

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 5, 2006**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 5, 2006 at 8:00 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 Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Thirty-seven (37).

Mayor Kinnally: Because of a proposed resolution discussing the closing of Community Hospital at Dobbs Ferry and Andrus-on-Hudson, we are going to deal with that first. We will have comments from the public, and then the Board can have discussion and we will vote on the resolution. We have two representatives of the targeted institutions with us this evening, Betsy Biddle of Andrus-on-Hudson and Ellen Weiner of Dobbs Ferry Hospital.

Betsy Biddle, Executive Director, Andrus on Hudson: You all know who we are. We are a 247-bed nursing facility on 26 acres on the south side of Hastings-on-Hudson. We have been a helpful neighbor since 1953 and have taken care of Hastings residents, used local businesses and many of our suppliers and services, and have even been an emergency cooling center during blackouts and a fire department training location. You have seen us grow from a 247-bed residential care facility. Our history most recently included an attempt to turn around a multimillion dollar annual loss with a viable continuing care retirement community. We know the outcome of that. As we regrouped after a census low of 72 we began to renovate and more intensely develop our nursing home services with short-term rehabilitation, and most recently our census has grown to 192 residents. Our future seemed bright, with a solid continuing census growth and fiscal solvency during the past two years, and a renovation program to update our solid, but aging, building.

Now we are facing a serious threat from none other than the New York State government. The final report of the New York State Commission on Healthcare Facilities, known as the Rightsizing Commission, recommends that Andrus on Hudson close all its 247 certified nursing home beds and instead become an assisted living program. This recommendation is both disastrous for the quality of care provided to our residents and the employment of our employees, and is also extremely short-sighted for the community as a whole. The commission's recommendation is rooted in a paper analysis which did not allow for an accurate and true understanding of the clinical depth of the care of our residents. No one from the commission even bothered to come and visit Andrus. They decided to instead recommend its demise as a skilled nursing facility.

We have evolved into a quality skilled nursing facility which includes high quality short-term rehabilitation in conjunction with Burke Rehabilitation Hospital. I need to impress upon you why we need to help to influence the New York State Senate and Assembly to reject the report from the Rightsizing Commission. Andrus on Hudson needs to remain a skilled nursing facility to care for its current residents, who need both short-term rehab as well as long-term care. Their average age is 87. Family caregivers, if there are any, can no longer take care of their needs. Most of the long-term residents have been at Andrus for nearly four years, and many former residents stayed at Andrus until they succumbed to the progression of their illness. And what about the 240 employees who work at Andrus? Their average length of service is seven years, many of them living in Hastings and Yonkers. They are raising families, they are paying taxes, they are caring for young children and aging parents. All will be devastated, and layoffs inevitable, if the report is not rejected.

Why are the recommendations from the commission so unfair and unjust? First, the commission did not investigate our situation thoroughly enough. Andrus on Hudson is truly a unique and exceptional residential healthcare facility. We have a significant number of residents requiring more and more skilled nursing support on a daily basis, from cognitive deterioration to accelerated disease progressions. We ran in the black for 2005 and currently in 2006. And we have put the monies back into the patient care. Additionally, \$6 million in capital improvements were approved by the New York State Department of Health during those two years, and we are 95% completed with our last project. We have been addressing some of the old physical plant issues with the New York State Department of Health's blessing.

Second, Andrus on Hudson does provide quality care. Our unique setting mimics a home-like setting, but allows the economics of group living and is particularly supportive of the very old, frail elder. Our unique setting allows frail, elderly residents to thrive emotionally and spiritually. If our residents housed on one unit dip into a more acute category, we want you to know that we provide that resident with exactly the skilled nursing care support he or she needs without sending that person out of his or her home. And quite miraculously, residents who in many other settings would have succumbed to institutionalization and decompensation return to good health. Is that not good care? Is that not what we want to provide in a skilled nursing home: provide the least restrictive environment, stop the slide into chronic illness, provide exactly the care a resident needs in order to reach maximum functioning. We work hard, prevent residents from a permanent slide into chronic acute illness; why is it that we are being penalized?

Third, the impact of the change of the Andrus on Hudson to an assisted living program will be devastating. Even if we might be able to reconfigure it into an assisted living facility, our frail, elderly residents with nursing needs will suffer transfer trauma and relocation trauma, which we all know increases morbidity. The change, too, will be felt economically; employees laid off and fewer purchases from local vendors. Fourth, who is to say if Andrus on Hudson can even maintain fiscal viability using the assisted living program model? How will continuing renovations upgrades be funded? How will we be able to make our substantial fixed operating costs, estimated at over \$1 million for the facility's related annual expenses, work financially when our income to support those costs is cut?

We wonder why New York State wants to take a viable, well-run, not-for-profit skilled nursing facility like Andrus on Hudson and fix it in this manner. We believe it is not the correct fix. We ask most sincerely that all of you use your influence to allow Andrus on Hudson to continue to grow and evolve as a skilled nursing facility. Use your influence as soon as possible to contact the New York State senators and assembly people and ask them to reject the report of the commission. We want to remain in the Village and we want to remain a viable skilled nursing facility providing long-term care to residents of your Village and neighboring areas. We ask that you work with us to reject the report.

