

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 15, 2002

A Regular Meeting was held by the Board of Trustees on Tuesday, October 15, 2002 at 8:17 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee David Walrath, Trustee Bruce Jennings, Trustee Marjorie Apel, Village Attorney Brian Murphy, and Acting Village Manager Susan Maggiotto.

CITIZENS: Fifteen (15).

APPOINTMENTS

Mayor Kinnally: Sergeant Bloomer has been promoted to detective sergeant. I congratulate him on the promotion and look forward to using his intelligence and hard work in the detectives' department.

We have some reappointments: Architectural Review Board: Mitch Koch, Michael Ankuda, and James Wong for three-year terms, expiring 2005. Assessment Review Board: Suzanne K. Smith for a five-year term, expiring 2007. Board of Police Commissioners: George Gevas for a three-year term, expiring in 2005. Zoning Board of Appeals, Dr. Arthur Magun for a five-year term, expiring 2007.

I thank all of them for the time that they have already given to the Village, and thank them again for their commitment for the additional terms to which they have been reappointed.

APPROVAL OF MINUTES

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Public Hearing of September 24, 2002 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED Trustee Apel by with a voice vote of all in favor, the Minutes of the Regular Meeting of September 24, 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. 36-2002-03 \$68,823.91
Multi-Fund No. 37-2002-03 \$91,164.32

73:02 FENWICK ROAD AREA DRAINAGE IMPROVEMENTS

Mayor Kinnally: We have had a number of meetings and public input on this. Before the Board starts discussion, I would open it up to public comment.

Will Guterman, 394 Farragut Avenue: The piece of property that we own and live in is across the street from the wooded area on the corner of Farragut Avenue and Nepperhan, and my understanding is that the drainage will pass through that area in one of the proposed plans. When we first bought the house, one of our concerns was, what is going to happen with that wooded area across from our house? Will it be built on? Will it be developed? We thought, no, there is no way. But we never anticipated that there may be some drainage going through there that would possibly jeopardize the look of that beautiful area. Our children play in it, they use it as a recreation, and they enjoy it thoroughly and we do as well. As a resident of Hastings, it would be completely inappropriate for me to say that somebody else's drainage problem should not be addressed.. But I am asking that we preserve the integrity of that lot in its beauty while we solve the problem at Fenwick.

Trustee Holdstein: As a point of information, as one of the co-chairs of the committee, you made reference to a proposed plan. There is no proposed plan. That is what we are looking to hire engineers to come up with.

Tom Kadala, 25 Branford: Did the Board have a chance to address the discrepancy of the hours between one firm and the other firm?

Mayor Kinnally: I spoke with Malcolm Pirnie on this, and I cannot reconcile the discrepancy in the hours other than to say one firm thinks they can do it in a shorter period of time than the other firm. If that is the case, and the firm with the lower estimate gets the bid, the contract would be such that they would be stuck with those hours and would have to absorb anything over that if the scope of the project does not expand. Part of the bid process is that people put forth their best estimate of how they can do it, and if they are off they are the ones who have to suffer the consequences.

Mr. Kadala: My concern is that repairing the Fenwick drainage problem may exacerbate the drainage problem further downstream, which adds a whole new dimension which I was not aware of, but that Jane Gross, who is a resident there, had mentioned. During Floyd she received about five feet worth of flooding in her basement, and none of that came from the creek. That came from the street drainage, and that creates two problems that need to be

uncoupled. Perhaps one contractor will address the first drainage problem, but not take into account the other. Then the Village will fix one problem and the problem has not been solved.

Mayor Kinnally: I think whatever engineers are retained are going to have to look at the whole drainage situation. Water is water. It is going to come together somehow. I do not know the genesis of Jane's problem. All I know is we are trying to solve a water problem, and I do not isolate one from the other.

