

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

A Regular Meeting was held by the Board of Trustees on Tuesday, April 4, 2000 at 9:00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee David Walrath, Trustee Bruce Jennings, Village Manager Neil P. Hess, Deputy Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

CITIZENS: Nine (9)

APPROVAL OF MINUTES

On MOTION of Trustee DeVita, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of March 21, 2000 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 104-1999-00	\$ 17,779.17
Multi-Fund No. 106-1999-00	\$ 23,206.88
Multi-Fund No. 108-1999-00	\$ 49,789.42
Multi-Fund No. 109-1999-00	\$166,904.37

33:00 TRANSITIONAL DUTY PROGRAM

Village Manager Hess: Ms. Oelkers, our safety coordinator, is here tonight. She can explain the Transitional Duty Program to the Board and the public.

Marie Oelkers, PERMA: I am the injury coordinator for PERMA, which is our workers' compensation company. A Transitional Duty Program tries to get our workers, if they get injured on the job, back to work sooner. By accepting this proposal we will get a reduction in our workers' compensation payment every year. It is worked on the point system, and I am trying to get the Village more points so that we can pay less for our workers' compensation. Ideas were given to me by PERMA from other villages and towns.

Village Manager Hess: The Transitional Duty Program is broken down by department; it is very detailed in terms of what specific transitional duties can be undertaken and for what period of time.

Trustee Jennings: I noticed that "crossing guard duty" was on the list for police officers. If a police officer is injured and unable to perform his or her normal duties, it seems like light duty, but it may not be. He may have to run to get a kid out of the street. He might see a crime occur and have to respond to it. I raise a question about whether crossing guard duty should be considered part of the list of light duties.

Village Manager Hess: We can take a look at that. We will discuss it with PERMA.

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 approve the Transitional Duty Program of the Village of Hastings-on-Hudson as attached.

ROLL CALL VOTE:	AYE	NAY
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

Village Manager Hess: It may be amended with the crossing guard removal.

Mayor Kinnally: Understood. If contact with PERMA comes up with other suggestions, this can be further modified.

34:00 CHANGE OF MEETING DATE

Mayor Kinnally: This is to accommodate school vacation, Holy Week, and Passover. On MOTION of Trustee Walrath, SECONDED by Trustee DeVita, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees change the date of the Regular Meeting of April 18, 2000 to April 25, 2000.

ROLL CALL VOTE:	AYE	NAY
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Village Manager Hess: The budget hearing is April 11 at 8 p.m. Immediately following that we will have a recap and review of the entire budget in work session. It is anticipated that the budget will be considered by the Board at its April 25 meeting. Anyone with comments should submit them prior to April 25.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We had a meeting last Wednesday with ARCO and interested parties about the LWRP initiative with the Regional Plan Association. We have a state grant of \$50,000 and ARCO continues to pledge \$50,000. There may be another \$25,000 grant which would free up \$25,000 for the Village to put to another part of the LWRP process.

At the meeting were Village Manager Hess; Trustee Walrath; Ed Weinstein, chair of the LWRP; Phil Carmel, LWRP Steering Committee; Meg Walker, Village Planning Consultant; Sandy Stash, ARCO; Mark Brekhus, ARCO; Barbara Zimmerman, ARCO counsel; Mike Gerrard and Tom Milch, from Arnold & Porter, counsel for ARCO; Bob Yarrow and Rob Lane of the Regional Plan Association; and I. We reviewed a draft contract from the Department of State. We discussed the schedule for the workshop, and the target now is September. We reviewed the purpose and goals of the workshop. ARCO gave us a cleanup schedule, which indicated a draft remedial investigation to the DEC by July10; the risk assessment to the DEC by August10; feasibility study to the DEC by December 1. The bulkhead is scheduled for construction in the summer of 2000. A work plan for demolition will be submitted soon; the anticipation is that this demolition will be completed this year.

There was further discussion about the workshop: scope of work, end product, cleanup issues, geographic limits, role of the steering committee, comprised of the Village Manager, one Trustee, the chair of the Planning Board, the LWRP chair, Sandy Stash and Mark

Brekhus from ARCO, Mike Gerard, (ARCO's attorney), one representative of Waterfront Watch, Village Planning Consultant, and Rob Lane from RPA. There will be an advisory board of interested parties, such as the Riverkeeper, the DEC, the Department of State, other neighbors in the area, Uhlich, the Tennis Club, Harvest on Hudson, Scenic Hudson, the yacht clubs, and, most importantly, Mobil Oil. The Mobil site is a significant portion of our waterfront that has to be cleaned up and is a desirable open piece of land. What happens to that site will have as much impact as the Anaconda site, and we are going to renew our statement to Mobil that the Village is interested in having that site conveyed to us and to get Mobil to participate both financially, and in a real way, in planning for the waterfront.

We anticipate a steering committee meeting once a month. The next meeting is scheduled for April 25. There are a number of steps that have already been undertaken. The Village is working with the Department of State to come up with another contract. We will be working with RPA to prepare a scope of work and to work with another foundation to come up with additional funding, contacting Mobil, and preparing a three-way contract with the Village, ARCO, and the RPA.

2. Marinello Cove

Mayor Kinnally: We are meeting with two of the four owners of Marinello Cove to continue discussions about the acquisition of that property.

BOARD DISCUSSION AND COMMENTS

Mayor Kinnally: May 6 is the annual Village Cleanup Day. Any individuals and/or organizations who are interested in adopting a spot in the Village and cleaning up on that date should contact Linda Knies.

Village Manager Hess: The Board will sponsor refreshments after the Cleanup Day for everybody who participates at MacEachron Park.

