

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 5, 2002**

A Regular Meeting was held by the Board of Trustees on Tuesday, February 5, 2002 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 Attorney Brian Murphy, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

CITIZENS: None

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. 64-2001-02 \$ 39,949.00

Multi-Fund No. 66-2001-02 \$242,762.29

9:02 ADOPTION OF LOCAL LAW NO. 1 OF 2002 - TEMPORARY MORATORIUM

Mayor Kinnally: This is a continuation of the moratorium that we have had in effect during the review of the Zoning Code.

Village Manager Hess: This would extend the temporary moratorium for a period of 90 days. The effective date would start on filing of the Local Law with the Secretary of State.

Mayor Kinnally: Is it expected that the work on this will be completed within 90 days?

Village Manager Hess: Yes, the draft report has gone to the Planning Board, and it should be coming to the Village Board very shortly.

Mayor Kinnally: This is on recommendation from the Planning Board?

Village Manager Hess: Yes.

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

RESOLVED: that the Mayor and Board of Trustees adopt Local Law No. 1 of 2002 amending the Zoning Code to impose a temporary moratorium on development in the Village's Central Commercial (CC), Limited Commercial (LC), and Central Office (CO) Districts and on Ridge Street and on Washington Avenue west of Warburton Avenue.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HASTINGS-ON-HUDSON as follows:

Section 1: Purpose

A. The Board of Trustees of the Village of Hastings-on-Hudson, having accepted "A Community Vision for Comprehensive Planning and Strategic Action Plan" (hereafter referred to as the "Community Vision Plan"), which included a number of recommendations for amendments to the Zoning Code and the Zoning Map with respect to the Village's downtown business district and Washington Avenue west of Warburton Avenue, and having hired a zoning consultant to draft those amendments to the Zoning Code and the Zoning Map, and the zoning consultant having drafted amendments which are currently being reviewed by the Planning Board and the Board of Trustees, in order to insure that any future development in the downtown business district and on the designated portion of Washington Avenue is consistent with those zoning changes, the Board of Trustees is enacting a temporary moratorium on development in those areas.

B. In addition, the Board of Trustees, having asked the zoning consultant to implement the recommendations for amendments to the Zoning Code and the Zoning Map proposed by the Ridge Street Subcommittee, a committee appointed by the Board of Trustees to study existing conditions and make recommendations for future development of Ridge Street, and the zoning consultant having drafted amendments which are currently being reviewed by the Planning Board and the Board of Trustees, in order to insure that any future development on Ridge Street is consistent with those zoning changes, the Board of Trustees is enacting a temporary moratorium on development on Ridge Street.

Section 2: Applicability

This Local Law shall apply to the Village's Central Commercial (CC) District, Limited Commercial (LC) District, Central Office (CO) District, and to all of Ridge Street and to Washington Avenue west of Warburton Avenue, as shown on the Zoning Map, Village of Hastings-on-Hudson, dated May 1, 1979.

Section 3: Development Limitations

For a period of ninety days after the date of the filing of this Local Law with the Secretary of State, no application for:

- (1) a building permit, or
- (2) a special use permit, or
- (3) site plan approval, or
- (4) subdivision approval, or
- (5) a variance involving the construction of new or expanded floor space,

for properties within the area designated in section 2 of this Local Law shall be accepted and/or acted upon except as set forth below:

- a. An application for a building permit where final site plan approval has already been granted.
- b. An application for a sign permit pursuant to Chapter 234 of the Code of the Village of Hastings-on-Hudson.
- c. An application involving the interior renovation, rehabilitation, or alteration of an existing building or structure provided: (1) the application does not involve a change in use, and (2) the cost of the renovation, rehabilitation, or alteration does not exceed \$10,000.

Section 4: Waiver

A. The Planning Board shall have the power to waive the application of any provision of this Local Law upon its determination, in its reasoned discretion, that such waiver is required to alleviate undue hardship, is consistent with the Community Vision Plan and the Ridge Street Committee recommendations, is consistent with the proposed amendments to the Zoning Code and the Zoning Map, and is consistent with the health, safety, and general welfare of the Village. The hardship must be the result of unique circumstances, and the waiver must be the minimum necessary to alleviate the hardship.

