

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 11, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 11, 2005 at 8:42 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Trustee Bruce Jennings, Trustee Peter Swiderski, Deputy Village Attorney Marianne Stecich, and Deputy Village Manager Susan Maggiotto.

ABSENT: Trustee Michael Holdstein, Trustee Marjorie Apel, Village Manager Neil Hess.

CITIZENS: Eight (8).

APPROVAL OF MINUTES

Mayor Kinnally: I would like to put over the approval of the minutes until the next meeting because our colleagues may have comments.

APPROVAL OF WARRANTS

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

Multi-Fund No. 48-2004-05	\$556,417.00
Multi-Fund No. 51-2004-05	\$ 6,314.98
Multi-Fund No. 53-2004-05	\$ 55,959.75
Multi-Fund No. 54-2004-05	\$ 12,541.74
Multi-Fund No. 57-2004-05	\$135,259.76
Multi-Fund No. 59-2004-05	\$ 1992.20
Multi-Fund No. 60-2004-05	\$ 4,851.46

1:05 TRAFFIC AND CRIMINAL SOFTWARE SYSTEM (TraCS) AGREEMENT

Chief of Police O'Sullivan: This computer software system is an excellent program. It enhances our department's ability to maintain all our accident reports in a computerized system. We can do the accident reports in the vehicles and issue the tickets electronically from the vehicles, which should take a lot less time and decrease the time that our vehicles are stopped along the side of the road with other people in dangerous conditions. It is a no-

lose situation. We are getting the software free. If we choose in the future to buy the other equipment we are free to do so, but it is not necessarily required. It is a no-cost item.

Deputy Village Manager Maggiotto: The Chief covered it very well and I certainly support his recommendation.

Mayor Kinnally: The Manager recommends approval also.

Trustee Swiderski: As a repeated victim of the parking metered automated ticket system, I know that any automation is going to be effective and worthwhile, so I would imagine it is worth supporting.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Chief of Police to execute the Traffic and Criminal Software System (TraCS) Agreement between the New York State Police and the Hastings-on-Hudson Police Department for the electronic capture and transfer of ticket and accident report data.

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

2:05 DESIGNATE GENERAL VILLAGE ELECTION DAY

Mayor Kinnally: This is our annual resolution designating the Village election day, and a number of the resolutions following deal with that also, as required by state law.

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 designate Tuesday, March 15, 2005 as General Village Election Day, for the purpose of electing one (1) Mayor for a term of two (2) official years, and two (2) Trustees for a term of two (2) official years each, and be it further

RESOLVED: that the polls are to be open between the hours of 7:00 a.m. and 9:00 p.m.

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

3:05 DESIGNATE ELECTION DISTRICTS

Mayor Kinnally: This a follow-up of the discussion that the Board had a few months ago where we decided to consolidate the election in one location, and it will be in the Orr Room in the library.

Deputy Village Manager Maggiotto: This is the first mention this new year of something that I am going to talk to the public about many times in the next couple of months because we are going to need a lot of public education about where to vote. I have on order signs to be placed at all the current voting places telling people that the voting is at the library. We have to do outreach to the Andrus Home. That was mentioned as one area that the Trustees had a special concern about to make sure that we handle all the absentee ballots for the people in the Andrus Home, or arrange for transportation for those who want to come out to vote. We may do a Village-wide mailing.

Trustee Swiderski: And a banner over Five Corners?

Deputy Village Manager Maggiotto: Sure.

Trustee Jennings: The most consistent concern I have heard has been about the parking arrangements around Village Hall. We have the experience of a single voting place with the school district, and the parking around that area is very difficult also. As soon as we have a plan in place to allow for short-term parking, run in, vote, leave, etc., like they do around the school, and have the personnel out there to direct traffic, we should share that with the public.

Jim Metzger, 427 Warburton Avenue: Given the voting problems that are still existing in the state Democratic race with people showing up and being asked to vote in the wrong election district in the right voting place, I would like to make sure that somebody from the Village be assigned to make sure that people get to the right area, sign in the right book, and vote in the right place. It may not be an issue for this election, but we want to make sure that we do not have 107 votes sitting out there with a judge from Brooklyn trying to decide whether they should be counted.

Mary Jane Shimsky, 35 Ashley Road: Will there be a separate machine for each election district, or are they going to be combined and just a few machines like the school board elections?

