

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 4, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 4, 2000 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee James B. Keaney, Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee David Walrath, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Seven (7)

PRESENTATION - LIBRARY BOARD OF TRUSTEES

Mayor Kinnally: Our first item of business is the presentation of the Library Board of Trustees. Good evening, welcome. Thank you for coming, and happy New Year.

Dan Frank: The Hastings library is one of our most popular and most cherished institutions. We on the Library Board are deeply grateful to Lee, to Neil, and the Village Board, and how responsive you have been to our requests for increased staff and longer hours in order to better serve the diverse groups, from toddler to elder, who use the library.

The library is a victim of its own success. Its success highlights its deficiencies: what it is not able to do but needs to do. We think of the library's success as an opportunity to find new and different ways to serve the community more effectively and more efficiently. This evening we want to begin a community-wide conversation on this topic.

Our library was built before the arrival of computers, videos, audio tapes, CD's, the Internet. The library is no longer merely a collection of books. I am not suggesting that books are about to be replaced, but in this age of information there are an ever-increasing number of new and different ways of providing information. Never before has a library been as necessary and essential to the needs of citizens. Yet, we have a 35-year-old building that needs attention. Our ceiling is falling down. Our bathrooms are shoddy. We are not handicapped-compliant. Our electrical wiring and computer cabling is a makeshift affair. There is no work space for the staff to properly catalogue and organize the many collections of audio books, CD's, CD Rom's, and videos, not to mention the periodicals, newspapers, and books that are also housed in the library.

Six months ago the Board decided that it was time to look at the library, to consult with the staff about their needs, and to seek out an architect to help us envision both short-term and long-term goals. We decided to use money from our endowment to finance this review. Three months ago, Neil informed us that the library had been awarded a grant from the state to defray the costs of a capital project. The money, however, was governed by a time constraint. An application had to be made specifying use of the funds by this June. This condition prompted the Board to accelerate our review of the building. That process has been intensive and rewarding. I hope that you find the ideas that the architect, Jim Lothrop, will present as exciting as we do.

We very much feel that this is a collaborative project. Just as we have had input from the library staff, we need your input. We need the input of every Hastings resident. We want all of you to be a partner in the future of our library. I am now going to turn over the presentation to Jim, who is going to show you some plans and some ideas.

Jim Lothrop, Lothrop Associates Architects: Thank you very much for this chance to speak to you on behalf of the library.

For the past three or four months our firm has been working with the Library Board of Trustees, the staff of the library, the library director, the Friends of the Library to assess the efficiency and the effectiveness of the library services to the public based on the facility that they have. There are a number of factors that have affected how efficiently the library is operating. The library opened in 1966. At that time the library was built to hold 35,000 volumes. Today it holds over 70,000 volumes. Circulation in the past three years has gone up by more than 25%. There has been a very dramatic increase in the amount of material that the library is housing, and the usage that the public is requiring of the library. Summer reading participants in 1990 were 14. Summer reading participants in 1999 were 800.

We looked at the library facilities to assess what worked and what did not work; whether space was too tight; where space in a few places was too large. We have been trying to find a way to improve the library with reasonable expenditures and modifications.

We have come up with four different areas that are pertinent. The first is a reorganization within the space to improve service and efficiency. The circulation desk is large and not in the location that it should be. It keeps people from getting down to the lower level. The book keeper works behind the circulation desk. While she is working on accounting

figures, she is answering questions of the public. Not a very efficient way for her to operate.

The director's office is too large for an office and hard to function as an office when it serves as a meeting room, a coat room, and other functions.

The ADA has made us more sensitive to handicapped accessibility. There is no way for somebody in a wheelchair to get into the bathrooms or get from the upper to the lower floor.

There are concerns within the library about acoustics. Libraries are community centers, active spaces not intended to be quiet. Today you divide libraries into different acoustic areas. This library does not have that. The children's area is in one corner, obviously quite noisy. The circulation desk, where questions are asked, telephones are ringing, FAX machines ring, is right in the center of everything. There is no quiet room for somebody to go off in a corner and do quiet, contemplative work.

We are also too tight for space. As I mentioned, the collection has more than doubled since it was built.

The staff lounge on the lower level is larger than it needs to be. It is not used very frequently because it is a windowless space. The community room is big enough to accommodate 80 people, but because there is only one door, by code you cannot have more than 50 people. Many of these issues are easy to repair. We are showing our first thoughts in conceptual plans to how to solve some of these, and we are looking for your input. We are hoping the community will come in, look at the plans, and participate in this process.

The circulation desk would be better moved to the front corner of the building, freeing up the center of the library and making the library more flexible with a wide-open floor space. It opens up the stair to the lower level so we do not disrupt library functions to get to the lower level. We would divide the director's office into two spaces, a smaller office and a staff work room, consolidating the staff functions into a smaller space, thus making more space available to the public. By opening up the center area, we would take advantage of one of the library's assets, the spectacular view. By shifting stacks forward and relocating periodicals we can make the library appear more open and still maintain the same number of shelves.

