

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 19, 2002**

A Regular Meeting and was held by the Board of Trustees on Tuesday, November 19, 2002 at 8:15 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: Five (5).

APPROVAL OF WARRANTS

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the following Warrants were approved.

Multi-Fund No. 45-2002-03 \$34,429.55

Multi-Fund No. 46-2002-03 \$79,456.97

PRESENTATION - UHLICH DEMOLITION

Mayor Kinnally: I will open up a discussion for members of the Board for questions they may have of Mr. DeMaio concerning the application for demolition. The applicant has requested that we move with haste because there are time pressures regarding an easement he has over adjacent properties to remove the debris from the site because the bridge on the south end of the site is closed down. I told him the material would have to be referred to environmental counsel and that our next regular Board meeting would be December 2.

Trustee Holdstein: Can you explain what time constraints you are under?

Michael Drace, Uhlich Color Co.: I have been a site manager with Uhlich for 22 years. We have two easements, one with Exxon/Mobil and one with ARCO. Mobil has been relatively easy to get on board as far as extending the easements except it takes six to eight weeks to get the paper, so that is where the problem has been going since last February or March when the bridge closed down. ARCO has been easy to get in touch with to get the extension, but we have had trouble with Mobil, where we had to stop moving in and out of the site. Both easements run to the end of December.

Trustee Holdstein: But you will have to get easements longer than that. Are extensions in process now?

Mr. Drace: No, we do not want to get it until we are sure and can ask for a certain amount of time. We have had three extensions already and both companies are getting tired of hearing from us.

Trustee Holdstein: Do you know if Mazzocchi has worked with PMK on projects in the past?

Mr. Drace: I don't know, but I think so.

Trustee Holdstein: The large, unpainted building that you referenced for fill you said had no paint, no lead. Are you also telling us there is no asbestos to worry about?

Mr. Drace: In addition to Building 59, the roof may have asbestos in it. We are just using the walls. The state suggested we could use Building 60 for rubble with a 5-foot concrete block wall that was constructed in the early 90's. Also, we can use any of three concrete dikes.

Trustee Holdstein: Do our Village departments have to sign off on this?

Mayor Kinnally: No, they do not sign off prior to the approval, but there is an oversight role they play while the demolition is underway. George Heitzman of the DEC apparently was on-site, and said that he did not have any approval or oversight role.

Trustee Jennings: In regard to the demolition plan I would suggest more detail and specificity similar to the arrangements that we had with the ARCO demolition: regular meetings with Village officials and progress reports; specifications of the routes to be used by the trucks, detail on the number of trucks per day, the size, the time of day; dust abatement; control of rodents and other public health aspects.

Mayor Kinnally: Perhaps your contractor could get in touch with the Acting Village Manager to go over a couple of those things.

Mr. DeMaio: I have been with the company a long time and have never seen a rat on the property, but if there are any we can exterminate. Regarding the truck traffic, certainly it will be less than when we were in operation, but we will work with you about the hours. We will take the same routes ARCO took.

Trustee Walrath: We do not have the state's indication of what type of cleanup is needed for your administrative building, but is that building in such bad shape that there is no virtue in keeping it?

Mr. Drace: It was suggested that we keep that building, and maybe one other, but we have no access. Also, the building is I think beginning to move. There is not a square angle in the building anymore. It is a two-story structure and has two extensions on it since 1917. There has been some structural damage. It is a wood frame building.

Trustee Apel: Are there pollutants under the buildings, and by removing the buildings are you disturbing them?

Mr. DeMaio: We know of no such pollutants. But the DEC visitor said it would be helpful for them to have all the buildings down to the slab, and then they will do further testing.

Trustee Holdstein: My concern is moving trucks over the Dock Street Bridge during commuter hours.

Acting Village Manager Maggiotto: We have specified 7:15 to 9:00 a.m. and 5:00 to 7:00 p.m. as the hours we did not want truck traffic through the train station area.

Mayor Kinnally: We will put this on our agenda for our next regular meeting on December 2.

