

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

A Regular Meeting was held by the Board of Trustees on Tuesday, March 5, 2002 at 8:15 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, Deputy Village Attorney Ed Lammers, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

CITIZENS: Six (6).

PRESENTATION - Con Edison Villard Avenue

Mayor Kinnally: The first order of business is a presentation by Con Edison in connection with a gas replacement job for the area between Broadway and Croton Avenue. We have Freddie Torres of Con Edison here this evening. We are in receipt of a schematic of the job.

Fred Torres, Con Edison: We are planning to replace approximately 332 feet of 6-inch cast iron main. Most of it is cast iron, about 217 feet, and another 115 feet is steel. The cast iron is 1924 pipe, the steel is 1928. There are two leaks on this band. When we have a couple of leaks in an area we try to replace a section of pipe to prevent any future leaks.

The leaks are in front of number 37 and in front of 15, which are at the ends of the main run. We are replacing the 6-inch pipe with 6-inch plastic pipe. This is a low-pressure system and it involves replacing 10 services in that span and transferring one of them that is already in existing plastic tubing service. The other 10 will be tubed from the main to the building.

We will excavate over the main connections and use the existing old pipe as a sleeve, and we will insert a tubing through there and make the connections inside the building and at the main. This avoids all the trenching of the services.

Mayor Kinnally: What is your timing? How are you staging it? How long do you think it will last? What will you be doing in the interim to protect the open trenching, both during the day and at night?

Mr. Torres: There will not be any open excavations. Everything will be steel-plated, covered, traffic will be fully open. I would say approximately two weeks to complete the entire job. We will install those services that need to be replaced prior to dropping the main in so that all we will have to do is transfer the services from the old main to the new main when we drop it in.

Mayor Kinnally: What will happen with the old main?

Mr. Torres: The old main will remain in the ground. We will direct-bury the same size pipe next to it.

Trustee Holdstein: Why do you now use plastic?

Mr. Torres: No corrosion problems. It lasts a tremendous amount of time.

Trustee Walrath: What type of plastic will it be?

Mr. Torres: It is a high-density plastic, a polyethylene.

Mayor Kinnally: How will the street openings be made?

Mr. Torres: We will saw-cut the trench to drop the pipes in, and then over the service main connections will have about a 4 x 4 opening so that we can get in there and disconnect the old pipe, the services, and transfer them over to the new pipes.

Mayor Kinnally: Will you be going through curbing?

Mr. Torres: No, we should be able to tube these right through the existing pipe, so we would not have to go through the curb. The only time we may have to involve another excavation is if we run into an offset while we are doing the service, because we cannot tube through that.

Mayor Kinnally: What type of equipment will remain on site after operations in the evening?

Mr. Torres: I do not think there will be anything left on site. A contractor does the excavating. There may be a backhoe left to move the plates the following day.

Mayor Kinnally: Where will that be stored?

Mr. Torres: That would have to be negotiated with the contractor when they do the work. But if there is no area here where we can store the equipment, they will take it off location.

Mayor Kinnally: Do you have a contact for us after hours, if there is a problem?

Mr. Torres: You can contact me. My card is there, you have my cell number. I am available at all times.

Village Manager Hess: There should be emergency contacts with the contractor, with yourself, and your plumber. We will give it to our police department.

Mayor Kinnally: That information should also be supplied to the residents on Villard from Broadway up to Croton.

Mr. Torres: The contact numbers are handed out with the letters that we drop off with the customers telling them that we are coming in there to perform these services.

Trustee Walrath: Will your tubing on the customer services go from a shut-off in the street all the way to the gas meter inside the house?

Mr. Torres: It goes into the first fittings connections inside the house.

Trustee Walrath: You take care of everything right to the gas meter.

Mr. Torres: Yes, we install a new valve outside also.

Trustee Walrath: Your customer's responsibility starts at the meter?

Mr. Torres: That is correct.

Trustee Holdstein: Do you need to access their homes?

Mr. Torres: In order to get to the connections inside the house, we need to gain access to the buildings to make that transfer. We have to disconnect the old piping inside.

Trustee Holdstein: The current steel and metal piping that is in the street is how wide?

Mr. Torres: The mains are 6-inch.

Trustee Holdstein: The new plastic you will be putting in?

Mr. Torres: It will be 6-inch also.

Trustee Holdstein: The ones that run to the individual homes would be slightly smaller, but inside.

Mr. Torres: Yes. Most of the services there are 2-inch services, and we will tube that with 1-1/4-inch tubing.

Trustee Apel: How are you going to notify the people that they need to be in their homes in order to get in there, and how much time are you going to give them?