B. Upon receiving any application for a waiver of this Local Law, the Planning Board shall consider the effect of the proposed waiver upon the Community Vision Plan and the Ridge Street Committee recommendations and the proposed amendments to the Village Code and Zoning Map. The Planning Board shall conduct a public hearing on the application, on at least ten days notice, within sixty days after the application is referred to it. The Planning Board shall render its decision within thirty-five days after the public hearing is closed.

C. If the Planning Board grants a waiver under this section, the application for which the waiver was sought shall be referred back to the office or board responsible for processing such an application, and the application shall be processed according to existing law and procedures.

Section 5: Interim Suspension of Other Laws

All ordinances or local laws or provisions of the Code of the Village of Hastings-on-Hudson in conflict with the provisions of this local law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period. This Local Law is intended to invoke the supersession provisions of Section 10(1)(ii)(e)(3) of the Municipal Home Rule Law and to supersede, during the effective period of this Local Law, inconsistent provisions of the Village Law, including Article 7.

Section 6: Validity

Should any word, phrase, clause, sentence, paragraph, part, or provision of this Local Law be found to be invalid, such decision shall not affect the validity of any other part of this Local Law that can be given effect.

Section 7: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

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	

10:02 AGREEMENT TO PROVIDE THERAPEUTIC RECREATION SERVICES

Village Manager Hess: The villages have been meeting with the Town of Greenburgh for several months to develop a town wide program on therapeutic recreation services for residents who have disabilities. This agreement provides that the town would administer the program. It runs through December 31, 2003; at that point there would be meetings to determine if there are charges back to the villages for the recreation services. We have a similar agreement with the town to provide nutritional services, and our annual fee for that service is about \$1,550 a year. We think it is a worthwhile program to get involved in, to be able to provide alternate recreation programs for the disabled, and we recommend approval.

Trustee Holdstein: Initially there is no charge but after it is completed costs would be charged back to us?

Village Manager Hess: We are going to see how many participants from each of the areas are involved in the programs, and then there will be a discussion on whether a contract is renewed in 2003, or after 2003, and what the funding mechanism is going to be. For now I assume this will be a town-wide charge paid through individual taxes.

Trustee Holdstein: Where will the programs take place? Does the Town provide transportation to the sites where the different programs are?

Village Manager Hess: Those procedural things are not in the agreement, but a board has been meeting, with Ray and several members of our disability committee attending. Right now it looks like individuals would have to provide their own transportation.

Trustee Apel: It mentions there is going to a nine member special recreation advisory committee. Is that something that has already started, and who would we send?

Village Manager Hess: Ray Gomes, David Parker, and Alex Cornell have been attending. After the agreements are signed they are going to ask for probably one representative from each of the villages to be on this board, and three from the Town of Greenburgh. They will probably do it on some kind of proportion of the populations.

Trustee Jennings: I have a question concerning the criteria for eligibility in the program. When we refer to this as a therapeutic recreational program, does that imply that only those who receive demonstrable therapeutic benefit are permitted to be in the program?

Village Manager Hess: Therapeutic recreation is from the standards set up by the Civil Service and covers the full gamut of disabilities. It is not just therapy as we think of it in terms of people recovering from an accident.

Trustee Jennings: It is really a recreational program. If they happen to get therapeutic benefit out of it, fine. If not, they still are eligible to participate.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the agreement between the Village of Hastings-on-Hudson and the Town of Greenburgh for the Town to provide therapeutic recreation programs servicing children and adults with disabilities, such agreement to expire December 31, 2003.

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	

11:02 SALE OF EXCESS VEHICLES

Village Manager Hess: These are vehicles that the Board excessed in early January. All but two vehicles had a number of bidders. The bids will bring in approximately \$5,400 in total.

Trustee Walrath: The bucket truck drew only one bid at considerably less than the stake body. Was that expected?

Village Manager Hess: It was expected because the hydraulics were shot on it. It was a small bucket truck that we purchased in 1989.

Trustee Apel: Are we supposed to be concerned that a taxi service bought those cars?

Village Manager Hess: Most taxi services buy ex-police cars.

