

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JANUARY 7, 2003**

A Regular Meeting and was held by the Board of Trustees on Tuesday, January 7, 2003 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee David Walrath, Trustee Marjorie Apel, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Michael Holdstein, Trustee Bruce Jennings.

**CITIZENS:** Ten (10).

**Mayor Kinnally:** Trustees Jennings and Holdstein are out of town on business.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 50-2002-03 \$ 14,375.08

Multi-Fund No. 51-2002-03 \$356,223.21

**APPOINTMENTS**

**Mayor Kinnally:** Tom O'Sullivan, the son of Lieutenant O'Sullivan, was sworn in yesterday as a new patrolman. He will be starting at the Academy on the 20<sup>th</sup>. We welcome him and hope he has a long productive career in Hastings.

I would like to announce the promotion of Andrew Hayden to sergeant on our police force, and Sgt. David Bloomer to detective. So many changes downstairs, but changes certainly for the better. I congratulate both on their new positions and wish them the best of luck.

**APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Regular Meeting of December 17, 2002 were approved as presented.

**1:03 (88:02) LOCAL LAW NO. 1 AMENDING CERTAIN PROVISIONS OF THE ZONING CODE**

**Mayor Kinnally:** Because two Trustees are not here for something of this magnitude, we are going to put this over to January 21.

On Board discussion and comments, we have proposals for an RFP for waterfront redevelopment strategy and a proposal for completion of the LWRP. Because we did not have an opportunity to discuss these in depth at our last meeting, and because the two Trustees are absent tonight, we are going to defer those until January 21.

**2:03 DESIGNATE GENERAL VILLAGE ELECTION DAY**

**RESOLVED:** that the Mayor and Board of Trustees designate Tuesday, March 18, 2003 as General Village Election Day, for the purpose of electing one (1) Mayor for a term of two official years and two (2) Trustees for a term of two (2) official years each, and be it further

**RESOLVED:** that the polls are to be open between the hours of 7:00 AM and 9:00 PM at each Election District.

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

**3:03 DESIGNATE ELECTION DISTRICTS**

**Village Manager Hess:** American Legion Hall is not handicapped-accessible; if someone is handicapped can they go to a different election district which is handicapped-accessible? Could we check with the county board of elections and find out, because I know several handicapped people live in the American Legion area. Whether that affects them or not, I do not know.

**Village Clerk Maggiotto:** It is possible for people who cannot get to the polls to get an absentee ballot. I receive a list of absentees every year of people who have applied to the

county board of elections. Anyone who feels they cannot use the polling place could do that, and if they do it once then they will get their ballot every year.

**Village Manager Hess:** I understand that some people are going to be challenging voting machines because they are not handicapped-accessible, not necessarily in Hastings, but I thought we could check that out with the county board ahead of time.

**Village Clerk Maggiotto:** I will look into it.

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

**RESOLVED:** that the Mayor and Board of Trustees designate the following Election Districts for the General Village Election Day, to be held on Tuesday, March 18, 2003:

<u>DISTRICT</u>	<u>PLACE</u>	<u>ADDRESS</u>
18 <sup>TH</sup>	HARMON COMMUNITY CENTER	44 MAIN STREET
19 <sup>TH</sup>	AMERICAN LEGION HALL	FARRAGUT AVENUE
20 <sup>TH</sup>	ANDRUS MEMORIAL HOME	185 OLD BROADWAY
21 <sup>ST</sup>	PROTECTION ENGINE NO. 1	573 WARBURTON AVE.
22 <sup>ND</sup>	HARMON COMMUNITY CENTER	44 MAIN STREET
23 <sup>RD</sup>	RIVERVIEW MANOR HOSE CO. NO. 3	83 EUCLID AVENUE
52 <sup>ND</sup>	UNIONTOWN HOSE CO. NO. 2	25 ROSE STREET
59 <sup>TH</sup>	AMERICAN LEGION HALL	FARRAGUT AVENUE

