

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 5, 2000**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 5, 2000 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

CITIZENS: None

APPROVAL OF MINUTES

Trustee Jennings: Page 4: A reference to Boardmember Hutson. [Change to Village Manager Hess.]

Trustee Walrath: Page 9: There was quite a bit of dialogue that was left out. There was some back-and-forth that prompted what I said. It was not recorded. Page 10: "Rowley's Brook from the bridge up to the Aqueduct is the dividing line." Add "between the Village-owned property and the Graham property." Page 12: Trailway "Commission" should be "Committee."

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of November 7, 2000 were approved as amended.

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the minutes of the Regular Meeting of November 21, 2000 were approved as amended.

APPROVAL OF WARRANTS

On MOTION of , SECONDED by with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 51-2000-01 \$207,324.99

Multi-Fund No. 52-2000-01 \$ 44,702.38

Multi-Fund No. 53-2000-01 \$ 73,114.30

95:00 SENIOR CITIZEN TAX EXEMPTION INCOME LEVELS

Mayor Kinnally: Our policy is not to take action on a proposed local law the same evening as the Public Hearing to give the public an opportunity to give further comment and to give the Board time to reflect. I would ask the Board to make an exception to this policy this evening because we have had ample opportunity to review it, but more importantly I want to give the public time to make application so that they can qualify for this exemption in 2001.

Village Manager Hess: In August the state legislature authorized local communities to increase income limits under the Senior Citizen Tax Exemption. The Board has several other senior exemption items to consider after the first of the year, since this is benefits the senior citizens in the Village, the Board is being asked to vote on this proposition tonight.

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. 5 of 2000 amending Chapter 260, Article III, §260.17 of the Village Code to increase the maximum income exemption eligibility for senior citizens as follows:

<u>Percentage Assessed Maximum Income Exemption Eligibility</u>	<u>Valuation Exempt From Taxation</u>
\$0 to \$20,500	50%
\$20,501 to \$21,499	45%
\$21,500 to \$22,499	40%
\$22,500 to \$23,499	35%
\$23,500 to \$24,399	30%
\$24,400 to \$25,299	25%
\$25,300 to \$26,199	20%
\$26,200 to \$27,099	15%
\$27,100 to \$27,999	10%
\$28,000 to \$28,899	05%

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

96:00 CHANGE OF MEETING DATE BOARD OF TRUSTEES

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

RESOLVED: that the Mayor and Board of Trustees change the dates of the Regular Meetings of the Board of Trustees to Jan. 9 and Jan. 23, 2001.

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	

97:00 DESIGNATION OF LEAD AGENCY FOR LAND ACQUISITION

Village Manager Hess: Over the past year there have been discussions with the owners of the property known as Marinello Cove. The Board provided a final offer in August pursuant to an appraisal; those negotiations have not come to fruition. This designation for the Board to act as Lead Agency is the second step of a procedure to acquire the property through eminent domain for public purpose. The interested parties will be notified of this action by the Board of Trustees. Those agencies or interested parties have 30 days from this action to notify the Board if they object to your Lead Agency status and wish to assume Lead Agency status on their own.

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 designate itself Lead Agency pursuant to the State Environmental Quality Review Act for the purpose of the acquisition pursuant to New York

State eminent domain procedures of 3.18 acres of land designated as Sheet 13, Parcel 116, known as Marinello Cove.

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	

98:00 AUTHORIZATION TO SELL EXCESS VEHICLES

Village Manager Hess: I had asked the Public Works Department to prepare a list of excess vehicles for consideration by the Board for public bid. The Public Works Department has already sent the legal ad to the newspaper. The list includes vehicles with mileage from 114,000 to 175,000, and equipment that has not been used for many years and is in storage either in the Public Works garage or behind the garage. I have asked them to get the garage area, both inside and outside, cleaned up. We also placed an ad in the automotive section for sale of vehicles.

Trustee Jennings: Should we also be taking proactive steps to contact the kind of businesses that deal in this sort of equipment?

Village Manager Hess: I believe Marie has sent out notices to companies outside Westchester that bid on some of this heavy equipment. I think we have sold some trucks to them in the past. I will double check on that.

