

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 23, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 23, 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 Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Fifty (50).

**PRESENTATION - Police Department New York State Accreditation**

**Mayor Kinnally:** The first order of business is a presentation by the New York State police accreditation committee. We have, from the Department of Criminal Justice Services in Albany, Mr. Henry Boland, Mr. David Mahany, and Mr. Owen Johnson.

**Henry Boland, Program Manager:** I am the state program manager for the New York State Law Enforcement accreditation program. We are here this evening to officially recognize the Hastings-on-Hudson police department.

It is a pleasure to be here this evening on behalf of Governor Spitzer and our newly-appointed commissioner Denise O'Donnell who, although they are new to the program, have assured me that they are going to continue in the spirit of supporting the program. Our deputy commissioner, Dr. Cedric Alexander, regrets that he was unable to be here but sends his greatest regards and his personal congratulations to the chief and to the department. David, Owen, and myself are here because Dr. Alexander believes so much in the accreditation program he wanted you, the people of Hastings-on-Hudson, to know that the entire unit came to be part of this.

As a state manager, it is always a pleasure when I get the opportunity to represent the agency and present these certificates to the chiefs and sheriffs that are being accredited. The reason I think it is important is this. It is very easy to open a newspaper or turn on the television and daily hear that a police department or police officer did something wrong, had a problem, threw up the blue wall of silence, refused to cooperate, did not want to participate in what was going on, did not want anyone involved in their business. I am here tonight to tell you that Chief O'Sullivan and the police officers of Hastings-on-Hudson have done a 180-degree turn from that. They have not shielded themselves. In fact, in joining the accreditation program they open themselves up to an entire review by an independent team that came here to examine every aspect of the law enforcement field.

Accreditation represents a formal recognition that the Hastings-on-Hudson police department meets or exceeds the professional expectations of quality in the field of law enforcement. This program is endorsed by the New York State Association of Chiefs of Police, the New York State Sheriff's Association, the New York State Police, and the Police Conference of New York which is a labor organization for police officers. It has also been endorsed by the New York State Conference of Mayors, the Association of Towns, and the New York State Association of Counties. New York has the distinction of being the first state to have its own law enforcement accreditation program. Since we began, 34 more states have started their own program. Of those states, almost every one of them used our program as the basis for their programs. We are extremely proud of that honor. We are also proud that our program was singled out by the National Council on State Governments for an award for how our program was put together.

Another aspect of why accreditation is important for you and what you get out of it, is the dollars and cents. In those communities that are not self-insured we have found that insurance companies are willing to provide rather significant reductions in liability premiums for departments that are accredited. Even in those departments that are self-insured, we have noticed a reduction in the number of liability claims brought against those departments, because litigators know a department is accredited and is playing by the rules.

Like all major accomplishments, accreditation did not come easy. In order to become accredited a department must implement a total of 130 difficult and sometimes very complex standards. These standards impact nearly every aspect of the law enforcement agency, from administration to training to operations. Not only does the agency need to develop policies and procedures to meet the standards, they also have to demonstrate that they are operating within those standards. Like other accredited agencies, the Hastings-on-Hudson police department assigns staff members to work on this important project. Of particular note is that of Sergeant David Dosin, who served as the program manager. He had the responsibility to ensure that the police department had the policies and procedures in place and that all the necessary documentation was ready to be reviewed. Sergeant Dosin took on the demanding responsibility of preparing this agency for the accreditation process. He, and the other members of the department, through the leadership of Chief O'Sullivan, have demonstrated how teamwork and commitment can make a positive change, not only for the department but, more importantly, for the community they serve.

Once they had completed getting all their policies and standards together, the accreditation process did not end. Then the real part started, the hard part. Once the chief and Sergeant Dosin notified the Division of Criminal Justice Services that they were ready and we had gone through review examinations with them and checked their records to make sure that

they were up-to-date, we then selected a team of three highly experienced, dedicated, totally independent law enforcement professionals of various ranks. Those three officers served as the assessment team. They spent three days on-site and the chief or any members of the department will tell you how thorough that team is. We do not make this just go on down, have a cup of coffee, and pass them. They looked at everything. The assessors toured the department to make sure the facilities were properly up-to-date. They examined the evidence room to ensure that everything was properly secured. They inspected the patrol vehicles. If the standards and policies said that a patrol vehicle would be outfitted in a particular way, these inspectors pulled out the standard and made sure that every vehicle had what it said they were supposed to have. They did interviews of both sworn police officers and civilian employees. We always ask the department to provide a list of individuals who are responsible for various duties; those are the people the team is going to interview most extensively. However, the team does not stop the people you pick. The team will stop any member of the department, whether it is a patrolman, a lieutenant, a sergeant, or a civilian member, and ask them about the policies and procedures that apply to their position to see if they really know what is going on. Those 130 standards were more than met by the department. In his final report, the assessment team leader noted that the Hastings-on-Hudson police department had done an excellent job in preparing for their assessment. He further noted that every member conducted themselves in a highly professional and cordial manner.

