

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 16, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, May 16, 2000 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Elsa C. DeVita, Trustee David Walrath, Trustee Bruce Jennings, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Michael Holdstein

CITIZENS: Five (5)

APPOINTMENTS - PLANNING BOARD

Mayor Kinnally announced the re-appointment to the Planning Board of Robert Lee and William Logan for five-year terms.

APPROVAL OF MINUTES

Trustee Walrath: The first page should read "...earlier this year the Trailways Committee and Dr. Hubbard 'traced it with the Greenways consultant.'"

On MOTION of Trustee DeVita, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of April 25, 2000 were approved as amended.

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Public Hearing of May 2, 2000 were approved as presented.

On MOTION of Trustee DeVita, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of May 2, 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. 124-1999-00	\$ 46,999.69
Multi-Fund No. 126-1999-00	\$181,585.22

PRESENTATION - LWRP Steering Committee

Julius Chemka, LWRP: At our May 9 meeting the LWRP Steering Committee voted unanimously to communicate to the Mayor and the Board of Trustees its support for siting the proposed Hudson River Estuary Institute on the Hastings waterfront. The committee respectfully requests that the Mayor write to Governor Pataki expressing the Village's interest in the institute concept. In addition, it recommends that the Board appoint a delegation of citizens to visit the governor and the newly-appointed task force when appropriate to state the Village's case. Although little information is available about the institute, and the task force has just been appointed to develop the concept, the committee feels it is important to express an interest at an early stage and to investigate how the concept could work on the Hastings waterfront.

The committee is not in favor of a not-for-profit institution that dominates the waterfront or depletes the waterfront's tax-generating capability. The institute would have to be part of a mixed-use scheme that includes other revenue-producing uses and allows public access to the entire waterfront.

The committee believes that such an institute would be a positive addition to a redeveloped waterfront because it could be an educational resource for our schools and community; provide funds for shoreline and habitat restoration; serve as an attraction and a catalyst for other profit uses on the waterfront—commercial offices, housing, and so on; encourage the development of other water-related uses—boating, fishing, crabbing, and so on; help to resolve remediation issues; and demonstrate the kind of positive uses contaminated industrial sites can be put to.

What do we have to lose? A few hours of our time to get a positive jump towards revitalizing our great Hudson River shoreline. You were there when Governor Pataki was at our waterfront and said, What a beautiful site—after we get it cleaned up it will be a great thing. A wonderful view of the Tappan Zee Bridge at one end, the George Washington Bridge at the other. Let us go after that institute and show them what we have to offer. I think it would be a plus for the citizens of Hastings.

Mayor Kinnally: When the Governor raised this issue I spoke with John Cahill, the Commissioner of the DEC, and told him it would be a good opportunity for the Governor, as Julie said, to put his money where his mouth is, and to say, This is a great site: let us use it. I thank the LWRP for bringing this again to our attention, and I think it is a wonderful idea. I would like to ask Susan Maggiotto to spearhead this for us, to coordinate with the Governor's office, with the DEC, and with the other departments to move this process along. I agree this should be one part of a larger concept on the waterfront that would help generate tax

revenues. We would not want this to be all off the tax roll, but this could certainly be a magnet to attract other types of cleanup and revitalization on the waterfront.

Trustee DeVita: It is a wonderful idea and it is very well outlined in this memo. I would like to see it move forward.

Trustee Walrath: I concur. This has been likened to the Woods Hole Institute, probably much larger than our waterfront, but that should not deter us. We have different water than further upriver, and maybe we can get the marine portion of it if not the whole thing. I am all for going after every bit we can. It is a wonderful use, and I agree it would attract other desirable taxable activities to the waterfront.

Trustee Jennings: I agree. We should find out more about it and proceed, so that we can place ourselves in a position to compete for this location for the institute. It would be a missed opportunity if we did not explore this right away.