By relocating the stacks to three feet apart, which is required by Code for handicapped, we can provide a better space for the reference area. We can provide a better location for computers, still near the front desk, but not crammed in an aisle that is awkward. By relocating the copier to near the staff area where it should be, we can increase the size of the bathrooms to make them handicapped accessible so the building will accommodate disabled persons.

We suggest that you add an elevator to the building to make the connection between the two floors.

We can solve the acoustic problem by organizing it into different areas. We would like to put a glass partition system around the children's area to control the noise. Moving the desks to the front will help eliminate some of the noise in the center. In the back corner we have put a glass-enclosed, quiet reading room.

The last problem is more space. We are suggesting an addition on the south side of the building that would act as a children's program room for story time, arts and crafts, and badly-needed storage. On the lower floor we can reduce the size of the staff lounge, put in a window for natural daylight, and provide two handicapped toilets. We can relocate storage in the corner of the community room into two locations. The community room can have two ways in and out, which makes that room sized for over 150 people. We are suggesting a multi-purpose room underneath the children's program room addition to serve as a meeting room, an art gallery, and a vestibule for the community room.

Through these modifications and additions we think we have solved the majority of the problems that the library currently faces.

Mayor Kinnally: Is there any way of putting any natural lighting into the community room?

Mr. Lothrop: By eliminating the mechanical room, which we hope to do, we end up with an area-way there. We would not get views out, but we could get natural daylight. I want to point that the addition was fairly carefully thought out because we did not want to disrupt the adjacent park. What we are doing is holding it back tight to the building so that it is in the area of the recess where the current entrance into the side door is. We are adding a lovely view from the library that you wonder was never there. One of the most

spectacular views, looking down the Hudson River, we will now take advantage of from the community room and the children's program room.

Mayor Kinnally: Where will the mechanical room be relocated?

Mr. Lothrop: We are probably going to be using rooftop units above this addition. At this point, we are still very conceptual. We have not had an engineer involved. We wanted to get your thoughts on it before we went too much farther.

Trustee Holdstein: Does ADA requires bathrooms on both floors?

Mr. Lothrop: No, it does not.

Trustee Holdstein: Are there currently bathrooms downstairs?

Mr. Lothrop: There are currently two bathrooms downstairs. If we put the elevator in you do not have to have both bathrooms accessible, but it makes a lot of sense to make that handicapped accessible. We would like the community room to be used when the library is not open. If you do that, you have to have the bathrooms downstairs accessible.

Trustee Holdstein: Can we create more storage and therefore more general public use of the library in terms of shelf space?

Mr. Lothrop: We do not need the dumb waiter anymore, so that is becoming an increased storage area. Currently the hallway downstairs is larger then we need it to be, so we will pick up storage there. We are going to take a piece out of the staff lounge for storage as well.

Trustee Walrath: Is there a possibility in that area-way of putting a bridge across and opening it t out to the view at the ground level of the lower room? It drops off quite sharply, about five or six feet from the building.

Mr. Lothrop: Very nice idea. I do not know where the property line is, and I do not know where the grade is at the property line. If it is far enough down the hill, then I think that could be a wonderful idea.

Mayor Kinnally: The community room is one of the more under-utilized spaces in the Village; it is not inviting, and people are not anxious to have meetings there. Anything that could open that up to make it more inviting would be found space in the community.

Trustee Holdstein: How are you defining the blue area, the addition on the lower level?

Mr. Lothrop: We are calling it multi-purpose because we think it will be multi-purpose. This space can be closed off completely as a separate meeting room. We would like to encourage the arts in the library. It would be a great space for a gallery and serve as the anteroom to the community room as well.

Trustee Holdstein: If you shave away that landscape and create a window, you could also put an access there.

Trustee DeVita: What is the approximate size of the blue area?

Mr. Lothrop: A little less than 600 square feet on each level.

Trustee Holdstein: Are the glass partitions in the children's area to the ceiling?

Mr. Lothrop: We are envisioning them from the top of the stacks up to the ceiling. Everybody likes the openness of the library, and nobody wants to lose the open brightness of the library. We will put it right on the center of those book stacks.

Trustee Holdstein: Will sound not emanate into the reading area on the west versus fully walling it?

Mr. Lothrop: That is a debate that we have been having with the library. The staff is concerned that putting doors in would be too dramatic a change. We are envisioning an opening at door height, with glass above. If you decide that you want more acoustic privacy, we could put doors in.

Trustee Holdstein: Could the main floor addition be more multi-purpose, rather than designating it strictly for children's use?

Mr. Lothrop: That is a very good possibility, one that we have tossed around. The elevator does not have to be right here.

Trustee Holdstein: Is there any question of security, the fact that the desk and the staff functions would all be in this lower right corner?

Susan Feir, Library Director: That was one of the reasons that we wanted to keep the children's room fairly open, so that increases in staff would be incremental and not dramatic. And also for security, especially in down hours when the library only has a few staff. You would have complete visibility.

