

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 15, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, March 15, 2005 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 Marjorie Apel, Trustee Peter Swiderski, Deputy Village Attorney Marianne Stecich, and Acting Village Manager Susan Maggiotto.

**CITIZENS:** Five (5).

**APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of February 15, 2005 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 74-2004-05\$66,662.94

**8:05 LOCAL LAW NO. 2 OF 2005 - REQUIRE POSTING OF SIGN FOR VARIANCE**

**Mayor Kinnally:** We have received a memo from the Village Manager, who is feeling better and we send him our best wishes. He has reviewed the Proposed Local Law and has put in writing what he has indicated to me over the last few months: his feeling that the law does not work and will cause more problems than it will solve. He does not recommend it.

**Trustee Apel:** Although I am in favor of giving as much notice as possible, putting signs all over the community, especially if most are for decks and people in the neighborhood are going to be notified, posting a variance notice is probably overkill. There are probably other projects that we wish we could know about, but you cannot separate them out.

**Trustee Holdstein:** I have already stated my strong opposition to this for a variety of reasons. It is not effective, it is not attractive, it is not going to accomplish what we would

like to do, which is to further enhance our ability to notify neighbors. Most of the variances are people doing home improvements that get noticed within 300 yards of the affected property. I am in favor of any kind of notification, but I do not see this as a solution.

**Trustee Swiderski:** I have nothing intelligent to add.

**Trustee Jennings:** I agree with my colleagues. The disadvantages outweigh any benefits. It might be worthwhile looking into our notification about Planning Board activities on big site development. But for zoning variances, it seems to be the wrong solution.

**Mayor Kinnally:** No motion for this amendment, so it falls of its own weight.

**32:05 SCHEDULE PUBLIC HEARING ZONING CODE CHANGES**

**Mayor Kinnally:** This was the subject of a work session last week. We can get into any comments we have about the draft later.

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 Thursday, April 7, 2005 at 8:00 p.m. to consider Proposed Local Law No. 7 of 2005 Amending the Zoning Law to Amend the Definition of "Mixed-Use Building."

<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	

**33:05 SALARY DEPUTY VILLAGE MANAGER**

**Mayor Kinnally:** The Board met in executive session last week and had a discussion about what our perceptions were as far as the workload that has been assumed by Ms. Maggiotto and our experience of what she had done when Neil last took a leave of absence. It was the sense of the Board that this reflects the added work that she has done. It cannot be retroactive. She has been doing this for a number of weeks now, and put together the entire budget. This is a reflection of her additional workload.

**Trustee Swiderski:** This only partly goes to express our thanks for the efforts put in and appreciation for what Susan is doing. It is symbolic almost compared to the amount of work being done. Thank you.

**Trustee Jennings:** I agree. I would also add that it is not simply in recognition of longer hours, but also greater responsibility and complexity of the task that she is taking on. She is working not only longer, but harder.

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

**WHEREAS,** The Board of Trustees of the Village of Hastings-on-Hudson did create the position of Deputy Village Manager and Susan Maggiotto was appointed to that position, and

**WHEREAS,** Neil P. Hess, Village Manager was granted a leave of absence from his official duties on March 7, 2005, and

**WHEREAS,** The Deputy Village Manager has assumed all of the duties of the Village Manager in his absence, and

**WHEREAS,** the assumption of the duties of Village Manager by the Deputy Village Manager will require her to devote additional hours and energy to complete said additional work, now therefore be it

**RESOLVED:** by the Board of Trustees of the Village of Hastings-on-Hudson in regular session duly convened as follows:

1. The yearly salary of Susan Maggiotto be and the same hereby is increased to the amount of One hundred thousand five hundred [\$100,500.00] dollars, to take into account the additional hours that will be devoted by said employee to the duties of Village Manager, which additional remuneration shall be paid until Neil P. Hess returns from his leave of absence and resumes the duties of Village Manager or a new Village Manager is appointed by the Board of Trustees

2. This resolution shall take effect immediately.

<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	

**35:05 PURCHASE OF POLICE VEHICLE**

**Acting Village Manager Maggiotto:** In past couple of years we have had to follow the buildout schedule in order to get the current price under the contract. We would like to authorize ordering the police vehicle; it will be delivered and purchased next fiscal year.

