

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**SEPTEMBER 9,2003**

A Regular Meeting was held by the Board of Trustees on Tuesday, September 9, 2003 at 8:10 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, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

**CITIZENS:** Eight (8).

**PRESENTATION:**

**Mayor Kinnally:** Tommy Vavra is here. Tommy, on behalf of the Board of Trustees and the New York State Conference of Mayors and Municipal Officials, I would like to present a 30-year certificate of public service to you for your working for the Village in that period of time. Congratulations, and thank you for everything.

**Thomas Vavra:** Thank you. Thirty years is a long time.

**Village Manager Hess:** Plus your route. Your route loves you guys.

**Mr. Vavra:** Thank you very much.

**APPOINTMENTS**

**Mayor Kinnally:** Sgt. Robert Palumbo has been made a detective in our police department, and we congratulate him on the promotion. We have two new appointments: Patrolmen Geoff Major and Michael Moore, both of whom are active on our force at the present time. Patrolman Major is at the police academy, and Patrolman Moore is taking his regular shift. I welcome both of them to our force and to our Village.

We also have an appointment of Dr. Wayt Thomas to the Tree Board. I thank Dr. Thomas, who has been on our Conservation Commission and has informally served as our tree consultant for a number of years, and welcome him in his new position on the Tree Board.

**APPROVAL OF MINUTES**

**Trustee Apel:** Page 22, my comments: add "it" to "I cannot read at all."

**Village Manager Hess:** I was also absent.

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of August 26, 2003 were approved as amended.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 17-2003-04 \$ 75,879.83

Multi-Fund No. 18-2003-04 \$ 54,901.78

### **BOARD DISCUSSION AND COMMENTS**

**Mayor Kinnally:** I see Fred Hubbard this evening. Under Board Discussion and Comments, item 3 is the Resident Handbook. I understand Fred has some comments on that.

**Fred Hubbard, Village Naturalist:** Yes, the matter is the revamping of the "Know Your Village" booklet. There are three questions the Board might address. Will there be a booklet prepared in the same format as the existing one from 1985, or a different format? What will be the mechanism for preparation of the booklet, such as a steering committee or a coordinator? Finally is the important matter of financing. The booklet would be distributed widely, and that would require substantial financing, on the order of \$7,000.

**Mayor Kinnally:** Your points are well-taken, and the Board will take them up under Board Discussion and Comments. Any update on the trail?

**Mr. Hubbard:** Yes, the DPW has spread gravel, donated by the MTA, from one end of the trail to the other and we are very happy because it has eliminated ruts. We have had another donation of wood chips from Community Tree Service.

**Mayor Kinnally:** A question was raised about a foot bridge that extends from the site down to the tracks. It looks like it was a Metro North bridge.

**Mr. Hubbard:** Yes, they regularly use that bridge to go down to work on the tracks.

**Mayor Kinnally:** I am concerned about people other than MTA or Metro North using that bridge to get access to the tracks; is there any way that can be disabled?

**Mr. Hubbard:** I have never seen anyone do that.

**Mayor Kinnally:** I would like to read a motion while Fred is here.

On MOTION of Trustee Holdstein, SECONDED by Trustee Swiderski with a voice vote of all in favor, the following Resolution was duly adopted:

**WHEREAS,** the Hastings Trailway System is an integral part of the quality of life in our Village, and

**WHEREAS,** Dr. Fred Hubbard with the able assistance of Louise Hubbard, numerous volunteers and Public Works and Parks personnel developed the Rowley Bridge Trail, and

**WHEREAS,** the Village recently acquired 14.25 acres of land from Graham Windham which will provide for an extension of the Rowley Trail south, and

**WHEREAS,** the Mayor and Board of Trustees, on behalf of the entire community, wish to thank and recognize the contributions of the Hubbards in the development of our trails system, so therefore be it

**RESOLVED** that the Mayor and Board of Trustees name the Rowley Trail extension as:

**The Fred and Louise Hubbard  
Rowley Bridge Trail Extension**

**Mayor Kinnally:** Louise, please come up. On behalf of the Village, the Board of Trustees and everyone who is connected with the trail project, you two are the grandfather and grandmother of the trail project. To see you get everyone down there, get them motivated, and have the job done in the fashion that it has been done speaks volumes for your commitment and your dedication to our Village and to the ecology. So, Fred and Louise, thank you very much.

