

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

A Regular Meeting was held by the Board of Trustees on Tuesday, November 20, 2001 at 8:10 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 (9:30 p.m.), Trustee Marjorie Apel, Deputy Village Attorney Ed Lammers, Special Counsel Mark Chertok, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

**CITIZENS:** Sixty (60)

**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. 43-2001-02 \$204,662.10

Multi-Fund No. 44-2001-02 \$120,179.87

Multi-Fund No. 46-2001-02 \$ 3,408.42

**Mayor Kinnally:** Tonight we have a number of resolutions before us. There are three resolutions dealing with the Andrus Retirement Community. The first resolution deals with the appropriateness of a CCRC. On advice of counsel, that resolution will not be pursued; it is not necessary since the information contained in that resolution is incorporated in the findings that are the subject of the second resolution.

We will proceed as follows. I am going to read the two resolutions, and the Board of Trustees will comment on the resolutions in turn. I have given the applicant, if he or she wishes to avail himself or herself of it, five minutes to address the issue. I have also invited Leslie Chervokas, on behalf of her organization if she wishes to avail herself of it, five minutes to discuss it.

The first resolution addresses the findings that we have made as a result of input from the community, the applicant, the Zoning Board of Appeals, and the Planning Board, as well as our own input.

The second resolution is up or down on the application for the proposal that has been in front of the Planning Board, the Zoning Board of Appeals, and the Board of Trustees. I will open the discussion among the Trustees.

**Trustee Apel:** I spent a lot of time reviewing and reading the findings, and I have a few comments. Some of them are minor. In Section V, after the summary and findings, "at this point" is unnecessary.

**Special Counsel Chertok:** Since we are dealing with the present, it does not make any difference and I do not have any problem taking it out.

**Trustee Apel:** Page 30, the discussion with respect to the Village as a whole. I was concerned about what it meant by "diversity of the general population might be increased to some extent."

**Mayor Kinnally:** It was a subsection of the Planning Board's findings and a subsection of the discussion that we had as to the aspects we were addressing in the course of the public hearing and our discussion and comments on it.

**Trustee Apel:** I am sure we had that discussion, but I am not sure that was necessarily the concern of everybody.

**Special Counsel Chertok:** That is a factual finding that is based upon the record.

**Trustee Apel:** So this statement is a factual finding based upon the discussion that we had?

**Special Counsel Chertok:** No, it is based on the Environmental Impact Statement.

**Trustee Apel:** The question I would have is whether the diversity might be increased to that extent. I do not believe that is necessarily true. Although you are saying "increased to some extent," so maybe that is your qualifier.

**Special Counsel Chertok:** It depends on the cost of the units and the financial ability of seniors in the Village to acquire one of the units. Until you did a very detailed study of all the demographics, you would not be able to conclude that it would. The theory is that some of the seniors in the Village could remain in the Village that would otherwise leave, so there would be some increase in diversity.

**Trustee Apel:** Did we have at that particular time a discussion about people that were apartment-dwellers, as it related to that?

**Trustee Holdstein:** I had similar concerns in this portion of the findings, and had discussed with Mark the issue that has been alluded to. The key operative words in the findings are

"might be increased to some extent." Hastings has an incredibly diverse population as it exists today, so the impacts of this, to me, are negligible at best. This particular proposal was not going to help an already diverse population.

**Trustee Walrath:** Could you think of that as a possible loss of diversity if people had to move out who had spent their lives here? We might save some people from having to move out with the lower price.

**Trustee Holdstein:** We can get into the issue of lower prices and the guidelines of entrance in terms of both the price of the purchase as well as the assets that need to be behind the purchase price. We have an incredibly diverse population, a great many seniors who still live in their homes, who live in apartments throughout the Village. So I did not see this as a major issue, positive or negative.

I have stated my concerns for the project. I have spoken to a great many people. I am comfortable with the final product that we have here for the record and, at this juncture, my position is where it was when I declared it. That decision was made with an incredible amount of thought and soul-searching, listening and thinking. It was a decision made in a role that I take very seriously, and that is a role of an obligation to the entire Village of Hastings-on-Hudson, and a responsibility to the Village today, tomorrow, and in the future. There was no single issue that brought me to where I stand today, but a great many issues. I have to make a decision that I think is in the best interest of the Village. Not for somebody who lives next to the project. Not the applicant themselves. Not to somebody who has a particularly loud voice at the microphone. I have to take it all in and make the judgment that is best for this Village long-term and short-term. It is not an easy process. There will be some people that will be happy with the way I vote, and some people that will be unhappy. I do not anticipate changing where I stand this evening. I am pleased with the document that has been produced. I am prepared to vote on it.

