

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 18, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, July 18, 2000 at 8:10 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, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

CITIZENS: Twenty-five (25)

APPROVAL OF MINUTES

On MOTION of Trustee DeVita, SECONDED by Trustee Jennings with a voice vote of all in favor, the minutes of the Public Hearing of June 20, 2000 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the minutes of the Regular Meeting of June 20, 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. 2-2000-01	\$176,700.71
Multi-Fund No. 3-2000-01	\$ 500.00
Multi-Fund No. 4-2000-01	\$313,590.66
Multi-Fund No. 5-2000-01	\$ 3,526.34

52:00 - SKATE PARK

Mayor Kinnally: We are going to treat this like a public hearing so I would ask people to speak in favor of, or in opposition to, the proposed skate park at Riverview Park.

Jonathan Kaftor, 406 Warburton: I think we should have a skate park here in Hastings because pretty much anywhere you go these days they do not want you skateboarding. I was just in White Plains a month ago and that is one of the greatest places for skate spots. I got a ticket, went to court, and now if they see me there again they will put me in jail or something instead of just fining me. Now they have signs at school saying "No Skating, No

Rollerblading, No Biking In This Area,” which happened to be the most popular spot in town. The kids who skateboard have nowhere to go and nothing to do. What do you think their alternatives are? They will probably go to smoking or alcohol. That is what most kids do these days. They need something to do, and this skate park will help them out, keep them away from these things; maybe, maybe not, but it will give them something to do. I have a lot of friends that think Hastings is the most boring town on earth so they decide to go vandalize something or go to a keg or something. That is just the kind of things people do when they are bored. With a skate park around, things might change.

Village Manager Hess: I am not sure it does anybody good to talk about the negatives of why we should have something. We have been looking at this for the last couple of years: the youth division of the Police Department, Parks and Recreation Department, and the Youth Advocate Office. Several years ago, when the Village Board appointed a Youth Advisory Committee made up of kids from the school, one of their first recommendations was a skate park. Skateboarding had become a problem in the downtown, with some teens deciding to skate VFW Park and jump over Warburton Avenue and try to see if they could beat cars and buses. The Board had to pass legislation which restricted any kind of skateboarding or rollerblading in the downtown area because it was dangerous for pedestrians and dangerous for the kids. A couple of years ago a 12-year-old was killed in Portland, in-line skating on the street.

Staff has been looking for a number of years for an alternative area for kids to skate. We even approached the previous waterfront owners for use of a building that we could develop into a skate park, but that was rejected.

We took a look at all our parks in the park system, and Riverview Park which appears to be under-utilized seemed most appropriate. It was the subject of a joint Board of Education/Village Board meeting on June 5. The school has indicated problems with kids skateboarding or rollerblading on school property. We put together a committee of parents, Village staff, and kids to help design the skate park. The dimensions of the area are approximately 80 feet by 53 feet; the equipment includes a pyramid, a fun box, a bank, a quarter-pipe, and a hand rail. We decided to make a recommendation to the Board to move forward on development of this park to provide a safe area for the kids in our town to skate and rollerblade.

It was agreed by the kids and the adults that we would have a supervisor at the park. It would be admission to residents only, and it would be on a permit basis. Any teen or pre-teen in the Village who wanted to skateboard there would be issued a picture I.D. for free; they would

be allowed to bring a guest; they have to wear all appropriate safety equipment or they cannot skate.

We discussed with the kids that it is a place for them. They would have to supervise it themselves. They would have to ensure that the place is cleaned up and is not just a hang-out and not noisy for neighbors. We have not determined hours yet, but there would be no night skating.

Susan Richman, 21 Pinecrest Drive: I am extremely excited about the prospect of doing something wonderful at Riverview Park. About six months ago we formed a committee with the help of Meg Walker to look at the possibilities of what could be in this potentially beautiful, unique location. One of our ideas that we looked at, in fact, was a skate park. At our last meeting a month ago with Mr. Gomes we discussed the potential and thought it was worth pursuing. We concluded that we should talk with the company that makes skate parks and meet with them for ideas and feasibility. We also discussed at this meeting the importance of planning the park as a whole, and integrating the lower park with the top. We wanted to redesign the benches and tables for passive use. We wanted to look into making the weedy slope on the right into some type of use because it is currently not used at all. We looked into a lot of possibilities of making it good for all ages—for the people in the neighborhood as well as for people from around the Village—using and enjoying the park. People sit on the benches and sometimes picnic. Nobody uses the lower part because it is dangerous and has been let go. It would be a major mistake to put a skate park on the top without looking at its potential entirely. We had discussed putting a track around the entire park for younger children who are just learning how to skate.

Imagine my surprise when a neighbor on Warburton called me on Saturday to tell me about this meeting. I was not informed; neither was any neighbor on Pinecrest Drive. I have letters from people on Warburton who were not informed of this meeting. I feel that it is premature to vote on anything. I think that it is a great idea, and it is definitely worth looking into further. But it is still very preliminary because there is so much more that can be done there than just throw up a couple of pieces of equipment and not use the whole park for its wonderful unique potential.

Mayor Kinnally: I am not here to rush to judgment tonight. I have, I will not say "concerns," but this is the first time we, as a Board, have looked at this. I am not pushing to have this come to a vote this evening.

Ms. Richman: Our whole committee that was meeting for six months never even heard about this. We were totally left out of the loop.

Village Manager Hess: This was a committee that was not developed by the Village. I knew nothing about this committee.