Mr. Kadala: One of the engineers that the Board is looking at we found had violations against him, Mr. Gold. He did address them, and I am curious how the Board felt about that. We have spoken to a number of people about the severity of those violations, and it was made clear to us that they were severe. I am not sure if the Board shares in that feeling, but it seems rather odd to be considering an engineering firm that had violations to begin with.

Mayor Kinnally: We will address that in our comments, but what I am trying to do is solicit comments from the people, and then the Board will take it up.

Trustee Jennings: Could you refresh my memory as to the final proposed cost from Gold and from Pirnie?

Mayor Kinnally: Pirnie's was \$112,000, Cashin was about \$57,000, and CG was \$53,500.

Trustee Jennings: I was impressed both by the presentation from Malcolm Pirnie and from Gold, somewhat less so from Cashin. I have a slight preference for Malcolm Pirnie on the basis of that presentation; however, I felt that Gold's presentation was clear and comprehensive. He explained the process that he would follow and the steps that he would take. As long as we are protected against an underestimate on his part, as long as he will do the work that he outlined in his proposal and his presentation for the amount that he has requested and we hold him to that so that he does not do a partial or a slipshod job, I feel inclined to favor Mr. Gold, mainly because of the vast discrepancy in the amount of money involved. Given other information I have recently received about Village finances, this is not a time in which we can lightly spend an extra \$50,000. We have to look at this money very carefully, and I believe that Mr. Gold's firm will do what needs to be done for us.

Trustee Apel: I concur with Trustee Jennings. I have done a lot of thinking about this. I have spent a lot of time talking to the community, and I am very familiar with Malcolm Pirnie as a firm. But I was very concerned about the finances because of what is happening with the economy, and what is going to be happening here. If we sign a contract with Gold he has to keep to this amount of money. I think that he would do a fine job, and we would be

watching what he is doing. We are talking about a consultant. If we do not like what he is saying, we do not have to do it. But I have confidence that he will be able to handle these things. I have read through the things that he has done before. I know about a project in New Jersey that was quite an accomplishment, and I think that he would be fine in this community, too.

Trustee Walrath: I have been publicly identified with Mr. Gold in the sense that I thought his was the best proposal. I thought his presentation was very well thought out. I would have ranked him the best of the firms. I will support him.

Mayor Kinnally: During a previous meetings I made some comments about my assessment of the various candidates. I cannot say that upon reflection and review of all the materials, and speaking to Pirnie and to Mr. Gold and to the administrator of Closter, that my opinion has changed all that much. All of the applicants are exceptionally good engineering firms, and all of them could give us the engineering expertise we are looking for. Both Pirnie and Gold have their ears to the ground in Hastings and know that the community is looking not just for engineering services, but an opportunity to be heard. The residents are looking to not only address a problem of drainage in the area, but to make sure that green space and wetlands, within reason wetlands, will be preserved, and there will not be a great deal of violence done to the parkland in the area and their own properties.

We assess not only the ability of a firm, but also whether or not the Village can get what it is looking for at a lower price. Like any other consumer, the Village has to do that, and especially in these tight times. I have satisfied my concerns about the problems that were identified with Mr. Gold by talking to the municipality that was involved; I said that these concerns were not going to be fatal in my assessment, and that I would use that as just one element in a decision. But in the end, CG Engineers, Cliff Gold, is the entity I will opt for. They will be held to those hours they have identified and the Village is not going to get hit with cost overruns such that the ultimate price would be on par with the other applicants.

This has been an interesting and very difficult review of professionals, and I cannot remember something of this nature in my years on the Board. In the end we came out with everybody on this Board having a good appreciation for what the applicants are bringing to the table and what the Village can expect to get from them.

One of the overriding concerns is that there is a plan in place or that people are not going to have any say after the consultants come in with whatever they come in with. This is just the beginning of a lengthy process. Whatever the recommendations of the consulting engineers, we will have to see if we agree, if it is right for us, if we can afford it, if there is an alternative.