Mr. Torres: We drop letters off about four days prior to the job beginning with contact numbers. Most of the time we are able to catch the people at home, and then we will make arrangements with them to gain access to do the services.

Trustee Apel: This area that you cut out, what do you do when it gets paved over to prevent it from sinking?

Mr. Torres: Our construction management department has to restore that according to what your specifications are for restoration.

Trustee Apel: When are you planning to do this?

Mr. Torres: If it were approved tonight, and we got our permits completed, within a week and a half.

Trustee Jennings: How long will service be disrupted to any particular customer?

Mr. Torres: It would run about six hours from the moment they cut the gas off till the tubes are serviced and then reconnected. When they come back and activate the new main, the services will then again be turned off in order to transfer from the old main to the new main and that may be a couple of hours. While the work is in progress we let the residents know what is going on, and we set a date with them letting them know we are going to activate the new main.

Village Manager Hess: Do you have a Con Ed inspector on site?

Mr. Torres: Yes. We have a Con Ed inspector that oversees the contractor that does the excavating and the dropping of the main.

Village Manager Hess: It would be appreciated if his name is included in the letter to residents.

Mr. Torres: His name is on there, and his phone number.

Trustee Jennings: Does one of your people make sure that pilot lights have been relit?

Mr. Torres: Absolutely. All the services are pressure-tested, and the main is pressure-tested, and we have a department in our company that is trained to turn on all the pilot lights and perform an integrity test on the piping. When the service is almost completed, our supervisors will call the gas distribution department to notify them that we want one of their people to come over there to re-light the customer. By the time we are done or maybe an hour or two after, they are there to do the re-lighting.

Mayor Kinnally: We have gone through this before with Con Edison, and I have minutes of meetings of February 15, 2000 and January 23, 2001 where you will see the colloquy of the Board, and it covers much of the same ground as we have this evening. Various terms and conditions were set forth in those minutes. I am going to give them to you, if you can comply with that. Because you are going across state property, the Old Croton Aqueduct, I would request that you get in touch with the state's Taconic region for permission to go across state property. And coordinate everything with Neil. Neil will coordinate with the police department and with the DPW. School buses utilize Villard to pick up children. We do not want to have a problem having construction in part of the road and then traffic congestion and a safety problem.

Mr. Torres: Just let me know what time I will be able to get out there and work.

Village Manager Hess: Those time requirements are in those minutes, and if they are not we will talk about that.

James Keaney, 27 Villard: I am particularly concerned with damage that might be done because of the excavation to my waste line and my water line. I heard Mr. Torres say you had a plumber. I just wanted to make sure this is an independent plumbing contractor.

Mr. Torres: Yes, it is.

Mr. Keaney: Because sometimes these problems surface in the evenings or on the weekend when the Village offices are not open, or maybe Con Ed is closed. So is it somebody I can contact directly at those off times?

Mr. Torres: Yes.

Nick Marone, 28 Villard: I did not hear what you said about connecting to my meter in the basement.

Mr. Torres: . We are going to be replacing the gas service from the gas main into the building.

Mr. Marone: Are you going to be digging into the roadway?

Mr. Torres: No, we use the old pipe as a sleeve and we push a plastic tubing through there. So you are only going to have an excavation at the main connection out in the street, and we will disconnect the piping inside where we will have to do the connections.

Mr. Marone: No digging in the lawn area?

Mr. Torres: No. The only time we will dig is if there is an offset on the pipe, where we cannot push the tubing through, then we will have to dig where that offset is.

Mr. Marone: Who pays for that?

Mr. Torres: We cover the restoration.

Mr. Marone: When you dug on the lower part of Villard Avenue, that took more than two weeks.

Mr. Torres: I do not see going more than two weeks on this.

Mr. Marone: Can we have anything that you could explain to us, what you are going to do, what your response will be in preparing it at all? Any repair in our curbs?

Mr. Torres: I cannot give you anything in writing. Is that what you are looking for?

Mr. Marone: Yes.

Mr. Torres: I am telling you now that we are responsible for any kind of work we do there.

Mr. Marone: And you will back it up?

Mr. Torres: Absolutely. That is why I came here this evening. Whatever we damage, we will replace.

Mr. Keaney: About seven years ago in the course of doing excavation to replace the gas line, they broke my old water pipe, waste line pipe, that was coming out into my driveway.

Mayor Kinnally: So there should be dollar-for-dollar reimbursement if there is any cost incurred by any neighbor because of work that is done by Con Ed?

Mr. Torres: Absolutely.