Ms. Richman: We have met with the Parks Committee twice. There is something wrong with the notification that should be looked into as well.

Mayor Kinnally: The point is well-taken. We want to discuss the merits, or lack thereof, of the project. One of the problems with the lower level is compliance with the ADA, and that is going to take some more looking into. It is a much larger project, from a capital and engineering standpoint, to make the lower level fully accessible and in compliance with ADA.

Ms. Richman: We had an environmental designer who did the Stanford park come down and he felt that it could very easily comply. He met with Mr. Gomes and other members of the committee at the park and we talked about regrading and different things that should be looked into before we develop the top part and not consider it as a whole.

Imar Zimendi, 17 Old Jackson Avenue: I feel there has been too much delay on the subject. As you said, this topic has been looked at for four or five years now. I think that is way too much time. I am 15. In four or five years I will be 19. I might not even live here anymore. I still have to go out on the streets. I still have to walk up the school stairs that have been waxed by the skaters and slip and fall. There has been too much delay, and it should be done as soon as possible.

Iris Hiskey Arno, 27 Garland Drive: This project is a great idea. I was thrilled to hear how much thought had gone into it and how far along Neil and Ray had gotten with it. I came with the kids to talk about their ideas about what kind of equipment would be good.

I know there have been a number of attempts to help kids skate with the fun box in the Burke parking lot and the half-pipe in Zinsser parking lot for awhile. Since those were not permanent places, things happened; equipment got stolen, the snowplow put snow there. There have not been places set aside for skaters. Everyone now is skating in front of school, and that does have certain problems. I have done a lot of research on the Internet looking into skate parks; they are facilities that are growing in popularity. I spent a summer in Santa Cruz, California where they had a cement bowl and snake in the town park completely unsupervised, used very safely and happily by skateboarders, bike riders, and rollerbladers. I read in the paper that Mount Kisco was putting in a small skate park, and that one was maybe built, or financed, by parents, and had memberships. There are a lot of different ways of doing it. In terms of the location, we would be happy with any safe, accessible place. What

seems good about this park is it is right on Warburton. Traffic is going by. If anyone falls down, gets hurt, people will see it. There will be an attendant, but it is a visible place.

Skateboarding is really a sport, even though it is not a traditional competitive sport and there are no teams and no uniforms. It involves kids who are involved in traditional sports, but it also brings in a lot of other kids who, in some of the literature I have read, have been called "renegade athletes"—kids who do not do other sports. This is a healthy activity that provides the same benefits of coordination and agility and concentration and perseverance that every other sport does. I would do anything to help out on this effort and I think you are doing a great thing and I hope you will be able to put a skate park in Hastings.

Dan LoPriori, 41 Prince Street: I want to thank whoever came up with this idea. I think it is a great idea, and I do not want to be killed going off the VFW by a bus, or anything. So I just want to thank you.

Sharon Diamond, 1 Hall Place: I also think it is a great idea. I am the mother of three children: a 14-year-old, a 12-year-old, and a nine-year-old. That time goes very quickly from childhood to adolescence. We are blessed in Hastings by having a large group of healthy, active, energetic kids who need a safe place to express and have an outlet for all that energy. I can think of no more fun place than a skate park where all kinds of kids—kids who are good in organized sports, kids who are not—can get together. It provides a place for children to meet who would not ordinarily meet, and that is another wonderful benefit. In this age where so much time is so heavily structured, it provides a place for kids to just go and hang out, doing something fun that keeps them out of trouble and enables them to develop physical skills as well. I am very enthusiastic about it and the kids are excited about it. Although I understand not wanting to rush into something, I would urge due speed so that these kids will have the opportunity to enjoy this place.

Julie Pycior, 43 Pinecrest Parkway: I am also excited about this. It is a wonderful idea to have a skateboard park and to involve the young people in the process of decision-making, and it is great to hear their thanks to our town.

At the same time, I am feeling a bit torn because when we first moved here ten years ago Riverview Park was a jewel to us. I would walk my daughter down there and she went on the swings. And the name Riverview Park: the river. Maybe we could trim some trees and see the river a little more. I would urge all due speed because of the youth of the children and their need to do it, but also in view of the jewel which, because of complicating factors, has been languishing.

Max Arno, 37 Garland Drive: I think that it is a great idea to put up a skate park. Since now more than ever the skateboarders are getting kicked out of the places where they usually skate, we should at least get the first pieces of equipment out there and ready to skate.

Pat Spano, 332 Warburton Avenue: I live across the street from the park. I have very mixed feelings because I wanted the kids to have skateboarding for a long time. But I have to disagree about it being underutilized. It is utilized by people who play basketball. It would be utilized by young families if the lower part of the park were developed. It is important to look into developing the entire park. If the basketball courts have to go, that is fine. But I would like to see everything developed, not just the top part.

Helise Harrington, 134 High Street: I am here on behalf of my son, who is at skateboarding camp, and he wanted me to come. He is a one-sport athlete, and very much loves skateboarding. It would be wonderful for boys like him, and girls, to have a place where they could safely skateboard. This was an issue that politicized my 12-year-old son like none other. He and two friends of his did a petition (which, his being at camp I cannot find), but it is two pages long and both sides where kids his age have been asking for this. I think it is a wonderful idea.

Shari Gold, 31 Scenic Drive: I think it is a terrific idea. I hope you will do everything to develop this skateboard park. If it is an issue of a bigger park, do that as well. I have been to other parts of the country and just came back from New Mexico and noticed a skateboard park at night with lights. I thought what a great place to have for kids not only in the day but even at nighttime, because there is a paucity of places for adolescents to go at night as well. But if it has to be during the day, that would be great, too.