40:00 - RPA AGREEMENT

Mayor Kinnally: We have been in discussions with ARCO Environmental and with RPA over the form of this document. Agreement, in principle and in concept, has been reached. There may be additional information or schedules attached to this, but at this point I would like authorization from the Board to sign this.

Trustee Walrath: Paragraph [7] says, "The Steering Committee may alter the work plan. RPA will not be required to undertake additional tasks beyond those included in the work plan unless funds are secured to cover any additional costs." I would like to see billing on a labor-hour base from RPA rather than a lump sum. I am not sure we will define all tasks, and I would like to be able to execute other tasks if they have not spent all the funds.

Village Manager Hess: That is an element within the RPA work plan which would be attached to this document as Exhibit A; I would bring that back to RPA to have that type of billing done, and have the work plan changed. The base agreement would stay the same. If the Steering Committee comes up with something totally outside the scope of the original agreement, this says that RPA is not required to do that if there are no funds available.

Trustee Walrath: But within the scope we can certainly expect them to justify the \$100,000 based on time spent.

Mayor Kinnally: Yes. In the other documents that are being generated there is a much more detailed outline of what is to be done and what the end product is.

Trustee Jennings: In a project like this there is give-and-take between the consultant and the Steering Committee and some flexibility is necessary. I interpret paragraph [7] to be a kind of boundary condition: that it is unreasonable to expect a consultant to do anything and everything a steering committee may come up with. The intent of this paragraph is not to preclude flexibility of negotiation on the budget and the work plan scope but rather to say that we do not anticipate the Steering Committee will be thinking of new things every week and laying them on top of the original work plan.

Village Manager Hess: We are still working on schedules A and B, the Department of State work plan, which we found inconsistent with the RPA work plan and the agreement. The agreement has been sent to our environmental counsel who indicated that all the items and conditions the Board had raised have been modified in the agreement. The funds from ARCO were to be paid on May 15 to our escrow agent, our Village Attorney by the agreement. If the Board authorizes this and the Mayor signs it, the attorney for ARCO will have ARCO forward a check. RPA may be willing to modify the escrow agreement so that we could put it in a trust fund here and not have another party involved.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign an agreement as attached among the Village of Hastings-on-Hudson, ARCO Environmental Remediation Ltd. and the Regional Plan Association to design and implement a community-based planning and design process to prepare an advisory schematic redevelopment plan for the Hastings-on-Hudson waterfront.

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

Mayor Kinnally: Let me note that Trustee Holdstein is out of town on business.

41:00 - AKRF TRAFFIC STUDY

Village Manager Hess: Based on the Board's input, AKRF has modified the scope to include St. Matthew's and Hillside School. They have to have the report ready for a presentation at a joint meeting with the Board of Education June 5. There are representatives from the school, George Foster; from the Parent Safety Committee, Karen Keller; and from the Village, Chief Marsic, in addition to volunteers working during the study period.

Mayor Kinnally: The resolution authorizes me to sign an agreement, not the particular one in our packet. That agreement will spell out in greater detail the scope of work.

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 authorize the Village Manager to sign an agreement with Allee King Rosen & Fleming, Inc. to provide traffic consulting services to evaluate traffic, pedestrian and safety conditions at the Hastings-on-Hudson schools for the cost of \$8,000 plus direct expense.

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

42:00 - SALARIES NON-UNION PERSONNEL

Village Manager Hess: These salaries are for personnel not covered by union contracts. Our union contracts cover approximately 37 of our 54 total full-time employees. These were based on annual reviews of performance and recommendations of department heads and myself to the Board. They were established after three evenings of review and are recommended for approval.

