

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 10, 2002**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 10, 2002 at 8:50 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, Acting Village Manager Susan Maggiotto, and Deputy Village Attorney Edward Lammers.

CITIZENS: Three (3).

APPROVAL OF MINUTES

Trustee Holdstein: Page 18, the middle of the page where I am speaking, should have a question mark. Page 28, the last full line of the first paragraph, “we” rather than “with.”

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of August 20, 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. 27-2002-03 \$ 40,444.77

Multi-Fund No. 28-2002-03 \$ 32,216.29

64:02 APPOINTMENT OF CDAG REPRESENTATIVE

Mayor Kinnally: This item was tabled at the last meeting. I would ask for a motion to remove it from the agenda, and to discuss the matter at an executive session following this evening's meeting.

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board removed Resolution 64:02 from the agenda.

EXECUTIVE SESSION

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

65:02 APPOINTMENT OF SRAC REPRESENTATIVE

Mayor Kinnally: There are two people who wish to be representatives. My preference is to designate two people to represent us, but I want to get clearance from the Town of Greenburgh, and I have not been able to reach the liaison. I would like to put this over until our next meeting. We can discuss this further in executive session as well.

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, Resolution 65:02 was tabled.

68:02 RIVERPOINTE MAINTENANCE BOND RELEASE

Acting Village Manager Maggiotto: The Board of Trustees requested a \$10,000 bond from Ginsburg Development for the Riverpointe development to cover maintenance costs in the first two years of operation of the Riverpointe water main to the central main. During that time no repairs required the attention of either our Public Works or Building Department so the bond was never invoked in any way. The terms of the agreement state that at the expiration of the two years, if the bond has not been used, it expires. The burden then falls on the homeowners' association, and the procedures are laid out in the agreement. But in order for the bond to be released, the Trustees had to agree to release it, and on the advice of our attorney, Brian Murphy, everything is in order to release the bond.

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

WHEREAS, the two-year Maintenance Bond for the Riverpointe water main in the amount of \$10,000.00 is scheduled to expire on October 17, 2002, and

WHEREAS, the Hastings-on-Hudson Building Department and Department of Public Works did not perform maintenance or repairs of any nature on the Riverpointe water main during the past two years, now therefore be it

RESOLVED: that the Mayor and Board of Trustees consent to the expiration of the Riverpointe Water Main Maintenance Bond.

| 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 | |

69:02 RE-BID OF JANITORIAL SERVICES

Acting Village Manager Maggiotto: As the resolution states, for various reasons the bid was not awarded. We have been operating under the old contract. We received three bids, and it is our judgment, and the advice of our attorney, that since a long time has elapsed we ought to rebid. We would like to reject them and start the process over.

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

WHEREAS, sealed bids for janitorial services for the Municipal Building were received and opened on April 8, 2002 in the office of the Village Clerk, and

WHEREAS, due to unforeseen circumstances the bid was not awarded and the bids are now stale, now therefore be it

RESOLVED: that the Mayor and Board of Trustees authorize the Acting Village Manager to reject the bids received on April 8 and re-bid for janitorial services for the Municipal Building.

| 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 | |

COMMENT - REPORT ON THE VILLAGE MANAGER

Mayor Kinnally: Mr. Hess is in second week of vacation in the Adirondacks, and a delegation of gentlemen from the Village went up to see him last weekend. He is in fine spirits, doing very well, and will be back at the end of this week. He will be beginning radiation next week, but he is healing quite well. His spirits are great and, again, he asked me to pass on to everyone his thanks for everyone's good wishes.

VILLAGE MANAGER'S REPORT

Acting Village Manager Maggiotto: We have all just returned from a community prayer service; it was quite moving, and very well attended. Tomorrow the Village is going to observe the September 11th tragedy with a brief commemoration outside the Municipal Building at 8:30 a.m., a 15-minute ceremony that will culminate with a moment of silence at 8:46 a.m. and tolling of the bells. Our fire department, police department, and the veterans will attend, and of course the public has been invited.

I invite people to the Municipal Building from now through November 1 to view the artwork on display. Using our walls for community art with the exhibit for the Artists' Tours for the past two years was so well received that we encouraged the Rivertowns Arts Council to put more exhibits together. They found a couple of women to curate some shows here. The first one is an artists' response to 9-11. This is a small show with artwork from half-a-dozen artists. It is really not about the artists. It is about the works themselves. They asked some people they know in the community who might have done art in response to the events if they had anything they would like to exhibit. So we have a somber, thought-provoking exhibit.