Trustee Keaney: One of the nice things about the library is the openness of it. Has the staff experienced a lot of complaints, or requests, from patrons about keeping the children's section quiet, and creating this reading room?

Ms. Feir: Not only do some adults wish that families were a bit quieter, but families would like an area where they did not feel that they needed to be quiet and could be more adventuresome and noisy. The staff were blown away by this center aisle, and the view. There were certain things that emotionally were so exciting.

Trustee Holdstein: It appears that you are showing, on the curve, three windows. It would be extremely dramatic to have one sweeping curve of glass on both floors.

Mayor Kinnally: The idea of walking into the building and looking straight out to the Palisades with an unobstructed view is absolutely wonderful. Without changing structurally the interior of that library, the promise is really breathtaking.

Mayor Kinnally: As far as upgrading mechanicals what do you foresee?

Mr. Lothrop: We have had suggestions from the library staff. We would look at air conditioning, heat and ventilation more carefully with an engineer.

Trustee Walrath: Will there be a possibility of eliminating the disappearing staircase to the rooftop utilities? It drops down in the middle of an area that you may want to use for something else. If you can have access across the roof from your elevator it would eliminate the necessity for that. Will the plans be available for the public that want to take a closer look?

Mr. Lothrop: We were going to leave the Board copies of the plans and we can have copies available here and in the library.

Mayor Kinnally: You indicated that there was a deadline of June to put an application in. Is that right?

Village Manager Hess: That is the \$35,000 grant that we already got. I asked them to put together a mini-project so we can get going on at least part of this.

Mr. Frank: That grant was a spur to get us thinking about a number of issues. What we presented tonight is bits and pieces that we can detach and do in the short-term. We want everyone to start thinking about what makes sense now and what we should hold off on.

Mayor Kinnally: Is there any rough estimate of construction cost, assuming you build out what you are talking about here?

Mr. Frank: It is rough at this point because it is so preliminary, but we are thinking that the entire project on these two plans is between \$500,000 and \$750,000.

Trustee Holdstein: Does this give us more shelf space for books?

Mr. Frank: We are increasing the shelf space fairly dramatically. The question of the grant is an important one, because there are a number of ways that we could spend that \$35,000. We need to get some indication as to whether or when we should be working toward the master plan. The first thought was that perhaps the grant should be used for replacing the circulation desk. That is one of the biggest wastes of space in the library. But that means spending some money on wiring, telephones, computers, and so forth. But if we relocate it, we will reuse the desk. We will not be throwing away the money that we spent on the desk, but we will be throwing away the money we spent on the wiring. The ceiling throughout the library is in bad shape. There has been a request in the past for a capital project to replace the ceiling, but maybe that is something we should be doing because that would not necessarily be impacted by the master plan. It would help us to use that money wisely if we had some idea of what the timing might be on this.

Mayor Kinnally: We are starting our budgeting process, and I think we should look at all of this and over the next few weeks talk about it. Anything piecemeal generally winds up costing us more. It may not be double, but I hate to put in wiring and then rip it out, a ceiling where you are going to be moving mechanicals around, and that nature. You have given us a lot to think about, and in the next two or three weeks we can give some long, hard thoughts to this.

Trustee Holdstein: Are there are grant money sources that the Library Board in concert with Neil could be looking into. There may be a variety of places that we could reach out to, to help defray the cost.

Mayor Kinnally: Thank you all for coming. A lot of work and thought has gone into this so far. Jim, thank you very much for your work, and Dan, and the Board, and the staff.

APPROVAL OF MINUTES

Trustee Holdstein: A typo on page 10: ato should be to.

Trustee Walrath: My comments on page 14: that we cannot encroach further into the river was really the idea.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of December 14, 1999 were approved as amended.

APPROVAL OF WARRANTS

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the following warrants were approved:

Multi-Fund No. 67-1999-00	\$239,043.85
Multi-Fund No. 68-1999-00	\$168,829.32
Multi-Fund No. 70-1999-00	\$ 45,052.64
Multi-Fund No. 71-1999-00	\$ 7,795.93

1:00 - AUTHORIZATION TAX CERTIORARI SETTLEMENT

Mayor Kinnally: This involves three pieces of property: 1-3 Washington Avenue for RPT Metro Realty, the Bank of New York on Warburton Avenue, and Sinatra Funeral Home on Spring Street. We are in receipt of communications from special counsel recommending this settlement. We also have correspondence from the Village Assessor. At the root of it is the equalization rate. We are getting hammered with it, and it does not appear to be a problem that is going away.

Village Manager Hess: The special counsel has provided extensive backup material to the Board relative to the three proposed settlements. The settlements are consistent with settlements with the Town of Greenburgh and their taxing authorities. They have been reviewed by the Village Assessor. They both make commentary relative to our state equalization rate. After reviewing all the financial material, I agree with Mr. Lammers, the special counsel in this case, and recommend their approval. There would be three sets of refunds paid from the judgments and claims portion of the budget. They are paid within 60 days of the date of the signing, without additional interest paid.