**73:03 BOND RESOLUTION MUNICIPAL SWIMMING POOL**

**Village Manager Hess:** Although the bids totaled \$1.7 million and change, I recommended in July to seek authorization for an additional \$300,000 to bring the total bond resolution to \$1.9 million. It is better from a financial standpoint to seek the authorization now and not come back to the Board for additional funding during construction if we run into change orders or problems. We can borrow the money at extremely favorable rates right now. If the money is not needed, it can be repaid. Or we will not borrow the additional money unless it is needed. I recommend approval.

**Trustee Swiderski:** While a budget has been set for the project, I am assuming that that does not rule out a change order before the project even begins on the structure of the lighting. I do not know if either Mike or Neil had a chance to be updated on the issue raised at the last meeting regarding how bright what is being proposed for that site actually is.

**Village Manager Hess:** It is being evaluated by Ward. Once we get that information, I will get it to the Board. If it necessitates a change order, we will take a look at it. If the Board wants to make a threshold decision, or re-look at the lighting at all at the facility, then the Board can make that decision. There would be a change order if the lighting was taken out of the project.

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 adopt the resolution as attached amending the bond resolution dated August 20, 2002 with respect to the obligations authorized to be issued for the Municipal Swimming Pool, and authorizing the issuance of an additional \$300,000 serial bonds therefore.

<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	

**74:03 BOND RESOLUTION FIRE PUMPER TRUCK**

**Village Manager Hess:** The Board has previously authorized the purchase of the fire pumper. The revised equipment list was forwarded to the Board in contemplation of passing this resolution, which will cover the cost of the pumper and the equipment.

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

**RESOLVED:** that the Mayor and Board of Trustees adopt the resolution as attached authorizing the issuance of \$460,000 serial bonds to pay the cost of the purchase of a fire pumper truck, including apparatus and equipment to be used in connection therewith, in and for said Village.

<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	

**75:03 BOND RESOLUTION VILLAGE-OWNED WALLS, ENTRANCE PLAZAS AND PARKING LOTS**

**Village Manager Hess:** You were provided a copy of the cost breakdown at the last meeting, with a total cost of \$470,000. Almost \$300,000 of the cost is the wall, which is in serious condition. The Board has authorized an engineer to develop plans and specs for the reconstruction of the wall, and we hope to move forward with this project in phases.

**Trustee Jennings:** As I recall our discussion with the architect, there were some variations in the total cost of the project depending on finish choices. Is this bond resolution sufficient to cover those last minute fine-tunings, or are any changes impossible now because we have only bonded for this much?

**Village Manager Hess:** You can always revise a bond resolution. We have done that with the pool. But I do not like that as an approach unless it is absolutely necessary.

**Mayor Kinnally:** I think the numbers incorporated building it out to the maximum. This anticipates doing the full project as she had discussed.

**Village Manager Hess:** For bond resolutions I like to be at least 10% above whatever the estimate is to avoid that kind of problem. Whether or not this is going to create a problem later on when we take bids, we will have to see. I do not want to change resolutions now.

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 adopt the resolution as attached authorizing the issuance of \$470,000 serial bonds to pay the cost of the reconstruction of various Village-owned walls, entrance plazas and parking lots, in and for said Village.

<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	

**76:03 OWNER/ARCHITECT AGREEMENT JAMES HARMON COMMUNITY CENTER**

**Village Manager Hess:** The Board approved hiring Lothrop Associates based on his assurance to cap his fee. His fee was the lowest of the five who had submitted proposals. We have had an initial meeting with Mr. Lothrop, and we would like to proceed. Part of the financing of this project is coming from grants, so maybe we want to modify the resolution to say to be paid from bond proceeds and grants.