Ellen Weiner, St. John's Hospital: Four years ago the state came to St. John's Riverside Hospital, asked us to take over Dobbs Ferry Hospital and turn it around and make it successful and viable, which is what we have accomplished. Now, four years later, they are asking us to close our doors. We have increased our emergency department by 17%, surgeries by 24%. We made a profit last year of \$747,000, and this year it looks like we are going to make \$625,000. Our physicians are happy. The Ashikari Breast Center held a press conference today with 20 of their survivors who expressed their dismay about the hospital's possibility of closing. The Ashikari Breast Center designed itself to meet the needs of the women in the community who have had a devastating diagnosis of breast cancer. We hand selected the staff that work in that facility. There is no place else in the area that you can get a diagnosis within two hours of detecting a lump in your breast, and that is what we have accomplished at Dobbs Ferry Hospital.

There is no reason to close this hospital. We have been successful, our physicians are behind us, the community is overwhelmingly behind us. We have sent thousands and thousands of letters already on our behalf to the legislators in the area. We appreciate your support, and we hope that the community will continue to support us. And, hopefully, we will keep our doors open into the future. It would be devastating to this community that people would have to drive up to 15, 20 minutes, 30 minutes in life-threatening situations to visit another emergency room where they will sit for three to four hours.

Hasting Fire Chief Pecylak: I am here to speak on behalf of the Hastings Ambulance Corps. The Hastings Fire Department runs the Hastings Ambulance Corps. It is important for the community to realize that 42% of the calls to the Hastings Ambulance Corps transport to Dobbs Ferry Hospital. Clearly this will have an impact on the community by the fact that the additional overflow would have to go to either St. John's or other facilities. The other facilities that are nearby are a considerable distance. We have the Medical Center, White Plains, St. Joseph's, Lawrence, and Phelps. This would add approximately 20 to 30 minutes each way, a round trip approximately an hour. St. John's will be able to accommodate the critical care cases. My concern is with the secondary cases where you may not take a priority in the emergency room, where your wait time will increase considerably.

I want to point out what I consider a trickle-down. We have Hastings in a joint cooperation with the Town of Greenburgh called ALS, Advanced Life Support. We have a paramedic rolling in on all the calls, and he transported approximately 33% of the calls this past calendar year. I fear that with the paramedic being forced to travel a greater distance, eventually the Town of Greenburgh is likely going to have to hire additional paramedics. Hence, we have the trickle-down effect, where any savings that the state might foresee are going to be passed on to the community at some juncture. This information is critical to get out to the public.

Jenny Murphy, Hastings Senior Advocate: I have nothing to add about Community Hospital in Dobbs Ferry. It is all very clear.

As far as Andrus goes, my mother-in-law lives there. She has been there for almost four years. She has Alzheimer's, and she was diagnosed in 1995. We have watched her pass backwards as our youngest daughter was going forward. They passed each other on the way when she came into Andrus. Betsy Biddle welcomed her, and said, this is your grandmother's house. She has danced in the large parlor there, and she has watched movies downstairs. Her grandmother does not know her anymore, but she has 100 grandmothers at Andrus. I have seen people in hospice, I have seen people dying. They are no longer dying, and I think that using the wellness of the residents of Andrus as a criterion for closure is ridiculous without considering why they are so well. I think Andrus should be a model of how nursing homes should be run.

Sue Feir, Hastings Library Director: I work for the Village of Hastings-on-Hudson, but I live in Ossining. That is a good segue for me to say that however noble a sentiment hometown sentimentality is, my husband and I chose for him to have four years of advanced

cancer care at the Community Hospital of Dobbs Ferry. Mitchell was diagnosed in 2002 with pancreatic cancer. It has a less than 5%, five-year survival rate. It starts off, if you have any chance at all, with the Whipple, which is the king of operations and which has a 12% mortality rate nationwide and a less than 2% at the Community Hospital of Dobbs Ferry. Over the following four years he had stabilization care there, he had palliative care there, he had many trips to the emergency room there. And he was never in a cot out in the hallway. He spent his final weeks and days there. On May 15 it was obvious that he was descending. We called the Ossining Ambulance Corps, and they are chartered to go to Phelps; they are not chartered to go to Dobbs Ferry. I begged them to bring Mitchell home, where he would recognize nurses, recognize doctors. In his moments of regaining consciousness that day he smiled.

You know that they are in the black financially, you know that they have many renowned doctors, like the Ashikari Breast Center. It combines everything that all of us would want from medical care: advanced, up-to-the-moment care with compassion, familiarity. As they say, world-renowned-small town. I hope that you will use any influence you have to convince the assemblymen and senators to please reject this report.

Julius Chemka, 8 Ridgedell Avenue: We fought this a long time ago, in 1976, the closing of Dobbs Ferry Hospital. I do not think anything has changed. They are a great facility now with their merger with St. John's. They are running in the black. We should support them as much as we can and try to save that hospital once more. And we can do it. And the same thing for Andrus. It is necessary for us to keep that open just for their employees. They have great help and they have a great facility there. Let us back both of them. Let us send the message to the people who put up this resolution to close both of them. Let us tell them no, we want to keep them open. Number one, Dobbs Ferry is paying its way. And number two, we need Andrus for the people who need that kind of facility and for the employees which we would lose and the Village of Hastings hurt.

