

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 5, 2001**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 5, 2001 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee David Walrath, Trustee Bruce Jennings (9:10 p.m.), Trustee Marjorie Apel, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto

**CITIZENS:** Twenty (23)

**PRESENTATION - POLICE AWARDS**

**Mayor Kinnally:** The first order of business is the presentation of police awards. We have a number of family and friends of our police department here this evening. We have the Police Chief and Lieutenant Schiavone, but I would like first to introduce our Police Commission, George Gevas, Barbara Fox, and David Brainin.

**Joseph Marsic, Chief of Police:** It is with a deep sense of pride that I appear before you tonight. As the Board is aware, when it comes to hiring officers it is a lot of time and effort involving the Board of Trustees, the Mayor, Neil Hess, Susan Maggiotto, and our Police Commission. We look for people that we feel have something to give back to Hastings, people that care about the community. We have been very successful. We have a fine nucleus of people that have roots in the community, as evidenced by these two officers, Anthony Gentile and Sean Ryan. We appreciate the Board's recognizing the officers.

Lieutenant Schiavone will give you a brief synopsis of the incident and the outcome, and we will award the officers bars. I think the public should be mindful, when they see a police officer with a bar, we just do not give them away to decorate their uniform. We take it very seriously. These people earn these bars; they really mean something.

**Vincent Schiavone, Police Lieutenant:** On March 6, 2001 we had a bank robbery in Hastings. An armed felon went into the bank, produced a gun, demanded money, and left the bank with an undetermined amount of cash. Earlier that morning, Officer Gentile noticed a taxicab parked in the alley between the hardware store and the VFW Park. That is an odd place for a taxi. It was a yellow cab; we have no yellow cabs. But he made note of it, decided later on he would check to see what the cab was doing there, and continued on his patrol. March 6 had been a snow storm. There was snow and slush and ice, a messy day.

Officer Gentile proceeded down Warburton Avenue, checking for downed wires and poles, and suddenly he receives a holdup alarm. As he turns around to come back towards the Village of Hastings, towards the bank, he sees the yellow cab going south. A description of the robber had been transmitted, and he saw what appeared to be a man answering the description in the rear of the cab. He began to go south on Warburton Avenue again, behind the taxi. He was in an unmarked vehicle, which was a black Jeep. He had the light on, but the vehicle was not pulling over. As he proceeded south into the City of Yonkers, he had radioed ahead. The Yonkers police department and our other officers were responding, some to the bank, and Officer Ryan was now backing up Officer Gentile as they proceeded south into Yonkers. The description came over that the man was definitely armed, appeared to be dangerous, and had threatened the clerk in the bank with harm if she did not turn over the money. As they got down to the City of Yonkers by the Museum School the car pulled to the curb suddenly, the felon leaped from the back seat and began running down Warburton Avenue. Again, it was a sloppy, snowy, slushy day. Officer Gentile pulled his car to the curb, left the vehicle, and started running south on Warburton Avenue in Yonkers.

They started to go through the back yards of a tenement building in Yonkers, climbing fences, and trying to catch up with this guy on a very slippery day. As he got closer, Officer Gentile fell, injuring himself. Right behind him was Officer Ryan. Directed by Officer Gentile as to where the suspect went, Officer Ryan scaled a fence and cornered the suspect in a back yard. Knowing the man was armed, Officer Ryan drew his weapon and ordered the man out from behind a storage shed. As he came out, he was very hesitant and started to walk away from Officer Ryan toward another alley. Officer Ryan again told him to halt and stay where he was, knowing the man was armed and knowing that he did not know where the weapon was at that time. Yonkers police and Sergeant Bloomer began coming down the alley and a tussle ensued with the suspect and he fell to the ground. He was restrained and arrested.

Both these officers showed a great deal of perseverance. They showed a great deal of courage. When firearms are involved, we all know the outcome can be tragic; someone can be injured or killed. They showed a great deal of restraint. They were pursuing a felon who later turned out to be a three-time loser, and if he is convicted of this crime he could go jail for the rest of his life. He also has escapes on his record. So this gentleman did not want to go back to jail, and it took a great deal of effort to bring him into custody.

