

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 20, 2004**

A Regular Meeting was held by the Board of Trustees on Tuesday, April 20, 2004 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Peter Swiderski, Village Manager Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Marjorie Apel

CITIZENS: Four (4).

Mayor Kinnally: Trustee Apel is out of town on business this evening.

APPROVAL OF MINUTES

On MOTION of Trustee Swiderski, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of March 16, 2004 were approved as presented.

APPROVAL OF WARRANTS

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Warrants were approved:

Multi-Fund No. 55-2003-04 \$117,744.92
Multi-Fund No. 57-2003-04 \$ 45,395.22
Multi-Fund No. 59-2003-04 \$238,129.92
Multi-Fund No. 61-2003-04 \$130,822.59

APPOINTMENT

Mayor Kinnally: I have some appointments tonight to Youth Council: Jesse Harte, Jesse Fishman, Peter Fishman, Ashley Vavra, Stephanie Melillo, Bethany Cole, Alita Edelman, Ariel Schecter, and Eric Kuhn. Thank you for participating, and we look forward to your contributions.

25:04 INTERMUNICIPAL AGREEMENT FOR ACCESS TO COUNTY CLERK'S OFFICE RECORDS

Village Manager Hess: This agreement provides is a new system to give us the ability to obtain access to the county clerk's records. That could be a very valuable service. I recommend approval.

Trustee Swiderski: Is there cost associated?

Village Manager Hess: No.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to execute the agreement as attached with Westchester County to obtain remote access to the Westchester County Land and Legal Records Public Viewing System, such agreement to expire December 31, 2008.

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

26:04 AUTHORIZATION TO PURCHASE VEHICLES

Village Manager Hess: The first item, the bumper rake for field maintenance from E/T Equipment, was the lowest of two bids submitted, in the amount of \$9,009, \$4,000 of which is being contributed by the Little League. The tractor from Argento & Son is under New York State contract, and that contract expires on April 30; that is why we are recommending approval. We discussed this at our budget work sessions with Parks & Rec and the Public Works Department, and we supplied backup information in saving labor costs by having both these pieces of equipment.

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 authorize the purchase of the following vehicles:
1. Bumper rake for field maintenance from E/T Equipment Company, Croton-on-Hudson, New York, in the amount of \$9,008.00 to be paid from the General Fund.
 2. Tractor from Argento & Son, Inc., White Plains, New York, in the amount of \$15,803.30 to be paid from the General Fund.

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

27:04 AUTHORIZATION TO SELL EXCESS VEHICLES

Village Manager Hess: These vehicles are considered excess vehicles in terms of use by either the Public Works or the Police Department and we recommend selling. They are parked behind the garage at the present time, and will most likely have to be towed by whoever acquires them.

Trustee Swiderski: Do we run the auction?

Village Manager Hess: We do it by sealed bid. Normally, small contractors bid on used trucks and cab companies bid on the other vehicles, although the 1995 Chevrolet Caprice with 253,000 miles may not receive any bids. We notice the auction through the paper and we send it to people who have bid before on our equipment.

Trustee Holdstein: What do you think these three are going to net us?

Village Manager Hess: The first two will probably net us \$6,000-plus. The last one could be anywhere from zero to \$200.

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

RESOLVED: that the Mayor and Board of Trustees declare the following as excess vehicles and authorize the Village Manager to sell same by public bid: 1989 Ford F-350 2WD (Stake Body); 1993 Chevrolet 3500 4WD 2yd Dump; 1995 Chevrolet Caprice 4-door.

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

28:04 AUTHORIZATION TO APPROVE PAYMENT FOR APPRAISAL REVISION

Village Manager Hess: We received two grants for the acquisition of the Graham-Windham property, half from the state of New York and the other half from Westchester County. The state is requiring a change in the appraisal report, and that is what this additional cost is. We have requested that half this cost be borne by Westchester County, because they had indicated they would pay for half of all expenses.

Village Clerk Maggiotto: There are two types of appraisal reports, a summary appraisal and a self-contained appraisal. We had to obtain two appraisals. Albert Valuation did one and labeled it a summary report, which means certain kinds of information were left out of it. So even though this was after the sale was accomplished, when we tried to voucher for the state's portion of the money they told us that they could not proceed with the payment until their real estate department had approved the appraisals, and they would not send them on because one was a summary instead of a self-contained appraisal. Albert Valuation was cooperative. Basically, all the information was the same. They just added a little more backup to it.

Trustee Holdstein: If they did the appraisal, and this is just a revision, it seems like a lot of money to me. Even with Westchester paying half, \$1,500 is an awfully high fee for work that they had already done.

Village Clerk Maggiotto: I did try to negotiate it. They were reluctant to do it at all, and this was the fee that they insisted they would have to charge to do it.

Village Manager Hess: I did authorize her to go ahead with it, even with \$1,500. I know she had tried to negotiate it down.

