

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 19, 2001

A Regular Meeting and Public Hearing was held by the Board of Trustees on Tuesday, June 19, 2001 at 8:30 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, Deputy Village Attorney Ed Lammers, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Bruce Jennings

CITIZENS: Nine (9)

Mayor Kinnally: Trustee Jennings is out of town this evening.

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Public Hearing of May 15, 2001 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Public Hearing of May 22, 2001 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Regular Meeting of May 22, 2001 were approved as presented.

Mayor Kinnally: June 5, page 9: A statement about talking to Mrs. Buden, who is not interested in purchasing any right-of-way, is attributed to me. I did not say that.

Village Manager Hess: No, I said that.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of June 5, 2001 were approved as amended.

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. 3-2001-02	\$114,069.15
Multi-Fund No. 4-2001-02	\$230,213.16

BOARD DISCUSSION AND COMMENTS

1. Andrus

Mayor Kinnally: We will have Board Discussion and Comments on Andrus as our next item before we deal with resolutions. The Board had an Executive Session this evening, a telephone conference with counsel Mark Chertok, where we went over some legal points. He gave answers to questions, and the Board discussed procedures: what we might or might not be doing to get ourselves ready if, and when, time comes to vote on this.

I had indicated during the Public Hearings that it would be appropriate to have the period for public comment remain open until at least the end of June. On reflection, I think it might be appropriate for us to keep it open to July 6.

Leslie Chervokas, 165 High Street: If the Zoning Board has a 62-day period to review this, the public comment period should be co-terminus with that period.

Mayor Kinnally: One has nothing to do with the other. We have had an extensive public record here. I do not know how what the ZBA does has to do with what the Board of Trustees does.

Ms. Chervokas: It may have an impact on what you are doing. We have questions about that, in fact. What will the role of the Zoning Board of Appeals be?

Village Manager Hess: They will review the zoning text that has been presented to them, and they will make a recommendation to the Board of Trustees.

Mayor Kinnally: Or no recommendation. They can choose not to do anything. They can choose to adopt what they did last time.

Ms. Chervokas: I do not understand why the public should not be able to comment at any time during the process prior to a vote.

Mayor Kinnally: We have to close the Public Hearing at some time. We have to give prior notice to the county. We have to prepare findings. There has to be an end to it. Whatever the Zoning Board of Appeals does, it will be done independently of what we do.

Ms. Chervokas: It will probably have an impact upon what you do. Or, you may wish to receive information from the Zoning Board of Appeals, and then we would like an opportunity to comment on it.

Mayor Kinnally: You may want to comment on what the ZBA does, but once it comes to us it is a *fait accompli*. The Zoning Board of Appeals report is their report to us. We are not going to review whether what they did is right or wrong.

Village Manager Hess: The Board closing the Public Hearing record does not mean you cannot submit written comments at a later point if the Zoning Board of Appeals has items that you wish to address to the Board. You could correspond with the Board right up through the night they vote. The Public Hearing record has to be closed at some point so the Board can develop findings, bring the matter up for discussion, and vote. It does not mean anybody is precluded from discussing anything, or corresponding with the Board on this matter.

Trustee Apel: We may want to make it after the weekend after the July 4th week because people are vacationing.

Mayor Kinnally: Close of business on Monday, July 9. Is that all right, Board?

We discussed with counsel the opportunity for counsel to get comments from individual members on the Planning Board findings. We are not reacting to the findings of the Planning Board, but at least it is a starting point. The document identifies a number of areas that were in contention and that have to be addressed under SEQRA. The suggestion from counsel is that the Board members address comments to counsel so counsel can begin the process of preparing working documents for the Board's consideration. The comments would be submitted by July 9, and counsel's draft to the Board would be submitted between July 20 and 27. There could be substantive discussion by the Board of Trustees at its August 14 meeting. I know there is a hope among people in the community that we can move to a vote quickly, but administratively and logistically that may be difficult given that it is just not an issue of voting a text up or down but we have to comply with SEQRA. The Board of Trustees must submit findings. So we are looking at having discussion at the August 14 meeting. Then the Board would see what additional meetings they may need to fashion a document that would be in a form ready for the Board to vote on. That is not to say that it would be agreed to by the Board of Trustees prior to a discussion, but it would be acceptable as a working document with identification of all of the points that the Board wishes to discuss and vote on at a subsequent date. It appears that we are looking at a vote probably at our second meeting in September.

Susan Richman, 21 Pinecrest Drive: Our interest is to have it done quickly, but if it is not done quickly, discussing it for the first time on August 14 is troublesome because I am going to be out of town and would love to hear what you say. Is there any way to have the first meetings where the Board discusses this after the vacation period?

