

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**FEBRUARY 15, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 15, 2000 at 8:10 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, Deputy Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**CITIZENS:** Ten (10)

**APPROVAL OF MINUTES**

**Village Manager Hess:** I was not here for the meeting, but on page 7 Ms. Maggiotto is speaking and indicates in the first line: "Noah did an analysis of the revenues and determined that he collects a maximum of \$3 per meter per week on the West Side." If that is correct, then every meter is filled up all week long. Three dollars per meter per week would mean that every meter is used. I thought he had said that he collects \$3 from the entire West Side of the meters for a week, not per day. [Later established that amount collected is \$3 per meter every two weeks.]

On MOTION of Trustee DeVita, SECONDED by Trustee Keaney with a voice vote of all in favor, the minutes of the Public Hearing of February 1, 2000 were approved as presented.

**Trustee Holdstein:** I abstain because I was not here.

**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. 85-1999-00	\$ 25,119.02
Multi-Fund No. 86-1999-00	\$ 682.44
Multi-Fund No. 87-1999-00	\$ 56,775.05
Multi-Fund No. 89-1999-00	\$197,838.92
Multi-Fund No. 90-1999-00	\$ 83,713.04
Multi-Fund No. 91-1999-00	\$ 5,432.40

**PRESENTATION - CON EDISON**

**Bill Papp, Westchester Gas Operations, Con Edison:** We want to do construction work on the south side of Washington Avenue from Warburton to Broadway. We have been experiencing pressure problems in our gas system, and this construction will eliminate those for the most part. We have some other small jobs we are in the process of doing. We would like to start sometime next week. It will take about five or six weeks.

**Trustee Holdstein:** How will this impact traffic on Washington?

**Mr. Papp:** We will keep a traffic lane open.

**Mayor Kinnally:** With parking on the north side of Washington Avenue, will there be sufficient room to keep a lane of traffic?

**David Budds, Con Edison:** People park on opposing curbs, and there is still sufficient space to drive through. It is a fairly wide road. We will excavate with a backhoe into a dump truck. I still see a single lane being available to us as long as no one is parking there. We operate normally 7:30 or 8 o'clock to 4 or 4:30. We could change that schedule.

**Mayor Kinnally:** Would there be enough room to get a school bus through there and DPW?

**Mr. Budds:** We would back the dump truck out of the way and the school bus can pass.

**Trustee Walrath:** You are counting on our eliminating parking?

**Mr. Budds:** Only for that area parallel to the digging.

**Trustee Walrath:** That will affect about how many parking places per day?

**Mr. Budds:** Eight to 10 spaces.

**Trustee Holdstein:** How wide a line will be dug?

**Mr. Papp:** The estimation is about a foot wide, three to five feet out from the curb.

**Trustee Holdstein:** What is the obligation as far as resurfacing the street?

**Mayor Kinnally:** I assume you saw-cut the area and then repave.

**Mr. Budds:** Yes. We follow the Village's cutback requirements.

**Mayor Kinnally:** Where the high pressure line was put in on Mt. Hope several years ago from Farragut to Hillside, I notice that the area that was saw-cut and repaved is now settling. We have the same problem on Warburton Avenue when it was saw-cut to put the new curbs in. Over time, it goes down, water collects, and it gets icy. If you put a course of concrete down first, it may make the area more stable.

**Village Manager Hess:** Where are you experiencing the low pressure problems?

**Mr. Budds:** In the center of Hastings.

**Village Manager Hess:** Could you define exactly what you mean by "the center of Hastings?"

**Mr. Budds:** Farragut, Villard. We just did a small job on Horner that had some pressure problems.

**Village Manager Hess:** I understand there was one on Horner. If you could give me information on complaints on Farragut or Villard, this is the first I have heard of it.

**Mr. Budds:** We have a regulator on Farragut and the cross street. Regulators are between high pressure and low pressure. That regulator is starving for pressure to supply the area. In order to do that, we had to increase the size of the pipe on Washington Avenue, which will adequately supply the regulator which supplies the low pressure system.

**Village Manager Hess:** And that is the only alternative and method to do that?

**Mr. Budds:** Yes.

**Village Manager Hess:** What is the necessity of starting next week as opposed to waiting three or four weeks until the spring? Since it is a five- or six-week job, the low pressure situation is not going to change during the winter months.

**Mr. Budds:** We should have services tied in by the end of February, and there are still cold days in March for some pressure problems. With a pressure problem on a gas system, it might take longer for a boiler to heat up a house, or longer to cook a meal.

**Trustee Walrath:** But it is related to demand. You may not get that. I am going with the Village Manager's thought that it does not need to be started immediately.

**Trustee Keaney:** You said you had to go around some subsurface structures. What are they?

**Mr. Budds:** It could be an electric manhole, telephone manhole, water or sewer mains.

**Trustee Keaney:** Accidents do happen. If something were to happen to some of these services, will you have somebody on call 24 hours?

**Mr. Budds:** We have a plumber on contract, on call. We deliver letters to all the consumers with the numbers to call. If there is a problem and it is clearly evident that we broke the main, we would hire a plumber or the consumer could hire a plumber and we would reimburse them for the cost of the repair. We have situations where a year afterwards there have been complaints of broken sewers or water mains. We usually indicate to the consumer they are to hire a contractor to make the repair. We investigate it and if it is Con Edison's fault we pay the bill.

