

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 8, 2001

A Regular Meeting was held by the Board of Trustees on Tuesday, May 8, 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, Trustee Marjorie Apel, Village Manager Neil P. Hess, Village Attorney Ed Lammers, and Deputy Village Manager Susan Maggiotto

ABSENT: Trustee Bruce Jennings

CITIZENS: Twenty-four (24)

APPOINTMENTS

Mayor Kinnally: The first item of business is announcement of appointments of members to Boards and Commissions. These are appointed by the Village Manager with the advice and consent of the Board of Trustees:

Building Board (3 years)	Paul Kazura
Conservation Commission (2 years)	Lloyd Morgan
	Wayt Thomas
Board of Ethics (5 years)	Phyllis Frankel
	Michael McElroy
Parks & Recreation Commission (3 years)	Ellen Bush
	Kevin Dawkins
Planning Board (5 years)	William Smith
	Maurice Wasserman
	Rhoda Barr
	Abba Tor (alternate)
Youth Council (3 years)	Donna Hart
	Chris Shanky
Library Board (5 years)	Miriam Budin
Architectural Review Board (3 years)	Toby Mardis
Advisory Committee for Disabled (3 years)	David Parker

Mayor Kinnally: I thank everyone for volunteering to serve, and continuing to serve, our Village. They are the unsung heroes in this community because the work that is done by these Boards and Commissions moves the agenda in the Village forward.

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Public Hearing of April 5, 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 Special Meeting of April 5, 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 17, 2001 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 102-2000-01	\$ 17,329.80
Multi-Fund No. 105-2000-01	\$ 50,064.70
Multi-Fund No. 106-2000-01	\$ 38,335.18
Multi-Fund No. 108-2000-01	\$ 92,893.90

38:01 - 2001 FARMERS' MARKET

Mayor Kinnally: Notices were sent to the people on Maple Avenue and Southside soliciting their views on the parking situation that exists in general and, more specifically, in connection with the Farmers' Market. We are in receipt of letters from Susan E. Ebersole and John B. Bauman, from Kelly M. and Stephen P. Topilnnycky, and from Ed and Lorraine Usher. They will be made part of the record. We also are in receipt of memos from Sue Smith of the Farmers' Market and the Friends of the Hastings Public Library.

Village Manager Hess: Approximately 200 letters were hand delivered to residents on Maple and the surrounding area, and we received a total of three letters back.

Mayor Kinnally: Trustee Jennings is not here this evening, but I will share with the Board that Trustee Jennings thought it might be wise to look into alternatives to the parking and another site for the Farmers' Market for future years, but to continue with the use of the Municipal Building parking lot for 2001.

Trustee Holdstein: I am somewhat disheartened that we reached out to 200 people and got three responses. I was concerned that there was an overwhelming problem. It does not appear that people on Maple are overly upset with the parking conditions, but it is an issue I do not want to ignore, just because only three people wrote. I agree with Trustee Jennings that we need to look at other alternatives. I would be in favor for this summer of keeping it, but as we go through the summer we ought to continue with dialogue, observation, and communication with the residents in the area, and survey the people attending the market. I do not want to minimize three people who wrote with legitimate concerns and suggestions.

Trustee Walrath: I very much concur with Trustee Jennings and Trustees Holdstein. We have not yet tried mitigating the impacts of the Market on the local residents, and there are things we talked about. I came across one more I would like to have further investigated: a limited permit parking for residents on the street as is done on Garth Road in Scarsdale. Also we could try on an experimental basis to provide a jitney to make it easier for people to use the commuter lot. Let the local residents have a shot at parking near their houses, and let the people who come to the Farmers' Market park a little further away.

Trustee Apel: I agree with Trustees Walrath and Holdstein. I would like to expand the survey to include the rest of the residents of the Village because I am still concerned about those people that will not come to the Market because they think there is no place to park.

Mayor Kinnally: I do not minimize the concerns expressed by the residents for the problems with parking. We will ask counsel to take a look at the special permit. But that is also fraught with problems; every neighborhood is going to say we have special problems, we want special permits.