Howard Lorber, 53 Hillside Avenue: My son Max cannot attend tonight but he is an avid skateboarder. I think it is a great idea. It is a win-win situation. Involving the kids brings them into the community in a way that no other activity really would. If we are going to raise our kids as citizens of this community, then their involvement is very important, and the earlier the better. I applaud the effort, and I appreciate your efforts in doing the park.

Village Manager Hess: There is a possibility that you could do this on a temporary basis. The equipment can be ordered and delivered within seven days because it is pre-cast aluminum equipment. We could set the park up on a temporary basis for a period of months and see how it works out. We would continue the study of improvements at the lower area. This equipment can be moved to another location if another location is determined.

Mayor Kinnally: How is this equipment affixed?

Village Manager Hess: It weighs so much it is put in place with either a crane or a large backhoe.

Trustee DeVita: What kind of preparation does the ground need?

Village Manager Hess: This ground is already prepped. The surface is a normal blacktop surface. There is a drain in the center of the court, but the large pyramid piece would be put in the area where that drain is.

Trustee Holdstein: Would the railing need some sort of support?

Ray Gomes, Superintendent, Parks and Recreation: Yes. It would be lag-bolted into the pavement.

Village Manager Hess: That is the only piece that has to be affixed?

Superintendent Gomes: Any one of them can be, but the rail has to be, for stability.

Trustee Walrath: Is it filled with something?

Superintendent Gomes: Yes, it is filled with a neoprene substance to reduce the noise. But they are heavy. The information on weight is in your packet.

Trustee Walrath: Solid rubber, with an aluminum cover and then rubber surfacing on top of that?

Superintendent Gomes: Right, aluminum surfacing on top.

Village Manager Hess: We had a discussion during the meetings about the heat retention of aluminum versus other types of surfaces. They provided testing laboratory results. They are very similar in terms of the surface temperature but the aluminum cools off much faster than the other surfaces.

Trustee DeVita: Is safety equipment generally used?

Superintendent Gomes: Most skate parks require pads and helmets, which we would require. This equipment is three feet off the ground. But there are more accidents in football, basketball, and soccer than in skate parks because most of the parks require full equipment.

Village Manager Hess: We have noticed on the street that only about 20% of the kids with either skates or skateboards wear protective equipment. Several of them walked in tonight. They did not have any protective equipment on, but brought in their skateboards with them. To go to the park they are going to be required to have protective equipment.

Trustee DeVita: How will we enforce that?

Village Manager Hess: We will have a supervisor on site. They will not be allowed in if they do not have proper equipment.

Mayor Kinnally: What happens when the supervisor is not on-site?

Village Manager Hess: Then the park will be closed. No skating. Just like we do with tennis.

Mayor Kinnally: The problem I am having is that if there is nobody on-site these kids are going to use it. We are not going to be able to keep the kids out of the park when we do not have anybody there.

Village Manager Hess: We are going to have supervisors there for the times we are open. We have people break into the pool and swim. You cannot control people's behavior.

Trustee Holdstein: The attendant that we have for the tennis courts is primarily a summer hire. I am assuming that, barring four inches of snow, this is a park that will be open almost year-round.

Village Manager Hess: We have talked to many of the kids who skateboard who have indicated they would be willing to work as supervisors or supervisors-in-training like counselors-in-training. They would supervise who goes in, who has the equipment. We are probably talking ten months of the year that it would be used.

Trustee Holdstein: Will either the children of a certain age, or the parents, be required to sign off on a waiver of liability to get a permit?

Village Manager Hess: Yes. If they are minors, the parents have to sign.

Trustee Holdstein: Are we going to specify the equipment required?

Village Manager Hess: That would be done through the Recreation Department.

Trustee Holdstein: The surface material: is there a modern surface that is a little softer than asphalt to absorb the spills?

Village Manager Hess: You cannot skate or rollerblade on the softer surfaces.

Trustee Jennings: I am sympathetic to comments about the need to think about developing the park as a whole. Moving forward with the skateboard area, though, would not preclude other options later on. Given the fact that there has been a group meeting and a study of it, and there seems to be quite a consensus about it, and given the safeguards and the rules and regulations that Mr. Hess has mentioned, I would be in favor of moving forward.

Trustee Walrath: Your temporary arrangement would not necessarily have a fence, and we would not be able to shut it off. At least at the pool, people have to break in. Here, you walk in.

Village Manager Hess: The park has a fence. There is no lock on it, but there is a gate with a door.

Bill Finkeldey, Youth Advocate: The issue of after-hours use is a legitimate issue. When we had the half-pipe at Zinsser Park, at the end of the day when our attendant was no longer there we put a big piece of plastic pipe with a chain through it in the middle of the pipe and made it impossible to use. I would hope that they would honor the fact that the park is only open during certain hours, and I think they should be expected to do that. But if it turns out to be a problem, I think we could retrofit that equipment and make sure that kids could not use it after-hours.

Kevin Dawkins, 126 Washington Avenue: Youth believes in their immortality, but in the registration process there could be a safety education program—either a videotape or a lecture, or some combination—so kids can see what the consequences are of skating without the proper equipment. Head injuries are serious and lifelong problems; broken ankles and wrists inhibit them from doing other activities.

Village Manager Hess: That could be a condition of them getting their pass. We talked about developing a rec program where kids can be taught how to safely skate and skateboard.

