

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
FEBRUARY 20, 2001**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 20, 2001 at 8:15 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein (8:40 p.m.), Trustee David Walrath, Trustee Bruce Jennings, Village Manager Neil P. Hess, Village Attorney Edward Lammers, and Deputy Village Manager Susan Maggiotto.

**CITIZENS:** Eight (8)

**APPROVAL OF MINUTES**

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the minutes of the Regular Meeting of February 6, 2001 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 80-2000-01	\$ 53,475.52
Multi-Fund No. 81-2000-01	\$ 88,492.78
Multi-Fund No. 83-2000-01	\$ 192,733.59
Multi-Fund No. 84-2000-01	\$ 14,032.63

**11:01 OWNER/ARCHITECT AGREEMENT LIBRARY ADDITION AND RENOVATIONS**

**Village Manager Hess:** This item was tabled from the last meeting. Trustee Walrath and I met with Mr. Lothrop, Mr. Underberg, and Ms. Feir to review the contract. You have before you tonight a somewhat amended agreement with a number of changes that we discussed.

Mr. Lothrop has agreed in a letter to set a fee at no more than \$165,000. The letter should be made an appendix to this agreement.

We did not have the opportunity at the last meeting to discuss the possibility of amending this to include a 25% larger addition. The Mayor had discussed this with the Library Board.

**Mayor Kinnally:** We are trying to pick up as much additional room as we can, both as a library and as a public space for the community. In reviewing everything, I wanted to see what it would cost to add 25% to the floor space both upstairs and downstairs and if it would have a substantial impact on the footprint, because we are encroaching into the park south of the library. It might be something that the Board would like to consider. In all fairness, I did not discuss it with the Board. I wanted to get an idea whether it was something that could be done, whether it would be in the range of what we had talked about, and whether it would create a structure too big from a building standpoint and as an encroachment into the park. Given that we are looking into something that is going to hold us in good stead for the next 25 or 30 years, we might take a look at it.

**Village Manager Hess:** Mr. Lothrop sent back a response indicating that an additional 25% in terms of the new construction would be approximately \$100,000 added to the contract and his fee would be about \$15,000. There are plans for both schemes.

**Steve Underberg, Library Board:** The Program Room on the main floor was pushed out south 25%, the arc of the wall kept. Where we used to have a small storage room on the east and west side we are able to increase the size of the east storage room, thereby creating an option for an additional room on the west side. Some of the options we are considering would be a director's office, a work room for students, or a quiet room. We could push the wall between the little room and the big room in any direction to change the comparative sizes. Where this is a brick wall or a stone wall, it could also be glass.

This scheme allows us to move the elevator. The elevator was somewhat in the way on the lower level, and by moving the elevator south we are able to solve the problem on the lower level. On the lower level, the multi-purpose room is larger and the elevator exits into the main portion of the building instead of the vestibule. We were able to add another egress, which makes it safer and easier to justify the higher occupancy rate that the law permits with the additional egress.

Because of the changes to the multi-purpose room, the architect was able to give the community room a center entrance and closets on both sides for storage of tables, chairs, or equipment used in the community room.

The old plan had several lines in it indicating steps up to the podium; they were not there when the building was built and we removed them because we do not know what we want there. In the northwest corner there was a square to hold HVAC equipment. That equipment will be moved onto the roof, so that room will no longer be needed. That will give us a complete box for the community room now instead of having to chuck a corner out. The

survey shows that we have enough land west of the building to be able to have good-sized, beautiful windows in the community room.

**Trustee Jennings:** It seems that this 25% increase gives us an additional room upstairs in the library, a larger space in the multi-purpose room downstairs, an additional couple of exits downstairs, and greater flexibility in the elevator's location. The floor space we are gaining is this room beside the program room upstairs, and the multi-purpose room downstairs.

**Mr. Underberg:** Not really. We are gaining 25%, approximately, in the multi-purpose room and in the program room. If we decide to use a little bit of that for one of the side rooms, that could change a bit. But the thing we were going with initially was to increase the size of those big rooms, and I guess I stressed some of the other things instead of discussing the large room.