**Mayor Kinnally:** Is there a lot of rock?

**Mr. Papp:** I am thinking there is, yes. I would like to start test borings on Tuesday.

**Mayor Kinnally:** The four weeks is an estimate based upon not hitting a substantial amount of rock?

**Mr. Papp:** Rock could have an impact, and the hardness of the rock.

**Mayor Kinnally:** Maybe you can do the testing before you start the excavation, because if this is going to be a long, drawn-out process four weeks can go into a number of months, and I would rather wait till the summer if that is going to be the situation.

**Mr. Papp:** That we can do.

**Trustee Holdstein:** We may have to consider closing the street to everybody except the DPW and the school buses, and route all other traffic through the Village, except for those accessing their homes.

**Mayor Kinnally:** I assume anyone using this in the evening will not be disrupted by it because the construction will not be ongoing then.

**Mr. Papp:** Right. We will plate the open areas when we finish every day.

**Village Manager Hess:** I would like to see a later starting time.

**Mayor Kinnally:** Four-thirty is fine for ending. It is that 7:30, 8 o'clock in the morning which is the heaviest time for people who drive to the station.

**Village Manager Hess:** Are residents going to be able to park on the plated areas?

**Mr. Papp:** Absolutely. Steel plates.

**Mayor Kinnally:** Where would the backhoe be kept overnight?

**Mr. Papp:** We will find a location. It will not be kept on-site.

**Village Manager Hess:** Do you have permission from the Taconic Park region, because the gas line goes through the Aqueduct?

**Mr. Papp:** No.

**Village Manager Hess:** You are going to have to talk to them because you have the Aqueduct going right through Washington Avenue.

**Trustee Walrath:** How are you going to handle the notification so people will have some warning as to what days they are going to have trouble parking opposite their houses?

**Mr. Papp:** We typically barricade the work.

**Trustee Walrath:** People can adjust, but they need some warning, particularly older people who might have trouble parking a long distance away.

**Mr. Papp:** I can include in the letter of notification my phone number. They can call me if there is a parking problem.

**Village Manager Hess:** You normally have an inspector on-site.

**Mr. Papp:** We have a full-time inspector on-site.

**Village Manager Hess:** We get their number, beeper number, cell phone number, which we keep at police headquarters on these jobs.

**Trustee Keaney:** I know of two cases in town where Con Ed damaged somebody's sewer line and they did not have a plumber in place. The homeowners were told they had to do the work themselves, and they had a hard time getting reimbursed from Con Ed. I am very concerned with that. The homeowners should know who to call. You should have an inspector on the site. If you do not live up to that we should be sure that you do.

**Dot Mandra, 52 Washington Avenue:** Is this going to be done in sections, or are we going to be told whose house is going to be involved at a certain time?

**Mr. Papp:** Because of the pressure level, what we intend to do is a little bit unusual. We are approaching this from what you call a main run first. Get the main intact and aligned from end to end. We will then come to your home and transfer your gas service to the new main. That would be done by appointment.

**Ms. Mandra:** Will that interrupt cooking and everything?

**Mr. Papp:** Temporarily. For several hours.

**Ms. Mandra:** Where are we going to put our cars?

**Mr. Budds:** We will limit the no-parking. There seemed to be ample parking during the day.

**Mayor Kinnally:** Night is difficult.

**Village Manager Hess:** I will probably ask the Board to suspend the alternate side on Washington during that period.

**Mayor Kinnally:** Work with Marco and Neil and work out whatever problems we have discussed. You can give us the name of the contact person and the plumber. After the core drilling, give us the potential timetable. We will coordinate with the police.

**Trustee Holdstein:** Once the borings are done and a determination has been made that it is going to take X number of weeks, is it this Board's authority to approve a starting point?

**Village Manager Hess:** Street opening permits are issued by the Village Clerk after a write-off by Marco. But we felt this was significant enough in terms of impact that we asked them to explain it to the Board and the community. We will have further discussions with Con Ed. If they have a change in procedure, then they should come back to the Board. But if it appears that they can proceed in the six weeks and conform with the comments the Board has made, then I think we can go ahead.

#### **15:00 AWARD OF BID - COMMUNITY CENTER CARPETING**

**Village Manager Hess:** We received two bids for carpeting of the upper floor of the Community Center: T.F. Andrew, at \$6,725.00; Ashland Carpet, at \$6,729.78. T.F. Andrew

was the low bidder by \$4.78. The carpeting is in very poor condition and we put money in the 1999-2000 budget to replace the carpeting.

We discovered that the tile underneath the existing carpet had asbestos content; to remove the old carpet and asbestos tile would be a significant job costing \$20,000 more. After discussions with architects, our engineers, and the Health Department, it was determined that if we did not remove the old carpet and tile there was no necessity to go through an asbestos abatement. A recommendation was made that we carpet over the existing carpet. Since complete renovations of the Community Center are being planned for three to four years from now, at that time there would likely be additional asbestos removal work. The low bidder is T.F. Andrew Company, and we recommend award of the bid.

