

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 16, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, August 16, 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 Marjorie Apel, Trustee Peter Swiderski, Village Manager Francis A. Frobel, Deputy Village Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Bruce Jennings

**CITIZENS:** Three (3).

**Mayor Kinnally:** Trustee Jennings is out of town on business.

**APPROVAL OF MINUTES**

On MOTION of Trustee Holdstein, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of June 21, 2005 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of July 12, 2005 were approved as presented.

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Minutes of the Special Meeting of July 18, 2005 were approved as presented.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 16-2005-06 \$ 96,211.73  
Multi-Fund No. 17-2005-06 \$ 2,020.40  
Multi-Fund No. 18-2005-06 \$201,765.94

**67:05 CONSTRUCTION EASEMENT AGREEMENT**

**Village Manager Frobel:** This is a request of the developer of 45 Main Street for a temporary easement to allow the placement of scaffolding along the east side of the building while it is under construction. I have seen the easement designated by marks on the pavement

and have spoken with the fire chief. I would turn to our legal staff, if Marianne has additional comments.

**Village Attorney Stecich:** When Mr. Frobels went to the site with the fire chief he learned that A&F had agreed to certain improvements on the parking lot and he thought they should be part of the easement agreement. So I added a paragraph and this drawing goes with that. On the upper right-hand corner of the drawing, that cross-hatched area was the part that threw us into confusion a couple of meetings back. They are going to level and pave that area in order to make for better maneuvering of vehicles. It is fine with A&F, so if the Board approves this tonight we will have Eric sign a new original.

**Trustee Apel:** Are they obligated to return the lot to the condition that they received it in?

**Village Attorney Stecich:** Yes, except where they are taking down the wall. We also have a bond to cover our costs if they undid everything and walked away.

**Trustee Apel:** Does the fire department want the parking area to remain in the back?

**Village Attorney Stecich:** There is parking there now, but it is not striped. They will stripe it and clear off that cross-hatched spot. They will remove a rubble wall, and then they will repave it and level it.

**Mayor Kinnally:** Marianne, the issue of this wall came up and it was discounted, dismissed, and now it is back again.

**Village Attorney Stecich:** That wall has nothing to do with the easement. That is just work they are doing at the request of the Fire Department and the Building Department.

**Mayor Kinnally:** That rubble wall is there for what reason? Is it holding back anything?

**Village Attorney Stecich:** No. I do not know what it was for, but now it is a rubble wall. I talked to Deven about this and, as I said, this was something that was being done at the suggestion of the Building Department and with the understanding of the Fire Department to make a better parking area. And, Lee, on those first four exhibits, A, B, C, and D, this does not show. I only put this one back on because it identifies the area that they have to clear.

**Trustee Holdstein:** I am going to vote in opposition to this because I am in the same place I was the last time we discussed this. I recognize that the easement is only applicable when he is doing the work on the project, but we still have a problem that this developer came to us linking two sites, one on Division for affordable housing and this one. I have read the

document that was prepared by the Planning Board that discusses if 422 Warburton falls by the wayside, then the three units will revert to 45 Main. But it is my understanding that as part of a global negotiation with this developer there were other legitimate concessions given in the development of the 45 Main site that were done with two sites in mind, and the linkage. If 422 is not going to happen, this developer has to begin anew on 45 Main with one site, with three affordable housing units, and a site plan and a planning process with the Planning Board for one building as it is. I will not give this guy one more inch until we have resolution to this. He has not figured out his financing. We do not know what is happening with 422. This is wrong of us to give him another thing until we get answers.

**Village Attorney Stecich:** What Michael is expressing was vocalized at great length, at not only the last Planning Board meeting where they adopted this, but at previous meetings. The Planning Board decided that they wanted assurances that there would be three affordable units at 45 Main. They finally came down to this agreement. Essentially, they asked for a revision to the site plan conditions.

**Trustee Holdstein:** Let me make a further point. The three units of affordable housing that would go into 45 Main is not some wonderful offer by Anderson. It is required by our Village law. It is not like he is giving the Village anything. He came to us to develop a second site, we got excited by the concept, we linked the two at his request, and we were gaining out of the deal many more affordable housing units.

**Mayor Kinnally:** Yes, and again we are delving into what the Planning Board is doing and I feel uncomfortable doing that. But the Planning Board is saying, You are not going to get a C of O for 45 on the promise that you are going to put these affordable units in 422. If 422 does not come to pass, we are getting the three that are required in the building.