Once the leader had prepared his report, he submitted that report to a 15-member council appointed by the governor made up of law enforcement executives and accreditation program managers. The council is responsible for setting the policies in our accreditation program, and it also has the sole authority to either grant or refuse the accreditation of a department. The members also include officials named by both the president pro tem of the state senate and the speaker of the assembly. There are also representatives from various elected official organizations, such as the Conference of Mayors the Association of Towns, and the Association of Counties. All are represented, as is the law enforcement unions are also represented because this also includes them. You will be pleased to know that the accreditation council reviewed the assessor's report and voted unanimously to accredit the Hastings-on-Hudson police department for the normal five-year period. During this time, the department is going to be responsible for continuing to stay within the boundaries of those standards. They will be required to complete annual compliance surveys, inform us if anything changes, and remain up-to-date with all the standards.

It should be apparent that accreditation is a distinction that must be earned. There are currently 450 agencies in New York State that are eligible to be accredited. Only 116 of them have achieved that status. So your department is among a very small, but a very elite, group of law enforcement professionals. It was the leadership of Chief O'Sullivan and the

members of his department who were willing to meet the challenge; who were willing to open their books, open their department open their manpower; provide the answers; provide the material. Nothing was hidden, and that is the thing that the people of Hastings should be most proud of: that you have a chief and police officers who are that confident enough in themselves that they are willing to let other police officials come in to see that they are meeting the standards. That takes a lot of gumption. To have somebody else check your work means a great deal.

It is also essential that people understand that accreditation would not have been possible if it were not for the members of your Board, the Mayor, the Manager, the Board of Police Commissioners. It required all their cooperation because they, too, had to buy into the program. We insist that as part of the program that the elected officials of the municipality agree that they will support the department in its pursuit.

By earning accreditation status, Hastings-on-Hudson has demonstrated its commitment to maintaining the highest level of professionalism. Again, Chief O'Sullivan and all the members of the department, I commend you on meeting this challenge and I wish you continued success. On behalf of the governor and the Law Enforcement Accreditation Council I want to congratulate the department for everything you have done.

On behalf of the New York State Law Enforcement Accreditation Council, I am honored to present Chief O'Sullivan with the certificate of accreditation.

“Be it hereby known that the Village of Hastings-on-Hudson Police Department has met all applicable requirements established by the New York State Law Enforcement Accreditation Council, and the Council is therefore proud to award the agency accreditation status for the period of December 14, 2006 to December 13, 2011.” Signed Chauncey Parker, Director of Criminal Justice; Harry Perkins, Chairman of the Law Enforcement Accreditation Council; and Cedric Alexander, Deputy Commissioner, Division of Criminal Justice Services.

**Police Chief O'Sullivan:** Participating in this accreditation process allowed us a process of an internal evaluation of anything that we could do to make the department better, to face changing times and changing circumstances. We had a lot of help. I have to be redundant and thank Mayor Kinnally; our Board of Trustees, Ms. McLaughlin, Mr. Swiderski, Ms. Apel, Mr. Quinlan, our Village Manager, Mr. Frobel, and our Deputy Manager, Ms. Susan Maggiotto. I have special thanks for our Board of Police Commissioners: Ms. Barbara Fox, Mr. David Brainin, our chairman, and Mr. George Gevas. I have to thank many of my fellow police chiefs in the county who were so forthcoming, and willing to share their experience and knowledge with us, a lot of which entailed technological advances. I have to offer a very special thank you to Mr. Rafael Zaratian, Ms. Jen Corso, and Mr. Chris Kreiter who, every time I had a computer problem, solved it.

Most importantly, I thank all the members of the department because it does not work without them. They all accepted the challenge, they accepted the change in the work we had to put in, and they did it. I am particularly gratified to see so many of our retired officers here to share this with us because there is not an officer in the department who cannot trace some of his experience and knowledge to some of those old-timers. I am also very pleased to see our fire chief here to support us. We are all in the same business of taking care of the people of Hastings. Thank you all.

