

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 17, 2001

A Regular Meeting was held by the Board of Trustees on Tuesday, April 17, 2001 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 (8:30 p.m.), Trustee Bruce Jennings, Trustee Marjorie Apel, Village Manager Neil P. Hess, Deputy Village Attorney Marianne Stecich (8:55 p.m.), Deputy Village Attorney Ed Lammers, and Village Clerk Susan Maggiotto.

CITIZENS: Three (3)

Mayor Kinnally: Trustee Walrath will be late, but he will be here this evening.

APPROVAL OF MINUTES

On MOTION of Trustee Jennings, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 3, 2001 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the minutes of the Regular Meeting of April 3, 2001 were approved presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 100-2000-01	\$ 27,684.22
Multi-Fund No. 101-2000-01	\$ 31,700.87
Multi-Fund No. 103-2000-01	\$186,176.96

32:01 PRISONER TRANSPORTATION AGREEMENT

Mayor Kinnally: This was on our agenda at the last meeting, and some questions were raised about certain provisions dealing with additional insured. Mr. Hess, have you inquired?

Village Manager Hess: Yes. The question was relative to Schedule B of the insurance provisions of the contract. Our insurance agent indicated that the underwriter confirmed that the county is not required to be named insured, only as additional insured on all municipal general liability policies for whatever contracts each holds with them. Accordingly, it does

not apply to us. If the county requires being named insured, it would be handled differently, for example, ordering an owners/contractors protective liability policy in which the county would be the named insured and the municipality the designated contractor.

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 authorize the Village Manager to sign the Zone Rate Prisoner Transportation Agreement with Westchester County for Jan. 1, 2001 through Dec. 31, 2002.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee David Walrath	Absent	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Mayor Wm. Lee Kinnally, Jr.	X	

34:00 ADOPTION OF BUDGET AND TAX RATE - FISCAL YEAR 2001 - 2002

Village Manager Hess: The final taxable roll is \$43,143,010. The amount projected in the proposed budget was \$43,000,000. Thus, the property tax raised is \$5,171,984, an increase of \$17,234 from the originally proposed amount. Based on the input the Board and I have received, I am recommending that the general fund budget be increased to \$8,077,250, \$17,000 above what I originally proposed, and that the appropriated surplus be decreased by \$234, to \$474,766. During our review sessions there were suggestions for several changes, and the recommended modifications are as follows:

Account A-1440.4: Engineer. The original proposed budget was \$7,500. I am recommending an increase of \$12,000, to an amended budget of \$19,500.

Account 8560.4: Shade Trees. Proposed original budget \$91,500 would decrease by \$10,000, amended to \$81,500.

A-9550.9: transfer to the capital fund for street resurfacing. Original proposed budget was \$100,000 would increase \$15,000 to \$115,000.

The final adopted budget in the general fund, pool fund, library fund, and Draper fund totals \$8,796,950. The proposed budget still maintains the tax decrease of \$1.34/thousand, or 1.1% less than the 2000-2001 rate. This would be the second consecutive year that the Board of Trustees has provided a tax increase for Village residents and, in addition, has increased the limits in the senior exemptions which were effective this year.

I believe the final budget that is before you is a sound financial plan for the community, and I recommend its approval.

Mayor Kinnally: We had extensive work sessions and public hearings on the budget, and input from Trustees both present and past, people from the community, and department heads. Nobody is ever always happy with the budget, but it is a good budget and reflects the fruits of years of planning and certain policy decisions the Board has made as far as keeping certain reserves, and keeping our expenditures, etc. within certain guidelines and frameworks.

Trustee Holdstein: It is rewarding to continue to offer terrific services throughout the Village and at the same time for the second straight year decrease our taxes. I commend the Village Manager and his staff for working diligently on the budget, and I look forward to voting for its passage.

Trustee Jennings: I would second that. I am glad we are able to reduce taxes again, and I think this budget is a prudent one. In the upcoming year we have some important things that we need to stay on top of. The changes to increase the budgeted funds for engineering studies for the waterfront and other projects is a very good move. The public input was very helpful. I appreciate those who made an effort to look at the budget and comment on it.

Trustee Apel: I am delighted that the budget is coming in a little lower. It is a new process for me, and a very extensive one. I was pleased that everybody participated and I am just as pleased with the outcome. I thank you for working so hard on it.

Mayor Kinnally: One of the elements of the budget is sales tax revenues, \$735,000. We have seen this to be a significant portion of our budget. Many people in the community and many people who have sat on this Board, including me, have been somewhat reluctant to embrace the sales tax because it can be difficult, falling harder on people of lower incomes. But it is a significant part of our budget, and it is not something that now, having become that significant part, can go away. When there are periodic assaults on the sales tax it hurts us. We have to be vigilant to ensure that this does not get eroded without a corresponding replacement by the legislature.

Neil, thank you for the budget. Our process results in a much more educated electorate, informed on the money for running a village like this and the programs that we try to present and expand on. This is just the operating budget. We will be dealing over the next few months with issues having to do with capital projects, and there are significant ones this year.

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

RESOLVED: that the Mayor and Board of Trustees adopt the 2001 - 2002 Village Budget as follows:

APPROPRIATIONS

General Fund	\$8,077,250
Pool Fund	228,450
Library Fund	461,750
Draper Fund	<u>29,500</u>
	\$8,796,950

REVENUES

Property Tax	\$5,171,984
State Aid	405,500
Sales Tax	735,000
Surplus	481,416
Other	<u>2,003,050</u>
	\$8,796,950

And be it further

RESOLVED: that the property tax rate be established at \$119.88 per thousand of assessed valuation.