**Mayor Kinnally:** It is also a different configuration, which gives you a little more flexibility and usable space without changing the footprint in some areas.

**Mr. Underberg:** It is less of a long, skinny, bowling alley-kind of a look.

**Sue Feir, Library Director:** Building the elevator on the extension rather than cutting into the existing building will be a substantial cost savings.

**Mayor Kinnally:** By moving the elevator, do you pick up more room in the library?

**Mr. Underberg:** We pick up room in two places. On the upper level the elevator was where the women's room is and it took a big chunk of space out of the children's collection room. In the earlier version we blocked off a corridor for the two bathrooms and the elevator. That corridor is no longer needed because it is a walkway to the elevator which is beyond it.

On the lower level we now have three ways out: through the vestibule, through the west side of the multi-purpose room, and through the southwest corner of the community room.

**Trustee Walrath:** The contract in front of us is set up so that this is an alternative that would be the subject of an addendum. I understand the library is very enthusiastic. It was a wonderful suggestion. They already see a lot of advantages to it. I think with further consideration they are going to find some minor changes. Before we do the addendum they ought to get together with the architect and pin down exactly what the addendum would cover.

**Mr. Underberg:** I do not believe that was our thought. The Board is hoping that the contract and the addendum can be approved tonight so we can get working on it.

**Trustee Walrath:** The problem I have is that the contract is in front of us, and it clearly calls for an addendum, but there is no addendum.

**Mayor Kinnally:** Is your question, David, you would like to see numbers before we go forward?

**Trustee Walrath:** The present one is referenced to a set of drawings and to an estimate that was based on a detailed estimate; \$100,000 was not carried out to the same degree of detail. It was an approximation. We had a contract originally that was 15% of construction costs. We could have changed the project anywhere along the line, and it simply would have increased the architect's fee. We have converted that to a lump-sum contract, and I am satisfied that the lump-sum contract is reasonable through discussions we have had. But I do not see it suddenly being worth \$15,000 more because of the addendum. Therefore, I am ready to approve the contract as it stands now. When the addendum comes up, if it is our prerogative to pass further on it—it is really the library's contract—I would be glad to act on it.

**Dan Frank, President, Library Board:** I have no problem with that. We are hoping the Board approves the contract in front of you tonight and gives the Library Board the go-ahead to get the details on this addendum and bring that back to you for your final approval. I think Trustee Walrath is well within reason saying he would like something more specific.

**Trustee Walrath:** I have taken the position that the \$165,000 fee is reasonable. I do not see that another \$15,000 fee has a justification. I think that would be something for negotiations.

**Mr. Frank:** I am not in disagreement with that at all, because what we have received from the architect is a slim piece of paper saying approximately \$100,000. His fee, on that basis, would be approximately \$15,000. I think the architect would be willing to negotiate with us on this matter. I am not saying that we should take this memo of approximation and incorporate it into the contract.

**Trustee Walrath:** You and I are in perfect agreement.

**Trustee Jennings:** As long as we are not limited in how we can negotiate the addendum by what we approve tonight, I see no reason not to go ahead with the main contract.

**Mayor Kinnally:** I question the wisdom of approving a contract that we may be considering amending right away. It might be cleaner to come back with both alternatives fully sketched out and scrutinized.

**Trustee Walrath:** My concern is schedule. I caused the delay from the last meeting to this one. I would hate to see a further one. The windows of opportunity are to get contract documents out to be bid after the crush of bidding on school projects, and get a contract let in summer so that they start work in the fall.

**Village Manager Hess:** We can authorize the contract. The addition is a small portion of the contract. The 25% increase in size is only about an 8% increase in the entire contract. It would be appropriate to pass the base document tonight with the charge that the addendum material get back to us for the meeting March 6.

**Mayor Kinnally:** Do I have a sense of the Board that if the numbers come in, in the ball park that we have been talking about with an 8 to 9% increase and we can get a negotiated fee with the architect for the addendum, that we are favorably inclined toward it?

