emission is the burning of fossil fuel. So it should be clear to anyone that we need to cut our use of fossil fuels if we are to decrease our greenhouse gas emissions. This anchorage allows us to open the fossil fuel spigot wider and increase our greenhouse gas emission—the opposite of what we should be doing.

These anchorages allow width berth and easy passage for the extraction of new fossil fuels. If we as a species are serious about surviving past this century, serious about leaving a habitable planet to our great-great-great grandchildren, the fossil fuels these anchorages are meant to accommodate must be kept in the ground. In your resolution please include mention of the grave harm these anchorages will support. Something like, "Whereas, the world is experiencing unprecedented heat and other climate and weather-related catastrophic events caused by climate change, climate change is brought on by greenhouse gas emissions, and our largest source of greenhouse gas emissions comes from burning fossil fuels, it is imperative that fossil fuels be phased out and abandoned as an energy source. Any and all infrastructure for fossil fuels not be expanded. These anchorages are a clear expansion of fossil fuel infrastructure so cannot be permitted."

Linda Snyder, 159 Southside Avenue: I am one of the Montrose 9, arrested in November 2015 for trying to stop the Spectra pipeline. I want to thank you, Peter, for writing that incredible letter on our behalf to be presented at the court, at the trial, and the other Trustees that signed off on it. We are still waiting, by the way, for the judge's verdict. This all leads to what I believe is so important and why I care for our environment and want to keep fossil fuels in the ground. For this reason I find the Coast Guard's barge proposal just preposterous. My comment on the federal sites went to support some of Peter's thoughts in his e-mail. Not only are huge numbers of barges to be parked along the Hastings area of the Hudson, an environmental and public danger, they would also present a great problem for Hastings when BP begins its waterfront remediation work over the next few years. Interestingly, this week Spectra has started the process of putting its dangerous pipeline under the Hudson waters. The AIM pipeline just happens to run beneath of the proposed barge parking areas in Tomkins Cove, Verplanck. So we now have a huge high-pressure gas pipeline lying underneath a big barge full of oil next to the Indian Point nuclear facility. What could go wrong, using an expression?

I am calling on the Hastings community to do something more than sign a petition or comment. If the Village wants to stop these barges we all need to make our outrage visible. As we found out in the pipeline fight, the press and TV and communities count. I suggest that the Village hold a major rally here in Hastings and also lead the Rivertowns by holding our own public meetings rather than waiting for 2017 for the Coast Guard to do this.

Jim Metzger, 427 Warburton Avenue: I would like to second what Mr. Gonder said. On the west side of the bridge there are, at my last count, 37 cracks that run the full length from the curb to the wall. Almost every square of sidewalk has a crack running down the middle of it, and the curb is cracked at virtually every expansion joint.

What I am really here to talk about is the anchorages. The real elephant in the room is terrorism. That is something we are not addressing seriously. We live in an era where every bridge that goes over a body of water has a sign posted "Photographs Are Illegal." Cannot take a picture of a bridge, but they are going to park millions of gallons of oil in a stationary line from New York City to Albany. I am waiting for them to put little plaques down along the riverfront, "Terrorists Stand Here." What is going to happen when someone decides a stationary target of millions of gallons of volatile fluid outside the most targeted city on earth for major terrorism, as opposed to the individual acts of terror, is not a good idea? This needs to be hammered home. The fact that the Coast Guard is even remotely entertaining this idea and the fact that they answer to Homeland Security, and Homeland Security thinks this is a good idea, I find baffling. I am on the side of the environment and the visuals and everything else. I really believe it is critical. But the only way to stop the government from giving this out to the oil companies is to tell them that when they start blowing things up we are going to have a 140 mile long river on fire. That is going to be a big problem. And it is going to be very easy for anybody to do from the New York side or the New Jersey side. This is something that needs to be more forcibly stated in our comments. That is what I stated in my comment to the federal government. I hope we take that path and shut the government down from doing this because they are putting millions of people at risk by allowing this.

Patrick Randolph Bell, Hastings-on-Hudson: First, by the way, you can take a picture of a bridge. It is 100 percent legal to take a picture of anything in public; photography is not a crime.

Secondly, I love his concept of putting a clause in there of something about terrorism. I have seen a couple of videos on YouTube of oil barges blowing up. Not a pretty sight, the whole river catches on fire, and one of them shattered windows a mile and a half away. That is our entire village.

Certainly some maintenance issues downtown. There is a sign in front of the Roadhouse, where it should say Stop Here On This Line. It has not been there for two years now. There is an 8-foot tall aluminum pole, and I am glad the Village is embracing Festivus but I got that covered. So maybe you can replace that sign. There is a missing parking meter now in front of George's wine store from a car accident, for at least a month, that is costing the Village money. I have also always noticed you could fit another parking meter in front of The Mill.

There is always an extra car parked in that spot. You can stick another one there and make some more money for the Village. There are some other concerns about parking. The pay-by-app, people are parking their car in some of the locations, I think on Maple they were saying, and all day long just refilling it. So even though is a six-hour meter, they are able to go for another six. Maybe you would like check the app on that.

The resolution for the columns. That is another 35-grand now for the columns addition. Do we need another bond for that? The first one is 65, it was our first bond. Are we going to get another bond? And do we have to re-bid that, now that it is fifty percent more of what the original bid was? Perhaps we can find someone else for cheaper.

I sent you an e-mail earlier about making one of the clauses a little stronger. "Whereas views of the Hudson River, the heart of the Hudson River Valley, a National Heritage area, will be disturbed for the City of Yonkers, the Village of Hastings, and the Village of Dobbs Ferry, and the value of property in the Village of Hastings, as with other municipalities, relates directly to the views of the Hudson River, especially at this portion of the Hudson River that has views of the Hudson River Palisades, a national, natural landmark, preserved into perpetuity by the creation in 1900 of the Palisades Interstate Park, a national historic landmark, in part by Theodore Roosevelt, the 26th president of the United States on, the western shore, creating a unique environment prized by many." So I will give this to Susan, if you would take a look at it.

48:16 OPPOSITION TO PROPOSED ANCHORAGES IN HUDSON RIVER

Mayor Swiderski: This is long enough I do not want to read it, but I do want to discuss some of the changes that have been proposed here and see if we can make those amendments. We do not have the freedom here to do this on our own time and come back next week, or two weeks' time, because that is two days before final public comments are due. As Dan will get into after we discuss this, the communities are all organizing. These resolutions are an important part of the process. I am pretty dead set on passing something tonight, and I want to incorporate some of what we heard.

There was proposed language, Frank, around to accommodate needs of the oil industry. Could you stand up and say that one more time.

Mr. Broadhead: I suggested "Whereas, the applicant's stated reason for establishing new anchorages is to accommodate the oil industry, whose products are toxic both to our climate and to the Hudson River itself," the point is to put "oil" near the top.

Mayor Swiderski: So to the Board, I do not have an issue with adding that. I would like to modify it slightly to incorporate Ms. Zazzera's comments. "The applicant's stated reason is to accommodate the needs of the oil industry, whose products are toxic and most complicit in climate change." Does the Board feel that expresses a sentiment we are willing to support? And if not, are there modifications to that language on the Board? Walter?

Trustee Stugis: Fine.

Trustee Lemons: I think that is an excellent addition.

Trustee Walker: Do we ever say that the oil is toxic to the environment of the Hudson River?

