

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 6, 2000

A Regular Meeting was held by the Board of Trustees on Tuesday, June 6, 2000 at 8:15 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: Eight (8)

Mayor Kinnally: Let me note that I spoke with Trustee Holdstein early this evening and he is detained at work. He sends his regrets.

RECOGNITION

Mayor Kinnally: Many times we are lobbied by people to do things in the community. Meryl Lewis asked us why we did not have defibrillators. She gave us a great deal of information about defibrillators, their usefulness, and how they can save lives, and she struck a resonant chord with all of us. After research and discussion, the Village has taken up Meryl's suggestion, and we and the Fire Department have purchased a number of defibrillators. Chief Schnibbe can discuss it further.

Fire Chief Robert Schnibbe: Thanks to Mrs. Lewis for "nudging" us. We knew about these for a long time, but their use requires extensive training, so we did not do anything about it. We purchased four from Village funds and put them in the police cars. We have recently ordered two additional ones paid for from donations to the Ambulance Corps in memory of people, and other funds that were donated to the Fire Department. There will be one on each ambulance. We are hoping to buy another one.

Village Manager Hess: The proceeds from the Village Tag Sale in two weeks are going towards the purchase of another for the pool.

Mayor Kinnally: I ran into Meryl in the city a few weeks ago and I told her I would like her to come to a meeting; unbeknownst to me that very day we had our first save in the community, using the defibrillator. We have already saved one life thanks to your efforts. I would like to present you with the certificate of outstanding service "...presented to Meryl Lewis for your outstanding service to our community. This award is issued as a token of appreciation of all Village residents."

Meryl Lewis: We all feel a lot safer. Having witnessed someone die within minutes when a defibrillator could have saved them has always stuck in my mind. The police are so fast in this town, and with that little machine they can save that person so they can get to the hospital. Thank you very much.

APPROVAL OF MINUTES

On MOTION of Trustee Walrath, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Regular Meeting of May 16, 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. 127-1999-00	\$ 94,501.21
Multi-Fund No. 128-1999-00	\$50,512.86
Multi-Fund No. 129-1999-00	\$8,726.81
Multi-Fund No. 130-1999-00	\$230,754.76
Multi-Fund No. 1-2000-01	\$100,475.01

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

Mayor Kinnally: We have lived with the Accessory Apartment Law for a number of years. This amendment addresses the realization that there may be a better way of doing things. There were recommendations for greater changes, but it was the consensus of the Board that the commitment made during the initial hearings on this law be maintained: that there would be an application process and an opportunity for both the applicant and anyone who wished to speak to the application to be heard in public. We are retaining that, but making the process simpler for the applicant and the staff.

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

WHEREAS, the Board of Trustees of the Village of Hastings-on-Hudson amended its Zoning Code in 1995 to add provisions permitting accessory apartments as a special permit accessory use in certain residential districts in the Village, and

- WHEREAS,** the Planning Board of the Village of Hastings-on-Hudson has granted 29 accessory apartment permits under those provisions, and
- WHEREAS,** many of those applications came before the Planning Board for renewal over the past two years, and
- WHEREAS,** the Planning Board believed that the renewal process for accessory apartment permits is unnecessarily burdensome for the applicants and the Planning Board, and therefore recommended that it be replaced with a simplified administrative process, and
- WHEREAS,** the Planning Board also recommended that the accessory apartment provisions be amended to state expressly that the Planning Board may impose conditions in granting accessory apartment permits, and
- WHEREAS,** the Board of Trustees held two public hearings to consider amending the renewal provisions for accessory apartment permits, and
- WHEREAS,** the Board of Trustees determined that the opportunity for neighbors to be heard by the Planning Board on renewals was an important aspect of the accessory apartment law, and
- WHEREAS,** the Board of Trustees did agree that the requirement of certified mailings was unnecessarily burdensome and that there should be an express provision for imposing conditions on accessory apartment permits, now therefore be it
- RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law No. 1 of 2000 amending the accessory apartment provisions of the Zoning Code as follows:

1. Section 295-67 D (2) (b) is hereby amended by adding the following paragraph between paragraphs [2] and [3]:

In granting an accessory apartment permit, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are consistent with the spirit and intent of the Accessory Apartment Law.