We were last reassessed in 1958 on a town-wide basis. The decreasing equalization rate is very similar in all the communities. Assessments are not keeping pace with the increase in market value. Until the state approves a total revaluation county-wide, where every town can be treated equally, this problem will continue to happen. Hopefully, in this next legislative session the revaluation bill the governor vetoed last session will get through. It is important to the long-term financial stability of every community in Westchester.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Attorney to execute *tax certiorari* settlements with Bank of New York, Inc., Sinatra Funeral Home, Inc., and RPT Metro Realty Corp., formerly Hastings Partners, as follows:

**RESOLUTION AUTHORIZING TAX
CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Sinatra Funeral Home, Inc.	15 Spring Street, Hastings-on-Hudson, Volume HA, Sheet 12 Block 630, Lots 30 & 30A	1995, 1996, 1997, 1998, & 1999

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution, now therefore be it

RESOLVED, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>	<u>Proposed Refund</u>
1995	42,500	39,400	3,100	324
1996	42,500	37,200	5,300	573
1997	42,500	36,000	6,500	716
1998	42,500	31,900	10,600	1,203
1999	42,500	31,900	10,600	<u>+ 1,203</u>
				4,019

The Village of Hastings-on-Hudson's share of the refund is \pm 4,019.

**RESOLUTION AUTHORIZING TAX
 CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
Bank of New York, Inc.	Hastings-on-Hudson, Volume HA, Sheet 10 Section 10, Block 630, Lots 24 & 25	1993, 1994, 1995, 1996, & 1997

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution, now therefore be it

RESOLVED, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>	<u>Proposed Refund</u>
1993	66,500	50,000	16,500	1,524
1994	66,500	50,000	16,500	1,659
1995	66,500	50,000	16,500	1,723
1996	66,500	50,000	16,500	1,783
1997	66,500	50,000	16,500	<u>+ 1,817</u>
				8,506

The Village of Hastings-on-Hudson's share of the refund is \pm 8,506.

**RESOLUTION AUTHORIZING TAX
 CERTIORARI SETTLEMENT**

WHEREAS, petitions having been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address Description</u>	<u>Year(s)</u>
RPT Metro Realty Corp., formerly Hastings Partners	1-3 Washington Ave. Hastings-on-Hudson, Section 9, Block 20 Lot 37	1993, 1994, 1995 & 1996

WHEREAS, petitioner's court challenge is now pending in Supreme Court Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution, now therefore be it

RESOLVED, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>	<u>Proposed Refund</u>
1993	44,200	37,000	7,200	664
1994	44,200	40,500	3,700	372
1995	44,200	41,500	2,700	282
1996	44,200	39,000	5,200	<u>+562</u>
				1,880

The Village of Hastings-on-Hudson's share of the refund is ± 1,880.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Mayor Wm. Lee Kinnally, Jr.	X	

2:00 - PURCHASE OF POLICE VEHICLES

Village Manager Hess: We were notified by the New York State Office of General Services, where we purchase our vehicles, that the bill out date is January 13, so it is necessary for us to come before the Board to request authorization earlier for the replacement of these vehicles.

Three years ago I proposed to start leasing several vehicles. The state has not come through in terms of providing lease package vehicles. They are only for purchase. This year the purchase of three police vehicles was scheduled. I propose that we purchase two marked police vehicles, and that the third, unmarked, vehicle would be a leased vehicle. This will not be a police package, but is sufficient for our unmarked purposes. It is not used in radar. It is for the use of the detectives.

Trustee Walrath: In Lieutenant Schiavone's backup on this, I understand vehicle 2 has been repaired, apparently, in a bad accident or something, and should be taken out of service. Of the other vehicles 3 and 5, they have somewhat more mileage. He recommends only one be replaced. That is what we are doing?

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees authorize the purchase of two police vehicles for an amount not to exceed \$21,500 per vehicle.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Mayor Wm. Lee Kinnally, Jr.	X	

3:00 - LEASE OF VILLAGE VEHICLES

Village Manager Hess: I have put together a sheet showing the difference in costs between purchasing vehicles and leasing. Three vehicles need replacement: one 1992 purchase vehicle assigned to the detectives, and two lease vehicles assigned to myself and the Chief of Police. To purchase three vehicles under state contract is \$21,200 each, less an estimated resale value after three years, for a net cost of \$57,600. At \$350 a month over the three-year period, the lease cost for three vehicles is \$37,800. That includes 20,000 miles per vehicle. There are no down payments, and the excess over 20,000 miles per year is 9 cents per mile. None of the last lease vehicles exceeded 20,000 miles. Overall, the savings to the Village is significant in terms of initial cash outlay and the usage of the vehicles. When the purchase police vehicles go out of service, they go to

public works, parks and recreation and are used until they are excessed and sold at public auction.

Mayor Kinnally: Assuming we bought a car for the detectives, you get more than three years out of it; now it is eight years. If you did a cost comparison for that period of time, how would the numbers change?