Mayor Swiderski: Then why do we not add "are toxic to the Hudson River environment." The proposed language now reads, it is the second "whereas," and it reads, "The applicant's stated reason is to accommodate the needs of the oil industry, whose products are toxic to the Hudson River environment and most complicit in climate change."

I thought the clarifications that Mr. Bell offered were sensible, since it pulls in a historic context and emphasizes the national character of the Hudson River.

Trustee Walker: It is a National Heritage river.

Mayor Swiderski: "Whereas the views of the Hudson River, the heart of the Hudson River Valley and a National Heritage area, will be disturbed for the City of Yonkers, the Village of Hastings, and the Village of Dobbs Ferry, and the value of property in the Village of Hastings as well as with other municipalities relates directly to the views of the Hudson River, especially at this portion of the Hudson River that has views," and it is modified, "of the Hudson River Palisades, a national, natural landmark, preserved into perpetuity by the creation in 1900 of the Palisades Interstate Park, a national historic landmark, in part by Theodore Roosevelt, the 26th president of the United States, on the western shore, creating a unique environment praised by many; and."

Trustee Walker: The only question I have, I did not know that Theodore Roosevelt was involved in it. I want to make sure that that is accurate.

Mayor Swiderski: I am not willing to Google and fact-check this at this moment. Let us strike that, since I do not think it adds a whole lot more. The rest of it stands.

We had a concern about national security, and I think a place to put this is at the final clause. "Whereas, the foregoing impacts of the new anchorage grounds have not been adequately studied and therefore not all impacts have been identified," and then including "especially the impact on the waterfront remediation process the Village will now face, and risks from national survey threats, including terrorism, now therefore be it."

Village Attorney Whitehead: You do have a reference to Homeland Security.

Mayor Swiderski: We do? But I think it is worth making the point that the study should include that. Is there an issue with that here, that we stress national security in addition to that? If everybody on board?

Trustee Walker: Yes.

Mayor Swiderski: Ms. Zazzera had a modification that the resolution include on its distribution list the Coast Guard and several of the entities that we are working with. Dan, help me out here. There is one that is being formed now. What is it being called?

Trustee Lemons: It is the Hudson River Waterfront Alliance.

Mayor Swiderski: So the Hudson River Waterfront Alliance, Riverkeeper, and Scenic Hudson are all entities we are cooperating with. In terms of partners, I think we have the three key partners we are working with.

Trustee Walker: Is BP a partner?

Mayor Swiderski: I would be shocked if they would be willing to take a political position here. So with those modifications, do we have any further public comment out of the Board, or can we move to a motion?

Trustee Lemons: I would like to report on the meeting on Monday, and it bears on the resolution.

Mike Spano, the mayor of Yonkers, called a meeting and set a very wide distribution. It was to all the mayors of the Hudson River towns, and the purpose was to discuss this. Peter could not attend, I went in his place, and it was pretty well-attended. Twelve or 13 communities were represented at that meeting. Yonkers has already jumped into the front because they have, of course, a P.R. staff, a lot of staff that most of these communities like ours do not have. They have already put together a website, they have petition online. Their intent was to bring all these communities together into an umbrella organization to fight this.

They proposed the name that I just mentioned, Hudson River Waterfront Alliance, and we all agreed we are good with that. The discussion in that meeting was a lot of the points that have already been raised. But one of the things that all communities confirmed is that nobody was officially notified by the Coast Guard that rule change was proposed. Everybody found out about it through the newspaper. The first legal question, is that legal. Yonkers has gone ahead and retained a maritime attorney who also happens to be our attorney for our waterfront issues, Mark Chertok and his firm, because one of the questions which nobody can answer at this point is what is the legal standing we have. That is one of the key things we have to find out is how this battle gets fought and where the place to fight it is. Yonkers would like is for the other communities to join with them and again, under the umbrella, use that legal opinion that is going to be gotten. In the end, there was complete agreement and there was a press conference. This got covered in all the major networks yesterday.

I noticed that FiOS was there with everybody else at this press conference. I went to the FiOS site to see if they had put it up yet, what they had commented on, and what they have covered. It was not up yet, but I discovered a 24-minute interview with a representative, of the shipping organization. It was a 24-minute interview that was introduced this way: "We're going to have a representative of this organization to explain the misunderstandings and misinterpretations that have been bandied about about this proposal." If you want to see an example of softball journalism, take a look at that. It was interesting and informative for us because of the kinds of responses that were given to these softball questions. We are not going to hear arguments that are economically-based. He was asked is this going to increase barge traffic? The answer was no. He was asked are these berths going to be regularly used. The answer was no, they are just for emergencies. It was pretty remarkable because later in the interview he said right now all these vessels do have the ability to drop anchor any time in an emergency, they have that permission. But I think we can expect that part of the rationale that is going to be played out in public is going to be this is a safety issue. So that will be an attempt, in a way, to turn the security issue around the other way.

The question was put this way: we have heard from the communities that they are going to be negatively impacted by this and that they will receive no benefit for taking this additional risk. He said there is a benefit because there is a general benefit to the New York economy and there are five or six thousand maritime workers' jobs. But then he insisted that this would not lead to an increase in barge traffic. So it is hard to see this is a big economic stimulus, in any case. If you listen to the interview you would find it amusing except that is, unfortunately, deadly serious so it is not funny.

Those are the kinds of arguments we are going to hear, and we are not going to hear a lot about the economic arguments because when you play that out against concerns about security, that you raised, Jim, or you play this out against the potential risks of even one of those barge's spills, the whole shoreline is destroyed. It is not just here. The entire river will be wrecked. I do not think they are going to try to play it out that way. They are going to try to soft-pedal it, like you are worked up over nothing, we are not going to put any barges there probably. That is going to be the leading edge of what we are going to be up against.

This is a summary that came out of the meeting: "The Hudson River Waterfront Alliance will focus on the examination of all the technical, legal, environmental and economic concerns which were raised by the U.S. Coast Guard's proposed expansion of anchorage sites in the Hudson River. The immediate action plan will be as follows: formalizing the Hudson River Waterfront Alliance via a pledge of participating municipalities," which is something, hopefully, we can do tonight; "request an extension of public comment period by 90 days; P.R. and media, including a coordinated online social media and petition campaign in opposition to the Coast Guard's proposal; legal opinion, maritime counsel be retained," and I will not read all of that; and "a unifying lobbying effort with all of the parties that need to be lobbied." That is kind of the thrust right now of that organization.

Then what has been produced is a pledge. And this relates to the resolution because I would like to add to the resolution our agreement that we are going to sign this pledge. Here is the pledge: "Hudson River Waterfront Alliance Pledge – the Hudson River is a federally-designated American Heritage River for which special consideration must be given to the effects of actions taken on, around or within the river on the natural, historic, economic, and cultural needs of the surrounding communities. Extraordinary local, state and federal resources have been dedicated to the revitalization of the Hudson River over the last several decades. Likewise, the communities along the shores of the Hudson River have engaged in very successful decades-long campaigns to reverse the impacts of industrialization and to return the Hudson River shoreline to the people.

"The Coast Guard's proposed extension of Hudson River anchorage sites will reverse the pattern of restoring economic and environmental prosperity of the river and its surrounding communities. In recognition of our mutual concern for the economic vitality, environmental health, and public safety of the Hudson River and its surrounding communities, we stand united as the Hudson River Waterfront Alliance, HRWA. The HRWA commenced collaborative examination of the local and regional impacts of the proposed anchorage sites to providing information regarding the proposal to residents and stakeholders, and to utilizing its collective resources to protect and preserve the interests of the Hudson River communities we serve."