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 purchase of one (1) police vehicle under Westchester County contract at a cost not to exceed \$24,400.00 to be paid from the General Fund.

<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

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

**Acting Village Manager Maggiotto:** The work on the upper wall at the end of Boulanger parking lot will start next week. The plan is to eliminate several meters closest to the wall for safety reasons to keep vehicles away when they are removing the upper wall. We are going to build a temporary ramp going across the median so that cars can have a turning lane that is a safe distance from the wall. That will last for a couple of weeks.

The four sketches of the cove are on display in the library front window. We are getting a lot of responses. They are labeled by number and people are referencing them when they respond back. There was a little confusion about that geogrid. Some people thought it was a structure going out into the water. The McLaren group is going to the Parks & Rec meeting April 4 and then will come to your meeting on April 7. We hope that at that point, with the recommendations of the Parks & Rec and the feedback from the community, we can come to a decision so we can get going on it.

**Trustee Swiderski:** There was some talk about a sample grid section. Has that been done?

**Acting Village Manager Maggiotto:** I understand we were not allowed to put anything in the water without approvals. But they have described another material that is more like cinder blocks held together with chains or something to that effect. They are going to review all that with Parks & Rec. They seem to be backing off from that geogrid idea.

Cleanup weekend is April 16 and 17. In conjunction with the cleanup the Parks & Rec Department has scheduled a poster contest for students grades K through 8. The theme is "keep our village a neat place to live."

We are meeting tomorrow with Lothrop Associates. There is a setback in the timing of their getting their bid packages ready, so the Community Center will be open through April.

We had the tax lien sale today. Going into the sale, the amount outstanding in unpaid Village taxes was about \$25,000. Today all the liens were sold except for six minor ones totalling \$379, so we have almost 100% tax collection.

We have our halls adorned with art again, a preview of the upcoming Artists Studio Tour. It is such a delight, beautiful art by our local artists. I invite everyone to stop in and walk through the halls and enjoy it.

This is election day and we have nearly 300 people voting, not a great number but more than last year. We monitored the parking situation carefully, both up here and down below, and there was a steady stream of people all day long. Everything seemed to be working fine.

**Trustee Holdstein:** On the cleanup, is Linda sending out notices or letters or fliers to some of the past groups? She has her list of people that always participate. Hearing directly from her would be helpful.

**Acting Village Manager Maggiotto:** I do not know. I know that they almost always come forward anyway, but that is a good suggestion. On that same line, we have had over 30 people volunteer to adopt trails throughout the Village. This means taking a little responsibility for the trail that you like to walk on or that is near your house, and getting together with other users and keeping it picked up and cut back.

**Trustee Jennings:** On the parking lot issue, with the two-week period of eliminating a few meter spaces, perhaps you could address a letter to the business owners urging them to ask their employees to park elsewhere. It would be especially helpful to the Village if for that two-week period they would make that special effort.

### **31:05 PAYMENT IN LIEU OF TAXES 422 WARBURTON, LLC PROJECT**

**Eric Anderson, A&F Commercial Builders:** We are here to ask for the Board to consider, and hopefully approve, our request for a PILOT for the real estate taxes at our affordable housing site at 422 Warburton. The PILOT has been a much-considered issue. The Board of Trustees endorsed the notion of the PILOT in resolution, if not the actual economics of it. The document with the proposed schedule of payments has been vetted by Marianne Stecich and the school board's attorney. We met with the school board last night and they are considering it. We are scheduled to meet with the Westchester County IDA, the legal

authority that will grant the PILOT, on April 7. We are in the final stages of this very important, and I think final, aspect of the affordable housing project on Division Street, and we would appreciate both your comment and, hopefully, your support.