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

RESOLVED: that the Mayor and Board of Trustees approve for sale by sealed public bids received on January 28, 2002 the following excess Village vehicles:

1990 Chevrolet 30 Series Bus G. Gambardella & Son, Yonkers, NY	\$276.00
1994 Chevrolet Caprice Landry's Airport & Taxi Services Sleepy Hollow, NY	\$707.77
1994 Ford Aerostar Van Grace Quality Cars, Morrisville, PA	\$600.00

1989 Ford E-350 Small Bucket Truck G. Gambardella & Son, Yonkers, NY	\$795.00
1993 Chevrolet Caprice Landry's Airport & Taxi Services Sleepy Hollow, NY	\$552.02
1989 Ford F-350 Stake Body Truck B.J. Lang, Pleasantville, NY	\$2,500.00

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	

12:02 RETURN OF ACCOUNT AND AFFIDAVIT

Village Manager Hess: Each year, the Clerk's office provides an accounting of delinquent accounts. On a tax warrant of 5.129 million, the only outstanding delinquents were \$129,098.84, a total of 128 out of about 3,300 parcels. Some are small pieces of property with the same person listed several times. Our collection rate remains at about 98%. The unpaid taxes will be sold for tax liens on March 19 at 10 o'clock in the Clerk's office.

RESOLVED: that the Mayor and Board of Trustees certify and approve the attached Return of Account and Affidavit for the 2001-02 Village tax roll.

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

13:02 VILLAGE ELECTION INSPECTORS - REPUBLICAN

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

RESOLVED: that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 19, 2002 as Republican Inspectors:

INSPECTORS	DISTRICT
George Gray	18 th
Evelyn Reid	
Cecilia Kingston	19 th
Roberta Bennett	
Martha Koblosh	20 th
Mary Matzura	
David Riggs	21 st
Walter Honovich	
Eleanor McGinigle	22 nd
Bessie Kochan	
Mariam Anthony	23 rd
Winnie Hazou	
Teresa Matzura	52 nd
Jan Gustafson	
Meriba Gursky	59 th
John Olyha	

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	

14:02 VILLAGE ELECTION INSPECTORS - DEMOCRATIC

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

RESOLVED: that the Mayor and Board of Trustees appoint the following Village Elections Inspectors for General Village Election Day, Tuesday, March 19, 2002 as Democratic Inspectors:

INSPECTORS	DISTRICT
Viola Kepcher	18 th
Elizabeth Waczek	
Gloria Matzura	19 th
Nettie A. Funchess	
Eleanor Matza	20 th
Eve Feinstein	
Olga Morabito	21 st
Ezra Matza	
Anna Zahurak	22 nd
Karen Jacobs	
Gloria Rodriguez	23 rd
Christopher Costello	
Adele Bean	52 nd
Agnes Matzura	
Olga Meyer	59 th
John Russo	

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	

15:02 PUBLIC HEARING - GUSKI TRUCKING COMPANY, INC.

Village Manager Hess: Mr. Guski is requesting to rent a portion of the PTI building for storage of his elevators. They had started storing elevators in there, so we gave them a cease and desist order. We notified his landlord that he must apply for a certificate of occupancy before he can use that building. So he has ceased to operate any kind of operation in the building, and has applied for the C of O.

Trustee Holdstein: So with the exception of the elevators that he mistakenly put there, the rest of building from PTI is now empty.

Mayor Kinnally: They were not put there by mistake. They were deliberately put there.

Trustee Walrath: The responsibility for obtaining the C of O is the landlord, or the tenant?

Village Manager Hess: The landlord, but the tenant can apply.

Trustee Walrath: Besides being a trucking company they install elevators?

Village Manager Hess: No, they simply store for Otis Elevator, and deliver to the sites.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for February 19, 2002 at 8:00 p.m. or shortly thereafter to consider the application of Guski Trucking Company, Inc. for a certificate of occupancy for 1 River Street, Building 53, for storage and delivery of elevators.

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	

16:02 PUBLIC HEARING - SNOW EMERGENCY/VEHICLES AND TRAFFIC

Village Manager Hess: These are the items that we reviewed at the Board's last meeting based on the recommendations of the Safety Council.