Mayor Kinnally: It is possible, but because we tape these meetings anybody who wishes to find out what happened can do so. It is amazing—it depends upon the day. On the even days, people want to move it up quickly; and on the odd days they want to move it back.

Ms. Richman: I think everyone would like to have it done quickly, before the summer is in full swing. We would like to get it over with.

Mayor Kinnally: That is not going to happen.

Ms. Richman: That not being the case, having the first real substantive meeting to discuss the issues on August 14, when most people start their summer vacations, I think is a little bit troublesome. I also would like you to double-check the dates for the Jewish holidays in September.

Mayor Kinnally: We would never have anything that would conflict with any religious holidays.

Trustee Walrath: My understanding was that we would discuss it on July 17. Am I wrong in that?

Village Manager Hess: You will not have a draft by then. You will get it back between the 20th and 27th.

Trustee Walrath: I thought I understood that, in part, that draft would be based on the discussion we would have on the 17th. If I am wrong, I am wrong.

Mayor Kinnally: No, I think the first draft will be based on our original comments, and Mark's working draft for September will be based upon, in part, some of our discussion.

Trustee Walrath: I understand. I am only addressing that I think the public will hear us discuss it on the 17th also, whatever form the draft is in.

Mayor Kinnally: I do not think so. I do not see that happening. I do not see anything happening in July.

Ms. Richman: Then the first real discussion is August 14, when a lot of people from both sides who are extremely interested in this very polarizing topic are going to be out of town.

Mayor Kinnally: Some people will be out of town in July. Some people will be out of town in August. We are not going to make a decision.

Ms. Richman: But we want to be a part of the whole process.

Mayor Kinnally: You can be part of the process because you will be a passive participant in that process. This is where the Board of Trustees, collectively, will start discussing it for the first time. We have not had any discussions about the merits of this application. Whatever that discussion is in August, it is a prelude to what will happen in September.

Everyone will have an opportunity to hear us, either here in person or on tape. We are far from making a decision. But we cannot have our hands tied. We want to move forward and have public discussion so we get an idea of where this Board stands. I have not had that benefit to talk to my colleagues collectively. Individually, yes, but not collectively. It is a long time between the public comments and an opportunity for the Board to start the process. We are not making a decision, but starting the process.

Barbara Merling, 9 Hudson Street: The turnaround time for getting the Public Hearings onto the TV station was very quick. I would like to thank you for doing that so quickly. Will we be able to view a copy of the draft when you are having the discussion? We were not able to get a copy at the Planning Board and the conversation made a lot of references to page numbers and so forth.

Mayor Kinnally: I do not think that will be available, but let me check with counsel.

Ms. Chervokas: If we cannot have the comments in writing, we want you to make clear what you are talking about when you are discussing it. It was not necessarily clear at the Planning Board meetings.

Mayor Kinnally: That is the purpose of having discussions. We will be very clear, whether we are talking about traffic, height, density, FAR. It will be quite clear.

Ms. Chervokas: We are familiar with the findings at this point, and they are detailed. They do not necessarily lend themselves to a quick synopsis at a public forum. So it would be beneficial if we were able to have the findings in writing.

Mayor Kinnally: I understand the point, and my response was quite clear: we will check with counsel.

Larry Apel, 111 Rosedale: In November, '97 the ZBA had this issue in front of it. The developer, myself, and a number of other people were in the Esposito Building on one Saturday morning when the issue came up. At that point the developer wanted an independent zone, and Mr. Quinlan said, why not a special permit? If that is the case I am not sure why we are spending all this time in sending it back to the ZBA.

Mayor Kinnally: On advice of counsel, because the text changed from what they considered to what the findings and the recommendations were by the Planning Board, we are required to send it back to the ZBA for recommendation.

Village Manager Hess: It went from an overlay zone to a special permit use. The body of the text changed. Since all the Zoning Board considered was the overlay district, counsel has recommended as part of the procedure of the Zoning Code it should be referred back to them for a recommendation. They have 62 days from date of referral.

Mayor Kinnally: The chair of the ZBA has told me they cannot address this at their meeting on June 28, and asked if they could address it in July. Their recommendations will be available to us and to the public for our meeting on August 14.

Ms. Chervokas: When you vote, will you be voting solely on that issue: whether or not to accept, or reject, the proposed zoning amendments?

Mayor Kinnally: We do not know yet. We are going to have to address the issue of the findings first, and then we will address whatever resolution comes before the Board.