**Mayor Kinnally:** I received a call yesterday from the president of the school board asking if we could meet with them to discuss this. I would recommend that to the Board. The timing is difficult. Our next regular Board meeting is on April 7. This is what happens when it comes to us late: we do not have much wiggle room. But we cannot accommodate this before that date.

**Trustee Holdstein:** Can you share the dialogue with the school board president? Why did she want to meet?

**Mayor Kinnally:** To share information, to make sure we were all on the same page and were not working at cross purposes. Or just to get a better sense of where everyone is on this.

**Trustee Holdstein:** Marianne, have you gone over these numbers?

**Deputy Village Attorney Stecich:** Just the agreement. The Board has to go over the numbers.

**Trustee Holdstein:** Should we as a Board, or jointly with the school board, consider having someone from the outside look at the numbers from an independent standpoint to guide us?

**Mayor Kinnally:** Bruce Dale did this for us. Have the numbers changed since the last time?

**Mr. Anderson:** Not in a year. They changed dramatically when the size of the project changed. We are hoping for a loan from housing tax credit, but that will not affect the value of the PILOT.

**Trustee Apel:** Are we allowed comment on the contract itself, or only the PILOT part?

**Deputy Village Attorney Stecich:** The whole thing is the agreement.

**Trustee Apel:** On page 7, under the tax exempt status of the project and the assessment of facilities and real property, it says, "In addition, the last PILOT payment made, or payable prior to the convenience date, may be reduced to reflect the apportionment of real estate taxes as of the date of conveyance." I did not understand why it could be reduced, nowhere does it mention it can be increased, and why would it be changed at all.

**Mayor Kinnally:** There is usually an apportionment of real estate taxes as of the date of closing. It may be that the purchaser has to pay all of the taxes, but that the seller owes some money on it and there would be a reduction in that regard.

**Deputy Village Attorney Stecich:** Let us say the last payment was for the month of November of 2020 and the PILOT payment was \$5,000, but their taxes became due November 10. Starting with the taxes from November 10 forward, they have to pay full taxes. Their PILOT is reduced; it is not the full \$5,000. It is only 1/3 of the \$5,000. So they are not paying PILOT and taxes both. That is all that means.

**Trustee Apel:** On page 8, on the bottom where it says number 1: the property has been altered by fire, etc.: it does not say that they need to have insurance to cover the costs. In other words, it says that they do not have to pay anything. Would they not have an insurance policy that would make payment?

**Mr. Anderson:** The word casualty is a reference to the notion of using insurance proceeds to repair the property in the event of casualty.

**Trustee Holdstein:** But that is to repair the property. It does not address the pending PILOT.

**Trustee Apel:** Prior to the casualty reduction. We need a little more explanation on this. It is kind of complicated.

**Deputy Village Attorney Stecich:** I will make a note here and I will look at it in the context of the whole agreement.

**Mr. Anderson:** This is the Westchester IDA's form of PILOT. The lender, which in this case is the state HFA, will want to have some security that if there is casualty they will not necessarily be at risk for the full PILOT obligation. That is probably where this comes from.



**Trustee Apel:** They, not you. They, the state, because the state is responsible?

**Mr. Anderson:** No, my responsibility would continue. But they are trying to protect themselves as a lender.

**Deputy Village Attorney Stecich:** The lead-in says the assessor may amend and correct the fixed PILOT payment when and if. So it is really the assessor's decision, and the assessor is your assessor. That would be a protection there.

**Trustee Apel:** What I want to know is that we will get our money, period. If something happens, where is the protection? Is there insurance that pays for this? And if it is delayed, do we eventually get it, and at what point?

**Mr. Anderson:** Right. The lender will have casualty requirements. But again it is sort of the same point you are making: including loss of rents, which would then imply the ability to pay ongoing obligation.

**Trustee Holdstein:** Are you going to invite the school board to attend our meeting on April 7?

**Mayor Kinnally:** No, we are going to have a meeting of either one or two members of this board and one or two members of their board prior to April 7.