**Trustee Holdstein:** But we are also getting a building that the Planning Board may not have approved.

**Mayor Kinnally:** You may be right but, again, that is the Planning Board's bailiwick. You are raising a legitimate concern, but the Planning Board has come to a resolution of this issue. I do not see how we can require something here that the Planning Board is not requiring. It is the Planning Board's jurisdiction to deal with the site plan. My hesitancy is that I am not about to tread on territory that is solely within the province of the Planning Board.

**Trustee Holdstein:** Nor do I want to do that.

**Mayor Kinnally:** The lack of any further discussion in Marianne's memo to us about what the Planning Board did or did not do is a signal to me that the Planning Board at least was comfortable in not tacking that on as a further consideration.

**Trustee Apel:** Michael, is your feeling that, if the other one did not work out, there is a possibility that the project that we are seeing here may be smaller and they would not need the easement?

**Trustee Holdstein:** The whole design could be different because they gave concessions and consideration to this global linkage. So yes, that is possible. The issue is not the easement itself. It is the fact that Mr. Anderson continues to ask for things, but he has not answered the question of what is happening with the global project. And until we at least have a clear understanding of what is happening I am not giving him anything. If our Village Attorney and our Village Manager feel that it is workable, I do not have any opposition to the easement. I have an opposition that we do not have answers to this project the way it was originally proposed.

**Mayor Kinnally:** Then my suggestion is that you speak to the Planning Board and see if you can get answers to that.

**Trustee Holdstein:** But we are waiting for is Mr. Anderson's answer.

**Mayor Kinnally:** I do not know if there is a question to Mr. Anderson from the Board.

**Trustee Holdstein:** There is. The financing issue.

**Mayor Kinnally:** This Board has not posed that question to him. It is the Planning Board that is questioning it because he raised the issue of the financing. The only reason this is before us is that Anderson wants an easement. As far as the footprint is concerned, my understanding is that the footprint is as-of-right. This easement has nothing to do with any other concessions.

**Trustee Apel:** Does this easement indicate that the Board feels one way or another about the building?

**Village Attorney Stecich:** No.

**Trustee Apel:** I do not want it to be misconstrued later that someone said, you passed that, therefore you voted for the building.

**Trustee Swiderski:** I agree with what you've said, Lee. It is the Planning Board's purview to link, de-link, re-link, whatever, and that is immaterial to me in regards to the request for this easement. I am voting on the easement as a stand alone proposal. What the Planning Board has or has not worked out with Eric Anderson, and what he has worked out on financing, are separate issues that I have my own concerns about, but they are ultimately the purview of the Planning Board and cannot get in the way of my decision on this.

**Beth Lieberman, Urban Green:** The process that we worked out with the Planning Board was approved unanimously after a very long negotiation. Everybody ultimately felt relatively comfortable with it. This is not something that we are struggling with anymore. The easement was negotiated with the fire department. It is something that they want, it is something that they need and something that we are giving to them.

**Mayor Kinnally:** We are giving to you.

**Ms. Lieberman:** Well, you are giving the easement to us, but we negotiated with the fire department with all the mandates. I think originally we had a letter from the fire department.

**Mayor Kinnally:** Yes, you did. But as I explained to Mr. Huang, the easement is the Village's to give.

**Trustee Swiderski:** Do you have any information about the current financing or anything to share with us on the progress on the affordable housing?

**Ms. Lieberman:** The holdup with 422 had more to do with the PILOT and less to do with the financing. It took much longer to get the PILOT than we had anticipated. We are not experiencing any holdups with the financing for 422. We have been approved by the credit and policy committee at the Housing Finance Agency, where we are getting our construction loan, so we are on the agenda of the September meeting. We are not anticipating any hurdles. I do not know how the rumors were generated about the financing being problematic at 422.

**Mayor Kinnally:** Financing, actually, was problematic on Main Street.

**Ms. Lieberman:** Right, exactly. It took months. Now we can close after we negotiated this deal. At 422 we have a couple more months to go before closing, but we are not foreseeing any problems. We have the banks lined up, our tax credit investors lined up, and the HFA lined up. So everything seems fine.

**Trustee Swiderski:** Have there been other difficulties, whether environmental conditions discovered or anything else, on that site?

**Ms. Lieberman:** No.

**Trustee Swiderski:** Not that you are aware of?

**Ms. Lieberman:** Not that I am aware of, no.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the construction easement agreement with Riverton Lofts, LLC for the use of Village Ambulance Corps property and a portion of Main Street in connection with the construction at 45 Main Street.

