

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 9, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 9, 2007 at 9:55 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Village Manager Francis A. Fobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Marjorie Apel.

CITIZENS: One (1).

APPROVAL OF MINUTES

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of December 19, 2006 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 43-2006-07 \$ 61,846.30
Multi-Fund No. 44-2006-07 \$ 37,146.11
Multi-Fund No. 45-2006-07 \$349,934.13

1:07 AUTHORIZATION OF STIPULATION OF SETTLEMENT FOR THE RIDGE HILL LITIGATION

Mayor Kinnally: This is the result of a series of negotiating sessions that started in August, 2006. Trustee Apel, Trustee McLaughlin and Trustee Quinlan were involved. I had a number of discussions with counsel and other municipalities about this. We did not get everything we wanted. We got a lot more than we had in the beginning, including the payment of almost a half million dollars to the Town of Greenburgh for costs incurred in connection with attorneys' fees and experts. We admittedly did not get the reduction in the square footage that all of us wanted; this is one of the bitterest pills that we have to swallow. But I understand that the Town of Greenburgh approved this, Yonkers City IDA has approved it, the Yonkers city council is meeting at this point, and the Village of Ardsley approved it last evening.

So it is before us. We had an executive session previously concerning this. At this point I would ask if there are any comments or questions by the Board.

Trustee McLaughlin: One thing it has shown to us is a significant weakness in SEQRA. SEQRA was considered enabling legislation in that it enabled people to have some control over projects that were being built in their communities. But as we have seen, we do not have any control over what the City of Yonkers has chosen to do. SEQRA has not given us that. I would not be surprised to see some attempt to modify SEQRA come out of this. I have been told that the task force that this will create is hoped to be a model for future task forces possibly state-wide. But I am disappointed with how this came out. It is better than not getting it, but it is the weaknesses in SEQRA that make us settle for that.

Trustee Quinlan: There is very little we could do to affect Yonkers' decision to build this development. But what we could do, we did. The settlement of this suit has some positive aspects. You mentioned that it is a bitter pill to swallow that we did not get the reduction in size. But this is another argument not only to do something about SEQRA, but to do something about regional planning.

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

**RESOLUTION OF THE VILLAGE OF HASTINGS-ON-HUDSON
AUTHORIZING THE EXECUTION OF THE STIPULATION OF SETTLEMENT
FOR THE RIDGE HILL LITIGATION, AND
ISSUING A NEGATIVE DECLARATION FOR THE STIPULATION**

WHEREAS, on or about March 31, 2003, FC Yonkers Associates, LLC ("FC Yonkers") petitioned the City of Yonkers ("Yonkers") City Council (the "City Council") for amendments to the Yonkers Code to enable the development of a mixed-use commercial, retail, and residential project ("Project") on an approximately 80-acre parcel of property ("Property") located in Yonkers; and

WHEREAS, the City Council, as lead agency, reviewed the Project pursuant to the New York State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively "SEQRA"); and

WHEREAS, this Board participated in the SEQRA review of the Project and raised various concerns to the City Council about the Project; and

WHEREAS, notwithstanding the Board’s objections, on or about December 9, 2005, the City Council: (i) adopted a statement of findings (the “2005 SEQRA Findings”) purporting to find that the requirements of SEQRA had been met with respect to the Project; and (ii) adopted General Ordinances 13 and 14 of 2005, amending the Yonkers Zoning Ordinance and Zoning Map to allow for the Project (“2005 Amendments”); and

WHEREAS, on or about April 7, 2006, this Board authorized the commencement of a proceeding pursuant to Article 78 of the New York State Civil Practice Law and Rules (“CPLR”), seeking, inter alia, to annul, vacate and set aside the 2005 SEQRA Finding and all other actions taken by the City Council pursuant to said Findings, including the 2005 Amendments; and

