

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 18, 2003**

A Regular Meeting and was held by the Board of Trustees on Tuesday, March 18, 2003 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**ABSENT:** Trustee Michael Holdstein

**CITIZENS:** One (1).

**Mayor Kinnally:** Trustee Holdstein will not be with us this evening. He has a work-related matter to attend tonight.

**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. 66-2002-03 \$ 7,120.05

Multi-Fund No. 67-2002-03 \$82,530.44

**APPOINTMENTS**

**Mayor Kinnally:** We are forming a cable TV committee to work with us in the renewal process of the cable franchise. At the present time the committee consists of Kevin Dawkins, Raf Zaratzian, and Paul Hammons. Additional people will be added to the committee. The public hearing on the cable TV franchise renewal will take place on Tuesday, March 25 at 8 p.m. in this room, and we will have more people added to that committee next week.

**APPROVAL OF MINUTES**

On MOTION of Trustee Jennings, SECONDED by Trustee Walrath with a voice vote of all in favor, the Minutes of the Public Hearing of March 4, 2003 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of March 4, 2003 were approved as presented.

**24:03 HUDSON RIVER ESTUARY GRANT**

**Village Manager Hess:** I would like to modify the resolution to call it waterfront cove. This is a \$40,000 grant from the New York State Department of Environmental Conservation that we were awarded last year. This requires a \$10,000 match, and it is recommended I be authorized to sign the grant.

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 authorize the Village Manager to sign the contract with the New York State Department of Environmental Conservation for a 2002 Hudson River Estuary Grant in the amount of \$40,000 for construction of a boardwalk and a small boat dock in the waterfront [Marinello] cove.

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

### **25:03 PURCHASE OF POLICE VEHICLE**

**Village Manager Hess:** Each year we face deadlines imposed by manufacturers. Police vehicles have a build-out date of February 28, but this year we were provided with an additional month. This year we normally would have replaced two marked police vehicles. One has been deferred, the 1999 Crown Victoria with over 75,000 miles, because of the budget situation. The other is a 1996 Chevrolet Blazer 4 X 4. It is used on patrol, but it is not in very good working order. We suggest replacing the Blazer with a 2003 Chevrolet Impala police package under Westchester County contract for \$19,500.

With a build-out date of March 31, if we do not have an order by that date we miss out on being able to replace that vehicle until 2004, so we would be deferring two vehicles into next year, and possibly have to purchase a third. I am recommending that we replace one vehicle this year and defer one replacement until next year.

There were a number of questions raised by Trustee Holdstein at last week's budget review session; I talked with him since he reviewed his packet and he is in favor of replacement.

**Trustee Walrath:** There are good reasons not to lease a police vehicle. Am I correct? We have always purchased them.

**Village Manager Hess:** Fleet vehicles are available for lease, but not police packages, which include heavy-duty wiring, heavy-duty everything. The '96 Blazer was a stock vehicle, not a police package, which is probably one of the reasons we had so much trouble with it.

**Trustee Apel:** We are able to keep the 1993 Chevy?

**Village Manager Hess:** Right, because it is used as a fleet vehicle, not a patrol. It is assigned to the lieutenant.

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 Manager to purchase a police vehicle under Westchester County contract for a maximum amount of \$19,500.00 to be paid from the general fund.

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

### **26:03 PUBLIC HEARING CABLE FRANCHISE RENEWAL**

**Mayor Kinnally:** This hearing starts the cable renewal process. There are certain things required by state law, and this is one of them.

**Village Manager Hess:** I assume that we can either continue the hearing to other dates or can receive written comments for a period of time after the public hearing?

**Village Attorney Murphy:** Yes. We just have to commence the process within a certain time period.

**Trustee Walrath:** When is the present franchise up?

**Trustee Apel:** August 31, 2005.

**Mayor Kinnally:** Cablevision will be here and will be making a presentation. One of the purposes of having the committee is to see whether or not we want to go with Cablevision. If we do, as we would with any other franchisee, we will have negotiations as to what we want, what they are willing to provide, various terms and conditions that will either be extended or completely reviewed in the franchise.