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

**RESOLVED:** that the Mayor and Board of Trustees award the bid for carpeting at the James Harmon Community Center to the T.F. Andrew Company, Tarrytown, New York, in the amount of \$6,725.00

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

### **16:00 AWARD OF BID - LAWN MAINTENANCE AND WATERING**

**Village Manager Hess:** Mr. Vulpone has been our lawn maintenance contract provider at least for the last six years. This contract is an expansion of services from the last contract. We are requiring the bidders to do all the watering of the flower beds, etc. previously done by public works and park staff that we committed to undertake as part of the VIP proposal last year. Mr. Vulpone's bid of \$49,950 for each year is approximately the same bid that the unsuccessful bidders three years ago bid on the old maintenance contract.

**Trustee Walrath:** How many did you have in the previous bidding?

**Village Manager Hess:** I believe there were three. Mr. Vulpone was approximately \$40,000. The other two bidders were in the range of \$49- to \$50-thousand.

**Trustee Walrath:** What was the difference between his prior-year cost and his proposed one?

**Village Manager Hess:** I believe his last three-year bid was at \$40,000 per year.

**Mr. Gomes:** I think we might have accepted at about \$35,000, and the other bids were up in the low-40's. We put out four bid proposals and one responded, J&J Landscaping, that they were not interested due to the watering part of the contract. We broke new ground in having lawn maintenance people do the watering; most other communities are still using Village forces. I do not think the other maintenance people had the capabilities of watering.

**Trustee Holdstein:** What are the main properties that this contract covers?

**Mr. Gomes:** Most street islands, Edgar's Lane, VFW, parts of Zinsser, Uniontown.

**Village Manager Hess:** Waterfront Park, Draper Park.

**Mayor Kinnally:** Municipal Building.

**Trustee Walrath:** There has been a limb sitting on Edgar's Lane for a month or more now. I do not know when it came down. The limb is on the portion of Edgar's adjacent to the park.

**Village Manager Hess:** Then he would remove it if it is part of his contract.

**Trustee Walrath:** I noticed Fulton Hill was in the last contract. That is the steep slope that goes down toward the railroad station. It does not look as though it has been maintained too much. He should give it a bit more attention than it has been getting.

**Mayor Kinnally:** Vulpone leaves the grass cuttings in the gutters around the parks and around the islands, especially on Farragut. Where trees and branches have come down on Mount Hope they are not cleared out. Last year, there was a tremendous amount of weeds in the islands near Amjo's. The area was supposed to be re-seeded but never was. We have to sit down with Vulpone and go through exactly what they are going to be doing.

**Ken Tuccillo, 14 Edgewood Avenue:** What efforts were made to obtain competitive bidding?

**Mr. Gomes:** We sent to four lawn maintenance companies. Two were from Dobbs Ferry, one was from Hastings, and one was with Joe Vulpone. One sent a letter back—J&J Landscaping, which is a large operation—that they were not interested due to the watering.

**Village Manager Hess:** Did you put a legal ad in the paper about the bids?

**Mr. Gomes:** Yes.

**Mr. Tuccillo:** What about the carpeting in the Community Center?



**Mr. Gomes:** There were about four requests put out.

**Trustee Holdstein:** It is important that you and your crew pay attention to what the outside contractor is responsible for; it is incumbent that you be on top of it.

**Trustee Walrath:** Does he have a specified frequency for each area?

**Mr. Gomes:** There is specification for the height of the grass. We would like to see him at least once a week, but it depends on weather conditions. Last year we had the drought. He did not do that much cutting.

**Trustee Walrath:** The Fulton Hill is included, and it is going to take some other type of care than a mower.

**Mr. Gomes:** I pointed out to him this year that we have to get it back to the way it was.

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 award the bid for lawn maintenance and watering for a three-year contract (2000-2003) to Joe Vulpone in the amount of \$49,950.00 for each year.

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

### **17:00 AFFORDABLE HOUSING DEED RESTRICTION**

**Mayor Kinnally:** This language has been proposed by the Village Attorney consistent with the guidelines adopted by the Board of Trustees in connection with our wanting to keep affordable housing affordable in the future. The language this contains is subject to the regulations on perpetuating affordability, Section V. of the affordable housing policy for the Village of Hastings-on-Hudson adopted June 17, 1997, namely,

1. Any resale of the property by the initial purchaser and any subsequent purchaser is subject to the deed restriction set forth in paragraphs 2-4 below.

2. In the event that an initial purchaser, or any subsequent purchaser, desires to sell, transfer, or convey any interest in, or otherwise fails to occupy the property as their principle place of residence, the owner of the property shall first offer to sell the unit to the Hastings-on-Hudson Affordable Housing Development Fund or its designee. The Hastings-on-Hudson Affordable Housing Development Fund shall calculate the resale price based on the formula in paragraph 4, and shall take into consideration, in its discretion ,any significant improvements made to the property.
3. If the Hastings-on-Hudson Affordable Housing Development Fund declines to purchase the property within a period of time to be subsequently determined, the owner may sell, transfer, or convey the property only if the Hastings-on-Hudson Affordable Housing Development Fund has given written approval that the proposed purchaser has a household income that does not exceed 80% of the Westchester County median household income as established yearly by the Department of Housing and Urban Development (HUD).
4. The property may not be sold for an amount greater than the original purchase price paid by the owner increased by the Metropolitan Consumer Price Index (CPI) from the date of the original purchase to the date of the sale, plus the cost of purchasing and selling the property, plus capital improvements approved by the Hastings-on-Hudson Affordable Housing Development Fund.
5. A certificate of occupancy for the rental apartment in the property will not issue until the Hastings-on-Hudson Affordable Housing Development Fund approves a rent regulation agreement for the apartment. This agreement shall establish the amount of the initial rent, procedures for determining rent increases, procedures for leasing to eligible tenants, procedures for renewing leases, means to protect the renter from eviction with change of ownership, and other conditions necessary to effectuate the purposes of the affordable housing policy of the Village of Hastings-on-Hudson.
6. The owner of the property shall not make any structural improvements and/or changes to the property without the approval of the Hastings-on-Hudson Affordable Housing Development Fund.
7. In the event that any of the restrictions or provisions herein is determined to be invalid by judgement or court order, the remaining provisions shall not be affected and shall continue to be in full force and effect.