Trustee Holdstein: I know nothing about land appraisals and what a normal appraisal would be and the amount of work that went into it, but when I read here a motion that just says a revision, and find out that they had already done it, it sounds like a lot.

Village Manager Hess: They had to put it in a different format for the state. The original appraisal cost, between the two appraisers, was \$7,500 to \$10,000.

Trustee Holdstein: It was probably plugging in numbers on a form that is already in the computer. It is like everything today, between taxes and everything else, just plug the numbers into a form in the computer, and then bing, bang, boom, \$1,500.

Village Clerk Maggiotto: We were at quite a disadvantage. We are getting a substantial amount of money from the state, and there was no way the state was going to budge on it; I had to produce another self-contained appraisal. The cheapest way to do it was to get the firm that had done it to revise it.

Village Manager Hess: It is costing us money each and every day we are waiting because the state owes us \$330,000.

Trustee Holdstein: Did Albert Valuation know we needed it in this other form? Was there any responsibility on their part that they did not give it to us in the right form?

Village Manager Hess: No, they did the original appraisal which was used as the basis for the negotiations with Graham-Windham, before we got the state grant approved.

Mayor Kinnally: I agree it is a lot of money. If you can give it the old college try one more time, but they have got us somewhat over a barrel, it appears.

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 authorize the payment of \$1,500.00 to Albert Valuation Group, Inc., Tarrytown, New York, for

revision to the Appraisal Report dated August 7, 2000 of the Graham Windham property acquired by the Village on July 21, 2003, such revisions required by the New York State Office of Parks, Recreation and Historic Preservation.

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

29:04 SPECIAL MEETING BUDGET ADOPTION

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 27, 2004 at 8:00 p.m. for the adoption of the budget and tax rate for fiscal year 2004 - 2005.

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

30:04 CALL FOR PUBLIC HEARING - PARKING RESTRICTIONS RIDGE STREET/REMOVAL & STORAGE PROCEDURES ABANDONED VEHICLES

Mayor Kinnally: This is a request coming to us from both the Safety Council and the Chief of Police.

Trustee Swiderski: What is driving the Ridge Street restrictions?

Village Manager Hess: It was probably an oversight. At the time we did the Ridge Street reconstruction and we did the turnaround area at the southern end of the street, parking on the other side of the street was not restricted. It is very tight to make that turn into the turnaround. So we are requesting that the parking in that area be removed.

Trustee Swiderski: Has there been notification to the neighborhood?

Village Manager Hess: They will be notified as soon as a date is set.

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 call for a Public Hearing for Tuesday, May 4, 2004 to consider the advisability of adopting Proposed Local Law No. 3 of 2004 amending Chapter 282 Vehicles and Traffic (1) creating a No Parking zone on the west side of Ridge Street beginning at the No Parking Zone on the south end in a northerly direction for a distance of forty (40) feet, and (2) amending removal and storage procedures for abandoned vehicles.

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

**31:04 SUPPORT RESOLUTION - LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT FUND**

Village Clerk Maggiotto: This is for state archives and records. You supported a similar resolution the last time that the sunset provision approached. Now they would like to have it a permanent part of the budget so we do not have to do this every five years. The money is well-spent. We have \$20,000 for the GIS work that we are doing, and we had two previous grants for records management. The department has been very helpful to us with lots of good advice on records management.

Mayor Kinnally: I think it is something we should pursue. We have had this program going on for quite a long time, and I know you have been very enthusiastic about and it has shown great results.

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

- Whereas,** the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and
- Whereas,** the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and
- Whereas,** a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and
- Whereas,** the New York State Legislature twice has extended the sunset date, most recently to December 31, 2005, and
- Whereas,** the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and
- Whereas,** the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and
- Whereas,** the Village of Hastings-on-Hudson has benefitted from technical assistance, training, publications and three grants totaling \$36,855, supported by the LGRMIF, and
- Whereas,** the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

Whereas, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Village of Hastings-on-Hudson, and to the cultural and scientific needs of the people of New York State, therefore be it

RESOLVED: that the Village of Hastings-on-Hudson supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent as proposed in State Assembly Bill A10843 and State Senate Bill S06666.

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

32:04 APPROVAL OF GRANT APPLICATION JUSTICE COURT ASSISTANCE PROGRAM 2004

Village Manager Hess: We are applying for \$7,100 for a gavel, a court management software system, a filing cabinet with locks, and three laptop computers.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Mayor to sign the grant application to the Justice Court Assistance Program 2004 in the amount of \$7,100.00.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: I would like to extend our thanks to all the people that were involved in the cleanup weekend. We had a total of 85 people participating, including several people in this room right now: Susan, Peter, Linda Knies, Ann Scholl. I want to thank Linda Knies and Fred Hubbard, who coordinated the whole weekend and did an outstanding job. I would also like to thank the Parks & Recreation Department for their contributions.