Village Planner Walker: I am here as a representative of the Farmers' Market; Mary Whiting is here as well from the committee and Sue Smith is out of town. We would be very grateful to keep it in the municipal parking lot this summer. We will work very hard to educate the Farmers' Market shoppers about parking elsewhere: in the Con Ed lot; in the Zinsser commuter lot; and down Southside as opposed to on Maple. If we do a little education campaign of handing out fliers and talking to people about it, maybe that will help.

Thom Forbes, 4 Ridgedell Avenue: I am here as a member of the Library Board of Trustees and also representing the Director and the Friends in saying that we find the Farmers' Market to be mutually beneficial to the library. We would like to see it stay there this summer. We appreciate the concerns of the residents. In fact, as a resident of Ridgedell I sometimes get the spillover of the parking on Saturdays. But it is tolerable. We strongly

support the Farmers' Market. It has been very beneficial; half of the Friends' contributions for the year comes from the sale of books on Saturday, due to the Farmers' Market.

Trustee Holdstein: To expand on what Marge has suggested, develop a simple questionnaire that could be circulated at the Farmers' Market and segregate those responses, and at the same time on a given Saturday, have a table outside the diner or at the VFW for people not going down there. We could analyze the data and broaden our perspective of users and non-users.

Trustee Apel: It would be helpful to gather the information in the summer and discuss it in September or October and not wait until the last minute.

Mayor Kinnally: In the past we have a wrap-up for the season: an overview of how successful the Market was, what the bumps in the road were, etc.

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

RESOLVED: that the Mayor and Board of Trustees approve the use of the Municipal Building parking lot for the 2001 Farmers' Market on Saturdays beginning June 16, 2001.

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

39:01 - INVEST IN KIDS PROGRAM CONTRACT

Village Manager Hess: This is our sixth year of receiving funding through the county for the Invest in Kids program. It would provide \$25,000 towards our cost of the Youth Advocate program for addressing counseling of low income youth in our community, adolescent problems, and youth at risk through our social-emotional learning program with the school.

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

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

40:01 - PUBLIC HEARING AFFORDABLE HOUSING SET-ASIDE

Village Manager Hess: You have been provided tonight with a third draft of the legislation for an affordable housing set-aside. This is based on a recommendation from the Affordable Housing Committee and the Planning Board. We are looking for a call for a public hearing to consider this local law.

Trustee Holdstein: Each of these three drafts in Section B, 1-A has a question mark: "...certify to the satisfaction of the Village Board [question mark], Affordable Housing Committee..." Will counsel decide which it is, or is this at our discretion?

Village Attorney Lammers: I will check with Counsel Stecich, but I believe it is up to the Board's discretion to make that choice. That is one of the things you will decide after the Public Hearing, or during the Public Hearing.

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 hereby schedule a Public Hearing for Tuesday, May 22, 2001 at 8:00 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law No. 3 "Providing for Affordable Housing Set-Aside in Residential Developments Containing More than Ten Dwelling Units."

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: The Southside project: the concrete and the lights were completed today. We will have a final inspection of the entire project next week.

The Board of Trustees will have a public hearing May 15 relative to the library renovations and addition. Any structure or building constructed in the PR District has to be approved by the Board of Trustees after public hearing. It will also serve as a joint meeting with the Planning Board, Zoning Board of Appeals, Conservation Commission, Architectural Review Board, and Parks and Recreation Commission for site plan and view preservation review. It is not a legal requirement that the Library Board do this, but we are doing it on a coordinated basis so everyone will have input into the proposed development of the library addition.

The residents of the Village are receiving telephone calls from a group purporting to be the New York State Police Chief Benevolent Association asking for donations. We are in no way affiliated with this group. The New York State Police Chiefs is not affiliated with this group. We neither endorse, nor suggest, that people make any kind of pledge over the phone.