**Trustee Walrath:** On page 2 where we talk about the straw vote that we had, it does not point out that the straw vote was done irrespective of size. I just had a further thought on that topic. I regret that the appropriateness of the use was ever separated from the scale of the project. I do not think the size of the project and the proper use of the land can be separated. This project came in and the applicant represented that it could not be smaller. They have reduced it somewhat, and that is reflected in the new findings. But the applicant's claim is that there is no flexibility to reduce it any further, that it affects the financial viability of the project. As I said before, my vote on the final issue will be against. I would be pleased to see the findings reflect what I have just said.

**Trustee Apel:** I have spent many hours reading all the materials we have been receiving and the notes and letters, and I have been receiving phone calls from people, and have been listening to what everyone has to say. The findings reflect how I feel in regard to this project.

This project was for a change in a particular zone, and it would not necessarily reflect the change in just that particular piece of property. When we are looking at any project, we have to look at the entire Village and what it would be doing to that particular zone. And, therefore, my feelings are still the same.

I want to thank Mark and Kate for all their hard work. It has been a long haul, but I feel that I have made a balanced decision.

**Mayor Kinnally:** There has been a lost opportunity here, and I say that without pointing the finger of blame at anybody. Andrus has been a good and an interesting neighbor for almost 50 years. I say interesting because we have spent a lot of time talking about a CCRC, and in New York State a CCRC is a relatively new addition to the ability of healthcare providers to configure themselves. I think the blueprint for a CCRC was in Andrus over the last 50 years because, while they nominally had a license to operate as a nursing home, it came very close to being a CCRC. Years ago people had to be ambulatory when they went there. The nursing home component of it was a very small adjunct. As Andrus evolved, the healthcare system caught up with the concept that Andrus had. The residents were living independently. They shared their meals jointly, but they had their own rooms and they were not really there for nursing home or health-related reasons. I believe they were licensed as a nursing home because you were either a nursing home or a hospital or nothing else at that time. The 1990's has seen an evolution in the terminology and the type of healthcare facilities that are being offered throughout the country. New York is a latecomer to that.

As the project evolved concerns were raised about the size and the density and the impact that the project would have on the community. Not all of those concerns have been fully addressed, certainly not to my expectation or satisfaction. But the opportunity was lost because I felt that there was a rigidity on both sides of the aisle. Maybe it was deliberate, maybe it was just the nature of the project. I take at their word the statements by Beth Abraham that the project, financially, could not be scaled down. We retained an auditing firm to take a look at that and they confirmed that they could not lop off 25% and make it viable. Late in the proceedings, through the intercession of the Andrus family, there was a proposed infusion of money that would allow a scaling down of some of the project. A good start but unfortunately at the end of the day not enough. But a lost opportunity because not only did the applicant say they did not have any flexibility, but many of the opponents said

they were not interested in having you try to resolve this and try to get a smaller project. Vote it up, vote it down, but do not engage them in any dialogue as far as modifying the proposal. I did not follow that. I did try to pursue getting a reduction, as did some of the other members of my board. I met with the applicant and with the family, but time ran out. Going back to a lost opportunity, it is too bad that the energy and the imagination, not only of the applicant but of the community, could not have been brought to bear to get something that was more reasonable.

The size and the density of the project are too high. I am not going to vote for it on that ground. I do think a CCRC is an appropriate use. I dread the day that, if the nursing home is abandoned and the property goes on the real estate market, we will have private development on that property. Everyone is going to be disappointed with that because the impacts are going to be greater and more adverse than the feared impacts of this proposal.

I am going to speak to the people who have been forgotten here: the 100 or so residents of the Andrus Home. They may not have been very vocal, but they were never far from my thoughts. The last thing I want to do is displace 100 people who call that place home. In reviewing what was good and what was bad about this proposal, I never wanted to lose sight of the fact that we were dealing not only with the impacts on the other people here in the Village but also on the residents who live there. The tough thing is to come up with a workable solution. We often pay lip service to the fact that we need a master plan, or planning, in this community. But the tough thing is when you are faced with a situation and not to glibly say we are reacting. It is not reaction. It is positive planning, and working to get something that will fit within the community. The easy thing is just to say no. But when you just say no without using all of the expertise, the imagination, and the accumulated wisdom in the community, then you are doing everybody a disservice.

