

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 3, 2000

A Regular Meeting was held by the Board of Trustees on Tuesday, October 3, 2000 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Elsa C. DeVita, Trustee Michael Holdstein (8:15 p.m.), Trustee David Walrath, Trustee Bruce Jennings, Village Manager Neil P. Hess, Village Attorney Brian Murphy (8:10 p.m.), and Village Clerk Susan Maggiotto.

CITIZENS: 11

81:00 AMENDMENT TO DEMOLITION PERMIT FOR ARCO REMEDIATION L.L.C.

Paul Matraszek, Construction Manager - ARCO Environmental Remediation Ltd.

(AERL): You have a letter before you requesting permission to demolish building 6, the next northernmost building. We have completed demolition on the previously approved buildings. This building is relatively easily to demolish: steel frame, concrete roof, nonfriable asbestos in the siding to be abated, no asbestos in the roof. We would follow all the conditions agreed upon in the June 20 meeting. Work could begin tomorrow. This would extend the demolish schedule by three weeks.

Trustee Jennings: Does this demolition require any additional precautions?

Mr. Metraszek: No, and we will follow the same procedures as required in the prior demolitions.

Mayor Kinnally: We would appreciate it if you would stage deliveries and removals in other than rush hours.

Mr. Metraszek: We will tighten our controls on that.

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 amend the demolition permit granted on June 20, 2000 to ARCO Remediation L.L.C. to include Building 6, such amendment conditioned upon the same requirements contained in the original approval.

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	

PRESENTATION - Superintendent of Parks and Recreation

1. Skate Park Guidelines

Ray Gomes, Superintendent of Parks and Recreation: The proposed rules were revised to be slightly compacted, to change the age a child could attend unaccompanied by an adult from eight to nine to correspond to the pool requirement, and to increase the skate park supervisor's duties.

Trustee Walrath: Was your intention to allow an adult to bring more than one child?

Mr. Gomes: It's done at the pool, and if we follow pool guidelines, they would be allowed to bring more than child.

Village Manager Hess: We will have to be flexible and review the guidelines as we go along.

Trustee Jennings: "Guests must register at the Recreation Department": do you literally mean at the Community Center?

Mr. Gomes: We prefer that registrations be done at the Community Center where the packet of rules will be distributed, but we will have to look at it to see if we could leave guest registration in the hands of the supervisor on site.

Village Manager Hess: Again, we will have to be flexible to monitor the number of people on site. There will be posted rules at the skate park so that guests will be aware of the rules.

Trustee Jennings: If the intent is to prevent the park from being overcrowded, it seems that that would be best done by the attendant at the park rather than at the Community Center.

Trustee Holdstein: What if 20 permit holders bring 20 guests and there is then no room for Hastings permit holders who come later?

Village Manager Hess: We do not anticipate that that situation will happen, but again we will have to monitor it.

Mr. Gomes: One way to control it is not to allow guests after, for example, 12 p.m.

Mayor Kinnally: How would the ramps be secured at night to make them unridable?

Mr. Gomes: We would use poles as Mr. Kessler as done at other facilities.

Iris Hiskey Arno, 37 Garland: Will parents have to sign a liability waiver?

Village Manager Hess: Yes, and parents will also take liability for any guests.

Ms. Hiskey Arno: The builder, Mr. Kessler, has built many wonderful parks that my kids have used, so I think this will be great for the kids and thank you again.

Trustee Holdstein: Will the supervisor have radio communication for emergencies?

Village Manager Hess: Yes.

Trustee Walrath: How does this proposal compare with the previous one?

Village Manager Hess: The previous proposal was for \$47,000 which we rejected, later reduced to \$35,000 which we also rejected.

Trustee Walrath: Can this equipment be moved if we wish to move it to another location?

Mr. Gomes: The equipment will not be anchored and could be moved, but it would require equipment. We have gotten excellent references on the complexes that Mr. Kessler has built. He is both a builder and an avid skater.

Trustee Holdstein: Do you have any indication that Mr. Kessler's equipment will last longer than the type in the previous proposal, and how does the design compare?

Mr. Gomes: The top surface will be the same as in the original proposal; the difference will be the bottom which will be pressure treated wood. We do not know the life span of the wood. We are getting more bang for our buck with this plan, with more pieces and considerably more options for use.

Trustee Holdstein: Will you be able to staff the facility for \$7.00 per hour?

Mr. Gomes: It's the same starting salary as a lifeguard, so we anticipate we will be able to staff it.

Village Manager Hess: We may have to be flexible on salary.

