

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
MAY 28, 2002

A Regular Meeting was held by the Board of Trustees on Tuesday, May 28, 2002 at 8:20 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, Deputy Village Attorney Ed Lammers, and Village Clerk Susan Maggiotto.

CITIZENS: Four (4)

APPROVAL OF MINUTES

Trustee Apel: On the second page, Assemblyman Brodsky gave us \$7,500, not \$75,000, for the radio station.

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Regular Meeting of May 7, 2002 were approved as amended.

APPROVAL OF WARRANTS

Multi-Fund No. 93-2001-02	\$ 17,500.00
Multi-Fund No. 94-2001-02	\$205,065.07
Multi-Fund No. 95-2001-02	\$ 13,729.36
Multi-Fund No. 96-2001-02	\$ 64,871.11
Multi-Fund No. 98-2001-02	\$210,444.86
Multi-Fund No. 99-2001-02	\$ 44,326.52

38:02 INVEST IN KIDS PROGRAM CONTRACT

Village Manager Hess: This is a renewal of our grant agreement with Westchester County to provide in excess of \$21,000 to the Village for our program. The total budget for this program is \$33,300, with \$11,000 coming in combination through our state grant and some Village financing. I requested an additional \$2,000 in local share to help fund this program for the coming year. The program is from January 1, 2002 through December 31, 2002.

Trustee Jennings: I recall that when we were discussing the budget we expected the funding to be lower than it had been in the past.

Village Manager Hess: This is a little lower. Last year we received \$25,000, this year \$21,600. We are on different fiscal year than the county. They are on a January-December fiscal year, state funding is on an April through March fiscal year, and we are on a June through May fiscal year. So it is a matter of picking eight months at one rate and four months at another, or a combination. Our total increase in local share was about \$2000.00.

Trustee Jennings: And we are not being sent a message about our program.

Village Manager Hess: No, in fact we were one of the first ones to get funded. Our first year we received \$15,000. They increased our funding for the next several years, at \$25,000 each of those years. We have done very well under this program, and it has been a tremendous benefit to the Village and its youth to provide additional services through this program.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to sign the 2002 Invest in Kids Program Contract with Westchester County.

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	

39:02 GRANT APPLICATION WATERFRONT COVE

Village Manager Hess: At the dedication of the waterfront cove a member of the Hudson Valley Greenway staff was there who was dying to give us money. We took her on a tour the next day, and the application was forwarded thereafter. It is in the amount of \$15,000, which would provide for the floating dock at the cove.

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

RESOLVED: That Neil P. Hess, as Village Manager of the Village Hastings-on-Hudson, New York, is hereby authorized and directed to file an application for funds from the Hudson River Valley Greenway Communities Council, as part of its Hudson River Valley Greenway Water Trail Grant Program, in an amount not to exceed \$15,000, and upon approval of said request to enter into and execute a project agreement with the Hudson River Valley Greenway for such financial assistance to this municipality for the improvements to Waterfront Cove.

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	

40:02 SALARIES NON-UNION PERSONNEL

Mayor Kinnally: These salaries are the result of discussions that we have had with the Village Manager and department heads. Note that the salary for the police lieutenant at \$94,200 is for the incumbent, not for the position. The salary will be reviewed at the time of filling the vacancy upon Lt. Schiavone's retirement.

Village Manager Hess: I do reviews of personnel twice a year. The second review results in my recommendations to the Board of salaries for those staff. Because of the difficulty with this year's budget, the salary increases are a flat rate across the board as opposed to the normal spread you would see. It was not an easy decision to come to. The Board complimented the staff very highly for the work they have done this past year. But in understanding the fiscal constraints that the Village had, the staff was very understanding of the Board's determination. I wanted to pass that along for the record, that the staff uniformly thank the Board for its consideration.

Mayor Kinnally: I certainly thank the personnel for their dedication and hard work during the year. This has been a tough year. It has been a trying year for everybody, not only economically but also from a coping standpoint. Too often our employees are overlooked but, certainly, it is not done intentionally. I thank them for all their service to the community and to our village and for their sacrifices over the years.

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 establish the following salaries for non-union personnel effective June 1, 2002:

Chief of Police	\$ 116,300
Police Lieutenant	94,200
Superintendent of Public Works	83,600
Deputy Village Manager/Village Clerk	73,700
Supt. of Parks and Recreation	72,400
Director Youth Services	65,300
Building Inspector	54,300
Secretary to Village Manager	46,350
Building Department Office Assistant	45,800
Payroll / Personnel Clerk	38,700
Court Clerk	32,300
Assistant Court Clerk	21,700
Deputy Treasurer	40,800
Senior Recreation Leader	38,700
Senior Recreation Leader	37,800
Recreation Assistant	27,700
Parking Enforcement Officer	23,500

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	

VILLAGE MANAGER'S REPORT

Village Manager Hess: Our grant request for development of the cove from New York State Parks was denied. The lack of sufficient appropriation from the state did not allow funding of this program, although we have been urged to reapply, and we will do so. While we have gotten some grants toward this project so far, this was the major grant we were hoping to receive.