Village Manager Hess: I think Leslie is asking if you are going to be accepting or rejecting the Planning Board's findings. No. The Board of Trustees is going to issue their own set of findings. What they will vote on is a two-step process. They will be voting on specific issues, I assume, within their findings, and then on the proposed zoning amendment.

Mayor Kinnally: The first issue we are going to address is whether or not a CCRC is an appropriate use on the site.

Ms. Chervokas: My understanding is that would be subsumed by the proposed zoning amendments.

Mayor Kinnally: I do not know if it is going to be necessary to have a battle over height, density, setback, all the elements in the findings, if two people on the Board say that a CCRC is an inappropriate use of the site. That is why that is the first issue that has to be addressed. Then if that is an appropriate use of the site we will talk about the specifics that are incorporated in the other portions of the zoning text. That is how I think it should go.

Ms. Chervokas: Once again, members of the public raised the issue before the Planning Board of whether a CCRC use was a good use. We were told on numerous occasions that that was not the issue before the Planning Board. The issue before the Planning Board was whether this project should be permitted.

Mayor Kinnally: The operative words in what you just said are "that was the issue before the Planning Board." This is the issue before the Village Board. It would be appropriate as a first step to see whether or not this Village Board believes that a CCRC use is an appropriate use for the site. If they say no, I do not know why we would tear us and everybody else apart dealing with the other issues. Maybe the rest of the Board feels differently, but I think from a logical standpoint you would want to address that issue first.

Village Manager Hess: The Mayor is correct, because the Board of Trustees is making a legislative decision. They still have to address the SEQRA process that the Planning Board went through to issue findings. But there is a difference. The Planning Board was the lead agency in terms of SEQRA, so they went through the SEQRA process. They did not talk about whether a CCRC is an appropriate use for the site. There was an application, and a SEQRA process, before them. The first question before the Board, because they are the legislative body that has to make the final zoning decision, has to be if a CCRC is appropriate for that site.

Ms. Chervokas: In the event that you were to determine that it was a good use and that some project should go forward at that site, would that require a whole new SEQRA review process?

Mayor Kinnally: If the proposal is larger than the one before the Planning Board, then you probably would have to go through and amend it. But if it is smaller, then all of the mitigations and all of the alternatives have been addressed, in my review of the record.

Ms. Chervokas: I just want to get a handle on what the process would be in that event. I want to know whether the Board had considered that.

Mayor Kinnally: What we will consider will be done in public. Let me repeat, the Board has not discussed this application other than in procedurally with counsel in getting legal advice. We have not discussed it collectively. One-on-one, we can discuss it. Three people together cannot discuss it, and we have not.

Ms. Merling: It sounds like after you answer the CCRC question, then you are going to be presented with some questions as to whether or not you are going to discuss a smaller plan, or vote yes or no. That sounds like there are options open for it being a negotiating team, to go back and "broker" a deal that would be amenable to everyone. I do not understand that, because I thought that it was a body that was just voting yes or no on a proposal. Could you clarify that because I am genuinely unclear.

Mayor Kinnally: What I gave you were a range of possibilities that have been raised, not by the Village Board, but by the public. It can be from one side to the other, whether it is up or down, or something in the middle. It depends upon what my colleagues on the Board want to do.

Ms. Merling: What is the legal responsibility of the Board?

Mayor Kinnally: The legal responsibility of the Board is to act on the application before us. If there is a resolution for an amendment to the Zoning Code, and someone moves it and it is seconded, then the Board votes on it. Between now and then the applicant may want to make an amendment. I do not know.

Village Manager Hess: Counsel has advised the Board that any amendment to the zoning text before them would require further public hearings.

Mayor Kinnally: Any discussion, any comments, any changes, any alternatives, from here on the dais or from the applicant or from people in the community, will be discussed openly at Village Board meetings.

47:01 - PROPOSAL ZONING CONSULTANT SERVICES

Village Manager Hess: The Board recently adopted a moratorium in the downtown and adjacent areas for this study to move forward, and a committee headed by Bob Lee interviewed a number of consultants and have recommended Stuart Turner & Associates. We had a follow-up meeting with Meg Walker, Bob, and myself. He revised his proposal from \$22,700 to \$18,500. We recommend approval.

Trustee Walrath: I was part of the initial interviews. I certainly concur with the choice.

Trustee Apel: I was pleased to see all the feedback and work they are going to be doing with other people, and meetings. The time line that they gave is pretty straightforward, and it looks like they will come to conclusion quickly.

Trustee Holdstein: Does the Village Manager know of other villages that have used this fellow's services recently?

Village Manager Hess: They gave us a complete list in the complete formal proposal. We did background checks and other communities have been very pleased with him.

