

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

A Regular Meeting and was held by the Board of Trustees on Tuesday, November 5, 2002 at 8:10 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 Village Attorney Brian Murphy.

CITIZENS: Seven (7).

PRESENTATION - Chemka Pool

Dick Ward, Ward Associates: We are here to present a revised plan for you as a board to agree to so we can go to a rebid on the project.

The Rec Commission and the Trustees were not satisfied with the last proposed location. We took another hard look at the project and came up with this solution, which puts the wading pool on the west side of the eating terrace and the training pool where the existing wading pool is. Both would be elevated about two feet off the existing decks. This brings us out of the rock area. Also missing from the bid would be the improvements to the road, turnaround, and parking area. The new scope of work would include general site work, bathhouse, roofing, decks, and new pools and filtration. The plumbing and electric bid would stay the same, except rather than alternates in the electrical we are showing all the work as part of the base bid, including the floodlighting. This re-scope would have only one contract, so we would save some overhead in terms of a second contractor.

I had a meeting with a low-bidder pool contractor to review this project, and he felt comfortable with the 1350 number; he was in around a 750, 800 number as the pool work. Adding the new decks and the building to it, he felt comfortable that he could bring the bid in on that upper and lower.

This would have to be rebid. The timetable indicates that we revise the drawings this month. We would go to the Health Department, bid it early next year and start construction in September, 2003, with completion in May, 2004.

Trustee Holdstein: We are still \$160,000 over the \$1.5 million. I am concerned with the goals that we have set instead of the renovations for the pool and the monies that we have. I know there has been discussion about how to pay for this, but the pool has historically been

self-funding. We raised the rates in anticipation, but we raised them to be at a max of \$1.5 million and, hopefully, a little under. I appreciate the merits, but I am still concerned about the overall project.

Mayor Kinnally: But what about the schematic that he has given us tonight? The issue of financing is going to come up at another meeting. We are not going to resolve that tonight.

Trustee Holdstein: You can skirt over the dollars and cents, and run with this particular schematic, but we are still in an over-plan budget expenditure. I had concern about the potential of water splashing from the new location affecting those sitting and having a sandwich, which Ray assured me would not be a problem. Also, this is the area that we permit smoking, so you have the potential of smoke waving over to the youngest children. I know we will have a conversation about making the entire pool smoke-free. From the standpoint of dealing with rock, it is an improvement. But I cannot separate blessing this plan while still acknowledging that we are \$160,000 over what we thought was going to be an expenditure cap.

Trustee Jennings: Even though you have left the turnaround in the drawing, you say the plan is not to do the turnaround.

Mr. Ward: We have separated out the turnaround road work and parking area improvements that would have to be accomplished at a different time.

Trustee Jennings: So we will have the same number of parking spaces as in the past.

Mr. Ward: Yes. There was some talk that the turnaround may be accomplished in-house. But the expansion of the parking area required retaining walls, which would be more difficult to do with Village forces.

Trustee Jennings: A lot of the greenspace between the pool and the retaining wall or the edge of the parking lot is fairly steep hill. Is the plan to level that off?

Mr. Ward: The plan is to move the fence back a bit into that slope to gain some of it. Where it gets up closer to the parking lot and to the roadway it is steeper.

Trustee Jennings: Where will the fence be? How much of this green is inside the fence and how much is out?

Mr. Ward: Now a third of it is inside. We can get to a half, or a little more, by relocating the fence. We should be able to gain some significant greenspace with a new fence line.

Trustee Jennings: Around the edge of the newly-positioned kiddie pool, did you intend that the fence line would be at the edge of the green?

Mr. Ward: Only probably in the north side of it. We have a ramp starting at the deck close to the eating area that would go up two feet.

Trustee Jennings: But there would be some grass where parents could sit as they watched their children in this pool.

Mr. Ward: That is correct.

Trustee Walrath: In October I asked if you would keep the existing kiddie pool. You said no, that is a totally new pool but in the same location. Now you have changed it. I guess the decision was made that, functionally, the kiddie pool was inadequate.