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

**82:05 SNOW & ICE AGREEMENT COUNTY ROADS – 2005-2010**

**Village Manager Frobel:** Every five years we enter into an agreement with the county to provide certain services to clear their streets of snow and ice. Stipulations are a cost of living escalation provision subject to a cap and a requirement that we provide an insurance certificate naming them as additional insured. It is a fairly straightforward agreement.

**Mayor Kinnally:** Is the amount any different in this agreement from what we had in the prior one?

**Village Manager Frobel:** I spoke with the woman who is the director of administrative services. She gave me a sense for our annual amount. I believe it is in the vicinity of about \$5,000, a slight increase over previous years.

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 authorize the Village Manager to sign the Snow and Ice Agreement with Westchester County commencing October 1, 2005 and terminating September 30, 2010.

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

**83:05 PRISONER TRANSPORTATION AGREEMENT**

**Village Manager Frobel:** Periodically we enter into an agreement with the county to transport prisoners from the police headquarters to the county facility. We average about \$8,000 a year on reimbursed expenses for bringing prisoners to that facility.

**Trustee Holdstein:** I would request that the Village Manager inform the commissioner of corrections that Chief Marsic is no longer our chief. It is Chief O'Sullivan.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the Prisoner Transportation Agreement with Westchester County commencing January 1, 2005 and terminating December 31, 2006.

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

**84:05 SALARIES NON-UNION PERSONNEL**

**Mayor Kinnally:** At the conclusion of our budget process each year the Board has a series of executive sessions for personnel. This year it was not only for the Manager search, but it was also to review salaries for non-union personnel. We have reached the following salaries for full-time and part-time personnel.

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 establish the following salaries for non-union personnel effective June 1, 2005:

Police Chief	\$120,750
Superintendent of Public Works	\$ 95,865
Deputy Village Manager/Village Clerk	\$ 84,525 + \$20,000 transition bonus
Superintendent of Parks & Recreation	\$ 86,250
Director of Youth Services	\$ 74,550
Planning Director	\$ 73,500
Technology Director	\$ 54,600
Secretary to Village Manager	\$ 52,415
Building Department Office Assistant	\$ 51,075
Payroll/Personnel Clerk	\$ 44,720
Court Clerk	\$ 36,175
Assistant Court Clerk	\$ 24,570
Recreation Supervisor	\$ 49,400
Recreation Assistant	\$ 33,920
Recreation Assistant	\$ 31,185
Youth Advocate	\$ 43,680
<b>Part-Time Personnel</b>	
Deputy Building Inspector	\$18,035
Fire Inspector	\$15,390
Senior Outreach	\$16,400
Youth Employment	\$15,900
Meter Repair	\$13.50/hr
Parking Enforcement Officer (3)	\$10.00/hr
Intermediate Clerk	\$14.80/hr



Clerk (Village Clerk's Office) \$11.80/hr  
Bookkeeper (Finance Office) \$12.00/hr

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

**EXECUTIVE SESSION**

**Mayor Kinnally:** I would like to have a motion for an 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 immediately following the Regular Meeting to discuss personnel items.

**85:05 AUTHORIZING REFUND OF OVERPAYMENT OF PROPERTY TAXES**

**Village Attorney Stecich:** As the resolution states, a mistake was made and this refunds an overpayment of roughly \$400 to \$500 a year.

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

**WHEREAS,** a grievance was filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcel:

<b>Property Owner</b>	<b>Address Description</b>	<b>Year(s)</b>
ZARKOWSKY	189 High Street Volume HA, Section 43C, Block 764, Lot 6A	2002

**WHEREAS,** the property owner received a reduction at the Board of Assessment Review from \$19,500 to \$16,350; and

**WHEREAS,** the assessment reduction was not reflected on the 2002 final assessment roll; and

**WHEREAS,** Village tax bills have been issued on this property on the higher original assessment for 2002, 2003 and 2004; and

**WHEREAS,** the Village has collected more in taxes from this property owner than was intended to have occurred for 2002, 2003 and 2004, and therefore, refunds of overpayment of taxes for 2002, 2003 and 2004 are to be made; now therefore be it

**RESOLVED:** the Village Treasurer is authorized to refund the overpayment of taxes, as follows:

Year	Original AV	Reduced AV	Reduction	Tax Rate	Refund
2002	19,500	16,350	3,150	\$130.16	\$ 410.00
2003	19,500	16,350	3,150	\$154.70	\$ 487.31
2004	19,500	16,350	3,150	\$162.98	\$ 513.39
<b>Total</b>					<b>\$1,410.70</b>

**ROLL CALL VOTE**

**AYE**

**NAY**

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

**86:05 AUTHORIZATION TO RECEIVE BIDS - WALL RECONSTRUCTION**

**Mayor Kinnally:** I would suggest that this be put over because we cannot let the contract out for work to be done now. The Manager thought we should deal with this at another time.