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

RESOLVED: that the Mayor and Board of Trustees hereby schedule a Public Hearing for March 5, 2002 at 8:00 p.m. or shortly thereafter to consider the advisability of adopting Proposed Local Law No. 2 of 2002 to amend the Zoning Code Chapter 241 Snow and Ice Removal, §241.8 Snow Emergency Parking Restrictions; and Chapter 282 Vehicles and Traffic, §282.12 Prohibition of Left Turns and § 282.25 Parking Prohibited in Designated Locations.

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: Three grants were submitted last Friday: \$50,000 for Marinello Cove; \$100,000 for restoration of Sugar Pond; and a grant to the state Archives & State Records Management for \$29,750 for Phase I GIS implementation.

We had our siren test on Sunday. The siren test was only about 60% effective throughout the Village, so our ERT is meeting this Thursday, and this will be one of the topics of discussion.

We will have a special meeting on February 26 for presentation of the budget.

PRESENTATION - ZINSSER BRIDGE

Village Planner Walker: The Zinsser Bridge is the south bridge at the end of the waterfront. It is in a fairly poor state of repair.

In 1999 we applied for a grant to the Department of State for \$250,000 to do engineering and design for a new bridge. We received that grant, but we have not spent it yet. We have found out that the Department of Transportation has a considerable amount of money allocated in one of their transportation improvement projects toward this bridge. They are assuming the cost of replacing this bridge is \$4.345 million, and they have federal funds of \$3.4 million set aside for the bridge. They told me that Marcheselli state funds are also available to whoever is going to be reconstructing the bridge or making repairs to it. If you

are a municipality, these funds are available to help match the federal funds, which leaves a small amount to be matched.

There are a couple of issues which we need to discuss. The state monies that we received can match some of the federal and some of the Marcheselli funds. They can go toward design, engineering, some of the inspection costs, some of the sort of peripheral costs of reconstructing the bridge, but not toward construction. But the representatives from the Department of Transportation and the Department of State feel that there is a way to make all these funds balance each other so that if the Village were to undertake this it would cost the Village very little money. It is probably somewhere between \$25,000 and \$100,000. Out of a total budget of over \$4 million, that is not a lot of money. What they recommended we do is bring Metro North to the table as well. So Metro North, the Department of State, the DOT, and the Village would talk about how to replace this bridge.

It is important to think about it at this point because as soon as you start doing any demolition or cleanup at the southern end, materials and heavy trucks are going to have to come over that bridge. It is in such a state of disrepair that it is questionable how heavy a truck can get over that bridge. Somebody is going to have to repair it, and what Village counsel has discovered in the state laws is that the Village is not responsible for the bridge. In fact, the town is responsible, although it does not own the bridge.

Village Attorney Murphy: That is correct. In villages, other than villages that assumed maintenance for bridges that existed prior to 1892, or which they have entered into specific maintenance agreements with any other entity, the responsibility of bridges falls to the town under Article 6 of Village Law. As far as the investigation has shown, the Village has never made any agreement for joint maintenance or for maintenance of any of the bridges in the Village. So, therefore, by law, the town retains responsibility until such time as the Village should act to change that.

Village Planner Walker: So if the Village wants to become the sponsor, accept the grant from the Department of State, and work with the DOT and Metro North to replace this bridge, then the Village has to take over that responsibility from the town.

Village Attorney Murphy: It might be prudent to, in advance, come to an understanding with the town as to whether or not this is going to be a shared responsibility. I do not know that the contribution of design and maintenance funds to a project that big would completely ameliorate the town responsibility, but it would certainly be a sticking point that might well be avoided if it was addressed in advance of any undertaking.

Village Planner Walker: The first step is, the Village needs to determine, in conjunction with the town, who is going to take responsibility for the bridge. If we want to use this grant money from the Department of State we have to use it soon, or we have to at least program it. We do not have to spend it, but we have to sign an agreement. It has been sitting there for two years. This is a tight budget year for the state as well, so they may want to look for somebody else who can use it more quickly if we are not going to take it. They have been putting a lot of pressure on me to move forward on this, and they would like to have a meeting with these representatives to talk about it. But it is up to you to decide how you want to move forward.