Helen Gred: My mother, Edith Gred, age 90, has been a resident of Andrus for nearly three years. I will not repeat what others would say, I will simply say I endorse them with all my heart. Andrus is a jewel of the healthcare system. It should be cherished, it should not be eliminated. I cannot urge too strongly this Board to pass the resolution before you.

Toni Gugliotta: My mom has been at Andrus for two years. It was a very big adjustment for her to leave home and go somewhere else. This is now her home. I cannot imagine putting her through the trauma of going somewhere else. These are not buildings we are talking about, these are frail human beings we are talking about. Please do what you can to leave Andrus where it is.

Danielle Goodman, 28 Ashley Road: I urge you to pass the resolution. Some of the form letters that have been sent out by us are conclusory and not fact-based. I am hoping someone in the Village is going to write a critical analysis for the state attacking some of the deficiencies in some of the documents they are relying on. For example, I noted that this is supposed to be a strategic planning document, but they did not look at our region with respect to plans to increase the population. All of the villages have in their planning board pipelines many residential developments, and the state did not look at that. The Chief's points were wonderful. But all of that should find its way into a document, and I am hoping that some important facts that the state overlooked should go to them. I do not know if some people want to get together, but some very good things were said here and they should find their way.

Mayor Kinnally: There is a hearing Monday, December 11 at 11 a.m. at the White Plains library sponsored by the New York State Assembly. I would urge whoever can to attend that hearing. Possibly we can make a copy or tape of our proceedings and send it to the Assembly and to all the other interested parties who will be passing judgment on this. I have reached out to Senator Spano's staff and they indicated that the senator was meeting in Albany with the leadership to consider a number of things. First of all, to advocate the positions that have been so well articulated here this evening, but also to try to figure out procedurally how it was going to operate on a state level, how the legislature was going to deal with this. I have been in contact with the other Rivertown mayors, who have also reached out to Assemblyman Brodsky, to deal with this situation. Both legislators are acutely aware of this problem and the devastating impact it is going to have on our communities.

Chief Pecylak, you mentioned that 43% of your calls go to Dobbs Ferry. Is St. John's on diversion?

Fire Chief Pecylak: No, diversion takes place if certain acute care facilities are overcrowded, for example, cardiac care units. If that unit is full they go on to what would be considered critical care diversion. Similar, I would imagine, with pediatric care and the intensive care unit also.

Mayor Kinnally: At this time, if there is diversion to St. John's is our first alternate Dobbs Ferry Hospital?

Fire Chief Pecylak: Yes.

Mayor Kinnally: See, so we will lose that component. The alternative could be Westchester Medical Center or St. Joseph's?

Fire Chief Pecylak: St. Joseph's, and Lawrence also.

Mayor Kinnally: But all of them entail a significant additional ride, which puts our population in jeopardy.

Fire Chief Pecylak: It is the critical care but it is also the monitoring frequencies of those who have cardiac conditions. I believe the protocol is to keep a cardiac patient in for 24 hours. When you get hooked up to a monitor, I am speaking from experience unfortunately, you have to be monitored for 24 hours. It is not pleasant starting to be monitored in an emergency room, which in my case I was and then I was transferred to Dobbs Ferry Hospital in which I was put into a semi-private room. It is a lot easier for the family and yourself to deal with that situation than in a crowded emergency room environment.

Trustee Apel: I was appalled by the report. I could not believe that a commission could come up with a report without talking to the people that are involved. It is a case of people just sitting someplace else making a decision without finding out exactly what is going on. The community is at an enormous disadvantage if this is allowed to go through. I am totally surprised and disappointed that anybody would ever come up with such an idea. You take two places that are very successful and very needed in the community, and then just arbitrarily say we will just get rid of them, we do not need it anymore, without actually talking to the people in the community. I think it is very sad that this has come to pass.

The other thing that is even more difficult is the fact that the law is written that it is all-or-nothing. It is going to take a lot of hard work to convince the others that they need to also turn the entire thing down and tell the commission they have to come back with something else. But that is what has to be done.

Trustee Swiderski: My first reaction was surprise that the state had that power over private institutions that are profitable. When my son broke his arm in a bicycle accident we went to Dobbs Ferry right away. When my mother-in-law broke her wrist in a fall, same thing. My wife pulled her back out, the ambulance corps took her to Dobbs Ferry. There was never even a moment's consideration. That is just where you go. The care was quick, professional, human and just without criticism. It was perfect. We cannot, and should not, lose a facility like that.

In regard to Andrus, people in the twilight years, who do not adjust well to the move to a nursing home, should never be put through yet another move to another home possibly quite far away. It is cruel.

Trustee Quinlan: I take this very personally. It is outrageous. I cannot believe our governor, and our state senate and assembly, would allow the mechanics of a commission to be formed like this, and then make it all-or-nothing without looking at the individuals involved. It just proves to me how inhuman government can be if you let it be, and they should be ashamed of themselves.

Personally, we use Dobbs Ferry emergency room. We would not think of going anywhere else. Sometimes we have gone to St. John's, but my family very rarely would go anywhere else then Dobbs. The Ashikari Breast Center, again, we have personal experience in my family. It is renowned, it is caring, and I could not imagine any woman in my family going anywhere else. My son is in the fire department, works for the ambulance corps. Very sick people, they do not need to be going up to Phelps, they do not need to be going to St. Lawrence. They need to be going to Dobbs or St. John's, wherever is closest and whatever fits the bill.

