

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 18, 2001

A Regular Meeting was held by the Board of Trustees on Tuesday, December 18, 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, Trustee Marjorie Apel, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto

CITIZENS: One (1)

APPROVAL OF MINUTES

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Public Hearing of December 4, 2001 were approved as presented.

Trustee Walrath: Page 9, the first paragraph I am speaking in, third from the last line: street inlets, not stream inlets. The prior sentence, I had said that this whole area is meant to drain directly to the Saw Mill River by a sewer along Ravensdale, and it is clearly contributing flow to the area that is being flooded. That notion that it is sewerred to go to the Saw Mill River got lost.

Village Manager Hess: Page 3, under Village Manager's report, second sentence: Kendra, not Karen.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of December 4, 2001 were approved as corrected.

APPROVAL OF WARRANTS

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

Multi-Fund No. 50-2001-02	\$ 26,822.43
Multi-Fund No. 51-2001-02	\$230,225.77
Multi-Fund No. 52-2001-02	\$ 35,000.00
Multi-Fund No. 54-2001-02	\$ 63,382.00

81:01 AUTHORIZATION TO PURCHASE EMERGENCY RESPONSE VEHICLE

Village Manager Hess: The Board reviewed in detail at a work session Tuesday night a proposal from the emergency response team to acquire an emergency response vehicle. The vehicle is formerly a classroom bus.

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 purchase of a 1990 Emergency Response Vehicle from Ferdinand Arrigoni, Inc., 3320 Hutchinson Avenue, Bronx, New York, in the amount of \$35,000.00.

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

82:01 TUITION REIMBURSEMENT

Village Manager Hess: This reimbursement program is consistent with the program we have with the police. It is appropriate to offer Village employees the ability to attend additional courses, or to go to college in the first place, when we feel it can benefit the employee and the Village. That is why we recommended the program.

Mayor Kinnally: It is positive for the Village and is something to be encouraged among all our employees.

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

RESOLVED: that the Mayor and Board of Trustees hereby approve a Tuition Assistance program for Village employees, except members of the PBA, for registration, tuition, books and examination costs for credits taken in accredited schools for courses related to the employee's duties, and be it further

RESOLVED: that the maximum amount reimbursable for all employees in any fiscal year shall be \$5,000, distributed proportionately among employees seeking assistance, and be it further

RESOLVED: that the Village Manager shall determine whether courses qualify under the tuition plan, and to be eligible for reimbursement, the employee must obtain a passing grade.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: In January the Board is going to receive an analysis of our capital needs over the next several years so we can take a look in terms of the very good financing rates available now. We will provide the Board with a complete analysis so you can decide if you would like to go out to early financing on items such as the Community Center, the pool, improvements in technology, a pumper in Uniontown.

At their meeting this week the Planning Board will discuss a referral from the Trustees to look at the large tracts in the Village on potential rezoning of those tracts from R-20 to a new zone, R-40. I believe they will refer this back to the original housing committee, which was developed as part of the Vision Plan, for their analysis and recommendation, which will go to the Planning Board and then will come back to the Village Board. That will take several months to develop.

I sent the Board information from the Village of Ossining on redesigning Route 9 and traffic calming. I have the contact information for their consultants, and will be discussing this with Trustee Walrath.

We are doing preliminary work in development of our 2002-2003 budget; if the Board has any items, either capital or operational, they wish us to consider, please let me know over the next couple of weeks. You will get a preliminary proposed budget at the end of February for discussion over the next several months until the budget has to be adopted at the end of April.

In relation to the emergency response vehicle I want to thank Ricky White and Jerry Daley for all the work they did in researching and coming up with the recommendations for the vehicle. The potential for use by the police and fire department, and our emergency response services, is very promising and everybody is putting together their wish lists for the vehicle.

We hope to have a test on our emergency alert siren in January, and we will let everybody know through our e-mail and television when that test is going to be. It will be a different-sounding siren from what we have now; it will be the old siren we had on this building. Raf has been talking with the Federal Communications Commission about developing our own radio station for emergency broadcasts. When the siren goes off, you would tune in to the emergency broadcast station or the TV station.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We are hoping to have a draft contract on Marinello Cove within the next week or so.

