

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 23, 2002

A Regular Meeting was held by the Board of Trustees on Tuesday, July 23, 2002 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee David Walrath, Trustee Bruce Jennings, Trustee Marjorie Apel, Village Manager Neil P. Hess, Deputy Village Attorney Edward Lammers, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Michael Holdstein

CITIZENS: Two (2)

Mayor Kinnally: Trustee Holdstein is away on vacation. He may return in time for our Executive Session with counsel on environmental litigation and personnel matters.

APPROVAL OF MINUTES

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, the minutes of the Public Hearing of May 29, 2002 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the minutes of the Regular Meeting of May 29, 2002 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the minutes of the Regular Meeting of June 4, 2002 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, the minutes of the Regular Meeting of June 18, 2002 were approved as presented.

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, the minutes of the Special Meeting of June 20, 2002 were approved as presented.

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. 9-2002-03	\$254,890.43
Multi-Fund No. 10-2002-03	\$ 18,901.82
Multi-Fund No. 11-2002-03	\$ 52,255.05
Multi-Fund No. 12-2002-03	\$ 4,653.89

Multi-Fund No. 13-2002-03 \$245,797.98
Multi-Fund No. 14-2002-03 \$389,235.06
Multi-Fund No. 16-2002-03 \$ 1,414.00
Multi-Fund No. 18-2002-03 \$ 61,846.96
Multi-Fund No. 19-2002-03 \$147,205.42
Multi-Fund No. 20-2002-03 \$303,960.55

49:02 BUDGET INCREASE FY 2001-02

Village Manager Hess: These are final year end transfers as recommended pursuant to our audit. The Deputy Treasurer is here to answer any questions as he worked with the auditors on developing the transfers. During the year the Board authorized the purchase of vehicle lifts to be appropriated from General Fund surplus for \$34,000. The \$94,780 represent a number of projects over the years that lacked appropriate funding and are being closed out through this audit.

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 increase the FY 2001-02 General Fund budget by \$128,780.00 to be paid from General Fund surplus for vehicle lifts (\$34,000.00) and various capital projects (\$94,780.00) as follows:

From appropriated fund balance to appropriations (transfer out to Capital Fund) \$128,780.00

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

50:02 BUDGET TRANSFER FY 2001-02

Village Manager Hess: Although it appears to be the same \$34,000, it is not; this represents the emergency bus purchase authorized by the Board last December. We were told that the federal government would make money available to state and local governments to purchase emergency first response equipment, so we should be reimbursed for the bus and another \$12,000 for additional equipment on the bus. We will receive the audit in the next few weeks and we will be able to go through these transfers with the Board; we will schedule a meeting late October/early November with the auditors to present the audit to the Board.

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 approve the FY 2001-02 General Fund transfer as follows:

From	To	
A3120.300 Police Capital Outlay	A95509 Transfer out to Capital Fund	\$34,000.00

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

51:02 BUDGET TRANSFERS 2002-03

Village Manager Hess: I will turn this over to the Deputy Treasurer.

Deputy Treasurer Zaratzian: By state law if you have a capital project and there is a balance left, if it was funded by a bond it goes to debt service, and if it was funded by general fund or a grant it goes to general fund. We are closing out old projects with leftover money, and the balances are transferred to the appropriate funds.

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 approve the transfer of ending balances of the following Capital Projects to the Debt Service Fund as

required by New York State Municipal Law for the FY 2002-03 Budget as follows:

<u>Year</u>	<u>Code</u>	<u>Project</u>	<u>From</u>	<u>To</u>
94-95	H9004	Bus for Seniors	\$ 3.00	
96-97	H9028	Sanitation Truck	\$ 247.00	
98-99	H9003	Dump Truck	\$3,376.00	
98-99	H9009	Street Resurfacing	\$ 397.12	
98-99	H9033	Police Computers	\$ 684.26	
	V980	Debt Service Revenues		\$3,626.00
	A980	General Fund Revenues		\$1,081.38
			\$4,707.38	\$4,707.38

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

52:02 SALARIES PART-TIME PERSONNEL

Village Manager Hess: In conformance with consideration given to other staff and the limits of the 2002-03 budget, part-time and hourly staff were increased at 4.5 percent.