WHEREAS, by Notice of Petition and Verified Petition dated April 7, 2006, a CPLR Article 78 Petition was filed in the Supreme Court of the State of New York, County of Westchester challenging, inter alia, the 2005 SEQRA Findings and 2005 Amendments (“First Proceeding”); and

WHEREAS, on or about July 11, 2006, the City Council: (i) purported to correct, supplement, and confirm the continued validity and subsistence of the Findings (“2006 SEQRA Findings”) and (ii) adopt Zoning Code Amendments, which were in form and substance the same as the 2005 Amendments (“2006 Amendments”); and

WHEREAS, by Notice of Petition and Verified Petition dated November 13, 2006, a second CPLR Article 78 proceeding was filed in the Supreme Court of the State of New York, County of Westchester, seeking to annul the 2006 SEQRA Findings and to overturn all other actions taken by the City Council pursuant to said Findings, including the adoption of the 2006 Amendments; and

WHEREAS, the First Proceeding has been fully submitted while issue has not been joined in the Second Proceeding; and

WHEREAS, the Parties have agreed to adjourn the Proceedings pending their efforts to settle said disputes; and

WHEREAS, following extensive discussions and negotiations, the Parties have agreed upon terms of settlement for the aforementioned litigation(s); and

WHEREAS, the Stipulation of Settlement attached hereto and incorporated herein in full (“Stipulation”), contains the following key provisions:

- (1) FC Yonkers will make available to Petitioners Town of Greenburgh, Village of Ardsley, and Village of Hastings-on-Hudson (collectively, the “Municipal Petitioners”) the sum of \$5,000,000.00 to be used by the Municipal Petitioners to improve certain intersections and road segments within their respective municipalities, which intersections and road segments are potentially identified on the Schedule “A” attached to the Stipulation, annexed hereto and made a part hereof;
 - (a) direct access to northbound and southbound Sprain Brook Parkway;
 - (b) Route 9-A and Jackson Avenue, left-turning lanes and right-turning lanes and signal;
 - (c) Jackson Avenue and South Sprain Road, eastbound right-turning lane, northbound right-turning lane and signal;
 - (d) Jackson Avenue and St. Andrews Way, eastbound left-turning lane;
 - (e) Jackson Avenue and North Sprain Road, intersection geometric line and signals;
 - (f) Jackson Avenue and southbound Sprain Brook Parkway, southbound left-turning lane and signal;
 - (g) Jackson Avenue and northbound Sprain Brook Parkway, northbound and westbound left-turning lanes and signal;
 - (h) Construct new, or complete, Route 9-A and throughway interchange number 7;
 - (i) Route 9-A and Ashford Avenue (major improvements require significant right-of-way);
 - (j) Sprain Road and Ardsley Road/Ashford Avenue, additional lanes and signal;
 - (k) northbound entrance to New York State Thruway from Route 9-A in Ardsley where exit 7 is located;

- (l) widening of Route 9-A in Ardsley from Ashford Avenue to Heatherdell and;
 - (m) upgrade intersection of Lawrence Street at 9-A
- (2) the Municipal Petitioners, Yonkers and FC Yonkers would create a task force (the “Task Force”) to explore the feasibility of, design, and seek funding and approvals to allow for, the construction of entry and exit ramps connecting the Property to the Sprain Brook Parkway (the “Sprain Ramps Project”);
 - (3) the Task Force would be under the direction of an independent, qualified Task Force Manager, who would be selected by unanimous vote of the Task Force members;
 - (4) the Task Force would be initially funded by the monies that FC Yonkers committed pursuant to its letter agreement with Yonkers, dated July 10, 2006 (“July 10th Letter Agreement”) totalling approximately \$473,600;
 - (5) Yonkers and FC Yonkers agree to fund the Sprain Ramps Project with the \$9.5 million committed pursuant to the July 10th Letter Agreement at such time as the construction of a specific Sprain Ramps Project commences; and
 - (6) FC Yonkers shall remit directly to the Town of Greenburgh the sum of \$450,000.00 as a reimbursement for expenses certified by the Town’s Comptroller as having actually been paid or incurred by the Town in connection with the Project; and