There was a report in today's *Journal News* about the county wide sales tax. The total receipts were down, which was expected for the quarter, but ours were down an additional four percent because they based it on the 2000 census data, which showed a decrease of 400-plus in our population. Raf has been working with the U.S. Department of Commerce to challenge our census numbers. I think there will be a review period June 30 through September 30 on these numbers, so I was surprised they used uncertified numbers for the distribution. If we can get a change in our census numbers, I do not know how the county is going to deal with having to reimburse municipalities. This represents a loss now of \$29,000 over the entire year.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We have arranged for a meeting with the DEC, ARCO, ARCO's counsel, Sandy Stash, the Village Manager, me, and our environmental counsel for May 18 in Garrison. Some of the findings will be reviewed with us, and there will be discussion of a timetable and perhaps an outline of a PRAP. We have scheduled a meeting May 10 with our environmental counsel to review the Riverkeeper's lawsuit; the outline for the meeting on the 18th; and the procedures that the Board will have to follow with the Andrus application.

I have received correspondence from two of the owners of Marinello Cove asking us to forward any information that we receive, or any action we take, in connection with Marinello Cove. Tonight is the close of the public comment period on our findings and we will be putting together our report. Neil, do you know what the timetable is?

Village Manager Hess: We will put together a package with any additional comments and the hearing minutes and will provide that to the Board, and will get direction from counsel on when we should review and adopt findings.

2. Tree Preservation Guidelines Revisions

Mayor Kinnally: We are in receipt of communication from the chair of the Conservation Commission asking us to revisit the tree ordinance. They have lived with it for awhile, and they feel there are certain provisions that should be readdressed.

Village Manager Hess: This would not be a local law. Within the provision of the tree ordinance, the Board of Trustees promulgates guidelines. These are the guidelines we have been operating under, although not formally addressed or adopted by the Board. They were worked out jointly between the Board of Trustees and the Conservation Commission.

Pete Wolf, Chair, Conservation Commission: We were trying to complete a loophole. The tree preservation law provided that guidelines would be promulgated. What we have done here is to promulgate those guidelines for approval of the Board of Trustees. The new thing is the writing down of what is involved in terms of replacement of trees, how the formula would be enacted; also, it codifies a concept of off-site mitigation. For example, on Villard all the trees were planted at the same time and they are all going to go at the same time, which is in the relatively near future. If a developer came in, and we used this off-site mitigation, we could start putting trees in between two that were about to go.

Village Manager Hess: Mitigation was done with the Kera subdivision on Ravensdale, where he removed trees that were not authorized by the Planning Board, and he was required to do off-site planting in Draper Park under the supervision of the Conservation Commission.

Mr. Wolf: What is important about the guidelines is that you have a written set of expectations, so that somebody knows ahead of time what is in store if they are going to take out trees that are not according to the approved site plan. This will hopefully keep them from not doing it, but if they do it, at least there can be a concomitant benefit for the Village.

Trustee Walrath: "Total basal area," I do not know what that means. I would rather see the wording to be related to what it really is, which is the total cross-sectional area of the trees, with the diameter that they are actually furnished at, minimum 2 inches.

Mr. Wolf: Correct. There is also provision in there for maintenance. The person has to guarantee that the tree will survive. The formula was derived from taking one-half of the formula that is used in New York City, which has a total basal area replacement. We thought that was somewhat unrealistic for Hastings, and we took half.

Trustee Holdstein: Why was Mr. Kera not required to replant trees where he had illegally removed them?

Mr. Wolf: Once you remove a large, mature tree the choice is either putting 20 very small trees next to each other, which makes no sense, or letting him off by having him put in one or two. What we were trying to do is to achieve for the Village the same amount or, actually, half the basal area, of the trees that he took down in violation of what was permitted in the site plan.

Trustee Holdstein: We should not walk away from the idea of making these property owners, if they are in violation, replant at that site and take the excess and put them in Draper or Zinsser or in the Village. Could we re-word it to require that plantings be replaced where they are removed on the site?

Village Manager Hess: That is a determination made by the Tree Board. They make a recommendation back to the Planning Board, and in the mitigation, say there were 20 trees to be put in: 4 could go back on the site, 16 can go on another site.

Mr. Wolf: That is actually what this says.