Village Manager Hess: Well, you would divide your \$21,200 by eight. But incrementally, after five years your vehicle expenses go up.

Mayor Kinnally: They might. But even if you did it on a five-year basis, I am just saying I do not know if the savings would be as dramatic as they are here.

Village Manager Hess: Let us discount their savings altogether. Take a third of the cost out, you are still looking at \$12,000 or \$13,000.

Mayor Kinnally: Have you inquired what it would cost to purchase the vehicles we have been leasing?

Village Manager Hess: No, they go back to the dealer.

Mayor Kinnally: It might be worth our while to see what the purchase would be.

Village Manager Hess: We can take a look at that.

Trustee Walrath: If you leased for a longer period, you would have a somewhat lower rate. If you made a comparison on the five years of your lease, your monthly rate would be somewhat lower but the overall cost would creep up toward your costs of the vehicles.

Village Manager Hess: The only leased vehicle they make available is over a three-year period.

On MOTION of Trustee DeVita, SECONDED by Trustee Walrath, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees authorize the lease of three vehicles for an amount not to exceed \$350.00 per month per vehicle.

ROLL CALL VOTE

AYE

NAY

Trustee James B. Keaney	X
Trustee Elsa C. DeVita	X
Trustee Michael Holdstein	X
Trustee David Walrath	X
Mayor Wm. Lee Kinnally, Jr.	X

4:00 - SALE OF EXCESS VEHICLES

Village Manager Hess: On December 20 we learned that the Public Works Department bid out certain vehicles as excess. The normal procedure is for the Board to declare these vehicles excess, and then we advertise the bids and go out to bid. However, I looked at the numbers of bids and amounts and did not think it would be justified to reject these. We have a two-part resolution, first excessing these vehicles, and second, authorizing approval of the bids. I recommend approval of these bids and that they be excessed.

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees declare the following as excess vehicles and approve the sale by sealed public bid as follows:

1983 Chevrolet Suburban - Tom Balfre	New Rochelle, NY \$550.00
1984 Sreco Sewer Rodder -	Hudson Valley Bus Company, Inc. Cortlandt Manor, NY \$300.00
1990 Chevrolet 3500 4-Wheel -	Hazelton Mt. Laurel Enterprises, Inc. Hazelton, PA. \$4,779.00
1992 Chevrolet Caprice -	Police Cars Unlimited Inc. Woodside, NY \$1,656.00

ROLL CALL VOTE

AYE

NAY

Trustee James B. Keaney	X
Trustee Elsa C. DeVita	X
Trustee Michael Holdstein	X
Trustee David Walrath	X
Mayor Wm. Lee Kinnally, Jr.	X

5:00 - PUBLIC HEARING WATERFRONT DEMOLITION

Mayor Kinnally: The buildings to be demolished are south of Building 15 on the waterfront, some of which are more than 50 percent down. We were hoping to have this done earlier, but the package of information that we needed was not forwarded to us in time; we believe we have enough information now to go forward with the Public Hearing, with the hope that this will be accomplished by spring of this year.

Trustee Keaney: At the Public Hearing a map of the waterfront should be available noting where all the buildings to be demolished are located.

Mayor Kinnally: Neil, could we have a couple of photographs of the buildings also.

Trustee Holdstein: Did the proposal give any estimates of time to complete the job?

Mayor Kinnally: No. The time line was not in there. It has to do with whatever contractor that they retain, the staging and the timing.

Village Manager Hess: How much material can be recovered and kept on-site.

Mayor Kinnally: They said they did not have it. I do not know if they will have it at the Public Hearing.

Trustee Holdstein: Do we have a right to dictate hours of traffic?

Mayor Kinnally: We should hold those questions until we have the people who can answer them.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing on Tuesday, Jan. 18, 2000 at 8:00 p.m. to consider the application of ARCO Environmental Remediation L.L.C. for a demolition permit for the southernmost portion of the former Anaconda Wire & Cable

Co., specifically, Buildings 7, 10A, 10C, 13, 14 and three miscellaneous buildings.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Mayor Wm. Lee Kinnally, Jr.	X	

6:00 - FILING OF ZONING BOARD OF APPEALS MINUTES

Village Manager Hess: A new state law provides that if a Zoning Board of Appeals is to file their minutes with the office of the Village Clerk the local legislative body must pass a resolution. Otherwise, the Zoning Board minutes are filed with the clerk of the Zoning Board. All Boards and Commissions file their minutes with the Village Clerk, since the Village Clerk is the Record Management Officer of the Village. We felt it appropriate to maintain our centralized minutes.

On MOTION of Trustee Keaney, SECONDED by Trustee Walrath, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Zoning Board of Appeals shall continue to file its minutes in the office of the Village Clerk.

ROLL CALL VOTE	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Village Manager Hess: On the Southside project, we expect that all the curbing work will be completed this week on the east side, and the sidewalks should be poured

sometime early next week. If the weather continues to be decent, we will be moving to the Washington Avenue. The light poles are scheduled for delivery next week.