Mr. Guterman: In your conversations with the municipalities where the violations occurred, what made you feel more at ease with it?

Mayor Kinnally: Mr. Gold admits that he used his own signature block on top of someone else's signature block. Mr. Gold said that this had been agreed to by the aggrieved engineer, who was the borough's engineer who was ousted. From what I can gather from the administrator and reading between the lines, part of it was a dispute between the incumbent and the former incumbent engineer. Something went sour, and while there was an agreement in principle that Mr. Gold could do what he did, the wheels fell off of that agreement and the grievance procedure ensued. My assessment in talking to the administrator was that from their standpoint the Village got what it was looking for, matters proceeded as professionally as possible, and he did not see that there was anything professionally lacking by Mr. Gold. He recognized that there was a dispute, more in a political context than a professional one. Nothing in my discussions with the administrator in any way impugned the integrity or the professionalism of Mr. Gold. It was Mr. Gold who suggested that I give him a call, and he was quite frank and open me, and he did not refuse to answer any questions.

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 CG Engineers to provide services for planning, design and construction supervision of the drainage improvement project for the Fenwick Road area for a fee of \$53,500 to be paid from bond proceeds.

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	

Mayor Kinnally: This has been difficult for a number of people involved in this, but I want to thank David and Michael for chairing this, and all of the people in the neighborhood for sharing their concerns and opinions. They came not only to our regular Board meetings, but also to the meetings where we interviewed the candidates, and their input was invaluable. The product we are getting and the comfort level that everybody has with the people involved and the process is quite good. As transparent as the process was up to this point, it will continue to be so. I look forward to working with Mr. Gold and his associates, and I hope the

public will feel as comfortable. As much information as he can gather, and you can give to him and to his associates, will give us the project we need and we can afford.

74:02 BUDGET TRANSFERS FY 2002-03

Mayor Kinnally: The Village Manager continues to have radiation treatments five days a week at Phelps, and he is doing quite well. There is discomfort attendant to having radiation therapy and he is tired, but he is coming in every day. He has been looking at the impact of the current economic climate on our budget. We have not been spared the problems that other layers of government have been encountering, and that is a drop-off in revenues. Neil has requested the Board to move certain items that were in the budget to contingency, placing a hold on the ability of departments to spend certain monies that have been budgeted for 2002-2003. Neil's feeling is that the sooner we do this, the better off we are, because we can at least freeze certain things and give us a better chance of riding out the storm or identifying those areas where revenues may increase or we may get other funding. Neil is cautious. He does not want to see us get hurt, especially in the area of the contingency and our surplus, because we appropriate part of the surplus as an offset against next year's tax increase. We are looking at a tax increase that is quite substantial, much more substantial than we have had in the last five or ten years. But we are not alone. The county executive forecast a 30 or 35% increase in county taxes.

One of the larger ticket items was \$17,500 for a computerized sign that flashes speed to drivers. This is in the budget. We have not appropriated it. It is going to go into contingency. A \$22,000 police capital outlay was for a replacement police car. When we went through the budget, Neil said there is a possibility that we would go with leasing versus purchase, and it depended upon how the state bid came down. His assessment of the situation now is that we are better off, given the state contract, to go with a lease and to pay it out over a period of time rather than buy a new police car. Just those two items are \$39,500.

Trustee Holdstein: I think it is further indication of the outstanding job that our Village Manager and Assistant Village Manager do in maintaining all the responsibility for a very diverse budget. I think it is prudent and wise, and I am very supportive of what Neil and Susan have put together.

Trustee Apel: I am sure the departments went through it to figure out what it is that they, unfortunately, would have to give up. I want to thank them because I know this is difficult for them, too.

