

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 2, 2007**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 2, 2007 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Deputy Mayor Diggitt McLaughlin, Trustee Peter Swiderski (8:25 p.m.), Trustee Jeremiah Quinlan, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Mayor Wm. Lee Kinnally, Jr.

CITIZENS: One (1).

APPROVAL OF MINUTES

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Minutes of the Public Hearing of September 11, 2007 were approved as presented.

Trustee McLaughlin: I have given Susan, and circulated to all of you, my corrections. Also on page 8 and following, it says that Chief Drumm is speaking. In fact, it is Chief Sarfaty.

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Minutes of the Regular Meeting of September 11, 2007 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 23-2007-08 \$ 75,884.99
Multi-Fund No. 25-2007-08 \$ 96,042.96

EXECUTIVE SESSION

On MOTION of Trustee Goodman, SECONDED by Trustee Quinlan with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting for advice of counsel.

Deputy Mayor McLaughlin: Before we have our public comments I would like to repeat our standing invitation to help Hastings village government be more open. We record every meeting of the Board of Trustees, Planning Board, and Zoning Board of Appeals, and we now plan to undertake the recording of the bi-weekly meetings of the comprehensive plan committee. For this we need volunteers. Our staff cannot cover such a busy schedule. This is not a difficult task, and it gives an extraordinary public service to your neighbors. If you are interested, or if you are a mom or dad and you think somebody else in your house might be interested, contact Jen Corso or Raf Zaratian. They are our technical staff. You can call Village hall or go to the Village Website and send them an e-mail. Please help. This is a marvelous public service.

PUBLIC COMMENTS

Deputy Mayor McLaughlin: At this point in our meeting, people wishing to address the Trustees on any matters not on tonight's agenda may come forward. There is nobody here to do so, so no public comments.

80:07 REQUIRING THAT CONDOS BE TAXED AS SINGLE FAMILY DWELLING UNITS AFTER 2008

Trustee Quinlan: It is important to realize that it is in the jurisdiction of the state legislature to pass this type of law, not in the Village jurisdiction. This resolution is urging them to pass those laws. I think it needs to be repeated, that this is only for units constructed after January 1, 2008.

Trustee Goodman: Condos and co-ops are taxed at a lower rate than single-family dwellings. This is not a punitive measure. It is one simply that looks to tax condo and co-op owners for the same services that single-family dwellings are receiving. This came to us from Ardsley. They passed this resolution in the summer and sent us a copy of their resolution. I feel particularly strong about passing this because our Village voted to change zoning on the Ardsley border, and we put 60 units of housing there in Ardsley. They will have to educate the schoolchildren.

We have no assurance that this will pass in the legislature. I would urge residents to call our senator, Andrea Stuart-Cousins, and our assemblyman, Richard Brodsky, and urge them to pass this. I think it is a fair provision. We are not sure that the lobbyists who will be advocating against this will not prevail. This is not the first time that this has been attempted, I wish it better success this go-round, and I am in favor of it.

Deputy Mayor McLaughlin: I attended a meeting of the Westchester County Municipal Officials' organization and I learned that some of the impetus for this legislation is coming from upstate. There are developers building developments with single-family houses on two acre plots and they are structuring the developments as condos. In other words, these are McMansions being built and taxed at condo rates, which is staggering when you think of the number of services that they are going to consume, the expenses they will be to their communities.

Village Manager Frobel: The Village has very few condos right now but we do have two on the drawing boards. We have the 9-A project and 45 Main. So there is an adverse impact that the Village will face when these come on-line and I think it is something we need to be considerate of. There is inequity here that needs to be corrected.

Trustee Quinlan: It tries to level the playing field and make everything equal and fair, no matter what type of ownership you have because you are receiving the same services when it comes to the department of public works, the police, the fire, and the schools. We are just trying to equal it out so that the taxes for single-family dwelling units do not have to go higher and higher, and everybody will be treated more equally and fair.

Deputy Mayor McLaughlin: If this were a piece of legislation that affected the Village directly I think that despite the fact that we are a quorum I would not ask only three of us to vote on it. But since we are voting to urge the New York State legislature to do this, I feel comfortable in asking for a roll call vote.