2. Fenwick Drainage

Trustee Walrath: To reflect a comment that I got from Bruce, the first time we use the term maximum possible level of protection, I would qualify it by taking into account estimated costs of required work and estimated benefits to property owners and to the Village as a whole. That at least gets the cost benefit studies in there, and says that what we are looking at as the maximum practical is what we can justify by what it does for us. I responded when Bruce first brought it up that these estimates of benefits are not easy to pin down. But in this case we can get a grip on it, and I think it will be instructive when we make our decision as to how large a project we can undertake.

Rather than go out widely, we can probably identify four firms or so, and rather than qualifications published widely, I suggest that we consider going to a small group that we believe has the qualifications, and to choose among them by their presenting qualifications in more detail and by responding to our technical proposal request. It would shave some time off our procurement to do this.

Trustee Holdstein: Regarding maximum protection, are we leaving it to those qualified candidates to define what they believe to be that maximum, whether it is the 25, the 50, the 15, the 10?

Trustee Walrath: No, we are telling them we want them to estimate benefits for us. Both Connecticut and New Jersey require if you have any allocation of cost between the community and benefitted properties that it may not exceed the benefit the property receives. So it is a fairly standard thing to estimate these benefits. For that reason I would like to have it in the scope. This would be one of the tasks. The first mention we made of this maximum practical level of protection is up-front, and we will stick in one task in the scope that says generate estimates of the benefits that would accrue from the project.

Trustee Holdstein: But later in that same paragraph you write, in no case will alternatives be considered for flows having a return period of more than 25 years. So we are establishing a maximum of 25 years.

Trustee Walrath: That is right. I mentioned this the last time, but I forgot it tonight. One engineer I talked with suggested that culverts, particularly, frequently go beyond the 25. It is common to go to 50, and we have considered that. But those details we could hold up on. I want to have this ready for comments by the people who are interested in the project because that is affecting their properties. We are going to have our final done after we have had their comments. This is a basis for going to the public.

Trustee Holdstein: But with as much culvert area as you and I identified walking the length of the area, it begs what you are saying. The culverts tend to go out to 50, then you need to have that qualified unless you are going to tell me that the four people you are talking about would know that automatically.

Trustee Walrath: You are correct. I neglected to mention it here. I think I did talk about it last week in our work session.

Village Manager Hess: We are still looking at mid-January to send it out, because you are planning to have a meeting in the neighborhood some time in January?

Trustee Walrath: The meeting would be as quick as we could do it after the first of the year.

Village Manager Hess: Then we could send out the RFP some time in mid-January.

Walter Haubold, Fenwick Road: Do you have anything concrete at all in these studies. Are there runoff engineering studies? Where are we with this project at this point?

Trustee Walrath: We have a draft for hiring an engineer. The next thing we want to do is share it with you and your neighbors in the area affected by the project.

3. Indian Point Evacuation Plan

Trustee Walrath: The Manager distributed the resolution from the Westchester County Board of Legislators. I wanted us to consider if we want to encourage them to pass this and, if so, what type of language. It is going to be January before this comes up for a vote. The four whereases are a good appraisal of the situation we are up against. The county's position is that the evacuation plan is insufficient and inadequate. I am raising the question do we want to, as a group, encourage the passage of this, and what form the resolution should take.

Mayor Kinnally: What we should do, informally, is to talk to whoever we know on the County Board and tell them that they certainly should study it. The resolution declares that the current evacuation plan is insufficient and inadequate to meet the needs of Westchester County. I do not know if we have the expertise to declare that it is inadequate and insufficient. We need more information before we would be able to adopt something like this.

Trustee Holdstein: If a terrorist attack similar to what happened on September 11 were to happen at this facility, with the amount of spent rods there, it seems so obvious that you would have one heck of a time getting people evacuated within the radius that this could affect. We need to balance any resolution with some expertise, and yet I feel these things are so obvious that the expertise is your own good judgment. I am not looking to sidestep the expertise. But it seems like we could encourage them to pass this on the merits of common sense.

Mayor Kinnally: Possibly.

Trustee Walrath: The key thing is that the existing plan is to evacuate a much smaller area than could be affected. I agree with Michael. I think it is time to start asking the people who say it is safe to justify their conclusions.

