

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

A Regular Meeting was held by the Board of Trustees on Tuesday, October 7, 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 Marjorie Apel, Trustee Peter Swiderski, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Bruce Jennings

CITIZENS: One (1).

APPROVAL OF MINUTES

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of September 23, 2003 were approved as presented.

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. 23-2003-04 \$108,559.63

Multi-Fund No. 24-2003-04 \$ 11,886.89

APPOINTMENT

Mayor Kinnally: We have the announcement of an appointment. Ricky White has been promoted to sergeant in the police department and we congratulate him on the promotion.

80:03 PUBLIC HEARING PLUMBER CERTIFICATION

Village Manager Hess: As part of our stormwater permit we received from the state last year, one of the items in our measurable goals was to provide a local law that plumbers would certify that all their connections in commercial industrial and apartment buildings went to sanitary sewers and not storm sewers. It would require whenever any kind of plumbing work done in apartment buildings, businesses, institutional or industrial buildings, that they provide certification that all the connections remove to the sanitary sewer, not the storm sewers.

Mayor Kinnally: What about residential?

Village Manager Hess: Residential is not required.

Trustee Swiderski: If a plumber comes in to fix a spigot, is he also required as part of that job to trace the lines to make sure all the lines lead to sanitary sewers?

Village Manager Hess: No, only when they are doing new connections or major repairs.

Trustee Holdstein: How does he go about getting the certifications? Does he have to hire somebody outside?

Village Manager Hess: No, he certifies to the Building Department that all the connections were made to the sanitary and not the storm sewers.

Trustee Holdstein: He provides a self-certification.

Village Manager Hess: That is right. Plumbers are licensed in Westchester County. They have to get a plumbing permit from us, but they do not have to certify their work as being connected to a sanitary sewer. Under this law, they would be required to give us a certification when their work is complete that they have connected to the sanitary, not the storm sewer.

Trustee Holdstein: Is there a specific code that defines that certification and what is required and what happens if he lies or distorts that certification?

Village Manager Hess: He could lose his license. He is certifying that all his connections are to a sanitary system and not a storm sewer, signed and notarized at the end of the job.

Trustee Holdstein: What if we discover two years later that that is not true.

Village Manager Hess: Then he is personally liable.

Trustee Holdstein: Is that our Village law? Where does it go from there?

Village Manager Hess: The DEC would handle it. I am sure Westchester County would revoke his license.

Village Attorney Murphy: If you are going to keep it on file, he might be offering a false instrument for filing, which is a criminal offense.

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 schedule a Public Hearing for Tuesday, October 21, 2003 at 8:00 p.m. to consider the advisability of adopting Proposed Local Law No. 6 of 2003 requiring certification from plumbers of testing on waste water connections to insure connection to the sanitary system and not the storm water system.

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

81:03 PUBLIC HEARING ADOPTION OF STORM WATER MANUAL AND PRACTICES

Village Manager Hess: Again, this is a requirement through the New York State DEC under the stormwater quality permit. The state has a stormwater design manual. We have always used the Westchester County Best Management Practices; it has never been adopted formally by us, but the Planning Board has required it in all development.

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 schedule a Public Hearing for Tuesday, October 21, 2003 at 8:00 p.m. to consider the advisability of adopting Proposed Local Law No. 7 of 2003 adopting the New York State Department of Environmental Conservation Storm Water Design Manual, and the Westchester County Best Management Practices.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: As required under our stormwater permit, Susan Maggiotto has been appointed coordinator of our stormwater information materials, which are maintained in the clerk's office for public education and inspection. Sue Feir will be designated at the library, and copies of all this material will be kept at the library also. Also appointed was Mike Gunther as our local stormwater contact person. As part of a consortium of ten or 12 communities, we have applied for grants through the New York State DEC to provide for mapping of our stormwater system into the Hudson or the Saw Mill.

The appraiser from Maximus, the firm the Board hired to do our appraisal work for GASB 34, is with us this week gathering a lot of information.