Mr. Ward: It is too deep for a wading pool and not deep enough for a training pool. The new wading pool has zero-depth entry, ease of getting in for toddlers, and bubblers and sprays for an activity area. Your question is, could we renovate that pool to make it better? It is too small a pool to cut it up and put other things into it.

Trustee Walrath: The piping is already there. I find it hard to accept that functionally it cannot be made into this new type of the pool that we want, that we could not save a considerable amount of money if we kept that as a kiddie pool.

Mr. Ward: The whole thrust is to do these pools so that they will be here for a long time, as your original was. To just retrofit that pool you are going to lose the piping eventually. To bring it up to ADA requirements, it has to have zero-depth entry. We would have to break one wall out to put a ramp into the pool. It is cheaper just to take it out.

We are pulling the pools back closer to the bathhouse area to stay out of the rock in that slope. We are putting in a little fill in rather than excavating. If we put the other pool in there, then it drops off quite a bit. We looked carefully at the trees, and it is a non-significant in terms of the trees that would have to come out. If we were to take a bigger land grab, which the training pool would take, we would take more trees and some specimen trees.

Could we take the training pool and put it where the wading pool is? Yes, but it is going to cost more because there would be more fill involved and more trees to come out.

Trustee Walrath: Do you have studies that take off quantities, and show that as an alternative?

Mr. Ward: Well, we have definitely looked at it, and then we came up with this solution based on site investigation.

Trustee Walrath: But there are no calculations that would back up your assertion that it would cost more.

Mr. Ward: No.

Trustee Walrath: I would like to look at it.

Trustee Apel: How wide is the decking?

Mr. Ward: The deck shown here is 7-1/2 foot around the wading pool, but the wading pool with the zero-depth effectively is like having a 10 or 12 foot deck because you are going into such a slight skim of water. The dry deck is 7-1/2 feet wide, and it would spill out onto a little grass area. The decking around the other pool is the same, spilling onto the grass.

Trustee Apel: Is there room for a stroller?

Mr. Ward: Yes, and on one side you could set up chairs for the moms or dads.

Trustee Walrath: You said the proposed training pool would spill out onto the existing grass. That grass has quite a slope to it. Do you mean that the northwest corner is about at grade with the grass, and then the grass slopes down? It is a couple of feet above the deck for the main pool.

Mr. Ward: That is correct.

Trustee Apel: How deep is it the training pool?

Mr. Ward: It is about 25 by 50, and two to three feet deep.

Trustee Apel: Are there ladders or steps in the wall of the pool?

Mr. Ward: There will be two ladders in that pool to get in and out. It was formerly 30 by 50. We are cutting out five feet to accommodate staying off the slope.

Trustee Jennings: Under this plan we will have the same amount of square footage for people to put down their towels and chairs that we have now. We are not losing anything.

Mr. Ward: No, you are gaining because we are going to move the fence back a little to gain more grass area.

Mayor Kinnally: Our next meeting is the November 19, and between now and then we can make arrangements to get everybody up there to take a look at it.

Acting Village Manager Maggiotto: This went before the Parks and Recreation Commission last night, and it was unanimously approved.

Ellen Bush, co-chair - Parks and Recreation Commission: We had a full meeting last night of the Parks and Recreation Commission and we had the advantage of looking at that area that had been staked off. We talked again with Fred Hubbard about the trees that needed to be taken down. It looks like a wonderful site for the new wading pool, very comfortable and easy to access. There have been concerns expressed about its position near the eating area, but I think it is going to work out better that way. It is no different from the existing location of the small children's area. This one is just going to be on a different edge of the eating area. From a parent's standpoint, with multiple children and multiple pools, I think it is going to work out very well. Everybody will be very pleased if you approve it.

Mayor Kinnally: The Board will be dealing with the financing. We are going to talk to Neil, and look at the scope and everything else. But we do not mean to tarry on this, and we are going to take a look at it. Our next meeting is November 19, and that might give us some time to measure what we have and what we can do.

REPORT – VILLAGE MANAGER

Mayor Kinnally: Neil has three more treatments left. I saw him on Saturday. Sunday was his birthday, and he was anxiously awaiting the end of this week because it will be all over and he will start to mend. We are going to impose upon his good graces to see if he can take a look at this and give us some guidance. It is at least 10% above the budget, and we have to take a look at what it means, not only on the construction costs directly but also on the indirect costs that are not in the bid.