**Ms. Smith:** I urge you to do it before April 7, and try to move on it in a timely manner.

**Trustee Swiderski:** Is there any possibility of tacking it onto to the work session next Tuesday?

**Mayor Kinnally:** I think it would be awfully difficult to get everybody together between now and next Tuesday.

**Jim Metzger, 427 Warburton Avenue:** Is there a financial advantage to the Village for granting the PILOT, or is that strictly something that benefits the developer? What exactly is the benefit of the PILOT?

**Mayor Kinnally:** It is a requirement of the IDA that there be an agreement for a PILOT because it fixes the obligation subject to a yearly adjustment. But it allows them to plan on

the carrying costs for the project. It benefits the developer to a certain extent, but it also benefits the affordable nature of the project.

**Mr. Metzger:** Is the PILOT dependent on tax increases throughout the Village?

**Trustee Holdstein:** The PILOT has nothing to do with taxes in the Village. It sits as its own structure and its own payment. So whether our taxes go up 20% or 2% has no bearing once you establish the PILOT. The PILOT sits alone.

**Mr. Metzger:** If our taxes go up an inordinate amount for whatever reason, does that piece of property then not be affected, and might it be more beneficial to the Village if it was part of everybody else's taxes?

**Trustee Holdstein:** It is completely unaffected. It is a payment in lieu of taxes. This is a set structure, and it is a payment that we are guaranteed. Whether we have a zero increase or a 20% increase does not impact that.

**Mayor Kinnally:** There are PILOTs that can be structured to build in an increase depending upon the increase of the taxes over a period of time. But this one it is not being done that way. We are not at the lead on this. The county is calling the shots because of the money that they are putting in. We have had PILOTs in the Village where we built in certain things, but in this one it does not appear that the county is being very flexible. The numbers we have are pretty much the numbers that we are going to get. We will sit down with the school board and try to put this on our agenda for April 7.

### **EXECUTIVE SESSION**

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Board scheduled an Executive Session during the adjournment of the current regular meeting, awaiting election results, to discuss personnel, litigation, and land acquisition.

### **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** Fred Yaeger is here on behalf of ARCO this evening. I have been advised that the contracts for the demolition have been opened and have been awarded but not

announced. They are now looking at a summer completion. We had a good meeting with the LWRP last week, and I am going to resume discussions with Dave Kalet of ARCO about public space on the waterfront. I have been asked to indicate that the website oneriverstreet.com is up and running with links to a number of our websites.

**Trustee Holdstein:** My concern is some restriction on truck traffic over the bridge during the commuting hours.

**Fred Yaeger, ARCO liaison:** We will accommodate whatever the regulations are. The regulations by the Village state that we should not be doing that until after 8:30 or so. We will communicate with Susan and the Mayor and everybody to work out what is feasible from our standpoint as well as from yours.

## **2. Draper Park - Request by Dawkins**

**Trustee Jennings:** I went there to observe the situation, and my major concern is not what Mr. Dawkins or the neighbors presented, but that the driveway behind the houses is a dead end and does not go through to exit onto the egress part of the main road out to Washington Avenue. I found it very difficult with my vehicle. I drove to the end of it and discovered that it was a dead end. I had to back out, which was awkward to do. As a representative of the landlord, I do not find that desirable or even acceptable. Apart from the proposal before us, I would like to encourage the Board to consider the possibility of completing that driveway so that it reaches the road. I do not know how the people who live there feel about it, but if I lived there I would want it done. Whether that would obviate the need for what Mr. Dawkins is proposing or not I do not know. There is a bit of a slope, so I do not know how difficult or how costly it would be to extend it.

**Trustee Holdstein:** You would have to be able to facilitate a right-hand turn at the end of it.

**Ms. Smith:** Speaking for the Draper Review Board because I am up there a lot because of the Historical Society, I have seen traffic going at an unsafe speed through there. I do not think it would be a safe situation at all to have an additional way to go through. When we originally conceived of the road, we agreed that one-way traffic was helpful. The kind of T-road that goes in behind the houses was considered a private, shared driveway and was not meant to be a thoroughfare. It was meant to be a small, pastoral kind of thing. To have a

whole proper-sized roadway through there would also aesthetically change the back of the houses.