**Deputy Village Attorney Stecich:** I drafted some restrictive covenants earlier and sent them to Rose Noonan at the Housing Action Council and asked for her comments, and I incorporated most of them. On this draft she pointed out that the correct name is Hastings-

on-Hudson Affordable Housing Development Fund Company, Inc. She suggested that the time frame in paragraph 3 on the right of first refusal be 30 days. I got a memo today from Trustee Keaney suggesting 60 days.

She had a comment about this not making the deed subject to the rent regulatory agreement. I think paragraph 5 does that. These would not be final deed restrictions because the Affordable Housing Committee has not agreed on a rent regulation agreement. When it does, we would be more specific about what the terms are in paragraph 5 and 6. The Affordable Housing Committee had recommended that any structural improvements have to be approved by them. On an earlier draft the Housing Action Council suggested that we be more specific, and they sent some suggestions for improvements that could be done. That can be inserted. e

**Village Manager Hess:** If there are any other governmental approvals required, that should also be listed. If you make structural repairs it still requires you to get a building permit and file it with the Village of Hastings regardless of what the Affordable Housing Committee says. The phrase "...any other governmental act approvals as required by law" would cover it.

**Trustee Keaney:** Paragraph 3 says the owner could not sell except to people within the income limits, but it does not say that they have to sell it to somebody who is within the target groups we have designated in this Village: firemen, ambulance corps members or Village employees.

**Mayor Kinnally:** We can insert that language at the end of 3, "and also subject to the priorities set by the Board of Trustees in its policy."

**Trustee Holdstein:** I would also be in favor of changing it to 90 days. I want to give enough time to ensure that the seller can get a new buyer.

**Mayor Kinnally:** This property would be out of circulation for a long period of time.

**Trustee Holdstein:** Let us say it is a volunteer fireman and three years later he is getting ready to sell it and there are two or three other volunteer firemen prepared to buy it. I want to make sure that we give enough time for our fellow residents to get their act together to be able to make a commitment on this house. I do not know if 60 days is enough time.

**Mayor Kinnally:** Paragraph 3 has nothing to do with the ultimate sale of the property to a third party. It gives the right of first refusal to the Affordable Housing Corporation.

**Deputy Village Attorney Stecich:** The Affordable Housing Committee had a long policy on it, and this was in their policy, that the Affordable Housing Committee or their designee would buy it back. Their designee could be the individual person that is going to buy it.

**Mayor Kinnally:** If you make the time period too long it keeps the property off the market too long. They do not have to close within that period of time; they just have to come to a contract of sale. But if nobody steps forward within the 30- or 60-day period, then it goes out to whoever wants to buy it as long as they fit the criteria of the 80% median income.

**Deputy Village Attorney Stecich:** The director of the Housing Action Council, which is a very pro-affordable housing group, has suggested 30 days.

**Mayor Kinnally:** My recollection of what the guidelines were was that the committee would have the right to exercise the right to buy it themselves or designate somebody else to do it, or they can waive it, and then whoever else would qualify can buy it.

**Trustee Holdstein:** Then you create a situation where you have not followed the guidelines to serve the people in the community. If they waive it, it reverts to all others.

**Deputy Village Attorney Stecich:** No, it does not. It still can be sold only to people with the income limitations and the target people first. If the Affordable Housing Committee declined to buy and did not designate anybody, and a volunteer firefighter wanted it, and there was somebody else who wanted it, they would have to sell it to the volunteer firefighter.

I asked Rose Noonan to wait until after the Board reviewed it to run it past the bank. The bank will have its own comments on it.

**Mayor Kinnally:** If we change paragraph 3 substantially we would be deviating from our guidelines; that would be a problem, going away from the concept of the right of first refusal. So, where do we stand? Thirty, 60, or 90?

**Trustee Walrath:** I would suggest that Marianne look at wording to minimize the delay for the seller, and also to give us the best assurance that it goes to our first category rather than all others, and that it is within the priorities that have been set by the Affordable Housing Committee. I think 30 days should be fine, but you need some more wording in there to keep it moving.

**Deputy Village Attorney Stecich:** After "purchaser" in paragraph 3 we will add that it has to be a purchaser from the priority list. I will get the precise language from the guidelines. At this point the language is not final because it has to go past the bank.

**Mayor Kinnally:** Is there any public comment on this?

**Arthur Riolo, 2 Fairmont Avenue:** People can be pre-approved for loans before going to contract. It takes two days to get a VA loan or an FHA loan. It takes 24 hours to get a regular loan. Thirty days is plenty of time to be able to do what you want to do.

