

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 18, 2006**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 18, 2006 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Marjorie Apel, Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Manager Francis A. Frobel, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: One (1).

APPOINTMENTS

Mayor Kinnally: The first order of business is to appoint Maureen Bassman to a position on the Advisory Committee on the Disabled.

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 4, 2006 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of April 4, 2006 were approved as presented.

APPROVAL OF WARRANTS

Multi-Fund No. 63-2005-06 \$ 70,956.44
Multi-Fund No. 65-2004-05 \$178,117.34

EXECUTIVE SESSION

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board voted to adjourn for an Executive Session to discuss personnel and contractual issues.

[Meeting resumed 8:25 p.m.]

36:06 CREATION OF VILLAGE NATURALIST POSITION

Village Manager Frobel: This position has existed for a good long time in the Village. It is a position that has become increasingly important. Hardly a week goes by when I do not

consult the Village naturalist on just about anything that grows and lives outside. We have referred to that position in numerous grant applications. We refer homeowners to that person's expertise. He helps us on related matters of trees and sometimes boundary disputes. So it is a position that we need, it is one that we would like to formalize, and that is what is being asked of the Trustees this evening.

Mayor Kinnally: Fred has been serving basically as minister without portfolio. This gives him protection in many aspects and it gives him some legitimacy, although people use him as a resource. Both the Village staff and people in the community, if there is a question about something, don't have any problem calling on Fred, which is very nice and says a lot about him, and also a lot about the trust and respect with which he is held in the community.

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

WHEREAS, the Village of Hastings-on-Hudson has relied on volunteers to provide advice and assistance to the various boards and departments of Village government to deal with inquiries about natural conditions existing within the confines of the Village and in Village owned parks and lands, and

WHEREAS, the Board of Trustees recognizes the need for Village officials to consult with a skilled professional on subjects involving the natural conditions throughout the Village including issues concerning wildlife and native flora and fauna, now therefore be it

RESOLVED: by the Mayor and Board of Trustees of the Village of Hastings-on-Hudson as follows:

1. The position of Village Naturalist is hereby created for the purpose of advising and consulting with the various boards and departments of the Village, and to perform such duties as, from time to time, may be designated by the Village Manager or the Board of Trustees.
2. That the Village Naturalist shall be appointed by the Mayor, with the consent of the Board of Trustees for a term of one official year.
3. The Village Naturalist shall be a resident of the Village and shall serve without pay, but shall be compensated for expenses incurred in connection with the performance of his/her official duties, with the approval of the Village Manager.
4. This resolution shall become effective immediately.

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

37:06 APPOINTMENT OF VILLAGE NATURALIST

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

WHEREAS, the Mayor and Board of Trustees, by resolution duly enacted on Apr. 18, 2006, has created the position of Village Naturalist, now therefore be it

RESOLVED: that Fred H. Hubbard, Ph.D., is hereby appointed to the position of Village Naturalist for a term of one (1) official year.

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

38:06 APPOINTMENT OF VILLAGE ATTORNEY AND VILLAGE PROSECUTOR

Mayor Kinnally: Are there any comments or questions concerning the appointment of the Village Attorney and Village Prosecutor? Anything from the public?

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

RESOLVED: that the Mayor and Board of Trustees award a contract for services to

Stecich, Murphy, and Lammers, LLP as Village Attorney and Village Prosecutor for a term of one (1) official year, pursuant to the retainer agreement effective April 1, 2006, for \$65,000. Compensation for representation in tax certiorari proceedings, other than trials, shall be at the rate of \$150 per hour. Compensation for all other litigation, including defense in Article 78 proceedings and tax certiorari trials, as well as legal consultation on development, applications paid from the escrow account established for professional services, and major research and writing undertakings, such as drafting legislation as a consequence of comprehensive zoning revisions, shall be at the rate of \$175 per hour.

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

39:06 JOINT DEFENSE AGREEMENT - CROTON POINT SANITARY LANDFILL

Village Manager Frobel: The Village has been named in a lawsuit, along with 38 other municipalities, brought about by those responsible parties that were part of a settlement decree between the state and the county a number of years ago to close that regional landfill, which was an operation from 1927 to probably 1986. To close it cost nearly \$27 million. Of that amount, these responsible parties paid approximately \$9.5 million, and the balance was paid by the taxpayers in the county and the state. Now those 31 responsible parties have gotten together to bring action to try to recover a portion of their expenses. They are looking to recapture about \$3.4 million from these 38 municipalities. Based on a formula developed by these private sector parties to this lawsuit, Hastings is on one of the lower tiers because the amount of trash and the toxicity of the trash that we brought there puts us in a lower tier. So our proportionate share of the defense is about \$2,000. There is also an additional \$50 administrative fee.