**Mr. Boland:** We have one more award that the council has selected to give. A member of our staff at DCJS, John O'Neill, served the DCJS for about 20 years and worked very closely with all of us. For the last 10 years of those 20 John worked almost exclusively with the law enforcement accreditation program. Tragically, John died suddenly just before New Year's of 2006. John always had the smile on his face, always the helper bee. He worked so diligently, and he helped so many agencies and so many program managers and police officers in their efforts to become accredited, that his name became synonymous with accreditation. As a result of that, the Law Enforcement Accreditation Council decided to recognize those outstanding program managers with a very special plaque, an award named the John Kimball O'Neill Certificate of Achievement. This plaque will forever bear John's name, and it is given to outstanding program managers who have earned it. The council would now like to present that certificate to Sergeant David Dosin.

"The John Kimball O'Neill certificate of achievement, awarded to Sergeant David A. Dosin, Hastings-on-Hudson village police department, in recognition for the leadership and dedication you demonstrated when serving as a program manager for your agency as it successfully met all applicable requirements set forth by the New York State Law Enforcement Accreditation Council, the New York State Division of Criminal Justice Services, hereby recognizes the significant contribution you made to help your agency achieve accreditation status." Dated December 14, 2006, Chauncey Parker, Director of Criminal Justice.

**Sergeant David Dosin, Hastings Police Department:** Thank you. Being a program manager is a very important job, and I am honored to have been chosen to be the Village of Hastings-on-Hudson police department's program manager. I would like to thank Chief O'Sullivan and Lieutenant Bloomer for choosing me. I would also like to thank the Department of Criminal Justice Services for accepting our accreditation, especially Mr. Mahany. Thank you so much. You have been a great help during this whole process. I would also like to thank the Village Board for your continued support of our police department. And finally, I would like to thank the officers of the Village of Hastings-on-

Hudson police department, without whose hard work and dedication this night would not be possible. Thank you very much.

**Mayor Kinnally:** Gentlemen, thank you very much. Chief, and to the members of the department, all of us feel a special pride this evening, not only for the accomplishment of the accreditation but for the day-to-day accomplishments of your department. There are so many people here this evening, it is a testament not only to your leadership but also to the department. People from the rank-and-file, retired people; our retired Village justice is here; the former chief, Joe Marsic, without whose leadership we would not be at this position now. He gave you a department in good shape, he recruited some very fine personnel, and you built upon that. The department today is a testament to both of your leaderships. It is terrific that all of us can stand a little taller and a little prouder this evening because of what you have accomplished on our behalf and for the residents of the Village of Hastings-on-Hudson.

### **APPROVAL OF MINUTES**

**Trustee McLaughlin:** On page 8, the public hearing minutes, Mr. Tarricone's last comment is just the letter Y.

**Mayor Kinnally:** I think it should be Yes.

On MOTION of Trustee McLaughlin, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Public Hearing of January 9, 2007 were approved as amended.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of January 9, 2007 were approved as presented.

### **APPOINTMENTS**

**Mayor Kinnally:** We have a number of appointments to announce this evening.

#### Board of Ethics

Reappoint Harrison Bloom - 2010

#### Board of Police Commissioners

Timothy Barnes - 2009

#### Tree Board

Jennie Lee - 2008; Reappoint Fred Hubbard - 2007

Village Arts Commission

Sheila Benedis - 2007  
Faith Evans - 2008  
Bruce Levy - 2008  
Sharon O'Shea - 2009  
Ann Koshel van Buren - 2009

Economic Development Committee

Diane Adler - 2007  
Nina Cangiano - 2008  
John Doherty - 2008  
Pascale le Draoulec - 2008  
Sheree McNulty - 2009  
Alex Navarrete - 2009  
Roger Scheiber - 2009

Senior Citizen Advisory Committee

Patricia Bloom - 2007  
Jack Gavin - 2008  
Eleanor McGinigle - 2008  
Anne Schnibbe - 2009  
Walter Stugis - 2009

**Mayor Kinnally:** I thank those who are being reappointed for all of their work in the past, and to everyone who is being appointed thank you for your commitment to the Village and the time you are going to spend improving our village.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 46-2006-07 \$22,599.81  
Multi-Fund No. 47-2006-07 \$20,107.24

**7:07 STOP-DWI CONTRACT 2007 - 2010**

**Village Manager Frobel:** Our department has been partners for the past several years in this very successful program that the county sponsors. This is a recommendation that we continue that for another four. We receive upwards of \$8,400 in reimbursement, but we have

done better than that in the past and we expect to do better in the future in terms of reimbursement for this program.