ROLL CALL VOTE

AYE

NAY

Trustee Michael Holdstein

X

Trustee David Walrath

Absent

Trustee Bruce Jennings	X
Trustee Marjorie Apel	X
Mayor Wm. Lee Kinnally, Jr.	X

35:00 CHANGE OF MEETING DATES

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel 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 May 8 and May 22, 2001, and to September 11 and September 25, 2001.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee David Walrath	Absent	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Mayor Wm. Lee Kinnally, Jr.	X	

36:00 SUMMER MEETING SCHEDULE

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

RESOLVED: that the Mayor and Board of Trustees hereby schedule the following summer Regular Meeting dates:

1. July 17, 2001
2. August 14, 2001

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee David Walrath	Absent	

Trustee Bruce Jennings	X
Trustee Marjorie Apel	X
Mayor Wm. Lee Kinnally, Jr.	X

37:01 GRANT APPLICATION JUSTICE COURT ASSISTANCE PROGRAM 2001

Village Manager Hess: There is a program in the state called the Justice Court Assistance Program. The next applications are due May 1. After review by the court, potential items to be funded (these are 100% grants), have a total cost of \$5,135.00.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the application for a 2001 Justice Court Assistance Program Grant for \$5,135.00.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee David Walrath	Absent	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Mayor Wm. Lee Kinnally, Jr.	X	

38:01 2001 FARMERS' MARKET

Mayor Kinnally: In the last two years we have had the Farmers' Market behind the Municipal Building. Our initial experience with the Market on Maple Avenue was less than satisfactory because of safety problems with cars and pedestrians. The recommendation is to use the parking lot behind the Municipal Building again this year.

Sue Smith, 26 Lefurgy Avenue: The Market, as a number of you know because a number of you shop there, has been very well received by the community and people are very eager to see it again. A letter was received today, and I have heard similar things from other neighbors, that parking is a problem for the people who live immediately in this area. That is probably true for any event that goes on anywhere in Hastings. I realize this is an inconvenience every good-weather Saturday from June through October for the people here,

as well as for the police because they have to park elsewhere. We are appreciative that they have all borne with it for the last two years.

We have looked at alternate sites, and this comes out to be the best one. It has a very nice relationship with the library. They feel they benefit and we feel we benefit in terms of drawing people who might not come to one or the other if we were not in the same place. It is also a good size for us. It is removed from traffic and is a very safe feeling place for families and a nice place for people to linger. The river view is a bonus.

We are fortunate to have this space and again we request to use it. Some people have suggested using the commuter parking lot. To remind you why that has not been used, it is a big, flat space, but it is away from the Village. The reason to have the Market is to attract people to Hastings. If they come to Zinsser commuter lot, they are going to go there and drive away; they are not going to be involved in the community. There certainly is interaction between the stores downtown and the Market. Heidi in Animazing Gallery says that she clears a space by the door for people to put their grocery bags down when they come in on Saturdays.

Village Manager Hess: There were two women at the Downtown Partnership meeting from Dobbs Ferry who mentioned that they had never shopped in our downtown until the Farmers' Market, and had discovered several stores and now regularly shop here.

Ms. Smith: It is a drawing card. People worked last year and will continue to work hard this year to enlarge the circle of people so we get not only the people who would be here all the time anyway. The traffic is a fairly fast turnover kind of traffic. So in terms of relief, I am not sure how to deal with the problems in the neighborhood other than people knowing that Saturday morning is a time either to hang onto their spots or to come up with things a little farther away. Up Maple there often are spaces available, but there may not be spaces right in front of where people want them.

Mayor Kinnally: We might be able to encourage people to look south and park down beyond the library on Southside.

Ms. Smith: We do advertise that because parking is free in the Con Ed lot. There are always spaces there as well as in Zinsser. Most of the volunteers park down at least in the Con Ed lot because you can stay as long as you want without having a meter run out.

Trustee Holdstein: I am not convinced that it should not be in the commuter lot. We are always looking for the easiest and most convenient, and we discourage any kind of walking.

To walk from the commuter lot to the library is not an unbearable walk. We have often talked about trying to encourage people to park in the commuter lot to shop on Saturdays. Yet now we are doing the complete opposite and saying by doing it there we are discouraging people from using the Village. I seem to recall that we did some surveys and people were not necessarily going from the Farmers' Market to spending more money in the Village. I think that we ought to consider that space. It is larger and allows for more merchants if there are more available that would want to sell their wares.

Ms. Smith: In fact, people do not park there to shop in the Village; they do not do it, and they are not going to do it. So the Market becomes an isolated event that could be happening anywhere, disconnected to the community.

Trustee Holdstein: That is true, but from the surveys that were done, that seems to be the way people are treating it. There are obviously exceptions. Maple is a tough street, and it is one of those areas that, as this letter points out, gets burdened by commuters who park there, and now they get burdened on Saturdays. I do not see why that market wouldn't flourish in that other location.

Trustee Apel: I wonder how many people have been discouraged from coming to the Farmers' Market because of where it is now, and say that there is no place to park, so they are not going to be bothered to go.

Ms. Smith: You never know who did not come. There is no way to find that out. But we have not had a complaint about that. But we feel that the Market is active and has been thriving, so parking is not turning so many people off that we are dwindling away.

Trustee Apel: We have had some flea markets at the parking facility. It was wonderful because you could park and walk around and there was a lot of space. I would wonder if the Market was down there and if they are interested in shopping, they are still going to walk up or drive.

Mayor Kinnally: I do not think they are going to walk up.