APPROVAL OF THE 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. 39-2002-03 \$55,853.61
Multi-Fund No. 40-2002-03 \$ 6,837.27
Multi-Fund No. 41-2002-03 \$44,553.63

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Regular Meeting of October 1, 2002 were approved as presented.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Public Hearing (Moratorium) of October 15, 2002 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Public Hearing (Senior Tax Exemptions) of October 15, 2002 were approved as presented.

On MOTION of Trustee Walrath, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of October 15, 2002 were approved as presented.

75:02 ADOPTION OF LOCAL LAW NO. 4 OF 2002 - TEMPORARY MORATORIUM

Mayor Kinnally: This is the third time we are doing this. It says we are not going to allow any building in this area while we are considering the new zoning text; it does give an opt-out for hardship. It has not been unreasonably withheld from applicants.

Jeff Bogart, 5 Jordan Road: What is the length of the moratorium?

Mayor Kinnally: Ninety days. It is our hope to have a resolution of the issue of the new zoning text within that time period.

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 adopt Local Law No. 5 of 2002 amending the Zoning Code to impose a temporary moratorium on development in the Village's Central Commercial (CC), Limited Commercial (LC), and Central Office (CO) Districts and on Ridge Street and on Washington Avenue west of Warburton Avenue.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HASTINGS-ON-HUDSON as follows:

Section 1: Purpose

A. The Board of Trustees of the Village of Hastings-on-Hudson, having accepted "A Community Vision for Comprehensive Planning and Strategic Action Plan" (hereafter referred to as the "Community Vision Plan"), which included a number of recommendations for amendments to the Zoning Code and the Zoning Map with respect to the Village's downtown business district and Washington Avenue west of Warburton Avenue, and having hired a zoning consultant to draft those amendments to the Zoning Code and the Zoning Map, and the zoning consultant having drafted amendments which are currently being reviewed by the Board of Trustees, and the Board of Trustees having opened a Public Hearing on September 24, 2002 and having held open that Public Hearing, in order to insure that any future development in the downtown business district and on the designated portion of Washington Avenue is consistent with those zoning changes, the Board of Trustees is enacting a temporary moratorium on development in those areas.

B. In addition, the Board of Trustees, having asked the zoning consultant to implement the recommendations for amendments to the Zoning Code and the Zoning Map proposed by the Ridge Street Subcommittee, a committee appointed by the Board of Trustees to study existing conditions and make recommendations for future development of Ridge Street, and the zoning consultant having drafted amendments which are currently being reviewed by the Board of Trustees, and the Board of Trustees having opened a Public Hearing on September 24, 2002 and having held open that Public Hearing, in order to insure that any future development on Ridge Street is consistent with those zoning changes, the Board of Trustees is enacting a temporary moratorium on development on Ridge Street.

Section 2: Applicability

This Local Law shall apply to the Village's Central Commercial (CC) District, Limited Commercial (LC) District, Central Office (CO) District, and to all of Ridge Street and to

Washington Avenue west of Warburton Avenue, as shown on the Zoning Map, Village of Hastings-on-Hudson, dated May 1, 1979.

Section 3: Development Limitations

For a period of ninety days after the date of the filing of this Local Law with the Secretary of State, no application for:

- (1) a building permit, or
- (2) a special use permit, or
- (3) site plan approval, or
- (4) subdivision approval, or
- (5) a variance involving the construction of new or expanded floor space,

for properties within the area designated in section 2 of this Local Law shall be accepted and/or acted upon except as set forth below:

- a. An application for a building permit where final site plan approval has already been granted.
- b. An application for a sign permit pursuant to Chapter 234 of the Code of the Village of Hastings-on-Hudson.
- c. An application involving the interior renovation, rehabilitation, or alteration of an existing building or structure provided: (1) the application does not involve a change in use, and (2) the cost of the renovation, rehabilitation, or alteration does not exceed \$10,000.