Village Manager Hess: It was not a clear cutting. There were trees identified to be saved. A number were, but he took down several trees that were not supposed to come down. We refused to give him certificates of occupancy on those properties until he agreed to a mitigation as promulgated by the tree board, or Conservation Commission, and approved by the Planning Board.

Trustee Walrath: Where this one-half rule might apply to predetermined trees that need to come down and approval is given, if somebody cuts down things he was not supposed to then I would go back up to the one instead of the one-half. You are not penalizing him any more than you would if he had done this underhandedly.

Trustee Holdstein: Good point.

Mr. Wolf: My initial reaction is that it is a good idea. We can redraft it.

Village Manager Hess: Even state law—and we were the first ones to prosecute it, and got treble damages on trees that were removed at Hillside—recognizes that it could be three times the size of the tree because they allow treble damages.

Mr. Wolf: The way it is set up now, we are always sitting there with the enforcement issue. We are presuming that the Building Inspector would be able to enforce this.

Mayor Kinnally: That would be my assumption, too. Has this been passed by the Planning Board?

Village Manager Hess: I forwarded this to the Building Inspector and the Planning Board for review and comments.

Village Manager Hess: If we have a redraft, then I could forward that to everybody and we can set it up for a future meeting.

Trustee Holdstein: Do our laws regarding removal of trees govern on school property? There has been a bit of tree removal on the northern end of Reynolds Field.

Jacques Padawer: The problem started when they re-sodded the field and piled up all the sod they took off against the base of those big trees. Our committee spoke to the school people and told them that this was going to kill the tree in a matter of very few years, and that they ought to remove it. They never did, even though we talked to them more than once. The result was that the tree became so weakened that last December it came down. In order

to get to it, they had to open a piece of the fence and cut the limbs off several other trees to bring in the equipment. So it is a case of one misdeed leading to another.

Village Manager Hess: We will take a look at the Code and see. We can speak to George Foster about the situation over there.

3. Proposed Zoning Amendments (Andrus)

Mayor Kinnally: We are in receipt of the recommendation of the Planning Board and the Finding Statement pursuant to the State Environmental Quality Review Act for the proposed zoning amendments pertaining to continuing care retirement communities. We are meeting with counsel on Thursday to review the procedures, the application, and what future activities and actions will be taken by the Board of Trustees.

I have indicated that the Board would not substantively be dealing with the application this evening, but we would discuss timing and setting a public hearing. We have to give at least 10 days written notice of a public hearing, and the public hearing has to be held within a reasonable period of time.

[The Board discussed dates for the public hearing.]

Mayor Kinnally: I had expressed to Andrus some skepticism as to our ability to be able to wrap this thing up at the end of June, but I am not ruling it out. This Board generally does not handle matters of this import over the summer because people go away, and we like to have full participation. The May calendar is very crowded; I would like to do it as early as we can in June, at least to give a start to it. It is going to be tight, but I do not see any reason to rush and to sacrifice what we need to do. Nor do I see any reason to drag it out for the same reason. Whatever decision is made here, I want the process to be a fair one.

There is a question as to whether the Board will be sitting with four or five members. That will have some impact on how things proceed. Trustee Jennings has a possible recusal problem because of a relationship with Beth Abraham, a professional relationship having nothing to do with the application before us. That matter will be resolved before we go forward.

[The Board further discussed public hearing dates.]

Village Manager Hess: I suggest you may want to set two hearing dates. You can always cancel the second hearing if you do not need it, or if it is not necessary to have it.

John Kirkpatrick, Kirkpatrick & Silverberg: I think it is an excellent idea to set two dates. I am sure there are quite a few people who would like to speak. We would love to have the opportunity to say a few words without filling up the evening. The earlier the better, of course, but I heard what you said about May.

Leslie Chervokas, 165 High Street: It is hard to poll all the members of the public who would want to appear at the hearing. We are concerned that you would have enough time to peruse the documents that are relevant in that amount of time.

Mayor Kinnally: The Board members can decide that for themselves. There is always a concern of time, but we will be able to plow through whatever we need.

Lorraine Harner, 33 Amherst Drive: If you set the dates for two meetings, does that mean that there could not be a third or a fourth?

