

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 1, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 1, 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 David Walrath, Deputy Village Attorney Marianne Stecich, and Deputy Village Manager Susan Maggiotto.

ABSENT: Trustee Michael Holdstein; Village Manager Neil P. Hess

CITIZENS: Two (2)

APPROVAL OF MINUTES

On MOTION of Trustee DeVita, SECONDED by Trustee Keaney with a voice vote of all in favor, the Minutes of the Public Hearing of January 18, 2000 were approved as presented.

On MOTION of Trustee Keaney, SECONDED by Trustee DeVita with a voice vote of all in favor, the Minutes of the Regular Meeting of January 18, 2000 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 76-1999-00	\$ 52,664.28
Multi-Fund No. 78-1999-00	\$ 28.50
Multi-Fund No. 79-1999-00	\$ 46,467.66
Multi-Fund No. 80-1999-00	\$ 274,942.44
Multi-Fund No. 81-1999-00	\$ 41,408.24
Multi-Fund No. 83-1999-00	\$ 375.00
Multi-Fund No. 84-1999-00	\$ 231.00

APPOINTMENTS

Mayor Kinnally: I would like to announce the appointment of Patrolman Cornelius O'Riordan to our police force. Patrolman O'Riordan is an eight-year veteran of the New York Police Department; he joined us a week ago, and I welcome him to our force. That brings us up to full staff.

11:00 RETURN OF ACCOUNT AND AFFIDAVIT

Mayor Kinnally: By law, we have to certify all outstanding tax accounts as of December 31, 1999. The total amount outstanding as of that date was \$196,835.35 in taxes, \$14,847.17 in penalties, and \$282.00 in advertising, for a total of \$211,964.52. How much has been collected to date?

Deputy Village Manager Maggiotto: This preceding month we collected about half, so the outstanding amount is \$99,000 in taxes and \$7,000 in penalties. Our tax collection is over 98 percent.

Mayor Kinnally: Part of that has to do with the settlement with the owners of the waterfront property, but there is a substantial increase in collections this year over past years.

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

RESOLVED: that the Mayor and Board of Trustees certify and approve the attached Return of Account and Affidavit for the 1999-00 Village tax roll.

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

12:00 VILLAGE ELECTION INSPECTORS - DEMOCRATIC

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 appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 21, 2000 as Democratic Inspectors:

INSPECTORS	DISTRICT
Viola Kepcher Elizabeth Waczek	18 th
Gloria Matzura Sara Neiditz	19 th
Evelyn Smith Eleanor Matza	20 th
Laura Jamin Ezra Matza	21 st
Anna Zahurak Rose Kahn	22 nd
Gloria Rodriguez Chris Costello	23 rd
Adele Bean Eve Feinstein	52 nd
Olga Porucznik John Russo	59 th

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

13:00 VILLAGE ELECTION INSPECTORS - REPUBLICAN

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

RESOLVED: that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 21, 2000 as Republican Inspectors:

INSPECTORS	DISTRICT
Bessie Kochan Martha Koblosh	18 th
Lillian Guerin Ted Bongartz	19 th
Jan Gustafson Mary Matzura	20 th
David Riggs Walter Honovich	21 st
Eleanor McGinagle Roberta Bennett	22 nd
Mariam Anthony Winnie Hazou	23 rd
Ceil Kingston Theresa Matzura	52 nd
Meriba Gursky Steffanie Selvaggio	59 th

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

14:00 PUBLIC HEARING RECREATION FEES

Deputy Village Manager Maggiotto: We are calling for a public hearing on increasing recreation fees; the increases have been recommended by the Parks and Recreation Commission.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for February 15, 2000 at 8:00 p.m. or shortly thereafter to consider the advisability of increasing recreation fees.