I discussed with our engineer on the Draper project, Mr. Nardecchia, the ground cover. They hope to put some type of ground cover on the west side this Saturday. The drainage structures are already in on the drive area. The drainage should be contained within the drive area, and not come down Washington Avenue. There are a series of catch basins and dry wells that we had installed as part of the modification of the project. The drainage is going to pitched into the stone area, and pitched to the catch basins and dry wells.

Trustee Holdstein: The asphalt comes down the driveway into Washington in a slight mound. Is that going to be regraded? I am concerned that, in cold months, water going down that hill will freeze. But if it will get caught before it comes out onto Washington, then there will not be a problem.

Trustee Walrath: At some level of precipitation we are probably going to have water coming downhill. But it is what the dry well system was designed for. However, the way you described it going out into the road, I am afraid it may make a barrier to the flow coming down Washington on the south side.

Mayor Kinnally: Can I make a suggestion that you walk together and take a look at it. We will get a report from Larry or Marco.

Village Manager Hess: The new office hours the Board approved start this week. Village offices will be open until 8 o'clock every Thursday and close on Fridays at noon. The library will be open on Thursdays until 8:30 and the Community Center will be open until 8 o'clock. However, the Community Center will remain open all day on Friday because of programs. We hope that people will take advantage of the late office hours to pick up leaf bags, pay taxes, visit with staff, get permits, and so on. Friday afternoons seem to be our slowest period. We were averaging three to six people in the entire building who would take care of public business. Also, the downtown is open on Thursday evenings until 8 o'clock.

As part of the newsletter we sent out a survey on Village services. The response so far has been very good. We have already received well over 200 responses to the survey. The results will be reported at a Board meeting, and will be in the next Village newsletter.

I would like to schedule a work session for January 25 to discuss the commuter parking lot. Currently we have 174 metered spaces at the Zinsser lot and 30 at the Con Ed lot.

We have issued 142 permits for 118 spaces at the Zinsser commuter lot and 89 permits for 72 spaces at the River Street lot. We are oversold by 20.3% at the Zinsser lot and 23.6% at River Street.

We are surveying the lots on a daily basis to determine the numbers of empty spaces, if any. We are maintaining a waiting list of 15 for parking permits.

One possibility I hope the Board will consider between now and the 25th: if we convert a number of our metered spaces to compact cars only, for every four spaces we will pick up a space. For 174 spaces at Zinsser we will pick up 25% more spaces. We have observed the lot, and 60 to 75% would be considered compact vehicles.

We could also talk about increasing all the prices. The private lots in the area are \$65 a month, and the only other private garage is \$160 a month for parking. We charge \$200 per year, or under \$20 a month. So, we are at less than a third of what other people charge. That is possibly why we have so many people that want to park there.

We are working on the 2000/2001 budget, and if the Board has any items for consideration if you let me know I would appreciate it. The budget request sheets are going out to all the departments at the end of this week.

We had talked about the survey at the sidewalk area across from the train station. The proposed cost by Munson was \$2,000. He has agreed to do it for \$1,800. I still think it is expensive, but I do not see where we have much option.

I want to thank Rafael Zaratian for sitting by the phone, the Y2K phone, on December 31.

Trustee Holdstein: Did you receive any calls that night?

Rafael Zaratian: Four calls. They were all friends of mine.

Mayor Kinnally: I got a call last week from *The Enterprise* last week asking what we had done as far as Y2K and did I foresee a problem. I said we had done a lot, and I did not foresee a problem, and I was, luckily, right on both counts. Raf, I want to thank you, too, for being here. I know the Fire Chief made sure that coverage was there for the weekend. The ambulance corps was on-staff. I thank everyone. It was nice to get through glitch-free.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Governor Pataki has proposed that the lower Hudson Valley be the site of a “think tank” for water-related uses: something to rival the Woods Hole Oceanographic Institute. I called John Cahill, the Commissioner of the DEC, and told him I thought it was a wonderful idea and that we had a site in Hastings that might be appropriate. He said that Westchester County is seriously being considered for the location of this institute, and certainly he was keeping us in mind. Obviously, taxes are a big consideration, but we have let the state know that we have a site adjacent to the Hudson River. We support the project, and I think it would be beneficial not only to the lower Hudson Valley but the entire state.

On the cleanup of the site, the commissioner told me that the original testing had been completed and they are hoping to get the results by early March. The supplemental testing is underway, and he hopes to have results from that also fairly soon.

The next stakeholders meeting will be in the Municipal Building January 12.

The Westchester Foundation has not signed off on our application for the LWRP and RPA initiative, as I had previously reported. They had serious misgivings about the fact that there was no Village component to the cost. They wanted to know where things stood with the state; my understanding is that the decision has been made, but we have not heard anything yet. The Westchester Foundation wants a component from the Village. On a project of this size they are looking for something on the order of \$5,000 from the Village.

