

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**AUGUST 22, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 22, 2000 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee David Walrath, Trustee Bruce Jennings, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Deputy Village Clerk Linda Knies

**ABSENT:** Trustee Elsa DeVita

**CITIZENS:** Eight (8)

**APPROVAL OF MINUTES**

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath, with a voice vote of all in favor the minutes for the Regular Meeting of July 18, 2000 were approved as presented.

**Trustee Walrath:** On the July 24th Minutes, one minor clarification. On Page 1: "I do have a concern with bomanite that we do not have a significant amount of concrete out there..." The proposal was for moving the existing tiles, and specifically included removal of any concrete. My question was concerning how much concrete was out there that would need to be removed, which was not included in the proposal we had.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein, with a voice vote of all in favor the minutes for the Special Meeting of July 24, 2000 were approved as amended.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 14-2000-01 \$ 25,670.00  
Multi-Fund No. 15-2000-01 \$108,184.10  
Multi-Fund No. 16-2000-01 \$269,833.76  
Multi-Fund No. 17-2000-01 \$123,800.87  
Multi-Fund No. 18-2000-01 \$ 29,655.89  
Multi-Fund No. 19-2000-01 \$ 1,800.00  
Multi-Fund No. 20-2000-01 \$ 18,372.52

Multi-Fund No. 21-2000-01 \$123,524.83  
Multi-Fund No. 22-2000-01 \$ 19,394.90  
Multi-Fund No. 23-2000-01 \$261,959.83  
Multi-Fund No. 24-2000-01 \$ 98,565.13

**60:00 PROPOSAL FOR SIDEWALK/WALL EXTENSION - SOUTHSIDE AVENUE**

**Mayor Kinnally:** Mr. Hess has given to us a memorandum outlining what would be done and the breakdown of the cost for this. I would suggest that, given this is the first time we have seen this and one of our colleagues is not here this evening, we table this to our meeting of September 12. Any discussion?

**Trustee Holdstein:** I move that we discuss it rather than table it because it has been on the agenda since the beginning of our Southside train area renovations. I see no reason to keep putting this off. Whether it is \$5,000 or \$27,000, I would like to discuss and resolve it. It is not the first time we have seen it, because we discussed it when the county made the proposal originally.

**Trustee Walrath:** I think it was suggested by the Mayor as a courtesy to Trustee DeVita.

**Mayor Kinnally:** It is the first time we have talked about the \$27,500 figure. It may take us 10 minutes to discuss with the whole Board next time. Elsa may have something she wants to say about it, and I am not so sure how the vote will come out. We may need to have a tie-breaker.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein, Resolution 60:00 was tabled until September 12, 2000.

**ROLL CALL VOTE:**

	<b>AYE</b>	<b>NAY</b>
Trustee Elsa C. DeVita	Absent	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**61:00 CERTIORARI SETTLEMENT - UNITED WATER**

**Village Attorney Murphy:** The matter has been reviewed by Mr. Levy of our office, who specializes in *certioraris*. He determined that, under the circumstances, if we were take this to litigation we would be unlikely to prevail and that the best advantage to the Village would be a settlement, keeping in mind that we may save interest costs if the Village gives us consent to settle within 60 days.

**Mayor Kinnally:** The proposed refund under the settlement would be \$4,448.86 for 1999. Interest would not accrue if payment is made within 60 days following the entry of the judgment.

**Village Attorney Murphy:** That is correct.

**Trustee Holdstein:** Could you report back to us at a later date if there are any others that we are still in litigation about.

**Village Attorney Murphy:** I believe we have three or four that are still in negotiations. I found that almost every year you get two to three new petitions.

**Trustee Holdstein:** Although we no longer sit as the Board of Assessment Review, do these filings have to be done in the same timely basis as with those people?

**Village Attorney Murphy:** Yes, there is a cutoff date. For economic reasons, they will generally wait for four years for challenges, and then bring their challenge at that point. We receive on average two to three every year. Many of them are from people who have been granted relief in past years, because it is based on a number of economic factors including commercial rent roles and things of that nature.