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

APPOINTMENTS

Mayor Kinnally: There are appointments to the Board of Assessment Review to fill the unexpired terms of the appointees from last year. I am announcing the appointment of Julius Chemka, Ed Carroll, and John Huelsman. I thank all three of them for agreeing to serve on the Board of Assessment Review, which will convene for Tax Grievance Day on February 15.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We have received notification of the award of bid on grants from New York State on Zinsser Bridge and on the LWRP/ RPA initiative. We also have grant applications in for funding for the acquisition of Marinello Cove. I am meeting with John Cahill and officials of the DEC to see where we are in that process.

Trustee Keaney: The grant for the reconstruction of the Zinsser Bridge is a huge amount of money: a quarter-million dollars. Thanks is due to the Village staff, Mr. Hess, Susan Maggiotto, our grant writing team, and the LWRP Steering Committee for putting that

package together. One group that also deserves a pat on the back is all the people who served on the LWRP committees, because the state likes to see community involvement before they give a grant of this magnitude. What they saw was a community involved in the process. Anybody who served on those committees or came to the planning forum in the high school deserves a pat on the back, and we hope that we can finish the job.

Mayor Kinnally: The involvement of the community in the process gets us much higher visibility in Albany, especially in a sensitive area like this. The governor, the Department of State, the Riverkeeper, and all the people who are involved in the Hudson River want to see access high on the list of Village priorities. I thank everyone: the office staff, our grant writer, Meg Walker, our planning consultant.

2. Commuter Parking

Mayor Kinnally: We have been reviewing commuter parking for some time and have a proposal for certain adjustments. There is a great level of frustration because of the allocation of spaces in our regular lots: pre-paid and meter parking. We are always looking to find additional areas to expand the parking for commuters. I turn it over to our Deputy Village Manager to go over the material and the proposals.

Deputy Village Manager Maggiotto: We not only sold all our available parking permits but we now have a waiting list. This is very unusual. We do not quite understand what is happening with the commuting habits of our residents. The meter spaces are filled on a daily basis, and now pre-paid spaces are also filled, whereas they used to be not filled every day. Unfortunately, people looking for a metered space are parking in pre-paid spaces, so some days this month our pre-paid parkers have been shut out of that lot, which is unfair to them. I would like to make a plea to people looking for meters not to do that. You are subject to a fine, in any case, but it is very difficult for us when people come in missing their trains because they did not get a pre-paid space.

We have been looking for places to expand our supply of parking. Parking Enforcement Officer Noah Pomerantz and Lieutenant Schiavone have made a proposal. After observing the usage of the west side of the lower Steinschneider lot, they found it very under-used during the week, and there are always spaces in other places in the lot for the few cars parked there. We would like you to consider converting those 17 parking spaces to pre-paid permit spaces, which would allow us to accommodate the people on the waiting list, many of whom have had permits in the past. Whether those should be specifically for those people on the waiting list, or added to the store of the Zinsser lot to accommodate the overflow from Zinsser, is also open. A byproduct of the change is that those spaces would be free parking as the Zinsser lot is on weekends.

Noah did an analysis of the revenues, and determined that he collects a maximum of \$3.00 per meter per week on the west side. We would realize twice as much revenue from selling permits even without the revenue from Saturday meters.

Mayor Kinnally: I want to point out that the problems we have had in the past week or so with parking in the pre-paid areas for those who do not have permits was not the impetus for this study. But utilizing the western part of lower Steinschneider for pre-paid is a very intriguing possibility. I do not see any down side to it. If anything, we might be able to entice the employees and merchants to use those spaces on a Saturday and have more turnover of the metered spaces on the weekend.

Trustee Walrath: Sounds very good.

Trustee DeVita: That sounds good.

Trustee Keaney: We need more parking. That is the one thing you hear from people. There is a limited amount of space to get it from. We created some more spaces a few years ago when we reconfigured the lot. This is the same type of alchemy: trying to create more spaces from what we have already. I think it is worth a shot.

Mayor Kinnally: The other part of the proposal has to do with re-stripping some portion of the Zinsser lot.