While it is obvious that this is not going to pass, the Board has split 2-2 on whether or not a CCRC is an appropriate use in this community. I still believe a CCRC is an appropriate use. We have embraced Andrus for many years. We have embraced the same concept that they have come here with over the past few years, albeit with a scale that is higher and greater than we want. But I would not close the door on a reconsideration of a CCRC in this community. We cannot say that we are going to let other people in other communities take care of our healthcare needs for our population, whether they be infants, preschool, schoolchildren, youngster adults, middle-age people, or seniors. We are not a Village with a moat drawn around it, that we are going to keep things like this out of here simply because it may not be exactly what we want in this community. Healthcare is something that we have opened our doors to in the community for the past 50 years. I am not ready, nor would I want to see this community, close its doors to anything. I do believe you can divorce the scale of

the project from the concept of a CCRC. As we have seen throughout the state and in other parts of the county, there are CCRC's of smaller density and height than we have here. So it is not impossible to do it.

It has been a long process and there were many instances where positive things came out of the public dialogue, not only here but also privately throughout the community. I thank everyone for participating and I thank my colleagues for putting in the time and the energy to look at this.

I will ask if the applicant has any comments, and if so, to limit it to five minutes.

**Henriette Cole, Andrus Retirement Home:** I am going to let Mr. Valdez, the vice-president of 1199, who is representing our employees, take my five minutes.

**Nelson Valdez, United Healthcare Workers:** I was told not to waste my time, not to come in front of you today. I was told this has been a long-term struggle, with each side escalating the position. There is a history about this town that preserves the quality of life. I respect the members of the Board, for articulating that they thought out this process very carefully and they feel comfortable they have represented the interests of the town. I respect that, because having been in the position of leadership in our union for 29 years and having to make decisions that affect life and community, it is a very complicated process, making decisions. I want to thank you, Mr. Mayor, for articulating your thought process. We also believe in 1199 that this is a lost opportunity.

I am humble being able to present to you the position of an institution, 1199 Healthcare Workers Union that represents 200,000 workers statewide. We have a history working with the Sierra Club and Robert Kennedy, Jr. on environmental issues, organizing and supporting the waterfront, one of the issues that is on your agenda today, and as an advocate for the ageing, which I have done for more than 25 years, and the physically challenged.

Nothing that I will say here today is intended to change your position, those of you who have already come to a firm decision. What I will share with you is that there are two dimensions to the decision-making process: that of the elderly or the ageing who have thought out how they would like to live the rest of their life, after making a contribution to our society; and those who have worked in providing those services. They have dedicated their lives in caring for the residents, and become a member of the family. What you call the developer I have happened to know for more than 14 years. Do you really know what they do? Do you know the innovation that they have created for history for over 75 years? Andrus has, for 50 years,

provided these services. Utilizing public property to provide these services is nothing new. It is a requirement of the Department of Health that requires a different application setting.

Hebrew Home and Hospital in Westchester started a similar development under the same provision, a 58 million dollar project. They finished the project in eight months. Finished it. Because there is a need, and a demand, for these services. I will look forward to reading the opinion and the decision and review it from our perspective. We believe that we have intended to address the concerns, and we have not been allowed to provide all the information, addressing all the concerns of the members of the Board. Are we saying that we have already made a decision, and therefore we are not open to review our decision and allow all of the information and all of the concerns to be addressed? Maybe we can table the decision to allow that process to make sure that we satisfy everyone regarding all of the information and all of the impacts, and the implications of the decision that we are about to make tonight, on everyone.

But I say, never say no. I have learned that an opportunity lost is something you will come to regret. I am very proud to have been given the privilege by the provider to address you here tonight. This is the first time my institution has been able to address you with an issue that you have not addressed before, a concern that you have not addressed before. I want to thank you so much for your time.

**Barbara Merling, co-chair Hastings Community Coalition:** The Village, and its attorney, have drafted findings. We see no reason to delay your taking actions on your findings. We want to thank everyone for their hard work and their efforts, and the seriousness with which they approached this.

**Mayor Kinnally:** David, do you want to modify some language?

**Special Counsel Chertok:** David, as I understood your comment before, you were saying, at least in your view, that it was pragmatically impossible to separate the concept of a CCRC in this project.

**Trustee Walrath:** It seems to me it is impossible to separate the use from the scale of the project. I would like to take the bifurcated vote out. I would be glad not to have us on record as being split. I think it is, in my heart of hearts, a question of size only, and that if we had not had the bifurcated vote we would not have this.

**Village Manager Hess:** That is why I think you voted yes that the CCRC was appropriate, but with the caveat that the scale had to be much less than proposed.

**Trustee Walrath:** I think that was not a good question to ask. Benefit of hindsight. What is important is what the applicant says can actually be built, and its impact.

**Special Counsel Chertok:** If you are asking whether you need to have the sentence about this split on the issue of whether the CCRC is an appropriate use in the findings, the answer is no because your findings provide more than ample basis for the determination not to approve the proposed amendments. So that sentence could, in effect, be stricken if it was desired to do so. It could also be modified to some extent, because you indicated you thought you could not separate the issue of the appropriate use from the project that was proposed.