Trustee Jennings: I think this is prudent. It is very important for us to do this kind of thing. I am not sure what the \$10,000 Other Services for Planning refers to, but it was referred to

earlier in our hearings that there may be additional costs associated with the study on the downtown zoning. We need to be very frugal, but we also need to move forward with getting information for the things that have to be decided. I do not know whether or not this was thought about before the downtown zoning discussion had evolved, but that is the only thing that jumps out at me as something that we might want to question. But this is not money lost. This is simply money that is being put in kind of a locked box. If we need to make some expenditures, we are able to do so and we will do so. So this is not a formula for a paralysis of government in the Village.

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 Treasurer to make the budget transfers for FY 2002-03 as follows:

Code	Account	To	From
	Contingency	A1990.4	\$230,050.00
Manager (Travel)	A1230.472		400.00
Treasurer (Travel)	A1325.472		600.00
Assessment (Other Services)	A1355.464		250.00
Clerk (Records Preservation)	A1410.104		1,700.00
Clerk (Postage)	A1410.471		1,800.00
Clerk (Travel)	A1410.472		800.00
Legal (Special Counsel)	A1420.464		5,000.00
Engineer (Other Services)	A1440.464		7,500.00
Municipal Building (Maintenance)	A1620.451		2,000.00
Technology (Equipment)	A1650.200		2,000.00
Technology (Communications)	A1650.431		3,000.00
Police (Equipment)	A3120.200		17,500.00
Police (Capital Outlay)	A3120.300		22,000.00
DPW Admin. (Travel)	A5010.472		500.00
Street Maint. (Maintenance)	A5110.411		3,000.00
Garage (Maint. Of Radios)	A5132.456		1,000.00
Refuse (Supplies)	A8160.415		2,000.00
Refuse (Maint. Equipment)	A8160.458		2,000.00
Shade Trees (Tree Service)	A8560.452		15,000.00
Celebrations (Other Services)	A7550.464		20,000.00

Planning (Other Services)	A8020.464	10,000.00
Parks (Seasonal Employees)	A7110.101	4,000.00
Parks (Equipment)	A7110.200	2,000.00
Comm. Rec. (Other Services)	A7140.464	2,000.00
Community Center (Seasonal Employees)	A7145.100	4,000.00
Transfer to Capital	A9550.9	100,000.00
	\$230,050.00	\$230,050.00

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

Acting Village Manager Maggiotto: Hastings is going to be a real hub of activity this coming weekend. As usual, the Farmers' Market was hardly dampened by the downpour on Saturday, and continues to be well attended or even better attended this year than in past years. The library is having its somewhat grand opening. They have invited the community in Saturday afternoon to wander around, up and down, and see what wonders have been wrought there.

There are a lot of activities in the Village from the Recreation Department, beginning with the window painting in the morning and a Halloween parade at 3:45 in the afternoon. The parade begins at the Community Center and goes downtown; Warburton Avenue will be closed while the children trick or treat at the participating stores. I would like to remind everyone that there is plenty of free parking, on Southside in the lot next to Maud's, the next lot with the meters, and the commuter parking lot.

Thanks again to our very active Recreation Department, the Turkey Trot, now the Terry Ryan Memorial Run, is coming on Sunday, November 3, and there is a pie-baking contest at Blu, Saturday, November 2.

Seniors and people with chronic illness can get flu shots and pneumonia shots through the Westchester County Department of Health on Monday, October 28.

BOARD DISCUSSION AND COMMENT

1. Update on the Waterfront

Mayor Kinnally: I have no update on the waterfront. We are still monitoring the situation with the DEC. The DEC is still saying nothing is going to happen until after the election.

2. Update on the Quarry

Mayor Kinnally: We have finalized and submitted our report to the DEC on the closing of the quarry. I want to thank Mike Gunther and Susan Maggiotto for pulling that together. It is our hope that the DEC will sign off on this soon and we can move on to our planning process, to see what we are going to do to reclaim that open space and make public use of it. The report is quite extensive, but it does not identify any problems in the area. The test pits have been dug. We do not have a metes and bounds description, but certainly we have identified the perimeter of the property. Regrading has occurred. From what we see in the report, we do not anticipate any problems from the DEC.