Mr. Keaney: But what is more important to me is that I can deal directly with a plumbing contractor that would do the work. I would not have to hire a contractor to do it.

Mr. Torres: That is correct.

Mayor Kinnally: I am concerned that one of our residents incurred expenses that were not reimbursed by Con Edison. If that is something that was Con Edison's fault, I think they should revisit that and reimburse them. So if you could talk to Jim, and get some more information.

Mr. Torres: I will see if I can get some information on that.

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Public Hearing of February 19, 2002 were approved as presented.

Trustee Walrath: Page 9, second paragraph on the page: I have no recollection of saying anything about 28 acres. I would like it struck out.

On MOTION of Trustee Walrath, SECONDED by with Trustee Holdstein a voice vote of all in favor, the minutes of the Regular Meeting of February 19, 2002 were approved as amended.

APPROVAL OF WARRANTS

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

Multi-Fund No. 71-2001-02 \$ 90,860.13
Multi-Fund No. 73-2001-02 \$208,414.44
Multi-Fund No. 74-2001-02 \$ 31,403.81

18:02 CERTIFICATE OF OCCUPANCY GUSKI TRUCKING COMPANY, INC.

Mayor Kinnally: This was the subject of a public hearing on February 19. Mr. Hess, thank you for getting a report from the Fire Inspector and Deputy Building Inspector on the site.

Village Manager Hess: I would modify the resolution to say, in compliance with all Code requirements pursuant to the memorandum of February 28, 2002. If you approve this, it would be temporary until such time as he does all compliance. A permanent could be issued after that.

Trustee Apel: If the Fire Chief wanted a temporary certificate of occupancy for 30 days, I would prefer that.

Village Manager Hess: I would only sign a temporary for 30 days, because if he does not comply he will not get a permanent C of O. That is what the recommendation is in their memo. It is really a temporary C of O.

Trustee Apel: Once he gets a C of O he can stay there for as long as his lease with ARCO allows?

Village Manager Hess: His lease is for a certain period of time, but there is a notice requirement where they can buy him out or tell him he has to leave.

Trustee Apel: Is there any concern with how much stuff he is going to be putting in there?

Village Manager Hess: What he has done is apply for a certain size building. He still has to meet code requirements. That includes storage facilities also. We still do inspections.

Trustee Apel: How often will it be inspected?

Village Manager Hess: Probably every six months, unless we get a complaint.

Trustee Jennings: At the hearing I asked whether or not his lease and his occupancy would conceivably interfere with, or delay in any fashion, the cleanup. The answer to that was no. On that basis, I am pleased to vote for this. But I absolutely would not vote for this if that answer had been that it could delay that.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath, Resolution 18:02 was amended to add the phrase "subject to the requirements contained in the report of February 28, 2002 to the Manager from the Fire Inspector and Deputy Building Inspector" by roll call vote:

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	

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

RESOLVED: that the Mayor and Board of Trustees approve the application of Guski Trucking Company, Inc. for a certificate of occupancy for 1 River Street, Building 53, for storage and delivery of elevators contingent on compliance with all code requirements and subject to the requirements contained in the memorandum of February 28, 2002 from the Fire Inspector and the Deputy Building Inspector.

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	

19:02 INTERMUNICIPAL AGREEMENT COMPOST EQUIPMENT PROGRAM

Village Manager Hess: This is a renewal of an agreement with Westchester County to provide composting equipment and shredding equipment to the Village, basically for free. As long as we are members of the Refuse Disposal District No. 1, the fees of \$625 a day would be waived. Their Samsung loader, at a \$1,500 flat rate and \$600 per day, would be waived also. [Reference to Schedule B.] They bring in the equipment and an operator, and all we require is one of our personnel at the site.

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 authorize the Village Manager to sign the Intermunicipal Agreement with the County of Westchester for the Compost Equipment Circulation Program for a five year term from March 1, 2002 to February 28, 2007.

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	

Mayor Kinnally: In connection with this, we had sent Neil an inquiry about the quarry, and the timing, and what we were looking at in the future. Do you have an estimated ETA on that?

Village Manager Hess: Although the Board had requested a report by the end of January, with the budget development it was very difficult to put together. We have almost got all the preliminaries finalized. The Board should have a complete report no within two weeks.

20:02 BOND RESOLUTION - ACQUISITION OF MARINELLO COVE

Mayor Kinnally: This is what we are going to use to pay for the acquisition of Marinello Cove, which we hope will occur within the next 10 days. It is for \$250,000; we have \$225,000 of acquisition costs, and there may be incidental costs.