Ellen Bush, Euclid Avenue: We have talked about this at the Parks and Recreation Commission for about a year and a half, and everybody is very enthusiastic. But we have not had a chance to discuss in depth how we would structure a program operated by the Village. A problem I can foresee is that that site might be a focus for increased drug activity because

of its location on Warburton and because it is sort of at the end of the Village. It is not in a well traveled area, and my fear is that at 2:30 p.m. some individual is going to drive up Warburton Avenue from the Bronx and station himself there and wait for the kids to come down from school. I would like to see increased police presence to make sure that everyone knows this is a well-supervised area and we do not end up with a problem.

Ms. Richman: When we discussed a skate park there we also talked about it being supervised, and our idea was possibly a senior citizen. I feel that peers supervising each other is not a great idea. With the pressures, they do not always do the best job and make the best decisions. I think we can look into other type of supervision.

Mr. Arno: I have watched some movies of towns that have skate parks and interviews of people in the town and their fears before it and afterwards, and some of them have said some of the same things: how they thought that drugs were going to become increased, and violence, and graffiti. Then afterwards they said none of these things really were a problem, or increased, because the skateboarders are just another type of athlete and they are just going there to skateboard, not to cause trouble. They are always said to be hoodlums or vandals or whatever, but they are just another type of athlete. So there is no reason to think that because it is a skate park the drugs will increase.

Mayor Kinnally: Let me read two letters: from Richard Saunderson, 298 Warburton; and Mia de Bethune, 196 Warburton, addressed to members of the Board and Mr. Hess. [Letters attached to minutes.]

The issue is not whether we are in favor or, or opposed to skateboarders or rollerbladers, but if this a proper use of a Village facility. Are we at the place now where it is appropriate for us to authorize the expenditure of \$25,000?

We have discussed this before, but I am somewhat reluctant to vote on it this evening, because a few things have been raised that may need more discussion. It is up to the Board what it wants to do. I would like to hold off on this, but not to hold off until a design is done for the lower level. Our vote on the upper level is independent of our stated desire to do something with the lower level. The lower level presents some problems that are not present in the upper level, and we will address those, but it cannot be done quickly. It is probably going to take a lot in the way of money, engineering, and imagination before we can get to that point.

I am going to put the resolution before the Board, but my wish would be that we consider it on August 22.

Trustee Holdstein: We can authorize this tonight, and continue to have dialogue on the issues discussed at length tonight. This can begin the development stage so that we have not slowed the process.

Village Manager Hess: We can put together the entire program have it back to everybody prior to the August 22 meeting.

Trustee Holdstein: That would allow then, in early September, the opportunity for people to have further input as to use, monitoring, control, safety criteria, and so forth. I would be in favor of voting for the motion to move forward on the project with the understanding that we still have quite a bit to finalize. Kevin Dawkins' suggestion about requiring an educational process enhances the monitoring and understanding of the use of the park, both by the kids and the parents.

Trustee DeVita: I agree. The safety equipment issue is something we really need to see how we are going to enforce. We have been talking about a skateboard park for a very long time at a lot of different levels. We have a great space. I would hate to see the basketball disappear from that space, but we do have it at Reynolds Field. The lower park needs to be looked at, but I do not think we can tie the two together. There is a definite need for a skateboard park. We have the place and the enthusiasm of the community, and we should go ahead with purchasing the equipment.

Trustee Walrath: The only thing that is key here is when it opens. We want to assure that we address the safety issues and control issues. But I see nothing wrong with authorizing the purchase of equipment at this point.

Trustee Jennings: I agree. I feel comfortable about making a decision to have a skate park and authorize the expenditure of the funds to purchase the equipment.

A second issue is the appropriate rules and regulations for safety, and the proper use of that facility. I would like to see the Parks and Recreation Department and the Village Manager give the Board a plan for that utilization that addresses the safety concerns and so forth very quickly so that we could move forward on that phase of it also. It would not be a good idea to install the stuff and then keep it closed for a very long period of time. As soon as it is there, people are going to want to use it. We ought to get this whole package together simultaneously if we can.

Mayor Kinnally: Let me just correct one thing. The lag time for delivery is 10 to 12 weeks, so this is not something that is going to be there until the fall. It gives us some time to look at it.

Trustee Holdstein: I would suggest a higher than three-foot fence that could not be jumped, with a door to lock that therefore is controlled when it gets locked at night.

Mayor Kinnally: I think this is something that should be taken up and considered by Parks and Recreation.

Village Manager Hess: They will be in the package and plan we provide to the Board.

Ms. Richman: Is there a way to keep one of the basketball hoops on one half so people can still have multi-use of it? Is there a way to keep it safe for both more aggressive teens, and younger children, to use this park?

Village Manager Hess: We will take a look at that. My understanding is that this equipment is a combination of beginner or intermediate.

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 authorize the Parks and Recreation Department to spend up to \$25,000 to be provided from bond proceeds on the renovation of the upper level of Riverview Park as a skate park.

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

53:00 AWARD OF BID STREET RESURFACING

Village Manager Hess: The bid on the asphalt was almost five dollars a ton more than we estimated because of increased oil prices. I would like to suggest, as opposed to taking streets off the list, that the Board consider transferring funds from contingency to cover the difference between the budgeted amount of \$100,000 and the estimate of \$123,000. They thought our estimate was a little high on a few streets, so the total price may be a little lower.

Mayor Kinnally: I think that is okay.

Trustee Jennings: That sounds fine to me.

Trustee Walrath: Yes.