Also, in a meeting that we had with the DOT, the DOS, and Metro North representatives last summer we discussed the possibility of reprogramming part of the funds that we received from the Department of State to do a study of waterfront access over the whole stretch of the waterfront. So it would not be just that bridge. David, you were at the meeting and mentioned that you thought it is not a reasonable thing to assume we are going to replace that bridge exactly where it is and not do anything else. There is the question of how you get to the bridge, access to it. Do we need additional bridges? Do we need pedestrian bridges? Does the Dock Street Bridge need improvements? You cannot look at that bridge in a vacuum. You have to look at the whole stretch of waterfront, how you get over the Metro North tracks all along the Village, and how what is planned on the waterfront is going to be affected, or will affect, these access points. It requires a whole study, and also looking at traffic through the Village going to these various bridges.

So that could be part of this grant, and that would be the first step before we did any design or engineering. They all thought that was a good idea. We simply ask to reprogram the monies. But before we do anything we have to determine whether we want to move ahead.

Mayor Kinnally: And when do you want an answer?

Village Planner Walker: Within the next few weeks.

Trustee Holdstein: Is this bridge in danger of collapse?

Village Planner Walker: I do not know if it is in danger of collapse. The Village received a report about its condition. I do not think it is in danger of collapse.

Village Manager Hess: It has been downgraded for the weight of vehicles that can cross.

Trustee Holdstein: Who owns the bridge now?

Village Attorney Murphy: The best anybody can figure, it may well be Metro North.

Trustee Holdstein: What is their responsibility?

Village Attorney Murphy: I cannot answer because there appears to be a lack of documentation as to any agreement about who maintained the bridge.

Village Manager Hess: In the past the state DOT maintained and redid these bridges. Now they are saying they no longer do that. They no longer play the lead or provide engineering. They do not supervise the construction, nor even do the construction anymore. They are saying it is up to the local municipalities. I asked Brian to look into it. He found the provision in Village Law which indicates that within villages the town is responsible unless the village assumes that responsibility.

We had a similar situation with a wooden bridge that went over the Saw Mill on the Farragut Avenue exit heading over to Saw Mill River Road. The state told us several years ago that the bridge was dangerous and the Village had to spend \$1.5 million to fix it. My response was to close the Farragut Avenue exit. Needless to say, the state gave us an agreement where they took over the bridge and they paid to do it. If they have a vested interest in something, they may assume responsibility. It may be that some representatives of the Village, the town, and the state sit down and we can get the state to take responsibility for it. Our local share would be about \$250,000 on this portion of the construction. But what happens in the future, 20 years from now, when there is major work to be done on those bridges? Are there still going to be state or federal funds available for bridge repairs? Or is it going to be totally a Village responsibility at that point? And the cost at that point would probably be about \$12 million to do a repair on bridges.

Trustee Holdstein: I was under the impression that that which goes over the Metro North train line is the responsibility of Metro North.

Mayor Kinnally: There is a wide difference of opinion as to who is responsible for what portion of the bridge. There is a good question of the bridge abutments, the decking, the superstructure, the roadway leading to the decking, how far in and how far beyond the end of the bridge is not only Metro North's or the state's, and you have Uhlich and Chevron. This has been a bone of contention with Chevron and Uhlich for years, to the point that nobody is talking anymore. We had some documentation a year or so ago, where some of the underlying agreements were attached. It is one welter of confusing agreements and responsibilities ripe for fighting.

Trustee Holdstein: Are there any ownership responsibilities on either side of the bridge?

Village Manager Hess: It was originally shared by Mobil and Uhlich, so they split the maintenance costs on the bridge. We were responsible for the approach. The DOT assumed that cost, and even paid the Village for a right-of-way there, to create the turn at the end of Southside to get onto Zinsser. Uhlich and Mobil paid for the decking all the way across. I think it was DOT who paid for the abutments.

Village Manager Hess: We will not solve this tonight. I would think that we get some representatives of the Village with our attorney to meet with the town, and maybe even the DOT, and try to sort this out. I would rather meet with the town first privately to feel them out because if we do not take responsibility they are responsible.

Trustee Walrath: Meg was concerned that this is an emergency because we cannot do any cleanup on the south end. It would make sense, as we have a better capacity bridge up here, to get agreement among the owners to use the Dock Street Bridge for access to the south end during cleanup.

