

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
SEPTEMBER 12, 2006**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 12, 2006 at 8:10 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 (9:20 p.m.), Deputy Village Attorney Marianne Stecich, and Deputy Village Manager Susan Maggiotto.

**CITIZENS:** Six (6).

**APPOINTMENTS**

**Mayor Kinnally:** I am happy to announce the appointment of our initial comprehensive plan committee. That will be comprised of Meg Walker, Jim Stadler, Kathy Sullivan, Elizabeth Felber, and Mary Madigan. I thank all for volunteering. Next we will get the resolution to them so that they know the scope of their mission and ask them to meet and start the process.

**APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of August 22, 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. 16-2006-07 \$122,200.79

Multi-Fund No. 18-2006-07 \$ 50,322.90

**73:06 ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM**

**Police Chief O'Sullivan:** I am here to report to you that the police department has done the training necessary and we are NIMS-compliant. The Fire Department and Department of Public Works employees are also in compliance.

**Trustee Swiderski:** Who funded the training?

**Police Chief O’Sullivan:** Most of the police department were trained either on-line or at training courses at the police academy, so there was no funding involved.

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

**WHEREAS,** in Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

**WHEREAS,** the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

**WHEREAS,** it is necessary that all federal, state, local, and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

**WHEREAS,** to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

**WHEREAS,** the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state’s ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

**WHEREAS,** the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

**WHEREAS,** the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees do hereby mandate the National Incident Management System be utilized for all incident management in the Village of Hastings-on-Hudson, and be it further

**RESOLVED:** that this resolution shall take effect immediately.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin		Absent
Mayor Wm. Lee Kinnally, Jr.	X	

### **68:06 STREET RESURFACING**

**Mayor Kinnally:** We have asked the Manager and Mike Gunther of the DPW to come up with the list of streets to be resurfaced in 2006. They include Mt. Hope Boulevard from Farragut Avenue to Rosedale, 64 feet wide by 560 feet in length; School Street, 31 feet wide by 425 feet in length; Lefurgy from Mt. Hope to Fairmont, 27 feet wide by 976 feet; Cochrane Avenue and dead end, 26 feet wide by 362 feet in length; Glenn Place, 43 feet wide by 581 feet in length; Scenic Drive, 20 feet wide by 1,385 feet; and a side road in front of middle school off of Farragut Avenue, 20 feet wide by 384 feet.

**Trustee Apel:** Will they be including additional asphalt so they can do the myriad of potholes before resurfacing?

**Mayor Kinnally:** This would include not only the purchase of the asphalt, but the milling and the raising of the catchbasins and the manholes: everything associated with the repaving. So it is not just the purchase of the asphalt.

**Trustee Apel:** So the potholes are usually separate? We have lots of complaints about potholes around here, so we have to get to those.

**Karin Meyers, 159 Broadway:** The sidewalk on Warburton over the bridge is severely pitted on both north and south. Are there any plans to deal with that?

**Mayor Kinnally:** The entire bridge structure is a county facility. It is not something that we want to maintain or repair because then we are stuck with it, but we will look into it.

**Randy Paradise, 35 Floral Drive:** I want to make sure that the catchbasins and the storm drains are raised to the proper level of the street when the resurfacing is done. Last year, when Circle Drive and Ferndale was resurfaced, the storm drain at the intersection where Circle Drive breaks off from Ferndale was not raised at all; it is such a hole in the street that people drive onto the opposite side of the road in order to avoid it.

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 receive bids for street resurfacing.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin		Absent
Mayor Wm. Lee Kinnally, Jr.	X	

### **69:06 ENGINEERING SERVICES – QUARRY LANDFILL CLOSURE PLAN**

**Mayor Kinnally:** We have had a number of discussions recently concerning the closure of the landfill at the quarry and development of that property. The DEC has indicated that we have to have an engineering report before they will move forward with their certification that we can use the property. Malcolm Pirnie has worked with us in the past. They have been on the site and have taken note of the written materials we have. They believe that they can do what needs to be done for an amount not to exceed \$10,000. The recommendation of the Manager is that we go forward with Malcolm Pirnie.

**Trustee Apel:** I am delighted that it is coming up. We have to move this along.

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 accept the proposal of Malcolm Pirnie, Inc, White Plains, New York for an amount not to exceed \$10,000.00 to be paid from the general fund for certain engineering services regarding the Quarry Landfill Closure Investigation Plan.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin		Absent
Mayor Wm. Lee Kinnally, Jr.	X	

**70:06 SCHEDULE PUBLIC HEARING – LOCAL WATERFRONT  
REVITALIZATION PROGRAM DRAFT PLAN**

**Mayor Kinnally:** We have had the draft before us for quite a while. I circulated comments today from our special counsel on the draft plan. We have comments from the state and from Phil Karmel, the chair of the LWRP committee. Phil could not be here tonight. This next step is but one step in a long process and, if for no other reason than to solicit public input and comments on the draft, it should move forward. Phil thinks that even with the comprehensive plan going forward, the LWRP process should continue, and thinks it is beneficial for the Village that we move this forward. Not to short-circuit anything, not to derail the comprehensive plan, but as a component of it.

**Trustee Quinlan:** I have grave reservations about scheduling a public hearing on the LWRP. I think that now that we are starting the movement for a comprehensive plan, it does not make any sense to have a unilateral movement on the LWRP. We could wait until we form the final comprehensive plan committee and let them study it. To have a public hearing or adopt a LWRP not intimately in the process of a comprehensive plan defeats the purpose. The waterfront will be the most significant development that this village has ever seen, and they should be done together.

There are too many unanswered questions about the effect of having a public hearing and accepting the LWRP outside of the comprehensive plan. No one knows what that means. We do not know what the developers or anybody else might do independently about that. The LWRP has been in existence since 1997. It is now 2006, and I do not see why we have to rush ahead to do it now. This issue was thoroughly debated in the last election, and examined by the public. There was a difference of opinion about the LWRP moving independently of the comprehensive plan, or actually being a comprehensive plan. The outcome of that election indicated that the majority of the people in the Village would like to see a comprehensive plan, and I am elected to go forward on that at this time.

**Mayor Kinnally:** I follow your comments and reasoning. But all we are doing is holding a public hearing, and I do not think the election in 2006 was a mandate on the LWRP. The state fully expects that this process will continue.

**Trustee Quinlan:** It will continue in the context of the comprehensive plan. There is a more subtle debate going on here, on whether we already have a comprehensive plan, which I do not think we do. There are a lot of people that believe we do, a lot of people that believe the LWRP is part of that and the vision plan and the zoning altogether create a comprehensive plan, which I do not happen to agree with. My question is, why, after nine years, that we have to move forward. It possibly could derail a comprehensive plan. Why approve and accept something on the waterfront that is outside of the comprehensive plan? Why cannot they get together?

**Mayor Kinnally:** We are not approving or accepting it. All we are doing is calling for a public hearing, which is part of the state-mandated process. I cannot remember anything that came out of last year's election that dealt with stopping the LWRP because we might have a comprehensive plan. But even if it did, even if it was discussed, this is a Board of Trustees that is supposed to make decisions about what is best for the Village. The state is not going to be happy if this process is put on the back burner. The question that you raised: why now, after nine years, are we going to have a public hearing? Because that is where we are in the process. We could not have it five years ago because we did not have a draft plan. The same give-and-take, the same review, the facts are there. They were vetted, they were reviewed, in any number of public meetings by the LWRP committee. That is exactly what they were appointed to do.

It is foolhardy at this point to say we have invested nine years in a process, I want to put the brakes on it because we are going to have a process dealing with the entire Village. The waterfront is part of the entire Village. I would hope that we are not going to reinvent the wheel in going through the comprehensive plan dealing with the waterfront component. If

there is any part of the Village that has been studied it is the waterfront. We have gone through any number of studies and plans and surveys and reviews and public discussion on it. I am not saying that the comprehensive plan is not going to discuss the waterfront; of course they are. But I would hope as a starting point, they will use the resources that are coming out of the LWRP process. If they do not, then the whole thing may be a waste of time. They do not have to buy into all of it, and I know that part of the problem is the number of units that are in the draft text. But so be it, that is part of the public comment that we are hoping to foster in the public hearing.

**Trustee Quinlan:** I agree with you that I hope that the comprehensive plan committee would take a very hard and strong look at the LWRP. I can envision a chapter of the comprehensive plan entitled "Waterfront," and I can see the whole LWRP book as that chapter. Then we can debate the number of residential units and the height etc.

