

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
JUNE 14, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 14, 2005 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Deputy Village Attorney Marianne Stecich, and Acting Village Manager Susan Maggiotto.

**CITIZENS:** Eleven (11).

**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 May 3, 2005 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Public Hearing of May 17, 2005 were approved as presented.

**Trustee Apel:** Page 10: the director should be “she” not “he,” and “geese” not “gees.”

On MOTION of Trustee Swiderski, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of May 17, 2005 were approved as amended.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 91-2004-05 \$52,769.08  
Multi-Fund No. 92-2004-05 \$ 1,475.00  
Multi-Fund No. 92-2004-05 \$109,828.63  
Multi-Fund No. 01-2005-06 \$3,882.80

**62:05 AMBULANCE BID**

**Fire Chief Pecylak:** The Hastings Ambulance Corps has been examining proposals for replacement of the Hastings Fire Department ambulance. We are looking for a resolution for the Board to authorize the seeking of bids.

**Mayor Kinnally:** You have spec'd it all out?

**Fire Chief Pecylak:** Yes.

**Trustee Holdstein:** We have one ambulance in service right now that is relatively new, I think two years old.

**Fire Chief Pecylak:** No, our newer ambulance is 1998, seven years old. Our older ambulance is a 1989, 16 years old.

**Trustee Holdstein:** What is the average lifespan of an ambulance?

**Fire Chief Pecylak:** Ten years is what we have used for replacement of the ambulances, and 20 years on the fire apparatus.

**Trustee Swiderski:** Question on the mileage on the two ambulances. Do you have that?

**Fire Chief Pecylak:** It is not so much the mileage, it is the engine hours that make a difference on the apparatus. It is sitting idle quite often at an ambulance scene or at a hospital. We are one mile in each direction to the nearest hospital, but we have been traveling further, to Westchester County Medical Center and to Phelps Memorial. I do not have the mileage this evening.

**Trustee Jennings:** Is this replacement caused by problems with existing ambulances, or is this a scheduled rollover?

**Fire Chief Pecylak:** I would say a combination of both. This is a scheduled rollover, and we had some weight issues with one of the ambulances which we want to address with the purchase of a new ambulance.

**Trustee Jennings:** You mean it does not have the capacity you need?

**Fire Chief Pecylak:** We would like to redistribute the emergency extrication equipment, and utilize the other ambulance for better weight distribution and the carrying of additional equipment.

**Mayor Kinnally:** What would we do with the older one in service now?

**Fire Chief Pecylak:** We would hold on to the older one and utilize it as a mini-utility to carry additional rescue equipment such as the jaws of life, a variety of extrication equipment, cribbing, which is 2 X 4's, 4 X 4's, and plywood that would assist in stabilizing a vehicle and/or any type of collapse. That would, hopefully, increase the lifespan of any new ambulances purchased. It would be housed in the existing building.

**Mayor Kinnally:** And the bid opening is...

**Acting Village Manager Maggiotto:** We have not set that date yet. We will do the cover page. It will be paid either from bond proceeds or contributions.

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 authorize the Acting Village Manager to receive bids on a Fire Department Ambulance.

<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	

**63:05 PAYMENT IN LIEU OF TAXES 422 WARBURTON, LLC PROJECT**

**Mayor Kinnally:** This is the fourth or fifth time we have had this on our agenda. The last time questions were raised as to what the school board was doing on this. Michael Holstein and Mary Wirth are here this evening. Anything to report from the school board?

**Speaker:** It is on our agenda for our June 20<sup>th</sup> meeting.

**Deputy Village Attorney Stecich:** I received the latest draft. I have a couple of comments that should not hold anything up. In approving this we are not approving the subordination agreement, which we have received in only the roughest form. I do not believe the PILOT is dependent on that, certainly from the Village's perspective. But I would like to see if Eric had any comment on that.

**Eric Anderson, A&F Commercial Builders:** The subordination agreement that was distributed in the last couple of weeks is a form document, a standard document that goes with the PILOT.