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 accept the proposal of Stuart Turner & Associates for zoning consultant services on the downtown area in the amount of \$18,500 to be paid from the general fund.

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	

48:01 - BUDGET TRANSFERS FY 2000-01

Village Manager Hess: Mayor, I do have a complete itemized analysis of each of those accounts. If any member of the Board would like to take a look, it is about 25 pages long. These transfers are within budget. These are all preliminary transfers. We start our audit on Monday and we may have several additional transfers after the audit is completed.

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 Village Treasurer to make the budget transfers for FY 2000-01 as follows:

<u>Account Code</u>	<u>Account Name</u>	<u>To</u>	<u>From</u>
A1325102	Treasurer Bookkeeper Part Time	9,450.00	
A1410473	Village Clerk Advertising	7,350.00	
A1420464	Special Counsel Special Counsel	97,060.00	
A1450100	Elections Personal Services	465.00	
A1620451	Mun. Bldg. Maintenance of Bldg.	26,520.00	
A5110100	Street Maint. Personal Services	81,350.00	
A5132414	Central Garage Gas & Oil	16,590.00	
A5142100	Snow Removal Personal Services	73,510.00	
A8120100	Sanitary Sewers Personal Services	560.00	
A8140458	Storm Sewers Maintenance of Sewers	3,640.00	
A8560452	Trees Tree Service	7,100.00	
A6610100	Senior Outreach Personal Services	1,575.00	
A7550464	Celebrations Other Services	5,661.00	
A8020465	Planning LWRP	13,100.00	

A7110464	Parks	Other Services	4,000.00	
A7145413	Comm. Center	Fuel For Heat	2,070.00	
A3310416	Traffic	Street Signs	354.00	
A4540477	Ambulance	Medical Supplies	7,120.00	
A19904	Contingency			65,000.00
A19804	Prov Allow	Uncol Taxes		25,000.00
A97306	BAN Principal			128,340.00
A97307	BAN Interest			29,093.00
A3620100	Super of Public Works			24,500.00
A90108	NYS Police Retirement			30,900.00
A4210500	W Co Comm Men Health			15,000.00
A3120104	Patrolmen			38,642.00
		TOTALS:	357,475.00	357,475.00

A1620.100	Building	Custodian	1,566.00	
A3120.104	Patrolmen			1,566.00
		TOTALS:	1,566.00	1,566.00

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	

49:01 - SALARIES PART-TIME PERSONNEL

Mayor Kinnally: These salaries and rates were the result of recommendations that were given to the Village Board by the Village Manager.

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

RESOLVED: that the Mayor and Board of Trustees establish the following part-time salaries and/or hourly rates effective July 1, 2001:

Planning Consultant	\$40,800
Deputy Building Inspector	15,250
Fire Inspector	13,000

Senior Outreach	14,500
YES Director	12,750
Meter Repair	12.75/hr
Bookkeeper	11.00/hr
Clerk (Village Clerk's Office)	12.50/hr

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	

50:01 - SETTLEMENT AGREEMENT - PBA

Village Manager Hess: After approximately four and a half months of negotiation with the PBA, we have reached a settlement on a four-year agreement, the elements of which are as follows: salary increases of patrolmen, 4% each per year for four years; sergeants and detectives, 4.25% for years one and two and 4.5% for years three and four; starting salary for a grade 5 patrolman year one, \$21,5000; year two, \$22,5000; year three, \$23,500; year four, \$24,5000. There was agreement on salaries for starting transfers; some increase in sick leave accumulation, sick leave at retirement, and our sick leave bonus program. Slight increases in uniform allowance and vacation. Employees hired after June 1, 1998 are required to contribute to health insurance. There were increases in both the single coverage and family coverage contribution rates in this contract. An educational stipend was increased.

Mayor Kinnally: The proposal is the result of a series of negotiating sessions between the PBA and its representatives. Was counsel part of it?

Village Manager Hess: Counsel from PBA was present. We were not represented by counsel because we like to move these things along. I should point out that Trustee Jennings was a member of the PBA negotiating team.

Mayor Kinnally: I thank Neil and Trustee Jennings for spending the time to come up with a very fair contract.

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 approve the settlement agreement with the Police Benevolent Association effective June 1, 2001 and authorize the Mayor and Village Manager to sign the contract.

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	

51:01 - AUTHORIZATION TO RECEIVE BIDS - STREET RESURFACING

Village Manager Hess: At the last meeting I gave the Board a list of potential streets. We are having them measured to determine quantities. We would like to go out to bid in July so we can get our authorization at the August 14 meeting and start our street resurfacing in the last several weeks of August. The proposed streets are lower Villard, Croton, Stanley, Baker Lane, Euclid Avenue from Villard to Bellair, Boulanger Plaza, Rosedale, Ravensdale, Cedar, and Jefferson.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to receive bids for street resurfacing.