Mr. DeMaio: We will have one of our engineers on-site throughout this whole period.

Trustee Jennings: I suggest that we share the requirements we had with ARCO with these people.

Acting Village Manager Maggiotto: Mr. DeMaio already has those minutes, but we will go over them with him point by point.

86:02 AUTHORIZATION TO RECEIVE BIDS - POOL PROJECT

Mayor Kinnally: We had an informal tour of the pool project last Saturday morning with Ray Gomes, and it was quite instructive, not only to see the pool and the bathhouse, but the pump area and the guts of it. With respect to the pump room, nobody has any qualms about reconstructing that from a health and safety standpoint. Some of the piping and pumps are in advanced stages of ageing. We have staked out a new area for the splash pool, west of the

refreshment area, about two feet above current grade, accessible through a common ramp serving both the splash pool and the junior pool.

Acting Village Manager Maggiotto: With the redesign we hope the bids will come in much closer to the \$1.6 million authorized in the bond resolution. We would like to go to bid as soon as possible, because the sooner we bid the more advantageous it will be. We will not have the project for this summer, but any money from increased fees will accrue to the project.

Trustee Walrath: I think this resolution is premature, because the plans are not ready to go to bid yet; the engineer has only done the sketches. I don't want to defer this, but I want to take one more look and talk to the engineer because I have some ideas that might save money. When the design is finished, we can authorize taking bids.

Mayor Kinnally: Your sense is that you want to get final specifications from the engineer before we authorize it going out to bid. We will remove it from the agenda with the understanding that the engineer will come back to us with final bid specification. He does not need a resolution from us to finish the design.

Trustee Holdstein: With this redesign, I am getting anxious about the money being spent on Ward and the project. Is there a cap on his fees?

Mayor Kinnally: We will find that out.

Acting Village Manager Maggiotto: He had put a dollar amount of \$25,000 on the redesign, but we told him he is getting ten percent of the project as agreed at the outset. Are you agreed that he is to go ahead with the redesign as he has placed the pool now?

Mayor Kinnally: Yes.

82:02 PARKING, 12-HR. METER & SITE PLAN FEE REVISIONS

Mayor Kinnally: This was the subject of a public hearing last week. Were in receipt of additional comments that will be made part of the record. We received one from somebody outside the Village asking for a third category: resident, non-resident, and semi-resident. The problem is that the "semi-residents" are not part of the tax base of the Village.

Trustee Apel: I understand the concern about the cost, but looking at the costs the Village has, if we do not raise the fees here we will have to make the money up some other way. It is

a balancing act. And we need to keep up these areas and the meters as well. I thought a lot about it, and as much of a jolt as it may be, we need to increase the fees at this time.

Trustee Walrath: I concur with that comment, but we should address alternate ways to get to the station and more parking as the opportunity present. We will only be coming up to the average for municipalities in the area with this raise. It has been a long time, and tax rates have gone up in that period of time more than this tax rate. It is not an unreasonable amount.

Trustee Holdstein: There are two alternatives: one is walking, and the other is a jitney service, and I am somewhat skeptical that our population will use that. At last week's meeting people said we should find more parking space, and if they have any suggestions I welcome them. The question was also raised of why the fees should be raised to pour money into the general fund. The renovations at the train station were a shared expense between the county and the Village; those monies came out of what we call general monies. I calculated over the last 10 years if we had raised fees 5% every year, in the ninth and tenth years we would have been over \$300, at about \$326, so over ten years we have saved everyone about \$400. I am the only one who buys a permit, so it hits home for me, but the only other alternative is doing 50% this year and 50% next, but I can support this given that we have held the price down as long as we have and done work in that location.

Trustee Jennings: I also support the increase. We probably should have gradually increased the fees over the last decade. But since taxpayer-supported improvements were made, this increase is not unfair and balances the books after the fact. User fees for the parking lot are a fair way to contribute to the Village and to pay the costs of maintaining the parking lot periodically and improving it. I would suggest, however, that we remind ourselves to review the fee schedule more frequently in the future so that we will not have to hit people with a very large increase.