Mayor Kinnally: We looked at several sites: Maple Avenue, behind here, the Bank of New York, closing off another street in the area. I am not saying one is better than the other. Certainly, there is more parking down at the train station. There is absolutely no shade at the train station. Here, at least in the morning, you get shade.

Trustee Holdstein: If you tucked it further in towards the bridge you get some shade.

Ms. Smith: Then it is not seen at all. Part of it is people seeing the Market.

Trustee Walrath: We could give it a lot more publicity.

Mayor Kinnally: If you tuck it underneath the bridge you are never going to have people walking up to the Village. There is no way people are going to walk that entire length from the bridge back out to Southside and then up Southside to Maple, up Spring Street, and shop, and then come all the way down here.

Trustee Walrath: Maybe we should open the path that is now denied us through the Cropsey Museum.

Mayor Kinnally: Well, that is not going to be denied us.

Trustee Holdstein: But with all due respect, Sue, I do not know that the visibility behind this building is so much greater than the visibility down there.

Ms. Smith: Here, you have a sign that tells you it is right here at this spot..

Trustee Holdstein: But you could run a series of signs down here.

Ms. Smith: It could be done.

Trustee Apel: Besides this one letter, has anyone asked the neighbors in the area if they have had the same experience with parking?

Ms. Smith: I know of one other who is frustrated by it.

Trustee Apel: You might want to speak to the people that live here and ask them how they feel about it. It is their neighborhood.

Mayor Kinnally: I think everyone will say that there is not enough parking, period.

Mayor Kinnally: Even on the weekends it serves the commercial district. We encourage the merchants and their employees to park here rather than in Steinschneider or Boulanger.

Trustee Holdstein: Which further makes the argument that parking space is provided at the commuter lot. A lot of the argument, especially in the hot summertime, was that people who were buying fresh vegetables and pies would not want to walk around with that for an hour

doing their other shopping. They are going to take it home and refrigerate it. It seems to me that people would drive to the commuter lot and either head back home and then come back into town and do the rest of their errands or, in fact, drive up and continue on with their errands.

Ms. Smith: Some people do their errands first, and then they do the Market.

Village Manager Hess: I do the Farmers' Market quite a bit. Normally I do whatever I have to do in the Village first, and do the Farmers' Market last. When I lived next door I used to come over to the Farmers' Market first thing in the morning because by the time I get here now a lot of things are gone. I would pick up things, take them home, and go to the Village.

Ms. Smith: We have to remind ourselves of the purpose of the Farmers' Market: to bring people to downtown Hastings. The Market seemed like a good idea, but the point was to make a reason for people to come to Hastings, discover the stores, and use our community. And to put Hastings on the map beyond the people who live here. I think it has helped do that. It is not a huge, overwhelming success. It is not like Nyack is for antiques, but we could not deal with that. It has been successful for what it is. Volunteers run it and give a lot of time to it; frankly, if it is a stand-alone Farmers' Market, I am not sure how many of us would stick with it. But that is not a reason to do it or not do it. It is still great to have a Market, and lots of people love it and would still be very supportive of it. But it does not accomplish that other purpose, I think.

Trustee Holdstein: I respectfully disagree.

Mayor Kinnally: If the social aspect of it was not a purpose in the beginning, it has evolved into it. And you see people from outside the community. It is a meeting area. That is not to say it cannot be moved from one site to the other. But here the area is defined. It is bounded by the buildings and the river, so it is one particular locale. I do not know if you will have that same intimacy at the other spot.

Ms. Smith: I do not think you would. You also do not have grass. Here, people sit on the benches, kids play around on the grass.

Mayor Kinnally: I am sympathetic to the parking problem, and there may be a way of managing it.

Trustee Apel: Will the library renovations come into play?

Ms. Smith: They will start in September, possibly October. By then, we have lost a few vendors so we do not need quite as much space. If there was a construction trailer and that sort of stuff here, we could still survive. But we are in discussions with the library.

Trustee Walrath: At a previous time we talked about the use of a bus, which we have. If we can come up with somebody who would run it up to the downtown on a regular round-and-around, we might be able to have it both ways. If it were available people who drove their cars down to that location might come back up and go to the library, and then go into town. As far as the parking, I would suggest that we look at the reaction of the library patrons to having this parking lot denied to them on Saturday when the library gets a lot of use. I am with Trustee Holdstein; I would like to see more out-of-the-box thinking and see if we cannot have a win-win situation that would better the Market. I do not want to see it hampered in any way, but I am hoping that we could both be better off down there and better off up here with what is up here.

Ms. Smith: The bus idea has come up over the years. I was involved with having a senior bus that would make stops at various places in town. This has got to be 20-some years ago. Even senior citizens want to go when they want to go. We are all very spoiled by having our own transportation. We do not want to wait for the bus. It just was not taken. We tried it for six months and it was hardly used.

Trustee Walrath: If it just went up, across the Warburton bridge, and back down Washington on a three- or four-minute cycle, it might be very different from the senior bus line over a much larger location.

Trustee Holdstein: Do you have vendors who are anxious to participate but we have a limit because of the space? If we moved it down there, would it increase the number of vendors?

Ms. Smith: We have tried to expand the kinds of products that we have. It is not a big enough region to have a huge market like Union Square. But it is hard to expand the varieties of things. We have a little expansion of merchandise this year, but not totally new vendors. We are about to capacity in not just the space but the variety of products.

Trustee Holdstein: Yet Neil mentioned earlier, and I have heard from others, that if you are not down there early some categories are often sold out, so if you had more vendors...