**Trustee Holdstein:** But you do not know what percent.

**Village Manager Hess:** No, I do not have an exact percentage at this point. We have one large grant pending. He is going to do the initial design phase, and then the Board will make a decision based on what is submitted. This first portion of the project is covered by a grant from the state. We have more than sufficient funds in grants to cover \$192,000. We have

\$380,000 from Westchester County and \$50,000 from New York State. The design phase is less than \$50,000. This is to carry us all the way through construction.

**Trustee Holdstein:** But the bond numbers that you made reference to are numbers that basically go into one kitty for the overall project, correct?

**Village Manager Hess:** The \$430,000 towards what is expected to be approximately a \$3 million project at this point.

**Trustee Holdstein:** Right. So it is money going into one lump sum. How it gets used, and where else we get the money, is to be determined.

**Village Manager Hess:** We do not expect to begin construction until 2005. So we are working, and continue to work, on that number.

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 approve for signature by the Village Manager the Owner/Architect Agreement with Lothrop Associates for the James Harmon Community Center for a maximum amount of \$192,000.00 to be paid from bond proceeds and grants.

<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	

### **77:03 SNOW AND ICE NYSDOT AGREEMENT EXTENSION**

**Village Manager Hess:** We are accepting big dollars from New York State to do our snow and ice plowing on state roads. They are going to give us a grant of over \$6,363. Last year, I believe we spent a total of about \$185,000. We have six lane-miles of state roads, which include Farragut Parkway, Broadway, and part of 9-A, which we do also. They have us over a barrel in terms of what they provide to municipalities. The alternative is not to have those

major roads done and wait for the state to come in and do them. I recommend approval. We really have no option.

**Trustee Holdstein:** The money is determined by a standard formula, so that state-wide any community that has state roads they calculate the miles at a flat rate for every community?

**Village Manager Hess:** Per lane mile, yes.

**Trustee Holdstein:** Has there ever been a time since you have been the Village Manager where we have not done this and we have put the onus on the state, and what were the results?

**Village Manager Hess:** No, you cannot do it on an individual municipal basis. You would have to do it on a statewide basis through a municipal association. There is not going to be pressure on the state if we are the only ones doing it.

**Trustee Holdstein:** I understand, but I am curious as to what the result would be. Are they not doing roads fairly close to us right now?

**Village Manager Hess:** They are doing the parkways.

**Mr. Vavra:** They come down the Saw Mill River Parkway and they come up Farragut, and they turn around at Amjos and go back. So they only do that one section.

**Trustee Holdstein:** If they suddenly had the obligation to do it, would it compel them to send their guys further along? I do not want to come across as an extremist on this, but if we stand up to them, and they are driving along the road anyway, then they have the obligation to finish it. I just wonder about the paltry \$6,000, when we are spending \$185,000.

**Mayor Kinnally:** We are not spending \$185,000 for the areas that we are clearing. But let us assume the state says we will plow it if we can get to it. If those roads are not plowed are they going to call the state, or are they going to call us?

**Trustee Holdstein:** Obvious.

**Mayor Kinnally:** We cannot bank on the state doing it the way that we do it, or getting to us at all. I agree with Neil that there is strength in numbers, and that we go to the state through NYCOM and say you have to increase the mileage fees.

**Trustee Apel:** When does the agreement we have now expire?



**Village Manager Hess:** In 2004.

**Trustee Apel:** Do we have to sign this now? Can we decide to chat with them before we approve this?

**Village Manager Hess:** Let us table it until the next meeting. I will call NYCOM.

**Trustee Holdstein:** I am not looking to put our village into an unsafe situation, so it is not that I am saying I am not going to vote aye for the agreement. But I think there is some conversation to be had.

Resolution 77:03 Snow and Ice NYSDOT Agreement Extension was **TABLED**.

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

**Village Manager Hess:** The contracts and insurances for the pool renovation are being finalized now. We are hoping to be able to start the demolition next week. Ward is doing an evaluation of the report on lighting that Mr. Logan and Mr. Gross forwarded to the Board, and is looking at alternatives which he has to review with the Department of Health before he comes back to us.

