

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 15, 2003**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 15, 2003 at 8:07 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Deputy Village Attorney Edward Lammers, and Village Clerk Susan Maggiotto.

**CITIZENS:** Three (3).

**MAYORAL APPOINTMENTS**

**Mayor Kinnally:** The liaison appointments and the appointments to the LWRP will probably be ready for our next regular Board meeting on May 6.

**APPROVAL OF MINUTES**

On MOTION of Trustee Holdstein, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Organizational Meeting of April 1, 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 April 1, 2003 were approved as presented.

**APPROVAL OF WARRANTS**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the following Warrant was approved:

Multi-Fund No. 72-2002-03 \$55,025.43

**RESOLUTIONS**

**37:03 AUTHORIZATION TO RECEIVE BIDS – FIRE TRUCK**

**Village Manager Hess:** This is the fire chiefs' proposal to purchase a replacement vehicle for Uniontown. Specifications and bid documents will be ready in about 30 days, and the award could be made 30 days after that; delivery would be in nine to 11 months from that date.

**Mayor Kinnally:** The chiefs discussed the proposal with us last week. They reviewed stock equipment versus custom equipment. They explained that our geography pretty much compels what we need in the way of apparatus. This very long process started a number of years ago in Uniontown, and they gave a very good written and oral presentation.

**Trustee Swiderski:** Typically, ahead of a new initiating process on the purchase of a vehicle, does the Board of Trustees give a range of budget funding available?

**Mayor Kinnally:** We do not give them a range. The house and the Manager are in contact, and there is an understanding of what the market is bringing those days. They gather facts and dialogue continues with the Manager. This could be a three or four year process, so you would be very restricted in doing that.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to receive bids on a Fire Department Pumper Truck.

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

### **38:03 EMS MUTUAL AID PLAN**

**Village Manager Hess:** We passed a similar resolution at the last regular meeting regarding a mutual aid plan for fire departments. The county requires a separate resolution for EMS because a number of the departments in the county are not affiliated with their fire departments. We are doing it to make sure that we stay a part of the mutual aid plan throughout the county, which also provides EMS services to the Village.

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

**RESOLVED:** that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson elects to participate in the Westchester County EMS Mutual Aid Plan, and will agree to recognize a call for assistance through the Westchester County Emergency Communications Center (60-Control), and will comply with the provisions of such plan as now in force and as amended from time to time and certified by the Westchester County EMS Council through the County EMS and Emergency Service Coordinators, and that no restrictions exist against “outside service” by such EMS agency/provider named herein within the meaning of Section 209 of the General Municipal law which would affect the power of such EMS agency/provider to participate in such plan, and be it further

**RESOLVED:** that a copy of this resolution be filed with the Westchester County EMS and CAD coordinators.

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

**39:03 SPECIAL MEETING BUDGET ADOPTION**

**Village Manager Hess:** The Board has to adopt a budget prior to May 1 and April 29 is the last Tuesday of the month.

**Mayor Kinnally:** We had our public hearing tonight, but we are going to have a comprehensive work session next week to go over questions raised by the Trustees. The Manager is going to prepare an analysis of the budget, update us on the status of legislation in Albany that would affect us, and prepare a spread sheet of the alternatives proposed by the Board. The Manager has asked members of the Board with additional items to get them to him as quickly as possible.

**Trustee Apel:** I will not be here that evening. I will be back on April 30.

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 schedule a Special Meeting for April 29, 2003 at 8:00 p.m. for the adoption of the budget and tax rate for fiscal year 2003-2004.

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

#### **40:03 TRAILWAYS MAPPING PROPOSAL**

**Village Manager Hess:** You have a copy of Mr. Hart's proposal as well as a breakdown of the grant that we received from the state from Greenway Conservancy. This work would be totally covered by the grant. Our local share is being covered in-house, and there are no funds that have to be appropriated from the Village. Mr. Hart had done the Rowley's Bridge trailway map, and with our GIS system we will be expanding it to the entire trailway system in the Village.

**Mayor Kinnally:** There is a printing element of \$3,700. When we get to that stage, is that covered by the grant?

**Village Manager Hess:** I believe it is.

**Trustee Jennings:** What will be the size of the map? Will it be something you can carry in your pocket, or will it be larger?