The tag sale went very well, and I want to compliment Linda Knies on all her hard work in getting that together. It was a success, and raised money for the Battle of Edgar's Lane Committee. The reenactment of the Battle of Edgar's Lane and the related activities will happen this weekend, Oct. 11 and 12.

Pool demolition is proceeding on schedule.

I want to mention one thing that is important to the Village, and that is Wally Urtz, who was hastily transferred to the Harrison Food Emporium over the objections of a lot of people in Hastings. I am sure that everybody here wants to urge the Food Emporium to change their mind and bring Wally back to Hastings. Wally really typifies what Hastings is all about.

I am announcing my intention to retire from Village service in July of 2005. I have been asked why I am making this announcement so far ahead of time. It is to give the Board adequate time to develop a profile for the new manager, begin a recruitment process, and provide for an orderly transition. It takes quite a while to recruit a manager. The last time around, the Board had to hire an interim manager for a four-month period before I started. So it is good to get the process started a little bit earlier, and I am announcing it publicly so everybody knows about it.

Mayor Kinnally: The Village Board will be starting the process and will be looking into exactly how we will proceed, whether or not we will have consultants to assist us, what type of recruitment organization will be retained by the Village.

I know I cannot count as well as you, but numbers have been your strong point. It was an extremely lengthy process: compiling the resumes, seeing who is there, changing from what you had in mind for the type of candidate you were trying to attract. And then looking at the sticker shock of candidates coming from other parts of the country, seeing a pretty good salary, and looking at what housing is in this area. It cut down the roster of available candidates substantially. Back then, 21 years ago, we had a number of people in the municipal management area who were very giving of their time and expertise, and I would hope we could do the same thing this time. Our needs have changed since then. We had serious financial problems that had to be addressed. But now we have development issues, and we are going to be looking at a completely different type of person, bringing many of the same strengths but additional ones that were not called upon back then. So it will be an interesting process, and one that we will reach out to the community for input on.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We are, as usual, expecting a PRAP from the state very soon. Saratoga Associates has been retained by the Village to assist us in looking at the development phase of the waterfront, beyond the cleanup, trying to focus in on what vehicles we will need to assist in the development and the financing. How do we do that, do we partner with an IDA, do we have our own IDA, do we have Empire State Development, do we have any other variations? They have had a series of meetings and went through a whole range of possibilities, and they are incorporating their recommendations into a final report to be presented to the Board on October 28. It will be quite helpful and informative to give everyone an opportunity to see what may in store for us, and I welcome everyone to attend.

2. Village Commission on Public Health

Mayor Kinnally: This is an idea that was proposed by Bruce Jennings, and he is not here this evening, so I would like to put this over until next time.

3. Deer Ticks and Lyme Disease

Village Manager Hess: I gave the Board copies of a series of pamphlets called the Max Force Tick System. Our area of the state is very susceptible to deer ticks and mice ticks. I would like to make several contacts relative to this program: talk to the county Board of Health, since part of the property is county property, and the DEC, since some of the property is state-owned. We have about 175 acres of parkland; 150 acres or so is wooded area which would have to be considered. I have sent copies to the Conservation Commission. I would like to get information from the health professionals to see if this system is workable. I have tried to get the system that Dutchess County and Putnam County are using. I have sent it to the county health commissioner to see what their opinion is. Westchester County has not adopted it. Whether they do not see it as a serious problem, I do not know. There may be some things we can do locally that would not require county approval. But we have to get all these groups together first and review it.

Mayor Kinnally: This is only one of many systems and many approaches. I spoke with the DEC about the problem of deer a few years ago. It is not something the DEC is going to address at this point. When you are talking about application of insecticide, there are many jurisdictional overlays. It is a question of getting all the information, and perhaps by the next meeting we can get that all together and perhaps get a person here from Westchester County Department of Health, which probably is the agency that would oversee this. Hastings is no different from any other municipality that is battling this problem.

Trustee Apel: Once we find out it is doable, then we have to look at the entire Village and educate the rest of the community. The deer do not know what is public land and what is private, and they will come trotting on your private land. We need to find out how we would make this a comprehensive plan so that it really works. People may want to opt into doing some of these things on their own property so that it blankets the entire area.