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

RESOLVED: that the Mayor and Board of Trustees hereby urge the New York State Legislature to adopt legislation entitled A1574 and S1058 requiring that condominiums and cooperatives constructed after January 2008 be taxed as single family dwelling units;

and that the Mayor and Board of Trustees hereby directs that certified notice of this resolution be forwarded to the New York State Senate and Assembly Leadership, State Senator Andrea Stewart-Cousins, State Assemblyman Richard Brodsky, the Mayors/Supervisors of all Westchester municipalities and the Executive Committee of NYCOM.

| ROLL CALL VOTE | AYE | NAY |
|---------------------------------|------------|------------|
| Trustee Peter Swiderski | | Absent |
| Trustee Jeremiah Quinlan | X | |
| Trustee Danielle Goodman | X | |
| Mayor Wm. Lee Kinnally, Jr. | | Absent |
| Deputy Mayor Diggitt McLaughlin | X | |

81:07 CHANGE OF MEETING DATE

Deputy Mayor McLaughlin: This is because November 6 is election day. Is there any discussion?

Trustee Goodman: I would like to thank whoever put this on the agenda. On election night some of us work as election inspectors or poll watchers. In my case, I have been asked to be a poll watcher and I would not be able to do that if I needed to be here on election night. I think in honor of election day, and democracy and liberty, that this is a very good thing. I hope that we will keep track of the calendar and will make such motions for primary elections and other elections as well.

Deputy Mayor McLaughlin: I am an election inspector, too, and the board of elections always needs election inspectors. You can go to the board of elections and sign up for training. It is given all over the county many times. Election day is a grueling day. It is 5:30 in the morning until whenever the votes are counted at night, but it is an extraordinary experience and well worth doing.

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

RESOLVED: that the Mayor and Board of Trustees hereby change the date of the Regular Meeting of the Board of Trustees from November 6, 2007 to November 13, 2007.

| ROLL CALL VOTE | AYE | NAY |
|---------------------------------|------------|------------|
| Trustee Peter Swiderski | | Absent |
| Trustee Jeremiah Quinlan | X | |
| Trustee Danielle Goodman | X | |
| Mayor Wm. Lee Kinnally, Jr. | | Absent |
| Deputy Mayor Diggitt McLaughlin | X | |

VILLAGE MANAGER'S REPORT

Village Manager Frobels: We had an on-site visit today with three interested bidders for the Kinnally Cove project. Five bidders have shown an interest and picked up the specifications. We have pushed the deadline for submittal of proposals to October 10. This has generated some additional interest, so we hope we are successful when we open our bids next week.

The mayor asked me to convey to the group that Phil Karmel would like to attend your October 16 meeting to give you some additional comments on the LWRP to keep that project moving forward.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Fred Yaeger, ARCO liaison: The good news is that we have contracted with a company that does sediment testing to do initial surveying of the One River Street site later this month. Two or three weeks later they are going to commence with drilling in that area. They are going to put down 12 drill holes going down about 40 feet, and that will be 20 feet out from the shoreline. Another 12 holes will also be drilled going out 40 feet into the water. We are doing that to determine where to put the retaining wall once we start doing the rest of the cleanup. We are pleased to announce to the public that we are beginning to move forward on operable unit 2.

We are also happy that we had helped underwrite the trailways map for the Village. We were pleased to do that. To be a good corporate citizen, the Atlantic Richfield Company is entertaining other subsidies and assistance to the community. We have been getting some inquiries from different organizations to help underwrite. We are looking at that to try to help out as best we can.

Deputy Mayor McLaughlin: Thank you. The trailways map is a beauty. It is available at Village hall.

Trustee Quinlan: Fred, are you aware of any meetings coming up with ARCO and the Village and the engineers and the lawyers? About six months ago I attended a meeting with Fran and Mayor Kinnally.

Mr. Yaeger: At this point I do not believe there are any meetings scheduled.

Trustee Quinlan: You will keep us posted if there is a meeting scheduled? The last meeting was so informative, I learned so much about what is going on, and I definitely would like to attend the next meeting.