Mayor Swiderski: I would like to suggest instead that that be a standalone resolution.

Trustee Walker: Is it going to require an intermunicipal agreement among these municipalities if we are going to ...

Mayor Swiderski: It may, to pay for Chertok.

Trustee Walker: So there may be another step involved. The other question I had is, there already is an organization of rivertowns through the Historic Rivertowns. Jerry Faiella, the executive director, has been following this and sending us a lot of information about it. Why are we not using that existing intermunicipal agreement?

Trustee Lemons: I think they are definitely going to be pulled out of that, along with Riverkeeper. And obviously, they are going to be very engaged in it. But I think these municipalities, just because of their representation, is powerful. And it stands alone...

Trustee Walker: You mean to make this special effort that is separate from anything else sends a signal.

Trustee Lemons: And also it can pull together both the financial and the human resources to do something that Historic Rivertowns or Riverkeeper maybe could not. But obviously they are going to be stung hard with this.

Trustee Walker: They are going to be involved. I do see the potency of making it into a very targeted effort.

Mayor Swiderski: All right. So why do we not finish with the resolution before the Board if there is no further comment from the Board, and then we will move to that.

Steven Siebert, 113 Hamilton Avenue: When you talk about climate change, we should try to make that more focused and specific by adding after most complicit in climate change say something like "whose impact has already been, and will increasingly be, seen in rising water levels, impacting land use along the river."

Mayor Swiderski: Is there any problem with that language, or do we leave it broad on climate change in general?

Trustee Walker: There are so many impacts. That is an impact we are wrestling with ourselves, but we are also wrestling with storm events and stormwater runoff and exploding storm pipes. So there are a lot of other impacts on us besides the rising waters.

Mayor Swiderski: I would agree, I would rather leave it broad.

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

WHEREAS, the Coast Guard is considering establishing new anchorage grounds in the Hudson River from Yonkers, NY, to Kingston, NY and has proposed a rule establishing new anchorage grounds in the Hudson River from Yonkers, NY to Kingston, NY; and

WHEREAS, the applicant's stated reason for establishing new anchorages is to accommodate the needs of the oil industry, whose products are toxic to the Hudson River environment and most complicit in climate change; and

WHEREAS, the contemplated Yonkers Extension Anchorage Ground would cover 715 acres for up to 16 vessels with a draft of less than 35 feet for long term usage; and

WHEREAS, the Yonkers anchorage is the largest of the proposed sites affecting Yonkers, the Village of Hastings-on-Hudson and the Village of Dobbs Ferry, with eight of these anchorage sites located directly to the west of Hastings-on-Hudson; and

WHEREAS, Scenic Hudson, Riverkeeper, the City of Yonkers, Dobbs Ferry and many others have voiced their concern and opposition to the establishing new anchorage grounds; and

WHEREAS, the Village of Hastings-on-Hudson has completed a Comprehensive Plan in 2011 that repeatedly acknowledges the importance of the Hudson River to Hastings-on-Hudson, including the views, passive recreational uses, active boating uses, and view corridors enjoyed by thousands; and

WHEREAS, the Village of Hastings-on-Hudson is engaged in a restoration of its waterfront, working with the Riverkeeper and BP Arco to ensure that the heavily contaminated waterfront is restored to full use and to the highest standards, including the remediation of the waterfront river bottom directly in front of the former industrial lands referred to by the NY State Department of Environmental

Conservation in the Consent Order governing the cleanup of PCBs in this area as Operating Unit 2; and

WHEREAS, the clean-up of these offshore, underwater areas will involve a substantial industrial-scale effort with deployment of barges, dredges, test platforms, boats and the other equipment and facilities necessary to effectuate such a clean-up for several years commencing in 2017 and would be in direct conflict with the mooring uses proposed along the river and the section designated as Operating Unit 2; and

WHEREAS, the presence of parked barges directly adjacent to the remediation will pose unacceptable risks to the clean-up crews needing to navigate this section as they carry out remediation activities and also pose the risk of collisions with said barges, resulting in potential releases of fuel oils and other contaminants in the midst of a major remediation effort; and

WHEREAS, those seeking to navigate the Hudson River in this scenario would be facing parked barges and a major industrial remediation occupying a significant portion of the Hudson River at this point making such navigation potentially treacherous; and

WHEREAS, this clean-up effort is intended to remediate the site so it can be enjoyed by thousands as parkland and for the passive and active waterfront uses which would be restricted and otherwise deleteriously affected by the many barges that would be parked in front of the restored waterfront; and

WHEREAS, the Village of Hastings-on-Hudson has paid a steep price for the industrial use of its waterfront and waterways, seeing the direct results that pollution has had on its enjoyment of that said waterfront and believes that parking barges, including those containing oil and oil by-products risks further contamination of an area that the Village is seeking to see remediated after a century of abuse; and

WHEREAS, the proposed anchorage site abuts the main shipping channel of the river, which will increase congestion and may lead to collisions; and

WHEREAS, recreational boaters will be required be required to navigate either in the main channel used by large commercial vessels or bypass the anchorage to the west in shallow waters; and

WHEREAS, large anchoring equipment used by commercial vessels disturbs bottom sediments and can damage wildlife habitats, including those of endangered species residing in the river; and

WHEREAS, views of the Hudson River, the heart of the Hudson River Valley National Heritage area, will be disturbed for the City of Yonkers, the Village of Hastings and the Village of Dobbs Ferry, and the value of property in the Village of Hastings, as with other river municipalities, relates directly to the views of the Hudson River, especially as this portion of the Hudson River has views of the Hudson River Palisades, a national landmark preserved into perpetuity by the creation in 1900 of the Palisades Interstate Park on the western shore, creating a unique environment prized by many; and

WHEREAS, the Village of Hastings-on-Hudson lacks the marine resources to adequately patrol and protect our waterfront from the additional threats to our health, safety and welfare caused by these new anchorage grounds; and

WHEREAS, all documentation from federal agencies regarding consistency determination of a federal action will be received and forwarded by the Department of State and the municipality for review and recommendation; and

WHEREAS, the only notification that has been made by the Coast Guard is through in the Federal Register allowing a 35 day comment period; and

WHEREAS, the Village of Hastings-on-Hudson and all other municipalities affected from Yonkers to Kingston have not been so contacted and so we believe that proposed rule 2016-13701 was not promulgated in accordance with proper Federal, State and Local regulations and is therefore should be considered null and void; and

WHEREAS, the foregoing impacts of the new anchorage grounds have not been adequately studied and therefore not all impacts have been identified, especially the impact on the waterfront remediation process the Village will face, and the risks from national security threats including terrorism; now therefore be it

RESOLVED: that the Board of Trustees of the Village of Hastings-on-Hudson does hereby register its strongest possible opposition to proposed rule USCG 2016-13701 and urges its disapproval; and that this resolution be distributed to Senator Charles Schumer, Senator Kirsten Gillibrand, Congresswoman Nita Lowey, Congressman Eliot Engel, Governor Andrew Cuomo, Secretary of State Rossana Rosado, State Senator Andrea Stewart-Cousins, Assemblyman Thomas Abinanti, the United States Coast Guard, the Hudson River Waterfront Alliance, Riverkeeper, and Scenic Hudson.

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

53:16 APPROVAL TO ENDORSE THE HUDSON RIVER WATERFRONT ALLIANCE PLEDGE

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

RESOLVED: that the Mayor and Board of Trustees endorse the Hudson River Waterfront Alliance Pledge as follows.