The LWRP is a great study, and in my opinion, 90% of it is good. I would like to see the waterfront developed, with a few modifications as we have discussed already in terms of residential units and height. But I think that it should be part of the comprehensive plan. When we have the public hearings on the comprehensive plan we can have the public hearings on the LWRP. I do not think the comprehensive plan is that complicated. I do not think it should take that long. We have different villages to look at: Dobbs Ferry, Irvington, Sleepy Hollow, Croton that have comprehensive plans. I think we can do this probably within a year, or two. I do not see why we have to go forward independently with the LWRP when we can do it all together in the comprehensive plan.

**Trustee Apel:** I was the one who regenerated the concept of the comprehensive plan at the time when Phil Karmel brought us the LWRP. The reasoning was that we seem to do things piecemeal and then we look at it later. It had nothing to do with whether the LWRP report is good or bad. We were at a point in time when the largest piece of property in the Village is coming up for discussion. I remember saying that I was concerned about demographics and the amount of people and other issues in the whole Village that would affect what would happen on the waterfront. We might make decisions that we cannot have that many people anyplace. So we do not really know that.

I agree with my colleague about folding it into the comprehensive plan. Is there a legal reason that we have to have the public hearing now? And once you initiate that, is there a legal time period which we have to adhere to?

**Mayor Kinnally:** Does one follow the other within a certain amount of time? Not that I know of. The expectation of the department of state is that the process continues. The cover letter to Angie from the department of state reads as follows: "Once the Village has addressed the comments, including draft text of all proposed local laws for the appendices, please send us two paper copies of the revised document. We will then have DOS legal counsel review the draft LWRP report, which may result in additional revisions required before we accept the draft, as ready for 60-day review. The Village should proceed with a coordinated SEQRA review beginning with a notice of intent for the Village Board to serve as lead agency. I look forward to working with you in advance of the Village LWRP."

So it is fully expected that the process continue, but it is not imminent that anything is going to happen, because all of this has to go to the state anyway for review.

**Trustee Apel:** I am just talking about the process. If we have a public hearing and we hear what everybody says, then we are going to have to draw some conclusions at the end of the public hearing or whatever time. Then we are going to be put in a position to say whether we accept the LWRP plan with reservations or with exceptions or codicils or whatever else, and we will have gone through a process. And then people will be all excited about that process, and then halt it because it is contingent upon whatever is decided through the comprehensive plan. So the question is, do we want to start the process now and get people all excited about it, and then say we are going to hold off because we are waiting for the comprehensive plan? Or would you rather wait, let us get the committee together and then have the hearing?

**Trustee Swiderski:** In his letter to the Board Phil mentioned outstanding grants that were contingent upon the next steps. Angie, can you speak to that?

**Village Planner Witkowski:** The first one is the \$30,000 for the LWRP plan itself, which was for Cashin Associates to assist us in completing the draft. That grant term expired, and I had asked for an extension but they would not grant it because we are so close to finishing it. There is still about \$7,000 left and we cannot get the final reimbursement until the work is finished. We will have to respond to comments that we have received already from the department of state and from Mark Chertok. The idea for the public hearing was to have additional public input to incorporate into the next revised draft which will then be sent to the department of state for further review.

**Trustee Apel:** My concern is that if we go through the process to the end before we have the comprehensive plan, are we obligated? Can we accept it in total, in part, do we want to do that at all? Where is our obligation, if we are doing this before we have the



comprehensive plan? I do not want to be pushed into a corner to have to accept something, and then say we changed our mind, we do not want to do any of these things.

**Village Planner Witkowski:** It can be an element of the comprehensive plan. They do not have to be done totally at the same time.

**Trustee Apel:** I understand that. But if we have decided that because of all the cars and people and traffic that we cannot have 250 units of housing, 10 units of housing, we can have only five units of housing down there...

**Mayor Kinnally:** We will have that discussion.

**Trustee Apel:** We have to have it after you have the discussion about the whole community, which is all under the comprehensive plan, first. I do not want to make a decision on a piece of property when we are not discussing the rest of the Village. We need to do it in context of the whole Village.

**Mayor Kinnally:** All due respect, we are talking about scheduling a public hearing, not having a decision on the number of units on the waterfront.

**Trustee Apel:** But where does that put us?

**Mayor Kinnally:** It puts us in the situation where we will get input from the public, which is exactly what the public hearing process is designed to do. You are not going to have a different subset of residents and concerns that are going to come out talking about the comprehensive plan and the waterfront from those people who came out and talked about the LWRP process and the waterfront. It is the same waterfront, it is the same community, it is the same concerns. I do not see how the result is going to be any different.

**Trustee Apel:** Just as long as we are not backing into a process where we have the public hearing, and then in 30 days we have to do this, 90 days we have to do this.

**Mayor Kinnally:** It does not appear that that is the case, from reading the letter.

**Trustee Swiderski:** Were there other grants?

**Village Planner Witkowski:** It amounts to over \$300,000, and we do not want to risk losing it or having to give any back.

**Trustee Swiderski:** But is that a real risk? What is the timing on those grants?

**Village Planner Witkowski:** The next one is the LWRP implementation, which we want to get started on fairly soon. That would be the zoning text and any revisions that we want to make to the MWB, and also the setting up a local development corporation, and the design guidelines for the zoning district. That is \$60,000.

**Trustee Apel:** And what about the end dates?

**Village Planner Witkowski:** They write them for a year, and then you ask for an extension and they will extend it as long as they know that you are continuing with the process.

**Trustee Apel:** So would they not feel that we are continuing with the process if we are putting it in the context of a comprehensive plan?

**Village Planner Witkowski:** No, because it is separate from that. That is a different process.

**Trustee Apel:** I do not want to rezone that property until the comprehensive plan is finished, period. So wherever this fits in the context, I want it in the context of that. If we want to have a public hearing because people have seen this and they want to talk about it, they can talk about it. But I do not want it to go any further until the comprehensive plan is in full process and is part of that process.

**Mayor Kinnally:** I must say that this was not part of the discussion when we talked about the comprehensive plan committee and the concept of the comprehensive plan.

**Trustee Apel:** But what is a comprehensive plan? Only on part of the property, but not the waterfront?

**Mayor Kinnally:** Nobody is excluding the waterfront. But this was not discussed by the Board of Trustees in open session when we were talking about the establishment of the comprehensive plan. It is curious now that the LWRP process is being derailed because of this. It sends a message to the LWRP committee that is not going to be well received.

**Trustee Apel:** I do not want to get into that.

**Mayor Kinnally:** Well, I do because I think it is pretty important, if you are going to solicit people in the community to give a great deal of time to work on a process, and then say, sorry, guys, but because of the mandate in the last election we are not going forward with it.

**Trustee Apel:** It has nothing to do with the mandate in the last election. I have always wanted a comprehensive plan. And I would like to go back and look at the minutes of that meeting because I am pretty sure that after it was brought up I said now we better have a comprehensive plan because there are other issues that needed to be looked at before the LWRP could be finalized. So I disagree with you.

**Mayor Kinnally:** Okay, Peter, you had the floor.

**Trustee Swiderski:** Waiting for you to walk through the grants.

**Village Planner Witkowski:** The other one is \$150,000 for the waterfront infrastructure. We would like to be able to get going on that fairly soon so it can coincide with remediation design work ARCO is doing. Then we had the waterfront redevelopment plan. This is a closed contract. That was \$50,000. The waterfront strategy study that Saratoga Associates did was \$10,000. That is closed. The three that are open are the LWRP plan itself, the plan implementation, and the waterfront infrastructure. So that is \$240,000.

**Trustee Swiderski:** I see the logic of what Marge is saying regarding rezoning out of the context of a comprehensive plan that attempts to look at things holistically. My concern is that Jerry's optimism about how such a planning process will progress will not keep up with the realities on the ground, especially around the remediation plan. We are not moving quickly enough to anticipate what is going to be there to ensure that when this remediation is done it incorporates the likely facts into remediation: specifically, the laying of conduits where there are likely to be roads; the subsurface preparation. If we do not plan for that now it is going to cost us much more dearly down the road. I do not know if we can separate that from the zoning. Ideally, we go for the grant that covers the preparation for the infrastructure, but not the zoning, because it saves us serious money down the road and time. I am worried that we will become the bottleneck that will cost us millions down the road. To avoid the bottleneck, some forward movement on the LWRP seems to make sense. I join you, Marge, in a concern that the bar is slamming down in the roller coaster, and you are off because you have initiated a process. I am afraid that this will trigger that, but on the other hand I do not want to throw out 10 years of work, probably four or five thousand hours of work, on a comprehensive planning process that may take years to come to a final conclusion: I do not think it is a year. I worry that this will delay things.