Mr. Yaeger: They meet once or twice a year, and the one that you attended was the last meeting.

Trustee Quinlan: Yes, and it was an incredible learning process. Two Saturdays ago we dedicated the new Quarry Trail. I was lucky enough to be there, and I wanted to thank you and ARCO for giving us that land. You are talking about good corporate citizenship. It is a fantastic trail. Although it was a little rainy and overcast that Saturday morning, it was a fantastic dedication. I just wanted to say publicly again, and I said it that morning, thank you for giving us that very valuable trail.

Mr. Yaeger: We are very pleased to participate and continue to do so in whatever future endeavors the Village plans on doing.

Trustee Goodman: I want to thank Fred also for funding the map. The trails are a very important asset to this village. I do not think there is any other community that has the system of trails that we have, so thank you for helping us show that off and show the way.

2. Update on Comprehensive Plan

Village Manager Frobel: We attended their first meeting. I have been working with the interim chair, Kathy Sullivan. The next meeting is scheduled for October 10. They are going to meet twice a month, at least initially, on Wednesday evenings at the Community Center. We will reserve for them the large room whenever we can. If we cannot, then we will put it in one of the smaller rooms. But we would like to get in the habit of meeting in the big room so that people can attend all their meetings and feel comfortable. They are well on their way.

Deputy Mayor McLaughlin: How is public comment working? They are working before an audience, but they are not currently asking for comments as they work?

Village Manager Frobel: Not initially. This next meeting is going to be spent introducing each other to each member so they get a better flavor for their background and their perspective, and beginning to map out their strategy in how they are going to proceed. They have not gotten down to the nuts and bolts in their meeting protocol yet.

3. Other

Trustee Quinlan: Fran has sent out an e-mail to the Hastings e-mail list about some of the improvements of the parking situation at Harvest and MacEachron Park. I want to repeat those because the more the word gets out the better the situation will be down there.

Fran has worked very hard with the owners of Harvest. The nine parking spaces on the south end of the parking lot facing the tennis courts are dedicated for park and recreation use only. Fran is going to be working with Ray and the owners of Harvest to put up some appropriate signs: something like recreation and park use only, some sort of limit when the park opens, when the park closes. Also, Harvest has agreed not to use the parking spaces in front of Kinnally Cove. That is a public street; anybody can use it, including them. Harvest has agreed that their valet parking will be free for restaurant use and park, too. So you can drive in, leave your car, use the park, and come back and get your car free of charge. You can tip if you want. There is no reason to tip if you do not want. Hopefully, there is going to be a good balance between a much-needed, successful, appreciated business and a much-needed, successful, and very important use to our parks.

Deputy Mayor McLaughlin: Fran, it was wonderful that you worked out that compromise. It is a compromise in a sense, except that we have not given up anything. We have gotten something.

Village Manager Frobel: It has worked out well. It really showed some teamwork. Jerry made some initial inquiries, and the rest has just fallen into place. Thank you.

Deputy Mayor McLaughlin: There is one other thing I would like to bring up, and that relates to the quadracentennial. Last week we held two meetings, one in the daytime and one in the evening, for members or representatives of local groups or individuals who are interested in participating in the quadracentennial. This is for the 400th anniversary of Henry Hudson's trip up the Hudson in September, 1609. Two years from now there will be several months of celebration throughout New York State and especially in the Hudson Valley. We were looking for suggestions and comments, and some good suggestions came out. The most important is something that you saw in your packet: the reprint of the Hastings Historical Society article on what happened in Hastings in 1909 when a committee was established to oversee the happenings. There were floats and events and so on. The suggestion was made that we also create a committee. If the Mayor were here he would groan: another committee. This one would not interfere with the work of any other committee. It would oversee fund-raising, what the individual groups do, and grant-getting. I bring that suggestion to you tonight to hear your responses.

Trustee Goodman: I want to thank Diggitt for taking this project on. The notion of the Hudson Valley being on the world stage for the quadracentennial is very exciting and important, particularly for a place with “on-Hudson” in its name. If there are citizens who are willing and interested we should try to convene a short-term committee to oversee the celebration. I hope that we can have some successful programs, and I look forward to participating.