For this, we feel that these two officers have shown a great deal of courage and stamina on a difficult day, and made an excellent arrest. This looks like an excellent case, and we expect a conviction. For this, we would like to award these two officers the Meritorious Service Ribbon so they can wear it proudly for the Village of Hastings-on-Hudson.

[ **APPLAUSE** ]

**Mayor Kinnally:** Lieutenant, thank you very much. It speaks volumes for the professionalism of the department, the preparation of the department from top to bottom. Sean has been with us a short period of time, Anthony not much longer than that. They have risen to the top under the guidance and supervision of the Chief and the Lieutenant, and you are all to be commended. There certainly is an overwhelming sense of pride in this room for the whole department, certainly for Sean and for Anthony, and for their families. Congratulations to you all.

[ **APPLAUSE** ]

**Mayor Kinnally:** Trustee Holdstein, do you have an announcement to make?

**Trustee Holdstein:** Yes, I would like to extend tremendous congratulations. I have just come from a semi-final match of the high school girls' soccer team in which they defeated Pleasantville and will play Thursday evening for the championship. This team has shown incredible resolve. They were moved up this year into a higher division, and will now play either North Salem or Bronxville for the championship. I want to extend my congratulations to the entire team. I would encourage anybody who is around on Thursday to get to the game and see if they can win the championship.

Last year they won one game in the section and lost the second. This year they have now won three games, so they have gone farther than any team in Hastings' history of soccer. As we have seen with our football team this year, and in years past with our basketball teams, both girls and boys, the community really supports their endeavors. So as a proud parent, and there were many proud parents there today, it was a great effort by all the girls. Thank you for allowing me a few minutes for that. It was an exciting day.

**Mayor Kinnally:** For equal time, the boys' varsity golf team won the championship this year.

### **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. 112-2000-01      \$ 84,177.24

Multi-Fund No. 113-2000-01	\$190,636.67
Multi-Fund No. 1-2001-02	\$ 9,052.81
Multi-Fund No. 2-2001-02	\$160,097.00

**46:01 ADOPTION OF LOCAL LAW NO. 2 OF 2001 - TEMPORARY  
MORATORIUM**

**Mayor Kinnally:** This Local Law has been the subject of discussion on previous occasions, and at our last meeting we were discussing a possibility of a revision to Section 3, Subdivision 5-C, talking about an exception to the moratorium for applications involving the renovation, rehabilitation of an existing building or structure provided that it does not involve a change of use for that structure. There were concerns expressed by the Board at that time, and a suggestion that the Village Attorney could revise this Section to include an exception for interior alteration of an existing building the cost of which does not exceed \$10,000.

**Trustee Apel:** As I read this, it reads: "...renovation, rehabilitation, or interior alteration..." It infers that the renovation and rehabilitation could be on the outside, and I would like to have "renovation" and "rehabilitation" removed so it says interior alterations.

**Mayor Kinnally:** Why don't we do "...interior renovation, rehabilitation, or alteration to the interior..." modifying all three of them, but it keeps it inside the building.

**Trustee Apel:** That sounds better. I did not want anything outside.

**Trustee Walrath:** I concur.

**Trustee Holdstein:** Fine.

**Village Manager Hess:** If you do a change in windows, that would be an exterior.

**Mayor Kinnally:** That is right, it would. I had discussed the possibility of putting in a dormer, which would be an exterior renovation. But it is a six-month period. I do not know how we can shape this any finer than it has already been shaped.

On MOTION of Trustee Apel, SECONDED by Trustee Walrath, Local Law No. 2 of 2001 was amended in Section 3, Subdivision 5C, to read as follows:

“An application involving the interior renovation, rehabilitation, or alteration of an existing building or structure, provided: 1) the application does not involve a change

in use, and 2) the cost of the renovation, rehabilitation, or alteration does not exceed \$10,000.”