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 establish the following part-time salaries and/or hourly rates effective July 1, 2002:

Planning Consultant	\$42,650
Deputy Building Inspector	15,950
Fire Inspector	13,600
Senior Outreach	15,200
YES Director	13,325
Meter Repair	13.32/hr
Bookkeeper	11.50/hr

Intermediate Clerk	13.06/hr
Clerk (Village Clerk's Office)	10.45/hr

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

53:02 APPROVAL OF APPLICATION FOR CORRECTED VILLAGE TAX ROLL

Village Manager Hess: I will refer this to Deputy Manager Maggiotto.

Deputy Manager Maggiotto: The resolution, which was drafted by the Village attorney, states the situation. Con Ed's final assessment did not make it into our assessment roll, and they have the right to apply for a corrected tax, which is what they did. We had no choice; we had to conform and issue a tax bill for the reduced amount.

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

- WHEREAS,** Con Edison is the owner of Special Franchise property in the Village, which is assessed for the purposes of real property taxes; and
- WHEREAS,** taxes were levied and a tax bill was issued based on the 2002 assessment; and
- WHEREAS,** the New York State Board of Real Property Services has issued a final determination of assessment on the Special Franchise property, where said assessment is lower than the assessment used on the tax bill issued to Con Edison; and
- WHEREAS,** Con Edison has applied for a correction of the assessment, and hence a correction of the tax bill, based on the final lower assessment; now therefore be it
- RESOLVED:** that the Application for Corrected Village Tax Roll, submitted by Con Edison and approved by the Assessor, is hereby approved, correcting the

Special Franchise Assessment on the property owned by Con Edison as follows:

<u>Tax Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2002	1,092,636	1,001,684	90,952

And be it further

RESOLVED: that the Collection Officer for the Village is to issue a corrected tax bill or statement reflected the corrected tax.

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

54:02 AWARD OF BID - SANITATION TRUCK

Village Manager Hess: On July 18 we received two bids. Long Island Kenworth had a net price of \$142,581; Gabrielli Truck Sales from the Bronx was \$137,828. We recommend this bid. There was a discussion at a work session about whether to maintain five sanitation trucks or go back to four. We will have that discussion at a future time, but we do need to maintain five at present on our seven year replacement schedule.

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 award the bid for one (1) 25 cubic yard sanitation truck to Gabrielli Truck Sales Ltd. for the net price of \$137,828.00 to be funded from bond proceeds.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	Absent	
Trustee David Walrath	X	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	

Mayor Wm. Lee Kinnally, Jr. X

**55:02 WESTCHESTER URBAN COUNTY COMMUNITY DEVELOPMENT PROJECT
CONTRACT - RIDGE STREET**

Village Manager Hess: This is a standard contract with Westchester County for grants. This provides for \$150,000 towards the cost of the Ridge Street project, 50 percent of the funding.

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 Village Manager to execute the Westchester Urban County Community Development Project Contract for Ridge Street in the amount of \$150,000.00 for the term 7/01/02 - 12/31/03.

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

56:02 AWARD OF BID RIDGE STREET SIDEWALK IMPROVEMENTS

Village Manager Hess: On July 11 we had a bid opening for the Ridge Street project. Peter J. Landi was the low bidder at \$249,964, even with the alternate, decorative street lights. We are well within the established budget. We will have a final letter of agreement with one of the property owners on the street for construction of a turnaround. That cost is in the bid; the cost of demolition of a garage and the acquisition or lease of the property is not in the bid.

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

RESOLVED: that the Mayor and Board of Trustees award the bid for Ridge Street Sidewalk Improvements in the amount of \$249,964.00 to Peter J. Landi, Inc., Eastchester, New York to be funded from a Westchester Urban County Community Development grant and bond proceeds.

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

57:02 APPROVAL OF LEASE - AT&T WIRELESS

Village Manager Hess: You received a draft lease as well as changes recommended by our attorney. It is my understanding that those changes have been incorporated in the final agreement.

Deputy Village Attorney Lammers: The issues as outlined in the memorandum from Attorney Murphy include the sections on interference and environmental. We believed the language in the former was too broad; we tightened the language and it was accepted. On the latter they agreed to remove two paragraphs and replace with another that we believe protected the Village. We believe the contract is in proper form to sign.

