

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 20, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 20, 2007 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Marjorie Apel, Trustee Diggitt McLaughlin, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Peter Swiderski, Trustee Jeremiah Quinlan

CITIZENS: Four (4).

PRESENTATION -- ARCO Environmental Remediation

David Kalet, ARCO Project Manager: I commissioned a review of the Hutton Report based on some of the questions that had popped up about the process and I want to transmit hard copies of that report now.

The report underlines some of the extreme difficulty involved with Buildings 51 and 52; it gives a little more meaning to uncertainty and risk. They also came to the conclusion that the water tower had less risk and more achievable results. They did a nice job of presenting the issues in terms of the effort it would take to preserve things. They said that preservation should not be limited to bricks and mortar. The concept of preserving perhaps a style or a theme should equally be considered. Think beyond the bricks and mortar, and think more in terms of the site and how it would integrate with the Village.

We have been working with the New York State DEC to put together a work plan for more sampling activity this upcoming season. We are looking at three phases of work. There is an on-land portion in the northwest corner; we are calling that phase 1. Phase 2 is a strictly on-the-river portion. Phase 3 is a portion of investigation that would span a very narrow strip between the water and land where it is very difficult to obtain some samples. We are going to attempt to get more samples in that area as well. We will probably spread this out over a period of time. Right now we are entertaining requests for qualifications from various contractors, and are waiting to see if there are any additional comments from the DEC. I expect when the weather breaks we will start mobilizing and doing some of that work.

Trustee McLaughlin: Exactly where is between land and water?

Mr. Kalet: In the northwest corner. It appears that there was a lot of rubble put next to the land to support that land mass on the corner.

Trustee McLaughlin: Would that be in the water?

Mr. Kalet: It is in the water. At low tide you can see big boulders and rocks sticking out, and at high tide it just looks like water. But it is very dangerous to bring a barge or a boat up fairly close because of all the rock and rubble and the wave action. That is why samples have not been taken in an area that spans anywhere from 20 feet to, at one point, about 50 feet. We do not have the answers yet. We are entertaining ideas in terms of how to get some samples in those areas. That is why that is being labeled as phase 3. We are going to see how we do the other areas first.

Trustee McLaughlin: Is your thought sampling within the rubble, or in the riverbed beneath it?

Mr. Kalet: We have to go through the rubble in order to get into the river beneath it. It will not be easy, but we are going to try to figure it out as best we can. Good questions. I want to encourage folks to continue to raise questions through our Website. We continue to get very good questions and comments, and we will respond.

Mayor Kinnally: I know this is dependent upon when the weather breaks, but what do you see the length of time that this testing is going to take?

Mr. Kalet: Two, three months depending upon what kind of difficulties we run into. The land portion should be the easiest because we will not have any weather obstructions or things to concern us and I do not think there are going to be any surprises. The water portion is not as efficient because we get into weather-related things. The third part, that in-between, will depend upon if we get some good ideas how to do that safely. But our intent is to get this done this construction season.

Mayor Kinnally: How long after the borings are completed would you have the analyses?

Mr. Kalet: It is probably going to take into the fall to get that right. On a lot of these samplings we found that we need to go back the following spring to get a few confirmatory samplings. We never anticipate that, but it always seems that we have been forced back out just to answer a couple of questions. We will see how complicated this is.

Mayor Kinnally: We are trying to set up a meeting with Dave and his technical people, and our counsel and Warren and me, for next week to discuss the utilization of the site and the consent decree. It will be an opportunity for an exchange of ideas, most importantly with the technical people who can take a look at this and give their assessment on it.

Trustee McLaughlin: How can determinations be made on changing, say, the contours before the remediation plan is under way and you actually know what is there?

Mayor Kinnally: We know a lot of what is on a good deal of the site because there has already been sampling. It is not something that people are saying now it has to be done, but it is working in tandem with the remediation. It is more an exchange of ideas rather than saying this is what it has to be. Part of it is how feasible it is, if we want to do this legally and engineering-wise.

Mr. Kalet: We put thousands of pages out there, and it would be good to review some of that stuff. We do need to revisit it. We have some scheduling issues with our attorney, and we will try to find a time when we can get the group together. That is a great idea to get some clarity and questions going.