**Deputy Village Attorney Stecich:** But you scanned a document that had cross-outs and nothing replaced the cross-outs. It does not make sense.

**Mr. Anderson:** Another version was issued to all the attorneys for all the tax authorities. This is an appropriate segue to one point I wanted to make: if your resolution would allow for some capacity for future changes to the language that are not material because we have to have this document approved by three other taxing authorities. We have made enormous efforts to have comments from each of the authorities. The Village's response has been very particular over the last couple of months, but we have not enjoyed that same response from the other authorities. So we expect there would be some need to conform the document to the various expectations of the different authorities.

**Deputy Village Attorney Stecich:** The subordination agreement means that any lien that the Village has because they do not make their payment in lieu of taxes would be subordinate to the lender's lien. If you have a lien you only get your money after the main lender gets the money. It is not a big deal. Eric is right; it seems to be a form document.

**Mr. Anderson:** This is a housing finance agency document.

**Deputy Village Attorney Stecich:** It has too many gaps for the Board to be able to approve it at this point. In addition it refers to the PILOT mortgage. I have asked for the PILOT mortgage, and I still have not seen it. Also, there were three things that were supposed to be defined in the lease-back agreement that are not in the lease-back agreement at all: the purposes of this agreement, the obligations of the borrower, and a third item. The documents have not been matched.

**Mayor Kinnally:** Can we approve this subject to your receiving in satisfactory form the subordination agreement, the PILOT mortgage agreement, and the defined terms in the lease-back agreement?

**Deputy Village Attorney Stecich:** And there are a few typos.

**Mr. Anderson:** We remain totally available to the Village's attorney to make yet additional iterations of change to the document, and that would be a pleasure of ours.

**Deputy Village Attorney Stecich:** They are not exactly additional changes. They are things either that were not done before in response to questioning or things that were done and then undone. Just so the Board knows they are not new things I have thought up.

**Mayor Kinnally:** How long will it take to get this information together?

**Mr. Anderson:** I would love to think it could be done right away. I also would love to have an action taken tonight on this subject to make a statement of support in anticipation of the school board's meeting early next week.

**Deputy Village Attorney Stecich:** Up until this point we have been able to come to agreement. These are small things that do not involve policy issues.

**Mayor Kinnally:** It seems to be in Mr. Anderson's interest to get it done sooner rather than later. I do not have a problem approving it subject to those terms.

**Trustee Holdstein:** If there are things that you have previously asked for, I am concerned that if they have not been provided, where the fall-down is.

**Mr. Anderson:** I could not tell you.

**Deputy Village Attorney Stecich:** There have been a lot of things going back and forth. They have generally been responsive. There are a lot of documents and a lot of little issues and things dependent on other things. I do not think it is a function of any one person. I can assure you I would not approve it to be signed unless we were sure.

**Mr. Anderson:** May I suggest if you would be so kind as to act on the PILOT tonight, and give us a week to sort out the ancillary documents for your next meeting.

**Mayor Kinnally:** If the PILOT agreement is in final form, I do not have a problem with doing that.

**Acting Village Manager Maggiotto:** How about adding the word "substantially" as attached?

**Deputy Village Attorney Stecich:** That would work. You would not make any substantive changes. They would just be in the nature of typos.

**Mayor Kinnally:** I do not have a problem with that.

**Trustee Jennings:** Could we not approve it tonight, and then not sign it until all the t's are crossed and i's are dotted.

**Trustee Swiderski:** Sounds agreeable.

**Mr. Anderson:** I believe that would be an admirable statement of support that we would like to take with us tonight.

**Trustee Jennings:** I am not sure that it is part of the motion, but just the understanding that we approve the motion tonight, perhaps as amended, but that the agreement not be signed until Marianne says it is ready.