I do not know if it is possible to square the circle. I do not know if this LWRP process is effectively the jump-starting of part of this comprehensive planning process. It has already been underway on this plot of land, but at least see if we can use part of that, especially on the infrastructure issues, to determine what is going to be there. For me, that is a compelling enough reason to at least have the public hearing, see if there is any sense of consensus around whether the bold stroke ideas in the LWRP make sense. If there is not agreement, then we delay things. But if there is, and we can get that grant and at least ensure that the remediation plan which is being written now incorporates the reality of what is likely be there, fiscally it seems to make sense. I worry about fiscal issues enough to want to save serious money down the road by properly planning for it now. So my feeling is let us move forward. But I agree, zoning is probably not in the near future.

**Mayor Kinnally:** There is an amount of credibility and goodwill that has been built up between us and the state over a number of years. We have a good track record, the administration of the grants has been good, the follow through has been good. That will dissipate if Albany finds out that the Village is not moving forward for whatever reason. I do not think we should slam on the brakes and say we are not going to go forward with it. I have to look at the bigger picture and say that I do not want to jeopardize that political capital that we have in the bank. If we have a problem let us go to the department of state and say, here are our concerns, but we do not want to derail the process.

There is a tremendous amount of momentum built up here. People have spent countless hours on this thing, and the public is ready for it. When Phil came here the Board said don't delay this; get it out there for the public to review. To what end? If we were going to derail it at that point, why was everybody so anxious to get it on the web site? Because they wanted the people to read it and to react to it. Now you are saying, no, we are on to something else. We should schedule the public hearing, go forward with the state, explain the situation to the state. It sends the wrong message to many constituencies to say we are not moving forward on this thing. It is shortsighted to say that we are not going to solicit community input on something that has been underway for nine years. I would ask my colleagues to reconsider this. You have to show the state some good faith effort to moving forward on this process.

**Village Planner Witkowski:** I am in the process of writing a grant application to the Hudson River Valley Greenway for the comprehensive plan; we are in the Compact now so we are eligible to apply for more than the normal \$10,000. It is due on Friday. I do not think they would appreciate...

**Mayor Kinnally:** I do not think so. I hope I do not hear the sound of spinning wheels. The political capital thing is a real thing. Years ago, when we went to the state for things, they just looked at us and said, you are never going to follow through on them, we are not going to waste our time. There are a lot of candidates, as you know, putting grant applications in.

**Trustee Apel:** I do not want you to think that we are not going to follow through. I think that is not what we are saying. We are saying we are following through in a different way.

**Mayor Kinnally:** No, I did not misconstrue your message, Marge. But it is the delay which is the real impediment here.

**Trustee Quinlan:** It must be clear that I appreciate all the work that the LWRP committee did, and I think they did a great job. I like that document. I like the plans for the waterfront. As I said before, 90% of them I would agree with. Again, I would like to see a chapter of the comprehensive plan be said LWRP and see what people think. But if you plan for the waterfront outside of a comprehensive plan you are basically derailing a comprehensive plan. What is a comprehensive plan without the waterfront?

**Mayor Kinnally:** You would not have one, but this does not exclude the waterfront process, part of it, from the comprehensive plan. As I said before, the same people, the same comments are going to be grist for the mill in the comprehensive plan.

**Trustee Quinlan:** That letter even gives me some hesitation. Let us say we have the public hearing and we decide on a draft, we send it up to the state and they send back the revisions, and then we send it back to them and they approve it independent of the comprehensive plan. And then we have the comprehensive plan and there are changes. But it has already been approved by the state, so where are we then?

**Mayor Kinnally:** So you go back to them, as long as any changes in the zoning text or whatever are consistent with what we are talking about. But it is not going to be approved unless and until the Village Board says, here is the number we want in there. The future of the waterfront is still in our hands. You can continue that debate. What you are doing is postponing everything. And Marge, I understand. It is a timing issue. But if you think that the process on the waterfront is going to stop, the cleanup and everything else, while we deal with everything else up here in various committees, you are sadly mistaken.

**Trustee Quinlan:** We do not want it to.

**Mayor Kinnally:** You may not want it to, but the net effect is that it is going to happen.

**Trustee Quinlan:** I just have one more question. Why now, after nine years?

**Mayor Kinnally:** You cannot hold the public hearing on a draft LWRP report until you have the draft LWRP report. One follows the other.

**Trustee Quinlan:** I understand that, but why nine years?

**Mayor Kinnally:** Because it took a great deal of time to get all this information together. You cannot seriously be criticizing the committee for taking nine years to generate something, are you?

**Trustee Quinlan:** No, but I do not know why we could not wait a few months to have a public hearing. Let us schedule it for February or March or April.

**Mayor Kinnally:** It is not going to be a few more months. You say at the end of the comprehensive process we will have the public hearing on the LWRP report. You think it is two or three months, or four months. It is not going to happen. You are not going to finish the comprehensive plan process in three or four months.

**Trustee Quinlan:** I understand that. The problem is going ahead with the LWRP now seems like we are derailing the comprehensive plan. I say hold it off until the comprehensive plan, and you say holding it off until the comprehensive plan is derailing the LWRP. That is the debate.

**Village Planner Witkowski:** It could be a very positive thing for the comprehensive plan effort to have a public hearing because some of those comments on the plan could help the comprehensive plan committee in giving them some sense of what people are thinking as they move forward in that process.

**Trustee Swiderski:** I wish we had a wall chart where I understood the short-, medium-, and long-term life cycle of what needs to be in place on the waterfront in terms of zoning, etc., at which points relative to the cleanup, so that we do not run into any problems where things are being sold off and we have lost control over the zoning. I want to understand how the LWRP fits into a zoning process which fits into the reclamation of the waterfront, and if a delay in the LWRP process will result in delay or any risk to the Village on the cleanup of the waterfront. I do not know if that is an answer that you can easily get. But that sequence of events has always confused me: what has to happen in what order. Without that, I am going blind on the relative importance of the LWRP to the revitalization of the waterfront.

**Mayor Kinnally:** Peter, you think that would be helpful in resolving this issue here?

**Trustee Swiderski:** I am not sure. Well certainly, in part, this issue.

**Mayor Kinnally:** Do you want to put this over to our next meeting to see if we can generate that information?

**Trustee Swiderski:** Would that be useful, or are your minds made up either way?

**Trustee Apel:** It would be useful information. It is important to know and yes, it would be helpful.

**Trustee Quinlan:** It would be interesting to see how someone charts how you want to put these things together. And also the three grants that are still out there, I would like to see a timeline. When did we get them, when did that expire, when did we get the extension, how long is the extension, when will it expire, can we get another extension.

**Mayor Kinnally:** She can give you some of the information right now.

**Village Planner Witkowski:** The LWRP that expired March 31, 2006 that we need to wrap up was awarded in 1998. The LWRP implementation was awarded in December, 2002, and was extended to March 31, 2007. The waterfront infrastructure was awarded in January, 2004, and extended to March 31, 2007. One of my first tasks when I started as Planning Director was to work with the state to get those contracts in place because we did not have contracts in place until then.

**Trustee Swiderski:** Where in the planning process does the guy from BP need to understand where the infrastructure might go to incorporate it into whatever he is planning to do?

**Mayor Kinnally:** We have some information on that. Susan and I met with Dave Kalet and Mark Brekhus last week. They are moving forward with OU-2 at this point, and with revisions to OU-1. They are going to have a PRAP out for OU-2 soon. They are talking within one year for the OU-1 component.

**Trustee Swiderski:** BP will have the design complete, or the state will have signed off on it?

**Mayor Kinnally:** Both.

**Trustee Apel:** So within a year they are going to start the cleanup of OU-1.

**Mayor Kinnally:** Final engineering. You have to have the information to them so that they can get the final design plans. They are getting close to where they would like to see various footprints. All of this has got to be linked to OU-2 eventually, but part of it is linked to OU-1 because they want to do something with the bulkhead in the northwest corner. They have a pretty good idea footprint-wise, as we do, from the settlement agreement, where off-limits are going to be and things of that nature. That process is moving forward. So at the outside it is a year from now when they have to have final decisions on this. I would not be surprised if it was less.

**Trustee Apel:** They need from us what?

**Mayor Kinnally:** Where are the sewage systems, the conduits, the utilities, the no-dig areas, the public access.

**Trustee Swiderski:** When do they need to know?

**Mayor Kinnally:** I am saying between six and 12 months.

**Trustee Quinlan:** So you are saying that we have to tell them where the sewers and going to be and the electrical utilities are going to be?