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

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 adopt Local Law No. 2 of 2001 as amended amending the Zoning Code to impose a temporary moratorium on development in the Village’s Central Commercial (CC), Limited Commercial (LC), and Central Office (CO) Districts and on Ridge Street and on Washington Avenue west of Warburton Avenue as attached.

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

**Trustee Holdstein:** When does the moratorium officially take effect?

**Village Manager Hess:** When it is filed with the Secretary of State. We are still in the 62-day period, so the moratorium is in effect already. The six months will begin whenever we get notice from the Secretary of State.

**VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** The potential streets for resurfacing include lower Villard between Broadway and Croton, Stanley, Euclid from Villard to Bellaire, Baker Lane from Broadway to the Aqueduct, Baker Lane from Croton to the Aqueduct, and Boulanger Plaza as part of the work we wish to do there in removing the island meters and putting in bumpers and some type of meter machine. Other streets for consideration would be Rosedale, part of Ravensdale, Cedar, and Jefferson.

We will have final recommendations and look for authorization to go to bid at our June 19 meeting so if you can take a look at these streets prior to that meeting, it would be useful. If you have any other potential additions, please let me know so we can evaluate those prior to the meeting. The ones that have been on our list that didn't make the cuts last year are now on the top of the list this year. The new ones are Ravensdale, Cedar, and Jefferson.

**Trustee Walrath:** Baker Lane seems adequate to me.

**Village Manager Hess:** Baker Lane is a public street. It has not been paved. We have neighbors encroaching into the roadway to block off access. It should be put back to its normal width and paved. It is a matter of access, for people to get over to the Aqueduct, or people to come from the Aqueduct, and go several different ways. Take a look at it, and we will have further discussion on it.

**Thomas Brown, 141 Overlook Road:** My street, from Dorchester to the end of Overlook, or the Hillside Woods, in the past two years has had two houses constructed with a lot of heavy equipment. They have torn up the street a couple of times in putting new gas pipes into one of the houses. The neighbors tell me it has been 20 years since that part of Overlook has been done. I would like to have some consideration for that section of Overlook from Dorchester through to the end of the Hillside Woods.

**Mayor Kinnally:** We will take a look at it. If there is a problem with the excavations, we will go back to the utilities or the contractors to make sure they take care of it.

**Mr. Brown:** They have paved them over but you can see a clear difference.

**Village Manager Hess:** I have gotten some complaints about the running of dogs in Village parks. Dogs are not allowed in parks and playground areas. That would include Zinsser Park, VFW Park, Fulton Park, MacEachron Waterfront Park, Riverview Skate Park, Draper Park on Washington Avenue and Broadway, and Uniontown Park. Dogs are allowed in the following parks: all of Hillside Woods, Hillside Park north of the tennis courts, Dan Rile Park, Pulver's Woods, the Croton Aqueduct Trailway, Ravensdale Woods on Farragut

Avenue, and also on public streets. Dogs must be leashed, and we have a pooper-scooper law that must be obeyed. We have been having some problems at Draper Park, and I want to urge people not to walk or run their dogs in active park areas.

**Mayor Kinnally:** The largest park we have in the Village is the Aqueduct, and it is a state park. I urge people to clean up after their dogs.

Perhaps we can ask the Parks and Recreation Commission to look at the restrictions on dogs in MacEachron Waterfront Park. I suggest that we allow dogs there for a very brief period in the morning or late at night because the geese hate dogs, and when dogs are on the property it spooks the geese and gets them out of there. Maybe we can solve the problem of the fouling of the park and especially of the playground areas.