“The Hudson River is a federally designated American Heritage River for which special consideration must be given to the effects of actions taken on, around or within the River on the natural, historic, economic, and cultural needs of the surrounding communities. Extraordinary local, state and federal resources

have been dedicated to the revitalization of the Hudson River over the last several decades. Likewise, the communities along the shores of the Hudson River have engaged in very successful, decades-long campaigns to reverse the impacts of industrialization and to return the Hudson River shoreline to the people.

“The Coast Guard’s proposed extension of the Hudson River anchorage sites will reverse the pattern of restoring economic and environmental prosperity of the River and its surrounding communities.

“In recognition of our mutual concern for the economic vitality, environmental health, and public safety of the Hudson River and its surrounding communities, we stand united as the Hudson River Waterfront Alliance (HRWA). The HRWA commits to collaborative examination of the local and regional impacts of the proposed anchorage sites; to providing information regarding the proposal to residents and stakeholders; and to utilizing its collective resources to protect and preserve the interests of the Hudson River communities we serve.”

ROLL CALL VOTE

AYE

NAY

Trustee Meg Walker	X	
Trustee Nicola Armacost	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

Mayor Swiderski: A few other things that we have done. The Board sent a letter to our congresspeople and senators opposing this and asking for their involvement. I attempted to reach out to them. I was in Washington on business yesterday. They are in recess so I had limited luck. Senator Gillibrand's office granted a meeting half an hour before I was to leave so I did not have much luck there. Otherwise, I will be reaching out to their offices here in New York to lobby on this issue. We have also composed a letter to the Coast Guard, an official Village response. That letter is with our environmental attorney, Mark Chertok, who will also be representing the communities at large. He thinks we can add a couple of things to that letter to make it even more powerful. We hope to get that out by the end of the week.

We put out a note to the community asking for public comment on the proposed rule. I went on last night to see how comments there are, and were well over 1,400 when I looked. I was happy to see a couple hundred of those were from Hastings. I will put out another note to the community again reminding them to do that. It is easy as can be, and it sends a message as much to our own political representatives, who see the public outcry and may be more inclined to support us over the maritime industry. There are many roles those comments play, but without trivializing it, the more the merrier. The more we can get mobilized the bigger the message sent. So quite a bit has happened the last couple weeks, and we have to move quickly because of the time frame here.

Village Manager Frobel: Mayor, just reminding the Board the talk about it at your July 5 meeting. So we were on the record, the Board went on the record, early on, with Riverkeeper, about your objection to this proposal.

49:16 APPROVAL OF CHANGE ORDER FOR MUNICIPAL BUILDING COLUMNS

Village Manager Frobel: We have encountered additional work that is going to be required to reconstruct the six columns at Village Hall. The interior of the columns are wooden, and what has happened over the years is there is a lot of decay. In order to do a more permanent fix, we are looking to insert steel to support the roof structure. We could not determine that until we had the contractor physically open. It is his recommendation and Buddy Minozzi's recommendation that we do this additional work now. The contractor is here to answer any questions you may have.

Lou Brutto, Contractor: I own a construction company on Southside Avenue. We originally were contracted to replace the decorative enclosures around the columns in front of the Municipal Building. We were going to replace them, as per the requested spec, with a PVC or AZEK material so they would be impervious to weather and future rot. In the process of trying to identify exactly how the architectural makeup was constructed and how thick the columns were, we needed to remove and open sections of the columns. During that process, we found in a couple of columns the base of the column interior structural supports to be rotted. We found one column that looked like it had a fire at some point. We recommended opening all the bases of the columns and all the upper sections of the columns to inspect the column centers, see the structural support holding up the overhang. During that process, we found the structural support in the center to be deteriorated at many of the bases, but additionally to be bowed. So effectively there were 2 by 10's that were spaced apart inside the existing column that have bowed under the weight of the overhang. We took very accurate measurements from the cast iron bases to the cross

supports that are underneath the rafters of the overhang. We found minimal, but significant, differences within an inch-and-a-half to 2 inches of difference across the columns. I believe the roof is settled with these columns that have deteriorated and collapsed, so to speak.

There are two issues. Obviously, the structural integrity of the columns to hold the overhang. But additionally, your requested spec for the replacement of the decorative column is an AZEK material which has no real structural integrity as your existing wood enclosures have. I believe the wood enclosures have helped hold those columns together, and there would be no way to put a PVC material over that existing wood core, even if that wood core was beefed up or repaired. We need something inside so that column will have no give whatsoever because the AZEK does not have the structural integrity to support any load.

With that, Buddy Minozzi called in an engineer that he is familiar with. Steven Costa and I discussed the issue. We talked about some options for steel. He drew up a plan based on steel I-beam columns, which is what we discussed would be most effective because it would be a square unit that we could clad with a pressure treated wood to accept the AZEK enclosures. There were some challenges with the bases; the bases are made out of cast iron so we need to template a steel base that will sit in that cast iron base in a column that is short enough we could maneuver it in place and then jack it up to support the load. Then as all the columns are in, make sure the overhang is accepting equal load on every column so there is no movement, then grout underneath them and pack underneath them with shims. When that is complete, we will have a structurally sound column in every location. We could clad the outside of those beams with wood, then proceed with our original proposal to install an architectural decorative column over them to match the existing.

My proposal is based off of Steven Costa's drawings as well as discussions with him and how I feel we need to move through the project to work a column at a time safely so we do not have any movement in the overhang. One of the things that was a challenge is, your steel comes in 40-foot lengths, your columns are 22 feet so we will only get one steel column out of every purchased beam, which means we have a lot of waste which increases the cost. Then the work plan, column by column, to prevent any movement in the overhang obviously has a factor in the cost. I was dismayed when I put together the numbers how much it was going to cost me. Obviously, I sit down and look at the time and materials it will take. In discussing with Buddy, I do not see any other course to move forward.

Trustee Lemons: It looks like the load is greater right now in the central columns. That is where there is more bowing.

Mr. Brutto: One of the issues is, the enclosures that were there were very heavy architectural wood. Over the years the rotted bases of the interior columns put a load on the

exterior column. So the architectural bases, I think, were helping hold the load of the interior core. Now that we have exposed the upper and lower sections that there is more load on the core. I honestly have a little concern of the load of the overhang now. I have reviewed the original plans, even though they are very hard to read. They date back to when the building was built. The cantilever, the overhang, is tied back into the structure so it is pretty sound. However, you cannot change the fact that there is going to be load there. Just a side note, and I had mentioned this to Buddy, this is definitely something you want to make a decision on and address before winter. Right now we have no snow load; that would be a big factor. One of the issues is that the original decorative columns were helping hold the load.

Trustee Lemons: Is there settling, too, underneath?

Mr. Brutto: There is definitely settling.

Trustee Lemons: So what they are sitting on is settled?

Mr. Brutto: No, I do not believe what they are sitting on has settled. Or at least it is not visible to me that it is settled. But I think the bow in the column and the exterior columns, and the rot at some of the bases of the column, has caused the overhang to settle slightly. I am not very concerned with it. If we can get all our new structural columns in, and somewhat evenly disburse the load so each column is tight, that it will be fine. I am not very concerned about the settling above as long as we can maintain it in the position it is in.

Trustee Lemons: I was just thinking if they are settling below. But it sounds like you do not really think it is.