Village Manager Hess: I will give a brief overview of the agreement. This agreement provides that the Village will receive \$42,000 in the first year, to provide 140 square feet on the roof of this building for AT&T wireless services. In 1998 the Board of Trustees adopted a wireless communications law which provided an overlay district, which said that certain areas of the Village could accommodate wireless services, one being Andrus which has three or four of these on their building. We were approached by AT&T in March and we have been negotiating a lease agreement since that time, because that is the first step in what the law calls for.

This by no means provides that this will happen. The Board approving a lease is subject to approval by the Planning Board, the Zoning Board of Appeals for view preservation, and the Architectural Review Board, so there are other steps AT&T has to comply with before this becomes effective.

The lease provides for a \$42,000 payment in the first year to the Village of Hastings, with a four percent annual increase over the ten year period. The highest lease payment to any community in Westchester right now is \$31,000 per year; I believe that's in Scarsdale. The negotiations were quite long but we did come to a resolution that we felt was in the best interests of the Village, its residents, and AT&T Wireless customers. The Village will receive a one-time initial payment of \$7,500. The Board has expressed an interest in providing a new program for seniors in the Village which would give seniors either new or used cell phones with 911 capability. You

don't have to be a wireless subscriber to use a cell phone for 911. We would have a distribution to needy seniors in the Village for this service. The \$7,500 will be used to acquire additional phones if needed as well as advertise the program.

The overall value of this contract for the initial ten years is \$504,000; over the potential of three additional five year extensions, it would be another \$1.2 million, for a grand total of \$1.7 million over a 25 year period. Knowing how technology moves along, I would not expect that we would move beyond the ten year period in terms of this wireless service (we will probably be talking into our watches or our pens), but overall I believe it is a very good lease agreement for the Village, and it allows AT&T to move forward to go through the public process of presenting their proposal to the Planning Board and the community.

Mayor Kinnally: I have followed the evolution of this contract, and we have moved quite a distance in getting what we need here to ensure that the Village is protected, our budget is protected, and the citizens have gotten more than just dollars out of it.

Trustee Jennings: I believe this is a good agreement and I hope that the Planning Board and the other entities that need to look at it will look favorably upon it. Right now when I talk into my cell phone and my pen, I get approximately the same results. The service in Hastings is of less quality than most of Westchester. We need to upgrade that and I believe this will help do that.

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 Village Manager to sign the lease agreement with AT&T Wireless for use of 7 Maple Avenue for wireless communications as attached, subject to final approval of the application before the Planning Board.

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

58:02 GRANT REQUEST AUTHORIZATION - TRANSPORTATION PLAN

Village Manager Hess: We are looking for \$40,000 of a \$50,000 project for certain planning projects. We would look at the potential restriping and reduction of lanes on Broadway, sidewalks, trails. It is quite extensive.

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 authorize the Village Manager to file an application for funds from the New York State Department of Transportation in accordance with the Quality Communities Initiative in an amount not to exceed \$40,000 to undertake transportation planning projects.

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

59:02 PUBLIC HEARING ZONING CODE AMENDMENTS

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 September 24, 2002 at 8:00 PM to consider the advisability of adopting Proposed Local Law No. 4 of 2002 amending certain provisions of the Zoning Code.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	Absent	
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: I am going to ask to defer the Manager's Report until after the announcements.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We continue to have settlement discussions with the Riverkeeper and ARCO. We also had conversations with people at DEC to move things along.

2. Bomanite Recoloring/Resealing

Trustee Apel: I saw it and the color did not look as good as the original.

Village Manager Hess: The pattern will never match, but from a distance the color matches pretty well.

Trustee Walrath: I will restrict my remarks to patterns since I am not very good on colors. The pattern won't match but people have to look very closely to see that. The original Bomanite was installed against new sidewalks, and in the rest of the Village it was against old sidewalks. Maybe we should have repaired the sidewalks because the Bomanite stops where it stops, but I think we'll live with it.

Trustee Jennings: As far as I can see, it looks similar, and I think it is acceptable. I doubt that people will notice too much of a discrepancy over time.

Mayor Kinnally: It certainly is an improvement, and we are going to get the crumbled areas replaced.