Deputy Village Manager Maggiotto: They will be combined. The books that we get from the Board of Elections are by election district, so people will still need to go to the right table to vote, and we will help people who are not sure. But the voting will be on two or three machines, depending. It will not be tallied by election district. That is probably the only change, that we will not be able to differentiate among the districts.

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

RESOLVED: that the Mayor and Board of Trustees designate the following Election Districts: 18th, 19th, 20th, 21st, 22nd, 23rd, 52nd, and 59th, all Districts to be located at the Hastings-on-Hudson Public Library in Fulton Park for the General Village Election Day to be held on Tuesday, March 15, 2005.

ROLL CALL VOTE

AYE

NAY

Trustee Michael Holdstein	Absent
Trustee Bruce Jennings	X
Trustee Marjorie Apel	Absent
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

4:05 GRIEVANCE DAY

Mayor Kinnally: This is our annual grievance day, where people can question the Village assessments on their property. By law, we have to designate a day, and it will be Tuesday, February 15.

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 designate Tuesday, February 15, 2005 as Grievance Day, from 5:00 p.m. to 9:00 p.m. in the Conference Room, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York, and be it further

RESOLVED: that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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

5:0 TAX LIEN SALE

Mayor Kinnally: Once again, by law we have to designate a tax lien sale date, and March 15 is the date. Any comments from the Board?

Trustee Jennings: That is a busy day. Is it wise for the Village office staff to have the two things going on the same day? Will that stretch you too thin, Susan?

Deputy Village Manager Maggiotto: We have always done it on election day.

Trustee Jennings: Yes, but you have not always had the first-time single voting place problem to handle.

Deputy Village Manager Maggiotto: It does not take very long; it is a short process. But I suppose we could do it another day. I do not think there is any reason it has to be that day.

Mayor Kinnally: But do you see it as being onerous having it on that day?

Deputy Village Manager Maggiotto: 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 designate Tuesday, March 15, 2005 as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Building, 7 Maple Avenue, Hastings-on-Hudson, New York.

ROLL CALL VOTE

AYE

NAY

Trustee Michael Holdstein	Absent	
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	Absent	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

VILLAGE MANAGER'S REPORT

Deputy Village Manager Maggiotto: I have no report from the Manager or from myself.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Neil and I have a conference call with the Department of State next week to go over the outstanding environmental grants, and I will report on that at our first meeting in February.

2. LIPDD - Planning Board Report

Mayor Kinnally: The next item for Board discussion and comment is the LIPDD, Light Industrial Planned Development District. I ask what the pleasure of the Board is, given that two of our colleagues are not here this evening. Marge is one of the individuals who was pushing this. We might be better off putting this over to next week so we can have a full complement of our Board members to discuss this.

Trustee Jennings: We will have to repeat ourselves when we have the full Board, so why not wait?

Trustee Swiderski: Absolutely.

Mayor Kinnally: We are in receipt of a letter from the attorney general's office indicating that they are declining to issue an opinion to us on the question that we posed concerning guidance for the determination as to whether a protest petition filed by Perdue Pharma is valid or invalid. I would suggest that the Board of Trustees meet in executive session at 7:30 p.m. next Tuesday for advice of counsel on this. We are not going to do it tonight because we do not have a full complement of Board members.

EXECUTIVE SESSION

On MOTION of Trustee Swiderski, SECONDED by Trustee Jennings with a voice vote of all in favor, the Board scheduled an Executive Session for 7:30 p.m. Tuesday, January 18, 2004 for advice of counsel.

3. Definition of "Mixed Use Building" - Planning Board Report

Mayor Kinnally: The next discussion is the definition of a mixed-use building and a number of suggestions and variations on the theme suggested by the Planning Board, the applicant, and other people in the community. For the same reasons, I think we should put this over until we have a full Board. Is that the sense of the Board? We want to move these things forward, but we want to have the benefit of everyone's input. We will deal with this next Tuesday evening.

Trustee Swiderski: Marge had an idea that she wanted raised when this discussion was held, which was having this mixed-use rewording be contingent upon approval of the Planning Board and/or the Village Board in anything that involved a mixed-use: a codicil to the rule proposed saying this would be dependent upon a special use permit. Is that something we need to have crafted to discuss in the meeting next Tuesday? If so, I would like to suggest that it be done, so we do not lose another two weeks. That may be an elegant way of addressing everybody's concerns and having this concept moved forward.