2. Chemka Pool Renovations

Mr. Gomes: I contacted Mr. Raffaelli who was the engineer on the renovations 15 years ago and asked him to put together recommendations based on my wish list and that of pool users. The first item is a training pool. This would enhance the safety of children; we could double the amount of camp lessons and lessen the crowd in the main and kiddie pools on very hot days. The altered wading pool would reconfigure the 800 square feet and would have a sprinkler and zero depth to two feet. The bath house is in bad shape and needs to be replaced; we would add a first aid and guard room. The grates on top of the gutter need to be replaced and the joints welded. The pool needs to have a layer of soft cement on the existing concrete shell. We are recommending lights for night usage but not a pool heater. Decks need to be repaired or replaced. Now we have canvas shade structures; I am looking for a permanent structure that would also protect from lightning. The filter room needs to be replaced. These are ball park figures.

Trustee Holdstein: What is the pool cover for?

Mr. Gomes: This is for winter pool coverage so the water can be retained. The pool remains cleaner and does not require the acid to clean it which eats away at the lining.

Trustee Holdstein: The estimates for the wading pool and bath house seem high.

Village Manager Hess: We are looking at programmatic decisions right now to determine what renovations need to be done. A lot of work on specifics needs to be done before we actually go out to bid. Construction would start in September, 2001.

Trustee Jennings: I would hope that we could address the lighting issues for the summer of 2001. Regarding the shade structure, since the grassy areas already get very crowded, could we move the fences to capture some additional ground space so we would not have a net loss of space?

Mr. Gomes: We can look at that.

Patty Lowy, 41 Terrace Drive: I represent a group of residents who wish to present you with a petition of over 300 signatures. The petition states:

“The village is beginning to think about addressing work that needs to be done at the Chemka Pool - additional lights and generator to permit night-time use, changes to the kiddie pool and renovation of the changing rooms. We, the undersigned want to express our support of these efforts and, at this early stage in planning to encourage the Recreation Committee and the Board of Trustees to use this opportunity as a chance to explore the possibility of even more improvements.

The pool, at the moment, even taking into account its short season provides a good source of revenue for our community, mostly because so many different groups in the community are served by it. We are convinced that if the pool could be turned into a facility used year-round, the additional benefits to the Hastings community would be great and the fees collected would easily pay for the pool’s remodeling and continued maintenance. Year-round use would allow the village to offer some or all of the following programs: senior swim, kid’s swimming lessons, life-saving courses, kayaking lessons, lap swimming, aquaerobic classes, master swim club, scuba-diving classes, hosting of invitational meets, rental of the facility to independent teams.

We urge the Recreation Committee and the board to expand their thoughts and plans for the Chemka Pool. We’re more than willing to put together a committee to work with you and to help raise funds.”

[end of text of submitted petition]

Ms. Lowy: We believe that the proposal Ray has just put forward is premature. We are not convinced you have enough information either to consider or approve his request. It is our understanding that major improvements are made on the pool every 15 or 20 years so the Village has an ideal opportunity now to give proper thought to improvements. Last night we met with the Parks and Recreation Community. At our urging they agreed to appoint a fact-finding committee. We urge you to postpone any decisions until the committee completes its work.

Mayor Kinnally: We are not moving forward with anything tonight. This is a preliminary discussion. To the extent that anyone can give information that will help the Parks and Recreation Commission or the Board to reach a decision, we welcome the assistance. We have to look closely at the costs of both the construction and the operation of a bubble. We have not been able to find a municipality that has put a bubble over a pool.

Paul Hammonds, 35 Cochrane: I urge the Board to look past the immediacy of what Ray presented to the possibilities for a pool complex on the waterfront and to work with the school district in your planning.

Trustee Walrath: It was pointed out at the meeting last night that we need five and a half months for design and bidding for construction in September, 2001, so we have a window to look at all these things.

Donald Wemer, 22 Clunie: I coach the Hastings swim team. The committee wants to reach out to the community to get volunteer expertise on fundraising, grants, pool engineering, and so forth. We will sift through all the information and do a feasibility study to come up with a good plan.

Village Manager Hess: Is this a Village-sanctioned committee?

Kevin Dawkins, Parks and Recreation Commission: The Commission voted last night to appoint an informal study committee for fact-finding and information gathering to look at the feasibility of a year-round facility.

Ms. Lowy: I think the committee would like to look at all the recommendations, not just the bubble.

Village Manager Hess: Who will chair the committee?

Mr. Gomes: Kevin Dawkins.

APPROVAL OF MINUTES

Trustee Walrath: P. 4, "lean" not "led"; P. 11, "We have 90 days to respond" should be "They have 90 days to respond."

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath, the minutes of the Regular Meeting of Sept. 12, 2000 were approved as amended.