**Trustee Walrath:** I certainly am. I stressed to Mr. Lothrop that I was hoping that he would give us some figures to show us how we are going to stay within the original budget of \$1.5 million. He prepared some numbers for us. He has out-of-pocket expenses that are undefined. He has given us some budget on that. He has suggested an additional cost attributed to the park development. I have been suggesting, and I think it is working out wonderfully because of the property, that we lower the park. It will gain us some additional area to offset what the extension has taken up, and it will open up views from the lower level to the south and to the west. It is adding another thing to the scope of the contract. I do not think the original estimate covered as much work with lowering the park as I think would be justified. But I think we definitely should go ahead.

[Trustee Holdstein arrived and Mayor Kinnally recapped the discussion for him.]

**Trustee Holdstein:** From the original plan to this new increase of 25% how much further is the construction south?

**Mayor Kinnally:** According to the scale on the sketch, about 8 feet.

**Director Feir:** When this project was started it was an idea on the Board's part to look at the building and the future possibilities. The plan was always kept modest in scale to accomplish a great deal without jeopardizing financial futures. The public meetings are what gave

credence to the idea that the public was very excited about more space for children's programs and for community services. The Mayor's suggestion to look at the possibility of extending these two aspects of the program are a logical outcome of the many communications we have had with the public over the last six to nine months.

**Trustee Jennings:** I think this is a very good development, and I am very glad that you suggested it. However, a change like this, late in the process, might indicate that we ought to go back and ask broader question about the process. Is this the last good change and as good an idea that we are likely to come up with? Do you feel confident of that, or should we think about this a little harder and not worry too much about the windows of opportunity?

**Board President Frank:** My reaction when the Mayor made his suggestion to consider 25% more was that he was doing exactly that. He was bringing it up at the right time, before anything was finalized. We have tried to keep a plan that is modest, but we have also been trying to create something that the entire community could use. We were interested in this expansion for precisely the purposes of giving community space to the Village. It was the thing that galvanized the public at the hearings, and I think it is what galvanized your board as well. I think the Mayor was saying, have they done all they can with the possibility of this future space? Is there one more thing we should be looking at?

**Mr. Underberg:** This question was asked of us at an earlier Village Board meeting: are you going to have to come back to us in seven or eight or nine years? We had already done some homework on that and were able to say no. This additional 25% is a godsend; it will help the community as well as the library.

**Trustee Walrath:** One other minor point. I think first we have to establish, this still has the 15% of construction costs. That should be corrected before signature to \$165,000.

**Village Manager Hess:** We said \$165,000 was the upset. The fee is maxed out at \$165,000.

**Trustee Walrath:** We are having a terminology problem here. The proposal from the architect says he will convert it to a lump sum fee of \$165,000. An upset to me is different.

**Mayor Kinnally:** But the concept is there. He gets \$165,000 no matter what the construction costs are.

**Village Manager Hess:** If the bids come in at \$900,000, then his fee is still \$165,000.

**Mr. Underberg:** The earlier comment was "not to exceed." As you suggested, I go back to the architect and say that they need in the appendix not to exceed \$165,000. Is that correct?

**Trustee Walrath:** No. His letter is what I was responding to, and his letter calls it a lump-sum fee for stage one. We still have negotiations about the addendum. I have one other minor correction. We agreed that in paragraph 1.2.2.4 on page 1-4 there was a correction made to change the reference paragraph 1.1.3 to paragraph 2.8.3 and strike everything after that. It should read: "The owner shall furnish the services of consultants as designated in Paragraph 2.8.3."

**Trustee Holdstein:** I have two concerns in reviewing this. I am certainly not opposed, but \$100,000 is still \$100,000. I do not want it to sound like that is frivolous money that may or may not get added to the bond. Eight or 9% is still meaningful. The other is some analysis of this additional 8 feet into the park.

**Mayor Kinnally:** That is why we asked to get more information. We are not dealing with the addition tonight. We are just dealing with the underlying contract for the original schematic.

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 approve for signature by the President of the Library Board of Trustees the Owner/Architect Agreement with Lothrop Associates for the Library Addition and Renovations.

<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	

### **12:01 INTERMUNICIPAL AGREEMENT TO EXCHANGE G.I.S. INFORMATION**

**Village Manager Hess:** We have not received the new agreement from the Town of Greenburgh, and I am asking that this be removed from the agenda.