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 establish the following salaries for non-union personnel effective June 1, 2000:
Chief of Police \$104,750

Police Lieutenant	\$ 85,100
Supt. of Public Works/Building Insp.	\$ 84,600
Deputy Village Manager/Village Clerk	\$ 66,250
Supt. of Parks and Recreation	\$ 65,000
Director Youth Services	\$ 58,800
Asst. Superintendent of Public Works	\$ 66,200
Recreation Supervisor	\$ 37,100
Deputy Treasurer	\$ 35,000
Building Dept. Assistant	\$ 37,650
Secretary to the Village Manager	\$ 33,900
Payroll/Personnel Clerk	\$ 34,000
Court Clerk	\$ 29,200
Assistant Court Clerk	\$ 19,600
Recreation Assistant	\$ 25,500
Recreation Secretary	\$ 25,100

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

43:00 2000 - 2001 TAX WARRANT

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the 2000 - 2001 Tax Warrant as attached herewith.

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

44:00 - SUMMER MEETING SCHEDULE

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 hereby schedule the following summer Regular Meeting dates:

1. July 18, 2000
2. August 22, 2000
3. Sept. 12, 2000

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

**45:00 - ADOPTION OF LOCAL LAW NO. 1 OF 2000 - AMENDING THE
ACCESSORY APARTMENT PROVISIONS OF THE ZONING CODE**

Mayor Kinnally: I would like to table this to our next Board meeting so we can look at one provision before we finalize it.

Randy Paradise, 35 Floral Drive: What section are you considering re-looking at?

Village Manager Hess: "Imposition of Reasonable Conditions by the Planning Board."

Mayor Kinnally: It is adding a paragraph between paragraphs [2] and [3].

Mitchell Berman, 18 Calumet: For the benefit of people watching on television, is there any major change?

Mayor Kinnally: [Mayor reads "Resolved" section of proposed resolution]. This is not a major overhaul of the existing law. The proposed local law does not go even half as far as the recommendations that were given to us, as a result of comments made at several meetings and discussions at work session and in meetings. Also, there is a requirement that an application be notarized. The Manager will look into whether we can dispense with that. We will revisit it on June 6.

PINK PANTHER PERMIT

Mayor Kinnally: We had extended the permit to the Pink Panther to operate on Route 9-A. We are going to meet with counsel tonight to get his recommendations. Because we are not

ready to deal with the application at this point, I would like to extend the application until our next Board Meeting June 6.

VILLAGE MANAGER'S REPORT

Village Manager Hess: We have expressed the Board's concern to the contractor about the lack of progress on the Southside project. They were to be completed on Washington Avenue by today. They are at least six working days away from completion on Washington Avenue. Their excuse is that underground gas lines were not indicated on the utility maps and not marked, which held them up for three days while Con Ed made some changes. The curbing was not ordered, as the contractor had indicated last week. He was going to check on it today. County planning had estimated the cost of the wall at \$15 to \$20 thousand. That information was submitted to the contractor; his estimate is \$120,000. I suggest we get a bid from a separate contractor for the wall and sidewalk in that area. However, if it is Metro North property we would have an additional problem with a different contractor because he would have to develop a new maintenance plan for Metro North approval. We hope to have that resolved this week.

The drop-dead date is still June 30. We asked the contractor to be more realistic in his projections because we report what they tell us at every Board meeting. It becomes disappointing to us, the public, and the Board when his projections are not truthful. Once we get some firmer dates, commuters will receive notices on their vehicles about when and where the work will occur. Work will not begin in the commuter lot until after 8:30 a.m.

Mayor Kinnally: Mr. Hess, if I could take some pressure off you and the staff, the information you are being given is sometimes not just overly optimistic but downright misleading. I reviewed your letter to us for the second meeting of April, and you said that the curbing had been ordered and was to be delivered April 24. I would extend an invitation to the contractor to attend our June 6 meeting. We still have the island to finish. It is getting too late to plant anything. The station plaza area and the parking areas have not been started. So I would extend a hearty invitation to the contractor to come and visit with us.

Village Manager Hess: I will also invite the county inspector on the job to join us. The hill grubbing and clearing was supposed to start today. The planting is supposed to take place this week. They do not have much more time to do any planting for the spring.

Trustee Jennings: A representative from the Southside Athletic Club was here and pointed out that the sidewalk in front of that facility job needed to be closed before an event of theirs. Was that done?