At the August 26 Board meeting there was some discussion about deer. I gave you a copy of information from the DEC on their Deer Management Assistance Program. The extent of their deer management is issuing special permits for people to hunt within your community.

**Mayor Kinnally:** Any issue of salt licks that would be treated?

**Village Manager Hess:** I have referred that to the Commissioner of Health, and we have not gotten a response yet. Hopefully, they will look at something like that. I know it has been approved in Dutchess County and maybe Putnam County but, as of yet, has not been approved in Westchester County.

We have had several leaks in this building. The one in this room been corrected from the outside. In the fall we will get this cleared up and painted. The one in the Building Department is more difficult. That is going to take some repointing on the brick on the outside of the building. They hope to get that in the fall also.

**Mayor Kinnally:** There are leaks in the southeast corner of the conference room as well.

**Trustee Holdstein:** Are these things that they are obligated to do from the recent construction, or is this coming out of our pocket for additional work?

**Village Manager Hess:** No, this is exterior problems that were not part of the construction.

The Village-wide tag sale is Sunday, September 21 from 10 to 4 at MacEachron Park.

Nancy Gagliardi has resigned as assistant to the youth advocate, although she is going to stay on as youth employment service director. Her last day is September 12. We are currently looking for a part-time youth advocate to assist Bill Finkeldey. If anybody has any potential candidates, please feel free to have them get hold of me.

Our final audited fund balance as of May 31 was \$678,000, an increase of \$369,000 from the previous year. We are in better shape than we were a year ago, and that puts us at about 7% of the general fund. We are at the bottom of the limit, which should be 7 to 10%. Hopefully, by the end of this fiscal year we will be back where we should be.

This Thursday night, September 11, there is going to be an observance of the 9-11 tragedy at 6:30 in the library park. The library, as part of their addition and renovation, had work done in the park which provided an area which overlooked the Twin Towers. As part of the design talked about at the time, it was set up to be a viewing area. So we thought it appropriate to do this 9-11 observance at the park. We will have color guards from the VFW, the American Legion, and the Police and Fire Departments, and Reverend Postma will say a few words.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** Like Samuel Beckett, we are waiting for the PRAP. My latest information is that the PRAP is coming down in the middle of September, 2003. My understanding is that it will be a joint PRAP for both the land and the water. I do not know if the PRAP for the property to the south of Anaconda is going to be part of it. I spoke today with Mark Chertok, environmental counsel, and he said that his information is that it was going to be the middle of the month and he is going to follow up at the end of the week to see where we are. We will release the PRAP as soon as we are in receipt of it, and move forward to setting up a public hearing with the state.

A proposed consent decree incorporating the terms of the settlement agreement that was accepted by the Village earlier this year is circulating with the Board of Trustees and the

other litigants in the Riverkeeper's suit. If everyone can get their comments together, and we can get a final document, we will circulate it to the community. We hope to move on it as soon as we can.

As a result of the article that was in the *New York Times* in the real estate section dealing with our waterfront, I continue to get a number of inquiries from potential developers. One of the changes in how we will be responding and who we will be working with is that Sandy Stash, who has been in charge of our site for three or four years, is relocating and will have difficulty getting to meetings here in Hastings, as she is on her way to Moscow. Mark Brekhus, who has been on the team and has been working with Sandy, has asked that he continue with this project.

## **2. PILOT Proposal - Warburton and Division Street**

**Mayor Kinnally:** Eric was here last time we talked about it. I believe you had asked him for additional information.

**Trustee Apel:** Yes, I asked him for additional information. I have not gotten anything.

**Mayor Kinnally:** He said he would have difficulty. The question was trying to compare the units. If he had moved the units from the 18 units at Division and put them in the other buildings that he is proposing, how that would affect both his costs and the taxes that we would ultimately realize.

**Village Manager Hess:** Since the Planning Board has already approved the project on Warburton and Division at 18 units, it is a moot question about moving units around.