WHEREAS,

the adoption and implementation of the Stipulation constitutes a Type II Action under SEQRA, which, pursuant to 6 N.Y.C.R.R. Section 617.5(c)(21), is not subject to SEQRA review as the Stipulation only authorizes the Parties to conduct environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of certain proposal(s) for action with respect to future actions concerning the construction of intersections and road segments potentially identified on Schedule “A” or the Sprain Ramps Project; and

WHEREAS, nothing in the Stipulation commits the Village of Hastings-on-Hudson or any other agency to commence, engage in or approve any “action” (as that term is defined by SEQRA), including, but not limited to, any work in connection with either the construction of the intersections and road segments identified on Schedule “A” or the Sprain Ramps Project; and

WHEREAS, the Stipulation provides that the Municipal Petitioners shall exercise discretion in the determination as to which, if any, improvements to make with respect to the intersections and road segments identified on Schedule “A”, and the nature and extent of any such improvements; and

WHEREAS, the Stipulation also sets forth that nothing therein shall be construed to “commit any party to any course of action other than such party’s best faith participation in, and efforts to further the purposes of, the Task Force as provided” in the Stipulation, nor to “limit the duties and prerogatives of any Municipal Petitioner, or of the City of Yonkers, to make its own determination, consistent with the proper exercise of its municipal authority, as to the feasibility of, the desirability of, or the ultimate implementation of, the Sprain Ramps Project;” and

WHEREAS, the effectuation of any improvements to the intersections and road segments potentially identified on Schedule “A” or of a specific Sprain Ramps Project is speculative at this time, with the details, engineering, and identity of any such action remaining to be determined; and

WHEREAS, at such time as either a commitment is made to pursue either construction of specific intersections and road segments potentially identified on Schedule “A” or the Sprain Ramps Project, such action shall be subject to SEQRA;

WHEREAS, the Board has also reviewed the Environmental Assessment Form (“EAF”) prepared in connection with the proposed Stipulation; and

WHEREAS, the Board has identified the relevant areas of environmental concern relating to the Stipulation and taken a hard look at them, including, by reviewing the indicators of significance set forth in Section 617.7(c) of the regulations implementing SEQRA; and

WHEREAS, the Board determines that the adoption and implementation of the Stipulation does not have the potential to result in any potential significant adverse environmental impacts since the Stipulation only authorizes the Parties to engage in the above-described studies and preliminary planning and budgetary processes, and does not commit any of the Parties to commence, engage in, or approve any particular action(s); and

WHEREAS, to avoid the further expenditure of time, effort and money, and the inconvenience and uncertainties incident to the litigation of the claims and defenses asserted in the First and Second Proceedings, the Village of Hastings-on-Hudson desires to fully and finally compromise, settle and resolve all claims and defenses set forth in the Proceedings pursuant to the terms set forth in the Stipulation

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Trustees of the Village of Hastings-on-Hudson, after due deliberation and based upon its own careful, thorough, and independent review of the Stipulation, has determined that (a) in accordance with Section 617.5(c)(21) of the regulations implementing SEQRA, the adoption and implementation of the Stipulation is a Type II Action, which is not subject to SEQRA review, and/or, in the alternative (b) in accordance with Section 617.7 of SEQRA's implementing regulations, that the adoption and implementation of the Stipulation will not result in any potential significant adverse impacts, such that the preparation of an environmental impact statement in connection with the Stipulation is not warranted.
2. The Board of Trustees of the Village of Hastings-on-Hudson further directs its Village Clerk to prepare a written notice of its negative determination of significance ("Negative Declaration"), which shall, pursuant to Section 617.12 of SEQRA's implementing regulations, state that it has been prepared in accordance with Article 8 of the Environmental Conservation Law and contain the name and address of the Board, the name, address and telephone number of a person who can provide additional information, a brief description of the action, the SEQRA classification, and the location of the action.
3. The Board of Trustees of the Village of Hastings-on-Hudson further directs its Village Clerk to publish the Negative Declaration in the official newspaper of the Village of Hastings-on-Hudson, as well make it available to all known individuals and interested agencies that have expressed an interest in the Stipulation to the Board.