**Michael Holstein, 74 Cliff Street:** I am not here as a school board member. I have seen the cash flow documents that provided the need for the PILOT and the amount of the PILOT, and I have seen the supportive documents from the Village consultant. But they only focused on the 14 units on Warburton Avenue. The builder has asked that the projects be considered as a group. Indeed, the Village Board looked at the three projects, or at least two of them, as a group and gave concessions on the Main Street projects because the Warburton Avenue project is being built. My question is, when you look at what the value of the PILOT should be, the tax relief provided by the PILOT, are you also looking at the value of the concessions that you granted on the Main Street projects, or are they being held completely separate?

**Mayor Kinnally:** First, the Planning Board did that. It was not the Village Board.

**Acting Village Manager Maggiotto:** The values of the properties at 45 Main were not considered in this PILOT.

**Mr. Holstein:** The value of the concessions, not the properties.

**Acting Village Manager Maggiotto:** No, it was not part of the equation.

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 approve the Payment in Lieu of Taxes (PILOT) Agreement between the County of Westchester

Industrial Development Agency and 422 Warburton, LLC, substantially as attached and authorize the Acting Village Manager to sign the acknowledgment of the PILOT upon completion to the satisfaction of the Village Attorney.

<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	

**64:05 PROPOSAL ACCEPTANCE - SEWER MAIN REPAIR**

**Acting Village Manager Maggiotto:** The day of the fire department parade that was to go through the intersection of Warburton and Broadway, a hole opened up in the pavement. It turned out to be the result of a major sanitary sewer break. The area was covered over with plates. Mike Gunther held his breath, not only through the parade of heavy vehicles that had to circumvent this opening, but until the repair could be made. He was very grateful that Joken Development, which had been working in another part of the Village, could take care of this repair the following Tuesday, and again held his breath that there would not be further collapse. While the break was not so deep, the manhole was very deep and it would have been a huge job if anything had given way before they could repair it. The repair itself was rather delicate. This estimate was given to us before the repair was done and they held to it, and we had to go forward with it before we had approval. The job has been well done. Mike is very satisfied with it.

**Mayor Kinnally:** My compliments to Mike for getting it taken care of so quickly and for his prayers.

**Acting Village Manager Maggiotto:** Yes, for holding his breath for four days.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Acting Village Manager to accept the proposal of Joken Development Corp., White

Plains, New York in the amount of \$37,000.00 to be paid from the general fund for an 8-inch sanitary sewer repair on Broadway at Fraser Place, such repair completed on an emergency basis.

<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	

**Trustee Apel:** Do we have a planned program? Sometimes they put cameras through sewers and check them out. Or are we just waiting until they collapse?

**Acting Village Manager Maggiotto:** No, we camera them. They are in pretty good shape. The cameras have not revealed any really serious problems.

**65:05 PROPOSAL ACCEPTANCE - MUNICIPAL BUILDING PAINTING**

**Acting Village Manager Maggiotto:** This is an estimate to repaint all the white surfaces outside: the soffit, the pillars, the window frames, and the seriously damaged interior spots. We had other estimates that were considerably higher, so we are very pleased with this estimate.

**Trustee Swiderski:** It is insanely low.

**Acting Village Manager Maggiotto:** It is quite low. But we have had experience with Mayflower in previous outside painting.

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 accept the proposal of Mayflower Painting, Inc., White Plains, New York for the exterior painting of the Municipal Building and for the interior repair and painting of water damaged surfaces in the amount of \$10,200.00 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	

**66:05 CHANGE OF MEETING DATES**

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

**RESOLVED:** that the Mayor and Board of Trustees hereby schedule the following Regular Meeting dates:

1. July 12, 2005
3. August 16, 2005
4. September 13 and September 27, 2005

<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:** In your packets I gave you a detailed printout, courtesy of Bob Schnibbe, that had to do with our Workers' Compensation. This is something that Bob has been looking at for a number of months. We have been with PERMA for Workers' Compensation for more than 20 years. PERMA is a self-insured fund. Bob, at your direction, is always looking for ways to reduce our insurance costs. So he explored other options and came up with this proposal from the New York State Insurance Fund, which is not a self-insured fund and so, in that respect, is more secure.