**Mayor Kinnally:** The broad brush.

**Trustee Quinlan:** So are we going to have to rezone within a year?

**Mayor Kinnally:** No, it is not rezoning that it is dependent upon, but it is information about the general layout, if you will.

**Trustee Swiderski:** If we agree, generally, there is going to be a road, where that road will be.

**Trustee Quinlan:** We have BP/ARCO, and then Mobil is not even at the table.

**Mayor Kinnally:** We are not talking about Mobil. We are just talking about the Anaconda site.



**Trustee Quinlan:** But the LWRP addresses all 40 acres.

**Mayor Kinnally:** That is right.

**Village Planner Witkowski:** It addresses the whole Village.

**Trustee Quinlan:** Are we going to rezone 25 acres and then leave the other 15? I do not know whether that is good or bad. It might be only thing we can do.

**Trustee Swiderski:** You do not need zoning in place to indicate where the probability of roads are going to be, right?

**Mayor Kinnally:** That is exactly right.

**Trustee Quinlan:** But where you put your sewer lines is where you are going to put your buildings.

**Mayor Kinnally:** No, you are talking about putting a trunk line in, and a trunk line would probably go with the road. It is not going to go in a no-build area, and we know on the footprint there are certain areas that will have no structures on them. The northwest corner is going to be off-limits. The developable area is fairly well identified at this point. What is put on there, we do not know. But you are not going to have anything along the promenade, it is not going to be along the immediate river, it is not going to be on the northwest corner. All you have to do is look at the settlement agreement and you have a good idea where whatever goes there is going to be put.

So you take that area and you say, we have got to have roads, we have got to have ancillary parking, and you just keep shrinking it.

**Trustee Apel:** Sounds like it is already decided.

**Mayor Kinnally:** It is not already decided.

**Trustee Swiderski:** The confines are in place.

**Mayor Kinnally:** The confines are in place. But whatever we want to do here, the train is moving. People say it is going to take five years to design this thing. We are probably into year three of it, and it has to move forward. In fairness to the state and BP, if we want to be an active participant in it we have to step up and be ready to deal with it. That is not to say

we have got to sacrifice our deliberative process to that. Nor does it mean that we have to go ahead and rezone the property. But we have to move toward that, and that is what this whole process is going to do. Even if you were to have a discussion by the Board of Trustees about rezoning the property, that does not mean it is not part of the comprehensive plan process. I think it might sharpen the debate.

**Trustee Swiderski:** I am more focused on the infrastructure issues because of the cost impact on the Village down the road. If we do not plan accordingly, the expense of retroactively going in and making those modifications to the substructure is always far more expensive than to do it at the top.

**Mayor Kinnally:** All the debate that was generated years ago, 1989 and 1990, when we talked about the process because the cleanup costs were going to be borne by the developer. Well, here they are not. We are hoping that all the cleanup costs, the initial utilities costs and everything are going to be borne by BP, which will take the argument away from the developer that I need a greater density if I am going to make any money down here. You are trying to take that argument away because they have gotten a free ride here.

**Trustee Swiderski:** That alone is a compelling enough reason for me to move forward, with the understanding that I join Marge with no intention of rezoning anytime soon.

**Trustee Quinlan:** On the Zoning Board, if we had a 2-2 tie the variance went down. Are we faced with the same situation here?

**Mayor Kinnally:** Yes.

**Deputy Village Manager Maggiotto:** I am extremely leery of voting against this and having the state find out. I just hope nobody from the state is watching this meeting. Angie and I have heard your concerns, and I certainly understand about the timing and how we do not want to back ourselves into any corners that we cannot get out of. My suggestion would be not to act on these two resolutions tonight, and Angie and I can work together to give you a better sense of what having a public hearing means, what it then would require us to do, what it would trigger, what it would not trigger. Then at least we have not closed the door.

**Trustee Quinlan:** That would be useful. But why could we not vote on the second resolution to show them we are making progress? I have no problem designating the Board of Trustees as the lead agency. I would not want anybody else to do it. So that is progress.

**Mayor Kinnally:** I would reach out to have Phil here, and maybe get some input from Mark Chertok on the process also. But why do we not table this with the understanding that we have heard each other's arguments so we do not have to have a reprise.

**Trustee Quinlan:** I totally agree with that. My question is, if we go ahead with the LWRP will that have a negative effect on the comprehensive plan committee's ability to include the waterfront in the comprehensive plan? I want Mark to say to me, if he can, and give his legal opinion, that it is not going to derail the comprehensive plan.

**Trustee Swiderski:** Limit the flexibility in any way. I think Jerry may be reacting to something said down the line that the LWRP becomes a controlling document once it has been accepted by the state.

**Mayor Kinnally:** It means future action that is taken by the Village has to be consistent with what is in the LWRP. But if the LWRP says we want to have 250 units, I do not think that necessarily means the Board of Trustees can never revisit that. Because ultimately the Board of Trustees does the rezoning in the Village.

**Trustee Swiderski:** But the LWRP document itself is a living document? Can it be revised after it has been accepted?

**Village Planner Witkowski:** Yes.

**Trustee Swiderski:** Easily?

**Village Planner Witkowski:** I do not know. Is anything easy?

**Village Attorney Stecich:** It gets sent to the state, but you can also revise your comprehensive plan whenever. So you adopt a comprehensive plan and it frequently happens that a board considers a zoning amendment that is not consistent with the comprehensive plan. Then you modify the comprehensive plan. So presumably it is the same thing with the LWRP.

**Mayor Kinnally:** One of the concerns that Neil and I had years ago about the LWRP was the fact that the state might trump us and say we will make the final decision about what you want to do on your waterfront. The selling point was from the people from the department of state who came here and said that the ultimate decision about what you want on your waterfront is yours. If you make revisions on that, you come back to us. As long as it makes sense, you are the ones who are in control.

**Village Planner Witkowski:** One of the things Jaime Reppert from the state liked so much about our LWRP plan was that it demonstrates that there was a lot of community involvement; he said that it was one of the better ones that he has seen for that reason.

**Trustee Apel:** I do not want the people on the committee of the LWRP to think that I do not appreciate their work. They did a fabulous job. I think they would understand that I do not want to undermine what they have done by being afraid to pass it because we are going to be stuck with things we do not want, because it will not fit with our comprehensive plan. So I agree: waiting a little bit is a good idea, and then we can move along when we get the information that we have been asking for. I want to thank you because you have done a lot of work on this.

**Deputy Village Manager Maggiotto:** In 1997 I was on the committee that the Board appointed, along with Meg Walker, Jim Keaney, and Ed Weinstein, to make a recommendation on whether or not we should go forward with an LWRP. That was the main question that we had to address: what freedoms would it give us, how would it tie our hands. Clearly, it was a great benefit to the Village, and that is when it all started.

**Mayor Kinnally:** I will admit I was quite skeptical. I had great reservations about the state's interfering with our ability to control our land use. That is one reason why I resisted it for a long time. Then there were two meetings that people came down from the state and assured us that no, not at all. It was the Village's vision, it was their document; it would be adopted, there would be public input. There has been certainly a great deal of public input. And it was a living document, an organic document.

**Jim Metzger, 427 Warburton Avenue:** I agree with basically everything that was said by everybody on the Board. It was a very impassioned argument, and I appreciate everybody's thoughtful input. It has been my perception that things like the LWRP, and looking at MUPDD zoning and other things that have moved through the Board, take on a life of their own as they start to move forward. They become cast in stone, and it becomes very difficult to bring new ideas into that. It makes me nervous that the LWRP may become that process, and it may end up affecting the ultimate resolution of the comprehensive plan. As a simple example, where do we build roads that go onto the waterfront. We need additional roads going in there. The comprehensive plan may answer that.

The LWRP does not encompass the entire Village. Legally it might, but Phil Karmel said specifically that the committee was looking at things west of the train tracks. So we need to realize that they were not looking at the bigger picture of the community.

Trustee Swiderski brings up the issue that troubles me most, which is the timing. I do not want the Village to get caught in a position where somebody is knocking at our door and saying we want to do this. It is not what we want, but we do not have anything to say that legally you cannot, and we move forward on that. I do not know how we do that in the next six to 12 months. It would have been nice if we had been doing that for the last six to 12 years, but we have not. So we need to be very careful about that.