3. Boulanger Parking

Mayor Kinnally: With everything going on, I suggest we put this off until we have more time to look at it more objectively and critically, and get input from the merchants and the Downtown Partnership.

Village Manager Hess: Construction should happen in the slowest time since it disrupts 60 parking spaces, but August is too close. I believe it will take some additional discussion. We can ask Christina Griffin to give us a specific proposal on design and cost.

4. Update on the Quarry

Village Manager Hess: We received an inspection report from Andrew Lent, a solid waste engineer with the state. An inspection was done with myself present, as well as Trustee Walrath, Mike Gunther, Brian Goodman from the Aqueduct, Charlotte Fahn, and Chris Lomolino. Test pits were dug. We were issued a report by DEC. They have given us until Oct. 15 to address housekeeping concerns. Files have been provided to our environmental counsel who will be meeting with Mike Gunther next week. I have been assured by Susan and Michael that they will follow up and have the work completed. We will have a report from counsel within three weeks. After the downtown zoning hearings the Board will start substantial discussion on what we should do with the quarry.

5. Other

Trustee Apel: Has anything been resolved in terms of communication with Con Ed after the fire on Washington?

Village Manager Hess: Susan set up a meeting with Wayne Arnold, in charge of emergency services for Con Ed, and members of the police and fire departments. My impression of Mr. Arnold is that he was a bureaucrat, that they had trouble distinguishing between outages and life safety issues. That night gentlemen in the control room were no longer answering the municipal response phone; those calls kicked over to customer relations who lumped our police department calls in with regular outages. The group made it clear to Mr. Arnold that we were extremely concerned with their lack of response and the time it took for response; it took two and a half hours between the time our fire department determined it was a life safety issue, and the time a scout from Con Ed showed up. They are on a Nextel system. I asked them to develop a plan using the Nextel for life safety situations. They promised us a plan by last Friday, but that did not happen. We will have to talk to someone in authority above him to get a response.

Trustee Jennings: Regarding the quarry, was anything hazardous or environmentally a problem when the testing was done by the state?

Village Manager Hess: None whatsoever. They found organic material.

Trustee Walrath: On the Fenwick project, we have received proposals from four firms. My plan is to have a recommendation and contract for the August meeting.

PUBLIC COMMENTS

There were no public comments.

VILLAGE MANAGER'S REPORT

Village Manager Hess: I've asked the Mayor tonight to read a statement on my behalf. Since the events of the past month preclude my personally saying everything I would like to say in a non-emotional way, I'm going to ask the Mayor to proceed and I'm going to leave.

Mayor Kinnally: Again, this is a statement from Neil.

On June 13 I was diagnosed with an extremely rare form of cancer. Over the past six weeks I've met with various specialists at Memorial Sloan Kettering Cancer Center, undergone numerous tests, and discussed various treatment options. On Friday, July 26, I will undergo neural-facial surgery to remove my ethmoid and right maxillary sinuses at Sloan Kettering. Radiation treatment will follow.

I will be on extended leave from my duties as Village Manager until the middle of October. Susan Maggiotto, the Deputy Village Manager, an extremely capable and professional public administrator, will be Acting Village Manager during that time. I know she will do an outstanding job in my absence.

I have great confidence in the personnel who make up the Village family. The Mayor and Board of Trustees are hard working, committed, and caring. They guide the future of our community and our residents should be rightly proud of our elected officials.

Our community should also be proud of all our Village employees and volunteers who are committed to good government and make Hastings a small town family.

I would like to thank the Mayor, the Board of Trustees and all Village staff for their patience, understanding, and support this past month. It has been a trying time for all. I would also like to extend my appreciation to all the people who have telephoned, written, or sent cards expressing their support and well wishes. You are what makes Hastings so special.

Most of all I want to thank my family, especially my wife, Irene, who has been with me every step of the way. I couldn't have gotten this far without her. She has made my life special, and is why I will be back.

Again, thank you for all your support, and I'll see you soon.

Neil P. Hess

Mayor Kinnally: To that, Neil, I would like to offer our best wishes and prayers on behalf of the Board and everyone here in the Village on your surgery and your rapid recovery and getting back to work.

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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.