2. Section 295-67 D (2) (b) [11] is hereby amended by adding the following underlined language to the last sentence of that paragraph:

In addition to the foregoing, any owner who violates any provision of this subsection or any condition imposed by the Planning Board in granting the permit shall be subject to the revocation of the accessory apartment permit by the Planning Board.

3. Section 295-67 D (2) (b) [7] is hereby amended to read as follows (new language underlined):

An accessory apartment permit shall be issued for a period of not more than three years and may be renewed by application to the Planning Board. Prior to renewal of the accessory apartment permit, the Building Inspector shall inspect the accessory apartment and determine that all the requirements of this subsection are met. The Planning Board shall conduct a public hearing on the renewal application on the same notice as that required for a zoning variance except that mail notice need not be by certified mail.

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

46:00 VENDING PERMIT PINK PANTHER

Mayor Kinnally: The applicant and Mr. Fontana are here tonight. One of issues raised in our last meeting was a request that the signs and the barrels be taken in at the end of business each day. People have told me that this may not be the case on a daily basis. I would request that that be done because we want the area to be clear. The applicant had indicated that it would not be a problem.

Mr. Fontana, attorney for the applicant: The barrels might be a problem. They are large white plastic. Ms. Toledo takes the plastic liner out each night and takes it with her. Perhaps

we can paint them green, or brown, or black, but white helps the customers see that they are there and utilize them more. But we will do whatever the trustees desire.

Mayor Kinnally: You can work that out with the Village Manager.

Tim Downey, 525 Parkway: On behalf of myself and Dr. Slate, it is not an accurate statement in the proposed resolution that "those individuals have expressed no objection to issuance of a vending license to applicant if she abides by the terms of the letter."

Mayor Kinnally: At this point you are expressing an objection to the issuance of the permit. We will delete that provision from the resolution.

Mr. Downey: With a little effort or modification to the vehicle the barrels could be taken away nightly. Has the Village done its full diligence in terms of reviewing the legality of the operation here pursuant to Department of Transportation concerns, because it could represent a liability to the Village should an accident occur?

Mayor Kinnally: We have inquired of our Village Attorney and have gotten guidance from him. It is a state road under the jurisdiction of the DOT.

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

WHEREAS, Magdalena Toledo (the Applicant) has applied to the Village Clerk for issuance of a vendors license pursuant to Chapter 214 of the Code of the Village of Hastings-on-Hudson; and

WHEREAS, the applicant has in the past conducted a business vending food in the vicinity of Saw Mill River Road; and

WHEREAS, owners of commercial establishments in the vicinity have expressed their concerns to the Village Board of Trustees (the Board) over the continued conduct of a food vending business by applicant in the area of Saw Mill River Road; and

WHEREAS, the Board has heard the comments of all interested parties, including the applicant and her attorney; and

WHEREAS, the applicant has, through her attorney, suggested certain steps she will take to mitigate or eliminate the concerns of all interested parties; and

WHEREAS, applicant's attorney, Richard G. Fontana, Esq., has proposed actions which applicant is willing to take to mitigate the concerns of all interested parties, by letter dated April 26, 2000 (the Letter); and

WHEREAS, applicant is willing to abide by the terms of the proposal stated in the letter; now therefore be it

RESOLVED: by the Village Board of the Village of Hastings-on-Hudson in regular session duly convened as follows:

1. Pursuant to the requirements of Chapter 214 of the Code of the Village of Hastings-on-Hudson, the Village Clerk is authorized to issue a vending license to applicant subject to compliance with all requirements of the Village Code.
2. That the applicant shall, as a condition of the issuance of a vending license, comply with all the proposals made in the letter of April 26, 2000 and that a copy of that letter be attached to and be made a part of this resolution.
3. This resolution shall take effect immediately.