4. The Board of Trustees of the Village of Hastings-on-Hudson further authorizes the Mayor or the Village Manager or counsel herein for the Village in the two proceedings to execute the Stipulation on behalf of the Village of Hastings-on-Hudson.

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

2:07 CHANGE ORDERS – JAMES HARMON COMMUNITY CENTER

Village Manager Frobel: Deven has served as our owner’s representative throughout this project. He has done a wonderful job keeping this project on task. Both Deven and I came in late in the design, but we are in pretty good shape, given the setbacks we encountered. Deven has prepared a memorandum in addition to what was included in your packet of the cross-summary, showing you where we are in revenues.

In the cost summary, Deven has indicated what has been encumbered to date working with our base bid. The Board approved the brick alternate to the project and several change orders that involved the contaminated soil and the extra work that was required in tree removal, etc. What is before you tonight is a series of change orders that affect the internal workings of the building: elevator modifications, some changes to the windows, some interior door adjustments, and some additional work in the elevator rails and a partition. As we got into the project we found that some of the programming to the building did not address the needs of Bill Finkeldey and Ray Gomes, so we have made additional changes.

Building Inspector Deven Sharma: The change orders that have already been negotiated and resolved between us and the contractors, with the help of the architect, amount to \$34,245. I happened to find some mistakes on this spread sheet. Nothing substantial, but the \$4,000 is also included in the number above where it says change orders to date \$162,000. So if we correct it, the numbers change a little bit.

The bottom line is on the second sheet. We have a summary of the revenue, the money that may be coming in. I am told the \$68,500 from the Cablevision settlement has become a certain revenue as opposed to potential revenue. If we move that up to the top section of the

spread sheet, on the second page where it says certain revenue, add it to about \$5.6 million. If that be the case, we remain very much within budget even with the additional changes that might come down the pike. On the front page I listed additional recommended changes.

Mayor Kinnally: What is the credit for foundation?

Village Manager Frobel: This was the modification to the front of the building. The project encountered an enormous amount of rock. The contractor came forward with a proposal that we could avoid some additional expenses in removal of that rock. We are quibbling over the amount of credit. That is what you are seeing there. We have a figure that we think we should be entitled to; they have put a different number on the table.

Mayor Kinnally: Will there be some credit given to us for that?

Building Inspector Sharma: Yes. Dealing with the contractors' extras, they exaggerate, and the credits they minimize as much as they can. But our estimate shows the credit that we should be getting for reduced scope of work because they did not have to take so much rock and associated work. Our estimate showed that we should be getting about \$150,000 back. We are going to have to fight tooth and nail. We still think we should be able to get about \$100,000 credit.

Mayor Kinnally: On the oil spill fund application, what is the likelihood of that?

Village Manager Frobel: We are doing very well. I contacted the state on Thursday, and it is proceeding. It has gone through the treasurer section; it is now in the hands of the DEC. It took a lot of effort to get it this far, but we have supplied them with all the documentation the state requires, and we feel pretty good about it. On the revenue side we have the bond, the CDBG, the special HUD grant, the Senator Spano money, and the state money for our work on the roof. Again, the credit for the foundation and the oil spill application. That is the amount that we have asked for, \$126,000. It could be something less than that, but we are optimistic we will receive something.

Mayor Kinnally: And the Cablevision settlement is a hard number. That really can be moved up.

Trustee Swiderski: But as a clarification, is that intended for a particular use? The purchase of television equipment?