In terms of looking at the grants that are being proposed, it was somewhere in the neighborhood of about \$200 thousand dollars. We currently have about \$7 million in Village projects out there. To drive this process forward because we may lose \$30,000 or \$60,000 is a bad way to move forward in this process. As a Village citizen I would gladly give up a \$30,000 grant to make sure we are not saddled with a project that becomes a problem for the next 30 years.

**Trustee Swiderski:** I am in accord with your sentiment at the end, which is why I was picking apart the grants, trying to figure out which I would be willing to discard or not, given the relative weight. However, the grants are less important to me than the underlying infrastructure improvements that they would make as part of the remediation. That is millions.

**Mayor Kinnally:** We will table this. We will put it on for discussion and action, I hope, at our next regular Board meeting.

**71:06 DECLARATION OF LEAD AGENCY – LOCAL WATERFRONT  
REVITALIZATION PROGRAM PLAN**

**Mayor Kinnally:** I think we are ready to move on this.

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 themselves Lead Agency for the environmental review of a proposed Type 1 action pursuant to the State Environmental Quality Review Act (SEQRA) involving the adoption of the Local Waterfront Revitalization Program Plan, and be it further

**RESOLVED:** that circulation of a full Environmental Assessment Form (EAF) to interested parties is hereby authorized.

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

**72:06 NEGATIVE DECLARATION – PROPOSED CONSTRUCTION OF KAYAK/CANOE RIVER ACCESS AND PARK IMPROVEMENTS IN KINNALLY COVE**

**Deputy Village Manager Maggiotto:** You received tonight a letter from our consultants, McLaren, outlining the scope of work that the DEC would permit on the site. As Angie’s memo points out, it does not require us to do anything. But the DEC is willing to permit us to do the different elements: a boat ramp, wake deflectors, riprap, rehabilitation clearing of the debris including the remains of the hull, a 150-foot long boardwalk, and a marsh area. We had said what we were going to try to get a permit that covered the whole scope. This is an indication that we are going to get that. This is very good news, and it means that we can move ahead with whatever we decide we want to do.

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

**WHEREAS,** the Village of Hastings-on-Hudson has proposed to construct a boat launch for kayaks, canoes and other non-motorized boats, landscaping and other park improvements in Kinnally Cove; and

**WHEREAS,** the Board of Trustees on February 7, 2006 declared its intent to serve as Lead Agency for environmental review of the proposed action, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS,** a full Environmental Assessment Form (“EAF”) by the Village of Hastings-on-Hudson dated February 7, 2006, a copy of which is attached hereto, has been filed with the Board of Trustees; and

**WHEREAS,** the Mayor and the Board of Trustees have reviewed the EAF and the criteria for significance set forth in 6NYCRR § 617.7(c), now therefore be it

**RESOLVED:** that the proposed action is a Type 1 action under SEQRA, and be it further

**RESOLVED:** that the EAF is hereby accepted, and be it further

**RESOLVED:** that the proposed action will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement (“EIS”) for the reasons as set forth in the EAF.

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

**Mayor Kinnally:** Out of courtesy to the people who worked on the process this should be sent along to that committee to let them know where we are and what is being proposed. Comments that I had received were that the process is ongoing and they have not been in the loop. I would like to send this also to BP because part of some discussions we have had with BP had to do with work that they may be doing in this area. When we talked about the wave attenuator and the deflector they indicated that they may have to put up certain structures in the process of dredging in the river that might serve both purposes. A containment area for their dredging operation that they would leave in place if it would assist us. I would suggest that Board authorize me to send this along to Dave Kalet.

**Trustee Swiderski:** Where these wave attenuators are on this diagram is just off the park. Why would dredging be occurring there, and would that not be potentially washing up stuff that they are dredging up onto...

**Mayor Kinnally:** Potentially. This is part of the whole design and PRAP process with the state. I do not know where they are going to be dredging and what they are going to have to put in the way of containment in the area. They are leaving it flexible. I do not want to get ahead of myself, but there have been additional discussions and I will report on that when we

get to it. But suffice it to say that I think it might be helpful. It might give us something that we do not have now, it might not. I would rather give it to them now and have them react than two years down the road saying they wish they had had this.

**Trustee Apel:** How much longer before we can do anything? How much more time do you think the state is going to need, or take, in this process?

**Village Planner Witkowski:** The Parks, Rec, and Historic preservation grant can be fully executed as soon as we get the permit. The only things left that they need were this neg dec, because they had to have evidence that SEQRA was completed, and then the permits. I spoke with the DEC reviewer today. He has to prepare a 15-day notice for the project that we will have to publish. He said he would try and get that to me by the end of this week. If there are not any comments, then he can go ahead and get in touch the Army Corps of Engineers and they will do their sign-off as soon as the DEC has...

**Trustee Apel:** Like by the end of October?

**Village Planner Witkowski:** We have been trying to get more of an idea from the Army Corps, how long they are going to take. But I would think by the end of October.

**Trustee Apel:** So are going to be able to do anything there this fall, or we have to wait for the spring again?

**Village Planner Witkowski:** If it is by the end of October there is no reason why we cannot get started before winter.

### **VILLAGE MANAGER'S REPORT**

**Deputy Village Manager Maggiotto:** Saturday is the Hudson Valley River Ramble. In Hastings we are celebrating Rowley's Bridge. People are invited to come to Rowley's Bridge beginning at 10 a.m. and have guided tours of the trail, ending up on Warburton Avenue where, once again, ARCO and Maud's are going to provide a lunch. On Sunday the third annual Hastings-on-Hudson interfaith community blood drive will take place at St. Matthew's Lutheran Church on Farragut. Also on in the library there will be a screening and discussion of the movie *My Name Was Bill* and a book signing by the author of William Borchert who wrote *The Lois Wilson Story: When Love Is Not Enough*.



## **BOARD DISCUSSION AND COMMENTS**

### **1. Update on the Waterfront**

**Mayor Kinnally:** Susan and I met with Mark Brekhus and Dave Kalet of BP last week to review where BP is in the process and to urge BP to engage us in a discussion of open space that will be given to the Village or made available to the Village on the Anaconda site.

The progress report on OU-1 and OU-2 are as follows. OU-2, BP has come back with yet again other alternatives as far as the type of dredging and work to be done in the river. It makes sense that the high concentrations of PCBs that are found in the northwest side of OU-1 on the land exists in the river also because it is one big plume. BP has serious reservations about doing a lot of excavation in that corner because they are afraid that, in the river, it will undermine the land portion and wash away.

One of their suggestions is what they call squaring of that corner on the northwest corner, extending north in a straight line the existing bulkhead. They would fill all that in with capping and make it level with OU-1, giving them a greater area buffer. The concerns the DEC have are that you are losing river, and they do not like to lose river. So they are talking about mitigations elsewhere, which frequently happen. Fish & Wildlife is taking a position different from other components of the DEC, and they are trying to reconcile that. They are also working on modifications of OU-1, and I indicated in the past that some of those may mean minor revisions to the settlement agreement having to do with the amount of fill in various areas. The total volume of fill would not change. It does not make sense to put a tremendous amount of fill in an area that is not going to be used. If it were to be covered, for instance with a promenade, why would you put X feet of fill. You may not need it, where you could use that fill in other parts of the property. They are hoping to have resolution with the DEC by year end. They indicated that they want to move this as fast as they can. It appears to me that BP may, not just from a cost standpoint but from an effectiveness standpoint, want to sign off on something that they are confident it going to work; put the shovel in the ground once, get it sealed, and then move on.

**Trustee Swiderski:** Do you want to say anything about the discussion around the parks, parkland, open space?

**Mayor Kinnally:** There is nothing more to discuss other than I said to Dave, I understand that you have always said that we know that there is a responsibility, we are going to make it part and parcel of what we are dealing with once the design engineering is in place. He

reiterated that, and it is still on the table. We have not identified anything beyond that. That was one of two things emphatically talked about. We are discussing removal of the stuff that is going to be removed from the site, and Dave started talking about trucking. That discussion did not last long. I do not think anybody came away with mixed signals after that discussion.

## **2. Historic Rivertowns Quadricentennial Celebration**

**Mayor Kinnally:** Historic Rivertowns of Westchester is involved with this quadricentennial celebration. There is a meeting tomorrow at Lindhurst. Can anyone attend? Angie, what is the quadricentennial?

**Village Planner Witkowski:** I went to the first meeting that they had on that. It is the 400th anniversary of Henry Hudson going up the Hudson River. The state, and also the county, want this to be a big event.

**Trustee McLaughlin:** I can go.

## **3. Proposed Fine Arts Commission**

**Trustee McLaughlin:** I had asked the Mayor to take it off tonight's agenda because I did not think I would be able to come to the meeting at all, and also because I have not been able to speak with Greenburgh's cultural commissioner, and I did want some input from them on how they do their work. But I will have it for our next meeting.