Village Manager Hess: They would have to recess the public hearing and continue it.

[BRIEF RECESS]

Mayor Kinnally: We will set public hearings for June 7 and June 14, and if we have to make adjustments we can.

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

RESOLVED: that the Mayor and Board of Trustees schedule Public Hearings for June 7 and June 14, 2001 at 8:00 p.m. or shortly thereafter for consideration of the request by the John E. Andrus Memorial, Inc. for amendments to the Zoning Code relating to Continuing Care Retirement Communities.

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

Ms. Chervokas: I have a copy of the letter in which Trustee Jennings informed me that he had decided to recuse himself from voting on Andrus matters that come before the Board of Trustees because he serves as an ethics consultant to the Beth Abraham Healthcare System. I wanted to distribute copies of that letter to you.

Mayor Kinnally: The matter is being considered. We have referred it to counsel and to the ethics board, and we will be dealing directly with Trustee Jennings.

We are not going to address any substantive issues on the application this evening because we had not met with counsel and did not want anything that we consider this evening to be construed as a public hearing, therefore being in violation of the notification that has to be given.

Jason Chervokas, 165 High Street: I just want to get a better understanding, for the record, of the Board's position in terms of its closed meeting with counsel and the state's Open Meeting Law.

Mayor Kinnally: As I indicated, we will have a motion for an Executive Session for a meeting with counsel on Thursday evening to discuss the Andrus application, the responsibilities of the Board, the procedures, what we can anticipate, what we have to do, not do, etc.; the Riverkeeper lawsuit; and the meeting with the DEC.

Mr. Chervokas: I would like to read into the record an advisory from the Committee on Open Government issued in April, 1996.

"The mere presence of attorney doesn't signify the existence of attorney-client relationship. In order to serve privilege, the attorney has to be providing services in which the expertise of an attorney is needed, and sought, and at some point in the discussion, typically, the attorney stops giving legal advice and the Body may begin discussing, or deliberating, independent of the attorney.

When that point is reached, the attorney-client privilege is ended, and the body should return to an open meeting."

Mayor Kinnally: I can guarantee you that when this Board seeks advice from counsel we do not discuss the substance of matters before us other than seeking legal advice. You can ask any of my colleagues here, or people who have come through this Board over the past

few years, that we are vigilant not to discuss the substance of applications pending before us under the guise of meeting with counsel.

Terry Sherkus, 2 Warren Street: Is there any possibility that this issue would go to a referendum or a public vote?

Mayor Kinnally: No. A change of zoning has to be done by the Board of Trustees.

Ms. Harner: I understand that it is your collective responsibility to make a decision, and that no referendum could make that decision, but is it a possibility to have a public vote? There is very strong feeling in the Village, and I think it might be useful for the Trustees to know what people think.

Village Manager Hess: Advisory referenda are not allowed by state law.

Mayor Kinnally: Ultimately, we have to make the decision. I will listen to everybody. But it is not a function of counting noses.

Larry Apel, 111 Rosedale Avenue: Since it is a political decision you are going to be making, would a non-binding referendum petition, signed by people and so forth, give you a feeling as to how this Village feels about it?

Mayor Kinnally: It might. That is one of the reasons for a public hearing. I do not want to sound harsh, but assume 100% of the people in the community said it should be X, and your independent judgment says it should be Y, I do not know if you count noses.

Mr. Apel: I do not understand how that can happen. If you were supposed to be representing us, and we are saying X, then you should be reflecting X plus 2, or whatever.

Mayor Kinnally: Edmund Burke talked about the people electing you to use your God-given talents to make decisions. There are a number of issues in this community where people have felt one way and the Board of Trustees has felt another way, for good reason. If you want the Village Board simply to be a rubber stamp, then we will have a New England-style democracy. We do not have that. State law says that the Board of Trustees is vested not only with the power, but with the responsibility, of making changes in the Zoning Code. I cannot cede that responsibility to anybody. But that does not mean that we cannot get a sense from the community, and we do get a sense from the community.

Mr. Apel: In the Village law the function of the Trustee is to preserve and protect the Village: Village property, Village finances, and so forth. That is written in the law.