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Public Hearing of February 6, 2007 were approved as presented.

Trustee McLaughlin: Page 4, Mayor Kinnally, I think you meant to say that each municipality gets 67% of what it gets back, not 33%.

Mayor Kinnally: Yes.

On MOTION of Trustee Apel, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Minutes of the Regular Meeting of February 6, 2007 were approved as amended.

APPROVAL OF WARRANTS

On MOTION of Trustee Apel, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the following Warrant was approved:

Multi-Fund No. 51-2006-07 \$206,656.98

PUBLIC COMMENTS

Mayor Kinnally: We are trying out something new, to move public comments up earlier in the meeting. I will open the floor to any public comment on matters not on our agenda. Anyone wishing to speak from the public? If not, we will move on to resolutions.

19:07 ADOPTION OF LOCAL LAW NO. 1 OF 2007 – TO ERECT STOP SIGNS AT FENWICK ROAD AT KENT AVENUE AND BRANFORD ROAD AT KENT AVENUE

Mayor Kinnally: This item has been forwarded to us by the Safety Council. They held a number of meetings on this, and we had a public hearing on it.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 1 of 2007 to erect stop signs on Fenwick Road at Kent Avenue and Branford Road at Kent Avenue as follows:

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

Section 1: Section 282-16 of the Code of the Village of Hastings-on-Hudson is hereby amended by adding a new subparagraph (57) as follows:

The intersection of Fenwick Road and Kent Avenue is hereby designated a stop intersection, and a stop sign shall be erected on the southwest corner of Fenwick Road at its intersection with Kent Avenue.

Section 2: Section 282-16 of the Code of the Village of Hastings-on-Hudson is hereby amended by adding a new subparagraph (58) as follows:

The intersection of Branford Road and Kent Avenue is hereby designated a stop intersection, and a stop sign shall be erected on the southwest corner of Branford Road at its intersection with Kent Avenue.

Section 3: All ordinances, local laws, and parts thereof inconsistent with this local law are hereby repealed.

Section 4: This local law shall take effect immediately upon filing in the office of the New York Secretary of State.

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

20:07 MEMORANDUM OF AGREEMENT - SAW MILL RIVER WATERSHED

Trustee McLaughlin: I want to say how pleased I am that the Village is entering into this agreement. For the 21 years that I have lived here I have thought that the Saw Mill River is Hastings' forgotten river. Having the opportunity to have a structure behind things as diverse as maintaining water quality, managing storm waters, and dealing with school curriculum is a marvelous opportunity with this. It is such an approachable river from the point of view of just real estate and it is easy for classes to be organized around the Saw Mill River, far easier than around the Hudson. This agreement formalizes something we should have done a long time ago. Thank you, Mr. Frobel.

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

WHEREAS, the undersigned cooperating municipalities wish to explore mutually beneficial ways of sharing information and resources to improve their relationship with the Saw Mill River (the "River") and the Saw Mill River Watershed (the "Watershed"), as well as improve the health, ecology, economic and recreation potential of the River itself; and

WHEREAS, the undersigned cooperating municipalities share a number of common goals, including flood prevention, storm water management, non-point source pollution remediation and prevention, sustainable land use and open space resource preservation; and

WHEREAS, the undersigned cooperating municipalities realize that the River, as a tributary of the Hudson River, links their communities and that, therefore, land use decisions made by any municipality in the Watershed can adversely impact downstream municipalities as well as the habitat for the River's flora and fauna. and

WHEREAS, the undersigned cooperating municipalities believe it is in their joint best interest to cooperate on addressing common issues relating to the River such as, for example:

- flooding;
- storm water management;
- improving water quality;
- increasing public access/recreational opportunities; and
- improving aesthetics and restoring native vegetation; and

WHEREAS, the undersigned cooperating municipalities have been requested through the Saw Mill River Coalition to participate in a natural resource watershed management plan for the Watershed, initiated by Westchester County Department of Planning and the US Army Corps of Engineers; and

WHEREAS, the undersigned cooperating municipalities have agreed to work together with the Saw Mill River Coalition on projects to address the aforementioned issues, which projects may include, but are not limited to, the following:

- a. securing and sharing the public and private grants available to address issues pertaining to the River and the Watershed;
- b. providing information and input for the natural resource watershed management plan;
- c. coordinating the efforts of individual municipalities to ensure their compatibility;
- d. addressing federal storm water mandates, including the joint implementation of new technologies and joint training opportunities;
- e. developing educational programs on watershed planning, pollution prevention, and storm water management; and
- f. drafting sample language, which could be incorporated into the land use legislation of the cooperating municipalities, pertaining to development within the Watershed that protects the Watershed corridor's ability to function as necessary to prevent flooding and the degradation of water quality and water habitat; and

WHEREAS, the undersigned cooperating municipalities agree that cooperation pursuant to this Memorandum of Agreement will result in, among other things:

- a. enhanced opportunities when applying for grants to fund mutually beneficial projects in respect of the River and the Watershed; and
- b. a more efficient and cost-effective approach to implementing current and future projects pertaining thereto., now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the Memorandum of Agreement with respect to the Saw Mill River Watershed, and be it further

RESOLVED:

1. That we, the duly appointed representatives of the undersigned cooperating municipalities hereby voluntarily enter into this MEMORANDUM OF AGREEMENT WITH RESPECT TO THE WATERSHED, and hereby agree to work together to achieve mutually beneficial projects in respect of the Watershed;
2. That the cooperating municipalities will communicate regularly, using the Saw Mill River Coalition as an organizing forum and means of communication, to assess progress made in achieving the projects envisioned hereunder;
3. That the cooperating municipalities hereby agree that any cooperating municipality shall have the right, at any time, to withdraw from this agreement upon written notice to the other parties hereto; and
4. That this Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all which, when taken together, shall constitute one and the same instrument.

EXECUTED ON BEHALF OF THE COOPERATING MUNICIPALITIES BY THEIR REPRESENTATIVES THERETO DULY AUTHORIZED:

FOR THE VILLAGE OF ARDSLEY:

George F. Calvi, Village Manager
October 20, 2005

FOR THE VILLAGE OF DOBBS FERRY:

Board of Trustees
November 22, 2005

FOR THE VILLAGE OF ELMSFORD: Robert Williams, Mayor
November 21, 2005

FOR THE TOWN OF GREENBURGH:
FOR THE VILLAGE OF HASTINGS-ON-HUDSON:

FOR THE VILLAGE OF IRVINGTON: Donald Marra, Village Administrator
October 17, 2005

FOR THE TOWN OF MOUNT PLEASANT: Robert F. Meehan, Supervisor
February 28, 2006

FOR THE TOWN OF NEW CASTLE: Board of Trustees
January 10, 2006

FOR THE VILLAGE OF PLEASANTVILLE:
FOR THE VILLAGE OF SLEEPY HOLLOW:

FOR THE VILLAGE OF TARRYTOWN: Board of Trustees
November 21, 2005

FOR THE CITY OF YONKERS: City Council
March 17, 2006

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

**21:07 ESTABLISHMENT OF MINIMUM TRAINING REQUIREMENTS FOR
VILLAGE OF HASTINGS-ON-HUDSON BOARD OF TRUSTEES, PLANNING
BOARD, AND ZONING BOARD OF APPEALS MEMBERS**

Trustee Apel: I wanted to add “but not limited to”, after “other similar events sponsored by a recognized planning organization, such as...”.

Mayor Kinnally: Sure. This is mandated by the state for ZBA and Planning Board members. At a work session the Board talked about having the Board of Trustees subject to

the same thing. This resolution deals with zoning and planning issues. But the Board of Trustees could have training in any of the items that come before us, such as budgeting, procedure, the requirements of the Secretary of State, things of this nature. Not only would it be fair for the Village Board of Trustees to share the same burden that the Planning Board and Zoning Board members share, but it is fair to the public that we have some inkling as to what we should be doing up here. Everybody wins in that regard. Four hours a year is not onerous, especially if you can take computer tutorials or something on-line or read materials. Plenty of materials are available through NYCOM, ICMA, and Pace.

Trustee Apel: It is a wonderful idea because there are always changes, information out there, that being knowledgeable about is very important. It helps you make a decision.