**Trustee Jennings:** If people are speeding on the roadway that now exists we need to do something about that. Speed bumps, what have you. I do not think the status quo should be accepted and perpetuated simply out of a concern that people are going to speed. We need to deal with that on its own terms.

**Trustee Holdstein:** The people that are most impacted are the people who live in the three houses. I would be curious to hear what each of the three residents feels. They may say it takes a few extra minutes to do a little backing in and out, but that is okay. If all three tenants do not experience that as a problem, then...

**Trustee Jennings:** You are quite right, except that the last time we heard testimony on this I recall that one of the people did say that it was commonplace for cars, in turning around, to back up onto the grass, off the cinders, and so forth. So the tenants should have a voice in this, but we have to think about the way in which vehicles impact our park.

**Trustee Apel:** How is a fire truck going to turn around in there? I do not think they could.

**Trustee Holdstein:** They can slowly be directed out if they are exiting at the end. When all the necessity for them to be there has calmed down, in backing a truck out they will take their time.

**Vladimir Lunis, Cottage 1 Draper Park:** The access drive that we have is not complete. The work on the drive is not completed. The traffic lane is completed and the second lane, which is 11 feet, not eight as Mr. Dawkins stated last time, if kept available for its designated purpose, which is visitor parking and access to residential parking bays inside the property lines, will provide the double space, the 25, 24 feet necessary to make the turnaround.

The plan that was provided to us with the protection plan—and the design belongs to professional architects and landscape designers who worked on that plan together—provides for a turnaround at the western dead end of the drive. That turnaround has not been put into place. If there is a turnaround at the western end, this backing-up problem is solved. There is available area there. The work on filling the old quarry is not completed. But when it is filled and cleared, that dead end can be completed as a turnaround and the problem is solved.

Again, if the Dawkins proposal is approved and implemented we will have two bottlenecks and an impossibility to maneuver within the drive. The designers, and I am referring to page 22 of the protection plan, expressed the concerns that you have expressed just now. "Sanitation, snow removal, and emergency vehicle access and maneuvering would be possible, but limited" with a two-lane drive; when there is a one-lane drive with two bottlenecks, it will be impossible.

I am urging you not to approve the proposal that the Dawkinses are bringing here for the third time. I am encouraging you to affirm the plan given to us, approved by the Board of Trustees that preceded you and given to us as the controlling document in our contract. Affirm the validity of that plan, and have residents and the Village together complete that work. All that needs to be done is grading of the access and visitor parking lane with an appropriate material in the direction of the park where the drain is. The drainage problem is solved, the access problem remains reasonably well taken care of, parking space for visitors is not lost, adjacent parkland is protected. And a lot more peace in that corner of Draper Park.

**Mayor Kinnally:** Never happen. There will never be peace up there. One of the problems that I had, and this is the third time I have been there, is that there is snow on the ground and I could not appreciate how it abutted the full width of the driveway. So I am not ready to say yes or no to it. I have to look at it when the snow is off the ground.

**Kevin Dawkins, Draper Park:** There is a lot in the protection plan about that access road, and it was the topic of a lot of discussion when this Draper Park plan originally came up. I do not know where I would stand on it, but it is worth having a full and separate discussion about that issue.

I would like to continue the comment that Mr. Lunis made about the paragraph on page 22. While it does say that sanitation, snow removal, etc. would tend to limit the use of this area to residents and their guests and tradespeople, it says that the basic grading, drainage, paving, and maintenance of it could be Village responsibility, but individual owners could embellish it with plantings, curbs, upgraded pavings, etc. The protection plan does seem to indicate that this kind of work does not conflict with the original design of the park and the houses.