Trustee Holdstein: Do we keep a log of people that have filed bids on previous sales so we can renotify them?

Village Manager Hess: Yes.

Mayor Kinnally: We have been pleasantly surprised with the number of people and the amount of money bid, especially by out of town people.

Village Manager Hess: The mechanic for these vehicles is Jerry Daley, who does an outstanding job. The reason why we are able to get this amount of mileage on the vehicles is because of his work.

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

RESOLVED: that the Mayor and Board of Trustees declare the following as excess vehicles and authorize the Village Manager to sell same by public bid: 1988 Chevrolet Caprice Station Wagon; 1993 Chevrolet Caprice 4 Door Sedan; 1994 Chevrolet Caprice 4 Door Sedan; 1989 Ford E-350 Small Bucket Truck; Sewer Rodder; Miller Construction Trailer; Layton Truck Paver; Galion Roller; and Wylie Asphalt Heater.

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 holiday tree lighting is Friday at 7:30 p.m. at VFW. Breakfast with Santa is on Saturday at 9:30 a.m. at the Community Center.

The Board at its last meeting approved free two-hour parking in the downtown from Monday, December 11 through December 25. All meters will be bagged. Businesses are thankful to the Board for, again, the designation of free parking.

The Board is recruiting for two vacancies in the Police Department. We have received a total of 21 canvas letters back. We are also recruiting for Superintendent of Public Works. We have sent ads out to several trade publications as well as the local papers and several larger newspapers in the Albany and Syracuse areas.

The Parks and Recreation Commission met last night and received a report from the pool committee. We will put it on a future agenda for discussion. One item asks that a survey be sent to all residents of the Village, and I hope to incorporate that in the January newsletter.

We are starting preparation of the 2001-2002 budget. If the Board has any items, either of a capital or of an operational nature, that they would like us to consider for the upcoming budget, please let us know in the next month.

There is a book put out by the Hastings-on-Hudson Partnership For Youth called *Parent To Parent. What Parents And Teens Need To Know About Alcohol And Other Drugs*. It is an outstanding publication. I want to thank Nancy Gagliardi, Bill Finkeldey, Dave Bloomer and other people who helped put this publication together.

Trustee Holdstein: Several merchants raised a concern as to how the decision to allow commuter parking in Steinschneider might affect holiday shopping. Can we ask Noah to cue in on some of the key times, Thursday or Friday peak times, where there is a potential for people to be frustrated with parking spaces, and report to the Chamber, or the new group we work with, to allay their fears that their customers were unable to park?

Village Manager Hess: The change has been very positive for the downtown. Commuters only take up four or five spaces, and at 11:29 the cars starting coming in. Merchants and employees park there, and it helps the other parking lots and the on street parking by moving them down. One of the adjacent owners who was opposed to it now thinks it is a wonderful idea, that it has worked out very well. But we will keep an eye on it.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I am trying to arrange a meeting with John Cahill of the DEC to get a better idea of what we can anticipate in the next four to six months from the DEC as far as the cleanup. I am encouraged with the action that has been announced against GE on the cleanup upriver. It sets the tone for what is going to happen here, and certainly emboldens the DEC to take a strong stand against ARCO on the cleanup and to make sure that we get the comfort level of the cleanup that we want.

I have been in contact with two of the owners of Marinello advising them about the process that we started tonight. I told them that, under SEQRA, we were declaring ourselves Lead Agency and that the Board would be moving forward with that, which is parallel with the eminent domain procedure. I discussed some of the particulars of the offer that I will share with the Board under land acquisition in Executive Session. This Board will be taking steps in the next couple of months to develop a record, so that we can acquire this property and put it to general public use on the waterfront.

2. Fines and Meter Holidays

Mayor Kinnally: Susan Maggiotto, Deputy Village Manager and Village Clerk, has prepared a review of fines and meter holidays.

Village Manager Hess: This study was developed based on the request of the Board to take a look at all our violations and to recommend potential changes to fines for violations in the Village.