**Mayor Kinnally:** We have the underlying data without the agreement.

**20:01 SPECIAL MEETING/PUBLIC HEARING FOR BUDGET**

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Special Meeting on Tuesday, Feb. 27, 2001 at 8:00 PM for presentation of the Proposed 2001-02 Budget, and schedule a Public Hearing on Tuesday, Apr. 10, 2001 at 8:00 PM for the Proposed 2001-02 Budget.

<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	

**Trustee Jennings:** It went too fast for me. Neil, these are not the dates we went over this afternoon. You did not tell me the public hearing was going to be on April 10. As a matter of fact, you said it would be on the 17<sup>th</sup>.

**Village Manager Hess:** It cannot be. It has to be prior to April 15.

**Trustee Jennings:** I am sorry. I probably misunderstood you.

**Trustee Holdstein:** That week of April 10<sup>th</sup> is school vacation week. I know that I will also, therefore, be absent. As we have discussed in the past, a vacation period is a bad time to have important hearings.

**Mayor Kinnally:** The alternative is, then, to have it during the week of April 2. We have the organizational meeting on the April 3.

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Special Meeting on Tuesday, Feb. 27, 2001 at 8:00 PM for presentation of the Proposed

2001-02 Budget, and schedule a Public Hearing on Thursday, Apr. 5, 2001 at 8:00 PM for the Proposed 2001-02 Budget.

<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:** We went to an anniversary dinner for Protection Engine, which is celebrating their 125<sup>th</sup> anniversary this year. It was very nicely attended.

We are working with the Rivertowns Arts Council and the Artists' Studio Tour to apply to the Westchester Arts Council for a municipal challenge grant. This will expand the studio tour to two days, April 28 and 29, and will sponsor an art exhibition in this building from April 6 through May 6, which will be contributed to by all the artists who are scheduled.

We had our kick-off meeting of the Downtown Partnership last Thursday. The Mayor and Trustee Walrath were in attendance. We had a very nice turnout, and an excellent discussion of the options for the partnership. We are starting to develop goals for the future and will be having an open forum, probably in late April or early May, with all the downtown businesses on the downtown and the business community.

### **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** There has not been any further news on the waterfront since my last report.

**Trustee Holdstein:** When do you anticipate a final cleanup plan?

**Mayor Kinnally:** I think the RI is going to be released in the next few weeks. Part of the timing may have to do with a new Commissioner. There has been a lot of review internally.

**Trustee Walrath:** Is that only the RI, Mayor? I thought we had the RI, and that it was the feasibility. The last step before the PRAP is not the RI, is it?

**Village Manager Hess:** I think the draft of the feasibility study was released by ARCO to the DEC around February 1.

**Trustee Walrath:** We have not seen it yet.

**Village Manager Hess:** We have all the original tests and the RIFS draft here, which we have had for awhile.

**Trustee Walrath:** The old one. We have a new RI. I wanted to ask if, in anticipation, we should ask Mark Chertok about whether we should be digging into things and getting ready if there is any review needed of the new data that has come into the RI that we do not have?

**Mayor Kinnally:** That is a good point. I will give him a call tomorrow. I will try to contact the DEC to see where they are on a timetable.

**Trustee Holdstein:** My concern is that we have had great progress where we leveled the buildings. We have a partial new bulkhead and RPA plan. We are coming up on the warmer months. It would be nice to be making the next step through the summer.

**Mayor Kinnally:** It is a pipe dream to say that you are going to start the process right away. There is a lot to be done.

**Village Manager Hess:** Just the public educational aspects, which will have to take place in the spring to bring everybody up to speed, will take awhile.

**Trustee Holdstein:** Whatever positive momentum we have, I do not want to waver.

**Village Manager Hess:** The newsletter on the waterfront initiative with RPA will be going out shortly to everyone in the community. It will have details on the proposed plan that RPA has developed with the community over the past months and the announcement on the community presentation of the plan on March 7.