Last September 11 the community gathered on the rise by the library and that became a makeshift memorial. We moved it to the back of the Municipal Building when the library work began. After six months of exposure it became pretty ragged, so we had to dismantle it. But Stephanie Buck, one of our mental health professionals, thought it would be a good idea to take what she could from it and put together something permanent. She has asked me to repeat the call to residents who have responses to 9-11 in stories, poems, writings, artwork or pictures of artwork, to be put into a scrapbook to be kept permanently in the library. Materials can be brought to the Municipal Building or to Stephanie, who is on North Street at Yellow Door Studios, One North Street.

Meg has organized a meeting for the Ridge Street residents; the improvements are scheduled to begin September 23. The contractor is confident that he will be finished by Thanksgiving.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I have a meeting scheduled with Mark Chertok to go over our negotiations with ARCO. ARCO had to cancel the meeting that I discussed last time; it is rescheduled for September 20.

We have heard nothing on the Estuaries Center but I have calls in to the DEC and John Cahill to find out the status of that and a number of things that have fallen from the radar screen.

2. Update on the Quarry

Mayor Kinnally: A progress meeting was held today with Mike Gunther, Sue Maggiotto, and Andrew Lent of the DEC. Andrew came down and looked at the quarry. We are encouraged by the comments of the DEC, and what they see as any problems, and the lack of severity of the problems. I will discuss the closing of the site from a administrative and regulatory standpoint with Mark Chertok to ensure that everything is done properly and in a timely fashion. It is more housekeeping than anything else, which is certainly welcome from not only a timing but also a budget standpoint.

Trustee Holdstein: Mr. Lent was here some time ago and met with Mike and Neil and the residents there, did his testing, and reported back that, by and large, everything was fine. Since that time has anything been done with the site further?

Acting Village Manager Maggiotto: They have cleaned out a little more and, certainly, nothing has gone in. We received a letter from the DEC that requests certain things to be done by October 15 and a report issued to them. Mike invited Andrew Lent here to get a handle on exactly what all these items meant so we would be able to meet the requirements of the letter. As the Mayor said, he is pretty satisfied with it because he now wants us to complete certain kinds of housekeeping things. There are a few mounds, but all the materials that overpowered the site are gone.

Mayor Kinnally: The wood, the debris, and there was some asphalt and concrete: all of the large pieces have been removed. The mounds are compost. That will be used to re-grade the defined area and things of that nature.

Trustee Jennings: Has the odor been controlled?

Acting Village Manager Maggiotto: Yes. We have not heard any complaints on odor, and there were no odors today at all.

Trustee Holdstein: What would be your vision in terms of the next steps as far as what to do with it. Do we put a committee together to start analyzing feasibility?

Mayor Kinnally: After we get it closed we will start soliciting comments from the neighbors and other people in the community who have been coveting that space. It will be a process that will take some time. It is a wonderful space, a truly great spot, adjacent to Draper Park, and there are many ways you can use it.

3. Library

Mayor Kinnally: The construction of the library is 98% complete. We have a whole new south end; opening it up has changed the view and the vibrancy of the library. We have the new room off the children's section. Downstairs we have a public room which is immediately below the children's section. We have a completely new Orr Room. The back of the room has two very large windows where you can see the Hudson and the light floods in. Then there is the park. One of the big contentious issues last year was we were losing our park. The good news is that we have not only not lost our park, we have found open space that is tremendous. The grading is a lot lower than I thought it was going to be, the walkways are in, and a patio is on the southwest side of the building. We have gained a park. It is going to be used. It is open, it is welcoming to everybody. It is really tremendous the way it came out, and I could not be happier with how it looks, the quality of the work and the morale down there.

Trustee Holdstein: The stone walls that were erected in the park are spectacular: beautiful gray stone walls. And the furniture that was selected is so cool-looking. When you walk into the library and you stroll straight back and to your right to the reference center, it looks like the library has gained a huge measure of maturity and sophistication versus the old, which was a little hodge-podgy because that is how it developed and things did not always have the right home. Now you walk in and you feel like you are in a real library, and yet it feels warm. The furniture gives it a real hipness that makes it a neat place.