Ms. Smith: There's not enough business to justify their coming. Some things sell out early, like strawberries, but there is not enough total business to carry a farmer through the day.

Village Manager Hess: If I implied that they were totally sold out, that is not what I meant.

Trustee Jennings: In the spirit of trying to have it both ways, if the main problem is congestion, we might consider restricting parking in a certain area in front of the entrance to the Market and, in effect, force people to park further down one way or the other. Have we tried having the Market out on the street? Let people park in this lot and have the vegetables down in front.

Mayor Kinnally: That is what we did originally. Because of the need to have the traffic circulate on Maple, it was a problem.

Village Manager Hess: It was difficult because there was only one lane, and the Market expanded to the point with so many children around that they requested to close off this end of Maple Avenue. You would have no circulation, and it would still remove parking. Also, we do restrict parking in front of this building: police vehicles only, and library. What the neighbors have objected to is that if they take their car out of a space on Maple Avenue, then come back at 12, they have a difficult time finding a space. If they come back after 2 o'clock, normally everything is opened up by then.

Trustee Holdstein: It could be just a byproduct of employees and all of us choosing to park down there even without the Market. So the flip side is that any public space in certain areas can be a problem at certain times of the day because of certain circumstances. Now we are arguing the other side of it. That same person could have the same complaint in December.

Village Planner Walker: I second what Sue has told you about this location and the importance of it. It has a sense of place for Hastings. The combination of the view, the Municipal Building, the library, and the proximity to the downtown, is the closest we can come in our downtown to a village square. It would be nice to be right in the center of the downtown, but we cannot because we do not have any open space.

It is hard to quantify the connection to the downtown. But there is a sense of a social scene. People come with their families and spend the whole morning. Mom will be in the library with the kids and dad will be out shopping. You will go into the downtown, you will come back. So it becomes this focal point for the whole downtown. Nobody is able to quantify whether people are buying things all over the downtown, but it does feel like a magnet. I have spoken to people who live on Maple Avenue who love the Market. Granted, it is a problem for those who live across the street, but I know a woman who lives right across the street who loves the market where it is, and she is pleased that it is across the street from her.

Trustee Holdstein: Does she own a car?

Village Planner Walker: Actually, no, she does not own a car. But she has a lot of visitors who come on the weekends with cars. But she has no driveway and she has no garage.

The other consideration is the library. A lot of people love the fact that it is right next to the library and they can go back and forth. The librarian has told us they love the proximity because it seems to bring a lot more people to the library on Saturday.

Trustee Apel: What would you recommend to alleviate the parking for these people?

Village Planner Walker: I do not know if it is legal to block off more spaces. We might run into problems if we try to have parking stickers for people who live on Maple Avenue. But maybe we can encourage people who frequent the Market to park on Southside. It might even be worth a try to run a shuttle to the Zinsser parking lot, and have people park down there and bring them up to the Market.

Trustee Walrath: Either way, we need some mitigation. To encourage parking down there in every way we can, if the Market is up here, would also bring the people up here. Their car would be there, and they could get a bus ride up, walk back, and also get into town and picked up somewhere, and back to their car if they went off somewhere. The shuttle is a very key thing.

Mayor Kinnally: You are right. But our experience with the shuttle is less than encouraging. We tried it a number of years ago on Saturday mornings and over the Christmas holiday, from the commuter lot into the Village and to the A&P, and nobody used it.

Trustee Apel: Maybe people are not aware of it. Is it not fun to get on a trolley? It does not have to be a closed bus. It could be a fun thing. I was in a city where they paint the bus some wild color, and you can hop on. And everybody knows that is what it is doing. So it advertises itself, and it is fun, and people want to get on it.

Trustee Holdstein: Do the farmers come up and leave their trucks in the lot, or do they drop their stuff off on tables and take their trucks elsewhere?

Ms. Smith: You have not been coming to the Market.

Trustee Holdstein: No, I have not. Guilty as charged.

Ms. Smith: They leave the trucks up here because they work out of the trucks which are parked behind them. Some of the product is in the trucks. They have tables and tents, and they bring things off of the trucks.

Trustee Holdstein: Meg, what percentage do you think come to the Market and buy what they want to buy, versus this idea that there is a lot of back and forth with the library. My sense is, (I now recall that I had been there once or twice), people come, get their things, and go on.

Village Planner Walker: One of the things that we have offered is a table with activities for kids. We find sometimes that the kids will be there for quite a while because their parents will be shopping or going in the library. I think this may be true of families with young kids; they tend to stick around because there is a lot to do. But it is certainly a bit of both. There are people who do their shopping and want to get it home as quickly as possible.

Trustee Holdstein: My gut sense is that 80% of it is people coming and leaving.

Village Planner Walker: In that case it would be good because then there would be higher turnover, and the parking spaces would free up.

Village Manager Hess: I think 80% is much too high for people who come here as a destination and then leave. Not what I have seen.

As a former neighbor and knowing a lot of neighbors down here, I would say a majority of them were in favor of the Farmers' Market. A lot of them had to find street parking because we did not have either garages or internal parking next door. You knew that if you left your space in the morning, come back after two o'clock, because that is when the spaces would be available again.

Ms. Smith: We are talking about 20 or 21 days of the year. Granted, that is the day when you have a problem finding a parking space. It is very frustrating. But it is not all year long, and it is not every day of the week.

Trustee Apel: We need information to know what we are talking about. We can all say it is great, it is working, it is wonderful, it is this or that. But how do we know this?