**Mayor Kinnally:** I just reviewed your comments from the minutes of that meeting, and you were clear about your concerns about the scale. But I thought we were very clear that evening that we were trying to divorce size and scale from it, and to say, as a concept, is the CCRC an appropriate use. I came away from the meeting that there was a 2-2 split. You said you were not averse to a CCRC but cannot go along with the size.

**Trustee Walrath:** I said that then, and I am saying now, that I believe that it could not be separated. If I thought then what I do now, I would have objected to our taking that vote.

**Mayor Kinnally:** The document reads that the four voting Trustees split on the issue of whether a CCRC is an appropriate use in the Village. I would not want to remove it because it is a historical statement. We cannot undo what we did that night. But if you want to footnote, or clarify it, in some way, that would probably be appropriate.

**Village Manager Hess:** Put a footnote, refer to the text of the minutes, and give the date of the minutes of the meeting. That way it puts it totally in context.

**Trustee Walrath:** That is a only the question of what we meant by that. But I have changed my position in the sense that I think we should not have bifurcated it to begin with because we did not have any other proposal or any idea that a smaller one would be forthcoming. And if a smaller one is forthcoming, it is a separate topic, which we are not dealing with here. The way I feel now I would be very glad to drop it.

**Mayor Kinnally:** I do not want to push you. Let me hear from the other members of the Board.

**Trustee Apel:** Even though that is in there we might say that at this particular time, because he does not believe that the use can be separated from the size and the scope, that he would



also say that he would vote against it. I think there would have to be something additional in there. One is historical, and one is as of this point.

**Mayor Kinnally:** I agree.

**Trustee Holdstein:** We set up the process so that the first question to be answered was whether a CCRC was an appropriate use in the Village of Hastings-on-Hudson. I feel like at this late hour we are questioning that process. The statement is a clear reflection of that straw vote, which was taken just as an indicator. It was not a binding vote. But if David would like to qualify, for the findings record, a slight shift in his opinion or a further clarification, I would have no problem with counsel adding that.

**Mayor Kinnally:** We will take a brief recess for David to confer with counsel.

**RECESS 9:00 P.M.**  
**RECONVENE 9:20 P.M.**

**Mayor Kinnally:** Have you reached something?

**Trustee Walrath:** “One Trustee expressed the belief that the appropriateness of a CCRC could not be divorced from the size and density of the CCRC proposed by the applicant. Therefore, he believes this question should not have been separately addressed.”

**Special Counsel Chertok:** I presume that is an insert that will go after the first sentence on page 2, the third paragraph.

**Mayor Kinnally:** I believe the Board is ready to vote, but some people have asked for an opportunity to speak. Does anyone have any comments to the findings? Hearing no comments, we will move to a vote.

#### **74:01 ANDRUS RETIREMENT COMMUNITY FINDINGS STATEMENT**

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

- WHEREAS,** the John E. Andrus Memorial, Inc. (the “Applicant”) has filed an application for zoning amendments (the “Proposed Zoning Amendments”), site plan review and other approvals for the development of a Continuing Care Retirement Community (“CCRC”) to be known as the Andrus Retirement Community (collectively the “Proposed Action”); and
- WHEREAS,** the Planning Board of the Village of Hastings-on-Hudson was the designated Lead Agency for the environmental review of the Proposed Action, pursuant to the State Environmental Quality Review Act (“SEQRA”); and
- WHEREAS,** a Final Environmental Impact Statement for the Proposed Action was accepted by the Planning Board as adequate and complete with respect to its scope and contents on March 12, 2001; and
- WHEREAS,** the Planning Board adopted its Recommendation and Findings Statement Pursuant to SEQRA for the Proposed Zoning Amendments on April 30, 2001 (“Planning Board Recommendation”), which recommended that the Board of Trustees enact the Proposed Zoning Amendments subject to certain enumerated modifications; and
- WHEREAS,** the Zoning Board of Appeals of the Village of Hastings-on-Hudson issued a recommendation that the Board of Trustees not enact the Proposed Zoning Amendments on July 27, 2001 (“ZBA Recommendation”); and
- WHEREAS,** the Board of Trustees held public hearings on the Proposed Zoning Amendments on June 7 and June 14, 2001; and
- WHEREAS,** in October 2001, the Applicant proposed certain modifications to the Proposed Zoning Amendments, which reduced the maximum density of a CCRC thereunder, and which were the subject of public meetings; and
- WHEREAS,** the Board of Trustees of the Village of Hastings-on-Hudson has reviewed and deliberated upon the Proposed Zoning Amendments and considered the Planning Board and ZBA Recommendations, now therefore be it

**RESOLVED:** that the Findings Statement of the Village of Hastings-on-Hudson Board of Trustees Pursuant to the State Environmental Quality Review Act for the Proposed Zoning Amendments Pertaining to Continuing Care Retirement Communities, annexed hereto, is hereby adopted.