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	

47:00 AWARD OF BID - STREET SWEEPER

Village Manager Hess: As Mr. Gennarelli had indicated, he expected one bid and that was from Empire Equipment Sales, the only one that can meet the spec for this type of sweeper. If we keep the current sweeper as a backup, and do replacement in seven years, our annual cost would be about \$15,500 on the purchase. Plus we would have to pay additional insurance on the backup sweeper. Marco has recommended that we trade in the old sweeper, and reduce the

replacement time from seven to six years. If we trade in the sweeper, and replace it after six years as opposed to seven years, it works out to approximately the same cost: \$15,750.

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

RESOLVED: that the Mayor and Board of Trustees award the bid for one (1) 3-Wheel Street Sweeper to Empire Equipment Sales Company, 34-09 126th Street, Flushing, New York 11368 as follows:

Gross Price: \$108,505
Trade-In: 14,000
Net Price: \$ 94,505

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	

48:00 GROUND LEASE, 122-124 WASHINGTON AVENUE

Mayor Kinnally: There are arrears in the payment of the rent for the ground lease at one of the buildings on Washington Avenue, and this authorizes the Village Attorney to collect.

James Horelick, 122-124 Washington Avenue: I am the other half of the lease. Nobody notified me that this was on the agenda. One of my neighbors called me.

Mayor Kinnally: We have an arrearage, including this year's lease, of \$5,146.71. It goes back a number of years. We want to get paid.

Mr. Horelick: The annual lease is \$1,500; it goes up each year according to the cost of living, or the Village taxes, with some kind of a calculation. After the first year I asked Mr. Hess to explain how he had calculated the increase for the subsequent year, and he said he would but he did not. In 1996 I wrote him a certified letter asking for an explanation, but I still did not receive one. Then you sued me, and when we went before the judge I made part of my counter-claim my request that Mr. Hess produce the calculations he presumably made over the

years. In spring of 1999 he finally sent me a sheet with the amount of increases, but he did not specify whether he had chosen the cost of living, or the Village taxes, to make the increases. When I compared the payments that I had made with the sheet he mailed to me I had overpaid. On May 4 I gave Mr. Murphy Mr. Hess' sheet, and he said he would give it to Mr. Hess and ask him to clarify the payments. On May 7, 1999 Mr. Murphy sent me a letter saying he had turned this paper over to Mr. Hess. I have not heard anything since then.

I came to Village Hall in 1998 to pay the base rent, \$750, while the increases were being disputed, and Mrs. Maggiotto refused to accept my check. What I wanted to do all along was just pay the base rent, which I will do tonight.

Village Manager Hess: We have been in litigation with Mr. Horelick for a number of years. Mr. Horelick is acting as his own attorney. Whenever he contacts me, since he is the respondent in this case, I refer him to our Village Attorney. It is not an unwillingness to respond, but it has to be done through our attorney since it is in litigation. The calculations were provided to our attorney and to the court in a conference.

Mayor Kinnally: What is the total base rent due now?

Village Manager Hess: \$3,750.

Mayor Kinnally: I will take your check now.

Mr. Horelick: Okay. Then what is next? I am still waiting for the account to be straightened out. There is an overpayment, and the explanation that Mr. Hess gave me is not satisfactory.

Village Manager Hess: Any information that was requested was provided to the Village Attorney through the court. I do not have that information in front of me.

Mayor Kinnally: I do not want to debate this tonight. We will take your check and we will move on.

Manager Hess: You have all of '98, two halves; all of '99, two halves; and the first half of 2000.

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 Village Attorney to take whatever action is necessary to enforce the Village's rights concerning the ground lease at 122-124 Washington Avenue.

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	

VILLAGE MANAGER'S REPORT

Village Manager Hess: At our last work session there was a discussion of moving bus stops and the idling of buses. I contacted Patty Speranza, with the county DOT. They had a supervisor following the buses the following day, and now even though the buses may stop they are no longer idling. They are required to turn the buses off. The Safety Council will review the bus stops and make recommendations to the Board.