Andrus, it is impossible for me to believe that these people are going to be moved. I wish we could bring down every state senator and assemblyman and Governor Pataki and sit them outside on the day that that happens and let them watch that, and then see what Governor Pataki feels about his presidential ambitions when he watches these old people getting torn out of their homes. I could not be more against this thing.

Trustee McLaughlin: There are two things I would like to address. The first is, it might have been inadvertent, but what seems to be the cynical move of the state and/or the commission in releasing this report with a month to go in a lame duck year, leaving the decision that affects so many people in New York State, a decision in which individual items cannot be cherry picked, is most unfair in terms of allowing New York communities to participate in deciding their own fate. This would have been a hard enough thing if we had heard about it in June or July. But at least communities would have been able to mobilize. Members of the legislature would have been able to act. Instead, we are faced with the fact that in December, when most people are otherwise distracted, and when many members of the senate and the assembly are lame ducks, they are forced to make a decision and we are forced to live by what they decide to do. In good government terms it could not have been done in a worse way.

The second thing, I am grateful to Danielle Goodman for bringing up development. We all know what is happening to southwestern Westchester in terms of development. We have maybe a thousand housing units proposed for Ridge Hill, we have the development on the Yonkers waterfront, we have buildings going up on Warburton Avenue. Tarrytown will see at least a thousand housing units built on the river, and so on. Every parcel of available land is being turned over to housing. That is another discussion, but it does appear to be one that was not considered by this committee when they made the decision to close these facilities.

I do not know what we can do in terms of Danielle's suggestion of rebutting this with hard data, but I would like to offer to work with the group of people that is doing that. It is important that the figures on the developments that are going to happen in the next 5 to 10 years be presented to this committee. We have figures from the police department about their visits to the hospital at night. Forcing the police department to travel further at night, when there are so few people on duty, would leave our village and the other villages with less protection at night. That is another piece of data that we must present to the commission. If a group of people is going to be formed I volunteer to work with it. And I hope that we do something to gather data to turn this around.

Mayor Kinnally: These are the statistics we received: Ambulance calls between January 1 and December 5 of this year, in excess of 150 calls for ambulance to Dobbs Ferry. Police investigations, DWI, assaults, etc., about 10 to 15 a year involving blood draws. We have had two injured officers in 2006 transported to Dobbs Ferry Hospital. There is no question but Dobbs Ferry Hospital is an integral part of the healthcare system here in southern Westchester, especially in the Rivertowns and north Yonkers. It is also unbelievable seeing the strides that Andrus has made over the last couple of years. How they have rebounded, how they have reinvented themselves, and the investment that they have made. A member of my family has been down there for a year-and-a-half and went in there with very little hope that there was going to be an improvement, and it is nothing short of miraculous how she has not only improved but essentially taken over the place. Her enthusiasm is infectious and it is just tremendous .

I understand that the healthcare system is on life support and that things have to be done to address the inefficiencies of the healthcare system and the redundancies. But neither of those elements appear to be here. The profit statements that has been attested to this show that the healthcare system can change if there is good organization and administration. There is a profit, there is a need, there is no redundancy here. It is obvious from the utilization of St. John's and Dobbs Ferry that you could not absorb all of the work that is being done at Dobbs Ferry at St. John's. I do not understand what elements went into the decision by the commission. If it is possible, they should come back and take a look at it. There is no reason

that these facilities should be eliminated. If anything, they should be enhanced, they should be encouraged. They both appear to be a model of how healthcare can be provided efficiently and at a profit, with dignity and with professionalism, in the 21st century. And that seems to have gone by the board.

Ms. Goodman I, too, wondered how this could happen without the state talking to us, so I did some research, because there has to be due process, notwithstanding the state's ability to close private institutions. I discovered that there was a meeting about this on February 15, 2006. It was a two-hour meeting for the Westchester division of this report. It was held at New York Medical College in an obscure auditorium. I do not consider that due process. Was my village government notified? I do not think so. If we knew this, you would have had it on the e-mail to us and we would have been there in force in February. I was not able to locate a hearing transcript, but that is something we should do. We should see who was there. I found transcripts, or portions of the hearing, that went on in Staten Island and Brooklyn, but I could not find anything for Westchester.

Just to correct the record, there was a hearing. We just did not know about it. And I challenge most of the people in this room to know where this auditorium was at New York Medical College. Most of you probably do not know where New York Medical College is. I went to a meeting about the Saw Mill River that was held at the county center with wide notice, and that was for a scoping session by the Army Corps of Engineers. So this commission did not do well by due process. There was none.

Tom Abinanti, County Legislator: I want to state my support for these two institutions and to echo everything that you have said.

Trustee McLaughlin: I have a question for Legislator Abinanti: what can the county do?

Mr. Abinanti: I do not know yet. I am here this evening to learn and to try and understand, and maybe perhaps meet with some of the members of the institutions to see if we can be of assistance. We are surprised by this as well.