The premium cost is lowered from \$235,000 to \$209,000. The Fund has been paying 30% dividends; it is not guaranteed, but their history has been pretty strong. A deferred assessment is paid from the dividend and we receive a check for the balance.

We estimate a total savings of \$50,000 for the upcoming year. At a May meeting you had a resolution confirming that the police department would participate in this Workers' Compensation plan; that was on your agenda because the State Insurance Fund required that we affirm that our police department participates. We had to notify PERMA 90 days ahead of time that we were thinking of getting out of PERMA. We complied with that, and then had to have our application, including that resolution, in Albany by June 1. So Bob drove it up himself, had a breakdown on the way back, had to have his car towed. People just go above and beyond in the service of Hastings.

**Mayor Kinnally:** Bob indicated to me today that he was looking at one more thing, but he thought these numbers would kind of hold up. PERMA wanted to come back.

**Acting Village Manager Maggiotto:** They were a little late in coming back. They were not too aggressive.

**Mayor Kinnally:** They heard that we are looking elsewhere, so suddenly they are interested. So Bob was going to find that out. But one way or another our premium will go down, and that is a reduction.

**Trustee Jennings:** Are the benefits the same?

**Acting Village Manager Maggiotto:** Yes.

**Mayor Kinnally:** I think that is great. If you want to follow-up and see what Bob has, but let us go with whatever puts the best amount in our pocket.

**Acting Village Manager Maggiotto:** The Hastings Affordable Housing Development Fund has been awarded a \$5,000 grant for a feasibility study to look at the two Village-owned lots on Ridge Street and the adjacent lots owned by MetroNorth to see if they can be developed with duplexes similar to those on Warburton Avenue. These monies came from CDBG. We are at the end of that cycle, and they have some undistributed funds. So Angie wrote a request to the county planning department on behalf of the Affordable Housing Fund requesting that they reallocate those monies to us, and they did.

**Trustee Holdstein:** Would you make a note to Angie? I was speaking to Trustee Larry

Nardecchia of Ardsley. He owns some adjacent property adjacent. He indicated some interest in possibly giving certain parts of that property to the Village to extend our property lines. I think he is looking to do something on Southside. I do not want to speak for him, but he seems to have some openness. So we might be able to get additional properties that may make the opportunity even greater.

**Acting Village Manager Maggiotto:** As a result of Fred Hubbard's efforts, the Rowley's Bridge Trail has been incorporated into the Hudson River Valley Greenway trail system. Dr. Hubbard traveled to Poughkeepsie last week for the ceremony. The trail system runs from Albany to Manhattan. It includes 219 communities, but Rowley's Bridge Trail is the first trail in the Rivertowns to be included in the system. Fred extends an invitation to all of you for a guided tour of his trail. Every time I walk down there he has something new going on. He has some stone from 45 Main Street that Mike carted over there for him, and every so often they carry some down to the end of trail. They are building waterfalls and all kinds of things.

**Trustee Holdstein:** He is like a busy beaver at a stream.

**Acting Village Manager Maggiotto:** He really is. He has faithful helpers. Thom Forbes is there every Saturday morning. It is amazing what just a few people can do. It is an idyllic spot.

I was at the pool one day last week and was struck by the beauty of it and the pleasure of being in this wonderful municipal pool in the middle of a park. And now the pool side café is open, with an assortment of even healthy food: veggie burgers and good things like that. I encourage anyone who is even thinking about joining and has not to come up and take a look and you, too, will not be able to walk away from it.

Along with the pool, I want to remind people that camp registrations are still open. We have plenty of room so there is time to get registered for camp.

**Trustee Holdstein:** Can Ray give us an update on pool numbers?

**Acting Village Manager Maggiotto:** The membership is supposed to support the pool. At last count, we were sort of on target. It depends on what happens in June and for the second half of the season. The pool opened the year with a deficit, which we would love to make up this year and finally put back in the black. But we will have to look at all those numbers. I will get a report from him for next week on exactly where we are.