Deputy Mayor McLaughlin: The Historical Society is already planning that its featured program in 2009 will be a program about 1909. They have so much material. I hope that the Historical Society will put the article on-line because there are so many great photographs.

[Trustee Swiderski arrives.]

Peter, in this past week I had convened a daytime and an evening meeting for representatives of local groups who are interested in participating in the quadracentennial. One of the suggestions that I brought before the Board tonight was a committee of oversight, to be the point of contact between New York State, the state committees, the local groups that want to do things, to oversee fund-raising, to deal with grant applications. Now, in 1909 the committee was one of those things made up of gentlemen with mutton chop whisker after whom streets were ultimately named. I am not sure we can promise that anybody who participates now can get a street named for him or her. But there are people in the Village who love history and would like to participate in something like this. I do not think it would step on the toes of what we have, but I am just information-gathering. So your take on that?

Trustee Swiderski: It sounds very good.

82:07 INDIAN POINT POWER PLANT

Deputy Mayor McLaughlin: Since we are winding up Board discussion and comments, was there was anything that you had wanted to bring to our attention?

Trustee Swiderski: I am in receipt of a letter from Peter Wolf regarding the hearings on the Indian Point power plant. Public comment has been extended to October 12. In 2001 the Village had passed a resolution in favor of closing the plant. I do not know if we have much time to have a full-throated discussion about Indian Point in the next meeting, next week. But one possibility would be at least to pass a resolution expressing concern about the pattern of safety lapses, which could be read into the record for the public hearing process.

Deputy Mayor McLaughlin: When is the deadline?

Trustee Swiderski: October 12.

Deputy Mayor McLaughlin: We would have to do it now. It seems like a simple enough resolution in terms of expressing concern for the safety lapses. What is your feeling about this if we had such a resolution?

Trustee Goodman: I have concerns about the safety, and would be comfortable with that. We are a community far enough away and downstream so that we could be receiving evacuees from that area, or at least as a drop-off point or a jumping-off point. Certainly anything that goes on with respect to Indian Point is very much of concern to this Village. We have to gear up to prepare for that, to express concern about the safety and the warnings and the sirens. I believe I saw an article that set forth that the emergency system put in place was, with some fanfare, supposed to be acceptable. I think it did not cut the mustard, but I do not have those facts at my fingertips. But I think that we could certainly assert, fairly, our concern.

[Discussion of wording of resolution.]

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

RESOLVED: that the Board of Trustees of the Village of Hastings-on-Hudson expresses its ongoing concerns about the safety record and warning system at the Indian Point nuclear power plant, and thinks that record should be a significant consideration in the re-licensing of the plant.

| ROLL CALL VOTE | AYE | NAY |
|---------------------------------|------------|------------|
| Trustee Peter Swiderski | X | |
| Trustee Jeremiah Quinlan | X | |
| Trustee Danielle Goodman | X | |
| Mayor Wm. Lee Kinnally, Jr. | | Absent |
| Deputy Mayor Diggitt McLaughlin | X | |

Trustee Swiderski: As a point of order, I did raise with the Mayor that I was going to bring this up during the meeting. While he is traditionally not terribly eager for the passage of these sort of proclamations, he understood and agreed there was merit to it.

Trustee Goodman: I am the Trustee liaison to the senior citizen advisory committee. Jack Gavin is chair. Members are Dr. Patricia Bloom; Walter Stugis, who is also a member of the

Hook and Ladder; Jenny Murphy, senior advocate; Ann Schnibbe; and Eleanor McGinagle. The committee was formed this past spring, and since that time they have met four times. Their routine is to meet every third Wednesday of the month. Full circle with Diggitt's first public announcement, when we are able to have more volunteers they would love to tape their meetings for the senior citizens who cannot come out to participate in these meetings.