Village Manager Frobel: Yes, it is part of the studio.

Trustee Swiderski: But in that case is that not in addition, and above and beyond the costs listed here on the first page?

Village Manager Frobel: We agree that is furnishings and equipment for the building.

Trustee Swiderski: But is that included in the numbers here on page 1?

Village Manager Frobel: No.

Mayor Kinnally: So you are not comparing apples to apples here.

Trustee Swiderski: Right. I would argue that is the tangerine on the side. It does not materially affect, in the end, the bottom line, in that there is still more revenue than expense.

Building Inspector Sharma: We need to add a line item, furnishing and equipment.

Trustee Swiderski: And that might actually be a not insubstantial amount.

Building Inspector Sharma: Even if it comes in at par, that is quite an accomplishment.

Trustee Swiderski: I agree.

Building Inspector Sharma: The way it looks right now, and if we also get the \$126,000, we almost end up coming below budget, which is practically unheard of in any government project, but that could happen.

Village Manager Frobel: We are now meeting weekly. We meet in the field on the off Tuesday. There has been very close watching on this entire project. There have been some setbacks. The date of substantial completion has slipped. We found out today that we are probably looking at a March deadline. There have been a variety of reasons. I continued to hope that we were going to catch up. We really did not. There was some lost time there with the trades taking extended holiday leave time. The site has been difficult in terms of the subcontractors working in close quarters. The rock took longer than we thought and the contaminated soil set us back.

The utilities have not been as cooperative as we would have liked. Were still arguing with Con Ed. It is difficult to get them to do the work as promised. And there have been some changes in the design, some tension between the contractor and the architect, that we have had to work our way through. But given all that, we are in pretty good shape today.

We expect additional change orders. We are still unresolved in the amount for the concrete for the contaminated soil that had to be removed. We had hoped to use soil that was being excavated on-site, but we had to bring in some additional concrete. We do not have a number to present to you tonight, but that will be in the near future.

Building Inspector Sharma: Additional unresolved change orders are the ones the contractor has given us their price and we have come up with ours and it looks like they will agree with our pricing. Those change orders are already in place. Once we execute them we will bring them to you for your approval. An additional one: we talked in the beginning stages of putting an emergency generator there. But it seemed like it was taken out because of budgetary constraints. It would seem to me some preparatory work should be done; we may have to put an automatic transfer switch in at this time. I am also suggesting that the grounds between the Community Center and the fire station be developed and landscaped in a way that the two buildings integrate with one another. I put in about \$60,000. That includes the construction costs and consultant fees. The purpose of doing this chart was that even if we do this and the money is available after we make adjustments for the furnishings, it would still seem like we are very close to, or less than, the amount of money that we have for this project.

Village Manager Frobel: Do you want to brief the Board as to what we can expect over the next two weeks?

Building Inspector Sharma: Although the roof has been done on the flat portion of the building as you face the building, the portion of the building on the right-hand side and then the portion of the building on the left-hand side which had a vaulted ceiling, that has taken us some time to resolve as to what kind of material, shop drawings. That has been resolved, and they should start working on that later this week or starting next week. That has also caused a delay because every time it rains the water still comes through that roof area in certain points. Certain insulation work cannot be done. So starting next week that should be taken care of. Electricians and everybody else are working on the lower floors. Drywall cannot be started. And also the temperature has become a concern. We have been very lucky with the weather, but if it gets cold we are going to have to put temporary heating in there. We are pushing the electrical work. When that gets done and is inspected, then we can begin to do the Sheetrock work. We expect to start doing it by the end of this month, assuming the weather holds up.

Mayor Kinnally: We had a meeting last night with the chair of the cable commission and Raf, talking about the money and the work that is being done outside the building for the conduits for the cable for Con Edison, for the phone, for data, and for television and computers. We are getting services in lieu of money, in a certain regard, for some of the

work that is being done. Speaking of cable, we are going to be ready to have a pre-meeting with Cablevision on their franchise agreement soon and a public hearing coming up with Cablevision.