I have attended a number of the meetings of the Planning Board. The Planning Board spent many hours in working out the various details to come up with their findings. But I do not remember them coming to grips with what I consider the big thing: the zoning issue, the expansion, a non-conforming use now being expanded.

Mayor Kinnally: You may be right. But we are getting into the substance of the application. Also, we are not here to pass on whether the Planning Board was right or wrong. We are here to make a decision. That decision is whether or not the zone should be changed.

Barbara Merling, 9 Hudson Street: Regarding the issue of the recusal of Bruce Jennings, you said it was being referred to the counsel and to the ethics committee. Could you outline who is on the ethics committee, and which counsel, and is there an ethics guideline book that helps in determining how those decisions are made? Will that decision be made before the public hearing?

Mayor Kinnally: The decision on the recusal will be made before the public hearing. Counsel who have dealt with this include Brian Murphy and Marianne Stecich, and they consulted with Mark Chertok. Inquiries were made with other counsel involved in conflicts of interest and ethical problems with municipalities. The matter has just been referred to the Ethics Board: Chair John Olyha, Mike McElroy, Phyllis Frankel, Richard Wines, and Harrison Bloom. We have a local law that covers ethics. I do not want to talk about the issue of the recusal at this point because it is under consideration. That is what we have the ethics board and counsel for. It will be acted on accordingly.

Village Manager Hess: I would like to point out that the letter that Leslie gave us was dated October 12, 2000.

Ms. Merling: If Trustee Jennings determined that he would recuse himself, why is that a matter that has been subjected to legal review?

Mayor Kinnally: One of the issues is what recusal means, and the impact that recusing yourself has on further participation in the proceedings.

Ms. Merling: The extent you would participate in the Executive Session?

Mayor Kinnally: Not the extent. *Whether* you can participate, and it is unclear at this point. That is one of the things that is being looked into, and will be discussed.

Ms. Merling: Is it possible to inform me of the law that you are referring to?

Mayor Kinnally: Yes, the Village Ethics Law in our Village Code. We passed it a number of years ago, and it is more stringent than the State of New York's.

Jeff Bogart, 5 Jordan Road: I hope that your scope will be beyond merely discussing and reviewing the findings of the Planning Board. I would urge you to look at all the information that was put together for the Planning Board and perhaps additional information that they may not have gathered.

Mayor Kinnally: All the information will be available to us. We are not here to review, necessarily, just the findings of the Planning Board. We are not limited to the documents that were before the Planning Board. If additional information is sought, and deemed necessary by the Board of Trustees, we will be looking for it.

Bill Berner, 191 South Broadway: In the event of a recusal, and of the four remaining members locking up in a tie, what is the result?

Mayor Kinnally: It needs three votes to pass.

Michael Ambrozek, 16 Sheldon Place: If we are going to be having a public hearing, might it be more appropriate to hold it in a place that could be larger, like the high school auditorium?

Mayor Kinnally: The transmission, the ability to capture the sound and the video, is not very good in that venue, and at that time of the year the auditorium is used for a number of purposes.

EXECUTIVE SESSION

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session with counsel for May 10, 2001 at 8 p.m. in the Municipal Building to review matters on the waterfront, litigation, and procedure for the Andrus application.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board scheduled an Executive Session for May 9, 2001 to discuss personnel items.

4. Other

Mayor Kinnally: On May 22 Paul Feiner and the Town Council will be here for about a half-hour meeting with the Village Board of Trustees.

Trustee Walrath: Does that agenda include the North Yonkers development?

Mayor Kinnally: We have not set an agenda. I am sure it will come up.

Trustee Holdstein: What is the genesis of this meeting, and what is the topic?

Mayor Kinnally: We do not have the agenda. The genesis was conversations I had with Trustees Apel and Walrath, and a letter that was sent to me by Paul saying it would be great for us to get together.

Trustee Walrath: I got it stated by asking him about us getting up to speed about what the Town is doing, and cooperate on what further connections are going to be made into the North Yonkers development and the questions about the Sprain Road status. He offered to come for this discussion.

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 9:50 p.m.