3. Village Trails

Trustee Apel: I took a walk down Rowley's Trail. I took my daughter on a tour of Hastings after all these years. She had never seen that trail before, and the thing that amused her the most is when you go to the end there is a mat that says welcome to Hastings. If you get a chance, take a walk around the Village and take advantage of some of these trails. It was quite delightful.

4. Safety Commission - DOT

Trustee Walrath: The Safety Council has addressed the need for students to walk along Broadway on that rather narrow walk because they can no longer cut through the Burke Estate. The recommendation was to stripe one lane of Broadway to keep traffic out of it, and put up tubular markers to keep traffic along the entire length of the Burke Estate. Have we any idea of the cost?

Acting Village Manager Maggiotto: No, we just received this recommendation today.

Trustee Walrath: Does it require action on our part?

Mayor Kinnally: It requires some action on our part. We are going to have to run it by the Village Attorney and also the DOT.

Acting Village Manager Maggiotto: Joe Rodriguez, chair of the Safety Council, could not be here tonight, but he left this drawing. He wanted to point out that this is a temporary measure while the Burke Estate work is being done. The school year is what we are talking about.

Trustee Walrath: It would give us a little test, with a good purpose of immediate safety and traffic calming.

Mayor Kinnally: Brian, if you could take a look at this and give us some guidance. Get back to us on our November 5 meeting. In the interim we can cost it out, and see what we have to do with the DOT.

Trustee Jennings: In view of the fact that the kids are walking along Broadway presently we ought to do everything we can to expedite it. If we in the Village and with the blessing of counsel decide that we want to do this, I would do it and then ask the DOT rather than ask the DOT and wait for an answer. We cannot wait. The safety of our children is at stake.

Trustee Apel: Is there anything that can be done in the meantime by the police to move traffic over to the side until we can make a decision?

Trustee Holdstein: It is tricky because it is so sudden when you come over that hill and come down. You are talking about engaging a police car.

Trustee Apel: Could they move everybody over before that turn?

Mayor Kinnally: How would they move them over? That is the problem. You cannot put wooden horses up there because if somebody hits one of those wooden horses you are going to have a terrible liability on your hands and a terrible tragedy.

Trustee Apel: What would they do if there had been an accident there?

Trustee Holdstein: You might have had one or two officers rerouting traffic.

Trustee Apel: They put candles up?

Mayor Kinnally: Yes, flares, but you are talking about doing this every day.

Trustee Apel: The kids are walking there now. Unless we tell the parents that the kids have to walk some other way, we still have a problem between now and when we do this. I would rather spend the money for the flares.

Mayor Kinnally: It is not a the money; flares are not going to keep cars from those lanes.

Trustee Holdstein: The option now to hang a right and go across the Burke Estate to get to the complex does not exist, but kids have always walked along the path along the road. That has not changed. The construction has not pushed that path into a non-usable condition. It is no different than what we have had.

Trustee Apel: Is there any way to provide walking across the Burke Estate with somebody taking them across the Burke Estate?

Mayor Kinnally: It would be the School Board's responsibility.

Trustee Apel: My concern is what happens between now and when we finally do something about it. We have to think of something that we can do until such time.

Trustee Walrath: It would be well to find out what the School Board's plans are for reopening a path. I would like to move on this as quickly as we can. We cannot make it safe without the striping just by parking a police car there and flashing.

Trustee Jennings: Marge has identified a dilemma that we are in. Both the Safety Council and the Board feel that walking along Broadway now is not a safe thing for parents to allow their children to do. We are going to take the steps to make it safer as quickly as possible. Looking at the work site on the Burke Estate, there is so much heavy equipment and work going on there starting at 8 o'clock in the morning, it looks not at all feasible as a path. We need to alert parents that this is not a good situation and we are trying to make it safer as quickly as we can.