Village Planner Walker: We did a survey after the first year of Market customers about parking and products, and we also surveyed the merchants. It had only been around a year, so it probably was not a reasonable way to judge and make decisions. Now maybe it would

be good to do another survey. It is the most vocal merchants you hear complaining, but many of the merchants actually liked the Market a lot. They said they were beginning to see a link. But frequently the answer was it is too early to tell. We could do another survey this summer and come up with some better data.

Trustee Holdstein: Assuming there is parking provided for the apartments here, what about a questionnaire under the doors of the homes on Maple, the right side of the street where there are private homes. If there is a two-family, one in each mailbox.

Village Manager Hess: I think the apartments ought to be included, too. They are neighbors.

Mayor Kinnally: I think both sides of the street because there are houses on this side of the street. We have to make a decision pretty quickly. Is the sense of the Board that they want to get more information before we move ahead?

Trustee Holdstein: That would be my sense. I would like to table this for a week or two.

Mayor Kinnally: I get a sense that some people wanted to rethink the entire concept, whether or not it was affecting the merchants. I think we are beyond that at this point. My assumption is that we want the Farmers' Market in the Village.

Trustee Holdstein: I definitely want to see the Market. I am only concerned about having the right place.

Mayor Kinnally: We are just talking about location?

Trustee Apel: Location, and traffic. That is how I am concerned.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, Resolution 38:01 Farmers' Market was tabled.

Ms. Smith: Could you clarify for me what information? We are going to go to the neighbors on Maple Avenue, and are we going to ask them "Do you have a problem with parking?"

Mayor Kinnally: Try to gauge the impact of the Market on the parking in the area.

Trustee Jennings: We have two different kinds of decisions that could be taken sequentially rather than at the same time. The one issue is whether we will have the Farmers' Market

again this summer in the parking lot. The second issue is how are we going to regulate the parking, facilitate people getting up, having a jitney. I cannot imagine that we will find anything from the survey of residents on Maple that will lead us to say we will not want the Farmers' Market in the parking lot of the Municipal Building, although we might learn things that would guide us in how we regulate the traffic and parking on Saturday mornings.

Given the exigencies of the timing, I suggest that we consider the two things separately. Say something tonight about the parking lot. I assume we will say yes. Do a survey. And then figure out how we are going to mitigate, and handle, the Saturday morning traffic congestion.

Trustee Walrath: That is such a good suggestion I would like to reconsider our tabling.

Mayor Kinnally: But it is not a question of traffic management. The traffic moves. It is just parking. I do not like to put things off, but I wonder if there are other mitigations we are going to get out of a survey. We encourage people from the commercial area to park in this area. We encourage people to park down on Southside and in the free commuter lots. I do not know what else we could do. We cannot come up with more parking spaces other than moving the venue.

Trustee Jennings: If we are precluded by law from facilitating the parking of the homeowners who live there, it comes down to the question of whether we are going to site the Farmers' Market based on the inconvenience of the people who live in the neighborhood. We are simply paddling water by waiting for a survey. What is a survey going to tell us that we do not already know?

Trustee Holdstein: Your initial assertion is that we have already decided we are going to have it here, but we are going to do a survey on solutions or mitigating for the future. That is not what my thinking was. What if we do that survey and 200 of them go out and you get 150 responses, 140 of which say this is an absolute nightmare every Saturday. The issue is do we put it here or do we put it in the commuter lot. There is real reason for getting survey responses. It is not a foregone conclusion that we are putting it here. One-fifth of the Board is questioning whether it belongs there or belongs in the commuter lot. I do not have an opinion one way or the other, but I would like to look at it for another week.

Trustee Jennings: I heard a number of counter-arguments about why putting it in the commuter lot might be undesirable and lead to the demise of the Market. This is certainly a perfect discussion to have. But I am troubled that we are going to make a decision like this that affects the entire Village based on a survey of the immediate neighbors. That is not a good way to make public policy. If we are going to survey somebody, we ought to survey

the whole Village or at least those who use the Market, and not do it based on the inconvenience of the neighborhood. Too often we feel paralyzed in doing something that is, arguably, for the good of the entire Village because of the objections of the immediate neighbors. That is not a good pattern for us to make decisions. We are falling into that trap again.

Mayor Kinnally: I am not saying that the Board would be bound by any survey because ultimately you have to make a decision based upon what you think is best for the Village. You are right. I do not discount the concerns of the people in the local area in parking. We can go into any residential or business neighborhood and hear that.

Trustee Holdstein: We have precedents for making decisions like that: the Uniontown ball field and the Uniontown rezoning. Again, it is for the whole Village, you are correct. But in those two cases we addressed situations that had to do with the impact on those most closely affected.

Mayor Kinnally: I would hope that the members of this Board do not count noses when they make a decision. Even if a survey is 100% one way, that does not mean we are bound not to take our common sense and good judgment into consideration in reaching a decision. If the Board feels they need more information to make a decision tonight, it is a legitimate reason to get more information. That is not the same thing as saying that we are only going to make the decision based upon the information that we get.

Trustee Holdstein: Should we be defining the information that we want to get?

Mayor Kinnally: We have defined it. We want to find out the impact and the complaints about parking. If there is no impact, or if the complaints are diminimus, then we put that into our decision-making.

Trustee Apel: While they are doing the survey, we can use the time to discuss the concept of a shuttle bus, or another place to park, or how to encourage people to park someplace else. Tarrytown had resident parking only on Hamilton Place. How did they do that?

Village Planner Walker: They had to get a state law passed allowing them specifically to have that parking. They said as soon as they did it one street, then the next street wanted it, and then the next.

Deputy Village Attorney Stecich: It can be done, but it has its prices. And it certainly cannot be done quickly.