Mr. Brutto: I do not really think there is. , I cannot guarantee that, I am not a structural engineer. But Steven Costa was not overly concerned with that. He was more concerned with how we not only install all six columns across the front, but how we distribute the load evenly over all six columns so we do not create a sag or something that is loose in the future.

Trustee Walker: What kind of footing are the columns resting on?

Mr. Brutto: Currently they are sitting on a cast iron base.

Trustee Walker: And what is that sitting on?

Mr. Brutto: That is sitting on your stone entry.

Trustee Walker: But there is no footing underneath that.

Mr. Brutto: I would imagine there is.

Trustee Walker: Some kind of post going down.

Mr. Brutto: I cannot speculate on what is below the entranceway and the steps that are in front of the building. I cannot state that the base of your column is sitting on that, and it does not appear that has moved in however many decades it has been there. I don't think that is a huge concern. The bases are certainly in good shape and solid. The issue seems to be where the wood is attached to those bases. Basically, they have 2 by 10s coming down, with a 2 by 10 block in the center that they would attach to.

Trustee Walker: Sitting on this cast iron ...

Mr. Brutto: Sitting on its cast iron base, and that is deteriorated with water infiltration and years of age.

Trustee Walker: And you said it is a partial cantilever so some of the load is already being distributed to the next building.

Mr. Brutto: Yes, some of the load seems to be picked up on the building side. When you calculate load like that, in my understanding and again I am not an engineer but this is my discussion with them, you would take 50 percent of the cantilever and put it on the columns. It is not a huge section, but it is a significant amount of weight when you consider all the live load and dead load.

Trustee Walker: And that roof structure is a wooden structure, you think?

Mr. Brutto: Yes.

Trustee Walker: So he did believe that you should distribute the load equally among the columns. In other words, not just put steel in the middle and let the others remain wood.

Mr. Brutto: No, definitely not. The member that carries all the rafters that come parallel to the front of the building is just a simple 2 by 10 wood member. So if you were to support, let us just say for argument's sake, the two columns on either side of the entrance you could get sagging on the outside. The other concern was that if we get equal load on all the columns we do not have to worry about expansion, contraction and movement of any column, which could affect the aesthetics of the new enclosures.

Trustee Lemons: Also, if you just load those two columns then you might well get settling.

Mr. Brutto: Then you could wind up with a banana effect on the top.

Trustee Lemons: But that is encouraging that you do not think you are observing any settling. That would be the concern I would have, that if you are going to do everything up above whatever it is sitting on and then discover that, oh ...

Mr. Brutto: I agree. And again, I looked at it. Speaking from a contractor's point of view, it looks solid. The engineer looked at it. He did not have a concern there. I could revisit that topic with him if you like.

Trustee Lemons: I think we would want to know for sure because if you are going to do all that work you do not want to then have to come back sometime later because now you are seeing settling again. Now you are rigid from the base up, but it is something happening underneath there.

Mr. Brutto: I could discuss that with Steve Costa and Buddy Minozzi. I do not really think it is a factor, but I am happy to visit it.

Mayor Swiderski: I completely agree with the concept proposed, and I suspect the columns will be here long after we are all gone if they are made of steel. But the AZEK surfacing, how closely will it mimic the current columns? Is it designed to come close to the detail?

Mr. Brutto: It is designed to mirror the detail. I do not know how many of you noticed, but your exterior six-column bases do not even match your interior two columns that are against the wall. Charlie Minozzi, who works in this building for quite some time I imagine, was surprised when I mentioned this to him. We decided to mirror the detail on the exterior columns, since there were six of those and only two of the interior. We have taken cut-away samples of the base and of the top of the column so we could recreate that exact look. To say that is absolutely going to be perfect down to the 16th of an inch I cannot promise that. But from a naked eye, I believe it will look exactly the same.

Mayor Swiderski: Great. Because I, in watching this start, was puzzled by the work that was done to date. It basically looked like plywood clapped up against the columns.

Mr. Brutto: That was just for safety.

Village Manager Frobel: We are just trying to keep it buttoned up. That is just temporary.

Mr. Brutto: That is protection only.

Village Manager Frobel: For the public.

Mr. Brutto: One of the concerns Fran and Charlie expressed to me during our preconstruction walk that, number one, it was safe and number two, that it looked good for the Farmers' Market. In an effort to meet those requirements and to prevent anyone from potentially sticking their hands in something that could get them cut, I personally take my kids to the Farmers' Market and would not want the bases of those columns exposed with rusty screws or nails. We just took white plywood, painting it, and wrapped the base of the column for protection.

Village Manager Frobel: And the final product was reviewed by the Architectural Review Board, so they are satisfied.

Trustee Walker: Just back to the settling, when you talked to Mr. Costa a concern is that the steel is going to be a lot heavier than any wood column.

Mr. Brutto: Actually, the weight is not going to be that much different than the existing. Why I say that is, the PVC is a lot lighter. And wood architectural columns are extremely thick. Even just the sections that we cut out of the basics were over 200 pounds. It is an old, very heavy wood product. We are going to use W6 by 15 beams, which means it is 15 pounds per square foot. So our new column's core will weigh about 600 pounds per column. No, it will be about 400 pounds per column. With that, the AZEK is much lighter than the existing wood. I did not do the math, but I would guess it is not going to be terribly off from what is existing. Again, it was something that was discussed in our initial visit with Steve Costa and he discounted it very quickly. I am happy to e-mail him and Buddy and Fran and see if they have any further concerns, but I do not anticipate it.

Trustee Stugis: You said we are going back to wood exteriors now?

Mr. Brutto: No, I said we are going to continue with PVC exteriors that you approved. I was just stating that the existing wood exteriors are much heavier in weight than the new PVC exteriors. So I think the difference in weight from the interior core of wood to steel will balance out with the AZEK difference.

Mr. Metzger: The two issues I would be concerned with here, I think everything you have described sounds like exactly what you should be doing. When you jack up an old building, and I think you said you are not going to jack it much where it is now, you always want to do the jacking very slowly over a long period of time as opposed to just trying to raise

something up an inch-and-a-half into level because that will start cracking a lot of other things. The other concern I would have is with the AZEK especially, which is a waterproof material, is that there is proper drainage at the bottom of the column so that any water that can work its way in, which it can do from seams up above, has to have a way to get out so it is not sitting in there and sitting on the base of the cast iron or the steel column. We want to make sure the details accommodate some sort of drainage at the base of the column.

Mr. Brutto: With the drainage, the existing base has drainage holes around the outside of the edge where it sits on the masonry landing. The interior of that also has holes. We do not want to drill and bolt into that existing base. So in Steven Costa's detail he designed plates with pins that will sit in there. Those existing holes in that cast iron base will allow for drainage. If there was a circumstance where water was to get inside the column, which I do not think is likely, there would be an avenue for escape or even just for air to exchange with expansion and contraction.

As far as jacking up the front, I do not intend to jack. I agree with everything said about any lifting of an old structure has significant concerns. As I said, we took measurements from right to left. Not that I have them with me or they were consistent in a row, but it was about an inch-and-a-half difference in variation from column to column. I would not look to lift the front of the building. What I would look to do is slowly get every column in, one at a time, then load every column so there was pressure between the base and the overhang on every column that was fairly consistent. That would prevent it from sinking any further or causing any issue.

Mayor Swiderski: I am satisfied.

Trustee Walker: Sounds good.

Mayor Swiderski: Thank you. You are talking at a level I understand, which is good. I appreciate it.