Trustee McLaughlin: At our work session Trustees Quinlan and Swiderski both agreed with that. We had a long discussion on terms of what kind of burden we were putting on people, but the state has spoken for the other boards and it is a good idea for us.

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

WHEREAS, in 2006 the New York State Legislature amended general municipal law, general city law, town law and village law requiring training for municipal planning and zoning board of appeals members, which law became effective on January 1, 2007; and

WHEREAS, Village Law Sections 7-712 and 7-718 provide that effective January 1, 2007, all planning board and zoning board of appeals members in New York State, as well as alternate members of those boards, must complete a minimum of four hours of training each year; and

WHEREAS, the above sections of state law provide that a planning board or zoning board of appeals member shall not be eligible for reappointment to such board if they have not completed the training required by law; and

WHEREAS, the above sections of state law provide that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements; and

WHEREAS, the Hastings-on-Hudson Village Board of Trustees recognizes the importance of such training for land use decisions and intends to require training for the Village Board of Trustees, as well, now therefore be it

RESOLVED: that the Hastings-on-Hudson Village Board of Trustees establishes the following minimum training requirements for Planning Board and Zoning Board of Appeals members and the Village Trustees consistent with the requirements of §§ 7-712 and 7-718 of Village law:

- Each member shall complete at least four hours of training each year.
- Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years.
- Training may be provided in a variety of formats, including, but not limited to, electronic media, video, distance learning and traditional classroom training.
- Approved training for members should be at minimal or no cost as is the case with many of the approved courses and may include :
 - Attendance at any planning or zoning related training, course, seminar, conference or other similar event sponsored by a recognized planning organization such as but not limited to the National or local chapter of the American Planning Association, New York State Planning Federation, Westchester Municipal Planning Federation or Pace University Land Use Law Center.
 - Completion of professional continuing education courses or requirements (such as those required for New York State engineers or attorneys), where such courses or requirements are related to planning and zoning matters.
 - Completion of tutorials offered by New York Municipal Insurance Reciprocal's online zoning school (see: <http://www.nymir.org/zoning/>). Completion of every two tutorials shall satisfy one hour of training.
 - Completion of viewing or reading of training material made available by the Village Manager or the Director of Planning.

Any other training and any training for which a fee is charged must be submitted for approval by the Village Manager with a recommendation by the Village Director of Planning. And be it further

RESOLVED: that members not completing the required training shall not be eligible for reappointment, and be it further

RESOLVED: that any new member of the Zoning Board of Appeals or Planning Board or Board of Trustees who is appointed to fill the last six months of a term or less shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the Village of Hastings-on-Hudson training policy.

ROLL CALL VOTE	AYE	NAY
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	Absent	
Trustee Jeremiah Quinlan	Absent	
Trustee Diggitt McLaughlin	X	

Mayor Wm. Lee Kinnally, Jr. X

22:07 INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY TO ALLOW FOR ELECTRONIC TRANSMISSION AND STORAGE OF INFORMATION

Village Manager Frobel: The police department was the recipient of a grant for equipment that now allows us to electronically transfer certain data, more specifically fingerprints. Along with that obligation comes a responsibility to enter into this agreement with the county as their assurance that we understand the rules and regulations governing the transmission of that data and how it will be shared with other jurisdictions that are part of this program. That is what this five-year agreement reflects.

Mayor Kinnally: It is beneficial to the workings of this department and all the other departments in the county. They can share this information almost instantaneously.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Chief of Police to sign the Intermunicipal Agreement with the Westchester County Department of Public Safety to participate in the Westchester County Repository for Integrated Criminalistic Information (RICI System) to allow for the electronic transmission and storage of criminal record and police blotter information for the period Mar. 1, 2007 to Feb. 28, 2012.

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

VILLAGE MANAGER'S REPORT

Village Manager Frobel: Most of the work in the Community Center over the past reporting period has been in the interior, although the roof is nearing completion. The grid layout of the drop ceiling is being worked on. They will be putting in the ceiling tiles soon. Most of the Sheetrock in the interior continues to be worked on. We will be working on the drainage to the rear of the property, hooking up our sanitary line to the existing line.