Mayor Kinnally: This brings us to having our meeting with the School Board. I will give Jay a call tomorrow and see if they have done anything: to send notices home to the kids, to discuss with either the parents or the kids alternate routes to and from the school. Flares are a very intensive thing to do. They burn out, and you need them two or three hours a day.

Trustee Apel: I realize it is not easy. They have to identify who is walking along there. Are we talking about 5 kids, 10 kids, 20 kids? We do not know. I understand about the flares. But I would feel terrible if something happened to a kid and we know this is a problem. The School Board and we have to work together. We could even put this up and something could happen. At least we recognize we have to do something, but they have to meet us halfway.

Trustee Holdstein: Can we have a motion of some sort pending Brian getting back to you?

Village Attorney Murphy: The enforcement issue is probably going to take a local law, even if it is a temporary issue. Normally, notwithstanding the problems of the DOT, you would

designate this as a safety zone, albeit a temporary one, with a sunset. The difference here is you are legislating with regard to a state road. If you could do that with DOT permission, you would enact a local law that this area would be marked a safety zone so you have the authority to enforce the law. To do that you would have to start a public hearing process.

Mayor Kinnally: I do not think we can snub our nose at the DOT. This is a state road, and we do not know what the ramifications are. If we get these answers fast, we can always have a special meeting. We need information about installation and the availability of these stanchions. Are they themselves going to pose a safety hazard?

Village Attorney Murphy: We will write to them a letter asking them to move fast. Once we raise it as a public safety issue they are on notice that we have brought it to their attention.

Mayor Kinnally: We should ask Nicky Spano to intervene to get this thing moving.

Trustee Jennings: In the interim, it would be a good idea to call a meeting of the parents in the neighborhood. We need to reach out to the public: alert people to the situation, tell them the steps we are taking. explain it will take some time, and urge them to make alternative arrangements. I would be willing to be at such a meeting.

Trustee Holdstein: The school has an obligation to notify the kids that while, if this goes forward and we put the striping and the poles up, this is not a new sidewalk, but just to give you added protection as you walk across the current path.

5. Other

Trustee Holdstein: To come back to the quarry, is it possible, while we start to plan for the future use of the quarry, that we could get a survey as to the actual area?

Mayor Kinnally: The broad outline is in there. I do not know if we want to spend a lot of money for a survey.

Trustee Walrath: We are the neighbors on the north side at Draper Park. On the south side there is a fence. Brian Goodman told me that the Aqueduct would be perfectly happy. There are some private owners on the east, south of Draper Park, and then Draper comes all the way down to the Aqueduct; it is Village land between Draper and the Aqueduct north of the quarry. If the state accepts the map, I think we would be very happy.

Mayor Kinnally: I agree. Nobody else is going to build on it, or encroach. And, certainly, the Aqueduct is happy with the way it is right now. It is a good buffer.

Brian Goodman is the overseer of this portion of the Aqueduct, and has been a good friend to not only the Aqueduct but the people in this area. He truly is someone who is committed to open space and the integrity of the Aqueduct. He is retiring and there is a party for him on October 29 in the carriage house at Lyndhurst. If anybody sees him on the Aqueduct, thank him for all he has done and wish him God speed. I thank you, Brian, for all that you have done for us and for the largest park in the Village, which is the Aqueduct.

PUBLIC COMMENTS

Ellen Bush, Parks and Recreation Commission: Two weeks ago Mr. Ward, the pool architect, presented his revised plan. It was hard to visualize, so we asked him to stake out the property at the pool so we could see what impact it is going to have. I looked at the other day, and I was a little overwhelmed by the impact the way he currently has it laid out, even though he reduced the size of the pool from 30 by 50 feet to less than 20 by 40. That was the alternative plan to having it adjacent to the baby pool and cut into the rocks. I would encourage everybody to take a look at it. We may again have to re-think what we are going to have to do.

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 immediately following the Regular Meeting to discuss litigation and personnel.

ADJOURNMENT

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