Trustee Walrath: At a later date we should look into a jitney service, carpooling, and giving people a discount who carpool.

Trustee Holdstein: I support exploring those alternatives.

Mayor Kinnally: It is a large increase but it is long overdue. A user fee of this nature is not out of line with some of our neighboring communities. Over a 12-year period, it is not much, and I support the resolution.

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

RESOLVED: that the Mayor and Board of Trustees approve revisions to the fee schedule 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	

83:02 FREE HOLIDAY PARKING

Mayor Kinnally: This is free two-hour holiday parking, but we will ticket people who stay over two hours. This is the only way we can ensure a turnover in the parking spots so we can move the customers in and out, and have them pour a lot of money into the coffers of our merchants.

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 approve free two-hour holiday parking from Saturday, December 7 through Wednesday, December 25, 2002 at the following locations: Boulanger Parking Lot, Steinschneider Parking Lot, the Post Office Parking Lot, Main Street, Whitman Street, Warburton Avenue (North Street to Washington Avenue), Maple Avenue (Spring Street to Municipal Building Driveway), and Southside Avenue.

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	

84:02 CONTINUATION OF PUBLIC HEARING - ZONING CODE AMENDMENTS

Mayor Kinnally: This will be a follow-up to the informal community-based meetings that following our last public hearing. When we receive the revised proposal we will forward it to counsel to see whether or not we need a review under SEQRA. If we are ready we should move it, because in the end whatever changes we come up will benefit not only the Village but the targeted areas.

Acting Village Manager Maggiotto: There is another public meeting tomorrow night, one last chance for people to comment.

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 schedule for December 3, 2002 at 8:00 p.m. a continuation of the Public Hearing to consider the advisability of adopting Proposed Local Law No. 4 of 2002 amending certain provisions of the Zoning Code.

ROLL CALL VOTE	AYE	NAY
Trustee Michael Holdstein	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: Ridge Street is about maybe 75% complete and is looking beautiful. The contractor has been extremely conscientious. I would like to commend, and thank, the residents who were cooperative in having their lives disrupted the past few weeks.

We cancelled the borrowing scheduled for two weeks ago at a rate of 1.70 because the rates were going down, and got a new rate of 1.55, which will save the Village some money.

We have gotten final approvals for the radio station. It will be several weeks before it is constructed and ready to go. Cablevision has changed the channel lineup and WHOH-73 will become 78 on December 12.

The Rowley's Bridge event that was canceled because of bad weather has been rescheduled for this Saturday. I would like to again thank Fred Hubbard whose vision has made it the beautiful place it is now. The event is both a celebration and an opportunity to work. The trail is marked with a stone monument engraved gratis by Minozzi Brothers.

I had the pleasure of going to the Busy Bees meeting yesterday to read a proclamation from the Mayor on the occasion of the 100th birthday of Marie Riolo. She gave a charming speech, and it was a joyful occasion.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We were notified in today's paper that the Village has gotten a \$100,000 grant for acquisition and development of the cove. This brings us to \$167,000 so far for that spot. We had been turned down a number of times, and we kept reapplying. My congratulations to Meg for plugging away.

When George Heitzman was in Hastings for Uhlich, he indicated that he plans to meet with Erin Crotty next week on the draft plan. We impressed upon him that the Village is anxious to get moving on this. The indication from the governor's office was that they would start moving on this after the election. We will keep pressing.

2. Update on the Quarry

Mayor Kinnally: We do not have anything further from the state. They have all the data. Unless they say they have any concerns, and that is not something we are expecting, we will be able to close that site and move forward with whatever development and public use we want to put that site to.

EXECUTIVE SESSION

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

3. Fenwick Area Project

Mayor Kinnally: We are in receipt of correspondence from the Hastings Creek Neighborhood Association concerning the Fenwick area project. Mr. Gold has identified two occasions on which he will meet with homeowners so they can identify problems on their, or adjacent, properties and pass along to him their concerns. The Board is in receipt of correspondence from members of the neighborhood association asking for private meetings with the engineering consultant and asking for his notes and detailed updates. Mr. Gold responded that he would need direction from the Board of Trustees.