**Village Manager Hess:** Spring Thing will be on Saturday, June 16 from noon to 6. There are more merchants than ever participating, and we are going to have live music at three locations all day long. We have carnival games, face painters, a space walk, clowns and special appearances by Pooh Bear, Scooby, PokeMon, and Tigger. We are also going to have demonstrations by the Ambulance Corps, the PBA and Police Department. We are going to have the Center for Missing Children, where we are going to fingerprint children and provide that to the parents and to the Police Department. We will run a shuttle bus from the commuter parking lot up to the Farmers' Market and to the Spring Thing, so people can park at the train station and be shuttled back and forth on our bus.

I want to compliment the Beautification Committee, who each year do a great job in the downtown with their plantings. They have outdone themselves again this year.

I want to remind people driving through our Village to take an extra minute to get where you have to go. People in crosswalks should be yielded the right-of-way. I will say the same for pedestrians. If you have a red light, you are to stop. You are not supposed to get into the crosswalk and walk in front of cars, or cross in the middle of the street.

Most of our flower baskets are up in the downtown. We ordered some new banners which will be aligned on our poles as you come into the downtown from either Warburton or Main Street. They say Welcome To Downtown. The Farmers' Market is also going to have some banners.

**Mayor Kinnally:** On the same evening as the Spring Thing, the show "Stars Over Hastings" at the high school will take place, and we will start the Farmers' Market that weekend also.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I have asked Sandy Stash if ARCO has decided about demolition of buildings on the site this year. They were looking into the feasibility of it. I am hoping to have a report at our next Board meeting. I asked the DEC if, and when, applications were filed to expedite them.

Last Friday the Commissioner of the DEC, Erin Crotty, held a press conference on the Anaconda site to lobby for passage of the Superfund legislation. The DEC spoke very warmly about the planning initiative the Village has undertaken and Erin laid out a time table when she hopes the comments, the PRAP, and the ROD will be before us. We are looking at some time in the winter. The DEC is keeping the pressure on ARCO to address the comments that the DEC has to the document they have been working on. We are awaiting the data from the OU-2, which is the river testing for sediments.

### **2. Tree Preservation Guidelines**

**Mayor Kinnally:** We have received a communication from the chair of the Conservation Commission, Peter Wolf, suggesting certain guidelines for tree removal and restoration requirements pursuant to Section 273.9 of our Code. These guidelines would put some teeth in our tree legislation as far as removal and restoration, or mitigation, of certain trees in the Village. Mr. Wolf has asked us to approve these tonight.

**Village Manager Hess:** Since the Building Inspector is involved in this, I would refer it to the Building Inspector first and we will have a recommendation for the meeting on the 19<sup>th</sup>.

**Mayor Kinnally:** In 2-A, the restoration will equal at least 100% of the total basal area of trees removed where that is done in violation of an approved Site Plan or other permission, or there is a purposeful violation of the Section. I would increase that from 100 to at least 150%. A price has to be paid, whether it is mitigated on-site or elsewhere.

**Trustee Walrath:** This goes beyond what is required to obey the law. I am not arguing with your 150%: I would be glad to change it to that. We have had some questions of tree removal on institutional property. How far down should we go as far as lot size? I think it needs watching even on smaller lots. At some point I would like to discuss this.

### **3. Sale of Village Property - end of Wilson Place**

**Village Manager Hess:** The Planning Board has recommended the sale of a portion of the Village right-of-way at Wilson Place to Grace Cosgrove, who lives at 170 Rosedale Avenue.



This is a paper street that appears on the Village tax map as an extension of Wilson Place. It would always remain a paper street and never be connected between Rosedale and Wilson because of the slope. The area Mrs. Cosgrove would like to purchase is approximately 17-1/2 feet wide by 60 feet long with a small jut-out at the top. The Planning Board has been discussing it or reviewing it since 1998.

I have talked to the adjacent neighbor, Ms. Buden, who is not interested in purchasing any of the right-of-way. Trustee Walrath has looked at the possibility of creating an alternate path to the steps that exist now. The Board, after a Public Hearing, would have to excess that portion of the property and then it would be sold at public auction with an upset price.