When this first surfaced last December we were all approached individually to settle. They were looking to settle with Hastings for about \$20,000. Immediately the various villages got together and said we should hire common counsel, because our interests are similar. We are recommending that we participate in a joint defense to defend ourselves against this claim.

Mayor Kinnally: I think it is the way to go. There is strength in numbers, but there is also common sense in approaching it in this fashion. I have been involved in a number of these where the responsible parties have come after people. The economy of scale is such that you are better off doing it in such a fashion.

Village Manager Frobel: A steering committee of five communities will be guiding the defense. Our first step is to hire an investigator. We are supposed to be collecting data to determine how much tonnage the various towns brought to the landfill. The problem is the data just is not available. The county had some very poor record-keeping. They made a lot of assumptions as to who brought what there and to what degree. But we are going to begin the defense by hiring an investigator to collect that kind of data for us.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Joint Defense Agreement by and between the law firm of Periconi, LLC as common legal counsel and the signatories to the Agreement to settle claims made by the Croton Point Landfill Joint Defense Group, with an estimated share of legal fees of \$2,000.00.

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

40:06 SPECIAL MEETING BUDGET ADOPTION

Village Manager Frobel: We will be ready by next Tuesday to recommend a budget to you. This week myself and staff worked on adjusting the revenues, coming up with suggestions.

Mayor Kinnally: Do you see any substantial changes in what you have in the draft budget?

Village Manager Frobel: No.

Trustee Apel: I will not be here for that meeting. I will be out of town.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Special Meeting for April 25, 2006 at 8:00 p.m. for the adoption of the budget and tax rate for Fiscal Year 2006 - 2007.

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

41:06 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING SUPPORT

Mayor Kinnally: This is a request from the county because the endangered species is the CDBG fund that we have participated in over the years. A program that we have relied upon over the years, and that has benefitted our downtown and the residential areas that abut our downtown area, is in severe jeopardy of being underfunded and cut back now and in the future. We have been asked by the county to lend our support to a petition for our legislators in Washington.

Village Manager Frobel: For the past several years, well in excess of \$1 million has come from that program. My fear is that this program will end up much like general revenue sharing did, or the CETA program, or some of these other programs that really made a big difference in local communities. This year I think it is probably the closest we are going to come to seeing a dramatic decrease in the amount of money that is even available to us to apply for. So let us hope things change.

Trustee McLaughlin: The general public probably does not know what an incalculable benefit these grants have provided to not just Hastings, but Westchester County and every county in this country. I am addressing this as a former board member and past president of the Beczak environmental education center. Years ago, Beczak was in a rusting old Quonset hut that was World War II surplus. These grants were the only thing that kept it going and in the 15 or so years since Beczak began getting these grants, it has turned into a marvelous facility with a county park around it. Downtown Yonkers has several dozen examples of things that these grants have supplied.

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

WHEREAS, the Community Development Block Grant (CDBG) program was enacted as the centerpiece of the Housing and Community Development Act of 1974 with the primary objective to develop viable urban communities in partnership among the federal, state and local governments, business, and the nonprofit sector, by “providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income”; and

WHEREAS, CDBG funded activities must fall under three national objectives: the elimination of slums and blight; addressing urgent needs that pose an immediate threat to the health, safety, and public welfare of a community; and addressing the needs of low and moderate income persons with at least 70 percent of CDBG funding; and

WHEREAS, under these guidelines, Westchester County uses CDBG funds to eliminate slums and blight; conserve and expand housing stock; conserve energy; preserve properties of historic value; reduce isolation of income groups within communities; revitalize deteriorating neighborhoods; improve the provision of community services; promote economic development; and encourage more rational use of land and natural resources; and

WHEREAS, a 2001 report published by the Brookings Institution notes that suburban communities house much of the nation’s working families and don’t have the funding they need to manage older infrastructure and the cost of rebuilding and depend heavily on residential taxes to fund basic services. Further, high-cost counties like Westchester have extreme gaps between rich and poor. Workers such as teachers, firefighters, hotel workers and other service personnel -- the core people each community needs -- can’t find affordable housing. Neither can immigrants who are attracted to thriving areas where the jobs are; and

WHEREAS, CDBG program funds have been used to help provide relief in disasters

such as the Katrina, Rita and Wilma hurricanes when Congress appropriated \$11.5 billion in CDBG funds for the recovery of Louisiana, Mississippi, Alabama, and Texas. The \$3.483 billion in CDBG funds appropriated to help New York City recover from the September 11th tragedy continues to play a critical role in the city's restoration; and