Trustee Swiderski: What happened to the Verizon agreement?

Mayor Kinnally: It has been changed. There is still back-and-forth occurring. Verizon is interesting because there is a problem with management, managing all the various people involved on the Verizon side. There is yet another law firm involved. Bob Perlstein is taking a very hard position with them, and I think we are going to get most of what we want. I think on both we are getting fairly close to something that we want.

Trustee Swiderski: Is there an estimate on the total cost of the interior furnishings?

Village Manager Frobel: We have been relying on prices that the county has developed for office furnishings. Deven, do you recall how much Ray and Bill and you have estimated we would be looking at for furnishings for the building?

Building Inspector Sharma: Initially I think we were talking about \$100,000, but now it is a number much, much lower, more like \$30,000, but I cannot be sure.

Village Manager Frobel: I was going to say \$25,000 is what they have been looking at.

Trustee Swiderski: Since the use of the interior is the point of the building, I would probably err on insuring its quality and aesthetic appeal. It strikes me as odd that landscaping would run at twice the cost of the interior. So if you are going to err on one side, err on the interior if that means a designer and better furniture.

Village Manager Frobel: Yes, that does look high. Deven will work on that. Our hope is to combine the two lawns. We do not see the need for two flagpoles. That is why we want to coordinate the grounds and landscaping for two buildings.

Trustee Swiderski: Is this going to be called the James Harmon Community Center?

Village Manager Frobel: We are going on that basis.

Trustee Swiderski: I have lodged a request to consider calling it the Hastings Community Center for now. With no disrespect to any family, I have never heard of buildings inheriting names from previous buildings. When you look at a university, and a building is erected, it is endowed with the name of that person or in memory of somebody. If that building is

knocked down or replaced, I have never heard of buildings inheriting the names of previous buildings automatically without due consideration. We should think about that.

Village Manager Frobel: We have ordered only the cornerstone and the internal signage with no names, just numbers. We have not done anything on a plaque for the building because we realize the Board is going to be closely involved in the design.

Trustee Swiderski: I would prefer to see the building left neutral. We never know when we might have a hero to honor or a specific reason to name it one way or another.

Mayor Kinnally: I understand your position. I had always assumed that Jim's name would be on the Community Center, but that can go for another time. I have not talked to the family about it, but that had been my assumption. We will deal with that on another day.

Mayor Kinnally: Let me go back to GC-7, part of the \$25,000. The steel brackets for the elevator rails, they were not spec'd out or costed out?

Building Inspector Sharma: The steel structure extended into the elevator shaft, and by code you cannot do this. It had to be pulled back, and we had to add brackets to support the rail system for the elevators. The contractor asked for \$8,140 and we gave him \$1,500, so we have done some tough negotiation. With the one additional footing for the exterior walls, there are braces because the walls needed to be furred out. The contractor asked us to do that for \$20,832, and we settled for \$8,000. We have to lock horns with them all the time because that is what they do. And luckily, because of my past experience, I know what they do and I know what I can do, so we were able to do this.

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

RESOLVED: that the Mayor and Board of Trustees approve the following change orders for the James Harmon Community Center:

GC-4 Phoenix Building Corporation	No change
GC-5 Phoenix Building Corporation	+\$ 2,640.00
GC-6 Phoenix Building Corporation	+\$ 5,581.00
GC-7 Phoenix Building Corporation	+\$25,052.00
H-1 L.J. Coppola Inc.	+ \$972.00

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

3:07 DESIGNATE GENERAL VILLAGE ELECTION DAY

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 20, 2007 as General Village Election Day, for the purpose of electing one (1) Mayor and two (2) Trustees for a term of two (2) official years each, and be it further

RESOLVED: that the polls are to be open between the hours of 7:00 a.m. and 9:00 p.m.