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 street resurfacing bid to County Asphalt, Inc., Tarrytown, New York in the amount of \$54.50/Ton asphalt, \$2.35/Sq. Yard milling, and \$400.00/Manhole in an amount not to exceed \$123,009.00 to be appropriated from the general fund.

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	

54:00 MUNICIPAL BUILDING PLAZA MASONRY WORK

Mayor Kinnally: Mr. DiLeo is the individual who oversaw the sidewalk and step reconstruction in front of the library last year, the result of the generosity of an anonymous gift. He has indicated that this is a project that he would be interested in doing, and can do it for \$19,600. What about the flagpole?

Village Manager Hess: We will take this one down and move the base it sits in back four feet, with a new flagpole to go in that base.

Trustee Holdstein: Do we have any source of comparison? We did not bid this out.

Village Manager Hess: If a public works contract is under \$20,000 we are not required to. We wanted to match the stone and the work that was done at the library, and this will extend not only the Municipal Building plaza and the walk down to the street, but coordinate with what was done at the library. It is an exceptional price.

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 proposal of Danny DiLeo Masonry and Carpentry, Eastchester, New York for the rebuilding and resurfacing of the plaza area in front of the Municipal Building in the amount of \$19,600.00 to be provided from bond proceeds.

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	

58:00 REZONING APPLICATION GINSBURG DEVELOPMENT CORPORATION

Mayor Kinnally: Ginsburg Development has filed an application with the Village to develop the property that was the subject of the ShopRite application.

Tim Miller, Planning Consultant to GDC: With me tonight is Andrew Ginsburg, one of the principals. This is an application to change the zoning map in connection with this 7-1/2 acre piece of property. Simultaneous with this application, we have submitted an application to the Planning Board for site plan application and subdivision. The MR-1.5 zoning allows for residential development. We would anticipate building somewhat less than the density that would be permitted under that zoning category. We are looking at approximately 159 rental apartment units in eight buildings. The site would be nicely landscaped with lots of green area. We think it fits in well with this particular neighborhood. We are requesting that the Board refer the petition to the Planning Board for a report and for lead agency action.

Trustee Holdstein: Any plans for any affordable housing units? For the record, I would like to see some part of that as part of the plan.

Mr. Miller: We have talked about that. We have not finalized our plans, and we are certainly open to speaking about that further with the Village.

Trustee Holdstein: The letter we received tonight suggests a different approach to the zoning. If the Planning Board takes lead agency and goes through their processes, will the zoning still rest with this Board?

Mayor Kinnally: If any rezoning has to be done, it has to be done by the Trustees.

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 acknowledge the receipt of an application from Ginsburg Development Corporation as amended for a zone map change for property identified as Sheet 22, Parcels P4 & P4A located along the west side of Saw Mill River Road adjacent to the Village's municipal boundaries with the Town of Greenburgh, and refer such application to the Planning Board for recommendation.

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	

55:00 DOWNTOWN PAVERS - BOMANITE CONCRETE REPLACEMENT

Village Manager Hess: You have a memo from the Superintendent of Public Works discussing the need for the replacement of the granite pavers. Regarding liability, we have had over the past six years five actions against the Village for trips and falls in the downtown relating to this. We have had two trips and falls resulting in injury where there were no claims filed. Those five incidences all resulted in payouts to claimants from our insurance company. With the payouts on insurance and the legal costs our rates go up in the proportion of 120% to any payout. Also, replacement of the tiles in the downtown maintenance runs about \$5,000 per year. My estimate would be 20 percent are in extremely poor shape.

The last cost we had was a unit price of \$26 a square foot, the cost in 1988 when the second round of tiles along Main Street, Spring Street, and the VFW Park were put in. The first ones along Warburton were put in in 1984. Those at the Food Emporium were in 1994.

We would estimate now that the cost of replacing tiles would be about \$40 a square foot versus with Bomanite at \$12.50 a square foot. We could do the entire downtown at a cost which is approximately the same cost as refurbishing the 20-25 percent tiles in serious need of replacement.

Trustee Walrath: What type of work have we done in this annual maintenance?

Village Manager Hess: Picked up and reset some, and ordered new ones for broken-up ones.

Trustee Walrath: I am going to object to taking any action on this tonight because I am in the process of inventorying them, which I thought you were aware of. I put in about four hours. I will put in the additional 16 that I think is necessary to get some concrete numbers. This is the first I have heard of the problems with the liability.

Village Manager Hess: I believe if you look at the minutes of the May and June meetings, we talked about this.

Trustee Walrath: Does the sense of urgency come here from using Melrose, who is not a contractor I thought we were very happy with?

Village Manager Hess: We are getting an extended price based on this contract. He is willing to extend it at \$12.50 a square foot. The only job Melrose will be doing is removing the old tiles. We have been talking about this for several months now. It was also part of the budget review process. We wanted to have this project completed prior to the resurfacing of Main Street in August. We felt we had done all the research that was necessary. I believe the tour of the downtown was done at least a month ago.

Trustee Walrath: I have expressed that I did not think there was adequate research, and I still do not. It has been a long-standing problem. It was an unfortunate material, but it has held up well in a lot of places. I would be glad if it is replaced with Bomanite every place it needs to be replaced. But I think a combination of Bomanite in the proper places and a little bit of patching in the places where it is still serving well would get us over the hump with the liability. Can you defer it to the latter part of August?

Village Manager Hess: I must stipulate that we probably will not get the extended price.

Trustee DeVita: I would like to see David have the opportunity to complete his project.