4. Leaf Blowers

Mayor Kinnally: We have raised the issue about a possible leaf blower ordinance. We have a noise ordinance, but I do not think it really does it. One of the ways other communities have tackled this is to have a restriction on the time of year that you can use these. My

suggestion would be to invite those landscaping companies and individuals who use these in the community to come in, and let us toss around suggestions. It might be great to have leaf blowers banned from April 1 through at least September 15 and maybe reclaim some of the peace and quiet we used to have around here. It is bad enough having the mowers going all day, but the leaf blowers are a piercing whine. There seems to be no relief in the warm-weather months.

Trustee Apel: I saw someone today chasing after one leaf with a big leaf blower. I think it would be a good idea to bring people in and come to some consensus.

Trustee Walrath: I have seen people using it in place of a broom to get tiny fragments of trash off a patio. In the fall I can understand the reason for it over a short period of time, when the leaves are coming down. The idea of the season is a very good one, and we could approach it with getting everybody involved.

Trustee Jennings: I agree. I would imagine that we will eventually end up with this type of restriction, and I would favor that. It is a good idea to have a meeting and see if we are overlooking some considerations.

Trustee Holdstein: I do not agree. The Conservation Commission has also been looking at this and I just attended a meeting where they were reviewing our noise ordinance. My concern is the following: many years ago people traveled by horse and buggy. Suddenly cars appeared and I am sure people were startled by the noise, but there was an element of people looking at that as progress. Today, you have people who do yard maintenance who use these tools so that rather than taking an hour-and-a-half to do one home they can service five homes and build a business and quickly move grass clippings, yard waste, and leaves. I think it is somewhat unfair to deny a tool that enhances this profession's ability to do their business. We could create more restrictive hours, for example, weekdays from 7:30 to 6 and weekends from 8:30 to 2. I suggested to the Conservation Commission bringing three or four of them in here and having a conversation.

The noise ordinance stipulates decibel readings, and perhaps we can acquire a piece of equipment that would allow us to police the decibel level. Another part of this is the collection of the material that is blown. We have to require that landscapers dispose of it.

5. Community Development Block Grant Funding Priorities

Village Planner Walker: The Community Development Block Grant program is a program targeted to municipalities that is sponsored by the federal Housing & Urban Development

Agency. It has been in place since 1976. Its objectives are neighborhood revitalization and improvement. Because there are a number of small municipalities in Westchester County they have banded together under the aegis of the Westchester County planning department to form the Westchester Urban County Consortium. This group applies to HUD for money for the consortium and then divvies it up. The county decides who will get what according to HUD requirements. HUD scrutinizes the monies quite closely, so the county has to make sure that projects meet the requirements, are successfully completed, and the money is used. It is a wonderful program that has allowed a number of important projects to happen in Hastings in the last few years.

It goes in three-year cycles, and the next one begins in May, 2003. It is important to take advantage of it now because we will have to wait until 2005 to apply again.

In the past three-year cycle we received \$30,000 for the senior bus, \$125,000 for Ridge Street improvements, \$25,000 for Riverview Park, and \$195,000 for the Community Center. After some preliminary work it was determined that it would have cost \$100,000 to put in a ramp to make the lower Riverview Park handicapped-accessible, so we asked if we could use that \$25,000 to go toward Ridge Street, which they agreed to.

We received \$15,000 to do design work on the Community Center, and \$185,000 for construction. We have asked if we can be allowed to give that money back for this round that has just ended, and reapply for significantly more money in 2003. The Village staff in discussing this has made the Community Center the number one priority in this cycle.

The national objectives for HUD are: 1) benefit low- and moderate-income persons; 2) eliminate, or prevent, slum and blight; and 3) meet an urgent need of recent origin. It is a requirement that 70% of the money goes to benefit low- and moderate-income programs, anything from housing to public improvements in low- and moderate-income neighborhoods such as new parks or social services. Often they use it in downtowns and economic development programs.

The number of low- and moderate-income persons has to be over 51% in order to benefit from CDBG funds. We believe we can easily prove that we meet those requirements with the Community Center with the seniors, youth, children, and adults who use it. We were able to do it the last time, and I focused mostly on the senior programs. We asked for money that would make the building more accessible for seniors. We talked about building housing, doing the feasibility study, and looking at a number of options for the Community Center. We have been through a feasibility study. We hired Mitchell Koch Architects to do the study and he came up with a number of options. I want to confirm that this is what you want to go

ahead with, that you think it should be our top priority in terms of CDBG funding, and to open it up to any ideas you may have about other projects.