You could do it with an upset price and we could construct the path and reconstruct the portion of the steps down below. Or it could be sold with the provision that the purchaser would have to meet all the requirements, and pay the cost of putting in the path and reconditioning the steps.

**Mayor Kinnally:** In the past we have said it has to be competitive bidding with an upset price. I would probably opt for an upset price rather than having the purchaser construct something that is on Village property, maybe Village responsibility.

**Trustee Apel:** . If the property is sold what right does the Village have to say that there would be no building on it?

**Village Manager Hess:** You would make that a condition of the sale, a deed restriction. You can put a restriction that it could not add to the square footage of the property for variance purposes. All sorts of restrictions can be put on a sale.

**Trustee Apel:** We have lots of paths like this around town. I presume that on all of them we are responsible if somebody hurts themselves.

**Village Manager Hess:** . If you consider this a sidewalk, which is an extension of the sidewalk from Wilson Place, then the adjacent property owner is responsible.

**Trustee Apel:** So who is responsible now?

**Village Manager Hess:** The adjacent property owner.

**Trustee Apel:** If the property was sold, and the Village was going to re-route this thing, would the Village then become responsible because we fixed it up?

**Village Manager Hess:** If we have pathways on our property, yes. If a sidewalk is adjacent to a property, the Village Code provides that the adjacent property owner is responsible. There is an existing sidewalk from Wilson Place adjacent to the property all the way down. A portion of those steps at the bottom are in the Village right-of-way. So we would be responsible for those. So exactly where that property line is, from Rosedale back, would have to be determined. If the pathway is put in, then that becomes our total responsibility just as any trail or path in the Village.

**Trustee Apel:** This generates something that we should be discussing at a future meeting. There are other pathways and stairs around the Village which are in bad shape. What is it that we want as a Village to do with them, before the homeowners on either side start making decisions whether or not they want it?

**Trustee Walrath:** I do not know that we need to worry about setting a precedent here. We have several of these steps around and I will try to get somebody from the Trailways to look at the rights-of-way on them. In this case, my understanding that the petitioner's wish is to be free of the liability of the sidewalk. I had not regarded it as your interpretation that it would be a sidewalk and clearly her responsibility. I do not think there is a need for a flight of steps here. A natural pathway could provide it. But the whole question of sidewalks in the Village: half the Village has it and half the Village does not and they are not maintained by people. They very seldom shovel them in the winter except in the downtown. We have a large issue here which I think that one of these days we need to address.

**Mayor Kinnally:** We should all take a look at that property, get clarification from the Village Attorney and from Neil about the responsibility of those stairs, and come up with some costs both for the construction or relocation of the path, and a price for the upset bid.

**Grace Cosgrove, 170 Rosedale:** I have been through this since 1998. We went through with the Planning Board the same question as to whether or not cases should be looked at individually or as a whole. The Planning Board concluded that there are individual circumstances that should be looked at. If we research the entire town I will be waiting another ten years. I would be willing to meet with anybody at the site to explain my situation. I have some real problems because of the location of the path; is very close to my property.

My address is Rosedale but I access my home from Wilson. I have never been in my front door the entire time I have lived there. I consider myself a Wilson Place resident. I park up there. My mail is delivered to Wilson Place.

**Trustee Holdstein:** What do you gain by acquiring this property?

**Ms. Cosgrove:** I gain a strong sense of who has liability for what. I can safely get to my door in the winter, which I cannot because I do not have a clear path to my back door (which is really my front door). The green part of the property is a giant weed patch. These tall weeds grow across the path, so the path is not even used during that period and in the winter it is often not used because of the snow and the ice. A meandering trail at the top instead of steps is safer. The three or four people I see using it in the winter walk off the steps on the dirt, so it made more sense to have a trail.

**Trustee Holdstein:** Do more people use it in the summer?

**Ms. Cosgrove:** It is not a highly-traveled path, but a few regulars use it, mostly Wilson Place residents.

**Trustee Walrath:** The boundary lines shown on this may are not the ones I understood from the last time you and I looked at it. We need a better map before we publish this, as we need to do for a Public Hearing.