Deputy Village Manager Maggiotto: The traffic fines were last amended in 1991. We surveyed the Police Department, the judge and the parking enforcement officer. The recommendations were almost uniformly the same: to change the fines that are \$5 to \$10, to keep the meter violation fine of \$10, and to raise the fire zone or fire hydrant parking fine from \$50 to \$75 because of the seriousness of maintaining those fire zones.

Village Manager Hess: It would make it consistent with the handicapped parking law, which is also \$75.

Deputy Village Manager Maggiotto: The recommendation for all other fines, which are either \$10 or \$20 or \$25, is to maintain them as they are. The deletion of the violation of Chapter 94 about dogs: it was improper to have this on the list as it is not something the parking enforcement officer writes a summons for. The judge has the authority to levy a fine from \$25 to \$100 for the violation of any part of our dog ordinance.

The second part of our report is because we have had some confusion among residents about when the meters are enforced and when they are not. The confusion arises because Village holidays are not always consistent with holidays listed in the Code. The recommendation is that we make things consistent for everyone's convenience. In the Code the existing holidays include Lincoln's birthday and Washington's birthday, which we do not observe now; we observe President's Day. We did not have Martin Luther King, Jr. Day as a Code holiday, although it is a Village holiday and a holiday that is commonly observed. The third one that is not a Code holiday but a Village holiday is Veterans' Day. These are also national observance holidays.

Village Manager Hess: That is the point. Not that it is a Village holiday but it is a nationally recognized holiday, such as President's Day. We want to make it consistent between the nationally observed holidays and meter holidays.

Deputy Village Manager Maggiotto: We are also adding the language: "...based on national observance." The day that is commonly observed as that holiday would be the meter holiday.

Village Manager Hess: If the federal government changes, ours would automatically change.

Deputy Village Manager Maggiotto: Also, the Code refers to exceptions to parking on Sundays or legal holidays only in reference to paid permit parking. We need to add language to the Code that would specify this in terms of parking meters. We would like to prepare a local law based on your recommendations to these proposals.

Mayor Kinnally: Who else was this circulated to for input, in addition to the judge?

Deputy Village Manager Maggiotto: Lieutenant Schiavone, Raf, Noah, and Neil.

Mayor Kinnally: The changes to the fines are great. The one area we could go up on is the handicapped parking.

Deputy Village Manager Maggiotto: There is a \$30 surcharge imposed by the state, so handicapped parking actually costs \$105.

Trustee Holdstein: I feel adamant that in our Village, with tight spaces and the problems we have physically, that parking in a fire zone can be a real problem. I do not know if anybody feels that \$75 is fine, or if we should go to \$100 on the fire zone, or keep it equal to handicapped.

Village Manager Hess: It is up to you. You could put it at the higher amount for the public hearing. If you reduce it you do not have to have another public hearing, but if you raise it after the public hearing, then you have to have a subsequent public hearing.

Trustee Holdstein: I am pleased that it is at least equal to handicapped. But as I look at it I wonder whether it should be more.

Trustee DeVita: It came up recently that blocking one's own driveway was a violation. I think people need to know that.

Mayor Kinnally: It is not your driveway. The curb cut does not belong to you. The curb cut is there for the convenience of all motorists who want to turn around.

Trustee Holdstein: How is it not my driveway? It is on my property.

Mayor Kinnally: My understanding is that you cannot park in front of a driveway, that you can get a ticket. There has to be access.

Village Manager Hess: From what we understand, the legal interpretation is that the first part of your driveway and the curb cut are in the public right-of-way.

Trustee Jennings: This raises a more general issue. As we change the law and revise the Code, it would be a good time for us, through the website or in some other fashion, to have a public education effort to explain the parking laws of the Village to the population.

Trustee Walrath: When, and if, we get a resolution around the school we should give that ample publicizing, too. When we get a solution we should try to educate everyone.

Trustee Jennings: People understand reasonable changes that need to be made that have been well thought out. But what people do not care for is confusion and uncertainty. It is the Village's responsibility to make this information available to people so they will not be surprised if they get a ticket.

Mayor Kinnally: We will put this on for a public hearing the first meeting in January.

3. Future Financing

Village Manager Hess: At the request of the Board I have put together an outline of where we stand in terms of our debt and the effect of proposed projects that have either been previously identified by the Board or have been requested by departments through our capital program.