Mr. Brutto: Well, thank you. And I appreciate the work. I will do my best.

Mayor Swiderski: There was a comment in public comment about covering the cost. I think that has been explained in your e-mail to us but please state it for the record.

Village Manager Frobel: We do have additional money in our capital fund to cover it. Money for the project was this plaza. But also, we will work with the auditors and transfer, towards the end of the year more money to the capital fund to cover this additional expense. I should also point out that Buddy would have liked to have been here today. He is out of

town relocating his son down South. He thought he could be here in time, but I told him not to push it. He has verified the pricing and thinks it is very fair.

Mayor Swiderski: It certainly sounds it.

Village Manager Frobel: And he is comfortable, of course, with the contractor and the work he has seen so far.

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

RESOLVED: that the Mayor and Board of Trustees approve the change order from Pacific Transglobal Construction Corp., Hastings-on-Hudson, for added scope to the Municipal Building entrance column project, in the amount of \$31,400.00, to be paid from the Capital Projects Fund.

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

50:16 ADOPTION OF LOCAL LAW NO. 2 of 2016 AMENDING CHAPTER 282 VEHICLES AND TRAFFIC OF THE CODE OF THE VILLAGE OF HASTINGS-ON-HUDSON TO ADD A HANDICAPPED PARKING SPACE IN FRONT OF RIVERVIEW PARK

Mayor Swiderski: This is the subject of the public hearing that introduced today's meeting. I am going to ask for a motion.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 2 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 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	Absent	
Trustee Daniel Lemons	X	
Trustee Walter Stugis	X	
Mayor Peter Swiderski	X	

51:16 APPOINTMENT OF MARRIAGE OFFICER

Mayor Swiderski: Two people are permitted to marry by law other than clergy in the Village of Hastings-on-Hudson: s myself and the Judge. We, as a board, retain the right to appoint an individual as a marriage officer. We do not do this as a matter of custom, but out of historic respect for the former Mayor who wishes to marry a couple in the next year and a half. He has asked for this capability.

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

RESOLVED: that the Mayor and Board of Trustees hereby appoint William Lee Kinnally, Jr. as a marriage officer in the Village of Hastings-on-Hudson, New York for a period of two years without a salary or a wage as compensation.

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

52:16 APPROVAL OF PROPOSAL – SHORELINE CONSULTANT

Trustee Walker: The Shoreline Advisory Committee received five proposals and we interviewed three consultants.

As background, the shoreline issue has come about because we understand that BP is going to be completely reconstructing our shoreline. In the northwest corner there is going to be bulkhead. The rest of it, the DEC has been advocating for a sloped shoreline, f a consistent slope over the entire thing. The DEC is also advocating for a planted, so-called "living shoreline."

We have always, this Board and especially me, felt we need to look at the uses on our shoreline. We need to look at the possible areas for boat launches, fishing piers, kayak launches, beaches, something they call "get-downs" to get to the river, various ways to access the river in addition to other recreational uses we may want to see along the shore, especially a trail or an esplanade, which we have always been talking about as running parallel to the river along our shore. So there are a number of uses we are interested in seeing. We want to engage the public in talking about what these uses should be and where they should go. We applied for a grant from the New York State DEC Estuary Program, and received a grant of ...

Village Manager Frobel: The grant is \$41,650.

Trustee Walker: Right, and we have to include a match of 15 percent. We appointed a

committee of eight, and with me it is nine, people who have various kinds of expertise, including Mr. Metzger here, who is on the committee. We have marine engineers, a civil engineer, architects, and some citizens who are facilitators and mediators. We have a really well-qualified committee.

Mayor Swiderski: Ridiculous. The amount of consulting assistance we are getting here for free already.

Trustee Walker: Yes. Everyone is very excited about this project, and we are only hoping BP will respect our wishes when we come up with a concept plan. We wrote a proposal to seek consultants to help us, but it is a multi-pronged approach. Yes, we need to look at shoreline stabilization, which is about is it bulkhead, is it riprap, is it sloped, how are you anchoring that, how are you armoring it so it does not wash away and does not erode; how are you vegetating it, what kind of habitat is it providing. Then how is it going to deal with storm surges, sea level rise and that type of thing. We have got people who really get this stuff. Part of the reason the DEC wants this sloped shoreline is because it is supposed to mitigate tidal surges and reduce flooding and protect the upland areas. We need to be thinking about that as we are designing it. But we also want those human uses, something that the DEC and BP seemed to be playing down. We want to emphasize the importance of this shoreline to the community and visitors to the Hudson River in terms of access and recreational uses and boating and fishing. So this is what we are balancing.

We interviewed three consultants who all brought both engineering environmental specialties, biologists, remediation specialists, landscape architects and planners to the table. They all created teams, which was super because that is what we need, a multi-disciplinary team. We selected one we thought had a very interesting combination of marine biology and marine engineering, and a landscape architect who has done a lot of community participation community engagement work. They were very enthusiastic and excited about this project. We were all quite excited by this team and that is the one with selected, which is Roux Associates. They are the engineering firm, teaming up Offshoots, which is a landscape architect from Boston, a woman-owned firm. The engineer we are going to be dealing with from Roux is also a woman, so we have got this all-woman team except for the renderer who is going to be doing the pretty pictures. The landscape architect has done a lot of waterfront work and is especially interested in bioremediation and how landscaping and remediation can kind of work together, and has done a lot of community engagement work. I even saw some of the work she did in Hyannis on Cape Cod. We feel pretty comfortable that they are the right team.

Mayor Swiderski: They are going to do all this for \$47,000?

Trustee Walker: Yes, believe it or not. We only got five proposals and sent out about 35 invitations. However, the people we spoke to and the people who submitted proposals are really fascinated by this problem: how do you both consider all the new FEMA maps, the flooding issues, creating a living shoreline, and providing community access and human uses, how do you put these together? I think it is a very challenging project, and I think people are very interested in that challenge. We decided on Roux, and we want to ask your approval for offering them the contract. Then we will begin the process. One of the first things we need to do is meet with the engineers of BP and meet with the folks from the DEC. Unfortunately, we are not getting much response from them, lawyers and so on.

Mayor Swiderski: From who?

Village Manager Frobel: BP. They totally go unanswered. We have written three times and not even so much as the courtesy of a response.

Trustee Walker: We need your help.

Village Manager Frobel: And in the letter we indicate that we would like to meet with them prior to this firm coming on board.

Trustee Walker: And we may not be able to wait because we want to get started, but we definitely need their collaboration.

Mayor Swiderski: Right, but this is so in line with what they are doing there is no point in recommending something if they are heading in a different direction.

Trustee Walker: No, absolutely. So we have to sit down at the very beginning and make sure our goals are aligned. We want to have a good working relationship with the engineers.

Mayor Swiderski: Have you reached out to the DEC?

Trustee Walker: No, not yet. I was f waiting to hear from BP, but I think I will.

Mayor Swiderski: Do, because they can apply pressure as well. They should make it clear. And not the DEC department that is funding this, but the remediation department.

Trustee Walker: Can you make an introduction for me to the fellow at the DEC who is now heading it up?

Mayor Swiderski: Yes.

Trustee Stugis: Sort of related, did Roux's proposal include la key milestones timetable when they committed to getting this done for us?

Trustee Walker: We gave them a timetable. I think we are proposing to complete the process by the end of January, beginning of February.

Trustee Stugis: And that is time for BP's engineering design to incorporate it?