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

WHEREAS, the Commission on Health Care Facilities in the 21st Century has released its report which recommends action concerning two important health care providers in our area: the Community Hospital at Dobbs Ferry and Andrus on Hudson; and

WHEREAS, the Commission has recommended the closure of the Community Hospital at Dobbs Ferry and the elimination of all 247 nursing home beds and the addition of 140 assisted living beds at Andrus on Hudson; and

WHEREAS, although the Community Hospital at Dobbs Ferry has only fifty beds and is the smallest in the region, the closure of this hospital would have a significant detrimental effect upon medical care in the area, especially the critical component of Emergency Room care; and

WHEREAS, the Andrus on Hudson facility has provided professional, responsible and compassionate service to the residents of the Village of Hastings-on-Hudson, the Rivertowns and the City of Yonkers for over 50 years; and

WHEREAS, the loss of this nursing facility would adversely affect the health care system and the senior population in our region; and

WHEREAS, it is evident that the proposed closure of the Community Hospital at Dobbs Ferry and the elimination of all of the nursing beds at Andrus on Hudson would compromise the health, safety and welfare of the residents of the Village of Hastings-on-Hudson, the adjacent Rivertowns and the City of Yonkers;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Hastings-on-Hudson hereby opposes the closure of the Community Hospital at Dobbs Ferry and the elimination of all 247 nursing home beds at Andrus on Hudson; and

BE IT FURTHER RESOLVED, that the Village Clerk is hereby directed to forward a certified copy of this Resolution to Governor George E. Pataki, Senator Nicholas A. Spano, Assemblyman Richard L. Brodsky, the entire State Senate and State Assembly, and Senator-Elect Andrea Stewart-Cousins.

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	

[RECESS REGULAR MEETING 8:45 p.m.; PUBLIC HEARING 8:45 p.m. TO 9:15 p.m.;
RESUME REGULAR MEETING 9:15 p.m.]

APPOINTMENTS

Mayor Kinnally: We are appointing Jacqueline Preiss Weitzman to the Library Board of Trustees for a term expiring 2010, and Barbara Thompson to the Draper Park Review Board for a term expiring 2007. I thank them, and all of the people who are serving our community on the boards and commissions. Given the fact that we have had a number of new appointees, I am going to ask the Manager if copies of the code of ethics can be distributed all of our members of boards and commissions, just to ensure that they all have it and can be guided accordingly.

APPROVAL OF MINUTES

Trustee Apel: Page 22, the name of the person speaking is Bruker, not Brooker.

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

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

Trustee Apel: Page 7, under the Village Manager, add to.

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

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. 36-2006-07 \$152,315.78
Multi-Fund No. 37-2006-07 \$249,233.92
Multi-Fund No. 38-2006-07 \$ 508.00

94:06 ADOPTION OF LOCAL LAW NO. 2 OF 2006 - SENIOR CITIZEN TAX EXEMPTIONS

Mayor Kinnally: We had a public hearing on this on November 21. Any comments?

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 hereby adopt Local Law No. 2 of 2006 amending Chapter 260, Taxation of the Code of the Village of Hastings-on-Hudson to increase the eligibility income amounts for senior citizen tax exemptions as follows:

BE IT ENACTED by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1. 260.17. Extent of Exemption

The exemption shall be as follows:

Maximum Income Exemption Eligibility	Percentage Assessed Valuation Exempt From Taxation
\$0 to \$26,000	50%
\$26,001 to \$26,999	45%
\$27,000 to \$27,999	40%
\$28,000 to \$28,999	35%
\$29,000 to \$29,899	30%
\$29,900 to \$30,799	25%
\$30,800 to \$31,699	20%
\$31,700 to \$32,599	15%
\$32,600 to \$33,499	10%
\$33,500 to \$34,399	5%

Section 2:

Repeal: All ordinances, local laws and parts thereof inconsistent with this local law are hereby repealed.

Section 3:

Effective Date: This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

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	

95:06 ESTABLISHMENT OF SENIOR CITIZEN ADVISORY COMMITTEE

Mayor Kinnally: Jerry, anything?

Trustee Quinlan: No, I said everything I had to on this issue.

Trustee Swiderski: No comments.

Trustee McLaughlin: I am delighted that we are doing it.

Ms. Smith: Maybe it is not customary when you do something like this to indicate who would be ex-officio on it. But the senior outreach worker should be part of whatever is going to happen with this.

Mayor Kinnally: Yes, certainly an integral component of it.

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

RESOLVED: that the Board of Trustees hereby establish a Senior Citizen Advisory Committee, comprised of five (5) members serving staggered three (3) year terms of office to be appointed by the Mayor with the consent of the Board of Trustees.

The Senior Citizen Advisory Committee shall work to identify, develop, and coordinate services that help meet the needs of the

Village's older residents. Said services shall be designed to enhance the independence and involvement opportunities in the lives of older adults living in the community.

The committee shall advocate for older adults, to identify and to meet their social and cultural needs, to encourage maximum independence and to insure their quality of life.

The Senior Citizen's Advisory Committee shall serve as an advisory board to the Mayor, the Board of Trustees and the Village Manager on programs, policies and activities consistent with the purpose whereby this committee is hereby established.

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	

96:06 ESTABLISHMENT OF ECONOMIC DEVELOPMENT COMMITTEE

Mayor Kinnally: Who wishes to speak to this?