Trustee Jennings: I am concerned about cutting David off also. If we waited until you had a chance to complete what you are doing, are you saying that it may be that we would have to replace fewer of the stones, and thereby incur less cost?

Trustee Walrath: Yes. And any replacements I would do at \$12.50 a square foot and not in excess of \$25 or \$26 a square foot. The Bomanite, I am not arguing, is superior. But we had the other in, and there are large areas where it can be maintained. There are some spots that look almost as good as when they were new, and other spots that have deteriorated badly.

Trustee Holdstein: Why have these tiles have not lasted longer and have broken up?

Building Inspector Gennarelli: The thickness is only one inch before it hits the concrete, or the base surface, below it. It is a lot easier for the water to get underneath, and then the freeze-thaw action affects them. Bomanite is five inches thick minimum. Also the tiles are 8 inch by 8 inch square, which is more easily lifted by the freeze-thaw effect. A section of Bomanite is more than 15 feet long.. As far as the Food Emporium goes, I think it was poor workmanship on installation.

Mayor Kinnally: There is not a driveway in the area that has held up because of the constant pounding that they take.

Trustee Walrath: I would like to know what we know about what is underneath the tiles before we make our decision. Were those laid on top of concrete, and is the concrete underneath what is bubbling up?

Building Inspector Gennarelli: I think across the driveway cuts there is a thin layer of concrete just to give it additional strength from the vehicular traffic. But in the other areas I do not believe there was any concrete underneath it.

Trustee Walrath: Do we still have the plans that those were installed with in the eighties?

Building Inspector Gennarelli: Yes, we have the plans and specifications here.

Mayor Kinnally: I suggest we give David the time that he needs because he has undertaken this and schedule a special meeting next week.

Trustee Holdstein: The net result is that we would have a downtown that would be partially old and partially Bomanite. I am not looking to spend money unnecessarily, but it sure would be unattractive.

Building Inspector Gennarelli: I understand your point, David, but the questions remains of how much longer those are going to last.

Trustee Walrath: The ones that are in good shape have lasted a total of 16 years; they have gone out in certain places for good reasons (tree roots), but I do not understand the freeze-thaw part. I would like to satisfy myself we are not spending money needlessly. We could get a Bomanite that is similar in color to improve the appearance. I think with that we could save almost all of it without buying new pavers.

SPECIAL MEETING

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled a Special Meeting at 8:00 p.m. in the Municipal Building for Monday, July 24, 2000 to consider Resolution 55:00.

56:00 APPROVAL OF PROPOSAL APPRAISAL OF REAL PROPERTY

Village Manager Hess: We are going to apply for a grant shortly on a potential property acquisition, and we need a appraisal to do that.

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

RESOLVED: that the Mayor and Board of Trustees approve the proposal of Albert Valuation Group, White Plains, New York, for the appraisal of real property, approximately 11 acres of vacant land in four tax parcels in the vicinity of Warburton Avenue, in the amount of \$7,500.00 to be appropriated from the general fund.

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

57:00 BUDGET TRANSFERS FY 1999-00

Village Manager Hess: Complus has to do with the ticket system and the scofflaw program. We knew we would be spending additional money in the coming year, but did not know exactly how much. Special counsel fees is for special counsel work, Murphy Stecich & Powell; Sive Paget & Riesel on the ShopRite case; and Willkie, Farr & Gallagher on bond matters. Maintenance of building, \$34,600: the major item was the exterior painting of the building last year. Street maintenance equipment: although it is only \$5,600, that includes the \$26,800 for the new baskets in the downtown. Central Garage Maintenance Building, \$14,000: we had to put in, under DEC directive, a new drain in the Garage. Planning Other Services, \$38,600: the LWRP and all our consultants on the ShopRite litigation. Sanitary Sewers Maintenance, \$10,500: an override from the Villard project.

We were able to cover a number of these projects that come up during the year by transferring in just under \$291,000. That is four percent of the entire budget. I want to compliment Raf and Ellen for an outstanding job they do with the finances, and Susan with the bond issues.

We discussed during the budget review process that costs to the retirement system are decreasing dramatically, leaving us funds that we were able to transfer into other accounts. The provision for uncollected taxes was part of the reserve we set up in 1992 to fund the waterfront nonpayment of taxes. We are moving money to cover several items that are authorized during the year by the Board.

Mayor Kinnally: In the last couple of years we have not gotten an auditor's letter on this.

Village Manager Hess: Yes, they completed their audits so late last year that they did not even submit one. We will definitely get one this year.

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

TO

A1110.500	\$48,500.00 Complus
A1230.475	1,030.00 Books
A1325.464	21,500.00 Audit Services
A1410.481	6,500.00 Rep. Supplies

A1420.464	60,150.00 Spec. Counsel
A1620.451	34,600.00 Maint. Bldg.
A1650.431	7,000.00 Central Comm.
A3310.416	7.00 Street Signs
A3320.100	2,750.00 Pers. Serv. Pkg.
A3620.102	3,850.00 Bldg. Dept. Asst.
A50102	140.00 Str. Admin. Equip.
A51102	5,600.00 Str. Maint. Equip.
A5132.451	14,000.00 Cent. Gar. Maint. Bldg.
A6610.100	500.00 Pers. Serv. Senior Outreach
A7110.464	3,900.00 Parks Other Services
A7145.451	1,020.00 CC Maint. Bldg.
A7750.464	3,750.00 Celebrations
A8010.464	560.00 Zoning Other Serv.
A8020.464	38,600.00 Planning Other Serv.
A8120.458	10,500.00 Sanit. Sewers Maint.
A8140.458	22,100.00 Storm Sewers Maint.
A8560.464	<u>4,300.00</u> Tree Maint.
	\$290,857.00

FROM

A90108	\$119,000.00 Police Ret.
A19804	50,000.00 Prov. For Tax
A19904	75,000.00 Contingency
A3210.104	<u>46,857.00</u> Police Patrol
	\$290,857.00

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

59:00 ADOPTION OF STATE OF NEW YORK DEFERRED COMPENSATION PLAN

Village Manager Hess: I am going to turn it over to the Deputy Village Manager, Ms. Maggiotto, who has been working on this item diligently for at least a year.