And be it further

**RESOLVED:** that the polls are to be open between the hours of 7:00 AM and 9:00 PM at said places.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein		Absent
Trustee David Walrath	X	
Trustee Bruce Jennings		Absent
Trustee Marjorie Apel	X	
Mayor Wm. Lee Kinnally, Jr.	X	
<b><u>4:03 GRIEVANCE DAY</u></b>		

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

**RESOLVED:** that the Mayor and Board of Trustees designate Tuesday, February 18, 2003 as Grievance Day, from 5:00 PM to 9:00 PM in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

**RESOLVED:** that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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

### **5:03 TAX LIEN SALE**

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 designate Tuesday, March 18, 2003 as the Tax Lien Sale date at 10:00 AM in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

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

### **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 personnel and litigation.

## **VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** Tara Conte has left the recreation department and has gone to work for the City of Yonkers recreation department. We will be recruiting over the next month for a replacement. She was in charge of camps and other programs.

Joe Hernandez, the Building Inspector, left the Village because of not being able to qualify on a Civil Service test. The county would no longer certify his position. Our new Building Inspector, Carmine Itri, started yesterday. Carmine is recently retired from the construction industry. He was one of the top three candidates on the Civil Service test, and we are glad to have him aboard.

Metro North is doing renovations at the Yonkers train station and will temporarily have Metro North police coming out of Hastings. They are going to put in a trailer, 36 by 120, on their property south of their substation. They do not have to comply with zoning. It will be a regular Metro North police station with holding cells and 40 or so officers, six or seven people per shift and probably eight or ten cars. They are planning to be here through 2004.

**Mayor Kinnally:** They are also going to use that location as a construction staging area when they do the reconstruction of the overpass in 2005.

**Village Manager Hess:** I have given you copies of letters that were sent to Senator Spano and Assemblyman Brodsky relevant to the sales tax. The formula on the sales tax has changed: 75% would be retained by Westchester County and 25% would come back to the localities and school districts, but the split is 12.5% Village, 12.5% school. It will be approximately \$174,000 for each of us.

About 30% of the people who shop in Hastings come from the City of Yonkers. You have the same situation in Bronxville, where people from Yonkers shop in Bronxville. There are a number of areas where city residents shop in the unincorporated area. If you purchase a car in White Plains, that sale tax comes back to the Village because your car is registered in the Village. A major appliance purchase comes back to the community where you bought it, or if it is delivered, to where it is delivered. So the argument that it does not apply to the cities really is not true because those people shop outside the cities.

We have a breakdown of about 66% in one- and two-family homes and 34% in apartments. If we have a 25% increase in the county property tax a majority of those picking it up are the

one- and two-family homes, not the apartments; their average assessment is only about \$5,000, where an average assessment on a one- and two-family home is \$16,900, or over three times as much. So the sales tax is much more equitable than raising the property tax.

**Trustee Apel:** The property tax would also tax the people in the cities rather than just the villages. So it is spread out over the entire county as opposed to a few villages. And with the higher sales tax, what is the incentive for somebody to shop in a smaller community?

**Mayor Kinnally:** If they are in North Yonkers, it is the safety and convenience and scale. On big ticket items they shop around.

**Trustee Apel:** This a philosophical issue as to whether you tax using a sales tax, which people feel is a regressive tax. People that are retired are going to have to pay higher taxes. Those people that can get in the car and go anywhere are going to go anywhere anyway. Is it fair to put the burden of the county's deficit budget on a number of villages versus the large cities with a lot of people, and why are they not paying their share of the deficit in the budget; that is why you have property taxes. There is a lot to think about here in terms of who you want to tax. Anybody watching this program should voice their opinion, and start talking about what it is they would like in the community, because I am not hearing from people.

**Village Manager Hess:** Look at your average county tax. Say it is \$1,000. A 28% increase is \$280 a year more you would be paying to the county. How does that relate to your purchases throughout the year?