Village Manager Hess: Speaking on behalf of the Downtown Partnership, we endorsed the Farmers' Market at the Municipal Building, and we have been aware of the parking situation.

VILLAGE MANAGER'S REPORT

Village Manager Hess: We received some very good news of a grant from New York State Parks for the acquisition of the Graham School property, almost 15 acres adjacent to the Rowley's Trail and connecting our other river bluffs land. So we will go all the way south down to the property of Riverview Catering almost at the Yonkers border. We also were awarded additional funding of \$25,000 through the Community Development Block Grant program on a project that was originally rejected in our grant applications, for Riverview Park. The Mayor has received a letter from the New York State Department of Criminal Justice Services awarding us \$18,000 for police vehicle video equipment. In the last month grants have totaled over \$370,000.

We are doing work at Waterfront Park in conjunction with Harvest on Hudson. They are, at their expense, putting in new drainage and topsoil at the park, regrading, and putting in additional riprap.

Based on projects approved by the Board under the current fiscal year, under Capital For Playground Improvements, which were included as part of our major bond, we will go out to bid for playground equipment at Waterfront Park, Zinsser Park, and Riverview, since we have the additional funding from the county. At Riverview Park, we have some handicapped accessible issues to be addressed due to the grade.

The Skate Park, which opened on April 2, has about 125 registered members. It has been extremely popular with ages from 8 to 45.

Next week we have a public hearing on the potential condemnation of Marinello Cove. It is important that we get as many people here as possible to express their desire relative to that acquisition.

Mayor Kinnally: It was good to have the governor here to announce the grant. We lobbied him for Marinello Cove. We should put whatever applications we can in, because the governor indicated that he saw how it fit into everything. We explained the connection with MacEachron Waterfront Park, the boardwalk behind the Tennis Club, and the trailways. We are ahead of most communities in planning, implementation, and maintenance of the trailways. We have it north-south and east-west, so we are putting together all the pieces.

Meg Walker, who is here with her hat on as the volunteer with the Farmers' Market, also wears the hat of our Village Planning Consultant, and she is to be congratulated. She put together the grant application for what we got last week. Meg, thank you. I come down late at night sometimes, and I have to throw her out of the building. We had the dedication of the Rowley's Trailway two Saturdays ago, and it was wonderful to see the number of volunteers who helped out. What we are going to acquire with the grant brings us all the way east underneath Rowley's Bridge and up to the Aqueduct. It is marvelous for the Village.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We are going to try to set up a meeting with our counsel, ARCO's counsel, ARCO, and Erin Crotty, the commissioner of the DEC, to have some input into where they are on the process of reviewing the FS and the timetable for the PRAP. People are anxious to get together to make the process more understandable and move a bit quicker. It has bogged down somewhat, but I am encouraged that there is some progress being made.

2. Draft Local Law - Moratorium

Village Manager Hess: The Planning Board has made a recommendation to enact a temporary moratorium in the zones as specified in this draft law based on the Board authorizing us to send out RFP's to conduct a zoning study in the Central Commercial District, the Limited Commercial, and the Central Office District in the downtown area. Bob Lee, chair of the Planning Board's Downtown Committee, has been involved in this as part of the Vision Plan since day one, and the Planning Board unanimously endorsed this moratorium.

Deputy Village Attorney Stecich: In the first section, the purpose is to ensure that any future development in the downtown business district be consistent with the Vision Plan and the new zoning amendments that will be drafted to implement the Vision Plan. A second purpose is to make sure that the recommendations of the Ridge Street subcommittee also be implemented, and to freeze things until the zoning amendments are enacted.

The second section defines the areas that it applies to: Central Commercial (CC), Limited Commercial (LC), and Central Office (CO) Districts, Ridge Street, and Washington Avenue west of Warburton Avenue.

The third section on the limitations: it is a six-month moratorium. During that period, in those districts that I just defined, no application for a building permit, special use permit, site plan approval, subdivision approval, and variance involving the construction of new or expanded floor space shall be accepted or acted upon by the Board. The only exceptions are listed at the top of 3, where there is an application for a building permit where final site plan approval has already been granted and an application for a sign permit. Section 4 is a provision for a waiver. They would have to come before this board to consider a waiver. This board would refer the matter to the Planning Board.

There are a couple of issues that the Board should focus on. The first one is on Section 3 on the development limitations, more exactly on the exceptions. You should understand that this is a pretty restrictive moratorium. You cannot do anything. If it requires a building permit, you cannot do it. The original draft I gave to the Planning Board had another exception, and that exception was for an application involving the renovation or rehabilitation of an existing building or structure, provided that the application does not involve changing the use. The Planning Board specifically said that they did not want that.

Planning Board Member Bob Lee: I do not remember taking that seriously.

Mayor Kinnally: It seems to me that it handcuffs too many people by not having that in there.

Boardmember Lee: I accept it. I just do not remember doing it.

Deputy Village Attorney Stecich: In fact I had pause about not including that exception. Meg and Sue and I said, is this really what the Board said? Those are what my notes reflected. Sue checked the minutes of the meeting, and it was very clear. In fact, they even identified the paragraph that was to be eliminated and it was that. I think this board might try to focus on that.

Trustee Apel: Is there anything out there that has been approved?

Deputy Village Attorney Stecich: I do not think there is anything where there is a final site plan approval but they do not have a building permit.

Boardmember Lee: The probability is not very high because the Cuppek property on Ridge Street is the first thing built in 30 years downtown. That there would be three or four out there right now would be surprising.

Mayor Kinnally: I am thinking more of somebody who has a private home in the area and wants to put a dormer in or something like that. They would be precluded from doing that.