Trustee McLaughlin: We covered it pretty thoroughly in the last couple meetings. I do not have anything left to say about it.

Trustee Quinlan: I am delighted that we have a chance to vote on it.

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

RESOLVED: That the Board of Trustees hereby establishes an Economic Development Committee, comprised of seven (7) members serving staggered three (3) year terms of office to be appointed by the Mayor with the consent of the Board of Trustees.

The purpose of the Economic Development Committee is to promote and encourage the location and development of new businesses in the Village, and to encourage the maintenance and expansion of commercial business in the Village.

The Economic Development Committee shall serve as an advisory board to the Mayor, the Board of Trustees and the Village Manager on programs, policies and activities consistent with the purpose whereby this committee is hereby established.

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	

97:06 COMMITTEE TO PRESERVE THE HISTORIC WATERFRONT

Mayor Kinnally: This is the result of an initiative that came from Stuart Cadenhead and from Doug Allgood and a number of other people in the community. I think that the resolution embodies what we hope to accomplish here.

Stuart Cadenhead, 5 Valley Place: I appreciate the fact that you are doing this. Regarding the sunsetting in nine months, are we excluding the possibility that should you find we are doing useful work in nine months we could be authorized to continue?

Mayor Kinnally: Always can do that, of course.

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

WHEREAS, the Board of Trustees believes that the goal of preserving a portion of the history of the Waterfront is a worthy one, and that this history is physically represented in the historic Anaconda brick factory Buildings “51” and “52”, and

WHEREAS, the Board of Trustees believes that an effort to preserve these two buildings merits attention and energy now, therefore be it

RESOLVED: that the Board of Trustees authorizes the ad hoc Committee to Preserve the Historic Waterfront (the "Committee") to seek to identify various possible alternatives that will result in the preservation of one or both of these historic buildings and to report back those possible alternatives to the Board at its earliest convenience, but no later than May, 2007. The Committee is encouraged to provide interim reports to the Board of Trustees.

The Committee is authorized to represent itself as an exploratory body seeking to identify alternatives, with the backing of the Board of Trustees.

The Committee may add or drop members as it sees fit, with the requirement that a current list of active members be made known to the Village Manager on a timely basis. Furthermore, the Board requests that the Committee maintain a documented archive of all contacts with outside entities, detailing their nature, time and place for the duration of the effect of this resolution.

This authorization will expire in nine months.

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	

98:06 PRISONER TRANSPORTATION AGREEMENT

Village Manager Frobel: This is a renewal of our current relationship with the county to transport prisoners under their care. It is a two-year contract beginning this January and terminating the end of 2008. We have gone over it with the police department. There are no basic changes, except it reflects a 4% increase in the current reimbursement.

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 Prisoner Transportation Agreement with Westchester County commencing January 1, 2007 and terminating December 31, 2008.

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	

99:06 INTERMUNICIPAL AGREEMENT TO RECEIVE PROPOSALS FOR ACTUARIAL SERVICES

Village Manager Frobel: State regulations require that as part of our annual audit municipalities develop cost estimates for post-retirement benefits for our retirees, and this includes essentially our healthcare program. We would like to join with neighboring communities to go out to bid to receive some economies of scale for this specialized service. It is another innovative approach to join with neighbors to see if we could realize some savings by contracting with an actuary to have a study performed for us in compliance with this regulation. Once we agree on the firm we would come back to you to get authorization to execute a contract.

Trustee Swiderski: I am digging very much the fact that the Village Manager is seeking out opportunities to share costs with surrounding villages on efforts that we would otherwise in the past have assumed alone, and it is a great thing. Much appreciated.

On MOTION of Trustee McLaughlin, 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 enter into an Intermunicipal Agreement substantially as attached with the City of Peekskill to request proposals for actuarial service in connection with the Village's GASB-45 compliance.

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	

100:06 CHANGE OF MEETING DATES

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 change the dates of the Regular Board Meetings from January 2 and 16, 2007 to January 9 and 23, 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	

VILLAGE MANAGER'S REPORT

Village Manager Frobel: The Community Center continues to proceed, perhaps not as quickly as we would like. I indicated in my written report some difficulties we have had that are not insurmountable, but the site itself has some restrictions. It is taking us a little longer to get where we might want to be at this point in time. Most of the windows have been framed. We are waiting for a crane to come back to the site to locate the larger windows to the front and to the eastern side of the building. We thought we could do it by hand, but we are going to have to bring in a hoist. Most of the interior walls have been framed. Once the building is enclosed we will begin doing some sheet rocking and insulation work, but until that point we cannot proceed much further than that. We are waiting for the fabrication and insulation of the roof, and the fabrication of an under-element that goes between what you see as a roof now and the final roof. That is taking a little longer in construction. But the masons are nearing completion of their work.

Trustee Swiderski: Have any of the delays had a financial impact?

Village Manager Frobel: No.

In Boulanger Plaza, the lines have been striped and the trees and lamps installed. There will be some final touchup work over the next several days, but most of the major items have been completed. The drainage appears to be working. We had a little additional work we needed to do near the Center Restaurant. The pay stations we expect to be installed sometime before the end of the month. Presently we are waiting for Con Ed to energize the lamps, but there has been some delay in bringing power to the site. The wires are all underground and ready. It is from the street to our panel that is taking a little longer than we might have liked. But on balance, we are close to being finished.