The joint meeting with the School Board will be rescheduled for later in June. A review of the traffic study will be on the agenda.

Hastings Weekend is going to be July 21, 22, and 23, including karaoke night at the pool; an arts and crafts fair at Zinsser Park, with bands playing during the day, pony rides and a petting zoo for kids; the Senior Social sponsored by the Board at the pool; and the Westchester Philharmonic.

We are trying again to sponsor a youth football program in Hastings. Last year we only had 12 sign up. We will have a registration in June to determine if we will have enough participants. There will be a 3rd and 4th grade team, and a 5th and 6th grade team.

The Village-wide tag sale will take place at the commuter parking lot on Saturday, June 17. We are expecting, again, a very large turnout. All the proceeds from the table sales will go for the purchase of additional defibrillators.

The parties from the Southside project that were requested to be here tonight have not come. We have relayed the Board's, the community's, and our displeasure a number of times with the

way the project has proceeded. They are finished on Washington except for a small portion of bomanite on the north side near Warburton. They expect to complete the landscaping on Washington and the front of the commuter parking lot this week. We have asked them to be complete in the commuter lot area by next Wednesday; they believe they can be out of there by next Friday. They appear to be moving along a bit faster. I am expecting the job will be completed by the end of July; county funds will be spent by June 30. We were assured of that by Anthony Zaino from County Planning who is heading up the project. Hopefully they will not run into any problems with gas lines or anything else, which is what held them up on Washington for three days. Any open excavations will have to be filled in before the Village tag sale.

Mayor Kinnally: We were going to get samples for the bomanite in front of this building.

Village Manager Hess: There is a sample on Washington Avenue but it has not been glazed yet. We will be able to take a look at it early next week. We found out that the lights are in four sections. They have approval from Con Ed to turn on two of the sections of lighting, which would be on Washington Avenue and at the commuter lot. They cannot do the section on upper Southside until they put in the final light in front of the Municipal Building. They have been working on the shimming of the poles.

Trustee Walrath: Where does the sidewalk extension stand?

Village Manager Hess: We are going to try to get a bid from another contractor, because the price from the contractor was \$120,000, which is ridiculous. Mark was following up on that.

Trustee Walrath: The traffic report was to be ready for the joint meeting with the School Board. What is the status of the traffic report?

Village Manager Hess: We will get the report probably later this week.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: The Advisory Committee met last night with a good turnout, especially of people outside the Village who are interested parties. We got a surprise last night: that the PRAP would not be ready until mid-2001. I will discuss this further with George Heitzman. The discussion was spirited with a consensus that we have to build on what we have and come

up with a plan for the site by the fall. The first of two public workshops will be in the latter part of September.

Village Manager Hess: There will be a follow-up Advisory Board meeting in July and another Steering Committee meeting June 27. The follow-up workshops will be in October, with a land use plan that the committee and group will present to the Board in late fall.

Trustee Jennings: I came away from the meeting with a sense that this is not one more iteration of an endless process of discussion, but an opportunity to begin to do things with the cooperation of parties that have not necessarily been involved or as seriously committed as they seem to be now. It was a very encouraging meeting because of that new spirit and also because of the potential to incorporate large segments of the Village community in the workshop discussions and a well-informed conversation in the Village as a whole over the next several months. We all recognize the waterfront is an amazing resource, and people will be excited if we can convey the sense in the room last night that we have a new kind of opportunity to do something meaningful this time.

Mayor Kinnally: One of the questions raised was why should this time be any different. There were several encouraging signs. ARCO was there and expressed their commitment to the process. Two people from the ARCO organization who have not been involved in the past came and took great interest in what was going on, and spoke to me at length afterwards. We are getting the interest of the newly-reconstituted corporation, BPAmoco/ARCO. Also, mention was made of the Hudson River Institute and this Board's support of expressing the Village's interest to the Governor. ARCO indicated that they would be willing to commit a portion of the site to that if, and when, that became a reality.