**Ms. Meyers:** I am the president of the former Gallery on the Hudson. I was here in support of anything that has to do with the arts. I have also been involved in Westchester-wide discussions of using the arts as an engine for economic development. Hastings is certainly poised to utilize the artists in the community to be a source for spurring that kind of development. If you had a site for a gallery or a venue for performance arts, it would do a lot to generate people coming to the Village and would be a good base for revenue. The gallery still exists on paper. We have never lost our non-profit designation, so we are there to be revived. I had spoken two years ago to the people involved in designing the recreation department, asking if there could be room for a gallery in that building. They thought probably it was not a good idea because of security: how would you have artworks of any considerable value in a place where people come and go? So that was left hanging there. We might have to revisit that. But I am here to help in any way I can.

#### **4. Term Limits - Boards and Commissions**

**Trustee Quinlan:** I asked that this be put on the agenda because I am going to propose that we have a resolution establishing term limits for boards and commissions. I thought we would have a preliminary discussion so I could discuss it with the Board, tell you what some of my ideas were, and with the public.

I was a subject of term limits. It is not something unusual in the Village of Hastings. The Zoning Board has term limits: no more than two consecutive five-year terms. So it is not a wild idea that has not been working in the Village for many, many years. I am proposing that the same type of law be passed for all boards and commissions, including the Board of Trustees and the Mayor. It worked well for me. I think that it gave the Zoning Board an opportunity to replace me with new blood and new ideas, and get people involved in the community. We have had no problem that I know of replacing boardmembers on the Zoning Board of Appeals. There have been numerous chairmen since I was a chairman. Al Hanson got a chance to sit up there, Dr. Magun, just to name two that did a great job. I learned a tremendous amount from Chairman Harrison, and he was subject to term limits.

My guess is that if there were not term limits on the Zoning Board of Appeals I would probably still be sitting there. Because once you learn and get involved in these things, and know what you are doing and do not make a complete idiot of yourself, the chances of your getting reappointed are probably pretty good. That is one reason I think it will work. I think it gives an opportunity for new people to get involved, new ideas, new blood. And I think there is a tendency in the Village to just reappoint people to boards and commissions if they are willing to serve and they have done a halfway decent job.

Also, I think it is important in an historical nature. I believe that the founding fathers of this country, when it came to local village government, it was supposed to be a participatory government where almost everybody in the community would participate at one time or another so that everyone could get a feel of what is happening and become interested in village government and what is happening in the village. One of the things that disturbs me greatly about this village, and the country as a whole, is how few people participate in the government and how few people even vote in an election, whether it is contested or not. By having term limits you are fostering the idea of more participation by more people in the community. A lot of people will not do things unless they are asked, and that is one thing I found out by sitting on this board in the last few months. As we are trying to replace Boardmembers that either retired, or vacancies, as you approach people and ask them, very few people say no.

It is not a new idea. The Presidents of the United States have term limits, the Mayor of the City of New York has term limits. It has been debated throughout the country, and I think it is time for Hastings to have them, too. What I am suggesting is ten year limits. I am also suggesting that the people sitting on the boards be grandfathered in until the end of their terms. I think in terms of the Board of Trustees, the current members could be grandfathered in for life, if they so choose, or they could voluntarily submit to a ten year limit, which I personally would be willing to do. I think that the Mayor is different from the Board members, so that theoretically he could be on the Board of Trustees for 10 years and then be mayor for 10 years. And then after 20 years you would be off.

**Trustee McLaughlin:** When Jerry and I were beginning our campaign for the seats we now hold Jerry brought up term limits, and I disagreed with him. And then it occurred to me, I recalled that when I was in high school or college the president of Harvard, James B. Conant, had written a book. He said that when a man has been president of Harvard for seven years he should step down because he has either done what he set out to accomplish or he has failed, in which case he should step down. In these more enlightened times women can not only be president of Harvard but possibly Mayor of Hastings. I find that I agree with him.

Having served on a variety of boards, I realize that I have gotten less effective over time. There is a learning curve, and then it peaks, and then one grows stale. I am sure that I am not alone in having had that. I've found that to be true with the League of Women Voters; I found that to be true with the Beczak Environmental Center. Much as I loved both of those organizations, when I stepped down from their boards it was time that I did. And when I realized those things I began to look with greater favor on the idea of term limits, and I have to agree with Jerry that I would be willing to subject myself to them as well. I am surprised that I moved around to that way of thinking. I would have said six months ago that that is not how I would feel, but I now agree with Jerry.

**Trustee Apel:** Jerry and I have talked about this. I understand the reason for not having it and for having it, but in a small community it is an opportunity to have more people participate, which you normally wouldn't because you reappoint the people that you have.

There is another point which Jerry didn't mention. If you want to refresh a board, and you have people that are already on the board, you would have to ask those people to go off the board. Some people get hurt by being asked to go off the board. But if they knew that their term was whatever is decided, they know that is their term and then they would move on and then somebody else would come and take their place. I would like to discuss more about it, hear more about it, before I made any final decision. But there are pluses and there are minuses.

**Trustee Swiderski:** There is a qualitative difference between the boards and commissions and the Board of Trustees. I agree with the concept of term limits, at least at the shallow level of thinking I have engaged in so far on the commissions and boards, because the desire not to hurt your neighbor or humiliate somebody by removing them may override a person's diminished effectiveness over time and perhaps they should be moving on. There, I can see the logic for setting a sunset to push some turnover.

There is some irony here because I ran for an open seat. However, the three other Boardmembers, Mayor excepted, I do not know his history as well, are evidence of the process of elections removing Trustees that no longer reflect the public will. When it comes to an elected position, if you have hit your stride and the public supports you, an artificial limit restricts that public's freedom to reelect you if you are in sync with the public, and I do not know if an artificial limit is necessary. If your utility to the town has dropped to the point that they no longer want you there, it is an elected position and that will become clear in two years' time. I am far more ambivalent, and that is not self-interest but is the reality of the electoral process, on a term limit on the Board of Trustees. Diggitt and Jerry are excellent recent examples of term limits in action, dynamically exercised through the electoral process, and that feels right to me. When it comes to the boards and commissions, I can see a logic for it. Though I can think of individual cases where I would wince to see the loss of knowledge and capability from a board, I do not know if exceptions can be made to term limits. I can imagine circumstances where I would want them. But I imagine the Board could structure any term limit law to allow for the occasional exception if it was somebody truly exceptional. But overall, I think the concept of a limit on the appointed boards makes sense.

**Mayor Kinnally:** Peter, in answer to your question, when I first ran for the Board of Trustees I ran against an incumbent. When I ran for mayor it was an open seat.

Term limits on elected wreaked havoc in California because there were some good that had to get out. What has happened in California is that it has vested power in staff rather than in the elected officials because it is the staff that has the institutional memory, it is the staff that is not being replaced. It has changed the balance of power in the state legislature in California to the staff rather than to the elected officials.

In New York is it interesting. John Spencer was a great proponent of term limits in Yonkers. If you want to have an exercise in revisionist history, have a discussion with John about the folly of term limits now that he is out of office. I remember having a call from Nancy Hand in Bronxville a number of years ago. She was a big proponent of this, and a number of

communities in the county were looking at this. She asked me if I was interested in signing on, and I said no. First of all, if there is a lack of effectiveness of anybody the electorate sees it pretty quickly, especially with television. But worse than that, it disenfranchises the public. You cannot vote for the person you think is the best person because the law says that the best person may be disqualified from running. To me, that is counterproductive to what is hoping to be accomplished. It is all well and good to say that you want new blood in elected positions. And I would not be here if we had term limits. But what you are saying to the public is, I do not care who you think the best person is; that person is going to be disqualified by no other reason than he or she has been in a position for a number of years. That person may be invaluable; everybody can be replaced. But you are saying to the public, you cannot exercise your right to vote for that person. It is an anti-populace sentiment. You may be voting in new people, but they are not the people that you may want to run.

I am not in favor of this. Experience shows that it is not a wise thing to do, and that the people who come to the realization of the error of their ways are the incumbents who are being shown the door. Boards and commissions are a different thing. Jerry, you chafed under the two five-year terms. I do not know how it came to be. It was here when I came.