The scope of our contract does not include this type of meeting. We have never had meetings of this nature before. Mr. Gold will present his findings to the Village Board in public session. To the extent that people in the community want to identify their concerns within the scope of the services that we contracted with Mr. Gold, they are welcome to do that on December 14. Anything beyond that is not appropriate. I do not want the Village to pay for it, but more than that this is a project that he is undertaking at the behest of and at the cost to the Village. I do not mean to minimize concerns, but this is a Village project and the engineering consultant will report to the Village Board. I would suggest that the Village Manager confirm with Mr. Gold whatever we decide this evening, and convey that to the neighborhood association.

Trustee Jennings: As we discussed in our early conversations with Mr. Gold, it is all well and good to have community and neighborhood input, and open the lines of communication between the Village's consultant and the affected neighborhood. This is somehow transforming itself into the neighborhood as the responsible party for overseeing the work of the consultant. That is a line that we should not cross. The Village remains responsible for

overseeing the work of the consultant. It is appropriate for the consultant to submit reports to us and I see no problem in sharing that information with the neighborhood. But communication is one thing; oversight and management is another. We should reserve the latter to ourselves, because that is what we are responsible for as elected Village employees.

Trustee Holdstein: I agree with Trustee Jennings. Mr. Gold was on site at 8:30, and he did not leave before 1 o'clock. He and his associate, Mr. Testa, took quite a bit of notes and listened attentively. We have the obligation of overseeing it. Everything will be shared with the neighbors and the public, as all these projects are. Mr. Gold showed in his presentation that there were three steps where he was going to come back to the neighborhood for additional input, information sessions, and dialogue. This is the first of three meetings in his original plan, and already there have been two sessions of this first one, so there is not going to be a lack of opportunity for the neighborhood to speak to Mr. Gold directly on-site.

Trustee Apel: I concur with what has been said. Mr. Gold is getting his input and at some point will make his report to the Village Board, where people will have an opportunity to ask further questions. I am delighted that we have people who are so interested in this that they are willing to spend time, and they are thinking this through.

4. Graham-Windham Property

Mayor Kinnally: We are in receipt of a draft contract for the Graham-Windham acquisition. We still need information from the county; we are pressing the county. Certain modifications are going to have to be made to the contract, but we are moving along.

PUBLIC COMMENT

Ted Mason, 26 Circle Drive: I would like to talk about Marinello Cove. Sketches have been done by a landscape architect, but we need more marine thinking. The pier was not long enough and did not go out to the tide line. There is a sunken wreck there, an old steel hull which extends from the edge well beyond the boardwalk at the tennis club. People ought to take a look at the site before they try to make estimates of the situation. That ship hull extends five feet over the ground line and will have to be removed with acetylene torches to accommodate the boardwalk or anything else in there. If it is going to be used as a boat launch and other things, somebody has got to get real about what is required to do that. Some of us have volunteered to work with Meg, but we haven't heard yet.

Acting Village Manager Maggiotto: That will be happening soon. Meg is planning to get a bathymetric survey for the elevations and water depth. We welcome your expertise.

Walter Phillips, 36 Fenwick Road: I participated in the walk-through on the Fenwick project on Saturday, and was quite pleased with all the information that was gathered. The Neighborhood Creek Society has both in the newspaper and in other venues identified themselves as the voice of the neighborhood. To the best of my knowledge no one from Fenwick Road is a member. In light of the fact that it is a Fenwick Road flooding problem, this group does not necessarily represent the voice of the whole neighborhood. It is appropriate as you said that all comments go through this body.

Mayor Kinnally: Neil has finished his radiation therapy and I think he is feeling better. He has been calling with comments, with insights, with suggestions, and he is on the road to recovery. As I have said on many occasions, he certainly is very thankful for all the comments and support he has received. So we will see him soon, I hope.

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 9:35 p.m.