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. 33-2000-01 \$382,289.35
Multi-Fund No. 34-2000-01 \$ 25,822.37

Multi-Fund No. 35-2000-01 \$209,174.24

**82:00 ADOPTION OF LOCAL LAW NO. 2 OF 2000 - AMENDING ZONING CODE
PROVISIONS FOR DWELLING UNITS IN CENTRAL COMMERCIAL DISTRICTS**

Village Manager Hess: This is a recommendation from the downtown improvement team of the Planning Board to allow apartments over downtown retail establishments as of right, rather than by special use permit.

Mayor Kinnally: We had a public hearing Sept. 19 on this with no comments.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 2 of 2000 amending the Zoning Code.

Be it enacted by the Village of Hastings-on-Hudson as follows:

Section 295-76 of the Hastings-on-Hudson Zoning Code is hereby amended as follows:

1. Add the following paragraph (3) to subsection C:

Dwelling units above any permitted principal use except the following: dry-cleaning establishments, gasoline filling stations, motor vehicle service stations, commercial parking lots and storage garages, hospitals, hotels, and public utility structures.

2. Eliminate subsection D.

3. Redesignate subsections E and F as D and E.

Section 295-77, paragraph C is hereby replaced with the following:

C. Accessory uses. The following are permitted accessory uses in an LI District but only in conjunction with a principal use that is permitted in an LI District: any accessory use permitted in a CC District except dwelling units above permitted principal uses, as provided in Section 295-76 C (3).

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	

83:00 ADOPTION OF LOCAL LAW NO. 3 OF 2000 - TO PROVIDE FOR THE USE OF ALTERNATE PLANNING BOARD MEMBERS

Mayor Kinnally: There was a public hearing on this local law on Sept. 19 to allow the Planning Board to use an alternate so that recusals would not hamper activity of the Planning Board and would allow getting quorums more readily.

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 hereby adopt Local Law No. 3 of 2000 providing for the use of alternate Planning Board members of Hastings-on-Hudson.

Be it enacted by the Village of Hastings-on-Hudson as follows:

Section 1. Short Title and Applicability

Alternate Planning Board Members Act. This local law shall apply to the appointment, terms, functions and powers of alternate members appointed to serve on the Planning Board in the Village of Hastings-on-Hudson.

Section 2. Declaration of Policy

It is sometimes difficult to maintain a quorum on the Planning Board because members are ill, on extended vacation or find they have a conflict of interest situation on a specific matter before such board. In such instances, official business cannot be conducted which may delay or

impede adherence to required time lines. The use of alternate members in such instances is hereby authorized pursuant to the provisions of this Local Law.

Section 3. Definitions

A. "Planning Board" means the Planning Board of the Village of Hastings-on-Hudson as established by the Village Board of Trustees, by local law or ordinance, pursuant to the provisions of Section 7-718 of the Village Law.

B. "Member" means an individual appointed by the Village Board to serve on the Planning Board pursuant to the provisions of the local law or ordinance which first established such Planning Board.

C. "Alternate Member" means an individual appointed by the Village Manager to serve on the Village Planning Board when a regular member is unable to participate on an application or matter before the respective board, as provided herein.

Section 4. Authorization/Effect

A. The Village Board of Trustees of the Village of Hastings-on-Hudson hereby enacts this Local Law to provide a process for appointing "alternate" members to its Planning Board. These individuals would serve when members are absent or unable to participate on an application or matter before the respective board.

B. Alternate members of the Planning Board shall be appointed by the Village Manager or other duly authorized appointing authority, for a term of five years.

C. The chairperson of the Planning Board may designate an alternate to substitute for a member when such member is unable to participate on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.

D. All provisions of state law relating to Planning Board member eligibility, vacancy in office, removal, capability of office and service on other boards, as well as any provisions of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

Section 5. Supersedure of Village Law

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law and Section 10 of the Statute of Local Governments. It is the intent of the Village Board of Trustees pursuant to Section 10 of the Municipal Home Rule Law, to supersede the provisions of:

A. Section 7-718 of the Village Law relating to the appointment of members to Village Planning Boards.

Section 6. Severability

If any provisions of this Local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Local Law shall remain in effect.

Section 7. Effective Date

This Local Law shall take effect upon filing with the New York State Secretary of State.