On the Community Center, we have had meetings with the seniors, with the Parks & Rec Commission, and with the Youth Council. We are going to set up one or two community meetings to review the initial plans, take the input from all the groups, give it back to Lothrop for a redesign and coming back to the Board, hopefully to move us into the next step. Then we have another community meeting with a new set of plans based on the input that has been received from the Board and from the other groups.

Trustee Holdstein: Where will you have the community meetings, and how do you intend to notice them?

Village Manager Hess: We will notice them through our e-mail list and through the press. We will probably have them in this room. Although we would not normally film something like that, I would like to film those meetings so we get as much coverage on the discussion of the community center as possible.

Trustee Holdstein: People can see it on TV, add further comment, and we maximize the amount of input we can get.

Trustee Swiderski: Is this a time where we can reach out to the neighbors of the Community Center more directly?

Trustee Holdstein: Why?

Trustee Swiderski: Well, you are building a building right there in the neighborhood, and there are people to the north and south of it. Is there interest on the Board?

Village Manager Hess: Yes. I will take the same notification list that was issued for 45 Main Street.

Trustee Swiderski: I would appreciate that. I would rather be safe than sorry and have somebody who is not watching WHOH or not reading the local papers missing it.

Village Manager Hess: I understand that. As opposed to directly benefitting that area, it benefits the entire community, so we are trying to get the public outreaches to everybody in the Village.

Trustee Swiderski: I agree.

Trustee Jennings: The drawings that we saw a couple of weeks ago, even though preliminary and subject to change: have they been put on the Website so people could access and get an initial impression?

Village Manager Hess: I can probably get those electronically and put them on the Website.

Trustee Jennings: I would recommend that we do that. People should take a look before these meetings, and come into the meeting with a general idea and then make their suggestions off of that, just like we did.

Village Manager Hess: I have given you a report on the bond financing for various Village projects. We will review this next week after the special meeting and work session. These are capital items. They are not authorized as part of the budget adoption, although I did stress their recommendation within the budget. But I think they deserve separate special attention, as all capital projects do during the fiscal year.

I want to compliment the fire department, ambulance, and police on an exceptional job they did last night at a critical incident on the Saw Mill Parkway. There was a horrendous freak accident where a tree came down. It crushed the front of a car heading northbound, and the driver only had a few scratches. The tree hit the back of an SUV going southbound, causing the SUV to flip over several times, landing on its top in a gully. Our fire department, ambulance, and police acted admirably and did an outstanding job, prying a baby out of the car. Both parents were dead. A Medivac helicopter landed at Farragut Parkway and the Saw Mill Parkway, and took the baby to Northern Westchester.

Trustee Jennings: I noticed in the paper this morning that Chief Gentile pointed out that our police and fire rarely have to deal with fatalities, and counseling is available if anyone should want to partake of that.

Village Manager Hess: That was tonight at the hook and ladder. It was announced to all those personnel.

More sad news. Tom O'Sullivan's sister passed away this morning. Our sympathy goes out to Tom and his family.

We received today the report of examination by the New York State Comptroller's office. I have had a chance to briefly review it. I want to commend the state and their auditors for their work on this document. They are extremely helpful to Village staff. We will be getting copies. There will be a notice going in the paper. This report is available in the Clerk's office. If it is available on the Website, we can link to it so anybody could see the audit if they would like to. Otherwise we will scan it in.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Neil, Susan, and I are meeting tomorrow with ARCO in an informational session. They are going to bring us up-to-date on progress and status of the cleanup plan. I had a brief discussion with the gentleman in charge of the project last week, and I was encouraged because he used the magic words barge for the fill, and rail for taking out whatever is being taken out, with very little reliance upon truck traffic. One of the reasons for having the meeting is to work with us in coordinating the work on the site and the movement of equipment, debris, etc. to and from the site.

2. Indian Point Relicensing

Mayor Kinnally: I would like to put this over to the next regular meeting, when Marge is here.

3. Community Development Block Grant Funding Reductions

Village Manager Hess: Do you want to put that over to the 4th also, when Marge is here?

Mayor Kinnally: Yes.

4. Other

Trustee Holdstein: I am a little frustrated with some projects that are not moving forward fast enough. I would like to see Kinnally Cove move forward. Obviously, nothing is going to happen for this summer. But a Hastings resident who is a kayaker asked if there is any way that we could develop temporary access so that kayakers and canoeists could have access to the cove to launch boats this summer. I would like you to see if we can open up some area of it for launching.

Village Manager Hess: Sure.

Trustee Holdstein: The same resident asked me about the status of the pool with regard to opening for Memorial Day, noting that as of this past weekend they have not done a lot of work on the bathhouse.

Village Manager Hess: We will have a full update by our May 4 meeting.