WHEREAS, the success of the CDBG program has been well documented as a stabilizing force in our cities, towns and villages and the need for funding has increased as our municipalities face rising federal and state costs and taxes and a shortage in housing stock considered "affordable," yet, since 2001, CDBG funding has declined steadily from \$4.41 billion nationally to \$3.71 billion and is threatened with a further reduction of 25 to 33 percent in the FY 2007 budget; and

WHEREAS, a national survey on the impact of prior reductions in CDBG funding reports a substantial negative effect on home ownership, local economy growth and the strength of the nation's infrastructure. It is alarming to contemplate the projections: fewer jobs retained and created; fewer households assisted with home buyer assistance; fewer services for elderly persons, children and youth, persons with special needs and low- and moderate-income persons; reductions in housing rehabilitation; canceled or delayed public improvements including street and sidewalk improvements, community and neighborhood centers and health and recreational facilities, now therefore be it

RESOLVED: that the Village of Hastings-on-Hudson joins such CDBG Coalition members as the United States Conference of Mayors, the National League of Cities, the National Association of Counties, and many others, in strongly urging Congress to fund the CDBG program to at least the \$4.5 billion level in the FY 2007 budget; and be it further

RESOLVED: that the Village of Hastings-on-Hudson strongly urges that funding of CDBG not have a negative impact on other HUD programs that critically impact our communities; and be it further

RESOLVED: that copies of this resolution be transmitted to our federal representatives and the Westchester County Executive.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Cleanup weekend is scheduled for April 29 and 30. We are still looking for volunteers, so please come forth.

I will be meeting with the Advisory Committee on the Disabled this Thursday night. This is my opportunity to acquaint myself with that group and to get them reassembled.

I received a complete copy of the memorandum of the law in the matter of the Ridge Hill litigation. It is in my office and available to anyone who wants to look at it.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I have been in contact with Dave Kalet of ARCO and he is trying to arrange for a meeting to go over the reports and approaches on the design phase and, and the outcome of surveys have done on the site. We are looking to do that during the third week of May. I am going to see if the report of the company that was retained to study the viability of keeping some of the buildings on the site can be released before that meeting so we can get it out to the community.

2. Boulanger Plaza

Mayor Kinnally: Boulanger plaza parking lot renovations I would like to put over for a work session next week following the adoption of the budget.

3. Other

Trustee Apel: Can you give us an update on Kinnally Cover?

Village Manager Frobel: We have submitted the plans to the state and the DEC staff is reviewing them. We are looking to move forward on Phase 1, which is some shoreline restoration, some site cleanup work. Once that is accomplished, we hope we could secure either additional funding from the Village, looking into the future, or other grants. But we have been reluctant to do cleanup work our own forces because we have been advised by our consultant that we need to stay beyond the high water mark. That does not mean we cannot do something around the parking lot, taking down the fence or some of the general cleanup, but I felt that if we opened it up and took down the fence to do cleanup we would need to place a barrier to prevent cars from going into the wetlands. So I felt, rather than have the men do anything, we will just wait and see.

The Trustees know that when I made my presentation last fall I was eager to get something going down there. We still are. I would have hoped to have done it last fall, but on the advice of the consultants we have stayed away. My hope is that the permitting will move quickly through the state, although I have it on pretty good authority it is going to take time.

Mayor Kinnally: I understand your reluctance to step on the toes of the consultant, but I would urge that we get our troops down there. A lot of individuals have offered to volunteer with Village forces to clean up that area. We can put up a temporary fence after it is cleaned up. We have this resource that people cannot even see because it looks so bad. I would like to get us in there and get a toehold in reclaiming that area and having some access.

Trustee Quinlan: I agree that it would be great if, this summer, the residents of Hastings could have some access to Kinnally Cove, even visual at the very least.

We got a letter about the walkway on Pinecrest, and we are concerned about the walkable community. Fran went there with Mr. Gunther, and I went to visit the site this weekend. With a little work from our people we could rebuild that fence on the north side and shore up the stone steps. The Pinecrest association is very concerned about it. It would be inexpensive and appropriate to fix that up as soon as possible.

Mayor Kinnally: Is that all Village property?

Village Manager Frobel: I have not done any kind of a title search or deed. I do not know the right-of-way. I assume so, but I do not know.

Trustee Quinlan: If it is not Village property, then there is not much we can do. But if it is, then we can. And if it is someone else's property, then we ought to contact them.

EXECUTIVE SESSION

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

IN MEMORIAM

Mayor Kinnally: Unfortunately, I have to announce the death of Bob Lee, who was a member of our Planning Board since 1993 and was recently reappointed to another term on the Board. Bob died after a short illness on Saturday. His contributions to the community have been substantial, and he will leave a big void on the Planning Board. I would like to stand for a moment of silence, and then adjourn in his memory.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of Robert Lee at 8:55 p.m.