Boardmember Lee: Either I was sleeping during that portion of the meeting or I did not pick up the significance of it. I do not quite understand why it is in there, but the granting of waivers is very straightforward.

Deputy Village Attorney Stecich: The other issue is the Board of Trustees would grant the waiver. You could have the Planning Board do that if you wanted to. But it would be up to this board.

Village Manager Hess: The only negative of having it come before the Board of Trustees is you have to refer it back to the Planning Board anyway for a recommendation, then it has to come back to the Board of Trustees to set a hearing. It is going to take 60, 90 days for the process. It is a six-month moratorium; you might want to leave the waiver with the Planning Board.

Mayor Kinnally: I am happy to delegate it to the Planning Board.

Trustee Walrath: Give it to the Planning Board.

Village Manager Hess: Do you feel that six months is long enough to have the zoning study done and go through the process, have hearings and have potential zoning changes?

Boardmember Lee: It holds our planning consultant's feet to the fire, which is a good thing because things take a long time in this village. We may not have the details of the zoning worked out, but we will know by that time enough about where we are going to be able to deal with the issues that come up. And we also asked for an extension.

Deputy Village Attorney Stecich: That was one of the questions the Planning Board had. Generally, most moratorium laws are six months at a time. Let us say at the end of six months you only need two more months. You have a little more control that way. If, at the end of six months, it is clear it is going to be another six months then you could do another six months.

Boardmember Lee: We have held a number of public meetings already with the people who will be affected by this. It should not be a surprise to anybody.

Trustee Holdstein: If it is renewed you have to have another public hearing.

Deputy Village Attorney Stecich: Yes.

Trustee Holdstein: In the very first sentence: "The Board of Trustees of the Village of Hastings-on-Hudson, having just 'approved'..." Would that be equal to "adopt?"

Mayor Kinnally: My recollection is that the Village Board of Trustees "accepted" it. I do not believe we adopted it because we had SEQRA problems in adopting it.

Deputy Village Attorney Stecich: I took the language "approved" from the RFP for the zoning consultant. But we could change it to "accepted" which is neutral, and it makes the same point. You did accept it, whether it was approved or not. The main thing is that you are in the process of hiring a zoning consultant. At this point I do not think the language is that important. But I think maybe "accepted" would eliminate the suggestion that you adopted it. Does that work for you?

Trustee Walrath: There was a resolution that had specific wording.

Mayor Kinnally: We have to take a look at the minutes to resolve this. But I think everybody will agree that it is a document we have been using as part of our planning arsenal. It gives us more legitimacy with the state.

Deputy Village Attorney Stecich: Should I redraft it adding that additional exception to the moratorium?

Trustee Apel: No, I do not think you need it because it is covered under the waiver.

Mayor Kinnally: No, it is not.

Deputy Village Attorney Stecich: But a waiver is another process. Yes, you could get a waiver but then you have to go through a whole procedure. The exception is "...an application involving the renovation or rehabilitation of an existing building or structure, provided that the application does not involve a change in use."

Trustee Apel: I think there is a problem with that. It should be eliminated.

Boardmember Lee: The concern was that somebody might buy the gas station on Main Street, renovate it, refurbish it, and reopen it as an automotive use. That is something we do

not want. So that should stay in there. I think it is fair to send the waiver directly to the Planning Board, but that rule should stay in there.

Trustee Apel: No, eliminate it.

Boardmember Lee: Eliminate the exception.

Trustee Apel: That is why it was eliminated originally.

Trustee Holdstein: Why is that something that you do not want?

Trustee Apel: Because you do not know if you want a gas station.

Boardmember Lee: Because that is a terrible use for the center of downtown Hastings.

Mayor Kinnally: It would be a change of use, though.

Boardmember Lee: If it was left not as a gas station but as an automotive repair, using up the center of downtown Hastings as an automotive repair shop is not a best use for that property by a long stretch.

Village Manager Hess: It is a nonconforming use.

Deputy Village Attorney Stecich: Did it lapse, though?

Village Manager Hess: It is not being used as a gas station. It is being used for automotive repair only.

Mayor Kinnally: And parking.

Boardmember Lee: In general, automotive uses are moving out of the centers of downtowns. We have a couple here in Hastings that are maintained, and remaining, and that is fine. But we do not want to encourage one of the choicest pieces of property in downtown Hastings to remain out of the retail and/or other activities of downtown, as a gas station.

Mayor Kinnally: We are not adopting this tonight. I am saying that we should put this in for consideration for public hearing.

Trustee Apel: Why, if it was originally recommended that it not be in there?

Mayor Kinnally: It was originally recommended by counsel that it be put in, and then the Planning Board said, No, we should not have it. I think it gives us a little more flexibility.

Trustee Apel: I think it gives us less flexibility. The purpose of the moratorium is to have time to decide what we want in the area. If you put it in there, you are giving someone an opportunity to put something in that we may not have wanted after we had gone through the moratorium. I do not think we should be doing that.

Mayor Kinnally: You are right, but there is another consideration. And that is, we should not drive this legislation because of one piece of property in the community. There may be other people who would want to make a minor repair in their home or apartment that would necessitate a building permit. And it requires this cumbersome waiver procedure.

Trustee Apel: Yes, but the way that is written we do not know if it is going to be a "minor" thing that they are going to ask for. It is too general.

Mayor Kinnally: If we do not consider it at the public hearing, then we will never have the public's input on whether it should or should not be in there. I know what the Planning Board's recommendation is, and I know what your feeling is on it. But I would like to have as broad a forum to consider alternatives, and if we do not put it in there we cannot consider the alternatives. We are not saying this is the only version of the law that we can consider if we put that exception in there.