**Mayor Kinnally:** Could Ray be here next week and we could talk about some other items in connection with the pool?

**Acting Village Manager Maggiotto:** Yes. Also, we will have a discussion of the cove next week, based on our revised analysis of what we think we ought to be doing there. I am not sure if all of you have been there and walked from one end inside the cove to the other, but I did that several times, at different times of the tides, with Ray. It is so different being there from looking at it on a drawing or on a sketch. You get a sense of what both the possibilities are, and what the problems and restrictions of the site are. Would anyone be interested in, prior to next week's meeting, meeting at the cove and tramping around a bit?

**Trustee Holdstein:** I do not have a problem with that

**Mayor Kinnally:** As a point of reference for everybody, it would be more beneficial, you are saying.

**Trustee Apel:** We had said, apropos of that, that we would invite at some point either Jacques Padawer or the Beczak consultant. The consultant is the one who comes in and will be discussing the grass and marshland. Jacques has one point of view, and the other one is a consultant for developing marshland. We could decide whether we want to do it all at once, or not. Do you want me to see if the consultant is available along with Jacques?

**Mayor Kinnally:** What does the rest of our agenda look like?

**Acting Village Manager Maggiotto:** I do not think there is too much.

**Mayor Kinnally:** No? See if he is available.

**Trustee Apel:** Are we meeting here and not at the cove?

**Acting Village Manager Maggiotto:** If you want to, Ray will be happy to meet us down there.

**Mayor Kinnally:** What do you think?

**Trustee Swiderski:** Sure.

**Mayor Kinnally:** We will leave it open, see who wants to do it. E-mail Ray, tell him if you are available.

## **DISCUSSION AND COMMENTS**

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

**Fred Yaeger, ARCO Liaison:** We are continuing the asbestos abatement on Building 15, and that is going to continue through June 24. We expect to take down Building 15 beginning on June 27.

On July 21 the Village Health Board is going to have a meeting. We arranged to have Dave Kalet, William Bradford, a toxicologist with Parson's, and Andy Lucas, an industrial hygienist, to give a presentation regarding the remediation and the cleanup, and any health implications at the site.

I was wondering if anybody from the Village leadership might be interested in being there when we start to take down Building 15. We could also have a photo opportunity for use on our web sites and in forthcoming newsletters. Let me know if there is any interest.

**Trustee Jennings:** Some time back I had conversations with an environmental studies teacher, a biology teacher, at the high school. As the cleanup moves forward over the next months and years, I wonder if we could think about opportunities during the school year for interaction with our school system. We have a living laboratory here of toxicology and environmental science, a nice educational opportunity if you would be open to it.

**Mr. Yaeger:** We are, very much so. Dave Kalet and I made a presentation to a science class at the Masters School in Dobbs Ferry. We would love to work closely with the school system; it is a great learning opportunity.

**Trustee Jennings:** I would be happy to follow up with you next September on this.

**Trustee Swiderski:** It was my understanding that Building 51 was the only one that was going to survive remediation, if at all, given the proper vetting. Is my understanding correct, that that is the one slated for survival, or have plans changed?

**Mr. Yaeger:** We are all looking into that to have an architect look at any historical significance in that building. No determination, at this point, has been made to take down that building.

**Trustee Swiderski:** What about the metal building?

**Mr. Yaeger:** The metal buildings are staying up at this particular time because we are going to be using them for some of the work in the remediation. Anything that we do will be with the approval of the Village.

## **2. Street Resurfacing 2005**

**Acting Village Manager Maggiotto:** You have in your packets the streets that Mike Gunther proposed for street resurfacing. Mike is not here tonight because he had a death in the family. But he had prepared his street resurfacing list, and then he sent it out to Columbus Construction for estimates. We have to bid this out.