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	

53:01 - ZONING CODE AMENDMENT REFERRAL TO ZONING BOARD OF APPEALS - ANDRUS

Mayor Kinnally: Counsel has recommended that we refer this yet again to the ZBA for consideration of the text as reviewed and passed on by the Planning Board.

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

RESOLVED: that the Mayor and Board of Trustees refer again to the Zoning Board of Appeals for recommendation on Proposed Local Law No. 4 of 2001 for amendments to the Zoning Code relating to Continuing Care Retirement Communities, upon application of John E. Andrus Memorial, Inc., pursuant to Section 295-157 of the Code of the Village of Hastings-on-Hudson.

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

**52:01 - DETERMINATION AND FINDINGS RE LAND ACQUISITION -
MARINELLO COVE**

Mayor Kinnally: In connection with the Resolution we have prepared certain background and findings of the Village Board, which are a result of the Public Hearing and submissions made in the Public Hearing and the public comment period subsequent to the Public Hearing.

This is in the matter of the application of the Village of Hastings-on-Hudson for land acquisition pursuant to the New York State Eminent Domain Procedure Law.

BACKGROUND

1. The property locally known as Marinello Cove ("Cove") is a 3.18 acre underwater parcel on the Hastings-on-Hudson River Waterfront. It is designated on the tax map of the Village of Hastings-on-Hudson ("Village") as Sheet 13, Parcel 116. It is bounded on the north by MacEachron Waterfront Park, a Village owned park, consisting of 1.3 acres also located adjacent to the Hudson River. The Cove is bounded on the south by the Hudson Valley Health and Tennis Club; to the east, the property is bordered by River Street (a Village street) and Metro North Railroad property.

2. The Cove is a gap in the landfill that was deposited in the Hudson River to create land for water dependent industries on the Hudson River. Approximately 90% of the Cove is underwater, while the upland area consists of a narrow sandy beach and a strip of vegetation, immediately adjacent to Village-owned River Street. Since the mean high water level is 4.5 feet and the highest point of this property is approximately 7 feet, most of the Cove is underwater at high tide. At low tide, approximately 75% of the Cove is above water, but the resulting mud flat is virtually unusable. The property is below the 100 depth-year flood plain level.

3. On or about August 23, 2000, the Village offered to purchase the property from its current owners in conformance with the requirements of the Environmental Domain Procedures Law.

4. The owners of the property have not accepted the Village's offer to purchase of the property.

5. On November 16, 1999, the Village Board of Trustees adopted a resolution endorsing the principles and goals of *A Community Vision for Comprehensive Planning and Strategic Action Plan* a comprehensive planning document prepared by the Planning Board. One of two critical goals described in the plan's "Basic Vision" is to re-establish the Village's connection to the Hudson River. The plan states that because the Hudson River is a "unique and significant geographic feature of Hastings-on-Hudson, access to visibility, use and enjoyment of the waterfront [is] vital to the community." The plan also states that the waterfront must be reclaimed and developed as an integral part of the community. It suggests that land acquisition may be necessary to accomplish this goal.

6. The Village has undertaken a Local Waterfront Revitalization Program, ("LWRP") a steering committee has been created that has conducted an inventory and analysis of the property on the Village. The committee has explored, at length, the acquisition and enhancement of the Cove as an important "water-dependent use opportunity." The study committee has also recommended the acquisition of the Cove by the Village as soon as possible to provide a launching area for small, non-motor water craft.

7. In the year 2000, the Village undertook a planning study of the Cove and the adjacent MacEachron Waterfront Park and Hudson Valley Health and Tennis Club. The goals of the study were to enhance the existing park, to improve public access to all three properties by linking them with a continuous path along the rivers edge, and to provide more opportunities for the use of the river for recreational purposes. The resulting plan produced in connection with the study envisions a floating dock accessible from the southern edge of the Cove, a boardwalk around the Cove to link the park, the Cove and the tennis club and a new tidal marshland. The floating dock would provide kayakers and canoers with a launching area for low tide conditions, and would allow boat launchings at high tide, as well as provide an area for fishing or enjoying

the river view. The small tidal marsh area could provide habitat for bird, fish and other wild life not often seen in the Village and could become a valuable educational resource for the Village.

8. In the fall of 2000, the Regional Plan Association facilitated two public workshops to help define the community's vision for the redevelopment of the entire waterfront. The resulting plan highlights the Cove as an important river access point for launching of small boats, with a beach and restored tidal wetlands.