Mayor Kinnally: The sidewalk is finished in front of the club. The area adjacent to the radius curbing at the parking lot cannot be poured because they do not have the radius curbing. That was the curb that was supposed to be here on the 24th.

Village Manager Hess: They have a major open house on Memorial Day. The contractor has talked with the Southside Club president and has guaranteed that it will be done by then. They were directed by us to get all the radius completed on this upper Southside portion, the island, by Van Tassel, and by the Southside Club. We stressed that it is a priority. Part of the problem, and something we should never get involved with again, is that it is a joint venture. There are two companies working as one and blaming each other.

Downtown trash receptacles were installed this past Saturday. They were recommended by the VIP and the Chamber last year. The Chamber donated their proceeds from the Spring Thing last year to the Village towards the cost. We have been receiving a lot of compliments relative to their appearance. We will have additional receptacles in other locations. They match the receptacles that will go in on the Southside project. Flower baskets are on order. They will be put up prior to Memorial Day. Watering is included in our contract with Volpone.

We received a notification of a grant of \$10,000 from the Greenway which will map out our trailways in the Village.

Our free family swim day is May 27, the day before Memorial Day. Spring Thing is June 3.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I have continued my discussions on the acquisition of Marinello Cove. I had conversations with two of the owners who live in Rockland County. We have not yet been able to contact the owner who lives in Florida. We have had preliminary discussions with counsel about the procedure if we have to condemn the property.

2. Steering Committee

Mayor Kinnally: The Steering Committee meets on May 30, and the Advisory Committee on June 5.

Village Manager Hess: The Advisory Committee will join the Steering Committee for a meeting on June 5 in this room. We are inviting at least 20 or 30 organizations and waterfront owners for some preliminary discussions, and input, on three alternative scenarios that a subcommittee of the Steering Committee has come up with.

3. Other

Mayor Kinnally: We have been invited to attend a meeting with a county attorney and the Westchester County Planning Department about a piece of property adjacent to Hillside Woods, part of the old Carvel property that straddles Hastings and Dobbs Ferry. Dobbs Ferry has already acquired through condemnation a portion of the property for a DPW garage. They want to see whether the entire portion can be condemned, and if we want to be part of it. The county is interested in extending their trailway system east-west to tie into the Putnam Trailway. We want to know if the county wants to pave the trailway as it did with the Putnam. We have serious concerns about that, not only because it is contrary to the spirit of the acquisition when the county and the Village acquired Hillside Woods but also because it introduces heavy equipment into Hillside Woods. It is not the type of use that anybody anticipated when we acquired that property. It would also require maintenance.

4. Liaison Assignments

Mayor Kinnally: I would like to announce the liaison assignments for the current year:

Fire Department	Lee Kinnally
Police Commission	Lee Kinnally
Safety Council	Bruce Jennings
Newsletter	Elsa DeVita
Beautification	David Walrath
Draper Review Board	Elsa DeVita and David Walrath
Affordable Housing	Bruce Jennings
Youth Council	Bruce Jennings
School Board	Elsa DeVita
Library Board	Bruce Jennings
Parks & Recreation	David Walrath and Michael Holdstein
Senior Council	Michael Holdstein
Conservation	Michael Holdstein
Finance Committee	David Walrath and Bruce Jennings
Planning Board	Michael Holdstein and David Walrath
Architectural Review	Lee Kinnally
Deputy Mayor	Rotating among Trustees according to seniority
LWRP	David Walrath
Steering Committee	Elsa DeVita

EXECUTIVE SESSION

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting for consultation with counsel, for update on litigation, and to address personnel.

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On MOTION of Trustee Walrath, SECONDED by Trustee DeVita with a voice vote of all in favor, the Board scheduled an Executive Session for May 23, 2000 at 8:15 p.m. to discuss personnel.

ADJOURNMENT

On MOTION of Trustee DeVita, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:05.