**Mayor Kinnally:** No, it is not that we would be moving them around. Marge was trying to get an idea as to whether or not massing those 18 units in one building, and having a PILOT on that whole building, was, in the end, going to cost us money versus if you had put the units in the other buildings and sprinkled them around equitably according to the guidelines.

**Trustee Holdstein:** But that would have been less than 18 units.

**Trustee Swiderski:** A lot less.

**Trustee Apel:** He is looking for us to forgive him all this money, and before we give it away I want to know what the cost is to the Village, in terms of comparison, if he did it the other way and we would not necessarily have to have a PILOT because everything would be

spread all over the place. Also, it is not clear to me what he is putting into this. It seems that we are forgiving him \$749,850.

**Village Manager Hess:** Over how many years?

**Trustee Apel:** Twenty-six years. And he asked for a 2% increase. This is a permanent assessment cap, and I am not so sure we want to do that.

**Mayor Kinnally:** Is it more expensive this way than if he had done it in the other fashion?

**Village Manager Hess:** I do not see where it would make any difference. If he split between three buildings, six units in each building, and still capped those six units because they are affordable, what difference would it make? It would not make any difference.

**Trustee Apel:** I think the difference would be that six units is a lot different than the 18.

**Village Manager Hess:** No, six units times three buildings, that is 18 units.

**Trustee Holdstein:** But the building, the way he has it structured, would not demand six per building based on our guidelines. It would be less than that. So we would have less affordable housing.

**Trustee Apel:** We know we would have less affordable housing. These are just answers that I want from him, and we have not received that. I have another question as to the other proposal. I believe Robert Sanborn was supposed to be giving a proposal to the Affordable Housing Committee at the end of the month.

**Sue Smith, Affordable Housing Committee:** I suggested that he come to our regular meeting at the end of the month. I think he would like business for WestHab; he is the vice-president of development for WestHab. We would be glad to talk to him about what they might do in Hastings, or how we might work with them, but this project has been very public for a long time, so it is long out of the loop for consideration for another developer. But if it does not go through, then we might look to somebody else. I cannot speak for Eric, but Division Street would not be developed by Eric in that form. So you would only have two buildings, one with two affordable units, one with three. That would be five units as opposed to 18. There would be some reduction in the taxes on those buildings because of the addition of the affordable units, as well as losing the Division Street property altogether. So you would lose.

**Trustee Apel:** If you have fewer affordable housing units, you might have more market rate apartments.

**Mayor Kinnally:** But the underlying deal, the conveyance between the Town of Greenburgh and the Village, would not occur without the affordable housing.

**Ms. Smith:** They could sell it for market rate. They talked to Capelli about that, and site costs would be substantial on that project. You would have a fair number of units required to be market rate.

**Mayor Kinnally:** Capelli walked on it. He said he could not do it.

**Village Manager Hess:** He said he could do it. Forty units, and he was going to shadow all of Division Street.

**Mayor Kinnally:** With the envelope that we were talking about he could not do it.

**Trustee Holdstein:** Initially I had concerns about putting all of the affordable housing in one place. But in reviewing the notes from the meeting, it occurs to me that there are several things we should think about in terms of this PILOT. I am not declaring my final decision, but in terms of the monies, right now we are getting whatever we can get on that former gas station site. When that site gets developed we are going to get more. We are getting X amount on West Main. When they rehab and redevelop that, we are going to get more. When you look at the rock, the difficulty, Capelli walking away, requiring the size that he needed to work with that kind of site, the fact that the concept with the two houses on Warburton was the Village giving up the land: we are giving up some monies by switching it from a regular taxable to a PILOT, but I am leaning to understanding it as a net gain. Understanding his building and development costs and what we gain on the other sites as a total, both from a revenue standpoint and improvement to the Village, the kinds of housing we need in the downtown as well as the affordable site, and having a great deal of respect for the Affordable Housing Committee and their feeling about this Division situation, when you start to look at it globally, it is not that this village is laying down for a developer who wants to make a lot of money. I recognize that Mr. Sanborn came forward last week. But he is somebody who has been involved in Village issues before, and he suddenly steps forward and says we are interested. Well, okay, what have you got? But in the absence of what have you got, we have somebody who has something that is compelling. I am starting to sink my teeth into this, and think that it might be a good and positive direction. There is some lost revenue on the PILOT, but the net could be a very substantial gain for us in a lot of ways.