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	

84:00 TAX CERTIORARI SETTLEMENT - ASTORIA FEDERAL SAVINGS & LOAN ASSOCIATION

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

WHEREAS, petitions having been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

Property Owner	Address Description	Year(s)
ASTORIA FEDERAL SAVINGS	Sheet 10, Section 11, Block 628	1996-2000

& LOAN ASSOCIATION Lots 86A, 86B, 86C and 86D

WHEREAS, petitioner's court challenge is now pending in the Supreme Court, Westchester County, and

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

RESOLVED: the Mayor and Board of Trustees authorize the Office of the Village Attorney to execute a settlement on behalf of the Village for assessments for no less than the following:

Tax Year	Original Assessment	Proposed Settlement AV	Reduction	Tax Rate	Proposed Refund
Lot 86A:					
1996	29,500	28,850	650	108.08	\$ 70.25
1997	29,500	27,980	1,520	110.13	\$ 167.40
1998	29,500	24,720	4,780	113.53	\$ 542.67
1999	29,500	22,950	6,550	122.44	\$ 801.98
2000	29,500	22,950	6,550	121.22	\$ 793.99
Lot 86B & 86C:					
1996	48,250	47,180	1,070	108.08	\$ 115.65
1997	48,250	45,760	2,490	110.13	\$ 274.22
1998	48,250	40,430	7,820	113.53	\$ 887.80
1999	48,250	37,530	10,720	122.44	\$1,312.56
2000	48,250	37,530	10,720	121.22	\$1,299.48
Lot 86D:					
1996	17,250	16,870	380	108.08	\$ 41.07
1997	17,250	16,360	890	110.13	\$ 98.02
1998	17,250	14,450	2,800	113.53	\$ 317.88
1999	17,250	13,420	3,830	122.44	\$ 468.95
2000	17,250	13,420	3,830	121.22	\$ 464.27

The Village of Hastings-on-Hudson's share of the refund is \pm 7,656.

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	

85:00 TAX CERTIORARI SETTLEMENT - BANK OF NEW YORK, INC.

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

WHEREAS, petitions having been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

Property Owner	Address Description	Year(s)
BANK OF NEW YORK, INC.	565 Warburton Avenue Volume HA, Sheet 10 Section 10, Block 630, Lots 24 & 26	1998, 1999

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

WHEREAS, the Village and the property owner have previously reached a mutually agreeable resolution through the 1997 assessment year; and

WHEREAS, the 1998 and 1999 Village assessments were not part of the original settlement and were placed on the assessment roll at an amount equal to the pre-settlement 1997 assessment; and

WHEREAS, according to RPTL Section 727, the 1998 and 1999 Village assessments are subject to reductions to the settlement assessment for the 1997 assessment; now therefore be it

RESOLVED: the Mayor and the Board of Trustees authorize the office of the Village Attorney to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Proposed Settlement AV</u>	<u>Reduction</u>	<u>Tax Rate</u>	<u>Proposed Refund</u>
1998	66,500	50,000	16,500	113.53	\$1,873.25
1999	66,500	50,000	16,500	122.44	\$2,020.26

The Village of Hastings-on-Hudson's share of the refund is ± 3,894.

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	

86:00 SKATE PARK

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

RESOLVED: that the Mayor and Board of Trustees authorize the construction of the skate park and award the bid to Andrew Kessler at a maximum cost of \$19,999 based on his proposal Sept. 27, 2000 appropriated 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: The Southside project is mostly completed. We are waiting for the capstone and the railing. In return for not replacing a section of sidewalk on the east side, we are having the contractor repoint the entire wall from the library to the train station. The light fixtures are still not completed.

We walked the downtown bomanite job and the contractor has agreed to replace about 20 percent that was poorly done.

Trustee Holdstein: How long does the color last?

Village Manager Hess: The sealer has to be replaced every few years, and that should maintain the color.

Trustee Holdstein: Are we able to change the funding of the pool to put it back into the general fund?

Village Manager Hess: It would depend on the original referendum on the creation of the pool. It will require legal research to see what our options are.

Trustee Jennings: The community pool is a great asset to our Village because it is accessible to virtually everyone in the Village. If the improvements would require a fee structure that would make it exclusive we would be losing a tremendous civic space and social asset.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: On Marinello Cove, we are awaiting a response from the people to whom we sent our notices. There is another waterfront workshop at Hillside on Oct. 21. The workshops on Sept. 23 and 24 were a rousing success. Thanks and congratulations to Rob Lane and RPA and Meg Walker. The results are on display in the windows in the library and are available for comment.

2. Other

Trustee Walrath: We had a meeting of the reconstituted Trailways Committee. We had several people interested either in either the volunteer maintenance or mapping programs and

we are looking for more volunteers. We have been out in the field with Marco Gennarelli to see about clearing for Rowley's Bridge Trail. We hope to have a big turnout for a cleanup of the new trail on Nov. 18.

EXECUTIVE SESSION

On MOTION of Trustee DeVita, SECONDED by Trustee Jennings, with a voice vote of all in favor the Board scheduled an Executive Session immediately following the Regular Meeting to discuss litigation, personnel, and land acquisition.

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 10:05 p.m.