PUBLIC HEARING BEFORE BOARD OF TRUSTEES

9. A public hearing held pursuant to Environmental Domain Procedure Law was held on April 24, 2001 at 8:15 p.m., at the Hastings-on-Hudson Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

10. Public notice of the hearing was published on five consecutive days from March 30, 2001 to April 3, 2001 in the Journal News. Public notice was also published in the River Towns Enterprise on March 30, 2001.

11. The Board of Trustees and 21 citizens were present at the public hearing.

12. Trustee Bruce Jennings, while absent from the hearing, submitted a letter in support of the acquisition of the Cove property. The letter was read into the record by Mayor Kinnally. Trustee Jennings cited the need to acquire the Cove to provide recreational access to the river for kayaks and canoeing. He noted that there was currently no alternative site in the community that could provide such access to the general public.

13. Trustees Jennings also noted that many planning studies have recommended increased access to the Hudson River for recreational purposes. His letter stated that acquisition of the property would provide a necessary link from MacEachron Waterfront Park to the north with the Hudson Valley Health and Tennis Club to the south, creating the potential for a waterfront esplanade.

14. Former Village Trustee Suzanne Smith also submitted a statement that was read into the record by Mayor Kinnally. Ms. Smith noted that the acquisition of the Cove would provide a public benefit as part of a waterfront park and riverside promenade.

15. In addition to letters submitted by Trustee Jennings and former Trustee Smith, 15 citizens spoke in favor of the acquisition by the Village of the Cove property.

16. No citizens spoke against the proposed acquisition of the property.

17. A letter dated December 20, 2000 from the Westchester County Department of Planning was read into the record. The letter noted that the County Planning Board supported the proposed condemnation action involving the Cove. It further stated that acquisition of the property "... should greatly improve access to the Hudson River, an objective set forth in *Patterns of Westchester, The Counties Long-Range Land Use Planning Document*" The letter noted that the proposed acquisition of Marinello Cove would fulfill an objective of the Historic River Towns of Westchester's *Growing Smarter Together Plan*, which encouraged "creative and recreative river front plans that clean up brown fields, preserve green space, and provide additional access from the land to the river and the river to the land."

18. Mr. Adam Brown, President of the Working Waterfront Association, a not for profit maritime environmental organization, spoke on behalf of the organization and the World Water Rescue Foundation. Mr. Brown fully supported the acquisition by the Village of the Cove.

19. Former Village Trustee James Keaney spoke in behalf of acquisition of the Cove property. He stated that the Village acquisition of the property would have a beneficial effect on MacEachron Waterfront Park by expanding it, and by allowing more people to utilize the park as well as providing the opportunity to launch small boats into the Hudson River.

20. At the conclusion of the April 24, 2001 meeting, the public hearing on the application was closed, except that the Board acknowledged it would accept written submissions from interested citizens until close of business on May 8, 2001.

21. No submissions were received from any interested party during the time period designated by the Board.

FINDINGS

22. The Board of Trustees of the Village of Hastings-on-Hudson hereby determines that it is necessary and appropriate to acquire, by condemnation, the following real property described as all lands thereupon lying and being in the Village of Hastings-on-Hudson, County of Westchester designated on the tax map of the Village as Sheet 13, Parcel 116, together with any and all rights, easements and hereditaments appurtenant to such lands ("Property");

23. The property should be acquired by the Village of Hastings-on-Hudson for the public use, benefit and purpose hereinafter set forth;

24. The public use, benefit and purpose to be served by the proposed acquisition of the property is to extend an existing one acre waterfront park, create a canoe and kayak launch, and to restore a tidal wetland.

**RESOLUTION MAKING DETERMINATION AND FINDINGS UNDER
THE EMINENT DOMAIN PROCEDURE LAW REGARDING PROPOSED
ACQUISITION OF REAL PROPERTY FOR THE EXTENSION OF
AN EXISTING WATERFRONT PARK, CREATION OF A BOAT/
CANOE/KAYAK LAUNCH AND RESTORATION OF TIDAL WETLANDS
SHEET 13 PARCEL 116**

WHEREAS, in order to allow for the future development of MacEachron Waterfront Park, the creation of a boat, canoe and kayak launch and the restoration of tidal wetlands on the Village Waterfront, it will be necessary for the Village of Hastings-on-Hudson ("Village") to acquire property in the area of the compromise ("Property") from its present owners; and

WHEREAS, the Village proposes to initiate condemnation procedures to acquire such real property in order to implement and allow process for the orderly acquisition, clearance, disposition and development of the Village Comprehensive Planning and Strategic Action Plan; and