In addition to Pleasant, Calumet, South Calumet, Chauncey Lane, Valley Place, Hillside Avenue, Hopke Avenue, and Branford Road, we have a request from Jane Turkel and Randy Paradise for Circle, Ferndale, Scenic, and Forest.

The Mayor and I talked briefly about this and how much money we ought to spend. You approved a bond resolution for \$2 million and it was thought that we would spend it over the course of 10 years, \$200,000 a year. We spent the \$200,000, plus the budgeted \$75,000, for our program last year. However, you are not limited to the \$200,000 in any one year. You could spend the whole \$2 million, if you wanted to, in one year. What I suggest is this: we have some extraordinary pressures on our budget in the coming year. We are in the process of doing our end-of-year cleanup for the previous year, and we will have some numbers for you later on. But, I think we ought to be very conservative in what we do with our funds next year. My suggestion was that we borrow more than the \$200,000. In November we are going to take out a serial bond, put our short-term borrowings into the serial bond, and then borrow some additional monies for things that we need to borrow for. Interest rates are still pretty low. When I did the bond anticipation note last week, we borrowed \$3 million in short-term borrowings for 2.56%. It seems like a good time to borrow more and leave the \$75,000 in this year's budget as a cushion

You may have other streets that are not on this list. Mr. Paradise has made a good case for the streets in his neighborhood, which I know the Mayor concurred with. I am not sure what the estimate will be for it, but you could give us a ball park of how much you think we ought to spend and we will do as much as we can with that amount.

**Trustee Holdstein:** But you are saying leave the 75 that we put in the budget every year, use that for contingency, borrow more. And the reason you want to borrow more than 200 was more about the interest rate than anything else?

**Acting Village Manager Maggiotto:** Yes, and with these eight streets we are already at the 200,000. So if you wanted to add...

**Trustee Holdstein:** There are a couple of these streets that I concur, and I would concur with Randy's area because I have driven up there myself a lot. It is a mess up there. But I would like to take a look at the ones that Mike has got listed here.

**Mayor Kinnally:** Look at it, and then we will pick it up next time.

**Acting Village Manager Maggiotto:** Does anybody have any other recommendations? We could measure them out and get a cost estimate.

**Trustee Jennings:** I have some recommendations : Cliff Street, Burnside, and Windsor. But I have another question. I am wondering if we have a systematic process, and what our thinking is. I can understand the logic of taking a section of the Village and doing streets that are all together. That may be efficient for where the equipment is and for other reasons. I can also understand the logic of doing it on a triage basis: you do the most serious ones first regardless of where they are located. That means you have to move your machines around a lot. But what is our process of deciding which streets make it this summer, which streets will wait until next summer, and so forth? Do we have a process of evaluation and assessment of that kind, or is it better to do it neighborhood by neighborhood?

**Acting Village Manager Maggiotto:** The idea of that bond over a 10-year period was to get the streets all to a certain level, and then after that you could determine how you wanted to attack the problems each year. But the winter damage is such an unknown you really do not know what you are going to end up with every spring.

**Trustee Swiderski:** It has got to be somewhat reactive.

**Acting Village Manager Maggiotto:** It has to be. Mike certainly knows every foot of every street in the Village, because he is out there all the time. These are certainly the worst cases. I thought that was pretty much the way it was every year.

**Trustee Jennings:** So these were chosen because of their condition.

**Acting Village Manager Maggiotto:** Absolutely.

**Trustee Jennings:** Not because they are all kind of the same neighborhood.

**Mayor Kinnally:** And they are not the same neighborhood. These are all over the place.

**Trustee Jennings:** Well, they are not that all over the place. Just looking at them on a map here, they are all kind of close together. I understand. Thanks.

**Mayor Kinnally:** But some of these have limped along a few years.

**Trustee Swiderski:** Ravensdale was done last year, and then the utility company went to work right in front of my street. The patch job was not the best. I do not know whose responsibility it is to finish it off, but it is heading toward an axle-breaker at Ravensdale and Clinton.