I also would like it very clear that the Village is not going to maintain the trail, as it would not maintain any of the other trailways in the Village. I want to make it no longer a sidewalk. I do not know quite what to do about the lower end. But the meandering piece is a trail, and will be as such. If we need to put up a sign Don't Use In Winter Except At Your Own Risk, or something, I would like advice on that. Coming down a hill as it is, maybe we need a sign. Also, we show one sewer; I believe there is both a sanitary and a storm sewer.

**Vanessa Merton, 111 Pinecrest Drive:** There is a similar stairway between Pinecrest Drive and Pinecrest Parkway that we all use a lot. The adjoining property owners do not maintain it and we do not know who owns it; perhaps the Village does. The fear is that if we ask either of the residents whose property it abuts to take responsibility for it, they might choose simply to shut it off. Perhaps a student intern this summer could look into this issue and try to figure it out. The steps are in terrible condition.

**Trustee Walrath:** Inventorying these, and finding out the proper situation, is a very good start. The Trailway Committee has that on its agenda.

**Village Manager Hess:** I will see if we have surveys on file.

#### 4. Recusal

**Trustee Jennings:** I apologize for being detained. I have a statement I would like to make concerning my participation in the Board of Trustees actions on the Andrus zoning issue:

"In August, 2000 I began serving as a paid ethics consultant for the Beth Abraham Health System. In that capacity, I work with an ethics committee made up of physicians, nurses, and other health professionals. I have no role whatsoever in the real estate investment, or CCRC development components, of Beth Abraham activities. My relationship with colleagues at Beth Abraham has been a thoroughly professional and congenial one. I have the highest regard for the efforts they are making to maintain high-quality patient care. At no time has anyone at Beth Abraham tried to influence my views on the Andrus development project in Hastings.

Nonetheless, I am concerned that my professional work as a medical ethicist with Beth Abraham creates the appearance of a conflict of interest for me in fulfilling my responsibilities as a Village Trustee in regard to the Andrus zoning issue. I have studied the Village ethics law. I have received the advice of the Village counsel. And I have requested an advisory opinion from the Village ethics board, as provided for in our law. I am grateful to our lawyers, and to the ethics board members, for their support and advice.

My own objectives in this matter are to obey the law and to support the integrity and public trust in Village government, to serve the best interests of the Village as a whole, and to be fair to all parties with a special interest in legislation that comes before the Village Board. I have come to the conclusion that those objectives can best be served in this instance if I recuse, or withdraw, myself from participation in the Andrus zoning legislation. It is also the opinion of the ethics board that I should recuse myself.

Accordingly, as a Trustee, I will not take part in Public Hearings or Board Work Sessions devoted to the Andrus issue nor will I take part in those portions of Board Executive Sessions dealing with Andrus. And, of course, when the time comes I will not cast a vote on the matter.

If there is a discrete portion of a Regular Board Meeting agenda devoted to Andrus, I will excuse myself for that portion of the Meeting. If a question relating to Andrus happens to come up during Public Comments or Board Comments, or comes up in passing during a Board discussion, I will not leave my seat but I will refrain from comment.

I have come to this decision reluctantly because I do not want to miss an opportunity to serve the Village on this very important decision. And I do not want to shirk by responsibility. But the law is clear in my case, and in the broader sense I think my withdrawal will better serve the Village than my participation would.

I ask that no one in the Village interpret my decision as an indirect statement on the merits of the zoning issue before the Board. I am taking this step for reasons that have nothing to do with the substance or the merits of the issue. Neither my support for, nor my opposition to, the proposal should be inferred. And it my hope that my decision will not have a material effect on the Board's ultimate decide one way or the other."

## 5. Other

**Trustee Walrath:** I have questions on the library estimate we received. The estimate is now approximately \$100,000 more for a third quarter bid. I think there are items in the landscaping that were not in the original estimate. Are you satisfied that the full landscaping is now covered by what they have done?