Deputy Village Manager Maggiotto: The Village Manager has determined that we could convert 80 of the 174 metered spaces to compact cars only and add 20 metered spaces. We could do this in the spring. It would really help if we had 20 more 12-hour meters there. Many cars, on observation, are compact cars.

Mayor Kinnally: One of the things we have to consider is where these additional spaces are going to be. Do we have a breakdown where that will be done?

Deputy Village Manager Maggiotto: I am not sure what the plan is. A compact space is 8 feet, and the standard spaces are 10 feet. We do not need all those 10-foot spaces.

Mayor Kinnally: What do we have to do to implement the changeover from metered spaces to pre-paid on the western side of lower Steinschneider?

Deputy Village Manager Maggiotto: Hearing your discussion, and hearing that you all are in agreement that this would be a good idea. We did not see any down side to it.

Mayor Kinnally: If we are going to convert them we ought to give people on the waiting list priority. How many are there?

Deputy Village Manager Maggiotto: It is around 20 or 21.

Mayor Kinnally: If we were to get 17 spaces out of that, what is our normal overage ratio?

Deputy Village Manager Maggiotto: We oversell about 20 percent.

Mayor Kinnally: So we could put 20 in, right?

Deputy Village Manager Maggiotto: Would those permits be sold as Steinschneider permits for those 20 people?

Trustee DeVita: I do not think you can do that.

Trustee Walrath: There is a distinction between the spaces on the other side of the tracks.

Mayor Kinnally: Those are for non-residents.

Deputy Village Manager Maggiotto: We have also oversold River Street, a slightly higher percentage than Zinsser. We still have empty spaces there. We have been telling people who cannot find permit spaces to park in the River Street lot with their Zinsser permits. We have non-residents waiting so we could sell more permits there, but we have to tread a fine line. We do not want to lose our overflow area.

Trustee Walrath: It would seem that Steinschneider belongs with the major lot on a first-come first-served basis.

Mayor Kinnally: I would be against dedicated permits.

Trustee DeVita: My concern is that the parking spaces are oversold, and people are not finding space in the pre-paid lot. If we open up 17 but sell 20 we still have a problem. I would hesitate selling more than the spaces we have available. I would say sell less to begin with to see how it goes.

Deputy Village Manager Maggiotto: We could do it in stages.

Trustee Walrath: This has been a very recent problem. We are not quite sure what it stems from?

Mayor Kinnally: There are two things. The weather is so bad, and work is very high. People are working. Five or 10 years ago we were not having this problem.

Trustee Walrath: We have to devote more of our parking lot to the larger spaces for the larger vehicles. It seems to me that we might reflect that in our rates. I would like to have that, at some point, considered. It does not seem fair that the people needing the larger spaces are paying the same rate. They are occupying more of our commuter lot.

Mayor Kinnally: Do you buy for the car or do you buy for the family? Some people may have two cars. It is something I think Neil should take a look at.

Trustee Keaney: What we are doing now may solve the immediate problem, and maybe that is another way to create more spaces in the future. Let us see how this works out.

Mayor Kinnally: I think we will make that change. Let us just sell 15 of them for now.

Deputy Village Manager Maggiotto: We will communicate with our permit-holders by mail and let them know when the new area is available. We have to wait until all the mechanics are done.

3. Community Center Carpet

Deputy Village Manager Maggiotto: The Community Center has been painted, and is desperately in need of new carpeting. It has a very thin old carpet glued on top of tile which has an asbestos component. Our initial thought was to rip up the old carpeting and put new carpeting down. We cannot do that without disturbing the asbestos tile. So, knowing that and knowing this is a rather short-term project because we have received the grant to do renovations to the Community Center on a larger scale, which we have just now begun planning, we would like to try to leave the asbestos tile in place. Ray Gomes, the recreation superintendent, had Hygenics come in, a company that assesses asbestos amounts. Their report states that there is a higher amount of asbestos in that tile than you can ignore, but not a great amount. They see no problem in leaving it. As long as it is untouched, it is not in any way a health danger. He also got an estimate from a contractor for doing the asbestos abatement; the cost would be somewhere around \$20,000. The two bids for carpeting are closer to a third of that. The recommendation from Mr. Gomes and Mr. Hess is that we put new carpet down on top of the old carpet. We have been assured by the carpet installers that this is fine. The carpet is in place pretty solidly.