**Trustee McLaughlin:** It is law, is it not?

**Mayor Kinnally:** I do not know if it is a state law. I would like to ask Marianne to look into this. But I had heard that it was state law, and Marianne says to me it is not. So it may be an aberration here. You are hamstringing the elected officials because the elected officials; it takes the decision-making process away from the Board of Trustees. People so get replaced. We had a situation this year, someone was replaced. And people have come to me and offered to step down. But I can think of situations over the years where I would hate to have the loss of people on various boards and commissions simply because they have been there too long. The reason they were there so long is because they did one great job on that board or commission and were able to not only be an effective member, but a facilitator, a leader. They demonstrated that they could work through the process and just make the whole thing work.

I understand the need to get new blood, but it is the inability to use the tried and true old blood that is the pernicious part of the whole thing. Just by the fact that you get new members on the Board of Trustees you get new ideas of people who can come on boards and commissions and it shows recently that it works. The electorate is not that dumb; if someone is not doing their job they will be elected out of office, and that is the best term limit in the world. But this is preliminary. We will listen to everybody, and we will have some interesting discussion from people. I would urge my colleagues to talk to people in other

layers of government about term limits. Take a look at the City of New York. The mayor cannot run for reelection. Rudy Giuliani, in the wake of the September 11 attacks, could not run for reelection. Was it the best thing? We will never know that, but if the city, any municipality, is in the middle of a crisis maybe the best thing to do is to stay with the person who has been helping you with that crisis.

**Trustee Quinlan:** Peter and Lee, I understand your point about elected officials and I appreciate it. That is really where the debate lies. Is it the electorate that should do it, or should other people be given a chance? We all know the power of incumbency, and the things you can do for people on a board that you cannot do when you have not been on a board are very powerful. Senator Spano is running against Andrea Stewart-Cousins. My wife is a nurse. He has done a lot for the New York State Nurses Association. He sent out a newsletter saying the things that he has done for them. Andrea Stewart-Cousins cannot send out the same letter because she is a county legislator and she cannot do for the nurses what Senator Spano can. Senator Spano and the Republicans in Albany are now giving us a rebate for our school taxes in an election year. That is something that is going to affect us all, and we are all really happy we are getting \$600. We are not happy that we have the highest school taxes to give such a rebate. But these are the things that an incumbent can do that gives him a power over someone who is running that is not an incumbent.

Lee, you say that it is sad that Giuliani could not run for reelection, and yet if he could not we would not have Mayor Bloomberg. On the other hand, I know I am not sad that President Bush cannot run for reelection. I am very happy he cannot and I am very happy there are term limits. I do not know if any Democrat could beat him because of the power of the presidency and the power that they hold: flying around in Air Force One and going to everything. Term limits levels the playing field for the Democratic process.

So that is the debate, and it is interesting and I understand both sides. How much more debate do we need? We can have a resolution that can be voted up or down. But it is something that was discussed much in the campaign, and I think that we have a responsibility to let the Board vote it up or down.

**Mayor Kinnally:** But Jerry, the mere fact that there may have been discussion in the campaign does not mean it is not going to be discussed on the Board of Trustees.

**Trustee Quinlan:** No, I want it discussed. I want it thoroughly discussed. But how much more does it have to be discussed before the resolution?

**Mayor Kinnally:** I think we need some more information.

**Trustee McLaughlin:** Yes.

**Trustee Quinlan:** Like what?

**Mayor Kinnally:** Like going out and seeing what the experience in other communities is.

**Trustee Quinlan:** Well, who is going to go out and do that?

**Mayor Kinnally:** How about the Trustees?

**Trustee Quinlan:** So how long is it going to take everyone else to do this?

**Mayor Kinnally:** I do not know, but pick up the phone and talk to some people and see. Maybe NYCOM has some information on whether or not there are term limits. But we can put it on for further discussion next time, if you want to. I do not know if the Board is going to be ready.

**Trustee Quinlan:** No, we have too much on the plate for September 26. But I do not want to have it disappear into discussion space. We can discuss it, and I urge everyone to go out and talk to your fellow Trustees, and call up the Council of Mayors, and think about it, and go to the library and ruminate about it, read about it. But it is something that I think we can do in a relatively short period of time, like in the next four to six months.

**Mayor Kinnally:** Yeah, and if Marianne can take a look at the issue of...

**Trustee Quinlan:** Legality. Is there a state law that zoning boards have to have term limits?

**Village Attorney Stecich:** No, it is the village law that sets the requirements for the zoning board and the planning board members, and there is no limit on the terms. It is just a fluke in the Hastings law, and I do not know why it is there and I questioned it from when I first looked at the law: why do you have them for one and not the other.

**Trustee Quinlan:** When we have this resolution--and we are going to have a resolution whether it should apply to boards and commissions, and we will have the debate on whether it should apply to elected officials also--but if the majority of the Board feels that there should be no term limits for boards and commissions, much less the Board of Trustees, then I think we should consider getting rid of it on the Zoning Board of Appeals.



**Village Attorney Stecich:** There is one legal question I do want to follow up on. When I saw the matter on the agenda I did a quick search. There is a 1982 comptroller's opinion, and I tried to follow it up to see whether there was anything more recent, either upholding it or saying it is wrong, that you could not put out limits on zoning board and planning board members. I would like to follow up on that.

**Deputy Village Manager Maggiotto:** It seems like this is something that needs a more organized approach, a subcommittee or a group that would look into all these different things and prepare something in a written form that we can all look at.

**Mayor Kinnally:** Jerry, you are the chair of that subcommittee. You and somebody else on the Board. Who wants to be part of it?

**Trustee McLaughlin:** I will do it.

**Mayor Kinnally:** You and Diggitt report back to us by November.

**Trustee Quinlan:** On what?

**Mayor Kinnally:** On what you find in the landscape in the state.

**Deputy Village Manager Maggiotto:** I would volunteer to be the staff resource.

**Trustee Quinlan:** I do not have any questions. The only question I have is whether it is legal. If it is legal I want to do it, and if it is not legal I do not.

**Mayor Kinnally:** I think in fairness to the process that you may not have the questions, but you should see what the experience in communities that have had it; five, ten years down the road have they gone back? Why have they gone back? Has there been a problem in getting people? Some of the smaller communities upstate could never have term limits; there are 700 people in villages upstate. They would not have enough people to fill the slots. But you there may be some communities that signed on and then said this is not working. Let us find that out.

**Trustee Quinlan:** I will certainly find out what I can, but I think that that is a complete delaying process. Every time we send these things down to committees and form committees...

**Mayor Kinnally:** Jerry, you are the one who will generate the information. I would think that you would be somewhat incentivized to get it done quickly.

**Trustee Quinlan:** Well, I do not think a community that has 700 people in upstate New York, that I have to go up and ask them what they think. Because they have 700 people and we have 7,000.

**Mayor Kinnally:** I know, but you can call the communities just in Westchester and see if they have dealt with it. You may not need that information, but maybe some of my colleagues do need the information. But you were saying how does it work. You would like to have as much information in front of you as possible.

**Trustee Swiderski:** If you are claiming this as an intellectual debate, put the facts on the table and let us understand the play among the various communities. A campaign promise, lots of them are made. Not all of them are good, and I can think of a couple I made that I have not fulfilled. It does not necessarily mean just because it feels right that it is right. I am curious as to what other towns have done. The argument about incumbency works when you talk about a Spano with money to distribute. We do not have the same sort of equivalent power of incumbency. At this level, the power of incumbency is simply because our face is on the TV. Apparently, that did not do any good for Mike or Bruce. It is not an overwhelming power. The electoral process at this level is different than Spano or Bush because of the scale and because of the information people have access to and the personal connections you can make door-to-door which a Bush or a Spano cannot do as easily. So that argument does not wash at this level. Talking to the communities around us and seeing what NYCOM says is the experience across New York State simply provides us with a better understanding of whether we are doing something rash or not.

**Trustee Quinlan:** I disagree with you.

**Trustee McLaughlin:** Looking at history really is not necessarily the place where we are going to find the information we need. George Washington decided he wanted to go back to Mt. Vernon, and so subsequent presidents, basically honoring his tradition until FDR, stayed at two terms. That was an historical fluke. It just happened that way, and it was honored. But that was a different time. There was not the Internet, there was not TV. Washington was old, Bush is young, Clinton is young. There are a million reasons why you cannot draw a parallel between now and then. If there were term limits in Congress, John Quincy Adams would not have gone from the White House to Congress and been in Congress for 28 years serving his country most nobly. John Quincy Adams is a marvelous argument against term limits. We can probably all name 20 hacks who are terrific arguments for term limits. If you

are going to talk about Giuliani, Giuliani in fact, tried to postpone the election so that he would not have to give up power.