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

**WHEREAS,** a petition has been filed by the property owner challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<b><u>Property Owner</u></b>	<b><u>Address Description</u></b>	<b><u>Year</u></b>
United Water	Sheet 17, Section 22, Block P10 C	1999
New Rochelle	Sheet 17, Section 20, Block 659, Lot 35	1999

**WHEREAS,** petitioner’s court challenge is now pending in Supreme Court Westchester County; and

**WHEREAS,** the Village and the property owner have reached a mutually agreeable resolution; now therefore be it

**RESOLVED,** the office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessment reductions as follows:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
<b><u>Sheet 17, Section 22, Block P10C</u></b>			
1999	\$41,400	\$25,350	\$16,050
<b><u>Sheet 17, Section 20, Block 659, Lot 35</u></b>			
1999	\$68,160	\$47,875	\$20,285

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

**62:00 BOND RESOLUTION - RECONSTRUCTION OF SIDEWALKS**

**Village Manager Hess:** We are consolidating a number of projects that the Board has approved over the past year into a long-term bond including all our outstanding bond anticipation notes. This one has to do with the Southside Avenue project, the Whitman Street sewer project, the bomanite paving in the downtown, and the Municipal Building plaza improvements in front of this building. The next resolution will provide a bond resolution in the amount of \$260,505, which includes approved projects by the Board of a new street sweeper, a two-yard dump truck, and 25-yard sanitation truck. Included in the consolidation is the bond resolution we passed on the Municipal Building a year ago.

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

**RESOLVED:** (Resolution attached)

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

**63:00 BOND RESOLUTION - PURCHASE OF VEHICLES FOR CONSTRUCTION AND MAINTENANCE PURPOSES**

**Mayor Kinnally:** This is a similar resolution to the one we just passed and deals with the consolidation of various instruments that reflect the purchase of vehicles used for construction and maintenance.

**Trustee Holdstein:** In your fiscal planning, is this something that you foresaw, whether it is five years, 10 years, 15 years, and think it is something the Village needs to do to consolidate interest that way? Or is it that we have a lot of projects that came up suddenly?

**Village Manager Hess:** 1994 was our last consolidated bond issue, and 1989 was the consolidated issue prior to that. It is approximately every five or six years. As debt gets paid down, you can consolidate your bonds. We still have some short-term bond anticipation notes that will be paid off this year or next year, which is all budgeted.

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

**RESOLVED:** (Resolution attached)

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

### **64:00 AWARD OF BID - LIBRARY RENOVATIONS ELECTRICAL**

**Daniel Frank, Library Board:** About a year ago, Village Manager Hess told the Library Board he had applied successfully for a grant from the New York State Department of Education for \$35,000, with a time frame of about a year on it. It gave us the opportunity to address some pressing safety considerations at the library: the ceiling tiles, which have fallen down in two or three instances; the lighting fixtures, which are sagging; and our smoke detector system that is not up to code.

At a preliminary meeting last spring we addressed these concerns with Village Manager Hess present; we said the work is in excess of the \$35,000 grant. He suggested that we pursue estimates for the totality of the work, with the possibility that the Village would be willing to supplement the grant. At the same meeting, the Library Board agreed to assume all architectural and engineering fees for this project. I will turn it over to Jim Lothrop, who is the architect and will talk further about the bids.

**Jim Lothrop:** We went out for bids on this project as of July 5, 2000. We received a general construction bid of \$28,376 and an electrical bid from Talt Electric Corp. for \$68,500. The general contracting bid did not provide the required bond. The electrical bid was higher than we had anticipated. We spoke with the lighting manufacturer and found that Talt's number was not correct for the light fixture specified. Talt revised his proposal to reflect the correct price and the price was reduced to \$55,000. The general construction work, because we did not have a qualified bidder, went out for re-bid on August 21. Bids were received from two contractors, Deever Acoustic and Nikon Remodeling, Inc. The low bid was Deever Acoustics, of \$25,700.

It is our recommendation that the Board accept both the Deever Acoustics bid and the Talt Electric bid. We have reviewed the qualifications for both contractors and their references warrant them working on this project.

**Mayor Kinnally:** Since we are looking at redoing the building, and expanding the building, would we be able to save these improvements when we did that additional construction?

**Mr. Lothrop:** Yes. We are specifically not doing lighting on the lower floor because that is going to change. We are specifically not doing lighting under the mechanical room, where the ceiling and lighting will also be affected by renovations. In the majority of the main floor of the library, all of the work will remain. All ceilings will be accessible.

**Mayor Kinnally:** Do you have a time line on construction?

**Mr. Lothrop:** Finalizing the contracts will probably take a month, until Oct. 1. We would not recommend that fixtures be ordered until we get shop drawings from the contractors. That will take another month. So there would be a November 1 time line from the time we have the shop drawings. Light fixtures would be delivered sometime between December 15 and January 15. We would not begin work until we have fixtures in hand so we can minimize the renovation time. We expect demolition to be a two-day process, and we expect ceiling installation and lighting installation in two to three weeks. So we expect that the project would be finished between January 15 and February 15 of next year.