The demolition plans will be ready soon, and they may have gone out to bid on the bulkheading. Things are progressing, at least on ARCO's front, not so much with the DEC. Additional discussions have been held between the Village and the owners of the Marinello property and will continue.

It might be a good time to have another stakeholders' meeting because of the timetable and the most recent information about the testing.

Village Manager Hess: The ARCO people should be here for the Steering Committee meeting on June 27; maybe we can schedule something for that week for the stakeholders.

2. Street Paving

Village Manager Hess: The list is broken down into two areas. One is the streets that we originally recommended: Washington Avenue, Southgate, Whitman, Stanley, James Street, Cliff Street, Croton, and Baker Lane, total cost of paving and milling \$104,300. The additional streets mentioned at the last meeting, Rosedale Avenue from Hillside to Ravensdale, Branford/Ravensdale to Fenwick, and Main Street total an additional \$93,800. I will ask for authorization to go out to bid at the next meeting because I would like to get the paving done in August. This will be a discussion item in the next meeting. I would suggest you take a look at the streets, and realize that our budget in this matter is about \$100,000.

Mayor Kinnally: Some portions of Villard from Warburton past Whitman are patched, and I do not know how that patch is going to hold.

Village Manager Hess: That is not a permanent patch. We have been trying to contact the contractor to finish up the work, curbing around the corner and the final patching. If he does not respond we have the right to get the retainage and finish the work.

3. Other

Trustee Jennings: The Youth Council programming is very adversely affected by the County Health Department ruling concerning not being able to use the pool after dark. I would like to pass along their plea that the Board seriously consider for next year's budget that we fix that situation to restore the ability to use the pool after 8 p.m. From the Youth Council's point of view that is a very important thing for the Village kids.

Village Manager Hess: The County Health Department this year has a requirement that the bottom of the pool has to be lighted after 8 p.m. We have to do a renovation of the pool next year to resurface the inside. It is the ideal time to install the lighting. We tried to take a look at overhead temporary lighting this year so we could keep that program going. It is a very successful program. I have asked Ray Gomes and Bill Finkeldey to look at some alternative programs to the night swim for this summer.

Trustee Walrath: Construction people use lights for working at night. Those cannot be occupied every night. I wonder if we might be able to rent something like that.

Village Manager Hess: Ray looked at temporary lighting; it is in the \$4 to 5 thousand range, the light reflects off the top of the pool as opposed to shining in the pool, and there is a large area to cover. The system would have to be on a separate generator in case the power goes out.

Trustee Walrath: Is it technically practical?

Village Manager Hess: We can take a look at that. We do run a lot of night programs.

Trustee Jennings: The Youth Council has in recent years tried to encourage an alternative to the New Jersey post-prom excursion, which is undesirable for many reasons. The Youth Council is very dismayed that they cannot offer that alternative this year. When you are dealing with adolescents you have a momentum, something that gets accepted slowly and with difficulty over time. Disrupting it might mean a real setback for awhile.

Village Manager Hess: Did they look at temporary lighting for the after-prom activity?

Trustee Jennings: That was not discussed. If you gave them the green light, they might look into it.

Mayor Kinnally: Will you talk to Nancy Gagliardi about it?

Trustee Jennings: Sure.

Trustee Walrath: To go back to paving, how does the Washington Avenue pavement work relate to what Con Ed is going to do?

Mayor Kinnally: They are going to do the curbing.

Trustee Walrath: Will they have to patch, or did we say we would repave if they would put the curbing in?

Village Manager Hess: They would patch a swatch 18 or 20 inches wide, although we are talking to them about restoring more of the pavement than they would usually.

EXECUTIVE SESSION

On MOTION of Trustee DeVita, 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 litigation, land acquisition, and personnel.

ADJOURNMENT

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:45 p.m.

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