Trustee Holdstein: Are the contractors under any obligation as it relates to payment that it is to be done by opening of the pool season?

Village Manager Hess: The outside date is June 15, according to the contract. We are pushing them. In fact, they have found serious deterioration in the roof rafters, so we are going to get a change order to replace those beams.

PUBLIC COMMENTS

John Gonder, 153 James Street: I have a safety concern. Our police department, our fire department, do an excellent job. Our DPW does an excellent job, with the exception of one thing. They could fix the potholes a little bit, but I am not here for that.

I want to just give you some facts. There is over a billion dollars worth of damage to vehicles every year due to vehicles hitting deer. There is also over a billion dollars a year throughout the nation due to injuries of people hitting the deer or the deer hitting the people. We also have several diseases caused by deer, such as Lyme disease. They also do a tremendous amount of damage to shrubbery, over a billion dollars a year. I resided in Hastings all my life except for two years in the service. There were no deer around here. I worked for a florist, and once in awhile I worked in Mount Hope Cemetery. And maybe once or twice when I was a youngster I saw a couple of deer in Mount Hope Cemetery. And I also caddied in St. Andrews, I saw a couple of deer. Now I see them running wild all over Hastings.

I am an early riser. I go to golf courses at 5:30 a.m. to get time for the next following week. In the last year I almost hit seven deer. I will tell you where: James Street south end, 100 yards north of Tompkins; Tompkins around the cemetery; Mariana; Farragut Parkway, 200 yards from the entrance to the parkway; Farragut Road, just north of the Amoco gas station, four deer run across, right across the island; Ravensdale Road; Dan Rile Park, right across there you go by the two new houses built on the left going east; Clinton, a couple there. Unbelievable. I also know there are a lot of deer in other parts of the Village, talking to people.

In my yard I have a tribe of sometimes nine. I throw little stones at them. They just look at you with those brown eyes. They do not move. If I clap my hands like that up in the golf course up in the Catskills they will run 200 yards in six seconds. I almost lassoed one. I thought maybe I could lasso one in my yard and say I am the first person this side of the Mississippi to lasso a deer.

But I am concerned. The danger of deer ticks. My son-in-law has had Lyme disease. My grandson was bitten, proved to be negative. I had tested negative for Lyme disease. Also, I know a friend of mine had Lyme disease. Eight months he suffered, and he had all kinds of steroids and other things, and called it Lyme arthritis, very painful. We have to do something with the deer population. I do not know what to do. I wanted to buy one of those paint guns. I called up a sports academy in Yonkers and they said it is illegal. They cannot sell them in Yonkers, go to the White Plains store.

Mayor Kinnally: Mr. Gonder, we have addressed this problem. We have a committee with the Conservation Commission. They are working on this, and it is interesting that you should raise it. I had three separate conversations with three different people over the week raising this exact issue. We are trying to address it here, but it really is a statewide issue.

You mentioned on Tompkins, they are coming out of Yonkers. At Mount Hope Cemetery, that is the Town of Greenburgh. They are mobile. They are all over the place. It is a health and safety concern. We have a group of people who are working on this with the Town of Greenburgh, and we are going to try to take it up the chain to see if we can engage the county, the state to address this situation.

Mr. Gonder: Because they are dangerous. One roared up at me right behind a tree. My wife made me take down the tree because he ate it all up. A year or so ago, I read in the newspaper that either in Irvington or Dobbs Ferry or Hastings, it was a young doe and a fawn, it reared up and attacked someone on the Aqueduct. It is a serious problem. You have to look into it.

Mayor Kinnally: We are, and thank you for bringing it to our attention.

Village Manager Hess: Mr. Gonder, would you be interested in working with this committee?

Mr. Gonder: Possibly.

Trustee Jennings: Thank you very much for sharing your experience with us. I saw eight in my back yard the other morning. Clearly, this is a problem. We are beyond the stage of sharing anecdotes with each other. We are now actively doing research, trying to do two things: first, figure out how we can engage this on a regional basis, getting the town and the state to cooperate with us because we cannot handle this in our village alone. And secondly, explore a range of options: what can be done about this? We were given by the Village Manager a report from an area in Connecticut where they outlined a number of approaches that they had studied. We are also creating a new commission on public health in the Village. That group of physicians and others will be particularly interested in the Lyme disease aspect of this problem, and I am sure they will get involved with the Conservation Commission and other groups.

Trustee Swiderski: I hit a deer right at the Dan Rile/Ravensdale intersection, incurring \$800 of that \$1billion you spoke of. And my daughter had Lyme disease from a tick off the front lawn. The bummer, so to speak, is that many of the solutions involve something that is fairly unattractive, and we may have to face that.

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 personnel.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session for Tuesday, Apr. 27, 2004 following the Special Meeting and work session to discuss personnel.

ADJOURNMENT

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