Mayor Kinnally: It is important that everybody send back the census questionnaires. If we are under-reported, we are going to be under-funded and will have to live with the consequences for the next ten years. We want to be accurately counted and correctly represented in our county, state, and federal legislatures.

David Shapiro, 5 Travis Place: Mary Jane Shimsky asked that I read this letter. [attached to minutes.]

John Spiciarich, 765 N. Broadway: I have been to a few meetings, one in particular last fall about the revitalization of Hastings downtown. I heard some good ideas, and I had a few of my own. I have heard nothing about it since, either in the paper or in the budget proposals. I have been here for about a year. I notice there are very few public places where folks can congregate and socialize, once they finish shopping. One spot in town where that does happen is in front of the ice cream store on Warburton Avenue. The reason for that is that it has a wide sidewalk. It is also in front of a business, and there is a bench, and there is room where folks can relax and hang out. I think we need more of that.

There is a spot in town that we could do something similar on a bigger scale: Main Street, from the bagel store up to the real estate store, even to the Community Center. If we removed the parking and built the sidewalk out another seven or eight feet we would double the size of the sidewalk. That would give an opportunity to have this huge swath of space for café seating, more trees and planters, room for musicians and performers, poetry readings. It would be a place to visit, to hang out. I look for that, as a newcomer, to meet people. I know parking is a concern, but there is parking down the hill. It is a bit of a walk, but it is free. If the sidewalk is built out, it would also calm traffic.

Mayor Kinnally: I think you ought to bring that before the Village Improvement Project. It is an interesting concept.

Trustee Walrath: The meeting you attended was the one with the Planning Board liaison with the VIP. Bob Lee had arranged that meeting with other interested people. If you would contact him or Michelle Noe, the head of that VIP, they would be interested in your thoughts.

Susan Winn, 208 Farragut Avenue: Michael, congratulations. I would like to give my congratulations, and best wishes, to Jim. I served with both Jim and Michael on the Board, and it was an experience, to say the least. Bruce, I commend you for stepping forward. It is nice to be back and to see everybody again. I know that you are going to have another great term.

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 updates on litigation; updates on land acquisitions; personnel; boards and commissions; and salaries for non-union staff.

Larry Apel, 111 Rosedale Avenue: Has the Village Board made a determination as to whether they are going to grant a separate zoning district to the Andrus developers?

Mayor Kinnally: No. The application is being considered by the Planning Board. We have not yet scheduled a joint meeting with the Planning Board to go through the proposal. Since the initial proposal, meetings have been held between counsel for Andrus and the Village to address some of the zoning proposals. Andrus will be resubmitting a zoning proposal to take into consideration the concerns that have been raised.

Mr. Apel: Two years ago there was a meeting on a Saturday of the ZBA in the Esposito Building. The presiding officer stated that the ZBA had been asked to give input as to whether there should be a separate zone, which the developers wanted. The presiding officer made it clear that he was opposed to a separate zone and favored a special permit. The developer waited for about a year and then he made an application to the Planning Board. Who has jurisdiction on this?

Mayor Kinnally: They submitted an application for a zoning change, which went to the Board of Trustees. We referred it to the Planning Board which is the lead agency for SEQRA review. It has not been to the Zoning Board. The Zoning Board of Appeals grants variances; it does not change zoning. A recommendation will be made by the Planning Board to the Board of Trustees. They are not at the point yet of signing off on any particular proposal.

Mr. Apel: He did say that the ZBA had been asked to advise the Village Board as to what impact the creation of a zone would have.

Mayor Kinnally: If it was two years ago, that may have been before the application was filed. Dr. Magun is a member of the ZBA, so maybe he can straighten this out.

Dr. Arthur Magun: The Planning Board requested the advice and input on the Zoning Board without any official recommendation. The proposal was circulated to the Zoning Board, and each Zoning Board member was asked whether he or she had any comments, given that we were involved in zoning regulations. But it was not a proposal.

Regarding the Public Hearing about the accessory apartment change, where is the impetus for this change in the law coming from?

Mayor Kinnally: I am not going to speak for the Planning Board, but when we change the Zoning Code, or any local law, people live with it for awhile, and there is always an opportunity to come back and take another look at it.

Deputy Village Attorney Stecich: When the applications came before the Planning Board, nobody ever had anything to say, and with some of the applicants there were mailing problems. Only for one application, it may have been none, did anyone appear at the Public Hearing. So the Planning Board figured why go through all this. Also, if there were a violation, if somebody changed the outside of the house, or it was causing a change in the character of the neighborhood or was a nuisance, a complaint can always be made, and the Planning Board can revoke the permit. There can be a hearing and the permit can be revoked, and that might be a better way to deal with problems than making everybody go through this renewal process, which is burdensome.

Village Manager Hess: I think we are on dangerous ground because Marianne is trying to relate what the Planning Board was thinking. I think it will ease into a debate tonight that I do not think anybody is prepared for.

Mayor Kinnally: We do not have the information. Maybe we can get somebody from the Planning Board next time to be here as a resource. It is dangerous to put ourselves in the mind of the Planning Board.

Trustee Holdstein: Did the Building Inspector check all of these apartments with each renewal?

Village Manager Hess: They are all reinspected.

Trustee Walrath: The Trailway Subcommittee of the Planning Board had a meeting with Kevin McLaughlin, who is the Greenways Trail consultant. He went over a number of our present and proposed trailways with us. We walked a number of them, and had good suggestions on routing, maintenance, and their grants program, which is going to be very important to the implementation of our trailways program.

ADJOURNMENT

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:40 p.m.