**Trustee Walrath:** \$28,000 at 1% would provide the same revenue, \$28,000 of expenditures at a 1% increase.

**Village Manager Hess:** You almost have to look on it on an individual basis. But as I said, 34% of our population, if there is an increase in county property tax, will not be affected.

**Mayor Kinnally:** I do not like the concept of the sales tax. I do not think it is fair, but we have it. And the philosophical question about whether or not you go with the sales tax versus any other form of tax, we should express our opinion but that is a decision that has to be made in White Plains.

**Village Manager Hess:** Actually, Albany.

**Mayor Kinnally:** And Albany will not take it up unless White Plains takes it up. But we are in a bind here. If they are going to do it, and it appears that they want to do it, I do not want to give away a portion that is rightly ours.

**Trustee Apel:** I am not saying that we should, but this is an issue that is greater than our little village. With what is happening with the economy, it is still coming down to the little person. We had this wonderful surplus in the federal government, and it is all gone. I think it is an issue which people need to talk about. We have to come together on decisions on how we deal with money and finances in the future. We have to look at it carefully and make people accountable for what is going on. Instead, like other things, we are reacting to something that is out of our control. But there ought to be guidelines to ensure it does not happen again or at least it gets better. I am not sure, and I am talking philosophically, that we can do anything. We can only talk about our feelings about it. People need to start expressing their opinions and discussing taxes and payments, and what is going on. It is a difficult time for everybody, and we are all looking at all these expenses. Every time we turn around there is another tax, and I am seeing the things pile up. People probably do not even know who to talk to about it, but it would certainly be something that maybe the community does want to talk about.

**Mayor Kinnally:** You say we are reacting to it. That is all we can do because we are not the ones who are advocating the increase. People ought to pick up the phone and the pen, and call Tom Abinanti, Richard Brodsky, and Nicky Spano.

**Trustee Walrath:** Will we pay more to the county on sales tax than the people in the cities?

**Village Manager Hess:** The cities preempt the county from collecting sales tax. The county can only collect outside the cities if the cities elect to preempt. The county gets one percent. Four percent goes to the State of New York, and the balance goes to the cities. Under the current sales tax, we get 75% and the county gets 25%. Now, on this 1% additional increase they are flipping it and they get 75% and the localities get 25%.

**Trustee Walrath:** And this is temporary?

**Village Manager Hess:** They are always temporary, but they keep being renewed.

**Trustee Walrath:** I see the argument against the sales tax, that you can deduct real estate taxes. But the reality is, particularly in New York, this alternative minimum tax is getting down lower and lower into the middle income area. That tax takes your real estate taxes and

makes them worthless as far as your home and the amount you pay the federal government. They are talking fixing it, but it is not in the current package.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Update on the Waterfront**

**Mayor Kinnally:** We have been pushing ARCO. They were trying to put together a meeting with the DEC. They have not yet done that. I have a call in to John Cahill to find out where things stand from the governor's office. I will be calling the DEC to try to put together a meeting between the DEC, ARCO, the Riverkeeper, and the Village. Discussions continue between ARCO, the Riverkeeper, and the Village on the Riverkeeper's suit. We are pressing all the parties to get something substantive before us so we can move forward.

I understand that a proposal has been made internally by staff to the commissioner of the DEC about the cleanup levels on the waterfront. I am not privy to what that proposal was, but I know that it is being digested and worked on in the DEC and that is what I am hoping to find out when I call.

### **2. Uhlich Property**

**Mayor Kinnally:** After our meeting in December I spoke with the owner of Uhlich to find out what his plans were. He said he was proceeding with the demolition. Given the weather, I do not know what he has done. But he indicated that he was still interested in selling the property to the Village. I am going to find out what programs are available that would give community relief if we were to buy a property similar to that. I told him that we are still interested. He said he is not going to hold up the demolition. He cannot break out that part of the project, and he was not as rosy about the ultimate use of that site as we were. Nonetheless, he knows we are interested in acquiring the property. He also knows we are looking to get it for nothing, and we know that he is not looking to give it to us for nothing. But at least there is a channel of communication open.