**Trustee Keaney:** What I hear is that with two changes in the proposed language we would be where we want to be: the addition of language at the end of paragraph 3 to be sure that our own target groups are preserved, and a time limit of 30 days.

**Mayor Kinnally:** We will incorporate our guidelines dealing with the target groups for this particular site at the end of paragraph 3. Everybody agree with 30 days?

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 approve language as discussed to be included in the deed of sale for the property known as Sheet 4, Parcel 59D to ensure affordability in perpetuity.

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

**Mayor Kinnally:** We have the Village Manager's report, but first we will take up the issue of parking in the Steinschneider lot.

**Peter Rockwood:** I have the wine shop that backs up to the Steinschneider lot. I am here to express the concern of the Chamber of Commerce and the affected merchants regarding the conversion of 17 spaces in Steinschneider from shopper parking to commuter parking., which is a *fait accompli*. I can understand the Village looking at spaces that are mostly empty from Monday through Thursday, but 80% of the customers who visit our stores do so on Friday and Saturday. There is a sign that the spaces would be free parking on Saturday, but we can reasonably expect that those 17 spaces will look like the Con Ed lot opposite the train station, which has had free parking for some years. It is filled all day long, immovable cars: train riders, renters, employee parking. Shoppers will be inconvenienced by this move, and our ability to attract and keep business in downtown Hastings will be harmed.

**Mayor Kinnally:** Those spaces are available on the weekends. Do you think that those spaces are going to be taken, and not in circulation, on the weekends?

**Mr. Rockwood:** I firmly believe so.

**Mayor Kinnally:** We might be able to encourage the merchants to get their employees to park in those spaces on the lower part of Steinschneider, thereby freeing up the meters that they are using during the weekends. Is that possible?

**Mr. Rockwood:** We have been trying for years to establish an employee parking lot to get employees out of downtown. The Steinschneider parking spaces are prime spaces on Saturday. We do not want employees or renters parking there.

**Mayor Kinnally:** But my experience at all times on Saturdays is that the westerly row on Steinschneider is not full.

**Mr. Rockwood:** My perception is that it is full all day long on Saturday. We need a moratorium on this issue for at least a month while we can take a count on those 17 spaces. I firmly believe we will find that they are filled almost all day long on Friday and all day long on Saturday. On the key shopping days, the days before Christmas and Thanksgiving, those spaces will be lost.

**Mayor Kinnally:** Unfortunately, we have taken the meters out and we have sold 15 additional parking permits. My suggestion is to have somebody down there to observe what is happening, to make sure there is a constant flow of traffic and to report back what is happening. On Fridays, if people are not using those spaces at 3 o'clock in the afternoon we can perhaps talk to the enforcement people and allow people to park there.

**Mr. Rockwood:** I have observed many empty meters on Maple and Southside north of the police station down to the train station.. Can those spaces be used for permit parking, spaces away from shopping parking and closer to the train station?

**Village Manager Hess:** We cannot create permit parking there because we cannot restrict parking to residents only on a public street. We changed the meters to six hours to try to accommodate employees in the downtown. A number of employees park there.

**Mr. Rockwood:** We have started a word of mouth campaign to speak to the new owners of businesses to get them into the habit of getting their employees parking away from meters. Owners are equally culpable. This is a tough situation for us.

**Village Manager Hess:** Peter, you indicated you might send a letter to all the merchants asking their employees to park down there on Saturdays to free up Boulanger.

**Mr. Rockwood:** I will definitely do that.

**Mr. Arthur Riolo:** What about two parking areas: the extension going toward Harvest on Hudson on the track side, and the lot on Aqueduct on Washington Avenue?

**Village Manager Hess:** Harvest was negotiating with Metro North for a lease for the first area. I do not know if they obtained the lease, but they went through the improvements and paved it. The other area we lease from Taconic Park region, and residents use it for parking.

**Mr. Arthur Riolo:** Could it be a place that you might use spaces for commuters?

**Village Manager Hess:** It is an area that we can look at. We also have a small area on Ridge Street that is possible for parking. We are dealing with Metro North on renegotiation of current leases and also leasing their property south of Washington Avenue on Southside.

**Jeremiah Quinlan, 39 Hillside:** I am the owner of property at 535 Warburton that directly borders on the Steinschneider lot. Why could you not vote to undo what you have done?

**Mayor Kinnally:** We have sold 15 more permits.

**Mr. Quinlan:** How many commuter parking spaces are available?

**Village Manager Hess:** A little over 200.

**Mr. Quinlan:** How many permits before this sale were sold?

**Mayor Kinnally:** We oversell about 20%.

**Mr. Quinlan:** You oversold by 20%, so you sold about 240 permits, and now you have sold 15 more. If I could persuade you to change your minds, and re-vote on this issue, you could do it. You would have 15 extra spaces that people would be competing for out of the 200. It can be undone. You have oversold already. I believe that you created these 17 parking spaces because people are saying, 1) I bought a permit and I cannot find parking, or 2) I moved to Hastings and no permits are available for me because there is a waiting list.