Village Manager Hess: Those that are adjacent especially to wooded areas.

Trustee Apel: I do not live in a wooded area, but I have deer walking into my little backyard. I am going to want to do my backyard and my neighbor's backyard. It was interesting to read that mice can have the ticks also. I like the concept of the box that does not kill the mice, but kills the ticks.

Village Manager Hess: It is something we have to look at in detail. It is not going to happen right away, but it is a good starting point to get all these groups together, determine what we want to do, and have some public forums on it, if we decide to go that far.

Trustee Holdstein: This Max Force system seems to be designed for around homes, placing these small boxes. Would you place hundreds of these boxes throughout Hillside Woods or Draper Park?

Mayor Kinnally: I do not want to focus on this one system because we do not want to advocate one particular system.

Cynthia Altman, 36 Cochrane Avenue: I am here on behalf of myself and my husband. As far as the deer go, if you were just to use the bait boxes you would have to put probably hundreds of them. If, and when, the FDA finally approves what is known as a deer-feeding area, where the deer stick their heads into what looks like paint rollers and they are coated with the insecticide, it would kill thousands of ticks on their heads, their ears, their faces. This is the same with the bait boxes, where the rodent goes in and gets coated with the insecticide, comes out, and it does not hurt the animal. But with the feeding stations for the deer, what I have read is that one feeding station is good for about 40 acres, but we are still waiting for a government permit to be approved first. That should be soon because Dutchess County is doing a lot. They were part of the study with the CDC.

Village Manager Hess: In this system, the insecticide is approved by the CDC.

Ms. Altman: It is. The bait boxes were just approved by the CDC last year. We used them in our house. It is \$35 to \$40 dollars a box and you have to have a professional put them out. It is not something you can buy at Home Depot and throw around your house. I have been collecting information for two years because my daughter is so sick with Lyme disease. That is why I came here.

Village Manager Hess: If I can get all these groups together, we will let you know.

Ms. Altman: I have some pamphlets on Lyme diseases to hand out because I think you are so right about educating people.

Mayor Kinnally: We will make those available downstairs and also in the library.

Village Manager Hess: Last spring Raf replayed a program we had on Lyme disease that the Conservation Commission sponsored. We had people in from the Health Department.

Trustee Holdstein: Perhaps we could distill some key bullet points from your pamphlets and put them on the web site and WHOH as part of the education process for people to be aware of, to look for, to ask the right questions.

Ms. Altman: The education of people to know what signs to look for is different for everybody. If you do not catch it early enough you might have years of struggling with this disease. The case in point is my daughter.

Mayor Kinnally: Thank you. More information out there will be beneficial to everybody.

4. Garage Sales

Mayor Kinnally: The next two items have to do with information that has been generated by the Village attorney in response to concerns that we have brought to his attention: a discussion of garage sales and the local law concerning abandoned vehicles that we had on the books for a year. There was a sunset provision, and we never revisited it.

Village Manager Hess: I put this on because we are having a problem with a person in town who is running a business but is putting up garage sale signs every few weeks and running it out of a building on Warburton Avenue. He has been summonsed a few times, paid his \$25 fine, and does it again. I would like the Board to consider changing the penalty for offenses, making it a minimum fine for first offense and progressive fines after that.

This person owns a building on Warburton Avenue. He advertises it as a tag sale. He used to have an antique store in New York City. He used to run this type of operation in Dobbs Ferry. He used to have about six tag sales a year selling off this stuff. He is now doing it every two weeks from this location in Hastings. We have a problem with him putting his wares out on the sidewalk. We had to have that stuff removed.

Trustee Holdstein: What about stipulating that a garage sale should be a garage sale? It should be held at a residence and there should be a maximum of one or two per year.

Village Manager Hess: It already says that. But for \$25...

Mayor Kinnally: The cost of doing business.

Village Attorney Murphy: It is cheap.

Village Manager Hess: What I would like to do is make it \$100 for first offense, and then have some kind of sliding up: \$250, \$500.