WHEREAS, the Village, pursuant to the provisions of the New York State Eminent Domain Procedure Law ("EDPL"), the Village Board of Trustees on January 23, 2001 issued a negative declaration under SEQRA with regard to the subject property and project; and

WHEREAS, pursuant to the EDPL, the Village Board of Trustees on April 24, 2001, after giving due public notice, conducted a public hearing at which there was outlined the purpose and proposed location of the public project for which the acquisition of property is proposed; and

WHEREAS, the Village Board of Trustees concluded the period to receive written comments on May 8, 2001, and

WHEREAS, pursuant to the EDPL, it is incumbent upon the Village Board of Trustees, within ninety (90) days after the conclusion of the public hearing to make its determination and findings concerning the proposed public project, and the acquisition of real property therefore, and to publish a brief synopsis of such determinations and findings in at least two successive issues of the official newspaper; now, therefore, be it

RESOLVED, that after having held a public hearing on April 24, 2001, pursuant to the laws respecting the proposed acquisition of the property by the Village, the Village Board of Trustees, upon due consideration, hereby determines and finds that:

1. It is necessary and appropriate to acquire by condemnation the following real property described as all lands and all buildings and improvements thereon situate, lying and being in the Village of Hastings-on-Hudson, County of Westchester, known as Sheet 13, Parcel 116 on the Tax Map of the Village, and

2. The property should be acquired by the Village for the public use, benefit and purpose hereinafter set forth;

3. The public use, benefit and purpose to be served by the proposed acquisition of the property is extending an existing one acre waterfront park, creating a boat, canoe and kayak launch and restoring tidal wetlands; and be it further

RESOLVED, that the Hastings-on-Hudson Board of Trustees hereby authorizes the Mayor to direct the Village Clerk to publish notice of the foregoing determinations and findings in accordance with the Eminent Domain Procedure Law.

Mayor Kinnally: The Resolution, background and the findings are there. I open it up to the Board for discussion.

Trustee Walrath: I have a question between the first version and the second of the Resolution why we took out what we took out the description of the parcel. Without it, the wording seems to...

Mayor Kinnally: We can identify it as Sheet 13, Parcel 116. We can put that back in for clarification.

Trustee Apel: I agree.

Trustee Holdstein: My only comment has nothing to do with the content of the documents, but the fact that we continue to move forward on what is a very important acquisition for the Village. I am pleased that we are finally, at long last, moving this process, as I have noted each step of the way. I think it is a good thing for the Village, so I am pleased that we are at this stage.

Mayor Kinnally: Any public comments?

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath, the above resolution was amended in the first Whereas clause to include the words “as what is known as Sheet 13, Parcel 116 on the tax map of the Village” after “in the area of the compromise” by 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	

On MOTION of Trustee Walrath, SECONDED by Trustee Apel, the above Resolution making determination and findings under the Eminent Domain Procedure Law regarding proposed acquisition of real property for the extension of an existing waterfront park, creation of a boat/canoe/kayak launch and restoration of tidal wetlands Sheet 13 Parcel 116, as amended, was duly adopted by 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	

Mayor Kinnally: This does not foreclose continuing negotiations with the owners of the site. We can stop the process if we reach an accommodation on the price, and there is no harm in continuing to talk. I extend that to the owners.

VILLAGE MANAGER'S REPORT

Village Manager Hess: I would like a work session on June 26 if possible.

Mayor Kinnally: I would like to have an Executive Session on personnel that night.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session following the Work Session on Tuesday, June 26, 2001 to discuss personnel and land acquisition.

Village Manager Hess: The Home Buyers Workshop is tomorrow night at the Community Center on the affordable Warburton homes. It will explain the eligibility requirements for these homes and how the lottery system is going to work.

The Bridge Program is a summer program that we are sponsoring for the eighth year. We run it through the Youth Council. Some of the offerings are courses in criminal justice, driver education, computers, quilting, and a high school prep class; a movie review group; an open gym program; open pool on Thursdays in July from 8 to 9; a pottery class; midnight run to assist the homeless; trips to sporting events; weight training; internships; a work study program; and barbecues Thursday evenings at the skate park. I want to congratulate Mike Rossi and the Youth Council and the Youth Advocate's office in putting that together.

We have received the financing on the library addition and renovation, and the low bidder was Fleet Securities, at a rate of 2.935%

The Hastings Weekend will be July 13, 14 and 15, with a karaoke night at the pool, an arts and crafts fair and a concert at Waterfront Park, and the senior swim party.

I want to congratulate the Hastings Education Foundation on "Stars Over Hastings." It was an excellent concert. The Spring Thing was well-received. There were 80 vendors, almost more than double from last year. I especially want to thank Linda Knies, who headed up the Spring Thing. She did an outstanding job.