Trustee Walker: Well, my discussions were with BP and their attorneys. Yes, it falls within their timeline. We have a lot of work to do and we want to have community meetings this fall. It means we need to get started.

Trustee Lemons: It has been awhile since I looked at those five proposals, but this firm is really amazing in their disciplinary spread. If you look at the work that, combined, they have done, Offshoots or Roux, it is really impressive.

Trustee Walker: Their presentation really blew us away. They were so well-prepared in the interview. And they showed us examples of shoreline stabilization they have done in Staten Island and Brooklyn in areas that were hit hard by Sandy and they had to restore them. They really understand the issues we are dealing with in terms of climate change.

Trustee Lemons: Also I think they have dealt with polluted sites, too. The restoration of sites that have pollution issues.

Trustee Walker: That is one of the things they are specialists at, restoring polluted sites. The project manager, Amanda Ludlow, was a consultant to Exxon Mobil when they were restoring their site on the Tappan Terminal site. So she is familiar with our waterfront.

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

RESOLVED: that the Mayor and Board of Trustees approve the proposal from Roux Associates, Inc., Islandia, New York, to assist in the preparation of a conceptual design plan for the Hastings-on-Hudson Hudson River shoreline in the amount of \$47,574.00, to be paid from the Hudson River Estuary Program Grant (85%) and the general fund (15%).

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

Mayor Swiderski: Meg, thank you. The group has already done quite a bit of work just getting to this point.

Trustee Walker: Just getting to this point was a lot of work, then we have a lot of work ahead of us. We have got a very enthusiastic group, and I have to thank them all.

Mayor Swiderski: We want to make sure they are neither duplicating nor at odds with work underway at BP. The domain between the two needs to be carved out clearly so they do not blow time on something that is useless. If it frees up more time to get a better rendering let us go for that.

Trustee Walker: One of my concerns is that the DEC and BP, on our consent decree, we are talking about creating this vegetated shoreline, the sloped shoreline, and I am still not certain that you can build something like that and it will survive. It is important to have an engineer who understands these things from a biological standpoint and environmental standpoint and structural standpoint. That this idea is sound.

Mayor Swiderski: And I would hope that BP would have those people on staff in their design. They have a rare opportunity here to gain from this experience, if they are open to that and willing to work with us on that aspect of this. Thank you.

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Our Route 9 corridor study group met two weeks ago. This is the five villages that are involved in looking at the Route 9 corridor from the new New York bridge to the Yonkers line. Preparing a \$150,000 grant. There is no deadline for submittal. It is a rolling application process. It would not require a match. The goal was to come up with improvements to the Route 9 corridor that improves pedestrian safety, bicyclists, sustainability efforts in terms of shoulder width and improvements along the road, and traffic flow. It was a good group, we had a big turnout, I think every community was represented. Obviously, some communities are more interested in traffic flow. Irvington seemed more interested in any traffic through the community, safer and smoother than they are seeing

today. Some are more concerned about bike trails and pedestrians. A couple things came out. I raised the concern that came out of our discussion last month about the role of Yonkers. I asked strategically was there an advantage to us to reach out to the city. Supposedly there was an effort by some members of the group, but I did not get them pinned down too well on that. There seemed to be a lack of interest, as characterized by Yonkers, about this notion.

There has also not been an outreach yet, formally, to the New York DOT, which I think was also a mistake. My notes, even though everyone was talking at the same time, I understood the village manager in Dobbs spoke to someone at the DOT to notify them that we are pursuing this. But there was no official correspondence from the group. We are moving along, we are enthused. It makes good sense if we can come up with better, safer ways, or sustainable ways, to move traffic and people along that corridor. So we are on our first steps. Again, we are just roughing out some narrative now. I suspect by early September we will have that ready to submit.

Trustee Walker: Can you alert me when there are coming meetings? I was not able to go to the last one, but I would like to go.

Village Manager Frobel: It was nine in the morning and we met for a couple of hours. Our next meeting will be when we have a draft of the narrative.

Trustee Walker: So it is a fairly broad study you are talking about because you are looking at traffic issues, circulation, bikes and pedestrians.

Village Manager Frobel: I am reading from my notes here. They are looking to promote safe, efficient travel along Broadway. This should include bicyclists, pedestrians, vehicular, linking up the new New York bridge with the five villages. It has got an element of tourism. I believe that is a feature selling the project. It has got a whole lot of elements, and I do not think it is focused very well right now.

Trustee Walker: It sounds like it is *very* broad.

Village Manager Frobel: We have talked about having pedestrian paths. You have got the Aqueduct trail that people walk on. Are we looking at people walking along the edge of Broadway now?

Trustee Lemons: But what you do not have is a good bike path. The Aqueduct does not serve that unless you have got a mountain bike.

Trustee Walker: I brought that up once to the bike/ped coordinator for the New York State DOT. I said we need bike lanes on Broadway, and he said, "No, I have always been of the opinion that you just pave the Aqueduct trail." I said, "I don't think that's going to fly."

Village Manager Frobel: And yet there is the competing interest of moving traffic through, keeping traffic moving, not having bottlenecks, not having it backed up with these changes to the roadway.

Trustee Walker: I do not think they are mutually exclusive. Just having spent some time doing some travel around Norway and Germany, I see bike lanes everywhere.

Village Manager Frobel: If we get the grant we can flesh it out for ourselves.

Riverview Park is moving along. I think the work for the contractor is complete. They have seeded, it has been mulched, the gravel walkways are in, the earthen trail is in. There are no benches yet or any of those amenities, but the contractor has finished his work. The stones are in place and it looks very nice. With the heavy rains we have had there have been some washouts and we will need some restoration work. But it really has taken shape. All the paperwork has been submitted to the water company. We are waiting for approval for the tie-in. We have all the information we need for Con Ed. I am not sure I was not able to confirm that today. We had had a hard time getting from the landscape architect, their power needs for the site. In the absence of that, they cannot make decisions in terms of the amount of power to come into the site, but we will get through that somehow. Other than that, it is proceeding and looks good.

A slight delay on the road resurfacing program. We were hoping to start this week; probably early September. The contractor has subcontracted the curb work so we are doing the curb work in advance of any paving. We are under the understanding that curb work can start next week so we will see some progress beginning the end of the month. Then into September we will do our road resurfacing.

Trustee Walker: I have a question about curb work. These are cast-in-place concrete.

Village Manager Frobel: Poured.

Trustee Walker: I was talking to a local contractor who told me that in Ardsley and Irvington they have shifted to doing precast curbs because they do not require the amount of demolition of roadway in order to get them in. He thinks they are every bit as good or better than the poured-in-place concrete. I wondered if you had ever talked to Ardsley or Irvington about their shift.

Village Manager Frobel: I know Elmsford uses it. The idea is, it is not very customized, the road, the way it shifts. We try to accommodate and keep the existing geometry.

Trustee Walker: It would be difficult, and yes that is a very good point.

Village Manager Frobel: Curb strength, and we do try to accommodate the homeowner.

Trustee Lemons: But they can do a cut, and they do not have to leave room for forming so they can set it right up to the roadway. They do not have to come back in and match with asphalt.

Village Manager Frobel: You are going to match anyway. But you do a few inches rather than a few feet. I can ask, but.

Trustee Lemons: I bet you that the quality of the concrete pour is way better with precast because you control conditions. One of the things I have noticed, and I have said this before in talking about the bridge work and whatever, the quality of concrete work has gotten so bad, the finishing is horrible. I hate to say but the stuff that has been recently done in the Village is very unimpressive. It just looks like you had somebody who was not quite trained yet who did it.