Some projects had been previously approved by the Board, some are pending, and some are for consideration in future budgets. Library addition: we have discussed that previously. That has not received final approval, but the cost of that project would be in the neighborhood of \$1.5 million. Marinello Cove acquisition is \$175,000. Graham Windham acquisition has a net cost of about \$330,000. We have grants pending for that project. Fenwick drainage, another project that has been discussed over the years, has a potential (this is an estimate; we will have to get into more specific engineering) of \$250,000. I prepared this report prior to receiving the pool committee's recommendation. That cost could either double or triple from what I have here, based on their preliminary recommendation. Ridge Street is slated for 2002, previously approved. We have grant funding from Community Development Block Grants. The total project will be in the neighborhood of \$300,000. Our

cost would be \$150,000. Community Center: another approved Community Development Block Grant project, \$360,000 for construction. We received \$15,000 for the preliminary architectural work on the building. We also have scheduled, in 2002, replacement of a sanitation truck, and in 2003, a replacement of a dump truck and loader. These are two separate pieces of equipment totalling \$180,000. The Fire Department has requested replacement of the '77 Mack Pumper at Uniontown for \$400,000. We would be slated to replace the parks truck for \$40,000 in 2003. Ambulance would be replaced in 2004, at \$120,000, and a two-yard dump truck in 2005 for the Public Works Department.

Over the next five years annual principal and interest payments on the 1994 and 2000 issues go down from \$656,000 to \$554,000. They are well within the planning policies of the Board for total debt service cost not to exceed 10% of the operating budget.

Principal on outstanding debt over the next five years will be reduced in 2002 by \$324,000; in 2003 by \$380,000; 2004 by \$380,000; 2005 by \$385,000; and in 2006, by \$375,000.

The 1994 and the 2000 issues are paid off by 2015. In terms of our capital program and our outstanding debt we try to balance it out so it stays relatively even over the years. As you pay off principal on older issues, it gives you the ability to borrow with BAN's on newer projects. And that tends to replace the principal that you are paying off each year. The relative impact is based on the useful life of the project. A renovation project, such as this building, has a maximum useful life of 15 years, which is the maximum you can borrow for. The addition to the library would be 15 years. The acquisition of property can be up to 40 years. So the relative impact of a principal payment is less with an acquisition than with another renovation project, or even purchase of equipment. Certain types of equipment are anywhere from seven to 10 years depending on the type of equipment. All vehicles are purchased out of operating funds. We do not borrow for police vehicles and other types of small vehicles.

Trustee Jennings: Thank you for this report. I find it very helpful. Could you explain the 10% rule further?

Village Manager Hess: Principal and interest payments should not exceed 10% of the operating budget, a policy I recommended in 1982. We have a statutory debt limit of \$35 million, but I like to consider a "practical debt limit" that the public can afford in terms of repayment of debt. I am a little on the conservative side, and I am saying no more than 10% of our operating budget should go towards debt. It might go to 10.6 or 10.5, but then you have to make adjustments in your capital programs and in spending and make sure that we stay below that amount.

Trustee Jennings: Where are we now with our \$656,000?

Village Manager Hess: We are probably at 8.8, 8.9%.

Trustee Jennings: So we do not have too much more borrowing we can do until we spend down our current issues?

Village Manager Hess: Right.

Trustee Jennings: A lot of the planned projects are front-loaded. Do we really want to embrace what we are looking at for 2001-2002, particularly regarding the pool?

Village Manager Hess: The pool is pool fund debt, not general fund, and is excluded from the 10% rule.

Trustee Jennings: Making allowance for that, are we going to be able to do what we want to do in the next two years without violating the 10% rule?

Village Manager Hess: I would try to work it out so it would balance out. Let us say a construction project was started in 2001. If the money is borrowed late in 2001, the first payment is not until 2002. So we could end up paying down two years of outstanding debt, and picking up the first payment the following year. The timing is important. We did that with the Municipal Building renovation bond. We borrowed the full \$1.5 million, invested that money, and ended up with a positive cash flow the first two years because investment rates were higher than borrowing rates.