Section 4: Waiver

A. The Planning Board shall have the power to waive the application of any provision of this Local Law upon its determination, in its reasoned discretion, that such waiver is required to alleviate undue hardship, is consistent with the Community Vision Plan and the Ridge Street Committee recommendations, is consistent with the proposed amendments to the Zoning Code and the Zoning Map, and is consistent with the health, safety, and general welfare of the Village. The hardship must be the result of unique circumstances, and the waiver must be the minimum necessary to alleviate the hardship.

B. Upon receiving any application for a waiver of this Local Law, the Planning Board shall consider the effect of the proposed waiver upon the Community Vision Plan and the Ridge Street Committee recommendations and the proposed amendments to the Village Code and Zoning Map. The Planning Board shall conduct a public hearing on the application, on at least ten days notice, within sixty days after the application is referred to it. The Planning Board shall render its decision within thirty-five days after the public hearing is closed.

C. If the Planning Board grants a waiver under this section, the application for which the waiver was sought shall be referred back to the office or board responsible for processing such an application, and the application shall be processed according to

existing law and procedures.

Section 5: Interim Suspension of Other Laws

All ordinances or local laws or provisions of the Code of the Village of Hastings-on-Hudson in conflict with the provisions of this local law are hereby suspended to the extent necessary to give this Local Law full force and effect during the effective period. This Local Law is intended to invoke the supersession provisions of Section 10(1)(ii)(e)(3) of the Municipal Home Rule Law and to supersede, during the effective period of this Local Law, inconsistent provisions of the Village Law, including Article 7.

Section 6: Validity

Should any word, phrase, clause, sentence, paragraph, part, or provision of this Local Law be found to be invalid, such decision shall not affect the validity of any other part of this Local Law that can be given effect.

Section 7: Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.

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	

76:02 ADOPTION OF LOCAL LAW NO. 5 - SENIOR CITIZEN TAX EXEMPTION INCOME LEVELS

Mayor Kinnally: There are no changes from the Public Hearing.

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 5 of 2002 amending Chapter 260, Article III, §260.17 of the Village Code to increase the maximum income exemption eligibility for senior citizens as follows:

Percentage Assessed	
Maximum Income	Valuation Exempt

<u>Exemption Eligibility</u>	<u>From Taxation</u>
\$0 to \$21,500	50%
\$21,501 to \$22,499	45%
\$22,500 to \$23,499	40%
\$23,500 to \$24,499	35%
\$24,500 to \$25,399	30%
\$25,400 to \$26,299	25%
\$26,300 to \$27,199	20%
\$27,200 to \$28,099	15%
\$28,100 to \$28,999	10%
\$29,000 to \$29,899	05%

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	

77:02 PUBLIC HEARING FEE CHANGES

Mayor Kinnally: We had a work session on this last week. We had a question as to availability of the Trustees, so our notification e-mail did not go out in our normal timely fashion. If anyone was inconvenienced, I apologize. Neil, in going through the budget, saw that our parking and other fees have not been reviewed and revised by the Board in a number of years. The last time parking was changed was 1991. In that period of time costs and expenses for supplies, meters, and maintenance have gone up.

We have a laundry list of fees to look at, but because we send out the renewals for the parking permits in December, we need to look at this now. We will put this out over our web site and distribute fliers under the windshield wipers in the parking areas notifying the commuters of the Public Hearing.

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 Tuesday, November 12, 2002 to consider the advisability of changing the fees for prepaid parking, twelve (12) hour meter, parking sticker, and site plan review as follows:

<u>Subject</u>	<u>Existing Fee</u>	<u>Proposed Fee</u>
Prepaid Parking:		
Resident	\$200.00 per year	\$300.00 per year
	\$60.00 per quarter	\$90.00 per quarter
Non-Resident	\$400.00 per year	\$600.00 per year
	\$120.00 per quarter	\$180.00 per quarter
Twelve (12) Hour Meter	\$0.25 per 3 hours	\$0.25 per 2 hours
Parking Sticker	\$5.00	\$10.00
Site Plan Review	\$1,000.00 flat fee	
Under \$10,000	–	\$100.00
\$10,001 - \$50,000	–	\$250.00
\$50,001 - \$100,000	–	\$500.00
Over \$100,000	–	\$1,000.00

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	

78:02 FENWICK AREA DRAINAGE IMPROVEMENT CONTRACT

Mayor Kinnally: We received a revised draft of October 28 with comments from counsel. Counsel has now received another draft from CG incorporating many of the changes and comments that were suggested by counsel.