**Trustee Walrath:** The memo you wrote in February was the basis for deciding to replace the lights. You compared alternatives between replacing lights and not replacing lights. The electrical portion of Option 2 which was selected added up to \$38,500. The revised bid is \$17,500 over your estimate. Did you get a misleading price from the manufacturer on the units?

**Mr. Lothrop:** No, it was a preliminary estimate before engineers were involved and before light fixtures were selected. We were trying to give you a ballpark number for the total cost of the project. The total estimate for the Option 2, the ceilings and the light fixtures, was \$74,000. We are recommending an \$80,700 total cost.

**Trustee Walrath:** Which is due to the fact that the general contractor is below the estimate?

**Mr. Lothrop:** That is correct.

**Trustee Walrath:** These are the bright fixtures. They were a lot more than what was put in. If those are what is needed, that is fine.

**Mr. Lothrop:** They are. They were very carefully analyzed by the engineer and by our office, so we feel strongly those are the right fixtures for this project.

**Trustee Holdstein:** The \$80,000 total, less the \$35,000 from the grant, the difference would be part of the bonding tonight?

**Village Manager Hess:** It will be a future note.

**Trustee Holdstein:** Will the library need to be closed during this work?

**Mr. Lothrop:** We are suggesting that the library close for a two-day period.

**Trustee Jennings:** Why, do you think, that this was the only bid that we got?

**Mr. Lothrop:** Small public works projects seem to be hard to get contractors to do these days. There is so much work in the private residential market and in other areas of the construction economy that it is very difficult to get the number of bidders that we used to have, and the prices are not as competitive as they were even a year ago.

**Trustee Jennings:** Is this price in line with similar jobs you have seen done elsewhere?

**Mr. Lothrop:** Yes. The engineer has reviewed this very carefully, and we have reviewed the ceiling prices very carefully. We feel they are the right prices in this climate.

**Trustee Walrath:** Will the lighting units be high efficiency/low wattage?

**Mr. Lothrop:** Yes. That is another reason we are recommending this project. We are taking out 35-year-old fixtures and updating them with much more efficient and better-designed fixtures.

**Trustee Holdstein:** Did you design the placement of the lighting with future renovations in mind? Is it the case that the lighting might not be ideal for the current setup but it will be that much better for the renovation?

**Mr. Lothrop:** The lighting and the ceiling will work for the layout now, but they were designed around the location of the furniture and the spaces in the master plan. We are replacing all the high acoustic tile ceiling where the 4 foot by 4 foot light fixtures are. We are not changing the lighting or the ceiling under the mechanical room, where the present circulation desk is, or the area at the entrance with the skylights and display cases. That work would be done in later phases.

**Susan Feir, Library Director:** The area of the present circulation desk under the mechanicals have hanging pendants, and they will remain until further renovations, if there are such. We put in fluorescents under a capital budget a few years ago because we had grown into our lobby. What had once been considered entry and exit areas now house collections, and so they are sufficient for the time being.

**Trustee Walrath:** My concern is with energy efficiency. There are mini-fluorescents with high efficiency that could be substituted.

**Ms. Feir:** There are energy-efficient bulbs in the hanging pendants, which were changed as part of a New York State electrical improvement program. The fixtures remain the same but the bulbs were upgraded.



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

**RESOLVED:** that the Mayor and Board of Trustees award the bid for electrical work on the Library ceiling renovation to Talt Electric Corp. of Rye, New York, in the amount of \$55,000.00.

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

**65:00 AWARD OF BID - LIBRARY RENOVATIONS GENERAL CONTRACTING**

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

**RESOLVED:** that the Mayor and Board of Trustees award the bid for general contracting work on the Library ceiling renovation to Deever Acoustics in the amount of \$25,700.

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

**66:00 APPROVAL OF PROPOSAL - FINANCIAL ADVISOR**

**Village Manager Hess:** With a consolidated bond offering, it is necessary to bring in a professional who will put together the prospectus and advise the Village on our debt structure. There are a number of legal requirements we have to go through—federal tax laws as well as state tax laws—to assure that the bonds are in proper order. This person would

coordinate all activities with outside bond counsel; advise us on disclosure requirements under the Federal Securities Law; prepare the official statement; arrange for the printing and distribution of the official statement and the notice of sale of bid forms; assist the Village with our bond rating; and file certain statements with the State Comptroller. Public Finance Associates has an excellent track record in Westchester as well as Dutchess, Putnam, and Rockland and on Long Island. They were our advisors on the 1989 and 1994 bond issue. In my checking around in the county, the price is fairly consistent.