Deputy Village Manager Maggiotto: This long term retirement plan is a benefit that the Village can offer its employees at no cost and relatively little work. Any employee of the Village, whether part of the retirement system or not, is eligible to invest pre-tax money up to a certain percent of their salary every year in retirement. The plan is a New York State-sanctioned plan. It is administered by the Copeland Group, and offers opportunities to invest in a range of 23 different investment options from the most stable kind of investments to more creative investments. There is no downside for the Village in this.

Mayor Kinnally: Do you know what percentage of salary can be put into the plan?

Deputy Village Manager Maggiotto: It is 25%, up to \$8,000 a year.

Trustee Jennings: When you invest pre-tax dollars in a plan such as this, does that have an effect on the Social Security earnings of the individual?

Trustee Walrath: It is similar to a salary reduction plan in the private sector, and the answer is no. The Social Security base is stated, and then your income tax base is lowered by what you put in this plan.

Deputy Village Manager Maggiotto: If you approve this resolution, we would begin an education program among the employees to show them the benefits. This is particularly good for younger employees. Anyone who has an income from the Village is eligible.

Trustee Jennings: So just as there is no downside to the Village, there really is no downside for the employees either.

Deputy Village Manager Maggiotto: Not if they can part with the money. But starting in October, employees who have ten years or more in the retirement system will not be required to contribute to the system because it is doing so well. It would be advantageous for employees to take that money that they do not see anyway and turn it into this long term investment. It is a good time to present it to our employees for that reason.

Mayor Kinnally: Thank you for bringing this to our attention. It does not seem to have any burden on the Village, and is another attractive investment opportunity for the employees.

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

Village Manager Hess: This was part of our grant through the Community Development Block Grant program. The county is providing approximately 75 percent of the cost of replacement of our senior van through this contract.

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 authorize the Village Manager to execute a contract for the term 5/11/00 - 5/10/01 with Westchester County through the Westchester Urban County Community Development project in the amount of \$30,000.00 to purchase a Thirteen Ambulatory Passengers and One Wheelchair Position Bus for \$40,444.00, the balance to be provided from bond proceeds.

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: We are nearing substantial completion of the Southside project. There will be punch list items that will have to be done but they will beat their contract date of July 31 in terms of substantial completion. We have received a lot of positive comments about the work in the area along Washington and Southside. The plantings that are dead are all guaranteed to be replanted in the fall. They have at least one tree to replace and about 20 percent of the plantings on the hill to be replaced. The plantings by the train station will not be done until fall.

There is a waterfront demolition meeting this Thursday at the trailer. Although they planned to start demolition yesterday, they have not yet provided everything they were going to provide and do not expect to start before next week.

We were notified that we received \$40,000 through Senator Spano for new police communication equipment. That is awarded through the New York State Department of State. We received a grant of \$11,600 from State Archives for the GIS system. We have a total of

\$845,850 in grants. There are a lot of people to thank because a lot of people have worked on our grants: Raf, Meg, Vinnie, Susan.

Hastings Weekend is next weekend with Friday night karaoke at the pool, Saturday arts and crafts fair at Zinsser Park with entertainment running the entire day, Sunday the senior social at the pool, and the Westchester Philharmonic at Zinsser on Sunday night.

Trustee Holdstein: On the train station, there is a substantial bump driving into the parking lot.

Village Manager Hess: There should be some lip. It is not a straight surface. But we will take a look at it.

Trustee Holdstein: There appears to be a new street sign on a pole that says "Cropsey Lane," and then strapped with yellow rope to the same pole is the old wood sign. It is not very attractive.

Village Manager Hess: We will take a look at it.

Trustee Walrath: On the GIS system: I understood that we have had quite a go-round with the Town assessor, who has the information that we need, and that we need to get an agreement. Where are we on that?

Village Manager Hess: Meg sent information well over a month ago to the Town attorney's office to draft up something, and we have not heard anything back.

Deputy Village Treasurer Zaratzian: The Town has information and we have information, and we have to establish some kind of agreement where we can transfer the information back and forth and update it. We are waiting for the attorneys to come to some agreement.

Village Manager Hess: We questioned whether there is even a need for an IMA. It is public information by law and it is not necessary to have an IMA to get this base of information since the Town used tax dollars to pay for it which the Villages all contribute to. To develop an IMA on public information we have already paid for is really questionable. But we have gone along and given the Town Attorney the information we are looking for. I cautioned our planning consultant two months ago that if that was the process they wanted to go through it would be the end of the year before we got it. The two months that have gone by are an indication of what is going to happen. Nothing will happen during the summer.

Deputy Village Treasurer Zaratzian: The most important thing for governments right now is the GIS system. You can use that data for everything from tax data bases up to Emergency 911 calls. There is a lot of information you can get out of it, and you can put census data with it, and it is a very important tool for us to have. The town wants to share it with us, but they want an agreement to make sure that the data is continuously updated on both sides.