I have also submitted another grant to the National Tree Trust, which will provide 400 seedlings to the Village that would be used to plant along trails, parks, wooded areas, and rights-of-way, where appropriate.

The new Uniform Building Code will take effect in New York State beginning in July. There is a 180-day transition period for implementing the new code. I have sent Joe Hernandez to Orange Community College for the next three days. He will be getting a refresher course in the new building code, and would be certified to implement that code. Chief Drumm has already completed the course from the fire code standpoint.

I am waiting for two items so we can close on the Graham-Windham property: the contract of sale from the seller, Graham-Windham, and the intermunicipal agreement from Westchester County. We have received the survey and the approval of the Planning Board on the subdivision. We need the topographic survey to finalize everything so we can get our funding not only from Westchester County but also from the state. This property, with costs, will be in the neighborhood of \$670,000, and our total cost will be \$1 because of other funding sources.

There was a recent FCC ruling that cable modems are excluded from franchise fees. That means no revenue will come to any municipality from the Internet service that cable TV's provide. Cablevision, in the past, has refused to include that as part of their franchise fee payments to any of their municipalities. This FCC ruling confirms Cablevision's position. It is going to be challenged by the National League of Cities, the U.S. Conference of Mayors, and several other national organizations. They are using our rights-of-way. They are constructing boxes within the Village. And they do not expect the municipality should be able to collect revenue from those. This will be a long-term fight.

Their franchise comes up in three years. We will be discussing the creation of a cable TV committee to assist us in negotiations on a new franchise. The committee should look at a new cable provider as opposed to Cablevision. They have been neither customer-friendly nor municipality-friendly overall. They talk a good show; they do not produce. I hope we will be able to develop a five or seven person committee, with Raf as their technical advisor, that will come back to the Board with recommendations on where we are going to go.

The Spring Thing is June 1 from noon to 6. In addition to approximately 100 vendors, which is a 35% increase over last year, there will be a kiddie-land, and someone told me there is going to be a 45 foot gorilla. The Farmers' Market is also starting this Saturday. We will be providing shuttle service; you can park free at the commuter lot and the shuttle will be running back and forth between the downtown, the Farmers' Market, and the commuter lot. The Cropsey Foundation will have an open house to view the paintings and the grounds as part of the festivities from 2 to 4 in the afternoon.

Stars Over Hastings, sponsored by the Hastings Education Foundation, is June 15. They will have a booth at the Spring Thing for tickets. It has been very successful and I hope everybody has a chance to attend.

BOARD DISCUSSION AND COMMENTS

1. Update On The Waterfront

Mayor Kinnally: The Village will be given a commendation by the Westchester Planning Federation at their annual awards dinner for the planning initiative that the community undertook for the waterfront two years ago under the auspices of the Village, ARCO, and RPA. It is a celebration of the Village coming together and trying to design a plan for what we would like to see on our waterfront. The plan is already paying dividends because it is a reference point in discussions with owners of the property, with the state, with the Estuaries Center. It is a flexible and workable document that the Village has given a lot of thought to.

2. Downtown Zoning

Mayor Kinnally: We are going to defer downtown zoning to our work session.

Village Manager Hess: We will set up a work session right after we get the draft.

Bob Lee, Planning Board member: We are struggling with some details; there have not been significant changes in intent. We should have that in about two or three weeks.

PUBLIC COMMENTS

Ron Cascone, 33 Terrace Drive: Regarding the cable situation, how could the Village challenge a franchise?

Mayor Kinnally: The franchise has to be renewed.

Mr. Cascone: Would we do that in concert with other municipalities?

Village Manager Hess: We would try to.

Mr. Cascone: I went through this trying to get cable through Verizon, which was a bloodletting experience, and I just backed out of it. I was asking why the villages in these areas had such late service, whereas Yonkers and Yorktown Heights had it set up. There seems to be an issue about that. It is a practical aspect of being hard-wired as a customer. My understanding as to one of the reasons we do not have service, whereas people in Yorktown and Yonkers have it, is because of this differential franchise situation.

Village Manager Hess: Not at all.

Mayor Kinnally: They had problems in getting some of the service through White Plains. A few weeks ago they told me that was the bottleneck.

Village Manager Hess: I am going to ask Raf to explain it, because Raf knows. Cablevision has been in Yonkers for many years.

Rafael Zaratian, Technology Director: In Yonkers Cablevision built Optimum cable right with the infrastructure needed to do high-speed modems. When they took over the franchise from TCI the infrastructure that TCI had was older. The co-ax cable and the fiber optic system that they had were antiquated. Now they are upgrading all the old TCI area so that they can get Optimum On-Line, and they should have it done by the end of summer.