Trustee Holdstein: The other part of this is a close review to make sure that someone who is doing it for the first time does not inadvertently make an honest mistake and get penalized. We want to enforce the code. We do not want to have it without legitimate punishment that allows people to run all over the law. On the other hand, we do not want to penalize somebody who makes an honest mistake. How do we communicate to the 99.9% of the Hastings community who is honest and looking to have a once-a-year garage sale that they do not fall in violation and are thereby subject to the same fines.

Trustee Apel: The hours would be the only other thing they might be in violation of.

Village Attorney Murphy: Many communities do regulate garage sales by saying you have to register with us. Some of them charge a minimal fee so that they know that they are there. The list goes over to the police department. Their patrol vehicles may be out and they are seeing all these signs stuck everywhere and they have problems with anti sign-posting laws and littering.

Trustee Holdstein: I have been through this village and seen garage sales commencing before 10 a.m. Does this mean that if one of our patrol officers happens to cruise by on a Saturday morning and sees a garage sale going on, they are in violation of the law and subject to the \$100 fine?

Village Manager Hess: My main concern was the penalties for offenses. But we will take a look at the rest of it, and if it needs to be modified, that is fine.

Village Attorney Murphy: Part, of course, is not written. But the enforcement mechanism is, in many cases, gradual. The police can make a polite warning, and proceed. That is a departmental guideline or call.

Trustee Holdstein: I am in absolute favor of what you are trying to accomplish here, sinking some teeth into it for those that abuse it. I just want to make sure.

Village Attorney Murphy: A number of communities are regulating it because there have been widespread abuses. People are getting around the tax laws by having this continual "garage and lawn sale." You see the same people out there every weekend, and their garage cannot be that big.

Village Manager Hess: We adopted this law in the 1980s because there was a resident who would run garage sales every single weekend and would ship in merchandise for the sale.

Village Attorney Murphy: And it is as much consumer protection.

Mayor Kinnally: Yes, it is regulation. I am not talking about the guy because we cannot have a piece of legislation that is targeted just to one person. But we know from surrounding communities that these abuses exist, and we want to make sure that we do not get known as the place to have garage sales, to the detriment of not only the neighborhoods, but other merchants in the community.

Trustee Holdstein: In 154.3, number 3, it says such sale may not extend for a period of more than three days. I think we could cut that back to one or two days.

Village Manager Hess: When it is a holiday weekend, some people will run it on Saturday, Sunday, Monday.

Trustee Holdstein: I think it is abusive to a neighborhood that my neighbor can run a garage sale and have his stuff strewn all over the front yard, and have signs everywhere, and have traffic for three days of a holiday weekend of people coming to buy at a garage sale. I would absolutely scale it back to one or two days.

Mayor Kinnally: We should mark this up and submit our input to Neil and/or Brian and we can revisit this at our next meeting.

Trustee Swiderski: I agree two days is plenty.

Village Attorney Murphy: I can do a little more research to see if there are any other twists that some other communities may have adopted in trying to beat the ever-evolving issue of perennial garage sales.

5. Abandoned Vehicles

Mayor Kinnally: We have had a problem with people leaving their registered vehicles on the street for extended periods of time. We have problems with street sweeping, snow removal, and the normal movement of vehicles to give people an opportunity both to park and to have free flow of r vehicles, including our police, fire, and safety apparatus.

Village Manager Hess: We have had a problem especially in this area of the Village, where someone will park down the street, take the train into the city, and maybe fly out of New York to go on a business trip and leave their car in the neighborhood as opposed to having a

permit. Sometimes those vehicles are from out of the Village and will stay there for five or six days at a time. We knew we had a law on the books, but there was a one-year sunset provision and it was not renewed, so it ended in February, 1990.

Village Attorney Murphy: Many villages have it. Some of them add additional provisions about if you fail to move your vehicle during a snow emergency within X-amount of time it will be deemed abandoned and will be removed.

Village Manager Hess: Yes, double-check our snow emergency section of the code.

Village Attorney Murphy: The other aspect of this is the security consideration of a vehicle. Any vehicle standing in one spot for any length of time, is not recognized or does not have a reason for being there, is obviously a police security concern.