Village Planner Walker: The problem is that the state of the bridge could become more of a concern if they demolish the buildings at the south end. If you have trucks over that bridge, or emergency vehicles, then it is more of a concern. If there is nothing going down there, then it is probably not so important.

Trustee Walrath: I am not sure that if we had good access on the north end of the waterfront, once we have it developed according to a plan, that we need a bridge capable of handling trucks at the south end. We might very well limit that to passenger vehicles. If we had another bridge that was in a better location, and got emergency vehicles to the waterfront just as fast, I do not see that that would have to be designed for trucks, and I think it might well provide us a third way to the waterfront for passenger cars. I would like to see whether it can be saved as a bridge, then we can spend money for a bridge in a better location.

Village Planner Walker: The monies they have allocated could go toward a bridge in a another location. They all said it does not have to be this bridge.

Mayor Kinnally: We have to focus on this bridge because it seems to be salvageable. I would not want to do anything on the waterfront and have just the Dock Street Bridge as our means of access. Let us pursue Zinsser and these other alternatives, but if they need an answer I would say we should give them an answer. We should plan to come a resolution at our meeting March 5. In the interim, we should have a discussion with the town.

Trustee Holdstein: I assume you believe that the basic structure is salvageable, and should be repaired and rebuilt in that site.

Mayor Kinnally: Yes. If we want to have either a third bridge or a replacement for the Zinsser Bridge, it is not going to happen for 10 years. You have to go through SEQRA. You have to build new roads to hook up with it. A third bridge is a very big project. Maybe I am off for a couple of years. But you have land acquisition. You have to condemn property. You have to get easements, rights-of-way. You have to figure out where you are going to have a road to hook into a new bridge. Is it going to make any sense to move the bridge 20 feet one way or the other? I do not see how it is going to affect anything. But we have trouble moving anything in less than a year here, and you are talking about getting the federal government and the state government and the town involved.

Trustee Apel: These grants, did we go after them?

Village Manager Hess: They told us to put in a grant for this money, and they are holding it for us specifically for this. Then the DOT said we were responsible for 5% of the reconstruction.

Village Planner Walker: We were told the Village would not have to match the \$250,000 grant. They assured us that there was DOT money for that. They were the ones who came to us and said the governor's task force on the Hudson River access has specifically pinpointed this bridge as the bridge we want to put money into. They were looking for ways to put money together from federal sources, state sources, EPF money, whatever they could.

Trustee Apel: If we accept the money would we then be taking responsibility?

Village Manager Hess: I think we have to determine that with counsel.

Trustee Walrath: I think that the bridge we need is a lot closer to Washington, and we need to figure out the connections to Warburton and everything else to get our waterfront plan to work. Let us settle who is responsible, how much responsibility we think we can undertake and how much money we are going to get from other people, by all means. But I thought it was in a context that they would be glad to have us look at spending a little bit for a feasibility study to see if we cannot find a better location for that bridge. I don't mean 20 feet north. I mean all the way up around Washington Street or up around the commuter parking lot, which is a way to solve the problem of getting traffic off the waterfront. The main traffic is going to be pretty much in the north end. To make everybody drag all the way down to the south end is not going to happen.

Trustee Holdstein: That was my point about doing this in the context of our waterfront plan versus investing \$4 million in a bridge that we decide, at the end of the day, is a third bridge that we will need much further north.

Trustee Walrath: My hope is by salvageable we are talking a portion of a million dollars to fix the existing bridge as a passenger bridge, and to put the real money into a bridge in a better location.

Trustee Holdstein: I agree.

Village Manager Hess: The president's new budget has deleted all bridge funding to all states. So keep that in mind.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Meg can take credit for this. We have the full redevelopment plan for the waterfront, as issued by RPA. Meg gave it to me today and it is being put on our web site.

We have tried to move ahead in getting information from the state on the Hudson River Institute, and have been unsuccessful in making contact.

Yesterday I e-mailed George Heitzman to find out where he was in the fact sheet, the feasibility study and some of the other documents that are, allegedly, in preparation and review in Albany and I have not heard back. We were supposed to get the fact sheet, I believe, in November, and then in December, and then in January, and we are into February and have not heard anything. I have expressed my frustration and annoyance that we have not heard anything from the state.