**Trustee Holdstein:** Or 3) there was a longer list of people than ever before.

**Mr. Quinlan:** So you created these spaces because of the waiting list and the lack of parking.

**Village Manager Hess:** And the lack of use of those 17 spaces.

**Mr. Quinlan:** Are you going to favor commuters because of the long waiting list and the 250 permits for the 200 spaces, or are you going to favor more parking in the central commercial district?

**Mayor Kinnally:** The decision was premised upon information that the 17 spaces were not being utilized in those time periods. It was not a preference for commuters. We were trying to maximize utilization of available parking in the area, and the commercial district overlaps with the commuting area.

**Trustee Holdstein:** We were looking at the problem from a global perspective, without taking sides, of what is in the best interests of the Village: what can we do to accommodate a particular problem, and hopefully make a decision that does not create additional problems.

**Mr. Quinlan:** I would like you to reconsider and give those spaces back to the central commercial district. I have a dream to invest in Hastings and revitalize the downtown area. When Eileen and I purchased 535 Warburton last year, every prospective tenant asked if there were ample parking in the commercial district. We said there was; look at the big parking lot behind this building. I think the central commercial district could be a more vibrant place. We cannot do that without ample parking.

**Mayor Kinnally:** What we are talking about is a 36-hour period from 12 o'clock on Friday to 6 o'clock on Saturday. Do you agree that Mondays through Thursdays are not significant days for people parking in those spots?

**Mr. Quinlan:** I do not know. I rented my store to a pizza Italian restaurant. Our hope is that that place will be full at lunch. I understand another bar is going in next door. Maybe it will be the greatest lunch place that Hastings ever knew, and we will not know that because there will be no parking. No one will come to Hastings to open up a business, no one will invest the thousands of dollars it takes not only to buy the building but to improve those buildings that are falling down, without ample parking. Those are the global considerations. If you want to revitalize downtown Hastings you will restore those parking spaces seven days a week 24 hours a day for the merchants, the businessmen, and the businesses in Hastings so that they can thrive, grow, and make Hastings a nicer place to live.

I would ask you to reconsider your zoning laws in light of this decision. There are fairly strict parking regulations to change a use or expand a business. For example, if Charlie Hoffman in the Hastings House wanted to put another table into his restaurant to seat eight more people he would either have to find off-street parking 300 yards away from his restaurant, which does not exist, or he would have to come to the Zoning Board for a variance. At the same time, the Board of Trustees, by this act, has taken away 17 parking spaces less than 150 feet from the front door of his restaurant. There is no logic and no consistency.

**Andrew Reinhertz, Yorktown:** I rent a business at 531 Warburton Avenue. We rent two or three spots privately so that we do not take up metered spaces. There might be a compromise. Could you keep the meters where they were and enable people with a commuter permit to park there free? And should that person come home early and take their car home, free up a meter at which somebody could park and pay and generate some revenue?

**Village Manager Hess:** I think that is possible.

**Mayor Kinnally:** We may be able to look at a policy that could be adopted by the Board to permit parking up to a certain time of day, and then after that time it is open parking. We



would have a problem now that we have sold 15 additional permits if we took the spaces back. Let us live with this for a while and look for ways to deal with that 36 hour period.

**Mr. Reinhertz:** It is not just 36 hours. The business community starts to get busier and busier as the holiday seasons approach, and that has to be taken under consideration. A specialty food store has changed hands and may generate more revenue than it had previously and thereby create greater demand for parking. Also, I believe there should be stricter enforcement of parking regulations.

**Mayor Kinnally:** Why don't we put two meters back right now so at least we get those?

**Heidi, owner - Animazing Gallery:** I am at 549 Warburton. I wrote almost 40% of my annual gross in December; losing a third of that parking lot in the month of December concerns me tremendously. I cannot imagine going through a holiday season with 15 of those spots gone. It is bad enough as it is. It was wonderful that we bagged the meters this December. Thank you for that. But there are a lot of shops in our town that make it a shopping area worth walking around in. And for these kinds of places the holiday season is a tremendous part of the annual gross. One idea would be to have a bulletin board for commuters to carpool.

**Julius Chemka, 8 Ridgedell Avenue:** The problem here is that the Village has oversold the commuter parking tickets. Why do you oversell?

**Mayor Kinnally:** Our experience with 20% oversell is that we never get in a situation where there are people competing for those spots. But experience is that there are no-shows.

**Village Manager Hess:** Even with the 20% oversell we would find that there would be 10, 11 empty spaces every day. This year we had more people commuting than ever before. We had 35 people on a waiting list for permits even though we oversold by 20%. Several people who tried to park at meters and could not find a meter would park in permit spaces and end up with a \$25 ticket. The 15 permits were sold to people on the waiting list.

**Mr. Chemka:** Why would people buy a permit and not use it?

**Village Manager Hess:** People will through corporations buy an annual permit and may only go to the city once a week but want the availability of having the permit. You have people that may shop six, eight times a year and will end up buying an annual permit.

**Mr. Chemka:** If you oversell 20%, and a person does not have a space because you oversold, I think that is wrong.

**Village Manager Hess:** If they do not find a space it is because people are parking in those permit spaces because they cannot find a meter space.