**Trustee Holdstein:** There are bad potholes in a couple of places. Number one, on Washington as you cross Warburton heading down to Washington and the train. I recognize that Branford is on his list, but there are two horrific potholes on Branford right now. The last one is the piping work that was done on Farragut. There is still a series of bad patches.

**Mayor Kinnally:** They are temporaries, are they not?

**Acting Village Manager Maggiotto:** Ravensdale and Clinton. That one was fixed.

**Mayor Kinnally:** One other site, just as you go across the bridge by the train station.

**Trustee Holdstein:** As you travel towards the Saw Mill on Farragut past High Street the road is pretty bad, but that is a state road. I don't know if there are any bells we can ring in Albany.

**Mayor Kinnally:** Actually that is a county road, I think..

**Randy Paradise, 35 Floral Drive:** I would not hesitate to put that stretch of Circle and Ferndale up to the intersection with Scenic Drive where Scenic Drive begins as equal to anything in the Village in its bad quality. The intersection is probably one of the worst spots of all. One of the unique spots about that stretch of road is that if you live above it, it is almost unavoidable. There are not alternative ways around it. For those of us who live up above there, this is not an optional situation. It is becoming worse as time goes on.

### **3. MetroNorth Agreement**

**Acting Village Manager Maggiotto:** We need some direction here. We have an agreement with MetroNorth to lease the parking spaces on the west side of the tracks. MetroNorth has



finally realized that they own more space over there. They own all the spaces in what you would think of as the Harvest on Hudson lot adjacent to the tracks. That area was paved over by Harvest when they paved the restaurant. It is heavily used and unregulated. We need to renew our lease agreement with Metro North, and they would like to put those spaces into the agreement. They also would like us to have 30% to 40% of those spaces as metered spaces.

**Trustee Swiderski:** Why do they care?

**Acting Village Manager Maggiotto:** They are looking for places for people to park on occasion to go into the city. We get many calls from people who do not have a parking permit and are not residents and have nowhere to leave their cars when they want to go into the city for the day.

**Trustee Swiderski:** So these would be metered, but without Village parking.

**Acting Village Manager Maggiotto:** Without Village on it because Metro North requires that all their spaces are open to everyone.

**Mayor Kinnally:** Who would pay for them?

**Acting Village Manager Maggiotto:** Any improvements come out of the revenues, and then we split the rest of the revenues. We take on the responsibility of maintaining it, but the infrastructure costs come from the income. There was one minor issue with meters: keeping the money separate when we collect it. Collecting money from the meters, getting it to the bank and counting it, is a huge issue which I will not go into now. I had a reservation about that because you have to keep all the money separate so that you can divide it up. That, they assure me, we could find ways to do. There are models from other communities.

The other issue is that Metro North wants all their parking to cost the same up and down the line and our parking is out of line with their costs. Our nonresident parking costs are \$600 annually. Their nonresident is something like \$447. If our residents park over there, we charge them the resident parking permit fee, which is \$300. They want us to raise that to the \$447, or whatever that number is. We had a 50/50 share of the revenues, and they proposed 55/45. But I think we have gotten them back to 50/50

**Trustee Holdstein:** Well, rightly or wrongly, we raised those parking fees on your suggestion maybe two years ago.

**Acting Village Manager Maggiotto:** We had not raised them in ten years.

**Trustee Holdstein:** A lot of people were pretty upset with that reasonably substantial bump-up. It had not changed, and then we come back two years later with another 100 to 150. We do not have to do it.

**Mayor Kinnally:** What is the mix over there?

**Acting Village Manager Maggiotto:** They are mostly nonresidents. MetroNorth wants to get this in place for the permits we sell in December for January, 2006. It takes them a while to go through their bureaucracy. We just need some direction.