On MOTION of Trustee Quinlan, 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 execute the STOP-DWI Patrol Project Reimbursement Contract with Westchester County in the amount of \$8,400.00 per year for the period January 1, 2007 through December 31, 2010.

<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	

**8:07 ESTABLISHMENT OF JOINT BOARD OF TRUSTEES / BOARD OF EDUCATION COMMITTEE**

**Mayor Kinnally:** This committee came out of a joint meeting of the school board and the Village Board where we discussed enhancing the cooperation and collaboration that we have not only between the boards but also between staff. The Board thought that this was an improvement and a way to better work with the school board. Trustee Quinlan suggested this, and it is being acted upon this evening.

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 establish a joint Board of Trustees/Board of Education Committee. Said Committee shall serve in an advisory capacity to the Mayor, Board of Trustees, President and Board of Education.

The committee shall be comprised of two members from each Board and shall serve until either their term of office expires or they are replaced. The Village Manager and Superintendent of Schools shall serve as ex-officio members of the committee.



The purpose of the Committee is to share information, seek out operational efficiencies, strengthen relations, and encourage collaboration between the two elected bodies.

The goal of the committee shall be to formalize the existing partnership, seek out means of sharing services and information with the mission of enhancing the quality of life for the residents of the Village.

<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	

**9:07 SCHEDULE PUBLIC HEARING – STOP SIGNS FENWICK/KENT & BRANFORD/KENT**

**Mayor Kinnally:** This is a recommendation that came from the Safety Council, and it is the result of some discussion and deliberation by that board and suggestions by the public.

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, Feb. 6, 2007 to consider the advisability of adopting Proposed Local Law No. 1 of 2007 amending Chapter 282, Vehicles and Traffic of the Village Code to install stop signs on Fenwick Road at Kent Avenue and on Branford Road at Kent Avenue.

<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	

## **10:07 HISTORIC HUDSON RIVER TOWNS – INTERMUNICIPAL AGREEMENT**

**Mayor Kinnally:** We have been part of the Historic River Towns of Westchester, and it is the feeling of the people who have been active in this organization that we have evolved to a point where we want to broaden the number of entities in it and the scope of the work that is being done to attract tourism and to effectively market the region. This is a way or our reaffirming the compact and, if the Board approves, authorizing me to sign the IMA to join with the other river towns in this initiative.

**Trustee Apel:** Does that mean that we are approving giving \$3,000?

**Mayor Kinnally:** Last year we increased it, but we have been doing that for the past few years.

**Trustee McLaughlin:** I attended the last meeting of this in early December, and let us review briefly what an IMA is. An intermunicipal agreement is an agreement among municipalities to embark on a course of action or have a project jointly. All the municipalities participating in this one are equal; every member municipality pays \$3,000 and it is run as if all parties are equal.

The reason for expanding it beyond the original 13 municipalities in Westchester is two-fold. One is that the municipalities in Westchester and occasional participants from Rockland County are not enough, and the Hudson Valley should speak as one voice rather than simply the river towns of Westchester because we do have many things in common. One thing we have in common is that we will all go through the calendar year 2009, which is the 400<sup>th</sup> anniversary of Henry Hudson's trip up the Hudson River in the *Half Moon*. The quadricentennial is going to be a big celebration throughout New York State, but especially in the Hudson Valley. There is a restoration of the *Half Moon* that lives most of the year in Verplank and is owned by its own foundation. In the quadricentennial year every river town is being asked to create its own celebration committee to determine what events it will have. These will all be promoted not just nationally, but worldwide by New York State. The state has pledged startup money. Federal money will be coming to New York State as well. There will be at least one stamp issued for the quadricentennial. This is going to be a big deal for tourism and business-building through the Hudson Valley. And the expanded IMA is going to be the tool that helps us and the other communities do it.

There are two bodies that work jointly. There is the IMA, which is the organization that we join as municipalities, and then there is also a 501(c)3 organization that is its parallel arm.

So when we talk about Historic Hudson River Towns/the IMA, and Historic Hudson River Towns Initiatives, Inc. they are two parts of the same piece of action but they are two separate corporations.