**Mayor Kinnally:** I would like to have a consensus of the Board that we put two of those meters back.

**Village Manager Hess:** I do not think you ought to do that at this point.

**Trustee Holdstein:** Neither do I.

**Village Manager Hess:** I think you ought to evaluate the situation. At the next meeting we can have a discussion, and then make a determination. If you want to do something that makes sense, I think Andy had a great idea. If those spaces are not filled by 11:30, then they become free spaces and anybody can park there.

**Mayor Kinnally:** I agree.

**Mr. Quinlan:** I think it is a perfect compromise, and I would like to see that done tonight if you can, if you can come to a consensus.

**Trustee Holdstein:** In my four years on the Board I have supported every effort that the Chamber has come here for. But when we talk about trying to get employees and store owners to park away from the stores, it does not happen. I have, in my 15 years in Hastings, watched employees feed meters all day. Those lots should not be for employee parking. There are plenty of free spaces. We were asked to put the commuters up on the Aqueduct and walk at night from the train station, and yet employees do not want to walk from the commuting lot up the Con Ed steps on a Saturday to go to work. I am not taking sides one way or the other, commuters or shop owners, but the distance from the Aqueduct lot to the train station is a far greater distance and risk at night than the distance for employees to park on Saturday at the train station and walk, which nobody seems willing to do.

Jerry said that the first question people ask looking to start businesses is if there is ample parking. The first question when people call Village Hall about moving to Hastings is parking at the train station. Parking is an issue at Uniontown Park, in the commuter lots, in the business lots; it is a problem we all have to deal with, but government cannot do it all. I do not see the Chamber showing any real effort to monitor their own behavior, either from a neatness standpoint or from getting their employees to park elsewhere.

Heidi, you mentioned that it is a nightmare. We do not know if it is a nightmare yet. This is something we are trying. We could put the meters back. Nothing is cast in stone. But to assume that it is a nightmare, when part of our research was to notice that those spaces were empty a great portion of the time, we can not make that assumption yet. I am not in favor of putting back two meters yet. I am in favor of trying this. I care about the Chamber, and they

should have spaces and should be able to do business, but there are a lot of other elements that go into making business click in this town.

I am a commuter and I have been given an earful from a lot of commuters. I have told them we do not guarantee the space, that parking is a problem, and that we cannot solve their problems all the time. We do have to work together, but we also have shared responsibilities, and have to show a shared effort.

**Trustee Keaney:** The issue of parking is something that, in my years on the Board, we have devoted a lot of time to. We do not have all the answers. We are trying to reallocate through the magic of alchemy maybe converting some spaces into compact spaces, taking the spaces that we see as under-utilized in Steinschneider. We voted on it for good reason. We should give it a shot for a couple of weeks and see what happens. We will monitor it carefully.

**Trustee DeVita:** We need to work on this. We knew it was problematic a couple of weeks ago when we made this decision. We now understand better the merchants' plight. We have to look very closely at this and continue to monitor it.

**Trustee Walrath:** We are dealing here with peak demands. What we have tried is not final, but if we want to change we have to do it intelligently. We need more facts. We have to start thinking about December. We are going to continue listening and trying to get a solution that will handle the peak periods because that is what everyone is concerned with. We do not want your customers going away. We do not want people coming to the Village and not being able to park at the commuter lot. It is just a careful balancing.

**Mayor Kinnally:** We will be continuing this dialogue so we can work constructively to come up with a solution that benefits the Village as a whole. Let us see what we can do to utilize all the spaces and all the hours so it benefits everyone.

**Speaker:** It is really important that merchants take some responsibility for getting away from Warburton. I have had a lease for almost seven years, and I did not know there was any parking at Zinsser ballfield. What about a map circulated to the merchants to show them the free parking so they can leave the meter spaces for their customers.

**Village Manager Hess:** Peter and Joe LoCascio had indicated at a meeting they had that they were going to put together something to send out. I believe that Peter was appointed to a parking committee.

**Mr. Reinhertz:** I know that my neighbors' employees feed the meter. What is Trustee Holdstein's reasonable suggestion that I do in order to have a dialogue to get them to stop doing that in a reasonable way?

**Trustee Holdstein:** It is my understanding that under the law anybody can go into Boulanger and Steinschneider and feed the meter every two hours and stay there all day. I am suggesting the Chamber has to work more closely with their merchants to get their employees to park away. It is not our responsibility.

**Village Manager Hess:** Let me make a correction. You are not allowed to feed the meters. Part of the problem is that people do feed the meters. We have had complaints by merchants that we should enforce more heavily. If we enforce more heavily, then we get other merchants saying that we should not enforce at all. The Board gets mixed messages from the merchants. Michael's point was we need cooperation from the merchants. He is seeing a lot of meter feeding. If we start ticketing for meter feeding, then we are going to hear again that we are over-enforcing because we are going to ticket not only the merchant and the employee but sometimes a customer.

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

**Village Manager Hess:** I have a request from Trustee Holdstein to look at the issue of school safety in the area of Mount Hope, Farragut, and Hillside Avenue with the school district and the safety council. I have set up a meeting with the superintendent of schools and I will report to you after that meeting.

Hastings is number one in recycling for the sixth year in a row. We have reached a milestone in Westchester County in the amount of material delivered to the municipal recycling facility. Each resident recycled 415 pounds, amounting to 3.3million pounds of material delivered to the MRF. It greatly exceeded the next community, Croton at 375 pounds per person. We saved taxpayers about \$80,000 a year in dumping costs.