At my last meeting I reported that Con Ed was due to have power brought to the site. That did not occur. That was an error on the part of Con Ed. They had made some assumptions but once they got into the field they determined that there was not a secondary line that could be energized to the site. We believe we worked that out today. Con Ed should be back on the site this week, and we are hoping next week to have power brought to the site. We are still relying on electricity from the hook and ladder building. In the next two-week period, the fire alarm will be installed.

Mayor Kinnally: Can we expect at our next meeting an update on Boulanger and the alternatives that were being pursued on the striping?

Village Manager Frobel: Yes. With the bad weather we were not able to do anything on the site this week. But we have been in contact with the architect. We have some suggestions that we want to discuss with the Board at your next meeting.

Mayor Kinnally: How are we doing on the machine?

Village Manager Frobel: We programmed it to make it simpler to operate. We have not brought in the wire between the two machines so they can talk to each other for ease of enforcement, but that does not affect the operation. I have not heard any complaints.

Mayor Kinnally: Oh, I have.

Trustee Apel: They still have trouble with not being able to read the screen with the reflection. I do not know how we are going to resolve that.

Mayor Kinnally: I know the sun is a problem. You mean contrast. The sun is a problem, too. I do not know if we can put visors on it.

Village Clerk Maggiotto: I thought they were going to brighten it up.

Trustee Apel: I do not know if that helps. Think about when you have your computer screen or your cell phone in the sun.

Village Attorney Stecich: No matter what you do, you cannot read it. Get a canopy or something.

Village Manager Frobel: I am meeting with the company representative this week, so let me discuss some of these ideas with him. Peter had a question last week about changing the way that the time is kept. I have a couple of ideas I want to discuss with the salesman.

Mayor Kinnally: I would think other communities share the sun with us and probably would have ideas. Although most of us think the sun only shines in Hastings.

Trustee McLaughlin: I brought a visitor to the Village several days ago, and we pulled into the Boulanger lot. The first statement was, Where are the parking meters? What do I do about this? While there is a sign at the wall by the VFW, there are many other places that you stand and there is not an indication. There is a sign on a sawhorse, but it does not grab your attention, and if there are cars in the way you do not see the sawhorse.

Village Clerk Manager Maggiotto: You are right – you have to know what to do. We have ordered signs that will say the pay stations are in use, and where they are. We will put them strategically around the lot.

Village Manager Frobel: We did have temporary signs made up, but we need a permanent solution.

We are also looking at modifying our existing meters, not changing the way they work, but the way that we collect the coins to make it more efficient and maybe less expensive without having to use a policeman to collect.

Trustee Apel: It is very hard to read the information on the existing meters. Just an observation for people that want to know what time the meter covers. There is not always a sign around. I do not know if the meters have been improved.

Village Manager Frobel: They have, and we have been subject to a couple of sales demonstrations. They have come a long way from what we have out there, but it comes down to cost and efficiency.

One additional comment on the Community Center. During our last presentation Deven and I discussed the desire to have the building equipped with a power emergency generator. We had hoped to have a transfer switch installed, but we are going to hold off on that because we have not been able to reach agreement with the electrical contractor for a fair price. We do not have the money for a generator anyway. So some time in the future we will come back to you, once we are in the building and occupied and we have some money, and have a transfer switch installed. But I do want to let you know now that the price is just not fair.

Mayor Kinnally: Can accommodation be made to have at least a raceway or conduit put in?

Village Manager Frobel: Yes. We will be poised to do that part of the job, the penetration to the building from the outside.

BOARD DISCUSSION AND COMMENTS

1. Sale of Village-Owned Property on Cliff Street

Mayor Kinnally: Because of the absence this evening of Trustees Quinlan and Swiderski we are going to defer this probably to the 20th of March when Trustee Quinlan returns.

2. Other

Mayor Kinnally: I was going to report on the ARCO meeting, which I understand is not going to be held when I think it is going to be held. I am not surprised because we are trying to coordinate with a lot of people. One person has to coordinate a trip in from the West Coast. The bad news is we have to coordinate with this group of people. The good news is that this group of people has been involved in this process for years. So they are comfortable in coming in and discussing everything quite knowledgeably. We are just going to have to find an evening that we can do it.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee McLaughlin with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 8:45 p.m.