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

**WHEREAS,** the communities along the Hudson Riverfront share a common history and have many characteristics and concerns in common; and

**WHEREAS,** the Historic River Towns of Westchester has served the interests of the 13 riverfront municipalities from Yonkers to Peekskill in economic development through tourism marketing, riverfront renewal and downtown revitalization since 1994; and

**WHEREAS,** it is now useful to expand the Historic River Towns of Westchester to offer participation to all Hudson Riverfront communities for mutual benefit, collaboration and co-operative tourism marketing; and

**WHEREAS,** this Intermunicipal Agreement (IMA) is a continuation of the original IMA with no change other than the name and geographic area; and

**WHEREAS,** representatives of the municipalities herein have recognized the value in joining forces to focus attention on projects and programs that will increase public awareness of all that they and their neighboring river towns have to offer to residents of and visitors to the region; now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees authorize the Mayor to sign this IMA as follows:

1. The municipalities who sign this Intermunicipal Agreement have joined together under the name "Historic Hudson River Towns," as a successor to and expansion of "Historic River Towns of Westchester" with the intention of working collaboratively on projects of mutual benefit.
2. The governance of this organization shall in all respects be in the hands of the Board of Historic Hudson River Towns, to wit:

- a. A representative of each signatory of this agreement shall constitute the Board, which shall have no fewer than one regularly scheduled meeting in each year and more frequently as the Board may determine.
  - b. At the first official meeting of the Board, the representatives shall select an executive committee consisting of a President, a Vice-President, a Treasurer and a Secretary to serve for the balance of the year and serve as the Executive Committee.
  - c. The President shall develop the agenda and preside over all meetings of the whole and of the Board.
  - d. The Vice-President shall act when the President is unable to do so.
  - e. The Secretary shall maintain minutes of all meetings and proceedings.
  - f. The Treasurer shall prepare an annual budget and financial reports as required.
  - g. A majority of the total number of representatives shall be required for a quorum at any meeting. Each member of the Board shall have one vote.
  - h. The Board may, upon an affirmative vote of the members, approve additional Judson Riverfront municipalities to become members of Historic Hudson River Towns.
3. The goals of "Historic Hudson River Towns" are as follows:
- a. To promote intermunicipal cooperation by and between the signatories to this agreement.
  - b. To build the local economy of the Hudson riverfront through public-private partnerships.
  - c. To enhance and promote tourism as an economic development initiative long the riverfront.
  - d. To increase public awareness of the features and benefits of local attractions of historical, cultural and environmental value.

- e. To improve methods of transportation to and through the river towns.
  - f. To develop and implement a comprehensive marketing plan for the river towns.
  - g. To serve as a unified voice on issues particular to riverfront communities.
4. Members of the Historic Hudson River Towns agree to contribute the sum of \$3,000 (three thousand dollars) per year to help with the costs of operating this group. Any increase in this contribution shall require the approval of the governing body.
5. These funds will be used to retain a consultant to assist the Historic Hudson River Towns in administering the program. The consultant will be responsible for:
- a. Developing and implementing a marketing and public relations plan.
  - b. Building positive relationships within the group and with relevant external groups and audiences.
  - c. Building membership in the IMA.
  - d. Coordinating activities with the 501c3 non-profit organization.
  - e. Identifying funding sources to support the group's objectives.
6. Historic Hudson River Towns will complement the work that is being done through local Chambers of Commerce and county and regional tourism efforts, and is intended to supplement their efforts.
7. Historic Hudson River Towns (the IMA) will work closely with Historic Hudson River Towns Initiatives, Inc., a non-profit organization established to seek funding for major projects that will benefit the entire river towns region. The IMA will elect two representatives to sit on the Board of the 501(c)3 non-profit.
8. Participation in this agreement will automatically be renewed each year unless a participant gives 60 day notice prior to the end of any calendar year of intent to withdraw.

<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	

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

**Village Manager Frobel:** The Community Center project continues on target. Most of the work now is in the interior to the building. We are doing a lot of the Sheetrocking now. The sprinkler system has been installed. We are doing some of the duct work. The venting work is being accomplished. Still have a couple of the specialty windows to be installed, although the building now is weather-tight. Those windows that have been installed have been covered with plastic that keeps some of the heat inside the building. Although we do not have a heat source yet, we have temporary heat brought in so the men can work. You should start seeing the roof go up within the next few days. They have been putting it together in the back of the hook and ladder building.