Deputy Village Attorney Stecich: That was one of the proposals that the Planning Board considered: that it would require Planning Board permission. Then they decided it does not need to be part of the statute, because in the course of site plan review you can just decide that this mix does not make sense. But I certainly could draft language that would require a special permit. You suggested either the Board of Trustees or the Planning Board. I could draft what you want.

Trustee Swiderski: In the interest of this being resolved sooner than later, if we could have something to discuss, but I do not know which.

Deputy Village Attorney Stecich: Why do I not get alternative language. We would have to have a new public hearing, so at the next meeting you could decide which one you like better and that would be the one that we would hold the public hearing on.

4. Conterminous Village/Town

Mayor Kinnally: This issue has sparked a lot of interest in the Village, in the town, in the surrounding villages and surrounding counties. We had an inquiry from somewhere in the County of Rockland about this. I had WRTN and WVOX ask for a 10-minute interview last week. It is amazing that people are quite curious about this. The mayors of the neighboring villages are trying to get together next week to discuss it. There is interest in seeing if we

can save money in joining forces to get the information we are looking for. This is something that we do not control ultimately because the county and state legislatures have to approve it. But a lot of information has to be gathered even before we can start to consider the wisdom of doing this.

The next step is for the meeting with the other villages to go forward, to see where we can go to get the information we are looking for costed out and get a proposal. I would like to speak to some members of the county board. It is early in the process, but I would think you would want to take the pulse and see where they stand on it.

Trustee Swiderski: At one point we were talking about a committee or a group to review the cost. Is that going to be subsumed into the cost of a paid study?

Mayor Kinnally: I do not know. A lot of that information may come out of what Paul is trying to put together. That is not to say it would supplant what we would be looking for. The identification of the items in the budget that address our needs, or services that are made available to us versus services that we take advantage of, is part of both a volunteer and a paid effort. Maybe some of the other villages have already looked into that. But there will be a pretty good pool of information to draw from to discriminate over what we think is valid and that which is of less validity.

Ms. Shimsky: I want to point out a couple of factors which might be relevant in addition to analyzing the costs that we pay to Greenburgh and which services we use and we do not use. There is currently a push for an investigation on the part of certain residents of unincorporated Greenburgh who believe that there are a lot of expenses that should be charged to the villages which are currently not charged to the villages by the town, and that certain receipts are put into the town-wide budget which benefit the villages as well as the unincorporated area that best belong in the unincorporated-only budget. So in addition to looking at the cost benefit as things exist, we are also going to have to look at down the road, in the very near future, we may get hit with a substantially higher tax bill.

After all of these layers of financial analysis are done we have to look at the intangible reasons for either leaving or staying within Greenburgh. It is possible that we have more influence over our fate being part of a larger entity, especially one that borders a big city like Yonkers. For example, a number of residents in Hastings have been very active in the effort to get the City of Yonkers to pay attention to our needs as they try to go forward with that

mammoth Ridge Hill development. Working through the Town of Greenburgh I think we were more effective than we would have been had we just started swinging at them as a village that is not even bordering their community.

Mayor Kinnally: It would be safe to say that our ability to have input with the City of Yonkers exceeds the ability of the Town of Greenburgh to have any input with the City of Yonkers. There is a credibility factor that enters into it as one of your intangibles. I do not see that this village is any way diminished going toe-to-toe with the city of Yonkers without having the Town of Greenburgh.

Ms. Shimsky: The Town of Greenburgh spent a couple of hundred thousand dollars already on very high quality legal representation and various experts putting together the response to the Draft Environmental Impact Statement, and Hastings residents have been able to work with other residents through the citizens committee. We received a lot of benefit from that. Your point is well taken on other factors, but on the whole if we had to go toe-to-toe against Yonkers, that would be quite an expense to our village as opposed to having it a communal matter for all of Greenburgh and especially the other areas that are affected by this.

Trustee Jennings: What is your sense of why we are seeing an adversarial us-versus-them sense growing in the Town of Greenburgh? I understand part of what motivated us in terms of the lawsuit costs. But since the facts of the economics have not changed much for many years, why now? Is it a retribution to the suggestion of forming our own town, or what is happening with the unincorporated portion?