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

**75:01 ANDRUS RETIREMENT COMMUNITY APPLICATION**

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

**WHEREAS,** the John E. Andrus Memorial, Inc. (the “Applicant”) has filed an application for zoning amendments (the “Proposed Zoning Amendments”), site plan review and other approvals for the development of a Continuing Care Retirement Community (“CCRC”) to be known as the Andrus Retirement Community (collectively the “Proposed Action”); and

**WHEREAS,** the Planning Board of the Village of Hastings-on-Hudson was the designated Lead Agency for the environmental review of the Proposed Action, pursuant to the State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS,** a Final Environmental Impact Statement for the Proposed Action was accepted by the Planning Board as adequate and complete with respect to its scope and contents on March 12, 2001; and

**WHEREAS,** the Planning Board adopted its Recommendation and Findings Statement Pursuant to SEQRA for the Proposed Zoning Amendments on April 30, 2001; and

**WHEREAS,** the Zoning Board of Appeals of the Village of Hastings-on-Hudson issued a recommendation that the Board of Trustees not enact the Proposed Zoning Amendments on July 27, 2001 (“ZBA Recommendation”); and

**WHEREAS,** the Board of Trustees held public hearings on the Proposed Zoning Amendments on June 7 and June 14, 2001; and

**WHEREAS,** in October 2001, the Applicant proposed certain modifications to the Proposed Zoning Amendments, which reduced the maximum density of a CCRC thereunder, and which were the subject of public meetings; and

**WHEREAS,** the Findings Statement of the Village of Hastings-on-Hudson Board of Trustees Pursuant to the State Environmental Quality Review Act for the Proposed Zoning Amendments Pertaining to Continuing Care Retirement Communities was adopted on November 20, 2001; and

**WHEREAS,** the Board of Trustees of the Village of Hastings-on-Hudson has reviewed and deliberated upon the Proposed Zoning Amendments, and considered the Planning Board and ZBA Recommendations and its own SEQRA Findings Statement, now therefore be it

**RESOLVED:** that the application to amend Sections 295-5 and 295-67.C.(8) of the Village of Hastings-on-Hudson Zoning Code to allow a CCRC on properties in an R-20 zoning district, subject to a special permit, is hereby denied.

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

**76:01 SHUTDOWN OF INDIAN POINT**

**Village Manager Hess:** We have received a lot of information over the past month of the possibility of a terrorist attack at Indian Point. The emergency response team discussed this as well as our subcommittee, the terrorism task force. We have also received input from the

Conservation Commission. We have had several members of the public providing us with information relative to the Indian Point situation, and a petition coalition has been developed to the NRC.

Information that we could independently verify as correct was included in the resolution, including the listing of the security measures. We think it is appropriate, considering the state of the world and homeland security, that the Board consider this resolution and adopt it.

**Mayor Kinnally:** The sixth whereas clause, talking about the only public benefit is the provision of inexpensive power during the summer months, I would delete. I do not know if that is true, nor do I think it is necessary at this point.

The Board has an unwritten policy that we do not pass resolutions on matters that do not deal with Village business. But considering the seriousness of the threats, the fact that the world is different since September 11, that we are in this together, and that what happens at Indian Point will adversely affect the quality of life in the Village, I do think it is appropriate.

**Trustee Jennings:** I agree. I can think of no more important piece of Village business. It is important to show solidarity with other communities in Westchester to send a more significant message to the federal government. This resolution reflects the reasonable concerns of many people in the Village of Hastings. We are reflecting what they would want us to do in supporting this resolution and passing it along to the appropriate authorities. I am not an expert in this, and I cannot vouch for every single assertion, but that seems to be beside the point. This is a reasonable petition and a reasonable thing to voice at this time, and I am supporting the resolution.

**Trustee Holdstein:** The resolution speaks for itself, and I can add nothing further to what Trustee Jennings has just said.

**Trustee Apel:** This is a very important resolution. It is not true that this is not going to affect us because this place is maybe 50 miles away from us. The only question I have is that the no-fly zone would be 10 nautical miles around the Indian Point facility. That is admirable for a start, and I do hope that they do come up with a defense and security system sufficient to protect and defend the no-fly zone, but I am not sure if 10 miles would do it.

**Trustee Walrath:** The resolution does a very good job of pointing out the unanswered questions, and asking for answers. There are some obvious steps to be taken, and it is very appropriate even within our policies. This is a major concern of everybody in Westchester County and other areas that could be affected by the plant.