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, March 26, 2003 at 8:00 p.m. for the purpose of reviewing the performance of Cablevision under the current franchise term and identifying the future cable-related needs and interests of the Village of Hastings-on-Hudson.

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

**27:03 ADOPTION OF LOCAL LAW NO. 2 OF 2003 - TEMPORARY MORATORIUM**

**Village Manager Hess:** This is the temporary moratorium on R20 zoning districts while the large tract study is being completed. The Planning Board made a recommendation to have a six-month moratorium as opposed to the three-month, so we had a new public hearing and a new draft local law. Being that there were no comments, I recommend the moratorium be approved. There are provisions within this local law for waivers, which are required by the law.

**Trustee Jennings:** Do we have a sense of the timetable on this process?

**Village Manager Hess:** Patty Speranza at our meeting talked about having the report done by June. There has been a new twist: they are going to review the large tracts and the LI district at the same time. She feels they will still be on the same track: the Planning Board will do their consideration over the summer months, and will make a recommendation to the Board by the fall. So we should be within that moratorium time frame.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt Local Law No. 2 of 2003 as attached amending the Zoning Code to impose a temporary moratorium on development in the Village's R20 Zoning District, as shown on the Zoning Map of the Village dated 1997.

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

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the recess to await election results to discuss litigation.

[ RECESS 8:30 P.M. -- RESUME 10:00 P.M. ]

### **28:03 CERTIFICATION OF ELECTION RESULTS**

**Mayor Kinnally:** The ballot results are unofficial. Nick Shorter, 472; Marge Apel, 977; Peter Swiderski, 953; Lee Kinnally, 828. Total of 3,212 with machine and absentee ballots.

**RESOLVED:** that the Mayor and Board of Trustees hereby accept the election results and that Wm. Lee Kinnally, Jr. is declared Mayor for a term of two (2) official years and that Marge Apel and Peter Swiderski are declared Trustees for a term of two (2) official years each.

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

**Mayor Kinnally:** I want to congratulate Marge and Peter and welcome him to the Board, and congratulate Nick for a splendid campaign. The community was given choices this year, people of exceptionally high caliber. There was a discussion of the issues and our village that we all love. My congratulations to all who were part of it, and made this exercise of democracy a very productive one. And with all that is going on in the world, we cannot take what we do for granted. I thank and congratulate everyone.

**Trustee Jennings:** Mayor, if you will not congratulate yourself, I will.

**Mayor Kinnally:** Thank you for those kind words, Bruce. We have a lot to do, and I thank everyone for being part of the process. A lot of new people are coming to Village Board meetings and getting involved, and that is what we need to get: a lot of public input in what we do here, because it is our village and it is our future.

### **VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** We have gotten some good news about the budget. There were no funds expected for the Invest In Kids program for the coming year, but we got notification that we will receive \$16,600.

### **BOARD DISCUSSION AND COMMENTS**

#### **1. Update On The Waterfront**

**Mayor Kinnally:** I had a meeting today with our special environmental counsel and with representatives of ARCO on the settlement of the Riverkeeper's suit. There was substantial

progress made. One of the elements that is slowing up the process somewhat is, with the BP/Amoco merger, yet another layer of bureaucracy to be penetrated. Because of the size of this project, and the commitments for the cleanup, any proposals have to go to an executive committee in London. We hope to have feedback from London within two weeks. The court is inquiring as to where we are on the lawsuit because the trial date is coming up. As we have indicated to everyone, we are not anxious to put off a trial date. The pressure of having the trial looming over us will help in getting things moving forward. We expect to have further comment from ARCO on the proposals, and we will continue to update, as best we can, the public.

### **PUBLIC COMMENTS**

**Ken Tuccillo, 14 Edgewood Avenue:** I just wanted to thank David Walrath for his years of service and all his effort.

**Mayor Kinnally:** He will be with us at the next meeting. Absolutely, David. I would ask everyone to come down on April 1. We will be saying goodbye to David and welcoming Peter. We have our organizational meeting that night.

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session for Wednesday, March 26, 2003 to discuss litigation.

### **ADJOURNMENT**

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