**Sandeep Mehotra, 338 Mount Hope Boulevard:** I have been working with Neil on getting this wall fixed for the last six, seven years. It is an unsafe condition. Mike Gunther has done

some remedial stuff over the years. The concern is that half of the sidewalk is overhanging. I reviewed these plans in 2002 and 2003, the ones that were done by Griggs & Davis. Neil had promised me that this would be done in 2003, and it kept getting put off for various reasons. I do not know why. We have reviewed everything, it is pretty much buttoned up, it is required, and I do not see why it needs to be put off again.

**Trustee Holdstein:** Can you explain what you said about the sidewalk?

**Mr. Mehotra:** There is about 20 feet of the sidewalk that has been totally undercut and is overhanging. That poses a severe danger, especially with my property down there because we have a recreational area there. Half the wall is collapsed onto my property, and it has been like this since 1972. So this wall has been deteriorating over the years. I bought the property in '95 as is, and I have been working with Neil since then.

**Village Manager Frobel:** First of all, our apologies for having taken so long. I am meeting with the engineer tomorrow. The plans are being reviewed by our Building Inspector right now. We think that the timing to bid the project now would probably not be to our advantage. It is our understanding that most of the contractors are busy, and this would be a project that would be better served to go out to bid late winter or early spring of next year.

But having said that, the fact remains that the bids are not ready to go out to bid. They are probably weeks away from final draft. For some reason it was stalled over the spring months. The engineer did not work on it during that time. Only now is it beginning to get into the next level.

**Mr. Mehotra:** Neil wanted me to do the design because it was my property and I am a professional engineer. But I cannot personally do the design because I have to get my company involved, based on the legal licensing requirements. So I recused myself, but I said I will make every assistance to his designer of choice.

In 2003, I have a set of e-mails from Neil where he sent the plans to me; they were reviewed. That is why I was surprised when the Building Inspector stepped in. I am not quite sure, when the plan was ready to build in 2003, why it is not ready now. The cost estimates were done, the design drawings were reviewed. The specifications were reviewed by me. I gave my suggested corrections. I gave authorization to use my property for access. We met with contractors. Multiple contractors visited the site. I understand you just came in, but I would really push to see this done.

**Mayor Kinnally:** Sandeep, your point is well taken, but our personnel are looking at it. You may have approved it, but as you said, it is the Village's project. Our Building Inspector is going to look at it, and the time is not right, anyway, to do what we want to do. We are not going to get the job done this year because of the bidding process and the amount that will be involved. It is not a step back by the Village in a commitment to have this job done.

**Mr. Mehotra:** I do not understand why we are not ready to go to bid when representations have been made.

**Mayor Kinnally:** Because our Building Inspector has not finished reviewing the plans, and the engineer has not signed...

**Mr. Mehotra:** That is not the information I have when I talk to the Building Inspector. He had looked at it. And I have been working with Susan on this, calling on a daily basis. Essentially, if I do not call, nothing happens. That is why it is very frustrating. It is an extremely unsafe condition. I cannot use that portion of my property. I feel unsafe leaving my kids there. If that piece of plywood had been anywhere in the downtown area it would have been addressed a long time ago. I was not even aware that it was supposed to go to the Board of Trustees. It was represented to me by both Neil and Mike Gunther that this would just be a purchase order and they would coordinate it.

**Mayor Kinnally:** We have to go out to bid on this, and the Board has to approve it.

**Mr. Mehotra:** That is all new. It is like these steps are being added.

**Village Manager Frobel:** If your schedule allows and you would like to stop by and speak with me, I will show you our work product so far and I can explain in greater detail what the latest delay, in your words, is.

**Mayor Kinnally:** What do you see the timing of this being?

**Village Manager Frobel:** I am meeting with the engineer tomorrow. It is his opinion that the contractors that would bid on this job are busy and we would probably get the best prices if we were patient enough to wait until winter or spring. He also indicated that the first step is to move a telephone pole that is in the way. It could take months to get Con Ed to move the pole. I was going to suggest to the engineer to at least start that process, because that is the first step before we can get any heavy equipment in there.