**Village Manager Hess:** Not at all. I think the landscaping is still excluded. I will have to take a look at that.

**Trustee Walrath:** I thought we had statements when t it was recognized that the new construction was going to have an impact on the park, that was meant to be covered in the estimates. If it is not, I would like to get it so we have a good grip on it.

**Trustee Holdstein:** You were kind enough to indulge me with my comments about the girls' soccer team, but I left out one very important member there that I do want to acknowledge, and that is Coach Blum who coaches both the girls and boys. I wanted to acknowledge the great job he is doing as well.

**Mayor Kinnally:** We have Public Hearings on Andrus on June 7 and June 14. I have some suggestions as to how to run it and give everybody an opportunity to be heard. I talked to the Trustees individually on this. I would like to go through it and get reaction from the Board.

The Public Hearing will start at 8:00 p.m., and I would like to conclude each of the sessions by 10:30 p.m. I suggest because I expect a lot of people that we have separate sign-up sheets

available at a 7:45 p.m. for public comments for those in favor of and those in opposition to the application. The speakers will be called in the order of the sign-up, with five speakers for the application and five against it, the process repeating itself until everybody who has signed up has had an opportunity to be heard. Everyone in the room who wishes to speak will be given an opportunity before there are repeats.

There have been suggestions that the Board be questioned and make statements in connection with the application. Consistent with the purpose of the meeting, that the Board of Trustees is here to listen to the comments and to seek clarification, if necessary, to the application, the Board will not make statements, nor will be answering questions, at this Public Hearing.

My suggestion would be that the meeting start with 10-minute opening statements by Andrus and the Hastings Coalition. Given that we expect a lot of people, my suggestion is speakers be given two minutes for their comments, and that we would have a flash card telling people they have a minute, 30 seconds, and that time is up. I would request that the comments be made to the dais, and that there be no cross-talk or debate between members of the public.

**Trustee Holdstein:** Everything you have formatted there was fine with me but I would also like to see another three to five minutes of brief background and clarity to the public as to how we, as a Board, are going to proceed, whether there will be discussions with Andrus regarding revisions or whether we are taking the application as is, and so forth.

**Mayor Kinnally:** I would give a brief description of what the application is and what the proposed amendment to the Zoning Code is. As far as what the Board wants to do in connection with negotiating or offering alternatives, I think that will come after the comments; the Board is not in a position at this point to discuss that.

**Village Manager Hess:** After the Public Hearings, the Board can develop and adopt their own set of findings from the Hearings.

**Trustee Holdstein:** We need to clarify so the community understands what it is we are looking at to do or not do.

**Mayor Kinnally:** That clarification will come when we are considering it, not Thursday night.

**Trustee Apel:** The only thing I am concerned about is that 2 minutes for public comment.

**Mayor Kinnally:** We always give a little bit, but it will depend upon the number of people in the room.

A point of clarification: we had a presentation last night at Andrus, given by Andrus, of the proposal. We walked the site. There was a PowerPoint presentation that we are downloading and will have available on our Website. There was a Q&A session with the architect. Henriette Cole gave a presentation. We looked at the model. We had an opportunity, both during the tour of the site and also looking at the model, to continue with our questions. From an information-gathering standpoint it was a helpful overview of the proposal, some of the amendments, and some of the impacts it is going to have, not only on site but on the adjacent properties and the Village as a whole.

We are going to keep a comment period open following June 14, I would assume through the end of June. Regarding e-mails: we are getting a lot of e-mails. They will be part of the record, but I cannot, given the volume, respond.

**Village Manager Hess:** I will respond that we received the e-mail and they will be made a part of the record.

**Trustee Apel:** If the application can be and is changed by the Applicant, would we have to start the process all over again?

**Mayor Kinnally:** I do not know if the application can be changed. If it were possible, then starting the process over would depend on what the changes are.

**Ms. Merton:** It is a good idea to have a structure for these Hearings, but would you want to have a category of people who just want to ask questions, or raise questions, and are not sure what their position is?