**Village Manager Hess:** I assume it is going to be similar to a road map, but not quite that big. It will be folded over, similar to our Rowley's Trail map.

**Trustee Swiderski:** Is that map going to be offered for free, or is it at a cost-basis to residents?

**Village Manager Hess:** As far as I know, it is going to be given away free.

**Mayor Kinnally:** The size is 13 by 18. Total final size is 6 by 4-1/2.

**Trustee Holdstein:** I am confused. Where did I miss something about grant money?

**Village Manager Hess:** The last page. That is a breakdown of the grant we received from the state. This part is being paid totally by the state.

**Trustee Holdstein:** The \$5,000?

**Village Manager Hess:** Yes. Our only share of this is, we have volunteer participants, which accounts for that money. There is no out-of-pocket cost for this project.

**Trustee Holdstein:** I am very sensitive to the budgeting. This came out of left field. I do not recall us discussing it, and Mr. Hart has never been before us to show us an example of what it is going to look like.

**Village Manager Hess:** We have the Rowley's Bridge trailway map.

**Mayor Kinnally:** This is budget-neutral. Tonight, we are dealing only with the \$5,000.

**Trustee Holdstein:** I understand that but I am not, in this year of our budget crunch, going to endorse something unless I know that it does not involve any extra money. This is a project that may have to wait when you are under a budget. I see in Task 2, map printing, poster printing, production, and distribution, total \$7,000.

**Village Manager Hess:** Production and distribution through volunteers. We can charge in-kind services against a grant. We are receiving \$10,000, and we are doing \$10,000 in-kind either through administration of the grant or through volunteers. We have no out-of-pocket. I will make that guarantee right now. I have been guaranteed that by Meg. We can match it with in-kind services, which we are doing through Boy Scouts, Girl Scouts, summer interns, contract administration.

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 accept the proposal of Adam Hart for the design of a map of the Trailways System in the Village of Hastings-on-Hudson in the amount of \$5,000 to be paid from grant proceeds.

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

**41:03 CONSIDERATION OF PROPOSED SETTLEMENT OF RIVERKEEPER LAWSUIT**

**Mayor Kinnally:** I would like to add an additional resolution to the agenda. We have been in active negotiations with the Riverkeeper and ARCO in the hopes of settling the Riverkeeper's suit. It appears that we are very close to settlement. It is anticipated that we will have a finalized term sheet incorporating the terms of the settlement and that the Board of Trustees will consider that in an executive session immediately prior to the special meeting of the Board of Trustees at 8 p.m. on April 22.

Counsel will draft a resolution for the Board of Trustees authorizing me to sign the term sheet subject to a public meeting of the Board of Trustees in the second week of May where we would present, along with the Riverkeeper and our engineers, the terms and conditions of the settlement proposal; the community would have an opportunity to comment. We anticipate that the comment period would be from next Tuesday through a week or so after the public meeting.

**Jeff Bogart, 5 Jordan Road:** You will review a term sheet in an executive session?

**Mayor Kinnally:** We would, as the law requires, make a decision at the executive session after meeting with counsel to make sure the proposal was proper and that the Board agreed in concept to everything, and then we would act upon that in a public meeting. The final vote would be taken in public to authorize me to sign the term sheet subject to the public meeting of the Board of Trustees with the community.

**Mr. Bogart:** The other parties will have signed?

**Mayor Kinnally:** The expectation is that they will have signed off on it.

**Mr. Bogart:** The judge's order for the parties to either settle or the trial process might start if it was not to occur, would be in June?

**Mayor Kinnally:** The judge, in light of the negotiations, has put the deadline off for 60 days.

**Mr. Bogart:** This would not be on the consent decree? It would just be a settlement and the suit could be withdrawn?

**Mayor Kinnally:** No, it would be a consent decree, and the term sheet is the first step of that. One of the provisions that we are talking about is how it would be finalized. It is expected either in a consent decree, or a consent judgment, that would be submitted to the Board for action.

**Mr. Bogart:** You are envisioning a two-week period after the public hearing?

**Mayor Kinnally:** I do not think I said a two-week period, but there would be a period afterwards where the public could continue to comment on it.