**Michael Ambrozek, 16 Sheldon Place:** This resolution does not address that if there is a major disaster, the notification radius is only 10 miles. With regard to the 10 mile no-fly zone, if such a measure was implemented that would probably mean that you could not use Westchester County Airport because the flight paths either for arrivals or departures from that airport would impinge on any 10 mile circumference of Indian Point.

**Mary Jane Shimsky, 35 Ashley Road:** On behalf of so many people in Hastings, I would like to thank all of you for the leadership you are taking on this issue. We always thought the waterfront was the big one, but the waterfront pales in comparison to the possible consequences of what could happen in Indian Point. As people are studying that plant, its vulnerability becomes more and more apparent and not less and less apparent. It is good to see that this Village is joining with other municipalities, elected officials, and citizens groups, many of which have sprouted up since September 11, to do something to make sure that our children and our country's economy are both kept safe from a potential catastrophe at that plant.

I want to call the Board's attention to a separate, related issue which is also very important. Town Supervisor Paul Feiner, in conjunction with a coalition of groups, including the Pace Law School, the Riverkeeper, and several citizens groups, has been asking municipalities to pass a resolution asking the county to do a dry practice run of its 10 mile evacuation plan. One of the big problems with keeping Indian Point open in such a densely populated area is that the thought of having an evacuation plan that is workable is inconceivable to most people. But the one thing that is keeping Indian Point open right now is the county executive's approval of that 10 mile evacuation plan. The resolution seeks to ask the county executive and the county government to do a dry run under ideal conditions and prove to us that you could evacuate those 10 miles in a reasonable period of time. I would urge you to take a look at that one as well.

On December 5 in the Community Center county legislator Abinanti and Greenburgh Council member Steve Bass are going to be speaking on safety issues regarding Indian Point. Legislator Abinanti has a resolution in place asking the county executive to withdraw support for the emergency plan. Another issue to look at is municipal stockpiling of potassium iodide.

**Mayor Kinnally:** Maybe we will deal with that other resolution another night. On the potassium iodide, Michelle Hertz addressed us at the joint meeting with the School Board. Neil has taken that into consideration and is working with our team on that.

**Vanessa Merton, 111 Pinecrest Drive:** If there were discussion about conservation measures and efforts to reduce the reliance on Indian Point, the request that is embodied in the resolution might have some additional strength and weight, and would attract more support. As a Village

we have to face choices about using energy. Residents and the Village put up beautiful Christmas lights. That may be a small use, but we have to be prepared to accept a reduction in the use of energy, if we are going to take this stance, and we have to recognize the real costs. I would hate to see the result of closing down this plant to be increases in cost of electricity, which would impact most heavily on the poorest, if it were not coupled with the kind of conservation that would allow the cost to remain reasonable.

**Mayor Kinnally:** The last thing I want to do is not to have lights at Christmas. I think this community needs a little cheering up. The whole country needs a little cheering up. But you are right. We have to get serious about conservation measures.

**Ms. Merton:** I am thinking about the Village's record with recycling, and how, even 20 years ago, people thought it was impossible to achieve what could be achieved in terms of recycling. There might be a parallel approach of taking a leadership role on conservation. Probably the Christmas lights is not a good place to start, but there are things that we could look at to take a proactive position.

**Michelle Hertz, 62 Euclid Avenue:** One of the ways to express conservation to the people of the Village is through your newsletter and, coming from the Village Board and coming from the Mayor, that could be great. We could take this issue on and work on this together.

**Mayor Kinnally:** We will incorporate it in our next newsletter.

**Trustee Walrath:** Incandescent light bulbs go out fairly frequently, and you can cut energy consumption by 75% by replacing them with compact fluorescents. This is something we should encourage with our Village newsletter.

**Andy Zimmerman, 40 Ridge Street:** I am very happy that you are considering this. I think everybody realizes how important this is. I thought I heard Marge say that we were 50 miles from the plant. We are about 20 miles from the plant.

**Village Manager Hess:** Twenty-four.

**Mr. Zimmerman:** The experts seem to think that a 50 mile zone could become uninhabitable if there is a meltdown either because of a terrorist attack or other reasons, so some people are calling for an evacuation within 50 miles. To protect themselves people should think about your evacuation plan for yourself and your family. I hope the Village will try to get hold of potassium iodide which prevents you from getting thyroid cancer, which you can get from radiation.

**Ms. Hertz:** I would also like to ask the Board to consider passing the resolution that Paul Feiner has presented about doing a trial evacuation at Indian Point.