We have been interviewing mechanic's helpers, which is a position that was approved by the Village Board in the Village budget. I am pleased to announce that I am hiring Bill Osborne who has extensive mechanical experience and will be starting on July 2.

Mayor Kinnally: My congratulations to Neil and to Linda and everybody else who participated in the Spring Thing. It is an annual event that everybody looks forward to, and a job well done. It brings the people of the community out together, and it is great.

BOARD DISCUSSION AND COMMENTS (cont'd)

2. Update on the Waterfront

Mayor Kinnally: ARCO has submitted a proposed demolition and removal schedule for what they call the "5 Series Buildings" on the waterfront: the low buildings that are directly opposite Building 15, adjacent to the railroad tracks. This is very tentative:

1. Development of the Work Plan in June and July.

2. Submittal to DEC in mid-July.
3. DEC approval early August, and that would also include the Department of Health for the asbestos.
4. Field sampling in mid-August.
5. Data Review and Characterization of the Findings in September.
6. DEC Approval in mid-September.
7. Request for Proposal (RFP's) October 1.
8. Receipt of Bids mid-October.
9. Award of the Contract end of October.
10. Mobilization on the site November 1.
11. Begin asbestos removal late November.
12. Begin building demolition mid-December.

Trustee Holdstein: Any comment from your perspective as to whether that is an aggressive , a rather slow, or fairly reasonable schedule?

Mayor Kinnally: Given the permitting process and the review that has to take place before they can go out to bid, it is realistic. The slowness last year was the DEC and the Department of Health. There is a little more credibility and they are doing it for the second time so they should know their way around.

Neil met with George Heitzman to discuss the timing of the PRAP for Operational Unit 1 which is the land component. It will be issued in the fall. He also felt that Tappan Terminal will be issued in late fall, which is the property to the south. And OU-2, which is the area off the shore, in the river, will be issued in the spring of 2002.

Trustee Walrath: Are we going to have any shot at seeing the documents that lead up to the PRAP before they issue it? I thought we had made progress on getting some agreement that we see the feasibility study.

Mayor Kinnally: Yes, I think they said that when that comes down it will be made available.

Trustee Walrath: I would hope we could get it earlier.

Mayor Kinnally: Simultaneous with the comments being issued by Albany. We cannot get it earlier because we cannot get it before they are issued.

Trustee Walrath: The Department of State DOT are coming down to talk about the Zinsser Bridge as Neil indicated in his letter. I have concern that the money that we are talking about spending there might better be spent on a bridge in another location. I am looking to find a

routing to connect that bridge back to the downtown. I have never seen anybody claim that it has any fundamental structural problems.

Village Manager Hess: It does have structural problems. They issued reports on that previously, and have reduced the weight limitations on that bridge at least twice over the last four or five years. The Board is invited to attend this meeting, and we can talk about it.

Trustee Walrath: If that bridge could stand car traffic, I would love to see the money spent in getting a second bridge connecting the downtown portion of the waterfront to the downtown of the Village.

Mayor Kinnally: Can you attend, David?

Trustee Walrath: Yes.

Trustee Apel: We had a discussion on the paths around the Village. Are we going to get, or can someone provide us with, where all these paths are? I am talking about the stairs that go all over the town.

Village Manager Hess: We have to research those because we are not sure whether they are owned by adjacent property owners, whether they are rights-of-way, or exactly what they are.

Trustee Walrath: Meg has an intern this summer. I would like to show them, or get them to dig up, the property ownership on all those paths.

Village Manager Hess: That is a long-term project, though. It is not a simple item. But it is on our agenda.

Trustee Apel: I would like to discuss the report from the Affordable Housing Committee, the one here from Sue Smith dated June 14 regarding the property on Division and Warburton. I think Jim Keaney said that they would give us a report, and now we have information from them, so I think we should discuss this at some point.

Mayor Kinnally: We will put it on for our work session and we will talk to Sue and see when they are available.

Mr. Apel: There is a wall on Mt. Hope not far from Overlook that is almost falling apart. It is highly dangerous, and I was just wondering who one reports this to.

Mayor Kinnally: The Building Department.

Trustee Walrath: Was it immediately just uphill from where Mount Hope doubles back on itself? That is my daughter and son-in-law's yard, and I think they spoke with the Village Manager about the wall, partly falling on their property and partly falling on the Village property that is next to them, I think.

Mr. Apel: Okay, consider yourself notified.

Village Manager Hess: They may have talked to the Building Department. They have not talked to me as of yet.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:05 p.m.