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

4:07 DESIGNATE ELECTION DISTRICT

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 designate one Election District to be located at the Hastings-on-Hudson Public Library in Fulton Park for the General Village Election to be held on Tuesday, March 20, 2007.

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

5:07 GRIEVANCE DAY

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, February 20, 2007 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

RESOLVED: that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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

6:07 TAX LIEN SALE

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 20, 2007 as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

ROLL CALL VOTE

AYE

NAY

Trustee Marjorie Apel	Absent
Trustee Peter Swiderski	X
Trustee Jeremiah Quinlan	X
Trustee Diggitt McLaughlin	X
Mayor Wm. Lee Kinnally, Jr.	X

VILLAGE MANAGER'S REPORT

Village Manager Frobel: We are nearing completion of Boulanger Plaza. Susan has been coordinating the placement of the parking meter machines. We were hoping they would be installed this week. We drafted a printed handout which we have distributed to the stores about the pay station and how to operate it. We anticipate putting together a video which will run on HoH demonstrating how it is done. We hope that will get the word out to everyone how easy it is to use the machines.

Mayor Kinnally: When are we going to energize these?

Village Clerk Manager Maggiotto: The installer had a death in the family this week, so I have not been able to touch base with him. But as soon as he can get here, they can be installed. The electricity is there, so we are ready to go.

Village Manager Frobel: The front benches are in, the concrete caps have been installed. The mason has pretty much finished his work. The sand stabilization process, they have put on the sealer which will keep the bricks in place and allow them not to move. A letter is going to go out to the private property owners who participated in the funding for the project for the proportionate share they will pay towards this. We are still awaiting the installation of the tree grates, I would say within two weeks. Those should be the final items.

Mayor Kinnally: It is coming together, that is for sure.

Trustee Swiderski: And it looks great.

Trustee Quinlan: Those caps in the walls look great.

Trustee Swiderski: It was nice to see a bunch of kids hanging out on top of the wall over the weekend, and people sitting there. It is an automatic gathering place. It is great.

Mayor Kinnally: That whole middle area looks so big and wide open now. That wall ties it all together. It looks very good. What Christina wanted to accomplish with having some of the granite set in that brick wall I think happened. It really looks great.

Village Manager Frobel: I hope everyone has received their calendar that the staff has put together this year. We have received quite a bit of positive feedback, a lot of nice comments. We have a number of extra copies at Village Hall. If anyone would like extra copies for their home or to mail to friends, let us know.

Trustee Swiderski: The utility just on when a Christmas tree is being picked up and all that stuff which you do not want to log onto the Website to get the answer, here it is. It is great.

Trustee McLaughlin: And not everybody has the Internet. This is so terrific.

Mayor Kinnally: It is a terrific job, it really is. Very handsome and does the Village proud. Thank you, Jen, and John Maggiotto who took a number of the photos, and everybody that laid things out.

Village Manager Frobel: The highway crews will be picking up Christmas trees beginning tomorrow and over the next three or four weeks. We ask you not to put them in the plastic bags. They will be disposed of with the yard waste.

Mayor Kinnally: Can we get a chipper and use some of that for the stabilization at the trail? We might be able to shred them right on-site.

BOARD DISCUSSION AND COMMENTS

1. Stormwater Management Annual Report

Village Manager Frobel: This is our annual obligation to inform the state DEC on our efforts to bring about compliance with state law governing stormwater management. We are obligated by December, 2007 to be in complete compliance. This report before you is late. This was due to the state this past summer. So a lot of the action items you saw in the report reflect things that we have already accomplished over the summer months. We are continuing to map and identify all of the outfalls and catchbasins, and to continue in our efforts to educate people on best practices in terms of stormwater management. In May, 2007 you will get another report from us which will be more timely. That will talk about the next steps, including adoption of a local law governing stormwater management and additional steps towards erosion and sediment control.