Trustee Walrath: How quickly will our planning for the long-term changes permit us to see how much service we can expect out of this carpet? If we are going to have to take the tile up as part of the long-term program, we might be better to bite the bullet now. If we can keep it almost indefinitely I would say it is an open and shut case. If that is a good long-term solution, I would say it is a very clear way to go.

Mayor Kinnally: I do not think it is a long-term solution. I see it as an interim solution. Something is going to have to be done on a large scale to that building to bring it into compliance and to make it work for the next several years. That carpet would not stay, I do not believe. If we are going to do any large-scale work, some of that is going to have to be disturbed.

Trustee Walrath: How many years will we get out of it? More than five?

Deputy Village Manager Maggiotto: It is going to be at least three years before we change it.

Mayor Kinnally: I am afraid that other asbestos abatement will be needed when we get into that building. It could be wrapped up in one project. If we have that floor taken up now we are talking about shutting down the building. When this building was treated the whole thing was isolated.

Trustee Walrath: If we are really getting three years I would have less objection, but it seems a shame to spend the money. We have lived with what we have had.

Mayor Kinnally: I do not know if we can continue with what we have. My suggestion is that we put new carpeting on top of what is there now, and then look for more long-term and more far-reaching solutions beyond the carpeting.

Trustee Keaney: I agree. That Community Center is really well-used, and the carpet is really shot. It may be a short-term solution, but I think we have to do it.

Trustee DeVita: I agree.

Trustee Walrath: We are not voting tonight, and if I have any further comments I will look a little more closely at it.

Mayor Kinnally: So, what action do you want to take tonight?

Deputy Village Manager Maggiotto: We are looking for the direction you want us to go.

Mayor Kinnally: What about bids?

Deputy Village Manager Maggiotto: That will be for the next meeting.

4. Sale of Village Property - Terms and Conditions

Mayor Kinnally: We are in receipt of the comments from one of the proposed bidders for this property. Counsel is reviewing the comments. I would suggest that this is for an Executive Session following tonight's meeting.

EXECUTIVE SESSION

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

5. Affordable Housing Update

Deputy Village Manager Maggiotto: The Affordable Housing Committee is looking for language that the Board would approve to be put in a deed of sale that would insure the affordability of these units in perpetuity. They need the language now in order to get financing for the construction. The lenders want to see the language that will be used, and that these units will, indeed, be affordable forever.

Trustee Walrath: Have the lenders any requirements that they found acceptable that they might suggest?

Deputy Village Manager Maggiotto: The Housing Action Council has sent us material on what other communities have done. I would like the attorney to comment on it.

Deputy Village Attorney Stecich: None of the examples in the materials quite fit because of the accessory apartment that also need to remain affordable. But we could draft restrictive covenants and, I assume, rights of first refusal that would meet the goals of the Hastings affordable housing policy. The affordable housing policy that you adopted in 1997 was pretty detailed about how you want to perpetuate affordability. It establishes how the resale price will be determined. It is upon resale that the difficulty arises, which is why I would want to make any of these requirements deed restricted covenants so it would be in the deed and go with the property.

Trustee Walrath: Did it cover rentals?

Deputy Village Attorney Stecich: On the resale it required that whoever buys the house offer to sell it back to the Affordable Housing Committee, and they will determine the price and it gets sold that way. It also had a policy on regulation. We would be able to draft up a deed restriction that incorporates by reference. Assuming those are the requirements the Board wants made part of the restrictive covenant, we will draft something up.