Commissioner Cahill said they have signed off on the application for the demolition of the buildings on the southern part of the Anaconda site. I will begin again to go to the owners of the Marinello property to move that along.

Trustee Walrath: I urge that we try to see if there are any places on the site besides the deteriorating bulkhead area where demolition debris can be removed by barge. Irvington was very concerned with truck traffic through the town.

Mayor Kinnally: I agree.

Trustee Walrath: I contacted a man who is working on the bulkhead in Irvington. I learned they expect a good life, almost indefinite, from a metal bulkhead if it is given adequate cathodic protection. But that is a maintenance headache which he warned us against. They are considering using prestressed concrete sheeting on some work on the west side of Manhattan. Later I got a call from his boss and he said they cannot help us

out because they are working for the DEC. The DEC has said they were not paying much attention to anything but the environmental considerations as far as this bulkhead. It is still in a hearing stage with the Department of State, and I hope we might be able to get some input still on it.

Mayor Kinnally: On the bulkhead, I did discuss this with John Cahill and he indicated that the issue of the bulkhead is being held up by the Department of State.

Trustee Walrath: They are supposed to hold hearings. George Heitzman told me that we could expect some delay because they have hearings. They may be intentionally holding it up.

2. Sale of Excess Village Property

Mayor Kinnally: We have had this on for a number of times. Any comments by my colleagues on this property? This is a landlocked property. We have given notice to the people in the surrounding neighborhoods.

Village Attorney Murphy: I can summarize the conditions of sale from my memo. The conditions were to suggest, subject to the Board's approval, that the public announcement indicate that the sale would be by sale deed without covenants. That is, the Village would not covenant, or warrant, anything concerning this land, but would sell it under a standard bargain and sale deed.

Secondly, that the announcement and the ultimate deed contain a deed restriction which would prohibit the creation, erection, or construction of a structure as defined under the Zoning Code on the property.

Thirdly, that all expenses of the sale, including transfer tax, recording fees, survey fees, or any other fees which were initiated under state law, would be the sole responsibility of the purchaser.

And fourthly, that the sale be conducted by public auction by sealed bid.

Obviously, the fifth condition, not stated there, would be the upset price for the property, which the Board would set formally, but would be consistent with the appraiser's evaluation of the parcel.

Trustee Keaney: What was the second condition?

Mayor Kinnally: Restriction that no structure, as defined in the Zoning Code, be erected on that particular property, although that property could be used as part of the overall footprint.

Village Attorney Murphy: As a square footage, in terms of if that property were to be adjoined or acquired by an adjoining property owner, our research shows there is no way you can prohibit it from being included as a square footage lot basis. It is diminimus. It does not address the issues, as I understand it, of frontage for other types of situations. But the restrictive provision would be, and I emphasize pursuant to the Village Code, no structure. No structure under the Village Code includes on, under, or in the ground.

Trustee Keaney: Have we imposed such a condition before on other properties?

Village Attorney Murphy: Since I have been here I do not think you have sold any Village property. There were obviously concerns over the creation of structures on the site, and whether or not it would create problems for neighbors. As I say, all of these are conditions are subject to the Board's approval.

Trustee Walrath: Did you say impermeable areas? Roof surfaces that would have very high runoff?

Trustee Holdstein: Did you not say first in your memo that we would not impose any conditions or covenants?

Village Attorney Murphy: It was a bargain and sale deed without a covenant or warranty. That is, the Village does not warranty other than that they are selling the

property as described. We are not warranting that there are not challenges to title out, although it would appear doubtful. We are not substituting ourselves for a title company. There are no guarantees that go with it other than that the property as we define it, or it exists, has any deed or descriptive literature which was acquired by the Village or received by the Village when they acquired the property. That is all that we are conveying. In other words, it is somewhat more than a quit claim deed because consideration is there, but less than a guarantee of the metes and bounds.

Trustee Holdstein: There is no question that we own that property.

Village Attorney Murphy: But there is no guarantee that its metes and bounds are correct or that the map description is absolutely correct. By a bargain and sale without covenants the Village is essentially saying you cannot come back to us later and say my neighbor says he really owns three square feet, which is diminimus.

Trustee Holdstein: But other stipulations, like not having it sealed over to become a drainage problem, or build on it, that we can put as a stipulation?

Village Attorney Murphy: If the Board wants to do that, it is within their power to make it known.

Trustee Holdstein: And you are saying that if the land around it is then purchased, and suddenly somebody owns a larger piece of property, they could include that square footage as part of the total in terms of some future rebuilding or restructuring of a home.

Village Attorney Murphy: If a person with an adjoining lot acquired it our research has shown there is no way that you can prevent them from including that square footage in any type of lot count. However, it does waive any other provisions which might require frontage, access, or anything of that nature.

Trustee Keaney: Steep Slopes law would apply. The same Planning Board rules and regulations would apply to this lot.

Village Attorney Murphy: There is no waiving.

Trustee Keaney: Number 2 proposal would be in addition to that.