The first option in the feasibility study was a remodeling, cleaning up, for \$400,000. The second one was renovation, which included adding an elevator and new stairway, and making the building accessible. The third project was a significant addition, and the fourth was completely rebuilding. The Parks and Recreation Commission chose number two, and I believe that you chose it as the option to pursue. It includes an elevator and a stair to make the different levels more accessible and creates a new entry into the Community Center. The price tag was about \$1.3 million.

We can ask for up to 75% of the project budget but it is unlikely we will get it. Our liaison at the county suggested that we might get as much as \$500,000, but we can ask for more. My thought is to ask for 50% of the architectural engineering for one year, or \$100,000, and the following year we ask for \$500,000 to go with construction. I wanted to get your thoughts on whether or not you want to move ahead in that direction.

These proposals are due September 30. I will come back to you at the next meeting to ask for your resolution to approve the proposals before they are submitted.

Trustee Apel: I do not remember making a final decision on which design we are interested in, and how much money we were going to spend. That would influence what you are writing.

Mayor Kinnally: This sounds like a work session item next Tuesday night and a resolution for the 24th. But we are going to have to pull out what we have, find out what we need, and come better prepared for this. I know you are bumping up against a deadline, but in fairness to everyone we ought to get another crack at looking at it.

Trustee Holdstein: You mentioned the money that you wanted to give back. I am assuming that if you do not use it for the designated project you lose it anyway.

Village Planner Walker: Yes.

Trustee Holdstein: What is the likelihood then that we give \$180,000 back, and the next round we want \$500,000, and they say we are only going to give you \$320,000 because we gave you \$180,000 even though you did not use it?

Village Planner Walker: I do not know the answer to that question and I do not know that they could give us an answer. They weigh everything as an individual project. They weigh it for its merits now, and how we present it. If we can present the need as really critical now, and this is a very important amenity for this village and provides an important social service, I think they will look at it independently of anything they have done in the past.

They really want you to spend it within the fiscal years that it was allotted. It has not been spent, and we have run out of time, so we are losing it essentially anyway.

Acting Village Manager Maggiotto: Another reason to give it back is then they give that money to another community, and you have built up a little goodwill rather than just not doing anything with it and saying at the end, Oh, well, sorry, we did not use it.

Village Planner Walker: There are still outstanding projects from the last round that probably could use additional funds.

Trustee Apel: Why did we not spend the money?

Village Planner Walker: We were not ready to spend the money on the Community Center. We had to go through the feasibility process, and we have had other focuses, other big capital projects, the library and the pool, that have taken time and money.

Trustee Apel: Did it have to be used for actual building?

Village Planner Walker: A small piece was going to architectural and \$185,000 was going to renovation. We were starting at the very beginning, and we did not know what was going to come out of the feasibility study. We asked for significantly more than \$185,000, but that is all we got, and it was barely enough to do a simple remodeling. I was not involved in your discussions about this, but I think that you wanted to do significantly more work than just a simple remodeling. That was why we thought we should go back and ask for a much larger sum, tell them we know exactly what we want to do, show them our feasibility study, and state that we would be able to use it in a timely manner this go-round.

Trustee Walrath: Meg, is it your feeling that you could make a very good case for why we did not spend the money, except we did the feasibility study; it pointed toward a need for a larger project and we are hoping to roll over the remaining funds and get more so we can build what we really need?

Village Planner Walker: That is essentially it. I am going to have to prove that the monies are going to benefit low- and moderate-income people, so I am looking at all the programs that are run out of the Community Center. Nancy Gagliardi and Bill Finkeldey are helping me do that. We are looking at all the folks who use it, and we are doing income surveys of the seniors. I did that the last time, but I did not evaluate all the youth programs the last time. I think we can easily make a case that many more than 51% of the total users are of low- and moderate-income. We are not going to ask their incomes, but we know how many receive welfare and other social services, how many kids are in school lunch programs, and so on. The county thinks of Hastings as a completely wealthy community that does not have any needs like this. When you say we have X number of people on welfare in this community they are surprised. But these are the people that our Community Center serves on a day-to-day basis, and I think I can show that.

Trustee Walrath: Is it not where it is but who it serves?