**Village Manager Hess:** What Trustee Holdstein says is true. If you look at their original PILOT proposal where they packaged the entire development together to show what was being paid down and what would be paid in the future, consider the fact that Division/Warburton has not paid taxes in 20-plus years. It was foreclosed on by the Town of Greenburgh. The Town of Greenburgh is tax-exempt, so there are not any taxes paid to the Village, to the school, or to the town and county. As part of their IDA financing, there are provisions in that law which require PILOT payments to be made to the municipalities. My understanding is that the Town of Greenburgh has agreed to the PILOT; the school district has agreed to the PILOT; and right now the county obviously agrees to the PILOT because that is their legislation. We are the last niche.

I will talk to Mr. Anderson tomorrow, and make sure you have that information prior to the meeting on September 23. The Planning Board approved the project at their meeting last Thursday. They are going before the Zoning Board of Appeals for their approvals. As Sue knows, it took 14 years to get the first four units completed. And it is just as hard working on 18 as it is on four. So it would be nice to get another affordable project moving forward.

**Trustee Apel:** Out of the \$25,000 that would be taxable instead of \$60,000, we, as a village, will only get \$4,908.

**Village Manager Hess:** We are getting \$4,900-plus as opposed to nothing.

**Mayor Kinnally:** Well, if it was privately, it would be \$60,000.

**Village Manager Hess:** It could have for the last 20 plus years, but no one has wanted to touch the site.

**Trustee Apel:** But we are just accepting what he is saying without having any comment on it. What is our counter? We do not have a counter-proposal?

**Mayor Kinnally:** I think part of it goes into a budget that has to be submitted by the applicant to the IDA.

**Village Manager Hess:** I believe he sent us a set of the financials also.

**Ms. Smith:** I think if you would like to make a counter-proposal, he is very happy to listen. He would like to move the process forward.

**Mayor Kinnally:** Neil, would you call Terry from the IDA and talk to him about how the PILOT fits in their construct of financing?

**Village Manager Hess:** We will take a look at his *pro formas*, and we will talk to Eric also.

**Mayor Kinnally:** And Neil, you can talk to Jay and see what Jay's comments were on it because I know the school board passed on it. I would like to put this back on the agenda for action.

**Trustee Apel:** Do we have a consultant that tells us that this is really a good proposal or not? I am looking at numbers, and I do not know this.

**Mayor Kinnally:** That is why I am asking Neil to talk to Terry. The IDA had to work through those numbers to analyze the viability of the project. They are not going to loan money if the project is not viable.

### **3. Resident Handbook**

**Mayor Kinnally:** Susan, you have been involved in this. Do you have any comments?

**Village Clerk Maggiotto:** General Code Publishers, which publishes our Village code, sent a "Resident's Handbook" that they have produced for other communities. The mayor asked me to take a look at it and make some comments. It reminded me of the "Know Your Village" booklet which the League of Women Voters had last done in 1985. I remember it well because I was the editor of that book, and I also did the fundraising for it. We mailed it to all the households in Hastings, so it cost about \$10,000. We used to revise it every five years, but by 1990 the book had become so outdated, and with so much information accessible through the Internet, it did not seem like a good use of our resources to keep producing a document that was going to become outdated.

Coincidentally, a few weeks ago Fred Hubbard talked to me about redoing "Know Your Village" and, in Fred's style, he had already started the project and had done it very thoughtfully and had given me an outline for it.

We have a proposal from General Code; including mailing costs, we are talking \$7,000 or so. Marge and I talked about different ways we could go about it if we want a hard copy of something to hand people that has a lot of good information about Hastings. It could be a

nice community project. Fred is interested in doing it and I would certainly be happy to work on it since I have been through this before.