I mentioned at an earlier meeting that there were negotiations ongoing between the Riverkeeper, the Village, and ARCO over the possible settlement of the Riverkeeper lawsuit. There has been one proposed process that is possible to allow a deeper excavation on the site in a safe and economical fashion. The engineers are looking at that. We will be meeting following this meeting with our environmental counsel to go over some suggestions he has. There is a court conference scheduled for tomorrow morning in federal court in White Plains to discuss the case, and I suspect that settlement negotiations will continue over the next month or so. The parties have made significant progress on a number of areas. There has not

been any agreement in anything yet but there is progress and a good deal of good faith exhibited by all concerned.

2. Marinello Cove

Mayor Kinnally: We are in receipt of the title report from First American Title Insurance Company for Marinello Cove. Counsel needs additional documentation for the underwater rights. These go back a number of years, and we are going to have to get that. But there does not seem to be anything in here that would hold up the closing which, we hope, will take place either the 22nd or the week of the 25th.

Village Attorney Murphy: We are also waiting on the survey. And then you have to find the money.

Village Manager Hess: There will be a bond resolution on it next week.

3. Other

Trustee Holdstein: The notes from the Affordable Housing Committee state that Jerry Anderson is proposing a retail and apartment complex on what is known as Division Street. Could somebody update me on this.

Village Manager Hess: It is very preliminary. He has met with the Downtown Committee and with the Affordable Housing Committee. He is interested in two sites. One is the Division Street site, the other one is on Main Street.

Mayor Kinnally: I understand that a meeting has been set up with Paul Feiner in the next few weeks to work on that. We told Paul not to expect to get all of those imputed taxes.

Marge has an idea for a fire safety forum.

Trustee Apel: In light of the recent fires in the Village and the subsequent loss of business, it might be a good idea to have a community forum on fire safety where people could learn from the fire department fire precautions that they can take, or things that are being done. We could have an explanation of the fire laws in the community, and invite some landlords and shop owners, and other people to come together to use this opportunity to learn more about how they can make everything safe for themselves. There may be ideas of things that people might like to bring up and recommend.

Mayor Kinnally: I will take it to fire department and get some ideas from them.

Village Manager Hess: I talked to a couple of fire chiefs about it. We are developing a program for WHOH on fire safety, where we hope to get out a lot of the same information you are talking about. Several years ago we had a very successful program during the Spring Thing when we had several thousand people around. We can look at doing something like that as an alternative to a forum, where you may have limited participation.

Trustee Apel: That is a good idea, but I think a forum allows people to come together and brainstorm and come up with ideas and teach each other and ask questions.

Village Manager Hess: Fire safety is not a matter of brainstorming, though. It is not like you are trying to solve a philosophical problem.

Trustee Apel: No, I am thinking of taking a look at our fire safety laws and regulations to see if there is not something that we might want to change.

Village Manager Hess: Those are governed by the national fire protection code and the state code.

Trustee Holdstein: I think the idea is great. It is really more an opportunity for us to learn from our experts about safety as it relates to codes and laws. I cannot comment that all of them are perfect, or whatever, but certainly they are in place and there are things that the fire department earnestly tries to adhere to and educate the community to.

Trustee Walrath: I saw in the paper that in Port Chester they are trying to get a designated person for every rental property if there are absentee landlords. It would be very well to see whether we have somebody to deal with for every rental property.

Village Attorney Murphy: They mandated that you have to have a 24 hour point of contact. It was largely a public safety issue, so the fire department could determine if there was anything stored that could be problematic in terms of public safety.

Village Manager Hess: We do fire and building inspections in all our multi-residentials and commercials through the program we have had in place five or six years now. Many of these buildings have been inspected at least twice, and they are in their third round of inspections. Most have local contacts that we know about because, certainly, there are absentee landlords in the downtown and a lot of the commercial areas.

Trustee Walrath: I thought it might help to formalize it. I see it as being very important to know your contacts, know when they change. It is an education process; we should have an orientation about fire regulations as you get new people.

EXECUTIVE SESSION

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

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:30 p.m.