Boulanger Plaza is complete. The tree grates have been installed. The pay station is operational. We have some programming to do; we would like to make it simpler to operate. Also, it has been brought to our attention that some of the parking spaces are undersized. We will find out which ones are not lined to our specifications, and we will be taking corrective action within the next couple of days.

**Mayor Kinnally:** And that would be the responsibility of the subcontractor?

**Village Manager Frobel:** They were not all laid out to our specifications, so it will be their burden to correct it, yes.

**Mayor Kinnally:** Some people have experienced some glitches with the new meter system. Like everything else, there is a shakedown period. It will be in tip-top shape soon, and the vendor is not going to get a dime until it is in that posture.

### **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I am going to have a telephone call tomorrow with George Heitzman. He was on the site recently, and I want to get an update from George on what the DEC is doing as far as additional testing, additional protocols, and where they see progress in the next three to six months; where they are on dealing with the PRAP for OU-2; and a timetable. And I am also going to be meeting tomorrow evening with Dave Kalet of ARCO to review some of their timetables for the site; what they are planning to do in the spring as far as any modifications to the site; stabilization of the site; and to see if his recollection of what the testing protocols and what the next three to six months are jibe with what George Heitzman is saying. I also want to discuss with him some of the items that we had talked about in the last two or three months concerning the siting of the infrastructure and the utilities, and also the status of their discussions with Mark Chertok and Malcolm Pirnie as far as the engineering work that has to be done and, more importantly, the funding of that engineering work by ARCO.

I know Mark has been discussing it with counsel for ARCO. I will also be getting a report from Mark updating me on where things stand and what we can expect as far as the amount of money, and the timetable of getting that money, to assist in the engineering that has to be done on our part to fulfill their request: to have the Board and the community give some input into where various roads, infrastructure, and utilities should go prior to both the cleanup on the site and the development plans on the site.

## **2. Saw Mill River Road/Holly Place Rezoning**

**Mayor Kinnally:** Subsequent to our public hearing on the application, we received a letter and a revised letter from counsel for the applicant discussing the possibility of providing an alternative to MR-C designation that was sought, and that is the MR-O designation. Today I received correspondence from one of the applicants submitting an evaluation dealing with the effect of the zoning change on the existing property values in the neighborhood. That will be made part of the record.

**Trustee Quinlan:** One of the reasons I asked this to be put on the agenda tonight was to share with the community the letters that the mayor has already described because I thought they were interesting and important. Just to expand on that, there was also in the letter a proposal that the proposed self-storage use would be permitted by special permit only instead of the original zone change that was requested, where it would be a matter of-right. Special permits are granted by the Zoning Board. I thought that was important.

I received another letter that I would like to share with the public. Since the last meeting Steven and Diane Kahn have withdrawn their two-family residential property at 5-7 Holly

Place, tax lots 36 and 37, from the Tarricone petition. Then further, Anthony and Deborah Tarricone also withdrew their two-family rental property at 9 Holly Place, tax lots 34 and 35.

I do not speak for the Board. I am only speaking for myself. We cannot and should not give personal opinions or Board opinions about what you should do or what you should not do. But I thought it was important to share this with the community. The letter says that your attorney offers for the Board's consideration an alternative to the MR-C amendment, which would be the MR-O. Again, at least personally, and I do not speak for the Board, I do not believe that we can give that opinion. That is something you have to decide. But I think it was important that everyone realize it and I wanted to bring it to the public.

**Mayor Kinnally:** The matter is on the agenda of the ZBA this Thursday night, and the issue of what you want to do with the application as far as formally modifying it should be something that you and your own attorney should discuss.

**Trustee Swiderski:** Procedural question. We remanded to the Planning Board the original application. This one is substantially different, both in zoning requested as well as the properties requested. Does it make sense to request the Planning Board to take a look at this revised submission Mr. Tarricone wants to submit it and render a different opinion?

**Mayor Kinnally:** I think if he is going to modify his application the process is going to start all over again. If he modifies the application, and I am going to defer to counsel, I think we are going to have to have a public hearing on it. And then you are going to have to retrace your steps back to the Planning Board and to the Zoning Board of Appeals and to the county planning board. It will be a new application, albeit modified.

**Village Attorney Stecich:** I would agree with that. The only question would be, and this would be for the Board, is whether you want to have a completely new public hearing, or you want to reopen the public hearing, to consider the revised application. I would recommend the latter because if you start a new public hearing everybody who came out at the last meeting would have to come out again, and I think it is still probably fresh in your mind. That does not mean anybody cannot come and speak again if they want to. But those other comments will continue to be part of the public record on that application.