The Parks and Recreation Commission had a meeting at Uniontown relative to a request by Little League to have two games per week played on Saturdays there. The Parks and Recreation Commission has recommended two games on Saturdays, and I would ask the Board to endorse this recommendation.

**Mayor Kinnally:** The experience last year showed that it was workable. I would go along with endorsing that policy.

**Trustee Walrath:** The Little League people are going to try harder to get parents to park on Farragut Parkway. Two things would help: to designate the right place to park on Farragut, and mark clearly the trail that takes you from Farragut right up to the ballfield.

**Mayor Kinnally:** I would recommend a change in our policy to allow two scheduled games on the weekend, on Saturdays, at Uniontown Field. Only if it is necessary.

**Village Manager Hess:** For one year.

**Trustee Walrath:** With continued monitoring.

**Mayor Kinnally:** But what is the position as far as makeup games?

**Mayor Kinnally:** None. A maximum of two games on Saturdays for eight weeks in the Little League season.

**Mr. Gomes:** Just that it would not be exclusive to Little League. Athletic games.

**Mayor Kinnally:** "Athletic games," be it Little League, softball, that is fine.

On MOTION of Trustee Walrath, SECONDED by Trustee Keaney, the recommendation for a maximum of two athletic games at Uniontown on Saturdays was duly adopted upon roll call vote:

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

On MOTION of Trustee Walrath, SECONDED by Trustee DeVita with a voice vote of all in favor, the Board scheduled a Special Meeting for February 29, 2000 for budget presentation.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Special Meeting of February 29, 2000 to discuss personnel, litigation, and land acquisition

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** Sandy Stash of ARCO wants to discuss a number of items with me, including the status of the grant of \$50,000 from the state for the RPA initiative. We have not yet received the contract from the Department of State on that grant.

### **2. Andrus Project**

**Mayor Kinnally:** Mark Chertok and I met with representatives of Andrus and Beth Abraham about the application before the Village for the zoning change at Andrus. Concerns have been raised that the zoning would apply to other open spaces in the Village and we could have a proliferation of CCRC's. That is being addressed. The second area of discussion is the payments in lieu of taxes or an administrative fee for the services the Village provides to the Andrus facility. We expect to begin negotiations soon.

### **3. Marinello Cove**

**Mayor Kinnally:** We are still awaiting a decision from the state on our applications for the acquisition of Marinello Cove.

### **4. Ginsburg Development**

**Mayor Kinnally:** We received a notice from the City of Yonkers of a positive declaration and notice of intent to prepare a Draft Environmental Impact Statement under an application pending before the City of Yonkers for 1105 Warburton Avenue. Ginsburg Developers are proposing a 524 rental unit property with 777 parking spaces for an area just south of the Village line with the City of Yonkers. I am forwarding this for consideration and action to both the Board of Trustees and the Planning Board.

### **5. Other**

**Trustee Keaney:** I want to congratulate the people of the Village on the excellent job they are doing on recycling. Does the 415 pounds include pickups from the commercial district?

**Village Manager Hess:** Yes, that is all materials delivered to the MRF.

**Trustee Keaney:** We need to get an extra dumpster or two at the recycling center.

**Village Manager Hess:** We are looking at four additional dumpsters.

### **PUBLIC COMMENTS**

**Mr. Chemka:** At the last Board Meeting the discussion came about of re-stripping some of the parking lots and making more compact car spots available. That is discriminating against a person like me, who has a big car, and for people who need a station wagon to carry their children and other things that go with a big family. And why do you have three spots in front of Village Hall for compact cars? I cannot park in a compact spot here, but a compact car can park into the slots next to me and take up my spot. Also, you were considering charging extra because the large cars take more space. I believe that you are discriminating against large car owners in favor of the compact cars.

**Mayor Kinnally:** We have not made a decision. We are trying to maximize the number of spaces we can fit into a finite area. If 50% of the cars in the lot are compact cars and we can accommodate them in a smaller area and increase the number of spaces in the lot, that is what we are looking to do. We make choices, but it does not mean we are discriminating.

**Mr. Chemka:** If there are no cars in the compact car area I cannot put my car there, but a compact car could go where there is a large spot. I, as well as other people I have talked to, do not think that is right. It comes back to extra spaces for extra money. Are we that hard up in this Village that we have to penalize people, senior citizens, who have big cars all these years and are not going to buy another one?

**Mayor Kinnally:** We are not doing it to maximize revenues.

**Village Manager Hess:** Compact spaces were put on Maple only to improve visibility for the driveway. The area recommended for compact spaces is only in the commuter lot. And if you set up a compact area, compact cars have to park in that area first.

**Mr. Chemka:** If they do not park in that, are you going to have them towed away?

**Village Manager Hess:** No, they would be ticketed. Throughout Westchester many of the commuter parking lots have designated compact and full-size spaces, and they are enforced.

**Trustee Walrath:** Forget my suggestion last meeting about price, but the way it should be done is simply the right number of spaces for the people who need the big spaces and the right number of spaces for people who need small spaces. And we are going to get some more spaces out of it, which will satisfy more people. No discrimination.

## **EXECUTIVE SESSION**

On MOTION of Trustee Holdstein, 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, litigation, and land acquisition.

## **ADJOURNMENT**

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:30 p.m.