**Village Manager Hess:** I did not want to include the evacuation resolution because if the test evacuation should work, I did not want the NRC to say there is now no reason to shut the plant temporarily for these other issues. In terms of an evacuation, in a real event circumstances are going to be much different than a 10 mile test. I am not sure that type of test does anything.

I did not get into the conservation aspect because the resolution calls for a temporary shutdown based on them doing a study and providing information on security and safety for the public. It is not calling for a permanent shutdown of Indian Point. The important issue right now is to get that facility shut down temporarily and to get the safety and security issues in place.

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

- WHEREAS,** the September 11, 2001 attack on America has demonstrated that new forms of terrorism threaten the lives of Americans, and the economy, property and natural resources on which they depend, and
- WHEREAS,** terrorists have made numerous credible threats to focus future attacks on America's infrastructure, including our nation's nuclear power plants, and
- WHEREAS,** of the nation's nuclear power fleet, Indian Point's plant is an especially inviting target given its proximity to the greater New York metropolitan area—home to 20 million people and the world's financial centers, and
- WHEREAS,** the complex and interconnected system of nuclear reactors, spent fuel storage structures, control rooms, and electrical switching equipment provides multiple target opportunities which could cause a catastrophic radiological event, and
- WHEREAS,** the risks of such an event could be substantially reduced in the near term by immediately implementing a series of prudent measures, and
- WHEREAS,** a temporary but immediate shut-down of Indian Point, taken in concert with other safety measures described below, would substantially reduce the risks and consequences of an attack or accident, and



**WHEREAS,** only a full shutdown of the plant's reactors will provide the incentives necessary to compel the operator and the NRC to conduct a thorough and credible review and institute the necessary security and safety measures to justify the plant's reopening, and

**WHEREAS,** the Hastings-on-Hudson Emergency Response Team has unanimously recommended adoption of this resolution and the safety measures described, and the Conservation Commission also has concurred, now therefore be it

**RESOLVED:** by the Mayor and Board of Trustees that the Nuclear Regulatory Commission, in consultation with appropriate state and county agencies and officials, take the following actions:

1. Order an immediate shutdown of Indian Point's Unit Two and Unit Three reactors;
2. Convene an independent panel to review the facility's vulnerabilities, security measures and evacuation plans, and make recommendations on how best to minimize the facility's risk to surrounding communities;
3. Mandate, at minimum, immediate deployment of the following security measures:
  - a. obtainment of a permanent no-fly zone, for both private and commercial aircraft, from the Federal Aviation Administration in the air space within 10 nautical miles of the Indian Point facility;
  - b. a defense and security system sufficient to protect and defend the no-fly zone;
  - c. a defense and security system sufficient to protect the entire facility, including the containment and spent fuel storage buildings, control room and electrical equipment and transmission lines, from a land or water based terrorist attack.
4. Order the immediate review and comprehensive revision of licensee's Emergency Response Plan and Westchester County's Radiological

Emergency Response Plan in order to account and prepare for possible terrorist attacks.

5. If, after conducting the above-mentioned review, the NRC cannot sufficiently ensure the security of the Indian Point facility against terrorist threats, and therefore the safety and security of surrounding communities, the NRC must take prompt action to permanently retire the facility and explore the expeditious transition to a non-nuclear alternative for the Indian Point site.

6. Separate and apart from the above, in order to significantly reduce the long-term risk associated with potential radiological fire, order the Indian Point operator to undertake the immediate conversion of the current spent fuel storage technology from a water cooled system to a dry cask system in a bunkered structure, and be it further

**RESOLVED:** that copies of this resolution be forwarded to President Bush, the Nuclear Regulatory Commission, Senator Schumer, Senator Clinton, Governor Pataki, Senator Spano, Assemblyman Brodsky, County Executive Spano, Legislator Abinanti, and the Hudson Riverkeeper.

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

### **77:01 MOBILE VEHICLE LIFTS**

**Village Manager Hess:** The superintendent of public works and the lead mechanic were at the Board's work session last week to discuss the purchase of these lifts. The current hydraulic lifts are not functioning properly and do not meet current OSHA standards. To redo those lifts would cost in the neighborhood of this amount of money, \$34,000. They recommended these mobile

lifts as more appropriate and easier to use on our vehicles. It is currently under New York State contract, and we are looking for authorization to purchase.

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 purchase of six (6) mobile vehicle lifts under state contract in an amount not to exceed \$34,000.00 to be appropriated from the general fund balance.

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

### **BOARD DISCUSSION AND COMMENTS**

#### **1. LWRP Request for Completion of Funds**

**Village Planner Walker:** You have a letter tonight from Ed Weinstein, chair of the LWRP, to ask you to consider giving the LWRP an additional \$11,000 in order to complete the report.