**Mayor Kinnally:** But all of the information could be assembled and available on the Web.

**Village Clerk Maggiotto:** Yes.

**Trustee Apel:** I came across a computer Internet package which allows you to touch a corner of the screen, and it flips the page like a book. It is artistically interesting to look at, and could be a lot of fun. We are exploring it.

**Mayor Kinnally:** Even a .pdf file, you can just click and each page gets shown. Interesting.

**Trustee Holdstein:** My suggestion may be more expensive so I do not know if it is feasible, but it would be great if we could find a way to produce this so we could remove and replace pages, not unlike our hardbound code book. As things change, as pool fees or hours of services change, you have a mailing list, you mail the page, and they take out the old page and put in the new. Then you have something that lasts in a household. You could have trailway maps, and everything from Municipal Building hours and when to recycle and everything under the sun that we want to communicate to people. This way the book never becomes outdated.

**Village Manager Hess:** We are doing the Village newsletter in-house. Raf's technology gurus put the whole thing together in-house, with a lot of staff input. Maybe that is something to look at as opposed to General Code. But putting in useful information, not information that gets outdated very quickly.

**Trustee Holdstein:** Once you have that established, then the insert pages and changes could easily be produced by the same crack staff, under Raf, that produces the newsletter. Those costs would be generated in-house. You could send the annual calendar of events, the dates that the Farmers' Market begins and all these other things on an annual insert; you would throw out the old one and insert the new one.

**Trustee Apel:** All that stuff is on the Internet. The cost would be in the printing and the mailing. I understand about having a notebook. The biggest problem is the upkeep and the follow-up. You have to maintain constant information, no matter how generic these are. You are still going to have changes, or it will look obsolete and old. And people are going to want something nice looking anyway. So there is a cost involved. You can place it on the



Internet with the option of letting people print it out or having some hard copies for those people that do not have computer access. There are creative ways of handling this.

**Trustee Holdstein:** Well, with all due respect, I do not think that the Internet methodology captures more than, I am going to take a stab, 30- to 35% of the Village.

**Mayor Kinnally:** The new people moving in, it will capture almost 100%, I guarantee you. Anybody with children has a computer these days. Kids that are coming in to school would be computer literate.

**Trustee Holdstein:** Maybe I am very old-fashioned and not current with what is happening in that regard, but I think the concept of the kind of book that is on the shelf and the use of it is more readily done via the book right now than via the computer.

**Mayor Kinnally:** We are talking about two different portions of the same project. The first is gathering the information, and you are on your way in doing that. Maybe Susan, Fred, Marge, Michael can sit down and put your heads together and see if you can come up with a way of distributing this so that it is practical. The binder is expensive, but come up with something that will try to save us some money. Maybe have an insert in the newsletter or a booklet that goes out twice a year. The most important part is to identify that information that you want to convey to the public, and work together with both the Website and the mailings that we send out in coordinating this and complementing it.

**Trustee Apel:** This is something that we have been exploring on the Joint Boards' Committee for Youth and Parents. I talked to Ray Gomes and he produces a booklet also. We are all doing this, and it may be one way of getting all this information in one place. We will be talking about this in our meeting, but you have the school board to consider. There may be a way of something that we could all chip in.

**Trustee Jennings:** The information-compiling process lends itself very well to a volunteer community project. The Historical Society people can create a section on the history of Hastings. People who are interested in the trailway can create a section about the trailway. And the committee on youth will have a lot of material about youth programs. On and on it goes. The downtown partnership, the commercial part of the Hastings community, could contribute as well. As I read this proposal, 99% of the work we have to do anyway, because we have to compile all the information. They just put it in a particular package. The work and the cost, not just the dollar cost but the time cost, is really in the compiling. The printing is not such a big deal, particularly if we have a mix between hard copy and electronic. I do

not think it would be a huge investment to print what we needed to print when the time came.

**Trustee Apel:** We certainly could get some interns to help. They are very computer savvy and probably can work this up in no time.