Mayor Kinnally: If we have any comments, get them back to Neil. It is a problem that we have been experiencing in many of the residential areas for a while.

Trustee Apel: Do we have anybody from the police department around from that time who could tell us if they liked the law?

Village Manager Hess: They did like it. They proposed it in the first place.

Trustee Apel: Why was it allowed to drop?

Mayor Kinnally: We wanted to revisit the issue to see how effective it was, but it just slipped through the cracks.

Trustee Holdstein: I wonder if we have others that have expired.

Village Manager Hess: No, I think this was the only sunset that we had.

As long as we are talking about vehicles and traffic, we have a provision in our Village Code that commercial vehicles cannot be parked in residential areas overnight. They have to be garaged. You cannot have a commercial vehicle in your driveway. So just as a reminder to anybody who may be watching this, commercial vehicles are not supposed to be in residential areas.

Trustee Holdstein: The question is, is that a law that we should look at?

Mayor Kinnally: Enforcing, or changing?

Trustee Holdstein: Both.

Mayor Kinnally: I would not want to change it.

Trustee Holdstein: If we are not changing, should we be enforcing?

Village Manager Hess: We do enforce when we get complaints.

Trustee Holdstein: Is there a difference between my neighbor who owns a van that has seats for kids because they need a van to drive their family, and my neighbor who has a van who has a business out of that van? There are two vans on either side of me. One is a family car, and the other is a business car. The uses are different but how they appear and how they park is identical. I am questioning whether we should look at the law based on that.

Mayor Kinnally: But what if that van is the same van but it is painted pink with neon lettering? That is where you start.

Trustee Holdstein: It depends on how far you can define it.

Village Manager Hess: Usually it is defined with commercial plates.

Mayor Kinnally: We can look at it. And in that regard, the same thing applies as with the garage sales. If you have comments or ideas, get them to Neil.

6. Other

Trustee Apel: I want to talk about the Walkable Communities workshop that was held today. It started at 2 o'clock at the James Harmon Community Center, where we had Charles Gandy of Livable Communities, a consultant from Austin, Texas, come in. He is an expert on bicycle and pedestrian design and safety. About 35 people came during the day. Probably more because some came and went. This evening there were about 20 or 30 people at the meeting. I thought it was very worthwhile. The consultant had some very creative ideas which people in the community may want to think about it. At some point Meg will give us a presentation. I was very pleased. I feel like we are moving in some direction now. We are not just talking or complaining, but we really are coming together with some ideas, and I look forward to continuing this process.

Mayor Kinnally: We will add this as a topic when we next meet with the school board, and we have to set that up between now and January.

Trustee Holdstein: Looking back over the minutes of the meeting of September 23, we had a discussion with a gentleman who gave us some good information, Mr. Dale, regarding the PILOT for the Warburton/Division Street project. I would like to ask the Village Manager to get back with Mr. Anderson. On page 16 of the minutes, the first paragraph, they are talking about some of the costs. Mr. Dale, commenting about his dialogue with Mr. Anderson, said, "He volunteered to lower his construction price and not change his PILOT request to the Village. He was prepared to absorb that loss by lowering his construction price." My concern here is, is he lowering his construction price because he is lowering his construction costs/quality? A lot of this has to do with debt structure and borrowing and so forth. Some people are concerned that he has an avenue to cheapen the project to help make the numbers work if he does not get certain grant money. It would be important for us to be concerned about that, and to discuss with Mr. Anderson these comments that Mr. Dale attributed to him.

Mayor Kinnally: Good point.

We mentioned Andrus before in connection with Edgar's Lane, and I would like to publicly thank Andrus again for the display of whimsy in front of the library. It is very welcoming to walk down to the train in the morning, or walk home from the train and see that pumpkin people display illuminated at night. It was there last year, and there is a photograph on the front of our newsletter, which has been very well received, I might add. People love it. It is a nice seasonal display. Andrus is doing its best to reincorporate itself into the Village, and they have done a wonderful job and I thank them for that.

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:20 p.m.