**Mayor Kinnally:** But for starters, the determination as to what should be done is up to the applicant and counsel.

**Village Attorney Stecich:** Yes, if the applicants, there are a number on this, are going to modify their application they should settle on what it is going to be and submit that. Because right now we are dealing with a moving target, which is not a criticism. It is changing



because it is responsive to at least some of the comments made. But as soon as the applicant is ready to decide, yes, this is my application, I would suggest a revised application be submitted, then it be sent to the Planning Board because it is much different and also to the Zoning Board. I am going to discuss with the Zoning Board chairperson and Mr. Tarricone's counsel whether it makes sense for the Zoning Board to consider this Thursday because it is so changed. It might not make sense.

**Trustee Quinlan:** I agree. It is a smaller piece of the neighborhood and it is a more restrictive change, and I think it is substantial. So it would have to start all over.

**Anthony Tarricone, 15 Holly Place:** If I understand you correctly, if we go forward on Thursday it is as the original application MR-C, and if I want to change it, as suggested, to MR-O then I have to start over. Is that what you are advising?

**Mayor Kinnally:** You would have to file an amended application.

**Mr. Tarricone:** Based on what I have heard from my neighbors, we will postpone it and reapply with an MR-O and start over. Hopefully not completely over.

**Mayor Kinnally:** No, as Marianne said, we would reopen the public hearing because it is a variation on the theme. Everything that was in the record previously will be part of the record in this one, and we can build on it from there.

**Mr. Tarricone:** Good. I think that might be beneficial as well for me to hear more direct comment from the neighborhood. I apologize for any people that came up and referred to our neighborhood as less than nice. I live there and have put everything I can into that neighborhood, and I hope that did not offend anyone. I certainly did not ask anyone to come in and insult our wonderful neighborhood. I wanted to put that on the record on behalf of myself and my family.

**Sal Gargiulo, 1 Holly Place:** I am also at 1 Holly Place Associates and 1-A Holly Place. I have been in this village for 73 years. I know Anthony, I worked with his grandfather. I have the junkyard. They call it a junkyard. Actually, it is recycled modified equipment for automobiles. Also hydraulic system of heavy machinery. Okay, but it is junk, a junkyard, and it works. It made us money. Now, we have a low profile there. We do not bother with people, actually mind our own business. Anthony asked me to sign the first paper, which I did not understand. Then I was told to go to a meeting at Mr. Merchant's house. What happened was, I met people there, I met my neighbors. Like you say, you are there 73 years; all I saw was someone waving, taking their dog on the path and saying hello. But when I came in and saw these people, my neighbors, I could not help it. They fixed all those homes

up beautifully. New doors, windows, patios, everything around there. They were like shacks 70 years ago, and I give them a lot of credit. They kept pouring in, and we were jammed in that house, a pretty house. Old house, pretty. I said to myself and my brother, we've missed this so many years, that I have not seen my neighbors. These new people came in, but they fixed their homes. I guess the ceiling was coming down and everything else, but they did it. I felt so sorry for them. So I turned him down.

I said to Tony, What am I supposed to do? I am living with these people, what am I supposed to do? I cannot just turn them over and say nothing. I am part of that, too, 73 years. In the meantime we were served with food and everything, and I had the most delicious strawberry cheesecake. Never in my life, and I had a restaurant a long time, never in my life did I ever taste anything like that. We got together, then they all came out. So caring about what are we going to do, we put so much in this house and everything else, I felt for them. I could see, I got that feeling, that he is starting out because he is young. I did the same thing. But we have people we have to care about. We have neighbors, we live with neighbors. What is it? I have a 40-foot building alongside of four houses. Forty-foot high, you look out the window, what are we going to do next? Put the rest of it down into the side of the street. I am sorry, I am opposed to it. And I feel sorry for these people, my neighbors.

**Fred Olsson, 3 Glenwood:** A long time ago I heard that in Riverdale it was illegal to build anything higher than the statue that you see there now, and now Riverdale is the growing megalopolis, they call it, that is supposed to be a continuous building of citified areas from New York to Boston. It is my opinion that a town as lovely as this town is should never give a variance unless it is to the benefit of the town. To say that you are going to help taxes by downzoning is a wrong way to go about it. In an effort to keep Hastings as a small, beautiful Village, if you keep giving variances, however small they may be, it is wrong. I drove over to Holly Place this afternoon and I saw five or six houses on Holly Place that are close to this proposed building.