On MOTION of Trustee Holdstein, 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 Public Finance Associates, Inc. of Hopewell Junction, New York to provide financial advisory services to the Village in the amount of \$7,500.00 in connection with the proposed issuance of bonds.

**ROLL CALL VOTE:**                      **AYE**                      **NAY**

Trustee Elsa C. DeVita	Absent
Trustee Michael Holdstein	X
Trustee David Walrath	X
Trustee Bruce Jennings	X
Mayor Wm. Lee Kinnally, Jr.	X

**67:00 PUBLIC HEARING - AMEND ZONING CODE TO ALLOW RESIDENTIAL USE IN THE COMMERCIAL DISTRICT**

**Mayor Kinnally:** We are in receipt of a memorandum from our Village Planning Consultant outlining a proposal from the Planning Board to amend the Zoning Code to allow residential use above commercial uses as an accessory use in our central business district.

**Village Manager Hess:** This was part of the Vision Plan, in the committee report on the downtown headed by Bob Lee. One of the suggestions was to allow an as-of-right of residential above the stores in the downtown. Now it is by special permit only.

**Trustee Holdstein:** A consideration of size restrictions might be important. Does an owner have the right to create one large apartment from several smaller ones, leading to a larger family with more vehicles that need a place to park downtown?

**Rhoda Barr, Planning Board Chairperson:** In principle this was adopted by the Village years ago, but there was a sunset clause put in that escaped everybody's notice. We discovered restrictions that were not the intent of either the Vision Plan or the earlier law. Presumably there will be a response to demand, and there is demand for small apartments, affordable apartments. I cannot see large luxury apartments with large families. But we can certainly look into it.

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 schedule a Public Hearing on Tuesday, September 19, 2000 at 8:00 p.m. for the purpose of amending the Zoning Code to allow residential use in the central commercial district to be known as Local Law No. 2 of 2000.

**ROLL CALL VOTE:**

**AYE**

**NAY**

Trustee Elsa C. DeVita	Absent
Trustee Michael Holdstein	X
Trustee David Walrath	X
Trustee Bruce Jennings	X
Mayor Wm. Lee Kinnally, Jr.	X

**68:00 PUBLIC HEARING - AMEND ZONING CODE TO PROVIDE FOR AN  
ALTERNATE PLANNING BOARD MEMBER**

**Mayor Kinnally:** This has come out of the experience of the Planning Board in getting a quorum and having continuity; the ability for people to travel without upsetting the agendas; and the hope of both the Village and the Planning Board to get the applications through in a more expeditious manner.

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 schedule a Public Hearing on Tuesday, September 19, 2000 at 8:00 p.m. for the purpose of amending the Zoning Code to provide for an alternate Planning Board member to be known as Local Law No. 3 of 2000.

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

**69:00 GRANT REQUEST AUTHORIZATION - GRAHAM-WINDHAM  
ACQUISITION**

**Village Manager Hess:** This item has been on the Board's agenda for the last six or eight months. We have been looking at an area in the southwest part of the Village for acquisition for park land. We were approached by Graham-Windham about the Village acquiring it directly when it was determined that it was not economically feasible for GDC Development to develop it. We have a tentative letter of agreement between the Graham School and the Village for the purchase of this property, which goes from east of the Aqueduct to west of the Aqueduct and west of Warburton Avenue down to the Hudson River. It is a significant parcel with outstanding views of the Hudson. The purchase is contingent on receipt of a grant from the New York State Office of Parks and Recreation under the Environmental Protection Act of 1993. The grant is due in Albany August 31; we will be applying for \$335,000 of a purchase price of \$666,250.

We have the possibility of raising funds to reduce the Village's share, working with land trust firms and also with GDC Development. They have offered to contribute towards the purchase and have talked to several organizations for potential funding. Our net cost will be no greater than \$335,000, and may be less.

**Trustee Jennings:** I cannot think of any reason not to submit this grant. I think we ought to authorize it.

**Mayor Kinnally:** We have developed a credibility in Albany that our grant applications are related to a coherent approach.

**Village Manager Hess:** The current document is part of the Vision Plan the Planning Board has been working on for a number of years with the Board of Trustees in terms of its vision for the future of the Village. As the Mayor said, we have a cohesive effort with the applications that go to the state.

**Trustee Walrath:** It would be helpful if we got permission from Graham to extend the Rowley's Bridge railway to where we go into the Andrus property around the church, and get railway access out to Broadway.