It would be a good thing for you and me as our little committee to look at communities with, say, between six and 10 thousand in metropolitan suburban areas and find out what their experience has been. In terms of making this decision for the Village of Hastings it is information that would be useful for us to have. If NYCOM has it, that is great. If we have to find it ourselves, fine.

**Trustee Quinlan:** We will report back as soon as we can. I would like to have people's positions put on a resolution as soon as possible on t how they feel about this issue. I think a lot of people care about it, and I think it is an important issue.

**Mr. Metzger:** With all due respect, Marianne, I believe that you are incorrect about the Zoning Board of Appeals. I believe that the state law that governs villages says that when the Zoning Board of Appeals is formed that there shall be either five or seven members chosen at the initial formation. And at the end of one year, one person shall resign from the board or shall be asked to leave, and a new member will come on. At the second year a second person will leave. Therefore, each person will serve either five or seven years, depending upon the number of people on the board. And that there are, in fact, very definite time limits that are imposed by the state in village law. Those same time limits do not apply to the Planning Board, only to the Zoning Board. I would be happy to send you the reference that I have to that. I downloaded that quite a number of months ago when I was talking with Trustee Quinlan about term limits.

I do not believe that voting somebody out of office precludes the idea of terms limits. Even in a small community it is not difficult to consolidate a small power base, whether it is through dealings with various organizations within the village, fire department/police department/DPW, that can exert a certain amount of undue influence in how that person would come to be reelected. For the record on term limits, while I hate to see good people go I think that the potential for abuse for power is something that needs to be looked at.

**Mr. Paradise:** I am not on any boards or commissions. I have no ambition to sit on one of those boards or commissions, have not run for anything, do not see myself running for anything.

I came here to tell you about my father. I grew up in the town of Skokie, a large suburb of Chicago. My dad has sat on the planning commission for over 30 years. He has had two terms as chairman. It has been a rotating board of new blood, people who have been there

for a long time, people who leave. He serves at the pleasure of the mayor. Every four years, whoever the mayor happens to be, and I think he has outlasted about four or five of them, has the opportunity to tell him that he is no longer required. I happen to think it is because of his effectiveness and his passion for the land use questions that he has not been asked to leave. Over the last few years, and I never go home to Chicago without having to attend a planning commission, it is just part of the ritual, I have been able to see him at work. The one asset that he can bring to the board, and it comes up more frequently than you would think, that no one else can bring is the memory of questions that have been discussed before, or issues that tangentially will bring up other issues that have been brought up before. My father, because he was there, brings a knowledge to the proceedings that no one else has the ability to bring. That does not make him invaluable, but it is something that I think you have to be very careful about arbitrarily, and I think this is an arbitrary decision that would be made, throwing away.

No one needs to be kept on a board forever. No one needs to be replaced arbitrarily. If a person has a passion for what they are doing and they are doing it well, and there are other people who bring new blood to the board, I think the last thing you want is a board that is made up of all new blood. Ten years is not a particularly long time. My own experience with the commissions in this town has been pretty much with the planning commission. I have been before Rhoda Barr on three or four occasions. I have not won a single thing that I have gone up there for, but I have tremendous respect for Rhoda. I think that her time on the Board was not only a credit to this village, but of extreme use to this village at times when land use issues were really more than zoning issues. Her input and her value were tremendous.

That is what I came here to say. Now, something else completely has been brought up, and that is the question of term limits for elected officials. I really believe that that is not what this last election for a Board of Trustees was about. And I think to use that election to make this decision for the people of Hastings would be a terrible misuse of that election. The people of Hastings, I do not think, voted to have their choices and their ability to make whatever choice they wanted to make removed from them. If you strongly believe in term limits for the elected Board, you are perfectly capable of limiting your own number of terms. But to take away my choice and my wife's choice, and soon my daughter's choice, of who is the best person to carry this Village forward into the decades to come is not your choice. If anything, and I do not even think that this should be done, but if anything it would be a choice to bring before the Village as a question for a referendum. But not something, frankly, to be decided by five individuals. No matter how much you may think it is the right thing to do, no matter how much you may think that the last election was a mandate, you are tampering with other people's abilities to make their choices for what they want this village

to be in the future. And I think that every one of you thinks that that is the most important thing on the table: not new blood, not institutional memory, but our individual choices to make our decision of where we want the Village to go. Term limits takes that away from us. And if you believe in it strongly, you may limit your own terms. But do not limit my choice as to who I want to represent me on this board.

## 5. Other

**Mr. Metzger:** School started last week. What is going on with painting the crosswalks? There are now mass groups of schoolchildren waiting for buses at intersections with no painted lines, and I have seen cars are flying through intersections. It is a disgrace to the Village. I see half a crosswalk was painted on Main Street and Warburton Avenue. Did somebody go to lunch and forget to come back? Let us see if we can get somebody out there with a roller and a can of paint. If not, I have four people that have volunteered to do the job.

They DPW generally does a magnificent job in the Village. But on Warburton Avenue, in the last four months, we have had about five or six apartments that have been vacated and whether it is the landlords or people hired by the landlords, they are throwing entire apartment's worth of garbage out on the sidewalk. It will sit there for week after week after week. The only time one of these piles was picked up was before the parade. Because it was such an incredible eyesore and it would have been an amazing embarrassment to the Village, somebody decided to go pick up stuff that had been laying there for six weeks. I would like to see if the DPW sees that household trash is sitting on the sidewalk for more than two weeks they make a note of it. It cannot be that hard to write something down on a clipboard. They pick it up, and if you need to then send a ticket to the homeowner. This has become an embarrassment to the Village.

**Mayor Kinnally:** I do not disagree with you. We have talked to Mike Gunther about the lines. We were assured it would be taken care of. We have had storms. You cannot do anything during the storms, but I am not going to make any excuses. The DPW has been operating shorthanded because of absences and illnesses, injuries, and they were out all last weekend. We have got to address the situation. But it is a two-part problem. Part of the problem may be that DPW is not reacting to it, and we will understand why. The other problem is your neighbors, our neighbors, that just dump stuff out on the street. The DPW does not pick up sofas and everything as a matter of course. We try to schedule it so we can best use the equipment and the men, and people should call. If you have a problem and you see a problem like that, and the landlords and the other tenants are not being responsible, pick up the phone and call Marie, because they are not automatically going to pick it up.

**Mr. Metzger:** I understand that. What I am suggesting is perhaps after a certain period of time, if the person whose trash it is is not taking that responsibility, these guys are driving the streets twice a week. How hard would it be to say we need to send an enforcement officer out there and write a \$500 ticket to whoever the landlord is that owns that building.

To be fair to the DPW, there are cases of landlords who are cleaning out apartments they own in Yonkers and dumping their garbage in Hastings because they do not have to pay to have it picked up. It would be nice if someone would look into that.

**Trustee Quinlan:** This a follow-up to a discussion at the last meeting about free parking in Steinschneider lot. We received a memo from the Village administration indicating the loss of revenue. The memo indicated that there were 37 metered parking spaces in the Steinschneider lot, and every meter collects \$4 a day if they were maximally used. If they were closed for nine weeks, there would be approximately \$8,000 in lost revenue maximum,. I do believe that is a lot of money, and I think it is important that we collect that money. But I still feel strongly about the disruption, for a good cause, at Boulanger parking lot. I am all in favor of renovating that parking lot. It is going to look fantastic when it is done. But I think we ought to give Village residents and merchants that break for those nine weeks with two-hour free parking in Steinschneider's lot.

How does that work, Lee, on deciding on whether we should have two-hour free parking in the Steinschneider lot during the renovation?

**Mayor Kinnally:** You can move a resolution, and the Board can vote on it.

**Trustee Quinlan:** Okay. Can we do that in two weeks?

**Mayor Kinnally:** Sure.

**Trustee Quinlan:** Susan, you said in your report that last year 235 meters in the Village were covered for the holiday parking from December 3 to December 25. Is the Village planning to do that again?

**Deputy Village Manager Maggiotto:** We have done it every year. But every year we seem to extend it a little longer.

**Trustee Quinlan:** I would strongly recommend that we continue to do that. So, Susan, would you do a resolution for the next meeting on Steinschneider?

**Mayor Kinnally:** There is a meeting with the cable TV committee and me with Verizon this Thursday night in anticipation of next Tuesday's meeting. I have spoken with both Verizon and with Cablevision saying that this is a public hearing for Hastings. It is an opportunity for our Village residents to speak. Everybody is welcome, but the meeting is not going to be hijacked by either Verizon or by Cablevision.

**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 11:50 p.m.