Village Manager Hess: Can the Board have a public hearing which considers two local laws, with the two versions?

Deputy Village Attorney Stecich: Yes, but if you put the exception in and there is somebody that says I do not have a problem with it because I would be able to put a dormer on my building, and they do not appear at the public hearing to object to it, and then you decide after the public hearing for other reasons to pull it out...

Village Manager Hess: ...and make it more restrictive, then you are going to have to have another public hearing.

Trustee Apel: So do not put it in to begin with. Is that what you are saying?

Village Manager Hess: I suggest two versions and have the public hearing on both local laws at the same time. Then the Board can decide on which they want.

Deputy Village Attorney Stecich: Or you could highlight it as an optional provision.

Village Manager Hess: As long as the law considered is the most restrictive, if you reduce a restriction then you do not have to have another public hearing. But you cannot make it more restrictive. So you should have the optional language.

Trustee Apel: What is wrong with having the moratorium provisions more restrictive?

Village Manager Hess: I am talking about process, not debating the issue, so you do not get hung up at a future date, and then have to set up another public hearing a month later.

Trustee Apel: I just do not think we need it. I do not know why we have to do it.

Trustee Holdstein: Should we be proposing this for eight or nine months to better cover getting the work done by the zoning consultant that needs to get done during the moratorium?

Village Planner Walker: At the end of six months we will have a better idea of how much more time we will need. I agree with Marianne that most of the time these are for six months.

Village Manager Hess: Your initial law can be six months. But you can have a provision that after a public hearing the Board could extend it for three month periods. That way you do not have to go through another local law and moratorium.

Deputy Village Attorney Stecich: Maybe you could. I have never done it that way. I have always done it this way, and have had several different municipalities challenged, and was always successful. I feel comfortable with the law the way it is now.

Village Manager Hess: That is fine.

Boardmember Lee: You want to get going, and you want to get it done as quickly as possible. This is a very important moratorium because there is a lot of significant activity going on.

Trustee Walrath: On the timing, it seems to run the six months from the time it is filed with the Department of State. What controls that?

Village Manager Hess: If the Board wishes to have a public hearing we would have that on May 8. The Board would consider it on May 22, and it would be filed within five days with the Secretary of State. It would be effective June 1.

Village Clerk Maggiotto: We have 20 days to file.

Village Manager Hess: Normally you send it out the next day.

Trustee Walrath: But we could add 20 days to it if you are worried about the consultant and the full six months. Just do not file it, because the clock starts when we file it, not when we pass it.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board of Trustees scheduled a Public Hearing for May 8, 2001 to consider the advisability of adopting a local law imposing a temporary moratorium on development in the Village's CC, LC, and CO Districts, and on Ridge Street and Washington Avenue west of Warburton.

YOUTH COUNCIL VAN REPLACEMENT

Village Manager Hess: Last night I received a memo from Bill Finkledey, based on discussions with the Youth Council and the Board during the budget review, regarding the van replacement, with specifications and pricing on a Chevrolet Suburban, which is a full-size SUV. It has the same seating capacity as the van, but it is larger. The total price in Bill's request is \$32,126. I removed one of the items in the options for a roof rack, which we can acquire and install, bringing the cost to \$31,588. I spoke to Jim Davis today from the Youth Council. He indicated that the Youth Council would contribute \$10,000 towards the purchase. The previous two vans have been purchased by the Youth Council and donated to the Village. If the Board decides in the affirmative with the request, the Village's share would be \$21,588. The funding for that would come from our current budget. The delivery on the vehicle is 140 days from the date of the order. The order has to be placed by April 20.

Trustee Holdstein: What is \$150 for a service manual?

Trustee Walrath: Do we repair those vehicles ourselves? Is that why we would want a service manual?

Village Manager Hess: We have service manuals for specific types of vehicles. We do not have one for a Suburban.

Trustee Holdstein: Will this van be used to take any out of town trips?

Village Manager Hess: Only for Youth Council-sponsored trips.

Trustee Jennings: I think it serves an important purpose in the Village, and the two-to-one match of public monies and donated funds strikes me as a reasonable balance. I am glad that the previous two vans were donated to the Village. That is good, but I think this arrangement is also quite reasonable.

There are times when in a snow emergency the vehicle you use is used by the police. This would have that kind of four-wheel drive capability. Could this be swapped into that emergency situation, if necessary?

Village Manager Hess: Yes.

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

RESOLVED: that the Mayor and Board of Trustees approve the acquisition of a van for \$31,588.00 as set forth in the Village Manager's memorandum of April 17, 2001 and attachments, with \$21,588.00 encumbered in the 2000-2001 budget and the balance coming from the Youth Council.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	X	
Trustee David Walrath	Absent	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Mayor Wm. Lee Kinnally, Jr.	X	

EXECUTIVE SESSION

On MOTION of Trustee Holdstein, 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 litigation update, land acquisition update, and personnel.

BOARD OF TRUSTEES/SCHOOL BOARD JOINT MEETING

Mayor Kinnally: We have to consider setting a date for a joint meeting with the School Board. We will be hosting it this time

Village Manager Hess: They will want to do it after the School Board elections, so it will be early June. We also have the joint meetings of all the boards relative to the library renovation and addition. Although they are not legally required to go before these boards, the Library Board is doing it as a courtesy. It will be one large joint meeting for the Planning Board, Zoning Board, Architectural Review Board, Conservation Commission, and Board of Trustees on May 15.

ADJOURNMENT

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:15 p.m.