**Trustee Apel:** We are losing sight of the fact that although it is in a park area there are houses and people living there. The street is narrow, and then it drops off into this mud

where the cars are parked. If you go to the two far ends where the other houses are, there are cars parked. I cannot imagine if anybody is going to visit these people, that there is anyplace to park, least of all turn around. To fight over this edge of land, which just drops off into this mud, it is unsightly, even if it is parkland. If you went to park up there today you would be stuck in the mud. You would need a truck to get you out of there. If it could be drained properly, the parking could be in that area. People could turn around, and then there would be places for guests. Let us make it so people can live here and have the same availability that other people have in other parts of the community where they have roads and places to park. The fact that Mr. Dawkins is willing to pay for this is amazing, and thank you very much. Even your neighbors, in the end, would benefit by it. Would all of that lined area be fixed?

**Mr. Dawkins:** Not uniformly. Some of it would be parking, some of it we want to put in the rain garden on the western end.

**Trustee Apel:** In the end the park can only be made better. Widening that road coming in a little might be very helpful. It could be made to look very attractive. We should be looking into this, and I think that it would turn out to look kind of nice.

**Trustee Jennings:** I do not understand why we did not carry out the full plan of the report originally, but we should look into doing that now. We should not do it piece by piece, and I am not sure it is really the responsibility of each individual tenant to do their thing separately. We ought to have a coordinated improvement plan.

**Mayor Kinnally:** That may be a laudable goal, but an unattainable one. To coordinate anything is very difficult up there, in my experience.

**Trustee Holdstein:** I was there for the seventh or eighth time, and again this evening. The areas to the left and to the right of the structure I will call the garage, that you intend to level off with gravel, is open parking for whoever needs to park there. Is that correct?

**Mr. Dawkins:** Visitors, yes.

**Trustee Holdstein:** The only restricted areas for each of the tenants is behind the structures that I will call the garage?

**Mr. Dawkins:** Right.

**Trustee Holdstein:** Those areas, anybody could park there at any time, correct? It is not restricted to your cars or your guests' cars?

**Mr. Dawkins:** I do not know. There are parking areas that were designated for residents, and then the length of it is designated as access for residents and visitors and vendors.

**Trustee Holdstein:** But I am talking about the area off the asphalt that is gravel, to the left of your garage.

**Mr. Dawkins:** So if somebody were coming to visit with Mr. Horelick could they park in our space if there were no space behind Mr. Horelick's house? I would not have a problem with that.

**Trustee Holdstein:** But as-of-right, anybody could park there. It does not say that it is just for the Dawkinses.

**Mr. Dawkins:** No, part of it is for residents. The head-in area is for residents. That is how it was designed.

**Trustee Holdstein:** So there are spaces to the left of the garage, the right of the garage, and in front of the garage that are designated just for the residents of that property?

**Mr. Dawkins:** Right.

**Trustee Holdstein:** And then further to the left and to the right of those spaces is open parking.

**Mr. Dawkins:** Right.

**Trustee Holdstein:** The space that you want to do the garden...

**Mr. Dawkins:** The space where we want to put that garden does fall into an area that people have used for parking. But as I said, it seemed in the protection plan that there is an option to pave it or landscape it. Our sense is that there have been sufficient parking areas back there.

Nobody has ever been stuck finding parking. On occasions when we have had several guests we often suggest that people park in the parking lot and there is a pathway they can walk down. People prefer that because it is easier to get in and get out. But we have never had a problem with cars not being able to find places to park in the five years I have been there.

**Trustee Holdstein:** I concur with Trustee Apel that the Dawkinses have come forward with a plan to improve the back of their property. As is pointed out in bold print from the famous page 22 of the protection plan, there is a clear indication that their proposal falls within the protection plan. I do not see where the improvements, and the leveling off of the land and putting gravel rather than the mud hole that is there now, and improving some of the drainage, and the ability for anybody to pull into those other spaces and have a reasonable place to park, I do not see this as a hindrance, despite the objections of the neighbors on either side. I just think that there is other stuff going on there.