Village Attorney Murphy: The changes that we had requested were incorporated, but I also recommend that paragraph 7 be eliminated because any disputes should be settled in the

courts of Westchester, not through arbitration. We also questioned the insurance coverage, and I understand the Acting Village Manager has been in touch with your insurance agent.

Acting Village Manager Maggiotto: I received an e-mail from him tonight saying that even though the \$250,000 might be enough for this project we should ask for \$1 million. I conveyed that to Cliff Gold tonight, and while he is willing to abide by your decision, he asked for the opportunity to discuss it with our insurance agent. You could approve it with whatever insurance amounts are agreed upon by the Village and Mr. Gold.

Mayor Kinnally: I think that is fair.

Trustee Holdstein: I am concerned about the attachment entitled target dates. One of the strengths of his proposal was that in the time line of his work there were three different instances where he was going to be coming back to the area, and the property owners, for consultation and review of his work, so I am not sure what the percentages mean. I am a little anxious that we are going to have a final draft of his plan by mid-December; this may be a bit of a rush schedule.

Mayor Kinnally: He has to live with it.

Trustee Holdstein: It is not a matter of what he has to live with. It is what we choose to live with. This is part of a contract, where we are saying you are going to have a draft report ready by 12/16.

Mayor Kinnally: But if he does not have it done at the time he does not get paid.

Trustee Holdstein: He does not get a portion of the money. Again, I do not know what these percentages mean on the right.

Mayor Kinnally: It is a percentage of what he will get paid.

Trustee Walrath: This is presuming an 11/1 start. We are not going to make an 11/1 start. The percentages break it down into concrete portions of the scope, as spelled out in his proposal, with a 10% reserve probably for after we see the draft report. I think these reflect his manpower estimates for the various tasks.

Trustee Holdstein: Is he saying that 10% of his time invested in the total project is with property owner liaison?

Trustee Walrath: That is what I would understand.

Trustee Holdstein: This feels like a rush to 12/16, and I would rather keep it somewhat more open-ended.

Trustee Walrath: Maybe Susan should pass your questions along.

Trustee Holdstein: Three times he indicates coming back to the Board and the neighborhood with follow-ups and dialogue. That may not be able to happen at the moment in this time line that he wants to have it happen.

Mayor Kinnally: It may not, and I am sure this is probably one of the more flexible portions of the contract.

Acting Village Manager Maggiotto: I do not think we need to hold him to these dates. We are already behind. He thought he was going to be able to start. He did not realize the contract was going to come to the Board.

Trustee Holdstein: I do not want him rushing to meet those dates, and not taking the time, if it requires, two nights in a row to gather all the people in the community because of people's schedules. We have promised the community that sort of effort in this matter.

Trustee Apel: This is not one person doing one thing and then going on to the next. He has different people doing these things at the same time. But I agree with you. In our Village he is going to spend more time with people than he realizes. It is going to take much longer than this.

Trustee Jennings: Part of how closely any time table is adhered to is going to be a function of how quickly we respond to what he needs. We need to check with our staff and make sure that we are prepared to respond to requests for the type of information as in number 4 on a timely basis, and not be the cause of undue delay.

The second question has to do with the cleaning and televising of culverts and drains. The cleaning I understand. But I have a distinct recollection from the interviews that he was going to provide the television cameras and the expertise to do that. As I read this, we are responsible for the expenses of the video analysis. Is that correct?

Trustee Walrath: The RFP clearly said they were supposed to tell us what needed to be done in this line and that we were to do it.

Trustee Jennings: I would like to see an estimate of how much it is going to cost to do what Mr. Gold needs to have us do, including the cost of renting the video camera to go down in the sewers.

Trustee Walrath: His proposal gave a range estimate of \$10,000 to \$20,000. It is not a guarantee. His estimate and the value of the services he was expecting from the Village are enumerated in his proposal. I think this is among them.

Mayor Kinnally: With the understanding that we will address those other changes, and get the information as far as the timetable, what the Village is going to be responsible for, looking at the cleaning and televising of culverts and drains, and the insurance policy, do I have a Motion?