**Mr. Bogart:** At Tuesday's meeting will the public know the details of the term sheet?

**Mayor Kinnally:** Yes. We would hope to have hard copies available and it would be on our web site. There would not be much benefit in having a discussion at that point because it will take time to digest it; it is a multi-page, single-spaced document.

**Mr. Bogart:** Is the lawsuit a publicly available document?

**Mayor Kinnally:** It is available in the district court's office in White Plains.

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 schedule a Special Meeting for Tuesday, April 22, 2003 at 8 p.m. for consideration of a proposed settlement of the Riverkeeper's suit.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein	X	
Trustee Bruce Jennings	X	

Trustee Marjorie Apel	X
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

### **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 for 7:30 p.m. Tuesday, April 22 for a meeting with counsel to consider the Riverkeeper settlement proposal.

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

**Village Manager Hess:** I have been in contact with Congresswoman Lowey's office relative to our grant requests, and they are still pending.

The proposals on the pension system in Albany are going no place right now in terms of negotiation. They do not see any immediate threats, as pension bills are not payable until December 15. So we may not have a final resolution until after our budget adoption. Talking with some other communities and taking a look at their budgets, they have assumed that the 4.5% is a real number.

There will be a ribbon cutting by the county executive on Tuesday, April 29 at the new affordable homes and an open house for the public on May 3.

The Village is a recipient this year from the Westchester Interfaith Housing Corporation for the Village's work in affordable housing. The mayor will accept an award on behalf of the Village on May 8. We are receiving an award from Westchester County on April 25 for our recycling program, being number one in the county for seven consecutive years.

### **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** I met last Thursday with Erin Crotty, the commissioner of the DEC. She was interested in where we were in the process of settling the Riverkeeper's suit. I inquired as to where the state is on the PRAP for the land-based component of ARCO. My sense is that the proposals have not been finalized, and there still is discussion and debate in the DEC over any proposed remediation on the site. I certainly told her that the community was interested in moving forward with this, and we talked potential timing after a PRAP came



out. I have always said that it is coming soon. The definition of soon keeps changing, but I still believe that we are going to get something soon in that regard. We are hoping to get something in the next few months.

## **2. Other**

**Trustee Apel:** There will be a meeting on April 22 of the newly-formed Citizens' Corps which is for people who are interested in participating in emergencies, along with the fire department and the police department. Original sponsorship is from the federal homeland security. If you are interested in homeland security and emergencies, this is a good opportunity.

### **PUBLIC COMMENT**

**Jim Keaney, Edgar's Lane Battleground Committee:** Our committee expects to sponsor a reenactment of the Battle of Edgar's Lane this fall. This is in the nature of Hastings 1999, the waterfront festival, events that the Village has sponsored in the past that are fun, but are also community-building. Our committee means to institutionalize a commemoration of the battle in some fashion every year. Last year we had the 224<sup>th</sup> anniversary and we sponsored a program with the help of the library and the Historical Society; it was a talk by a re-enactor and a dramatic reading that was very well attended, well-received, and no cost to the public.

September 30 is the 225<sup>th</sup> anniversary of the battle, and we hope to stage another reenactment in Draper Park as we did five years ago under the aegis of Hastings 1999. We have reported to the Board on this before and the Board last year indicated its support, so we proceeded with our plans. The current state of those plans are as follows: Hugh Francis, our choreographer/coordinator, has gotten his re-enactors interested in returning, but there are competing engagements, and they have not committed to us. On the assumption that they will commit and prefer our site, we need to talk budget. Five years ago, the battle cost about \$8,700, as much as I can tell from our financial reports. In view of the Village's finances this year, our committee is ready to try to raise funds in order to reduce the Village contribution.

I am here for two purposes. One is to let you know that we are still planning to do it if the re-enactors commit to us. The second is to ask you, in your budget considerations, to come up with a figure of support that you feel is appropriate so that we will know what we have to try to do.

**Mayor Kinnally:** Any timetable when they will be able to get back to you with their commitments?

**Mr. Keaney:** Soon.

**Trustee Holdstein:** If they get back to you and are unable to do that, you will shift gears and do some other thing?

**Mr. Keaney:** Absolutely. We will do a commemoration of another type, which we have in mind already. It could be something else, but we plan to institutionalize this every year in some fashion.

### **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.

### **ADJOURNMENT**

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 8:55 p.m.