**Trustee Swiderski:** How much would the meter be?

**Acting Village Manager Maggiotto:** Four dollars a day.

**Trustee Jennings:** That is significantly more than the meters in our lot.

**Trustee Holdstein:** Are the owners of Harvest aware of this?

**Acting Village Manager Maggiotto:** MetroNorth asked us to be the go-between with Harvest. I have spoken to Bruce Bernaccia. He was very cooperative about it, but he pointed out that Metro North cannot get to those spaces except through an easement over his property. MetroNorth thinks that they own that roadway, but I had Charlie pull out the survey today. It looks pretty clear to me that he is right., that there is an easement. In fact, the boat club has always had that easement to get through that property before it even belonged to Harvest. But Bruce said he was sure they could reach some accommodation. He did not seem to be troubled by the fact that the spaces would be regulated because they do not really need them in the daytime. They just need them at night.

**Trustee Apel:** I would think if push comes to shove and we are forced to raise the rates over there that to negotiate with them we would raise it over time.

**Acting Village Manager Maggiotto:** They offered that we could do it over two years.

**Trustee Apel:** Well, make it three.

**Trustee Swiderski:** But we would then have a two-tier structure. Or would that be moving everything on the other side up as well to those new rates?

**Mayor Kinnally:** No, we are going to have a two-tier structure. They would like to take over all our parking. And where they have done that, people have squawked because they have gotten hit very substantially. But they are not going to be able to take over ours.

**Acting Village Manager Maggiotto:** They offered to take it over, but they are not particularly interested because it is such a small operation that it would be a nuisance for a private operator to have so few spaces. They would prefer to have us take care of it.

#### 4. Other

**Trustee Swiderski:** Regarding the LWRP, it is encouraging to know that the process is moving forward. I was wondering whatever happened to it.

**Trustee Apel:** I think they have been meeting quite regularly.

**Trustee Swiderski:** Okay. It seemed to have gone quiet.

**Mayor Kinnally:** No, they have been hard at work.

**Acting Village Manager Maggiotto:** In fact, their goal is to have their report done by September and presented to you.

**Mayor Kinnally:** They had a big meeting recently and all the stakeholders came. It is well-attended. They want to push things along.

**Trustee Swiderski:** Any news on where the large tract study went? I have not spoken to anyone on that committee, and I was wondering.

**Mayor Kinnally:** I do not know.

**Trustee Swiderski:** I will give her a call, see what is happening. I was just curious if somebody had heard. And finally, whatever happened to us remanding to the Planning Board the 9-A proposal?

**Acting Village Manager Maggiotto:** It has not been on your agenda because people were not here. We did not put it on this week because I thought we would have more time to talk about it next week. But Marianne went back to the Planning Board and sent us a memo on it. I will distribute it in the packets on Friday.

**Trustee Holdstein:** The former Why Cook Restaurant, which closed, removed its name, now seems to be reopened in another form. I did not know if the law says you have to go through any kind of process, and if they did go through the process. If it changed owners, does it require a new permit?

**Acting Village Manager Maggiotto:** I think it was a matter of management, new operators. There were no structural changes that the Building Department would have anything to say about. They removed their sign so they are going to have to go to the ARB when they put up a new sign. My understanding is that there is a contest to name the restaurant..

**Trustee Holdstein:** If it changes owners, does it require any different permits? Does it require a change of C of O or anything like that if it is a new owner?

**Acting Village Manager Maggiotto:** The C of O has to do with structural changes. But I will follow up on this.

**Mayor Kinnally:** I received an e-mail a few weeks ago from a woman who recently moved into town questioning whether we had considered legislation dealing with window guards in apartment buildings for young children. I wonder if it is something we ought to ask Marianne to take a look at, and reach out to the multiple-dwelling residences in the Village and get their reaction to it.

**Trustee Holdstein:** Good idea.

**Trustee Swiderski:** This is mandating window gardens where there are children present, or a certain age?

**Mayor Kinnally:** The Village of Hempstead's says any tenant of a multiple residence more than one story in height with a child 10 years of age or younger, may request the owner to install window guards and the owner would have to install it.

**Trustee Swiderski:** So moved.

### **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 items.

### **ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:40 p.m.