Mayor Kinnally: When the Board adopted this policy we tried to anticipate all possibilities dealing with the initial sale, subsequent sale, and the rentals of the affordable units to ensure affordability. Subject to comments from Sue Smith who is not here yet, please draft language so we can approve it on our next meeting.

RECESS

On MOTION of Trustee Walrath, SECONDED by Trustee Keaney with a voice vote of all in favor, the Board recessed the Regular Meeting at 8:50 p.m. for Executive Session.

RECONVENE

The Board reconvened at 9:15 p.m.

Mayor Kinnally: We are back in session to consider the issue of deed restrictions on the affordable housing. We have Sue Smith with us. Some requirements have been discussed of what the mortgagees want. Please fill us in on that.

Sue Smith, Affordable Housing Committee: We have had to go for construction financing. There was some hope the county might do that for us, and that is not happening. So we went to traditional financing. The lenders wanted to see the actual language in the deed as a deed restriction on perpetuating affordability, specifically on this project and in this transaction. We have been using Housing Action Council as our consulting entity. They had some suggestions that they passed on.

Deputy Village Attorney Stecich: I reviewed it and none of it quite fits your situation. But it would not be difficult to draft a restrictive covenant that references and repeats the several requirements in the affordable housing policy for perpetuating affordability; is that what you want incorporated into the restrictive covenants?

Ms. Smith: That is right.

Mayor Kinnally: If we act on this on the 15th, is that soon enough?

Ms. Smith: Yes, if it is not delayed. We need it for our next hurdle, getting construction financing.

To update you on the project, we have a commitment from Astoria Federal Bank for construction financing. Last fall we did a second round of collecting applications. People have to re-qualify. Circumstances change and the thresholds of affordability go up each year.

I am hoping in this construction year we will have gotten all the financing in place. The construction financing will be the last piece. The county has to approve that because they are involved in this project, and they are paying the interest that will be accrued on the construction financing loan.

Division Street: We had a meeting last week in the neighborhood about the Division Street site. We presented the feasibility study by Steven Tilly Architects and the Affordable Housing Corporation as the financial piece. I think the neighbors felt we had addressed the issues brought up in an October meeting. The study proposes 18 units using the footprint of the existing building with a small building up on the rock. We have not made a decision yet about what is feasible in terms of the mix of ownership and rental. This is not the final plan to build from. This is to show what the possibilities are, that something is feasible on that site that financially justifies itself.

Mayor Kinnally: Is there any consideration being given for retail?

Ms. Smith: No. There is not even use of the retail that is down there now. We have tried to come up with a residential streetscape at street level. There would be stoops enlarging the present streetscape. It would be more active and alive on the street.

There was a question about how much setback is a good idea. People did not want so much setback that it might be too removed from the street, but they did not want it right on the street as in the middle of the downtown. So, it is five or ten feet. Parking is a big issue. We have put parking for 18 units behind it, up on the hill, not taking away any Warburton Avenue spots. There will be two access points for the property. It is exciting to have some agreement among the neighbors. Some of them would like it not to be built on at all, but something is going to happen there, whether it is a private developer or affordable housing. This was a good compromise, and some good ideas came out of it.

Mayor Kinnally: I am happy that the county is coming through with the interim debt service. County Legislator Tom Abinanti was at the dedication of the former Burnham property in Irvington. He likes to come down once a year and talk to us, or listen to us. It might be helpful to invite him between now and the end of March.

Ms. Smith: He also expressed interest in the Division Street property, and wanted to be included in the correspondence and be supportive in anything he could do to help us. County funds will be important to our project.

Mayor Kinnally: I will entertain a motion to adjourn in memory of Rich Zahurak, a member of the Fire Department who died this last week. Rich was a long-time member of our Fire Department, and his loss will be felt.

Ms. Smith: He was also a member of the Affordable Housing Committee. Even when he was ill, he wanted to continue and show his commitment to the cause. We appreciate that.

ADJOURNMENT

On MOTION of Trustee Keaney, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of Rich Zahurak at 9:25 p.m.