**Village Manager Hess:** We will be having further discussions with Graham and possibly representatives of the Trailway Committee. The Parks and Recreation Commission would like to be represented, since this adds to the park system.

**Trustee Holdstein:** Everything that has been said is all very positive, but I have a concern about fiscal responsibility. Even with the grant money, the Village must come up with another \$275,000 to \$330,000. I am going to cast a Nay vote on this. We need further review of all the monies that need to be spent on projects and repairs throughout the Village.

**Mayor Kinnally:** We are not authorizing the expenditure of any Village funds. This is a grant application authorizing filing the grant application with the state. Your point is well taken.

**Village Manager Hess:** If the acquisition happens and we borrow the money, it would be over a 40-year period. The annual cost to repay that debt is \$8,000 in principal and about \$16,000 in the first year in interest. It would be bonded four or five years from now, when we look at another bond consolidation.

**Trustee Jennings:** Does the receipt of the state monies preclude the Village from selling this property and realizing equity? Is it bound to be green space in perpetuity because of the receipt of these funds?

**Village Manager Hess:** We could not sell it for a profit in the future, but it does not have to remain green space. We are acquiring this property for park and recreation purposes, and the Board could determine at some point to build a ball field or put in neighborhood playgrounds at any of our park space throughout the Village.

**Trustee Jennings:** Would the Village have to repay the state for this grant if in the future it decided the land was not needed for parks and recreation purposes and wanted to sell it?

**Village Manager Hess:** If it becomes dedicated park land only the state legislature can de-dedicate it, and we would have to pay back the state for that portion of the grant.

**Trustee Jennings:** This is not a financial investment that could be liquidated at some point, but an investment in our parks and recreation program.

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

**RESOLVED:** that Neil P. Hess, as Village Manager, of the Village of Hastings on Hudson, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$335,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Hastings on Hudson for acquisition of 14.25 acres of Graham Windham School Property.

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

**70:00 GRANT REQUEST AUTHORIZATION - LWRP (An Action Plan for Implementation)**

**Village Manager Hess:** The first grant request is \$60,000 and we are looking for a local match of \$60,000 either in cash or volunteer service. These funds will be used by the LWRP committee to complete the project that is being undertaken now with the waterfront study with RPA in coordination with the LWRP. We will look at land use techniques and implementation strategies, pre-design guidelines and proposed density bulk and setback requirements, and come up with draft amendments to the waterfront zone. It will include the SEQRA review and a generic environmental impact statement on the waterfront and the project management during that phase.

The next resolution is for a grant of \$10,000, the LWRP completion budget, to cover development of the LWRP policies; the harbor management plan implementation techniques; maps and graphics as part of the environmental review; supplies, equipment, and copying; and the cost of public meetings. Between these two grants, we would complete the RPA initiative and the LWRP process, and have in place a coastal management plan for the Board's consideration for adoption.

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

**RESOLVED:** that Neil P. Hess, as Village Manager, of the Village of Hastings on Hudson, is hereby authorized and directed to file an application for funds from New York State Department of State in an amount not to exceed \$60,000.

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

**71:00 GRANT REQUEST AUTHORIZATION - LWRP (Completion)**

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

**RESOLVED:** that Neil P. Hess, as Village Manager of the Village of Hastings on Hudson, is hereby authorized and directed to file an application for funds from the New York State Department of State in an amount not to exceed \$10,000.00.

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

**72:00 APPROVAL OF WATER SUPPLY AGREEMENT - CITY OF YONKERS  
AND GINSBURG DEVELOPMENT**

**Village Manager Hess:** The City of Yonkers is requiring that a main be dedicated to the Village of Hastings, since the County Health Department requires that a main to a development be a public main. We are acting as middlemen between what will eventually be

the Riverpointe Homeowners' Association and the City of Yonkers. Now it is with Ginsburg Development. A draft agreement has been modified based on discussions between Mr. Lozito of Ginsburg Development and Village Attorney Murphy. We have had discussions with the corporation counsel's office and the City of Yonkers.

We are requesting that the Mayor be authorized to execute a water supply agreement between the Village, the City of Yonkers, and Ginsburg Development and Riverpointe Homeowners' Association at such point as all the specific legal language is worked out in the agreement. The final changes do require indemnification to the Village from the Homeowners' Association and, in turn, we are indemnifying the City of Yonkers.

**Mayor Kinnally:** This is a technicality because the county says there has to be a municipality involved, so we are stepping into the breach here, but we do not want to get involved with liability. I suggest that I get the authorization and not sign until we are assured that the Village is completely indemnified.