Village Planner Walker: Right. If you are doing a park in a low- and moderate-income neighborhood, then that qualifies because it is going to serve those people and that population.

Trustee Walrath: The boundaries of that neighborhood in Hastings are what?

Village Planner Walker: I cannot give you the exact boundaries, but it is three census tract blocks, and of them are at the south end. The downtown is included, as is Maple Avenue, Warburton going down almost the entire length, Washington Avenue up to Broadway, and the area south of Washington Avenue, almost including that whole area west of Broadway, south of the downtown, excluding the area around Pinecrest.

Trustee Walrath: Is it your feeling that we are better off to request everything we want for the Community Center, or put some other requests in?

Village Planner Walker: There are pros and cons. I asked our liaison, Suzette Lopane, if we really want to make Community Center our priority, should we make that the only project. She said they are going to look at the merit of each project, and if we do not apply for something in this round we will not have another opportunity. I wanted to discuss with you the potential use of the quarry. We could do a feasibility study with CDBG money because it is in the right neighborhood. If we were denied, then in two years we might go back and ask for another consideration. But if we do not apply, we do not have that opportunity.

Trustee Jennings: Is there any reason we cannot hold on to the \$134,000 we have already been allocated but have not spent and reduce our new request by that amount rather than give that money back and then ask for an additional \$500,000?

Village Planner Walker: They appreciate getting it back, and I do not think we can claim it as ours anymore if we have not spent it, at this late date. It does not automatically apply to the next fiscal year. It ends.

Trustee Walrath: Does that mean the consortium loses it, too?

Village Planner Walker: No, they do not lose it. They can reapply it to another project. Another community will get that \$185,000.

Trustee Jennings: I have no doubt that more than 51% of those people who use the Community Center fall into those categories and we would qualify. But is not part of our rehabilitation project to alter that fact and to make the Community Center more widely used? Would that intention jeopardize our qualifications for these funds?

Village Planner Walker: Its size is the major constraint to numbers of programs that you can operate out of it. The programs that have top priority are the after-school programs for the kids and the senior programs that meet there frequently. Because we are not making it any bigger, I do not think we are going to see a lot of other programs. We can have more things there, we can have more celebrations there. It will be a much more user-friendly kind of place. But the people who use it on a day-to-day basis, I think that population will remain largely the same. Your question is a good one. They might ask it as well. We have to emphasize the programs that are there.

Trustee Jennings: But the thrust of every conversation I have been in, whether it is with the Parks and Recreation and the architect or at the Youth Council, has been not to discontinue the existing programs, not to stop serving those who are now served, but to expand the use of the facility, the number of people who come there, and to use the renovation to make the space more flexible and more attractive so that additional kids will come for the same programs. But those kids are going to have a different family income profile than the kids who come now.

Village Planner Walker: Yes, and that may be true. But the Community Center serves a really important service for kids who have no other option. Many families can use other options and send their kids to other after-school programs, but a lot of families have just the Community Center. It will continue to serve that population to a greater degree than any

other in the Village. It provides an important social service as well as a place for the community. I hope you think about the Quarry, even if we just applied for a feasibility study.

Mayor Kinnally: We have talked about this before. Looking into using that facility for both recreational, passive, and municipal services with adjacent parking in the area is something that you could write a tome on.

Village Planner Walker: It is something that we could hire a consultant to do if we wanted to look at it in a very broad way.

Mayor Kinnally: We will schedule a Work Session for Tuesday, September 17 at 8 p.m. to discuss CDBG projects, applications for various fundings, an update on Ridge Street, and the engineer in Fenwick if we're ready at that time.

Trustee Jennings: I would like to reserve some time at a work session soon to have an opportunity to talk among ourselves about the proposed downtown zoning.

6. Other

Mayor Kinnally: Trustee Apel had shared with us a conversation she had with Assemblyman Brodsky or someone in his office about our applying for funding to be targeted for a capital project. There was some discussion about using it in connection with the library. I called Nicky Spano to tell him he cannot be shown up, and he said that he and Richard were pooling their resources this year, but he had heard the possibility of the library. I think we should give the authorization to go back to both of them tell them they can bring a check to the rededication at the end of the month. We can go with a combination library/park, both serving the community well beyond Hastings and highly visible, and something that they would be happy to go along with.

ADJOURNMENT

On MOTION of Trustee Jennings, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:05 p.m.