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

RESOLVED: that the Mayor and Board of Trustees authorize the Acting Village Manager to execute the contract as attached with CG Engineers to furnish engineering services in connection with the Fenwick Road Area Drainage Improvements Project in the amount of \$53,500.00.

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	

79:02 CANCELLATION OF OUTSTANDING VILLAGE TAX LIENS

Acting Village Manager Maggiotto: I would like to thank our tax attorney Ira Levy for solving this problem. The Village has a number of outstanding tax liens. The current liens are certainly collectable; they almost all eventually get paid within the three years that people have to pay them or risk losing their property. But we also have a list of ancient tax liens that have been on the books for many years. At a certain point we stopped even treating them as

active liens. But they are there, and every year when we reconcile the books we have to add them, and they amount to a little more than \$9,000.

It has been a bookkeeping problem, but it is also a problem because we are now in the process of computerizing the liens to make the record more reliable and accurate in figuring the amounts due when they are paid off. But we cannot do this with these unrecognizable parcels. They are unrecognizable for many reasons. Sometimes they were part of a larger grouping of lots and were assumed into the larger lots. Some are road beds. Most do not even show up on the tax maps They are unknown and, in most cases, unknowable.

Ira found a way, under real property tax law, that we could take this action and consign them to history.

Trustee Apel: Is there any possibility that any of them would ever surface again? Even though we are taking them off the books, could we reserve the right to reinstate them if they should ever come back again?

Village Attorney Murphy: The reason you are cancelling is because you cannot identify the owner. If sometime in the future you were able to determine that, I do not believe that would prevent you from going forward in the future.

Trustee Apel: In the future, but you could not go back.

Village Attorney Murphy: No, when you cancel the liens they are gone. Once you cancel them, they are not coming back. It is not inconceivable that you could identify an owner of this parcel, although it is unlikely, but this does not prevent you from starting anew.

Acting Village Manager Maggiotto: These parcels do not have owners, and in many cases they do not even exist anymore. We stopped assessing liens on them at a certain point. It is foolish to keep adding them up.

Trustee Jennings: Can you locate any of them? After a certain point, if people do not pay their taxes, cannot the Village take over the property? I am looking for reassurance that those parcels cannot be physically identified. I would hate to miss an opportunity to get a little piece of ground that could help us solve some problem. I remember spending several hours at one of our sessions with a homeowner fussing about steps and a walkway. Nobody seemed to know who owned it, or controlled it. If any of these things would solve that kind of problem for us, that would be great.

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

WHEREAS, assessments were made and taxes levied on the following tax parcels in the Village of Hastings-on-Hudson:

SEE ATTACHED SCHEDULE

and

WHEREAS, the owners of these lots are unknown; and

WHEREAS, the locations of some of these properties cannot be determined; and

WHEREAS, there is no practical method for the Village to enforce these tax liens; and

WHEREAS, it would also be contrary to the interests of the Village to enforce many of these tax liens; and

WHEREAS, the continued presence of these uncollectible liens on the books and records of the Village indicates an unrealistic and unrealizable amount due to the Village; and

WHEREAS, the Village is authorized pursuant to RPTL §1138 to cancel tax liens that are uncollectible; now therefore be it

RESOLVED: that the Village of Hastings-on-Hudson hereby cancels the delinquent tax liens against the tax parcels listed on the attached schedule as uncollectible, and be it further

RESOLVED: that said liens shall be noted as “canceled” in the records of the enforcing officer and removed from the receivables of the Village.

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

PUBLIC HEARING - DEMOLITION PERMIT FOR UHLICH

Mayor Kinnally: Uhlich is looking for a permit to demolish its buildings by January. The question was raised about whether or not compliance has to be made with the DEC and the Department of Health because it is a listed site. Mark Chertok is getting us information. The property owner is anxious to demolish the buildings and we are anxious to get buildings that are non-productive and a blight on the waterfront out of there so long as it is done correctly. I would ask for a public hearing on the demolition permit for November 19.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, November 19, 2002 at 8:00 p.m. to consider the application of Uhlich Color Company for a demolition permit.