**Trustee Jennings:** What kind of money might we be talking about should it come to a repair and maintenance by Yonkers of the Riverpointe main? Yonkers seems to have the authority to decide what to do, how much to spend, who to contract with, etc. so that the price tag is determined by them not in consultation with us. Then it seems as though Hastings will be stuck with the float for 60 days, in which case we have to pay and we are not yet reimbursed. Will we be reimbursed for the interest on the float of the 60 days?

**Mayor Kinnally:** What is the cost of the main at the present time?

**Bruce Lozito, Ginsburg Development:** The cost of the installation is about between \$30 and \$40 thousand. The City of Yonkers is taking over and maintaining, at its cost and expense, a 30-year main in Dudley Avenue. In this instance, the Village would only be involved with a brand new main. The likelihood of repairs are very minimal, and the cost would be minimal. It is being fully inspected, tested, and done in accordance with all city standards for installation. It is a non-event both in frequency and amount.

**Mayor Kinnally:** What is the size and material of the main?

**Mr. Lozito:** It is an 8-inch main, iron pipe; it is substantial. The main in Dudley Avenue is 30 years old, and I do not believe there has been any need for repairs to date. We are talking about a minuscule exposure.

**Mayor Kinnally:** I would hope that the billing will pass right through us to whomever is ultimately responsible, the people who are living there, who will be Village residents.



**Trustee Walrath:** The likelihood of trouble with this material is very small. How do the Yonkers water rates compare with the water rates that we are going to be paying them? We are going to be paying United Water rates which are higher than the Yonkers rates.

**Mr. Lozito:** They are higher, but that is the trade-off for Yonkers providing water to Hastings. They want to charge the rate that Hastings residents would typically pay if they were served by United Water. I think they think they are going beyond the call of duty in providing water outside their boundary. They have made concessions to try to make this happen, and we think they are reasonable. The Hastings residents will not be sensing they are paying higher rates than their fellow Village neighbors because they will be paying the same rate.

**Trustee Walrath:** Unless in the unlikely event something bad happens with that pipe.

**Mr. Lozito:** In the unlikely event, right.

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

**RESOLVED:** that the Board of Trustees authorize the Mayor, Wm. Lee Kinnally, Jr., to approve the Water Supply agreement between the Village of Hastings on Hudson, City of Yonkers, Ginsburg Development, L.L.C., and Riverpointe Homeowners Association, Inc.

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

**73:00 AWARD OF SENIOR BUS BID**

**Village Manager Hess:** This is one of the grants we got approved last year for replacement of our senior van. Our pre-bid estimate was \$51,000, and the low bid came in at \$42,414. There were a total of three bids. The CDBG is paying \$30,000 of the cost.

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

**RESOLVED:** that the Mayor and Board of Trustees award the Senior Bus Bid to Shepard Transportation in the amount of \$42,414.00 to be paid for as follows:

<u>CDBG-Financial Grant</u>	<u>Bond Proceeds</u>
\$30,000.00	\$12,414.00

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

**74:00 BUDGET TRANSFERS**

**Village Manager Hess:** The auditors have recommended two additional transfers. The LWRP was overspent in their budget by \$1,033, and the transfer to the capital fund for street resurfacing was short \$740 from the past year.

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

**RESOLVED:** that the Mayor and Board of Trustees authorizes the Village Treasurer to make the following transfers as of May 31, 2000:

<u>FROM:</u>		<u>TO:</u>	
A19904	\$1,033.00 Contingency	A8020465	\$1,033.00 LWRP
A19904	740.00 Contingency	A95509	740.00 Capital

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee Elsa C. DeVita	Absent	

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:** This year we are required as part of our inspection of heavy vehicles to do certain testing; we had to buy equipment that cost approximately \$6,000. We are eligible to be reimbursed \$2,000 by the state, as many service stations are. We have submitted a grant to the state for that amount.

Southside Project: The contractor is completing his punch list. We will have an update in a week or so. Resurfacing: we will be milling the streets to be resurfaced starting tomorrow for the next three days; resurfacing will take place next week.

You received in your packet a copy of the proposal from the superintendent on the skate park rules and operations. That will be on for discussion at the September 12 meeting. You also have received a copy several weeks ago of a preliminary review by Mr. Raffaelli, an engineer who looked at at our pool and has made recommendations. A preliminary discussion is scheduled for September 19.

The public is reminded of the waterfront workshops on September 23 and September 24 at Hillside School. Sign up is at Village Hall or on the web page, where additional information can be found.