**Mr. Dawkins:** I do not think we have had objections from neighbors on either side.

**Trustee Holdstein:** All right, from one side. We have been round and round about this. I see no fault in the improvements that are being proposed. I do not see them as taking away anything from the park, from the neighborhood, or from any of the other residents. Like a lot of projects, we have run this through enough times that we ought to stand up and say let us go with it or let us not. But to keep stringing this along, the plan has not changed and it is an honest improvement by somebody who wants to improve their property. And it is not impinging upon anybody else.

**Mr. Lunis:** The discussion is split between two pages, 22 and 23. Page 23 says, "In our preliminary recommendations we suggested a visual barrier between the park drive and the rear of the Washington Avenue cottages. A contrary approach now seems more appropriate... Individual owners could still screen back yards within their proposed property lines, if they wished."

Mr. Dawkins is misleading you presenting one side of the discussion. This document was written not by lawyers, but by architects. It is contradictory and, as has been discussed previously, ought to be taken in its entirety and the public purpose in mind. The public purpose in this case has to do with the fact that Mr. Dawkins, when he bought the house in the spring of 2000, demolished a parking bay and a garage and subsequently planted over a second parking bay. Those parking bays were inside the property lines. They were



constructed by the previous owner, the original owner-developer, Mr. Carlton. They were consistent with the provisions of the protection plan. Mr. Dawkins destroyed them and moved his residential parking to the right-of-way access drive outside of his property. So the problem that you see now, the parking that you see now, has been created by Mr. Dawkins himself. The mud holes were created by Mr. Dawkins himself.

**Trustee Holdstein:** When you refer to the access way, I think of that as the paved portion of the road. That is where I have always traveled. That is where I assume any driver goes when traveling to the back of your home, Mr. Horelick's home, or Mr. and Mrs. Dawkins' home. The work that the Dawkinses are proposing is off the paved road. I refer to the paved road and the access as one and the same. I do not see at all how the proposed improvements affect cars moving on the paved access road, yours or your neighbors.

I am going to make a comment about the protection plan, and I have not read it from cover to cover as you have. But as we have discovered in this community with a lot of plans, nothing is cast in stone. It is always an evolution. After we rezoned the downtown recently, we found some imperfections. This board is now dealing with those imperfections and saying we are going to tweak the Zoning Code. I look at a protection plan in the same way. It is not disrespect to the architects, the planners, or the Trustees who adopted that plan. But as time goes on and people live through experiences we adjust, we evolve, we compromise, and we sometimes make changes. I do not see this improvement impinging on the ability as it exists today for cars to move in and out of there. You can refer to that plan till you are blue in the face, I do not see it with my own eyes. I do not get it. I see cars moving, including my own. I just do not see a problem.

**Mr. Lunis:** I noticed that.

**Trustee Holdstein:** Excuse me. I know you think I have a bias. I do not. I was attacked by this man several months ago. I am not going to take your innuendos. I let it go the first time. The fact that Mr. Dawkins is a friend of mine has no bearing. I have sat on this board for 10 years. I discuss, and I look at, issues fairly to the benefit of this village and not for any one person, and I never have. You took a cheap shot at me six or eight months ago and I let it slide. I will not let it slide this evening, sir. I am looking at this fairly and honestly.

**Mr. Lunis:** . I do believe you are biased, and I will not be bullied.

**Trustee Holdstein:** Nor will I.

**James Horelick:** I came here to say I support whatever they want to do. It is fine. But I now have two other things to say. I want to correct a misimpression some of you seem to have. What the Dawkinses want to do is on their property. We are sort of renting, but it is not Village property. What they want to improve is their own property, even though this protection plan has conditions about how it could be improved. It is not parking for anybody who comes into the park. It is not public parking. When it says visitors, it is visitors to the people who are in that house.