Trustee Swiderski: Can I make a request, that when the pay stations go in, an explanation be given for why we went that route so we forestall some of the howls of outrage that we are bound to hear anyway?

Mayor Kinnally: We talked about that in a meeting with the Chamber in November. The suggestion was that we put it under the windshield wipers of the cars and ask the merchants to have copies available for their patrons, and put it on our web site.

Trustee Swiderski: And on the pay station itself.

Trustee McLaughlin: Where are we with having some kind of signage around the parking lot that says where things are?

Village Manager Frobel: I expect that is something we will work on with our recently-established development committee.

Nina Cangiano, President, Chamber of Commerce: I would make a suggestion that in the first days that the kiosks are up perhaps we could have some of the meter maids on hand to explain how to use it, and that they do not have to go back to their car, and how it operates.

Clyde Michaels, Chou Chou: I am not a resident of Hastings, but I am proprietor of a business called Chou Chou Salon on Main Street. It has been brought to my attention by clients about the handicapped situation in the parking lot. There seems to be no way for a person in a wheelchair to go from the east side of the parking lot to the west side. I want to bring this to your attention. I know the parking lot is just about finished, but I believe it should have been considered before.

Trustee McLaughlin: I thought we agreed that there would be a curb cut in the center.

Mayor Kinnally: We had it; it was eliminated. And we also moved the handicapped parking.

Trustee Apel: There is handicapped parking now in the center, but it is not on both sides.

Village Manager Frobel: But there is another spot on that other side. There are three spots.

Trustee McLaughlin: That is why I thought we had access through the island. We do not?

Mayor Kinnally: It was changed.

Trustee Apel: We only have two in the middle and one on the side, but not opposite each other. We kept moving them around. They were going to be down at the end, and then they put them in the middle. I do not know what happened at the end.

Trustee McLaughlin: What justification did we have for eliminating the dip and the curb cut in the center of the island? I do not remember discussing that.

Mayor Kinnally: You may not have been on the Board.

Trustee Apel: If you cannot go to the other side because there is not handicapped parking on the other side you are going to just have a dip to go into another car. There is no space that there normally would be next to a handicapped that you could share and go through, like a path. There is no path there. You would hit a car. We have a committee for the disabled. I thought they would have been called in on that.

Village Manager Frobel: They were.. I met with them, and I have gone over these plans with them.

Mayor Kinnally: They did not identify it as a problem?

Village Manager Frobel: No, not at the time when I met with them.

Trustee Apel: It depends upon what type of disability? Is there a particular disability that we would need something different?

Can a person in a wheelchair back up with the car? Would they be seen? Actually, they would turn and be going forward. Would they be seen by someone coming in?

Trustee Swiderski: I do not think that is the issue. I think it is just the proximity.

Trustee Apel: They are talking about getting to the other side.

Mayor Kinnally: But the two spaces are on the side closest to the stores, right?

Trustee Apel: Right.

Mayor Kinnally: And the third is...

Trustee Apel: Closest to Main Street.

Village Manager Frobel: In that far corner.

Mayor Kinnally: All right, so it is the access to that third spot, which is adjacent to the sidewalk. Okay, thank you. We will take a look at that.

BOARD DISCUSSION AND COMMENTS

1. Agenda - Joint Board of Trustees/Board of Education Meeting December 12

Mayor Kinnally: We have a joint meeting scheduled with the school board for December 12. The suggestion is that the first item on the agenda will be communication, the decision-making process, and shared resources. I inquired what the decision-making process item was, and essentially it is can we share with them on development issues, for instance, the development of the waterfront: what the process would be, who would be involved, a timetable, what entities, time frame, things of this nature. We will share that with them to the best we can in the abstract.

The second item would be traffic and Village safety plan. Third item would be the status of the waterfront development plan, the potential impact on the school district. And finally, other long-term Village development plans, again, that would have an impact on the school census and what resources would be needed to address any of those developments.

Trustee Apel: We have met before, and we keep talking about the sidewalk by the property on Broadway and nothing ever comes of it.

Mayor Kinnally: They said no. They said they are not going to put it in. We can raise it again.

Trustee Apel: I think we should keep raising it every time.

2. Update on the Waterfront

Mayor Kinnally: Dave Kalet, the project manager at ARCO, indicated that he is going to be in the community the week of the 18th. I had renewed my request that the data for the testing be made available to us. It will be available that week in electronic format so we can put it on our web site. I have asked him to discuss a number of things with us on December 19, in particular the status of negotiations with the DEC over OU-2, the cleanup of the river portion. There have been a number of discussions going back and forth with the DEC, ARCO, and internally at the DEC over the options that were proposed for the remediation of the river. ARCO has been requested by the DEC for yet more testing in the river. I believe they are committed to spend about another million dollars doing testing. That is the good news. The bad news is that it appreciably slows down the entire process. I do not believe that that data is going to be available until sometime spring or summer. There would not be a PRAP for comment until the fall of 2007. They are not moving forward because they want to do everything in a consolidated fashion.

Trustee Swiderski: Who is they?