What they are looking at doing is a mission statement and a strategic plan. Some of that is being attended to by the secretary of the committee, Walter Stugis, who is quite able in the subject matter of strategic planning. What he has produced so far and what we are working on is quite amazing. The seniors constitute 20% of the population, based on the 2000 census. It is expected to grow when we baby-boomers come to age so we are preparing for that. The goal is not just to age in place, but to age well in your community. They are looking to have the elders get the support they need to remain in the community, and also for the elders to have outlets for sharing their substantial and extraordinary talents that are, right now, largely untapped by our community. They have had speakers. Last week we had guest speakers from the Medicare Rights Center. It was a wonderful program, and they are providing us some assistance and tools, models for aging in place. As I said at the comprehensive planning committee meeting, we expect Hastings to probably invent its own model.

We will keep you posted, but it is a terrific opportunity, and I thank Mayor Kinnally for appointing me liaison to this committee. I am very committed to the subject of elder care, have been for many years, and it is a great opportunity to serve the community in this capacity.

Trustee Swiderski: A report on the Village officials committee. The Appellate Court reviewed and granted the villages the right to intervene on the side of the Town in the Bernstein suit against the Town of Greenburgh. What this means is, we can join in and submit our own briefs in support of the Town's position regarding the Finneran Law in our ongoing conflict with the litigant over the shape and standing of this piece of legislation, about 20 years ago, which defines how parks are paid for by the villages. We have had the court rule in our favor, allowing us to participate in the suit, so it is a bit of good news.

Deputy Mayor McLaughlin: For members of the public who may not know what the history of this is, is there any 25-words or less précis you could come up with?

Trustee Swiderski: There is a multi-year process here of working through two lawsuits. A litigant in the unincorporated half of Greenburgh has sued based on his interpretation of how parks should be paid for. Currently in Greenburgh, parks in the unincorporated part of Greenburgh are paid for by the unincorporated part of Greenburgh and the villages are not required to kick in to support those parks. The litigant has made a claim that the piece of

legislation which governs this is not, as it has been commonly understood, properly dividing these expenses and, in fact, the villages should be kicking in half of these costs. It is out of the lawsuit that the public may have heard these claims that their town taxes could up by a factor of three or four if the villages were required to pay that half because it is quite a substantial piece of change, maintenance of these parks and the Community Center and pool.

Deputy Mayor McLaughlin: We cannot use the Community Center and pool, or can we?

Trustee Swiderski: We cannot. This piece of legislation called the Finneran Law, at least it is the Town's and villages' position, was passed to explicitly state that the villages are not responsible unless a given village's board votes to share that expense and the town agrees to allow that village's citizens access to that particular facility. The litigant has read that legislation differently, so we are into a second lawsuit.

When we originally petitioned to join the lawsuit, which listed the Town of Greenburgh as the other party, the judge denied our request, and we appealed it and won on appeal, which seems only fair since this legislation has a direct bearing and impact on the villages. It was a ruling that caught us by surprise when it was first issued a year ago. The court's findings in this particular judgment are interesting because the last couple of sentences refer specifically to the Finneran Law in a way that indicates an understanding identical to the way the villages and the town read it. That is what is encouraging: not only that we have been allowed to join the suit, but without overanalyzing a couple of sentences it would seem to be that the court is viewing this law as we do, which has some positive indication about which way decisions may fall on the lawsuit in question.

So overall we have, for the first time in a long while, been very encouraged by developments here.

Trustee Goodman: Peter, I want to thank you because I know that you have spent substantial time on this issue and that your learning curve does not come easily because you have been to many, many meetings about this.

Trustee Swiderski: And I am not a lawyer.

Trustee Goodman: And you are not a lawyer. Also, not only do you participate in the village officials committee, but I know you have gone to Greenburgh town hall meetings. Thank you for watching over that very complicated situation for us, and your wise counsel is appreciated.

Trustee Swiderski: You are welcome. It is not the most exciting, perhaps, of issues; rather dry and arcane. But the tripling of taxes, even if they are only \$150, that \$300 to \$450 extra a family was enough to snap my attention, as it did a number of the village officials up and down the river. It is an issue of principle and pocketbook, and those are both compelling. This s the camel's nose in the tent: once you start with this, this can be expanded and we will end up paying for even more things that we do not need to.

ADJOURNMENT

On MOTION of Trustee Quinlan, SECONDED by Trustee Swiderski with a voice vote of all in favor, Deputy Mayor McLaughlin adjourned the Regular Meeting at 8:50 p.m.