Village Attorney Murphy: It would be a deed restriction. So it would, in effect, prevent development of the property on the parcel that is sold itself. It does not necessarily prevent the square footage from being applied on a lot that is encompassed, or abutting, or adjacent to, the parcel as sold.

Trustee Walrath: Would a structure under our Code include a parking area?

Village Attorney Murphy: A structure under the Village Code is anything that is built on, above, or under the ground.

Village Manager Hess: Plus, there is a percentage in square footage restriction on parking on driveways, parking areas.

Village Attorney Murphy: In terms of the drafting of it, it was based on the Board's decision. A concern of the preservation of open space without the Village giving up the opportunity to acquire a return for a small piece of property that could not otherwise be utilized. There is under the circumstances an easement. Since the property is so small and has no public purpose, a conservation easement would be of questionable value. A deed restriction, if the Board so determined, would appear to be the more viable way to proceed.

Robert Kahn: Is there anything written?

Mayor Kinnally: We will get that to you.

Mr. Kahn: I object to the "on, under, or above the ground" restriction. I have no intention of building anything, but maybe I would want to have a patio or a tree house, or something. Forever is a long time.

Village Attorney Murphy: If you want a tree house, it is still subject to a building permit and you are still subject to setbacks, etc.

Mr. Kahn: Fine, but if there is a deed restriction against anything, then that supersedes the zoning ordinance, does it not?

Village Attorney Murphy: A deed restriction runs with the land. It runs irrespective of a zoning ordinance. Whether you have any zoning ordinance, or none, that deed restriction is an agreement to acquire the property. It is contractual.

Trustee Holdstein: Is your objection purely on principle, or with a concern for some intent in your immediate future should you acquire the property?

Mr. Kahn: I have no intention of doing anything on the property. I might want to have a patio, I do not know, or a dog run. I have young grandchildren now. Maybe I would want a tree house. I would like to be able to do things that would not bother any neighbors as long as they conform to the zoning ordinance, setbacks and all. I do not think that is unreasonable.

Village Manager Hess: The Board is going to have a discussion on the final conditions on the 25th, which will be a work session. You will be welcome to attend. They will have their hearing the first Tuesday in February on this. I will mail you the conditions.

Trustee Holdstein: I suggest we consider a law that provides, should a house be burned down or torn down for whatever reason, and a subsequent structure be built, that the new structure is subject to review with consideration to the neighborhood, both the current architecture in that neighborhood as well as the concerns of the residents. I am concerned when a house is torn down, and something new is built, that it be done in concert with the neighborhood and with the neighbors over and above what may be somebody's as of right with the Zoning Code. I think it gives the Village more protection to insure that we do not have things built that are inappropriate for the neighborhood or create a burden to the neighborhood.

Mayor Kinnally: I am going to ask the Village Attorney to look into that and get back to us with whatever input he has on that. Certainly, it has been addressed by the community. I think it is something we ought to look at.

Trustee Keaney: I think it is addressed in our current Zoning Code.

Village Attorney Murphy: The Trustee may be thinking about the right to reconstruct in a nonconforming building within six months of destruction.

Mayor Kinnally: Yes, but we talked about the size of replacements and the scale when we talked about Uniontown.

Trustee Holdstein: I am concerned about homes that are torn down, or homes that are damaged by other acts of nature, and require a new structure be built, being in scale, and being within reason for the neighborhood, both within the architecture and with the people who live there presently. Let them have a voice.

Mayor Kinnally: Architecture is much different from scale. We do not have architectural review in residential areas.

Trustee Holdstein: I am concerned that there is opportunity for neighbors to speak to a body who has some teeth by law to regulate. I understand that we do not have a binding ARB that dictates architectural style. But I would like to see something that works, that has some level of control, and is not completely free of community input.

Trustee Keaney: You are not talking about zoning. You are talking about architecture.

Trustee Holdstein: I am not talking about a change in the Zoning Code, but in some way protecting neighborhoods in keeping things within reason. I do not want to see situations where things are rebuilt that are just out of character.

Mayor Kinnally: The attorney has heard it, and we will ask him to get back to us.

EXECUTIVE SESSION

On MOTION of Trustee Keaney, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel.

EXECUTIVE SESSION

On MOTION of Trustee , SECONDED by Trustee with a voice vote of all in favor, the Board scheduled an Executive Session on Tuesday, January 11, 2000 at 8 p.m. to discuss personnel, litigation, and attorney-client matters.

Trustee Keaney: I want to congratulate Neil and the Village staff on the newsletter, and Trustee DeVita. It includes a very good map of the Village, showing in which parks dogs are allowed and not allowed. This is something I have been talking about for awhile. Of course, dogs must be leashed, and pooper-scooper laws obeyed. But the Waterfront Park and Draper Park are parks that dogs are not allowed in. If there are signs there that give a confusing message to the citizenry, these should be changed.

Trustee Holdstein: I would like to reiterate that in all parks dogs are to be leashed and in all parks there is a pooper-scooper law.

ADJOURNMENT

On MOTION of Trustee Keaney, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:20 p.m.