The Dawkinses have not been there that long. But I have been there 13 years, and the driveway is just fine. I never heard anybody complain of the three of us who own the houses that it was awkward. It is a driveway. It is not a public street. And there is a parking lot for people who want to use the park. Since I live closest to the parking lot I am aware that at night it is used by teenagers and people who want privacy for illicit activities. I do not want the driveway connected to that parking lot so that people are blundering in and out of there. If you have to back up when you get out, that is the first time. If you come a second time, you will know how to get out. Every time you visit somebody and you have to do some convolutions out of their driveway that does not mean you have to reconstruct their driveway.

**Trustee Apel:** What do we have to do to move this along?

**Mayor Kinnally:** I want to let the snow melt. I want to take a look at it again because I want to see the whole thing in context. Rumor has it spring is coming and we should be able to do this by the 4<sup>th</sup> of July. So as soon as it melts I will get up there, and then we can revisit it. I know we are stringing it along. You cannot do anything right now, though. We will put it on for discussion on April 7.

**Trustee Apel:** If the snow is melted, you could do that. If you cannot, we will go on to the next meeting. I would like to also find out, if it is up for discussion and if it is doable, what has to happen. They are coming to us because we have to vote on this?

**Mayor Kinnally:** Action has to be taken.

**Trustee Apel:** So let us say that we will discuss this on April 7. And we will have some action points so that we can move this along so that we can get it done already, or not.

### 3. Miscellaneous

**Mayor Kinnally:** I would like to congratulate the high school basketball team from our Village that won the Class D championship: Martin Luther King School at Graham-Windham. They won the New York State Class D championships in Glens Falls, and they beat the Class D team from Fort Edwards. They are six years as a varsity team and they have already won the state championship, so I congratulate them. They are having a big pep rally on Friday, so I am going to proclaim Friday, March 18, 2005, as Martin Luther King High School Day here in Hastings.

### 34:05 CERTIFICATION OF ELECTION RESULTS

**Mayor Kinnally:** The totals are: Mayor Kinnally, 243; Marjorie Apel, 248; and Peter Swiderski, 249.

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 hereby accept the Election Results and that Wm. Lee Kinnally, Jr. is declared Mayor for a term of two (2) official years and Marjorie Apel and Peter Swiderski are declared Trustees for a term of two (2) official years each.

<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	

**Mayor Kinnally:** If we could have a brief report from the Village Clerk on how the election went today, with the consolidation of the elections.

**Acting Village Manager Maggiotto:** I was at the closing of the polls for the first time ever, which was interesting. Everybody knew what they were supposed to do and did it very well. As much as we tried to manipulate the parking and had plenty of spaces on the street, people want to park in the lot. The inspectors told me that a few people said that there was not enough parking in the lot. In the future we are going to have to dedicate more spaces in the lot to voter parking. It is probably closer to walk from the street up the ramp, but there is a psychological distance that is hard to surmount. I will do a written report for you on how everything went. I have not heard any negatives so far.

**Mayor Kinnally:** Were there instances where people went to the old polling places?

**Acting Village Manager Maggiotto:** I did not hear that.

**Trustee Jennings:** Do you have any way of knowing how many of these absentees came in from Andrus?

**Acting Village Manager Maggiotto:** Three us went down last Thursday. We had arranged with the social workers to notify the residents that we would be there. But we only had four absentee voters that day. They tried to interest the residents, but because it was such a low-key election they were not aware of it and did not feel like coming down to vote. It would have been different if people had been campaigning there. The few who came were happy to see us. I told the social worker that if they would like us to run a bus down today to let me know, but I did not get a call. A couple of the workers suggested that we use the bus within the Village to help people get here. We could look into that. I do not know quite where people would be coming from that they would make use of it, but we could try to find out.

**Trustee Apel:** Maybe people would just be able to call and know where they could go get it.

**Acting Village Manager Maggiotto:** Yes, we could look into that.

**Mayor Kinnally:** It was a good year to try this out. We see where we can get improvements or people need some additional help. Thank you, congratulations on a job well done.

BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 15, 2005  
Page - 21 -

**ADJOURNMENT**

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:35 p.m.