We are partners with several other communities, which was a terrific move because we have experts helping us. Angie has headed up this effort, along with Mike, to bring about compliance. But we still have quite a few things to accomplish over this next 12 months to bring about full compliance. The report will be on the Web if it is not already.

2. Proposed Village Board/School Board Committee

Trustee Quinlan: This came out of our joint meeting, where I suggested that we have a joint committee composed of two from each board that would meet perhaps two or three times a year and discuss common interests and issues and share information.

Mayor Kinnally: One of the things that came to mind when I was reviewing the memos from our tax certiorari counsel is coordination with the school on the tax certiorari settlements, and an appreciation of the impact that the settlements will have on both the Village and the school board, not only in refunds that are given to the petitioners, but also adjustments that are made to the assessment role going forward. This has a significant impact on both entities. I would urge that that be one of the first orders of business. Not just a decision, but to appreciate the impact that it is going to have.

Trustee Quinlan: Lee, you mentioned that at the joint meeting and I thought that was an excellent point. That is just the type of thing that we have to talk about and share with them and they could bring it back to their boards.

Trustee Swiderski: I question whether two people are necessary when one will suffice simply in terms of the strain on the Board.

Trustee Quinlan: Diggitt is the liaison to the school board. I offered to be a part of that committee, and I think it would only be two or three times a year. I was figuring maybe two, the liaison and myself. I would be glad to do it alone, but if someone wants to join me that would be fine.

Trustee McLaughlin: I had said at the board meeting it would be fine with me to be with Jerry on the committee. It makes sense that the liaison would be one of them.

Trustee Quinlan: Could we do this as a resolution at an upcoming meeting?

Mayor Kinnally: Yes, at our next regular Board meeting.

3. Other

Mayor Kinnally: Peter, do you want to talk about the Village Officials' Committee?

Trustee Swiderski: We are in the process of scheduling a meeting for the first time in several months to talk about some issues for the next year, both around what makes sense in terms of next steps after the mediation process and issues around recent developments at the town level on new areas of concern regarding funding. We heard today that the comptroller came back with an opinion that had been requested on a number of funding issues. The town board is going to be discussing that over the next day or two, it will be distributed for broader feedback, and it may have been a good thing for the villages.

Mayor Kinnally: We have been asked not to discuss it, but let us just say there is vindication and there should be a reallocation of both income and expenses to the A budget.

Trustee Swiderski: There have been a few changes on the VOC as board members have come and gone, but we will be working out next steps in the mediation and also issues of common interest. As an aside related both to what Jerry spoke to and our discussion about Ridge Hill, in a couple of discussions I had with officials from other villages, there was some interest in pursuing the idea of a planning group, informal, that would at least meet and share concerns. It seems that all the development we are facing is at the fringes of our villages and is, by definition, affecting the fringe of some other village. These are things that we should probably be talking about as a group. I do not think anybody is ready to cede authority to this group, but at least as a talking forum it is a start.

Trustee Quinlan: I would ask if Marianne has heard anything from the attorney general about the opinion on term limits on boards and commissions.

Village Attorney Stecich: I got a call probably about three weeks ago from Katherine Sheingold. It sounded like she was about done with her opinion. But I suppose because of the election it is a little unclear who it gets reviewed by. I assumed it was going to be signed off by Spitzer. But apparently it was not or we would have gotten it. I will give her a call.

EXECUTIVE SESSION

On MOTION of Trustee Quinlan, SECONDED by Trustee McLaughlin with a voice vote of all in favor, the Board scheduled an Executive Session for 8 p.m. on Tuesday, January 16, 2007 to consider personnel for boards and commissions.

Mayor Kinnally: We will also have a session with counsel that evening to discuss tax certiorari proceedings that are pending in Supreme Court, Westchester County. We are going to have a meeting for advice of counsel immediately following this meeting tonight concerning land use issues.

ADJOURNMENT

On MOTION of Trustee McLaughlin, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:00 p.m.