## **2. Affordable Housing Legislation**

**Sue Smith, Chairperson , Affordable Housing Committee:** The proposal before you is for a 10% set-aside of affordable units in any new residential development in Hastings. This

comes out of discussions with the Planning Board, and comes to you with their approval. Attorney Stecich has also looked at it and agrees that it would need more refinement as a final legal document to be integrated into our Zoning Code.

The attempt is to have on the books a law which requires that any new development would require affordable housing. Now there is "permissive legislation," or "enabling legislation," that may be part of a requirement for any new development but does not require it. The Planning Board felt that their hand would be stronger in dealing with proposals that come to them if this was, indeed, a law. Greenburgh has a similar law; a lot of other places do. But that is the one closest to us, and it has been in effect longer and been very successful.

So this draft is a combination of what Greenburgh has done and the items from our affordable housing policy in Hastings. It is tailored to Hastings, and fits with that policy.

**Mayor Kinnally:** This would be a good topic for a work session to get more community input on it before writing any more legislation.

**Village Manager Hess:** I have a question on whether we can have wording that this set-aside would cover pending applications, or whether the kick in date is at the issue of the building permit, so it covers anybody who is currently pending, even though the legislation is not in effect. Although there has been a commitment from Ginsburg on the Riverwalk project to provide 10% affordable, Sue was right in terms of the ability of the Planning Board to require it.

**Trustee Holdstein:** I had a similar question on Andrus.

**Mayor Kinnally:** On Andrus, we have had responses from the developer saying that under New York State regulations, because of the funding requirements and everything else that goes into the equation, you cannot have affordables on that site.

**Trustee Holdstein:** If we are saying that our law dictates you have to have 10% affordable, are they able to hide behind a different law that supersedes ours?

**Mayor Kinnally:** If it is impossible to have a project like this incorporate affordable housing, I do not know if we can stop a project like that. It may be superseded by state law. I do not know. We would need the opinion of counsel.

**Chairperson Smith:** It would be a benefit to get it acted on as quickly as possible from the point of view of the Affordable Housing Committee and the Planning Board.

**Trustee Jennings:** Just to clarify one thing, this is not a special construction. The units would be built just like all the other units.

**Chairperson Smith:** That is correct. It would have to look from the outside thoroughly integrated, although it might be the less desirable side, maybe the side without the river view or a unit that does not necessarily have all of the high-end amenities.

**Trustee Holdstein:** Does this cover rental, condo, co-op?

**Chairperson Smith:** Yes, it would cover every kind of ownership or rental. It is an attempt to try to cover individual units being sold or rented, or a whole building of many apartments or units being sold. The units stay affordable in perpetuity, as the rest of the affordable housing policy stipulates. That is why there is an inflation factor in there, so the value can only go up according to a pre-fixed amount. The income levels change a little bit by HUD each year, so they have to remain consistent for the people who take those units.

**Village Manager Hess:** I will take a look at the budget review schedule and see when I can fit in a work session. We will probably invite the Planning Board to attend.

**Trustee Holdstein:** Marianne could begin some research on these legal questions of applicability to Andrus and whether we can back date the 9-A site or the Andrus site, depending on when we adopt the legislation.

**Village Attorney Lammers:** I will mention it to her tomorrow.

**Marjorie Apel, 111 Rosedale Avenue:** I was wondering if the lawyer could check on any project which is large and for some reason cannot put the affordable housing, for financial reasons or whatever other reason, on that particular property. Can they be asked to put it someplace else?

**Village Manager Hess:** Are you talking specifically about Andrus?

**Ms. Apel:** It could be Andrus. That is the largest one we have so far.

**Village Manager Hess:** Your question was pretty broad.

**Ms. Apel:** I mean if they are not mandated. You talked about a problem with Andrus maybe not being allowed to do this. But are they not allowed to do it on that property? Or, if we decide we want to do the 10%, you have to do it but you will have to build it someplace else. I do not know if someone is allowed to do that or not.

**Mayor Kinnally:** Good point.

**Chairperson Smith:** We are not the first to go through this. There are examples in other communities. My resource has been the Westchester Housing Opportunities Commission, which has done a lot of this work for the county. They have collected the data. They have the documents other communities have used. They are a good research tool.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:30 p.m.