Trustee Jennings: I agree with Trustee Holdstein. This is more of a political question than it is a technical, scientific question. The resolution that this Board passed recently expresses our concern about this situation. The process will protect us better if closer scrutiny is given to this plan than seems to have been done over the past few years by the NRC and other authorities. I would like to go on record as generally supporting the direction in which this is moving. But I really do not have an opinion about whether we, as a Board, ought to go on record with a letter to the County Board, or whether we ought to better do it as individuals.

Trustee Apel: I agree with my fellow Trustees. Whether it is a real problem or a perceived problem, we will never really know until something happens. I do not want to be here to find out if it does not work. If the intent is to close it down, we ought to stop dragging our feet. I would encourage the legislature to pass this resolution.

Mayor Kinnally: We are meeting on January 8; let us see what we can do between now and then to get more information. The sense of the people in the community and in the county is that business as usual is not going to continue, and that closer scrutiny, as some of the other Trustees have said, and a little more skepticism is justified and healthy. I will follow up with Tom Abinanti and Andy Spano.

Village Manager Hess: The Board has already passed a resolution calling for the shutdown of Indian Point. This resolution before the county Board says that the evacuation plan that is in place is inadequate. It is really a separate and different issue, but they want to use that to shut down Indian Point, because if the county finds that their evacuation is inadequate, then they have to close it down. What the NRC requires is an evacuation plan within 10 miles of a nuclear power facility. So there are a number of separate issues here.

Trustee Apel: Are you saying that it is possible that they might find that the evacuation plan is fine for 10 miles but not for the rest of Westchester?

Village Manager Hess: Exactly. But the NRC only requires that the nuclear power plant be able to evacuate within 10 miles of the plant.

Mayor Kinnally: I also think they require a finding or a certification by the county that it is satisfactory to them.

Village Manager Hess: That is right. That is why this resolution is there.

Trustee Holdstein: Is 10 miles a standard for all the nuclear facilities across the country and do all the facilities store these spent rods? The 10 miles might be adequate for those facilities that do not store them, so then you are wrestling with the NRC to get them to change the 10-mile, but it does not apply to all facilities.

Trustee Walrath: They are all storing it because there is no place to send it. The federal government never makes any progress on this. The basic question is, is 10 miles adequate? The

incidents they dealt with in the past have been release of radioactive steam because of some malfunction, instead of what could happen if somebody blasted the spent fuel room with something sufficient to drain all the water out of it, in which case, the stuff would heat up and start going off into the air.

Trustee Jennings: One of the political issues here is whether the NRC standards are adequate post September 11. We are protecting ourselves against the last acts but not the next acts, and that is always the problem, as the French discovered with the Maginot Line. But no matter how large the area is, there are inherent problems with rapid, land-based evacuations of large numbers of people with inadequate road systems.

Trustee Walrath: We do have one fact. We have more people within a 50-mile radius than anybody else in the whole country.

Village Manager Hess: That is where the argument has to be made in terms of the NRC changing their policy. In terms of developing an evacuation plan, if there are X number of people within so many miles, then the evacuation plan has to be different.

Mayor Kinnally: Can it be standardized?

Village Manager Hess: That is going to be a long-term issue. This could be a very short-term issue in terms of the county Board if they find that they feel that the plan as it currently stands is inadequate.

4. Other

Trustee Holdstein: Have we forwarded that traffic calming report from Ossining to the Safety Council?

Village Manager Hess: We just got it this week. They met Thursday night, but I have not sent it to them yet.

Trustee Holdstein: Are we still withholding monies for the contractors at the train station? I still see the thing I mentioned before that has not been done yet.

Village Manager Hess: Right now we are withholding about \$73,000 in total. They were supposed to finish up their punch list. We have not gotten clearance on the punch list. I will talk to George tomorrow.

Trustee Holdstein: On Marinello Cove, have we received the final results of that last test?

Mayor Kinnally: No, we have not.

Trustee Holdstein: Have you requested that when those are printed that they will go directly to Mark Chertok?

Mayor Kinnally: Yes. They will come directly to us, and we will forward it on to Mark.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:00s p.m.