

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 4, 2006

A Regular Meeting was held by the Board of Trustees on Tuesday, April 4, 2006 at 8:35 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: Twenty-five (25).

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Public Hearing of March 7, 2006 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of March 7, 2006 were approved as presented.

Mayor Kinnally: In connection with the minutes of the regular meeting of March 7, we appointed that evening the committee for the disabled: Jackie DiLorenzo, Joan Walsh, David Parker, and Jack Gavin. I believe a call went out to all of them so they can start with their agenda.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Special Meeting of March 14, 2006 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of March 21 2006 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 60-2005-06 \$ 106,278.26

Multi-Fund No. 62-2005-07 \$ 4,065.31

Mayor Kinnally: For the benefit of the new Trustees and for the public, the warrants are the approval of the payment of the invoices, purchase orders, and checks that have been cut to pay the bills for the Village. We appointed the finance committee earlier, a glorified title for the junior Trustees who sign the checks on a regular basis, but all of us get shanghaied into doing it.

33:06 ACCEPTANCE OF BID - SALE OF VILLAGE PROPERTY

Village Clerk Maggiotto: This was a request from the Ryans to purchase a strip of property that bisected two lots that they own. The process was quite long and arduous to get to this point of accepting a bid from them. The Planning Board needed to determine whether there was a municipal use for the property. There were discussions back and forth from the Planning Board to the Board of Trustees because this piece was, at one point, part of a walkway from the Mt. Hope area down to the Putnam Railroad. But it was determined that it was never going to be part of a railway for various reasons, one of which was that there was no connector across the street.

After that, there were various directives from the attorney as to the process. We went through a number of steps, and finally arrived at the auction of the property. There were no other bidders. No new building lot will be created, which was an issue in terms of putting a value on this property. The strip will be attached to the property their home is on.

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

WHEREAS, at the Regular Meeting of Dec. 6, 2005, the Board of Trustees resolved to offer for sale to the highest bidder at a public auction real property bisecting properties at 83 Cochrane Avenue (Section 11, Sheet 26, Block 681, Lot 27, and Section 11 Sheet 26, Block 681, Lot 23A), and

WHEREAS, a public auction, duly noticed in the *Rivertowns Enterprise* on Mar. 10, 2006, was held in the office of the Village Clerk on Mar. 28, 2006 at 9:00 a.m., and

WHEREAS, Kathleen and Richard Ryan were the sole bidders and bid the upset price of \$1,500.00, now therefore be it

RESOLVED: that the Mayor and Board of Trustees accept the bid of Kathleen and Richard Ryan for real property in the amount of \$1,500.00

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	

34:06 AUTHORIZATION TO SELL EXCESS VEHICLES

Village Manager Frobel: Periodically we recommend to the Trustees disposal of excess or surplus property, typically vehicles that are no longer serviceable or that we are looking at a major expenditure to put back on the road. The Superintendent of Public Works has recommended three vehicles. The Ford Crown Victoria has high mileage and is giving us some major problems with the engine and transmission. The 1992 Chevy was a former police car, most recently used by the detectives. Probably has very little value, if any. The 1992 dump truck has been in the yard for at least a year. You replaced it with a pickup truck. An ad will appear in the local newspaper, we will accept bids by a certain deadline, and then come back to you with a recommendation of a price to dispose of them.

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 declare the following as excess vehicles and authorize the Village Manager to sell same by public bid:
2000 Ford Crown Victoria - 95,658 miles
1992 Chevrolet Caprice - 118,965 miles
1992 GMC 2 Yard Dump Truck - 41,717 miles

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: We have established our date for our village-wide cleanup, the weekend of April 29 and 30. I would urge everyone to contact Linda in my office to coordinate the locations.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Village Manager Frobel: Fred Yaeger was here. He indicated he was leaving. He had nothing to add from his last report.

Mayor Kinnally: I have no update on the waterfront.

2. Other

Trustee Swiderski: For the benefit of the new members, Lee and I are the two representatives from Hastings on the village officials committee, which is composed of 12 elected officials from each of the six villages of Greenburgh. The VOC is about seven months old, formed spontaneously to represent our point of view before the Town of Greenburgh. We have lobbied successfully for the Town of Greenburgh to file an appeal in the Taxtor Ridge case and have also represented the villages' point of view on issues involving the budget and other legal affairs. Most recently in regard to the appeal, we filed an amicus brief with the appellate court representing the villages' position, and they rejected it today. No reason given. They will not be hearing the villages' perspective on that case.

We also agreed to attend a mediation session that the Town of Greenburgh has been holding. We did not attend the first two sessions earlier in the year, and finally agreed to appear. Three of us went to the session. We agreed to the one standing rule of the session, that the substance would not be discussed publicly. But it is safe to say that it was useful and there may be others down in the future.

Beyond that, we have no timetable on the appeal. It could be six months, it could be years.

Mayor Kinnally: It is discouraging that they did not accept the amicus brief. We brought a different perspective to the table..

Trustee Swiderski: It is too bad. Some sweat and tears went into the writing, and we were fairly proud of the effort and thought it was a worthwhile contribution, but it will not see the light of the courtroom.

Trustee Apel: On a different issue, a reminder to people that have sidewalks and shrubs to please cut the shrubs back so that people are not walking sideways or out into the street.

Mayor Kinnally: On Friday there was the closing of 422 Warburton Avenue. We have two members of our affordable housing fund here..