Mayor Kinnally: How about calling and seeing where we are on this? Memos have a way of getting buried on desks.

Village Manager Hess: We will have Ms. Walker, when she gets back, do that.

Trustee Walrath: The traffic study was referred to the Safety Commission and they took action but it apparently has not been reported officially. I am hoping we can get something moving on it soon because school opens in September.

Mayor Kinnally: Any changes requiring legislation such as one-way streets would need a public hearing.

Village Manager Hess: We will not have the Council's minutes until Mr. Rodriguez gets back from vacation.

Mayor Kinnally: In any event, we generally do not vote on items such as this in the middle of the summer, so it may not get implemented by the time school opens.

Village Manager Hess: Those items that can be implemented without legislation: signs moved, pavement markings, police deployment, can be implemented by the time school starts. One-way streets and opening Farlane Drive are legislation requiring public hearings, and may not be implemented until late September, or early October.

Trustee Walrath: Sidewalks on Broadway.

Mayor Kinnally: Sidewalks on Broadway are not going to be implemented between now and the opening of school.

Trustee Walrath: I am trying to urge us to do it sooner rather than later. What action is required as far as the use of the Chemka Pool parking lot for access to Hillside School?

Village Manager Hess: None. People use it now. Hillside could send letters to the parents to use it, and I think they have in the past.

Mayor Kinnally: People have been encouraged to use that as a drop-off or for activities at the school during the day for parents to park there and walk up. Some of the objections were that they did not want the kids walking that length to get to school when they are carrying projects or when it is inclement weather. There were concerns as to maintenance of some of the paths.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: IT and ARCO have started the demolition on the buildings in the southern end of the Anaconda site. I had a meeting with Sandy Stash of ARCO. She reiterated her support for the RPA initiative, and we talked about future usage of the site and our hopes for the site in the next few years and also down the road.

Village Manager Hess: There is still some information they have to provide. I believe you got the technical information you requested. They have not received their permit from us yet.

Mayor Kinnally: On Marinello Cove, talks have progressed backwards instead of forwards, and we have had discussions with the Village Attorney to go forward with condemnation of the site.

2. Wall and Sidewalk at Railroad Station

Village Manager Hess: We received a proposed change order of \$118,000 from the contractor to do the work. The Board felt that was a ludicrous price. It was far above the pre-bid estimate from the county. The contractor who did the wall at Draper Park has provided us with a proposal of \$27,500. We have made provision on the other side of the street with a handicapped ramp in case the Board decides to extend the sidewalk to the bridge and create a handicapped crossing closer to the station. If the Board feels it would like to extend that sidewalk I would recommend this price as a good price.

Mayor Kinnally: We can put this on the agenda for August 22.

Village Manager Hess: We cannot do anything until Con Ed moves that pole and we do not have a firm indication from them when that will be.

Trustee Holdstein: My concern is that this price says "...relocation of pole, pavement markings, fences, cement to be performed by others." It is my opinion that this is a waste of

time. One person in the Village has raised this issue. I do not see a pressing need to spend this money, whether it is \$27,000 or \$5,000.

3. Westchester County Van Service Initiative

Village Manager Hess: The county has seven 20-passenger buses available, and we can submit a proposal for use of this bus for a one dollar a year lease over a period of three years, the life span of the bus. We would like to develop a proposal for some type of commuter system and possibly some other uses with the Youth Advocate's Office or other offices.

Driving the bus requires the driver to have a CDL license. We could possibly hire a retired CDL to drive a minibus for the commuter station and some other things. It would probably be in the neighborhood of \$25 to \$28 thousand. I want to discuss that with the Board before I put a package together to send in the RFP to the county.

Mayor Kinnally: We should talk to the Senior Council and the Chamber, and see if there is a need and if it will be used. Our experience in the past with buses in connection with moving people around the Village for shopping is that it is not utilized, unfortunately.

Village Manager Hess: The major emphasis here would be for commuters. We would run a constant shuttle. We would look at the areas where people get annual permits and create bus stops in those areas. The motivation comes after the 200 permits are gone, and there are a hundred people on the waiting list. The proposal is due August 2.

Mayor Kinnally: We could put the proposal in, and then try to gauge whether there would be a reception for this after Labor Day when people are back. Maybe we can get an article in our newsletter and also in both *The Statesman* and *The Enterprise*.

4. Other

Trustee Walrath: Historic Rivertowns is having in September and October their third annual Hudson River Heritage Festival, and they would like all the communities in the alliance to get things in for their calendar of events. They would like our suggestions as to legendary moments and places that can be promoted in the Heritage Festival. They are also looking for input on signage.

Village Manager Hess: There are five proposals for signage that I forwarded to Meg. She said she will be attending the meeting.

Trustee Walrath: She asked me to try to pull things together while she is away.

EXECUTIVE SESSION

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein 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

Mayor Kinnally: Before we adjourn I would like to note, unfortunately, the passing of Jeff Disch, patrolman of our Village who served our Village for over 14 years. I would also like to note the recent passing of Joe Koslop, a member of our volunteer fire department. Both of these gentlemen served our Village well, and exemplified the spirit and vitality that we have in Hastings. I would like to stand in adjournment in their memory, and ask that the Clerk send a copy of the minutes to their families.

ADJOURNMENT

On MOTION of Trustee Walrath, SECONDED by Trustee DeVita with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:35 p.m. in memory of Jeff Disch and Joe Koslop.

MOMENT OF SILENCE IN MEMORIAM