The youth football program is under way. We have 24 fifth and sixth graders signed up. I want to thank the four volunteer coaches, Ron Paquette, Kevin Kennedy, Joe Capuano, and Kevin Mackie, who will be heading up the program for us at Zinsser.

### **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I have not been on the site to see what has been happening with the demolition, but I know they have been doing a lot of prep work. They have not started taking anything off-site. We will be having a meeting following this meeting with our Village Attorney to discuss acquisition of Marinello Cove and the commencement of condemnation proceedings on Marinello Cove.

## **2. Drainage on Fenwick**

**Mayor Kinnally:** The second item on Board discussion and comments tonight was drainage on Fenwick. That was a premature item on the agenda.

**Trustee Walrath:** We may have people here because of it. I have been with Marco Gennarelli to look over the entire situation to refresh my memory. My firm did the report back when I was active in the firm.

I intend together with Trustee Holdstein to try to talk with everyone to get an idea of what the high-water marks were. The study from the eighties was not calibrated; we could have refined our flow estimates if we had calibrated it. Also, our estimates of friction in channels and in pipes that impede the water flowing down, we did not calibrate a model for the flow through there. It would have been a much more expensive proposition.

I would like to know what individual property owners have observed. Our report says that the existing system is not adequate for the flow. Comments we have received reinforce that we are getting a number of serious problems every year.

We agreed that what is needed next is to televise through the pipe that runs through Fenwick down to where the stream is an open channel to make sure there is not some blockage. In the areas downstream of the properties abutting on Fenwick, from the back side of the property that has the pipe under it, the flow is an open channel. From there on downstream, the channel may need enlargement. The worst problem now is getting it from Fenwick down to Ashley. Our recommendation was to convert that to an open channel, and the major thing that needs to be done, I think, is to have an open channel. We need to talk with property owners who are affected, not only by the existing problem but by the solutions.

I noted today a letter from the Phillipses pointing out that mud has arrived from the new construction on Ravensdale. In our eighties report, we felt that there was a possibility of flow on Ravensdale coming around the corner if it were not picked up. There are street inlets on Ravensdale that are piped down toward the Saw Mill River. If those failed to catch things, it could come around the corner on Kent, and apparently it is doing so. This would affect the people on Ravensdale because there would be some slight raising of their front yards. We may need a slight hump entering Kent to make sure that any flow that comes down Ravensdale does not make a right turn there. That flow, under most circumstances, should go toward the Saw Mill and I would like to observe what is happening there, and everywhere else, when we have the next good rain.

**Village Manager Hess:** How long did it take to recede?

**Walter Haubold, 1 David Lane (31 Fenwick Road homeowner):** A couple of hours. It cannot handle the amount coming down at one time. It eventually takes it away, so it is not so much like there is blockage, but more like it is just not big enough to handle it. It comes from all three directions. It would probably be prudent to take a look at the pipe, but I doubt there is anything wrong with it. What you do have coming down is that large pipe through Dan Rile Park, which is piped. It then geysers out of the manhole, out of the catch basin, bubbles up and everything is flooded.

**Trustee Walrath:** The capacity crossing Fenwick to get to the pipe that goes down along the property toward the next street is inadequate, too, if it is bubbling up.

**Mr. Haubold:** At least with the open channel it gets high enough, and does not flood peoples' houses.

**Trustee Walrath:** Our recommendation in the eighties was to increase culvert size, where necessary, and to open the channel all the way from Fenwick on down.

**Mr. Haubold:** We have been using the figures from the old report. They had examples of the parking lot by the Hillside Pool, and they called for a 36-inch pipe at 100 cubic feet per second. The flow at Fenwick was 322 cubic feet per second. That came out of your original report. To make an equation, that would be more than three 36-inch pipes to gather that flow. Obviously, anything that is in the street is too small.

**Trustee Walrath:** I agree with you.

**Mr. Haubold:** I am trying to get at the gravity of the situation. It is not cleaning out a pipe or a plugged-up hole.

**Trustee Walrath:** The capacity of the pipe, of course, depends on its slope. And I would have to go back and see what we were talking about in Hillside Park. I am sure that we need a larger pipe under almost all the culverts under the road. The culverts need to be larger, and we need open channels, and those need to be larger than they are. I will get together with you folks individually in early September.

**Mr. Haubold:** When an open flow goes into an open cut, it can rise up and expand out its banks and go back in again. Once you plug it into the street there is nowhere to go. It just rises. A gentleman across the street rebuilt his wall, and had Marco Gennarelli look at it. We had requested the neighbor put big holes in it. They looked at it, and by an eyeball judgment they said it should be fine. Absolutely not.