Jim Keaney, Affordable Housing Fund Development Company, Inc.: The company is the non-profit arm of the affordable housing committee. The committee has been working with the Town of Greenburgh since about 1997 or 1998, when the Town agreed to make this site available to us and held it off the market. They have been faithful to that commitment. There have been some bumps in the road. One of the steps involved the mayor going to the Town board and making a personal appeal that the Hastings zoning and planning processes would prevail, which was successful. The Town, and the supervisor in particular, has been very helpful and faithful to their promises to us. We closed on Friday. The property came to the fund; it then went to the county. Deed restrictions were put on for 99 years, in accordance with the Hastings policy which says that priority in preferring the rental units will be given to Hastings firefighters, Hastings seniors, Village employees, school district employees. We believe the construction will start within three months. All the Planning Board and Zoning Board processes have been gone through. The financing of the site will take place within a couple of weeks with additional state funding.

We are very hopeful that this site will fulfill 14 units of affordable housing. Ten units of the Hastings quota, in addition to the four units we have already, makes 14, which goes a long way to the 30 units that the county has said that we should step up to the plate on.

In addition to that Village-wide benefit, it is also a benefit to the neighborhood in that we are improving a derelict, abandoned site, off the tax rolls for many years, that is going to be a home for people who give back to Hastings. Sue Smith has been a tireless worker on this, she and I are extremely happy that this happened on Friday and to report that to you at the earliest opportunity so that the Village could know that this project, which has long been in the planning, has come to fruition.

Mayor Kinnally: In the 90s we started with affordable housing and dealing with this policy and this structure and the priorities. People say it takes a long time. It does, but when you have good work product it will carry the day. That is what happened here. My congratulations to the community, to the neighborhood, to Jim, to Sue, to everybody else who was involved for years with affordable housing in the community. Thank you.

Jim Metzger, 427 Warburton Avenue: In the e-mail that Paul Feiner sent out announcing the sale, which we are happy is finally happening, he announced that the four units of affordable housing that will be given to Greenburgh will be given to people who satisfy 80% of the median income of the county. However, all of the paperwork up to now said that the people moving into that project would satisfy 60% of the median income. I would like to make sure that somebody clarifies that. It was our impression that 60% would be the number that would hold to allow a greater number of people to qualify for that housing.

Sue Smith, 645 Broadway: That e-mail said it is 80% or less. That was a generic response in terms of Greenburgh's housing policy. The Greenburgh law for affordable housing requires that it be 80% or less of median income, so the project can be some number less than that. In this particular project it has been chosen, in consultation with the county and the funders, at 50 and 60%. It is divided between the two.

Mayor Kinnally: The Greenburgh component of this was different from ours. The Village resisted any change in this because we had enacted it as a local law. They pushed, and we would not yield. The building is split between four and ten units. For our ten units, our policy, our local law applied. The Town of Greenburgh's four units, I do not know if they called it a policy, but they were not as unyielding as we were.

Ms. Smith: In fact, their units also were 50 and 60%. The whole project.

Mayor Kinnally: Our cable committee was approached by Emilie Spaulding, the community and government affairs officer of Cablevision, requesting an individual meeting with each of the members of the Board of Trustees to discuss not the pending negotiations on the franchise, but some proposed law that would have national franchise implications, and also questions surrounding the entry of Verizon into the cable arena. It has nothing to do with our franchise. It has everything to do with the dispute with Verizon; there have been some pretty good fights between Cablevision and Verizon, including a Nassau County case. If Cablevision wants to, in effect, lobby us in this regard they should do it at an open meeting so that it is a matter of record.

Trustee Swiderski: What is the substance of her request?

Mayor Kinnally: The substance of the request is to educate us on the pitfalls of the national franchise and to ask us to lobby congress not to pass the law. And also to talk about how great Cablevision is and how lousy Verizon is.

Trustee Swiderski: What are they asking specifically of us?

Mayor Kinnally: We do not know. But Verizon is also seeking a franchise from Hastings. Let the market prevail, but I would prefer having her come before us.

Trustee Apel: I would agree. This sounds like a cat fight between two companies. Let them come and visit us. They can each present their case and we will listen.

Trustee McLaughlin: I agree with Marge.

Trustee Quinlan: I agree.

Mayor Kinnally: I will call Emilie and extend the invitation to her.

Phil Karmel he tells me that the LWRP draft report is coming along and that we can expect to have a draft soon. Once that comes before us, we will have a hearing. Angie, you are working on the draft now?

Village Planner Witkowski: Yes.

Mayor Kinnally: Do you have a timetable on when Phil can expect to get that document?

Village Planner Witkowski: I am finishing up some revisions from the last LWRP committee meeting. Probably by the end of the week I should be able to get that draft to Phil.

Andy Zimmerman, 7 Ridge Street: I want to make one comment about the waterfront. This is late because the comments were submitted a few weeks ago. But I am happy that the Village took a strong stand in asking for a thorough cleanup of the Tappan Terminal site. It is worrisome to me that the site might not be cleaned up to a level that is safe. I hope whatever can be done will be done to let people know that. I do not know if anything can be done beyond writing this letter to the DEC, but it is something we need to keep on the front burner.

Mayor Kinnally: The DEC comment period is closed. We have submitted our comments, and our environmental counsel frequently reaches out to the other entities that are involved and will keep us apprised of what is happening.

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 and the work session on the budget to discuss personnel and litigation.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:00 p.m.