Trustee Walker: Which gets us to the bridge. Any word from Westchester County?

Village Manager Frobel: No. They had crews out there a few weeks ago, and I thought they were doing repairs to what we had observed. We had to change the traffic pattern and the parking under the bridge so the contractor could come back and make some painting improvements, sanding and repainting. They were supposed to be there two weeks. It was less than two weeks and I did not hear any more. I just heard when they arrived, and I heard when they left.

Trustee Walker: And they have not responded to your request for the drawings, the specifications.

Village Manager Frobel: They are not going to. Anything we requested under freedom of information they are not responding. Nothing. Susan?

Village Clerk Maggiotto: No. Why do I have to respond to everything and they don't?

Village Attorney Whitehead: She was sitting there thinking. They cannot just not respond under FOIA. We can file an appeal because a failure to respond is effectively a denial that you can appeal. We had already found out who the appeal officer was in the county, but we have got questions and should not just let them go.

Village Manager Frobel: We are led to believe that some of the repairs that the contractor performed a few weeks ago came out of our engineer's observations, but I just know that informally. I do not know that for a fact.

Village Attorney Whitehead: And you have gotten no response whatsoever on the FOIA.

Village Manager Frobel: No. I think the meeting I had at the county offices in February was their reaction to our request. They felt that by sitting us down for three hours it would settle it down. I told them no, it is not. The meeting is fine, but we still want the documents.

Mayor Swiderski: They should be informed of the latest cracking.

Village Manager Frobel: I was there today. There was a report you brought to my attention about damage to the fence. A very minor, looked like someone cut a small section of fabric. But I did not see cracking on the sidewalk. I will take a closer look. But I will have to work with Ms. Whitehead to force the issue, if you would like.

Mayor Swiderski: Yes.

Trustee Lemons: Definitely do.

Trustee Walker: This cracking. We have not even been through a winter yet. It is a bad pour, and it is going to be much worse after the freezing and thawing during the winter.

Trustee Lemons: Can you imagine going through one freeze-thaw cycle.

Trustee Walker: It is all going to start to crumble.

Village Manager Frobel: We have gone through one winter already with it, and that was the damage to curb. We pointed out that the original specs required granite and the county made a change with concrete. We showed them that one storm caused damage to the concrete curbs.

Trustee Walker: That is true. So we went through a fairly mild winter. When did they complete it?

Trustee Lemons: It was right before the end of the year.

Trustee Walker: That is right, so we did go through the mild winter.

Village Attorney Whitehead: That was a mild winter. We did not have serious freeze and thaw.

Trustee Lemons: But every one of those cracks is now going to simply be an infiltration point, and it is going to freeze and expand.

Mayor Swiderski: Terrific. On the good news front, I am tooting the horn that Reynolds Field playground opened. Every time I have walked by it it is crawling with people.

Trustee Lemons: I went down there at 10 a.m. when it opened and it was packed, and it was a very hot day.

Trustee Stugis: We went on a Tuesday morning at 11, it was packed.

Mayor Swiderski: And 6 p.m. yesterday there were people there.

Village Manager Frobel: We still have additional work. The wall and the stage have not been constructed yet. And we are having our contractor go back and do some asphalt work. The entrance off Chauncey needs to be redesigned so it can be fully ADA-compliant. So some touch-up work, but very pleased.

Mr. Metzger: I want to give you an update on Riverview Park. Last weekend, a group of volunteers showed up. We spread grass seed and hay, we have been watering. Obviously, nature has been helping us along. We are hoping to have some green grass there in the near future. What Donna was able to create, with the Village's help and a huge group of wonderfully dedicated volunteers and I am only a minor part of that, is extraordinary. The park is going to be fantastic.

BOARD DISCUSSION AND COMMENTS

1. Update on the Building 52 Demolition Permit Application

Mayor Swiderski: This is going to be a short discussion. How do you want to run this? Step through what we are getting?

Village Attorney Whitehead: You will all remember that when we last spoke about this our consultants, Louis Berger and everybody else, we were putting together comments to send to ARCO some additional information we thought was needed, not on the whole demolition permit application, but the items that this board needed to be able to make its determination, including its SEQRA determination. Some of the environmental impact type things, not the details of the demolition, per se. That letter went out in July. We had asked for a quick response, we got the response a week ago today. We reviewed it, we had a conference call with our consultants, with the Mayor, with Mark Chertok, myself, and Buddy Minozzi. There was only one of their responses that we were fully satisfied with. We had some follow-up questions.

Following that call, our consultant again was putting together another letter to go back to them. We got a draft of that this afternoon so that will go out within the next day or so. We are trying to get them to say that on the issues we raised as the potential environmental impacts this is what we are going to do to mitigate those impacts. They do not yet have approvals from the DEC or the DoH. We know the DEC raised some of the same comments we did; that was in their response. Anything else?

Mayor Swiderski: No. I think I am fairly representing the Board in saying that our primary concern is health and safety, and that appropriate and adequate monitoring is key. In the end, we want to make sure there is appropriate dust monitoring and a testing of the dust for what the components are on a frequent enough basis so as the demolition progresses and they move to new areas, if that composition changes because of the underlying structure's contamination level, that there is adequate testing, it is caught and we are able to monitor that. That is the core component.

Village Attorney Whitehead: That is the main part of these comments, how often they are sampling at different stages. Then we have also had some back and forth on action levels and sub-work levels.

Mayor Swiderski: So we are focused on the health and safety aspects here and looking for satisfaction before it is offered to the Board.

Trustee Walker: Then this is a precursor to the big project ahead of us. This is the remediation so we want to make sure we are satisfied now, then they will understand our demands when it comes to do the whole waterfront.

Mayor Swiderski: This is happening feet away from commuters. Feet away from the tennis club and the Station Café so to say it matters is an understatement. You want to make sure they do this right.

Trustee Walker: It is right in the heart of our village.

Mayor Swiderski: Ultimately it is a DoH issue, in that these protocols are mandated. But we are fairly insistent that the testing satisfies us as well. That is above and beyond the minimum. That is what we are going back on.

On another point on the waterfront, we are proceeding on the water tower testing. Right now, we are at the legal stage of that discussion and some back and forth on liability and indemnification if there is injury to the engineer poking holes.

Village Attorney Whitehead: Access agreement.

Mayor Swiderski: Right. There's a process for the access agreement so our engineer can get up in the lift truck and poke the water.

Trustee Walker: Are we going to use Louis Berger or are we going to look?

Village Manager Frobel: No, we have signed the contract with Louis Berger to do the work. They gave us a proposal to do the work.

Mayor Swiderski: It is a fairly straightforward engineering exercise, and we want to get to it so we can determine whether the structure can be salvaged and we can then put out to the Village what the Village wants to see happen. Certainly we would like to see progress on this, but there are certain things you do not rush. I am hoping we have a response in time for the September 6 meeting, but that is their call. I am hoping we will have a vote on the neg dec in that meeting, but if we do not get an adequate response then we will wait until we do.

EXECUTIVE SESSION

On MOTION of Trustee Walker, SECONDED by Trustee Stugis with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss possible litigation and personnel appointment matters involving Village committees.

ADJOURNMENT

On MOTION of Trustee Lemons, SECONDED by Trustee Walker with a voice vote of all in favor, Mayor Swiderski adjourned the Regular Meeting at 9:30 p.m.