I understand the Tarricones have their good intentions. They have to enhance their business. And maybe I would do the same thing. But if the overall policy of a town were to not allow variances unless they benefitted the town, not the individual, because outside interests often come into town to make money and then leave, we give variances when we should not, on occasion. It is a difficult thing to keep a town like a small village, to keep it with the same quality it has. I have been here since 1962, and we have had a wonderful life here. My children have grown up in the school system and it has been beautiful. I have no axes to grind for the future because I am 100 years old, but as a matter of fact I would love to see, and hope that Hastings could somehow keep it, the way it is. Even a small variance is a step in the wrong direction if it does not benefit the town.

**Mayor Kinnally:** Just a note from counsel These comments tonight are not part of the public record on the public hearing, but thank you.

**Mr. Olsson:** I just want to influence the Board.

### 3. Other

**Trustee Quinlan:** I have brought up the idea to move public comments up in the agenda, once a month if not twice a month. Because unlike tonight, sometimes that item goes to 10, 10:30, 11 o'clock. One of the things that I heard in the last election was could you move the public comments up so that I do not have to stay so late to say what I have to say. I do not know who makes the agenda, but I would ask anyone that does if we could just, even once a month or once every two months, move it up to after approval of the warrants.

**Mayor Kinnally:** I know the Town board moves public comments up. But the danger of doing that is that the business of the Village gets pushed to the end. This board will be dealing with the business of the Village at 11:30 at night. That is the problem. There are resolutions and items that have to be dealt with that usually set the stage for the public comments. As opposed to some other boards, when we have items for action, we allow public comment as those items come before us. The only comment that is limited to the end are public comments on items that are not on our agenda. So that is the danger, but we talk about that under Board procedures when we have our organizational meeting. We can always address it, but that is the danger of putting it up front is that the Board is not doing its business for the Village. It is almost an appendage to the public comments.

**Trustee Quinlan:** I am not going to leave this seat until all the public business for that night is completed, no matter how long it takes, because I think it is important to hear the public. That is who we serve, and that is who deserves to be heard.

**Trustee Swiderski:** I think Jerry is spot-on and, as an experiment, if we want to see if it disrupts our Board agenda we can always go back to the old way. We seem to be insanely willing to stay till midnight, and that is not going to change. But for normal people who do not share our perverse desire to do so, and want to be heard, I have no problem in shifting that. If it turns out to be disruptive because we are suddenly deluged with people who like to talk a lot, we can revise it. But otherwise I do not see the harm, and I certainly see a benefit.

**Mayor Kinnally:** We will put it on for discussion, maybe at the work session.

**Trustee Swiderski:** Village Officials Committee: the Town got the comptroller's opinion on allocation of budgets and, for once, something has broken in our favor in a good and big

way. The Town board is going to have to figure out in terms of budgeting and allocation of revenues/expenses between the villages and the unincorporated Town. But it is certainly something very much in our favor. It is likely to impact taxes in a positive way for the villages.

**Mayor Kinnally:** All the positions that we took in the presentations we made to the Town, Albany has agreed with us.

**Trustee Swiderski:** We just have to get the courts to do that.

**Trustee McLaughlin:** Our counsel in the Ridge Hill settlement sent us an e-mail today urging us to begin selecting people who will sit on the task force, and I wonder where we stand on beginning that process.

**Mayor Kinnally:** I would suggest that we have an executive session to deal with personnel items, that being one of them.

### **EXECUTIVE SESSION**

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session for Monday, January 29, 2007 at 8:00 p.m. to discuss personnel items.

**Mayor Kinnally:** I am going to ask the Manager if he would put on for discussion at our next regular Board meeting various training items. Planning Board and Zoning Board members have mandatory training starting this year. I put on for discussion whether or not the Village Board ought to have some kind of training, or at least new members of the Village Board.

**Trustee Quinlan:** I want everyone to know that the initial meeting of the arts council is scheduled for February 5 at 7:30.

**Mayor Kinnally:** Where?

**Trustee Quinlan:** At Faith Evans' house.

**Mayor Kinnally:** No. All boards and commissions, all meetings of the Village, have to be held in a public forum.

**Trustee Quinlan:** I did not know that. We can do that, but my question then is should a Board member attend and who should that Board member be?

**Mayor Kinnally:** Whoever wants to attend.

**Trustee McLaughlin:** I would like to.

**ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:25 p.m.