Trustee Walrath: Regarding the pool, they are talking about a much more expensive pool. It is enclosed, and getting a lot more revenue out of it. That is outside the calculations. If they can show it is feasible to our satisfaction, then it does not violate the general approach taken to our bond indebtedness.

Village Manager Hess: Right.

Trustee Walrath: Thinking back to Trustee Holdstein's feelings about the investment on Graham Windham, I noted an editorial in the *Journal News* praising many places that had gone through referenda for open space. Where are they required? Is it optional?

Village Manager Hess: There are certain dollar limits that you can provide for what is called a permissive referendum. Or the Board can put it out on its own volition if it is a certain dollar amount. You cannot go out legally for what is called an "advisory referendum." They

are not allowed in New York State. Over the years we have tried to figure out ways that we could do advisory referenda, and it is just not allowed.

Trustee Walrath: But a bond resolution always goes to referendum?

Village Manager Hess: It is called a permissive referendum. Either the board can put it out on its own volition to the public or, if you decide you do not want to, the public would have to petition with a certain percent of names.

Trustee Jennings: So there is no dollar amount that triggers a referendum?

Village Manager Hess: I think if it exceeds five years and is a certain dollar limit, I think it is a minimum of \$100,000. I can check that. But I know in Irvington they had a set dollar amount.

Trustee Walrath: Could you refine this report and see if we are going to be in a bind regarding the 10% rule. I am asking you to refine it so that we see more pacing in the detail. The pool stands on its own outside your rule of thumb. I would be interested to see the pool separated, and a more realistic, detailed schedule.

Trustee Holdstein: There is a back-end way to answer David's question. If we have an \$8 million budget, 10% would be \$800,000. At \$656,000, we could add approximately \$150,000 in debt service. You could figure out the principal and interest payments on borrowings that would total that amount.

Village Manager Hess: Let us say approximately \$500,000 on the acquisitions; you would be talking about \$30,000 in the first year in interest and \$10,000 principal, totaling \$40,000. The library, at \$100,000 principal plus about \$80,000 interest, is \$180,000. So it would have to be phased to keep it under that 10%. I will be glad to break it out and provide the Board with a schedule on how that works.

Trustee Jennings: The wisdom of controlling our debt limit is brought out in the bond report that is attached. I read that to be a very positive vote of confidence in our Village and the way that it has been managed in recent years as well as the general economic activities that are going on around us. This 10% limit is prudent, but it is our self-imposed rule. It is not a matter of state law. So if our timing is a little off, and we temporarily bump ourselves over 10%, that is not the end of the world. It is a question of managing our resources and trying to manage the timing as best we can. I assume that the 10% rule is also going to be affected by what we manage to sell our bonds at the next time we go out into the marketplace. There are many variables that are hard to predict in advance. But it seems to me that it is well within

our ability to do the kinds of things we are planning over the next five years for the Village, without violating the 10% rule, without risking our good reputation, and without being imprudent.

Village Manager Hess: We are as aggressive with grants as we can be because we think that is an important element to keep our overall financing down. Some communities do not want to be as aggressive with grants because there are strings attached sometimes. But it is a balancing act, and we have to see what is best financially for the Village overall.

With Greenspan's announcement, and where it looks like it is going after the first of the year, we would be ripe for public borrowing in the first quarter of 2001. Keep that in mind in terms of these projects. Maybe we should look to move some things around because the rates are going to be that much lower after the first of the year.

Mayor Kinnally: I have talked to Neil about redoing Boulanger parking lot, and we can look at that and other things on our wish list better in a five year time frame and see what the cost will be and where it fits.

Village Manager Hess: For projects like that, we would try to put together a preliminary capital budget with everybody's ideas, start looking for grants, and the rest could be picked up by operating if we do not feel it is a capital item. Nothing is out of the realm of possibility. If there are items you want to propose, they will go on the wish list, and then we start taking not only a operational but a financial look at the potential projects.

Mayor Kinnally: There is always a lead time on these things, and that is why this year, especially with newer people on the Board, we make sure to get involved earlier in the budgeting process because it is easier for Neil to try to fit things in, or counsel us against it, early in the process.

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 land acquisition and personnel items.

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:35 p.m.