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: The work on Ridge Street is moving along pretty much on schedule. The retaining wall and the turnaround at the end of the street have been finished. A new storm sewer has been installed, and we will soon be moving into curbing and paving. We have heard no complaints from any of the residents.

A while back you passed a bond resolution authorizing borrowing for various Village projects. We are closing on a bond anticipation note on Thursday for \$827,900 at 1.70%; those are the funds for the waterfront cove, Ridge Street, sanitation truck, 2-yard dump truck, and various walls to be constructed in the Village.

Meg Walker went to Albany for a conference two weeks ago and submitted our waterfront planning project for the governor's waterfront rediscovery award. Unfortunately, we were not selected for an award. Meg was not surprised because it was for finished projects, not for plans, but she had a chance to go up there and show ours off, and had good discussions with people. We officially now have \$15,000 for the Marinello Cove floating dock and gangway from the Hudson River Valley Greenway. At a meeting last May, Neil mentioned that at the dedication of the cove a member of the Greenway staff was there who was dying to give us money. So we took her on a tour the next day of the waterfront, and we immediately forwarded an application for the money. Now we have our \$15,000. Meg is starting to work much more actively on the cove, since we have some funds to work with now.

Mayor Kinnally: Carmella Mantello sent us the letter. She has been involved with us for a long time and she follows what we are doing very closely. She was on the boat ride with the governor a few weeks ago and asked how we were doing, and was quite interested when we sailed by here to point out what is and what will be. She makes no secret of the fact that when she is giving out money she says, C'mon aboard. Meg going up to Albany, we may not have gotten the particular grant, but we were able to strut our stuff, and they know that we are in the middle of not only the LWRP but developing part of the waterfront. Acquisition of the cove and putting in the floating dock comes under the umbrella of development of our waterfront, and making it useful, beneficial, and productive.

Acting Village Manager Maggiotto: A new show is going to go up on the walls of Village Hall titled "Domestic Icons." It is again being curated by three volunteers: Madeline Wilson, Mia de Bethune, and Susan Lopeman. This show will be up till January 9. I would like to repeat a call to any area artists who would like to submit work to be exhibited here to get in contact with any of these three women; we would like to have our walls used to show as broad a representation of our local artists as possible.

Veteran's Day is next Monday. The veterans from VFW Post 200 invite Village staff, all of you, and anyone from the public to the Veteran's Day ceremony, which is at the 11th hour of the 11th day of the 11th month, as always.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We have not yet received a copy of the feasibility study submitted by ARCO to the DEC, but Kate Adams, attorney representing ARCO, said that a copy would be sent to Mark Chertok and we should have it by the end of the week. ARCO is waiting to have

a technical meeting with George Heitzman to go over the feasibility study and to try to convince the DEC as far as certain cleanup levels.

2. Update on the Quarry

Mayor Kinnally: We submitted everything and are waiting for a response from the state. We will move forward with officially closing that site and to the next stage, which will be input from the Village as to what to do with that site. We are moving along faster than we had thought because we had concerns that more would be required by the DEC. But they appear to be quite satisfied with what is in there.

3. Village Board/School Board Meeting

Mayor Kinnally: The meeting would be chaired by the Village, and it will be in the Orr Room. The suggested dates are November 18 and December 11.

[Discussion on date]

Mayor Kinnally: The joint meeting will be December 11. We want safety issues and access to the Burke Estate on the agenda. I passed on to both the superintendent and the school board president our concerns about safety. They plan to have access through the Burke open again by the end of November. By December 11 we will know what has come to pass, and what else they are going to do.

4. Other

Trustee Walrath: We should continue to discuss Zinsser Bridge.

Mayor Kinnally: I agree. At our work session we said that we should avail ourselves of whatever funding is available, and notify the town and county of our position.

Trustee Walrath: We finally have an agreement from the county for sharing of GIS data. The contours would be useful for the Fenwick project. I would like action taken on the IMA as soon as possible.

Mayor Kinnally: The IMA is under review; we could have a special meeting following the public hearing next week.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled a Special Meeting on Tuesday, November 12, 2002, to consider the IMA with Westchester County for sharing of GIS information.