Ms. Shimsky: More than anything the impetus may have been questions about how the purchase price for the Taxter Ridge open space was apportioned, and that has led to a whole can of worms where people are now beginning to question a number of items in the Greenburgh town budget. We could end up with a big comprehensive analysis which might cost us a lot, or might not.

Mayor Kinnally: The real starting point of all of this, the reassessment of how things are allocated in the budget, comes from the dispute with the Edgemont area. It has been a long-standing dispute with the town and with the supervisor.

Ms. Shimsky: I saw a couple of letters to the editor in *The Enterprise* about suggestions on moving to a town-wide night police dispatching system. Could you talk about that?

Mayor Kinnally: It is something that has been floated. We have talked to the Chief about it, and the Chief is talking to other departments. There are pros and cons at this point. Some of the concerns are whether people in the town would be knowledgeable enough of what we have here that the response time would be compromised. But we will look into that.

Ms. Shimsky: Has this been talked about for awhile, or has it just come up recently?

Mayor Kinnally: Sharing of services as a concept has come up over the years, and we do share services with adjacent communities. But this particular proposal has been in the last two months or so.

Danielle Goodman, 38 Ashley Road: I wanted to bring to your attention one of the services we use that is administered by the town: Meals on Wheels. Meals provided to senior citizens now cost \$2.50 per day. A Town of Greenburgh employee delivers those meals to our senior citizens, and that is a service that we do not provide here. That is a very important program.

We have cut our senior budgets over the past years. When I recently relocated an elderly relative from New York City to live here, the Town of Greenburgh was quite helpful. They have a full-time staff that deal with aging issues; they had a social worker who spoke with us. It was very helpful and we do not have that service; I do not know what the cost would be of duplicating that.

It seemed that there was a dismissive thought to having duplication of police services. But in a time when homeland security is an issue, I do not think that is a bad thing. My other concern is that down the road, when the federal government is doling out monies for homeland security, are we going to be able to get better services or more money if we are both a village and a town. So that is a concern.

Jeff Bogart, 5 Jordan Road: On the noticing requirements, the public hearing is closed, but the same considerations that I raised relative to ZBA variance hearings seem to be applicable to rezoning amendments, and signage being posted in those cases seems to be a good idea. The 9-A site, 422 Warburton, the Andrus Memorial Home are just some of the areas that have been the subject of rezoning proposals and that have a large impact. As people other than those across the street pass by they would be able to locate the spot and be able to relate. Also, I was wondering about Bob Bernstein's lawsuit to which Mary Jane alluded.

Mayor Kinnally: I spoke to counsel about it. The Board is going to meet about this next week. We have not, as a Board, discussed it. We were given an invitation last Thursday by the town to put papers in by Friday or Monday. The invitation was declined, but we have not shut the door to them. It is a big step. Counsel is going to seek direction from us and we are going to look into it. Part of what we are going to consider is intervening, but we have not had an opportunity as a Board to get guidance from counsel and vice versa.

Mr. Bogart: I assume other villages are in the same situation, and that something could be done jointly as well.

Mayor Kinnally: It could be. They were all given the same deadline. My suggestion was to go to the judge and get an extension of time. The high-priced legal talent that the Town of Greenburgh is spending its money on chose not to do that, but that is for them to decide.

Mr. Bogart: It would be interesting to know what the amount of money is that we have obtained in grants for the last year, and the number of proposals that are outstanding. We have a pretty active grant proposal program that has provided us with a fair amount of money and that is good, and it will be interesting to know more about that in terms of dollar values.

Deputy Village Manager Maggiotto: Our planner, Angela Witkowski, has a pretty accurate spreadsheet that we could distribute. I know she makes it available periodically to the Board and probably has not done it in several months, so we could do that.

EXECUTIVE SESSION

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting of Tuesday, January 18, 2004 for advice of counsel and for litigation advice in connection with the Bernstein lawsuit and the coterminous prospect.

Trustee Swiderski: It is rare that I comment on activity in any neighboring village or town, but I was struck with great sadness by an action taken by Eastchester last week in removing partner benefits for same sex couples for village employees. It may be straying outside our usual domain to comment on another town's actions, but I wanted to comment that it is rare that what I would call almost national level politics intrudes in a community where, in Westchester County at least, we tend to be somewhat progressive and open minded on these

issues. I was sad by both the move in Eastchester and the tenor of the discussion around it. It was not pretty, and for that to happen in Westchester County saddened me.

ADJOURNMENT

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