They are wiring us as we speak and, hopefully, it will work. We are supposed to have even higher speeds than Yonkers because they are going to use closer nodes. DSL from Verizon is something else. That is high-speed Internet over copper wire. The problem with that is distance; the central office is in Dobbs Ferry, and Hastings residents from Broadway south really cannot get it. The other problem is that Verizon's infrastructure in Hastings is not very good. The copper is very old, and as we found out when we moved back after the renovations, there is not a lot of copper on Maple and some of the other streets. They are upgrading their systems with fiber optics as well. Hopefully this will all get resolved rather quickly and everybody will have high-speed Internet access so they can watch everything they want to, including WHoH, on the Internet.

Village Manager Hess: You talked about Verizon DSL. There is another provider, BestWeb. Is that the same problem?

Mr. Zaratzian: It depends. Because of the FCC, Verizon has to sell its services at cut rates to other companies. Sometimes that works out better for the consumer because they can get better service, or faster service, because they have to show the FCC that they are selling the services. But basically you are using Verizon's infrastructure. That is the reason the FCC does not want to charge the cable companies too much yet; the FCC wants to let the companies grow and build the infrastructure. So they do not want to tax them right away.

Village Manager Hess: No, they want to tax them. But they do not want to allow the income they receive from their Internet access to be included as a fee for franchise purposes as part of their revenue. They want to exclude that.

Mr. Zaratzian: I am sure when we renegotiate the contract we can do something like that.

Village Manager Hess: The franchise for cable is different. We are not franchising Internet service, and we cannot do that. So the system they are putting in now may improve cable service somewhat, but the Internet service is going to be outside the franchise agreement. But, again, we will end up with a consortium of communities and work with the PSC and our cable committee in terms of where we are going on this.

Mr. Cascone: Are the poles and wires that they are putting in for this Internet connection going to be transferable to other services if we were to elect to have some other franchisee?

Mayor Kinnally: That depends on if they will let them have it. They may sell the whole thing.

Mr. Cascone: Is this like the poles and wires for electrical and phone service, that the last connection to the customer has to be made available to the bidding franchise, if somebody else wins that franchise, or to another service provider?

Village Manager Hess: That is a legal question. What normally happen is, one cable company cannot condemn the property of another cable company. They have to acquire it, or they have to put up their own system.

Mr. Cascone: So you could have a situation where you have a different TV and Internet provider.

Village Manager Hess: Sure. You have two different cable connections.

Ms. Cascone: And we franchise one, but we do not franchise the other.

Village Manager Hess: We cannot franchise Internet service. But something for the cable TV committee and the communities in the consortium to consider is a municipally-owned cable system.

Trustee Apel: Is there any protection for the citizens in relation to companies like Verizon soliciting people in Hastings to buy into their DSL line, and then they get them and they are not working because they cannot work? What can we do to protect our citizens from falling into the trap of purchasing a DSL line from a company that cannot perform?

Village Manager Hess: I believe the PSC is the initial contact for problems like that. We have an 800 number for the Public Service Commission; we can put it up on our Website, or send it out our e-mail list.

Andy Zimmerman, 7 Ridge Street: There are questions that I would like to bring to your attention regarding the downtown zoning. I was under the impression that it was mainly to affect the central business district, yet that I find that much more revolutionary changes have happened in the southwestern part of Hastings around Ridge Street, Washington, Southside, and the southern part of Warburton.

The way this was presented was to protect Ridge Street and nearby streets against over-development, and yet the effect would be the opposite. This is certainly not what the Ridge Street committee wanted, and now this other committee has done something that seems to be against what we wanted to happen. For instance, we called specifically in the Ridge Street committee for no lessening of the requirements for parking, and now in this new zone they lessen the requirements for parking for multi-family buildings. Also, they are inventing new zones and getting rid of a lot of the protections that people have had that ensure open space and setbacks. They are making it possible to have much larger lot coverage. It is going to be possible as of right to build six-story buildings on Washington Avenue, 70 feet tall. They had this new category of mixed-use buildings, which does not have any of the open space requirements that were found in previous multi-family residential buildings.

This new experiment is being done on this one small part of town, and has not been in the other parts adjacent to downtown, for instance Maple Avenue and Whitman Street. Why is our part of town singled out for this experiment in these days when you have all this outcry against big mansions? I am afraid for when the developers come in and start knocking down

the little one- and two-story buildings and building big six-story buildings that fill up their lots. We are going to have something like a McBronx in Hastings. So that is what I am afraid of. Just a little preview of the hearing, perhaps, but I hope you all look at that and consider what is going on here.

Mayor Kinnally: I look forward to hearing from you at the hearing. Anyone else?

Village Manager Hess: The Parks and Recreation staff has put out a new booklet on the Chemka Pool. It has information on our new programs for this summer, and it also has information on the renovation project. Kendra Van Sickle, our senior rec leader and pool director, did a very nice job putting that together. We are looking forward to a good summer at the pool. There was some nice warm weather this past week, so that always helps registrations.

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 for 8 p.m., Wednesday, May 29 with Special Counsel Mark Chertok, environmental counsel, for litigation and attorney-client discussions.

ADJOURNMENT

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:05 p.m.