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 adopt the resolution as attached to authorize the issuance of \$250,000 serial bonds of the Village of Hastings-on-Hudson, Westchester County, New York, to pay the cost of the purchase of approximately 3.8 acres of land, portions of which are underwater, adjacent to River Street and the Village's MacEachron Waterfront Park for public park uses in and for said Village.

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: We received notification that our grant request to the Hudson River Foundation was approved in the amount of \$7,700, which will pay the cost of designing the Marinello Cove area in the coming months. This will be the first grant we have received from the Hudson River Foundation, and we were very pleased to receive that notification.

This past Sunday we did the emergency siren test. It was effective in 90 to 95% of the Village. There are still areas that need to be reached, and we will discuss that at our next ERT meeting.

Trustee Holdstein and I met with the Parks and Recreation Commission. They made a final determination on the renovation project which will total approximately \$1.7 million. They have made a recommendation to provide for a 50% increase in pool fees, which is consistent with the recommendation in my budget proposal. Guest fees, which are \$5 for everyone, would be \$10 for adults and \$5 for individuals under the age of 16. The Commission also approved a fee increase for the youth tackle football program from \$30 to \$100 in order to provide helmets to

the participants. They will be turned in at the end of the year and reconditioned. I would like a motion to set a public hearing on pool and recreation fees for Tuesday, March 19.

On MOTION of Trustee Holdstein , SECONDED by Trustee Apel, the Board scheduled a Public Hearing on pool and recreation fees for March 19, 2002 upon roll call vote:

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	

Raf has been working on the application appealing our census figures. If you compare 1990 and 2000 for the specific census track for Graham School and Andrus Home you will see that they only have a total of six people listed in those institutions in the 2000 census, where they had 367 in 1990. We made our appeal previously, but now we have sent on specific documentation relative to that change.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: On the Riverkeeper lawsuit, I had reported in the past that there discussions with the various parties on trying to come to a resolution. I said that the matter was now with the engineers and the technical people, and we were waiting for them to get together and to generate additional information and data to exchange. We are still awaiting that event, and there is a meeting of the technical personnel next Wednesday. But there is a sense of frustration that it is taking longer than we had hoped, but because new approaches to removal of some of the PCB's were introduced at the earlier sessions this is something that the technical people and the engineers have to take a look at so they can accurately assess the feasibility.

I have expressed an extreme sense of frustration over not getting any movement from the DEC with John Cahill, who is now the chief of staff to the governor. We were supposed to have a fact sheet at the end of 2001 bringing people up to date on what the DEC is doing, and a potential timetable. We are at the beginning of March and we have not seen that. I have passed that along to the governor's office.

We indicated that we will be acquiring Marinello Cove in the next 10 days, and then we can move forward to getting access to the waterfront.

2. Bridges

Village Manager Hess: We had a general discussion with the Town of Greenburgh about responsibility for bridges within the town. There is a provision in Article 6 of the Village law that indicates the towns are responsible for bridges within villages. We have a follow up meeting next Wednesday with the attorneys involved. They would look to develop a policy that is consistent town-wide with all their villages.

3. Other

Trustee Apel: I would like to find out where we are with large parcels and the Planning Board.

Trustee Jennings: Do we have any estimates of when we will be receiving materials and recommendations from the Planning Board regarding the Ginsburg proposal?

Village Manager Hess: I would think that is going to be awhile. They have not even adopted a DEIS yet.

Mayor Kinnally: But you raise a good point. I will give Rhoda a call and see where they are on a number of things.

Trustee Walrath: Did we not discuss giving some reaction to the proposed zoning change earlier than perhaps all the wheels are spun from the Planning Board process?

Mayor Kinnally: Yes, and that ties into where the Planning Board is at this point. They have to forward some information to us. But I think we should do that.

Mayor Kinnally: I have received from Cablevision certain filings that have to be made pursuant to the FCC, and Emily Spaulding is the individual who sends us correspondence from time to time. I would love to have a brief discussion with Ms. Spaulding about where Cablevision is going with its rate increases and how the rates have increased since they have been wired with this system.

Trustee Jennings: When you are in communication with them, I would request that you ask them about the status of high-speed Internet connections.

EXECUTIVE SESSION

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

Mayor Kinnally: Before we move to adjourn, I would just like to note the passing of Kay Skibitsky. Kay was employed at the Village for over 20 years. She was our Village Clerk when I first came on the Board, and she was a big part of the operation of this Village in the 1970's and early 1980's. I note her passing with sorrow, and I would like to have a moment of silence for her and a motion to adjourn in her memory.

ADJOURNMENT

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:15 p.m.