**Mayor Kinnally:** That has been a sore point with a number of people on the street. I have suggested strongly that they try to accommodate everybody. One of the other problems that I have seen, and I have been over on the street after a number of storms, is that a tremendous amount of property has been paved over. If you have gravel in a driveway versus asphalt you are going to be able to absorb more water. Gravel will relieve a lot of pressure in the area. There are a number of things, and they may be Band-Aid approaches, but David is committed to taking a look at it. But to the extent that anybody can help alleviate the situation, I am going to press that it is going to be done. The wall is one of the things.

**Mr. Haubold:** I had offered to pay to take the wall down.

**Mayor Kinnally:** Maybe not even taking the wall down but just breaching it a bit.

**Mr. Haubold:** That was an extreme point because I was excited. I am being the old Dutch boy in the dike.

**Trustee Holdstein:** Making sure that water coming down from the new development and from Southgate stays on Ravensdale and does not make a right turn on Kent is certainly a valid point, but we have a bigger problem underground with larger pipes flowing into smaller pipes. These other things will help, but they are Band-Aids to a bigger problem that may require some serious work underground to alleviate.

**Trustee Walrath:** It needs an open channel all the way from Fenwick down, with a large inlet to prevent ponding in Fenwick itself.

**Mayor Kinnally:** Is there room for that?

**Trustee Walrath:** There is, but it is on private property and we are going to have to get the owner with the wall who owns the property that has the pipe that goes down. The back end of that property with the wall goes into an open channel. That open channel probably needs enlargement, too, but we are confined to an underground pipe from Fenwick down to the back of that property.

**Mr. Haubold:** You should have some easements there for the sanitary sewer that runs underneath their property also.

**Trustee Walrath:** We did not locate the sanitary sewers when we did the study.

**Trustee Holdstein:** After the last rainfall Mindy Shetih told me that her property on the other side of the wall was effectively a lake; opening a wall would just expand the circumference of the lake. I asked Trustee Walrath if, in fact, there were holes in the wall, the pressure would push the water off Shetih's property and force it down to Branford towards Ashley through to the Saw Mill River. He said he did not think that would help.

**Trustee Walrath:** It is the restrictions downstream that are the problem.

**Mr. Haubold:** Were you aware of the large pipe in Rile Park?

**Trustee Walrath:** Yes, but that pipe is the source of the big flow that is coming at us. That pipe goes all the way up the other side of Mount Hope Boulevard and picks up everything it can along the way.

**Mr. Haubold:** Then it dead-ends at Fenwick.

**Trustee Walrath:** Yes.

**Trustee Holdstein:** Is there any other piping that it could split off from somewhere so that only a portion of it comes that way and another portion could go in a different direction?

**Mr. Haubold:** I believe it does split, but it all ends up in the same place. You will know it is going to flood just by watching the drain. There is a pipe that comes down Fenwick that has an open cast iron grate on it, makes a right turn, goes along Shetih's property, and then becomes an open brook. That pressure from Dan Rile Park, and those big pipes, bubbles out of this grating.

**Mayor Kinnally:** David has said he will take a look at it, and we will revisit this in September. He will meet with everybody in the area.

### 3. Other

**Eleanor Goldstein, 1 Chester Terrace:** I am concerned about the stone walls of Hastings. Stone walls are being harvested by private citizens. After contacting the Village three times, there is harvesting taking place on the Pinecrest wall. There is a large column at the base of Pinecrest where it reaches Warburton. That is being torn apart. Simple concrete might stabilize it. It may not stop the robbery of the stone, but it certainly would cause them a little more trouble. On Broadway the stone wall at Pinecrest is being knocked down and is at least, potentially, at risk of being harvested. Our Draper Park slate covering of our stone wall is now

being taken apart. I would like it to be part of the Board's thought process of how do we stabilize it, how do we monitor it? Is it something that we wish to maintain for our Village? Unless there is a concerted effort it will go the way of the stone wall that we all knew and loved at the Burke Estate. Under Fran MacEachron's leadership on the School Board I brought an estimate from a stonemason who said he could give it integrity for \$5,000. Nothing was ever done. If things are done timely you can protect them, or at least make it more difficult for them to be destroyed. We are just simply losing more walls. I cannot call anymore because I have already made many calls.

### **EXECUTIVE SESSION**

On MOTION of Trustee Jennings, 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 acquisition of real property and personnel.

### **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath, with a voice vote of all in favor Mayor Kinnally adjourned the Regular Meeting at 10:10 p.m.