**Trustee Walrath:** Have we any hint as to when we are going to have the DEC drop the other shoe on the south end of the waterfront, the Tappan terminal?

**Mayor Kinnally:** No, but I will raise it with whoever I finally reach at the DEC to get the timetable for everything.



**Trustee Walrath:** I would like to know about our risks and what they found. We have some data on the remedial investigation, but we do not have any idea of what they have decided they need to do on the cleanup.

### **3. Update on the Quarry**

**Mayor Kinnally:** We have submitted everything that the DEC needs, and we are waiting for a reaction. We did not find anything that would cause us to incur significant expenses in closing the quarry and looking to the next stage, which is reusing that property for municipal purposes. This year, in conjunction with Parks and Recreation and other interested parties in the Village, we would like to see what the potential uses and limitations are for the property. It is a tremendous spot, and it fits in with the trailways, the open space, the greenspace, and recreational purposes that we have. The potential is great there, and the community will benefit greatly through their input. We will look to see if the county or state has any ideas, or what grants and other sources of funding may be available.

**Village Manager Hess:** We are going to have an internal staff review soon. We will hold a series of public workshops to talk about potential future uses involving the Parks and Recreation Commission, the Conservation Commission, the neighborhood. Staff is going to develop a series of alternatives of potential uses for the property.

**Kevin Dawkins, 126 Washington Avenue:** It is very encouraging to hear these comments about the quarry and the potential use for it, and most importantly about the plans for the process of public input. I have been invited to neighborhood discussion groups to talk about it, and people have some interesting and creative ideas and look forward to participating in the process. One thing there seems to be consensus about is the critical historical importance of that site. The quarry predates the founding of the Village and was Hastings' first industry. Today it is a nexus that connects Draper Park, the Historical Society, and the cottages with the Aqueduct, the Quarry Trail, and the Lipshitz Studio. There are a lot of very important sites that this quarry sits right in the middle of, and to develop it as a creative public space will be a real benefit to the entire community and, certainly, to the area off of Washington Avenue. Fred is here, and has some specific comments to make.

**Fred Hubbard, Village Naturalist:** Those of us interested in the present and future state of the quarry have prepared a draft proposal for a study to determine beneficial uses of the old marble quarry and related Quarry Lane Trail.

We would like authorization of such a study after our own internal review of the proposal is completed. The draft proposes an assessment of the existing situation in the quarry,

including soils, which I understand is completed, vegetation, wildlife, and physical features. It will be carried out in cooperation with the Department of Parks and Recreation, Department of Public Works, and police and fire departments. It would involve interviews of residents living near the quarry and provide for public hearings on potential uses of the quarry, and identify any concerns. The study would take note of the connection between the quarry and proposed Quarry Lane Trail. It would provide strategies for development, except for design of actual layouts which would require services of landscape architects and professional planners. The initial fact-finding would be done by volunteers. The study would take about two months to complete. Your consideration of the proposal is requested.

**Mayor Kinnally:** Thank you. This will follow the internal staff review, and we will get together with the boards and commissions and solicit the input of all interested parties, including the neighbors and all of the people who would want to use that facility.

#### **4. Other**

**Trustee Apel:** I hope that everybody has read their Village newsletter because there is lots of interesting information and information on snow removal and garbage collection. Please read it so you will understand what is required. I will put a plea in for people picking up the garbage and for the mailmen: since we are going to have a lot of snow this winter, remember to shovel so they can reach the garbage and not trip and fall.

Regarding the zoning, this is a good opportunity for those people who still had questions to look over the information and to see that most of their questions may have been answered already. If people still have questions, if they want to call anybody on the Board, that would be fine. But now you have the two-week grace period to look over all the material.

**Village Manager Hess:** Raf did a great job getting 1620 AM up and running. Tune in and you will hear Raf giving announcements and talking about snow removal and getting your cars off the street, and then two minutes of weather.

#### **ADJOURNMENT**

On MOTION of Trustee Walrath, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 8:50 p.m.