**Mayor Kinnally:** I think we have a structure and, Sue, you can go ahead.

#### **4. Lawsuit**

**Mayor Kinnally:** The Board and former police detective Wayne Pietropaolo had been sued by an individual, Chantel Blasetti. The suit was pending in the United States District Court, the Southern District of New York, and the matter has been terminated as follows. The case was dismissed with prejudice against the Village, and the matter was settled between Mr. Pietropaolo and Ms. Blasetti.

**Village Manager Hess:** Explain what with prejudice means.

**Mayor Kinnally:** It means that the case can never be brought again. Before settlement was reached with Pietropaolo and Blasetti, the matter was dismissed as against the Village with prejudice. A release was executed by the plaintiff, Ms. Blasetti, in favor of the Village. In that release there has to be a recitation of consideration, and the nominal amount of one dollar, good and valid consideration, was recited. But no dollar passed. So the Village paid nothing. We did not settle with the plaintiff, and the case was dismissed as against the Village. Whatever settlement there was, was between Mr. Pietropaolo and Ms. Blasetti, and the Village contributed nothing to the settlement.

**Trustee Swiderski:** And in non-legal terms, that is all a good thing for the Village.

**Mayor Kinnally:** The Village contended that we had no liability whatsoever, and in a decision that the judge had rendered on a motion for summary judgment he was quite dubious about the Village's involvement and potential liability. In fact, he directed that the plaintiff conduct discovery along certain lines to try to find out whether or not the elements of the claims that had been alleged could be sustained, and the discovery and the depositions that were taken by the plaintiff did not, in fact, identify any of those elements. The Village was in the process of preparing a motion to dismiss the case, and before that happened the matter was voluntarily dismissed as against the Village.

#### **5. Other**

**Mayor Kinnally:** There has been a periodic accumulation of debris at the light on the Saw Mill Parkway where you turn onto Farragut. We have repeatedly asked DOT to take care of that, and we are in that phase of again having to ask. This is on the northbound side. Southbound is not as bad, although the crash barrier is all crashed and somebody should do something about replacing it. But for an entranceway to the Village it does not hang out a very nice welcome mat for us.

I inquired of the Manager during the meeting when we could expect something from our engineering consultant on Fenwick, and he said this afternoon he received a report from him. He has not had an opportunity to review the draft.

I have received a number of calls over the summer from Nita Lowey and her staff requesting a meeting of the Board of Trustees with the Congresswoman. I took it upon myself to call Congressman Engel to remind him that he did, indeed, represent us, and he is going to try to get up here. But we are going to try to set up a meeting with Congresswoman Lowey in the next couple of weeks.

About three years ago the county paved a stretch of Farragut from Five Corners south down to around Amjos. As soon as they put down the blacktop around Five Corners we knew it was going to be a disaster, and it turns out to be an unmitigated disaster. So if we can ask the county to come back and take a look at it, it would be greatly appreciated.

**Trustee Swiderski:** We received a response from Paul Feiner regarding the bridge maintenance that we had requested Neil to raise. I am wondering how we feel about whether that settles the issue, or not.

**Mayor Kinnally:** Neil responded and asked if the response was related only to the particular facts of our bridge, or if he was doing that as a blanket policy for the entire Village, and we have not heard anything.

**Village Manager Hess:** We have not heard back yet. The way it was worded was that it was totally private and the approaches on both sides were private, so they had no responsibility. My response was, are you saying in terms of other bridges, where there are public approaches, the town will take responsibility? As I have said, my concerns had to be not as much the Zinsser Bridge but the Dock Street Bridge. So we are awaiting another response.

**Trustee Swiderski:** Regarding the Zinsser Street Bridge, was there not a grant?

**Village Manager Hess:** The grant is still available, and I mentioned that in my letter to the supervisor. He had promised to set up a meeting with state officials, ourselves, all the villages, and the town to try and resolve this issue. I asked him to try again to set up this meeting, since we have grant funds that are available.

I also responded regarding the emergency vehicle that was talked about at the last meeting.

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss 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 9:45 p.m.