**Mayor Kinnally:** That is a possibility.

**Ms. Merton:** I would ask you to reconsider Michael's point. I understand your view that you are not sure what you are doing yet, so it is hard to define what you are doing, but perhaps in your introduction you could set a range of parameters or possible directions the Board could take, because there are questions about does the Board operate as take-it-or-leave-it.

**Trustee Holdstein:** I am saying what are our parameters? How broad or how narrow is our focus in this charge?

**Ms. Merton:** You might obviate a bunch of comments that are focused more on the process than on the substance.

**Mayor Kinnally:** I will talk to counsel about it.

**Ms. Merton:** I think it would be interesting and useful if the written comments were posted on the Website.

**Village Manager Hess:** I would not want to post those on the Website. If you want to request copies you can. But people who send in their comments might not want them published on a Website.

**Ms. Merton:** But I hope people were aware that any comments that are made as part of the public comment process are part of the record.

**Mayor Kinnally:** Absolutely. Let me address the privacy problem. People may not want other people to know their e-mail address.

**Ms. Merton:** I have no problem with removing e-mail addresses or even identifiers.

**Mayor Kinnally:** It is available, people will see it, it is in the record. Putting it on the Website is different.

**Ms. Merton:** But then you bring up a good point, which is if it is going to be part of the record and people are going to be able to get copies of it, maybe the work of taking those e-mail addresses off should be done. Did I understand you to say that there were changes were part of the presentation last night?

**Mayor Kinnally:** No. They went through how the proposal has evolved: buildings were moved, buildings were shrunk, the setbacks, the screenings, in response to comments that since the application was first made public.

**Ms. Merton:** Does the Board have before it, as part of your record, the minutes of the Planning Board meetings that dealt with this issue?

**Mayor Kinnally:** They are available to us.

**Ms. Merton:** Is it something that people should presume you will have read? I am thinking in terms of repetition.



**Mayor Kinnally:** I cannot say you would presume we have gone through everything, but it is available to us.

**Ms. Merton:** Our Zoning Code says that the Zoning Board is also supposed to review and present a recommendation to the Board on any proposal for rezoning. I am wondering what the story is on the Zoning Board's having done that.

**Village Manager Hess:** I do not know. I am not sure it has been referred to them yet.

**Ms. Merton:** You mentioned about wanting not to have any interactive discussion between Board members and members of the audience responding to one another and so forth. I can understand that being the point of a Public Hearing, but I would suggest that there should be a place and a time for that kind of discussion.

**Mayor Kinnally:** I agree with you, but it is not going to be Thursday.

**Ms. Merton:** It sounds like last night's session was very informative and complete. A lot of people in the community would have liked to have been there.

**Mayor Kinnally:** Your point was made to me in a lengthy e-mail. It was a session that the public was invited to. Those who availed themselves of the opportunity probably heard everything that has been said before. It shed light for us, but for veterans I am not sure it was any illumination. The majority of the Board felt that this session would be more beneficial if it was held before the Public Hearings, and we ran out of time. So that is why we did it when we did it. It was a background session. We did not get into anything substantive.

**Ms. Merton:** I went to one of the sessions at Andrus as well, it did not involve, for example, walking the site.

**Trustee Holdstein:** My sense is that Andrus would be willing to walk the site with people upon request.

**Village Manager Hess:** We asked them last night to stake out the footprint of the building with ribbon.

**Tom Brown, Overlook Road:** It is good that you put the Andrus proposal on the Website but if you put the opinion of the Andrus coalition on the Website as well it would give people some idea of balance

**Mayor Kinnally:** We will take that under advisement.

**David Shapiro, 6 Amherst Drive:** Given Trustee Jennings's recusal, I want to clarify that the law would require a majority of the voting members.

**Mayor Kinnally:** The law would require three votes in favor of the application.

### **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, personnel, and land acquisition.

### **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 9:55 p.m.