Trustee Jennings: When we discussed the Broadway pedestrian situation/Burke Estate at the last meeting, I referred to the possibility of convening a neighborhood meeting to discuss the issue. In light of the information we received from the school board about their intention to open up a pathway through the Burke Estate, we felt that such a meeting was unnecessary at this time so we did not go ahead and convene it. If everything works out, fine. If not, we will cross that bridge when we come to it.

Mayor Kinnally: My understanding is that the judge has run out of patience with parties on the settlement discussions on Stew Leonard and has asked for complete submissions and is going to decide on access. There has not been unanimity among the interested parties as to what to do with the extension of Stew Leonard Drive. I submitted the Village's reaction to it, which I circulated to everybody, and have not heard from anybody since then.

Trustee Apel: Yonkers is talking about opening up the other side of the Thruway and some development over there, and they might cut to the Sprain. Is the judge aware of the possibility of going in that direction instead of having a road to the Saw Mill?

Mayor Kinnally: I could not tell you what the judge is aware of. I will mention it to Sam Abate and to the others that this is on the horizon.

Sue Maggiotto made an interesting observation, and after she made it I observed there is a great increase in traffic on Jackson Avenue. Everybody says it is from the Stew Leonard site. It may also be that it is so difficult to go up the Saw Mill to R. 287 because of all the construction that people are using the Sprain rather than the Saw Mill because of looping around on R. 119.

Trustee Walrath: That detour was eliminated two weeks ago.

Acting Village Manager Maggiotto: Even before that detour people were still using that route to avoid being on 287 from the Saw Mill to where the Sprain enters at exit 3; R. 287 is so backed up that any time you can avoid it and get on farther east it is going to be helpful. You do not see a lot of traffic turning on and off Sprain Road.

Mayor Kinnally: This is a regional problem. The DOT has got to be the catalyst here, and they have been dragging their feet. We have to get them to re-engineer Jackson Avenue and 9-A, and to have turning lanes, and re-light it.

PUBLIC COMMENTS

Kathy Paterson, 86 Maple Avenue: In the past couple of weeks I have read in the local paper, as well as *The Enterprise*, about the MTA having freight cars. For the past six months trains have been going through around 12:30 a.m. and shaking my bedside lamp. I do not know what they sent down the railroad tracks last night at 2 a.m., but my whole computer shook, and I live on the east side of Maple Avenue. I checked with a neighbor who lives on the west side, closest to the tracks, and she was awakened out of her bed, with lamps and everything just shaking away. This is going to be a Village problem. If they are going to bring these big huge things down these tracks, I spent a lot of money renovating my house, and it is an older house. Everybody up and down is going to have problems.

Mayor Kinnally: They are talking about having larger and higher freight cars, but I do not know if they have changed anything yet. They routinely run freight through here at night.

Ms. Patterson: Maybe we cannot stop them from doing what they want to do, but maybe we can do something with the speed that they come through our villages.

Mayor Kinnally: We should contact MTA. That is a not an MTA problem. That is a CSX, or who else is running the freight because MTA does not run the freight. But I will find out if there is an aberration and what their plans.

Trustee Holdstein: I learned that for years there have been on a nightly basis two or three runs of trains bearing a tremendous amount of stuff. I am hearing you say that you have always known that this is going on, and last night happened to be an incredibly loud aberration.

Ms. Patterson: It was not loud. It was just the vibration. I do not know what they sent down, or at what speed it went down. You do not hear commuter trains. Two and three are going by, you never feel any of those. But the night ones you do.

Mr. Bogart: On the Zinsser Bridge, there was an allusion to money being available. What kind of money is that?

Mayor Kinnally: We had a grant given to us for \$250,000 for engineering, which was announced a while ago.

Mr. Bogart: Based on what you have seen on the zoning changes, would you not think that an environmental review would be necessary?

Mayor Kinnally: I do not know. We have not had discussions with counsel on it. Counsel is aware of the situation, and he has to see the text first. If the density of the zone is not particularly different, or denser from what we have now, it may not be required.

Mr. Bogart: I do not know how you would determine that unless you had the build-out.

Mayor Kinnally: I do not know either, but that is why we retain counsel.

EXECUTIVE SESSION

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

ADJOURNMENT

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