Mayor Kinnally: ARCO. They are probably going to start the entire process together rather than do OU-1 and then do OU-2. There is an issue of whether they want to move the bulkhead in the northwest corner to square things off. It is a question of whether they are going to fill in a little portion of that area rather than start removing the PCBs that are in the riverbed adjacent to the bulkhead because it may compromise the integrity of that area. So it is turning into a very lengthy process. As I indicated to Dave today, this is not a message that I want to try to explain to the public. It is incumbent upon ARCO to do, so he has agreed to be here on December 19. I hope at that time he might have some information for us on the commitment of resources to Buildings 51 and 52.

3. Metro-North

Mayor Kinnally: I asked the municipal liaison at Metro-North, Mark Mannix, for an update on the construction project. He expects all of the exits on street level on the inbound platform to be open by the end of December. There will be two additional exits open, one in

the south end where there are two steps, and one in the north end which would be adjacent to the steps that go up to the overpass and to the elevator. They do not have all of the lights hooked up on the length of the platform, and they want to get work done on the stair area before they open up that northern exit. The overpass is expected to be completed sometime in January. You would be able to go up the stairs, over the overpass, down the stairs, and into the new ramp that goes along the abandoned trackway and into the parking area along the street. In February they expect to have the elevators operable on both sides of the track, and in April, 2007 they expect that construction will begin on the inbound platform. The project would be all completed at the end of 2007.

4. Other

Trustee Swiderski: It has been an ongoing complaint from the public, the general issue around striping on the streets. I do not know if I want to put Fran on the spot and ask for an update on where that stands, but certainly I want to be on record, and I suspect the rest of the Board would be as well, that at this rate, even if we have to go to an external contractor to get that done, it is getting painful. It is one of these obvious indications of government inability to do something straightforward. We do so much so well; I do not want this to be our sore thumb. I do not know if you want to respond to that.

Village Manager Frobel: I will look into it. I know there is still work he has to do, but I will look into it and get it done.

Trustee Swiderski: A second issue, more theoretical, and I do not know quite how to address this. I have a sense that somewhere between the LWRP and the comprehensive plan that input will be required on OU-2. Over the next 12 months we are going to have some sort of scheduling hell if we do not proactively think about how to fit this into our schedules. I have this sense of doom on the horizon if we do not plan in for the impact in terms of time and energy on our part. I do not want us to be, any more, the funnel through which everything has to pass before anything gets done. I fear we are going to hit some sort of logjam if we do not think about this ahead of time. I am not sure how we do that.

Mayor Kinnally: One thing we can do is use Outlook to have a Board of Trustees calendar and ask Fran to start filling in some things. We have to operate around the budget process. At our first meeting of January we are going to have an executive session with counsel on certiorari matters, so we have to carve out time for that. That is going to have an impact, as I indicated last time, on our budget and on our assessables. Peter, it is a good point. We also have the large tracts study.

Trustee Swiderski: All of this. This is turning into a perfect storm of huge time commitments ahead of us that really are the focus of the town's future.

Trustee Quinlan: I am wondering when we can again revisit some appointments on the boards and commissions.

Mayor Kinnally: Let us carve out some time.

Trustee McLaughlin: Can we review for the public what we are looking for again? We need volunteers for the three commissions that we established tonight: the commission for seniors, the economic development commission, and Stuart would no doubt like to hear from people who are interested in working on the waterfront project. We have the arts council. Those are all new and all need to be filled.

Trustee Swiderski: Conservation needs a few people.

Trustee Quinlan: We have a couple of openings on the Architectural Review Board. We also have the Tree Commission, which is important. We have the police commission. Safety has one opening.

Trustee McLaughlin: So Safety Council, Conservation Commission, Youth Council, Tree Board, the Arts Council, the Economic Development Committee, the Architectural Review Board, and the Senior Council all need volunteers. We would like to receive resumés from people interested in those eight boards.

Trustee Quinlan: Maybe the 19th, Lee.

Mayor Kinnally: No, we can act on it. Normally I would do it, but tonight, no.

We had a request from St. Matthew Roman Catholic Church to put up a crèche in the VFW. The pastor sent me a letter, and I referred it to Fran, consistent with what we discussed in connection with the menorah. Arrangements are being made. I believe the request was made on behalf of the other churches in the Village also. They are acquiring a crèche, and Fran explained that there has to be signage to indicate that it is not sponsored by the Village.

Village Manager Frobel: They hope to have it placed around December 17 and have it up until January 6.

Mayor Kinnally: There is a communal menorah lighting in Hastings on December 20 at 6 p.m. Our tree lighting is December 8 at 7:30 p.m. at the VFW Park. Festivities will include singing holiday songs, refreshments, entertainment, and special visitors.

I ask that we adjourn in memory of Lenny Levine who died today. Lenny was a long-time kindergarten teacher at Hillside. Many of us were privileged to have Lenny as a kindergarten teacher, and his death came as a shock today. It certainly is a terrific loss for everybody who has known him, worked with him, shared in his optimistic outlook on life and love of teaching and love of kids. There was no Mr. Levine working at Hillside School; it was always Lenny. His loss is just a devastating one.

I would ask for a motion to adjourn in his memory, and for a moment of silence.

ADJOURNMENT

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of Lenny Levine at 10:00 p.m.