Last year we retained a consultant, Cashin and Associates, to help through completion of the report, through doing the GEIS, the environmental review, the LWRP. Their initial proposal was for \$28,500. At the time we had a grant of \$30,000 from the Department of State and had used about \$10,000 of it. So there was \$20,000 remaining. We asked them to divide their proposal into two phases. We knew we could pay for the first phase because we had that money from the grant, but we were not sure how we were going to pay for the second phase. We applied to the Department of State last year for additional funds to complete the LWRP and we were denied. We have sought the money through other sources without any luck, so we are coming to you now.

You can see from the chart that I handed out that there are a number of tasks to be completed. In the next few weeks we will reach the stopping point, where we cannot go any further with our consultant until we come up with some more funds.

**Village Manager Hess:** Prior to September 11, we put in a request to Senator Spano for this and some other funding. Were you able to find out where we stood on that?

**Village Planner Walker:** They said that there were a number of emergencies that Senator Spano had to fund, so they could not give me a conclusive answer. It did not look very optimistic but they did not rule is out completely.

**Village Manager Hess:** We are doing an extensive analysis of our current finances and I hope to have a report to the Board shortly. The finances of the Village will also be affected; probably the largest item that will be affected will be the sales tax. We are trying to get some projections from the state Department of Finance to find out what kind of impact we may be looking at.

The funds discussion here may have to be lumped together with several items the Board will have to make some decisions on over the next several months. There may be items that were appropriated that I may have to recommend be withdrawn. There are a number of projects that are pending which may have to be postponed, but I will try to have that report to the Board within the next two weeks.

**Julius Chemka, 8 Ridgedell:** I have been a member of the LWRP board for almost four years. We are ready to do our conclusions, and we have done, I think, a great job. To be held up now, when we can put this to bed for \$11,000, I think that the Village Board ought to be able to find the money to complete this project, which is very important to Hastings. We would like to finish it off and go on from there with the rest of the waterfront.

**Mayor Kinnally:** Neil, do you have a timetable for the completion of the analysis?

**Village Manager Hess:** It would be by the next regular meeting December 4.

### **VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** We will be having another meeting of our emergency response team shortly. Today, the school had an evaluation done by the Red Cross of the school facilities.

I am going through an extensive financial review of our current budget and the economic effects on the Village of 9/11 and what it has done to the general economy, the state economy, and the local economy. Some of the budgets that have been released have tax rate increases of from 5 to 18.5% because of what has happened.

As part of the library renovation and construction, one concern has been the stone wall and the access of vehicles for the construction up to the site. It is going to be necessary to remove the stone pier at the end of the wall and to reconstruct it at the end of the construction. This is totally at the contractor's cost. We will designate the contractor to do the reconstruction. To get the cement trucks up there you need a minimum of a 10-foot width, and it is only 9 feet 6 inches between those two walls. I asked Lothrop Associates to draw up a draft agreement for review by our attorney and by the Board. I was hoping we would be able to avoid this, but it does not appear that we can.

We had a discussion at the joint meeting with the Board of Education relative to house parties/substance abuse in the school population. The Youth Advocates did send out a report to both boards relative to the conversation we had that night. The information is very useful, and shows the work of all those who have been involved in this over the past several years. It will be a good basis for the joint meeting discussion that we will have. We are trying to set it up in January as part of the brainstorming session.

We have had letters to Santa for many years. This year we have e-mails to Santa. If you go to our web site you will see you can e-mail Santa, and you will get a response.

## **BOARD DISCUSSION AND COMMENTS** (cont'd)

### **2. Update on the Waterfront**

**Mayor Kinnally:** We have not received the report from the DEC on the testing on Marinello Cove. I hope to have that for our next meeting. There has a mis-delivery by the Post Office, and the letter of intent to the owners of Marinello Cove had not been received. It was e-mailed out today. Two of the owners got it, said there was no problem with it. They are in the process of retaining counsel. Everything is pointing to a closing in the early part of 2002.

I heard from Sandy Stash about IT, which will be doing the demolition. They expect to have the application before us and on the agenda on December 4.

The Fenwick drainage RFP will be on the 4th or at a work session, and the RPA zoning and design guidelines proposal will be on at another time.

**Trustee Apel:** Could Neil comment on the concept of having an alarm system.

**Village Manager Hess:** The emergency response team has talked about a general alarm system and the emergency procedures to be followed, and we are looking at a number of options. We

are planning to do tests on several alarms, either a yelp sound with our current system or reinstating the old siren. We will set a date for the test to let everybody know, as it is going to be extremely loud so it reaches all parts of the Village.

**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 personnel.

**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 10:30 p.m.