**Mr. Mehotra:** Typically on public utility projects Con Ed mobilizes much sooner than that. The pole has always been there. It is not a new condition that was not anticipated by the engineer. It does not sound right, that you want to push it off because the Village can get a better price on it. It is an unsafe condition. It is not a beautification project that you can wait on. Based on the weather patterns we are getting, I would push to get it done this year. Based on my last conversation with Susan, and I know you had not stepped in at that point, we had worked out a timeline that if the resolution passes today we could give the notice to proceed to the contractor by mid to late October.

**Village Manager Frobel:** Let me meet with the engineer and Building Inspector tomorrow, as planned, and we will be in a better position to advise the Trustees, perhaps, at their next meeting.

**Mr. Mehotra:** Can you move on the resolution tonight and then, based on the recommendations, we do not have to wait for the next meeting for it to go out for bid?

**Mayor Kinnally:** Marianne, can we do that? Our next meeting is in September.

**Village Attorney Stecich:** There is not any time limit. Legally you could this.

**Mayor Kinnally:** He cannot go out to bid until the bid specs are accepted, right?

**Village Manager Frobel:** And they are not ready. The drawings and the narrative that accompanies the specs are not ready .

**Mr. Mehotra:** I understand it is an extensive project, but the specifications based on the ASTM standards are pretty standard. The only things that the Village has to work on are the general conditions on what the insurance requirements would be. Those should be standard. It is not a unique structure that we are talking about. You have standard concrete specs, standard reinforcement, standard stone specs. I can produce them for you tomorrow, if you want. I would like to meet with you and the engineer to expedite this.

**Trustee Holdstein:** I hear your frustration. But our Village Manager is saying that the documents are not ready to go out to bid. He is also saying that because of the timing, even if we go out to bid they might not do the work until April; if we bid it in two months and they say we can start it in April, it is the same net effect. We need to let the Village Manager, with you and with these people, work through the process. I hear your frustration, but we have to do what is right.

**Mayor Kinnally:** We need to ensure that the specs are in proper form to get the job done within the budget. I know that is not your concern, but it is our concern.

I would put the resolution up for consideration before the Board tonight, but with the understanding that it may mean nothing because we still have to do the paperwork and get the bid package in shape so we can solicit the bids. Marianne suggests this additional language: that the Mayor and Board of Trustees authorize the Manager...

**Village Attorney Stecich:** If and when he deems appropriate, to receive bids.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager, if and when he deems it appropriate, to receive bids on the reconstruction and repair of a retaining wall at 338 Mt. Hope Boulevard.

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

### **87:05 SETTING FEES FOR SUBDIVISION AND SITE PLAN RECREATION FEES**

**Village Attorney Stecich:** Under the state village law and under your own code, the Planning Board, in any residential site plan, can charge recreation fees. You had that authority all along. What we have never had was a figure for the recreation fees in lieu of parkland. It has not been an issue because it only applies to site plans that include residential use; the only residential uses that require site plan approval are multi-family and there have not been many multi-family developments.

Since there are a number on the horizon, it made sense to fix a fee. We needed to have an assessment of what the recreation cost is for each new resident. That is what the Village planner did in this study. Angie and I worked on this study and came up with the figures of \$7,500 and \$10,000. These fees seemed to be mid-range of the fees that are charged in Westchester communities. Some of them are quite low: it ranges as high as \$60,000 in

Scarsdale. Quite a few places are in the process of revisiting their fees, so to the extent they are lower, they may not be lower for long.

**Trustee Apel:** “Where suitable parklands of adequate size cannot be properly located” – who defines adequate size?

**Village Attorney Stecich:** The Planning Board during site plan review. You could either require the parks to be put aside, or where it does not make sense to reserve parkland you can require the fee. The report says that in Hastings there is plenty of parkland, but what we will not have enough of is usable recreation space. You can use these fees to take an undeveloped parcel and make it into a soccer field, a baseball field. Or you might need more room at the pool. In Hastings, there is no shortage of open space but there is a shortage of improved recreation facilities.

**Trustee Swiderski:** Would this apply to 9A?

**Village Attorney Stecich:** Yes.

**Trustee Swiderski:** If Ginsburg sets aside a part of the property for open space, no fee is necessary.

**Village Attorney Stecich:** Not necessarily. It is up to the Planning Board. Under state law, and under your code, the developer cannot come in and say, I do not want to pay the fee, I am going to give you parkland. It is the Planning Board’s choice. The Planning Board determines what makes sense, what recreation need this development is generating, and they can require the fee.

**Trustee Swiderski:** What is the intersection between this fee and an affordable housing unit?

**Village Attorney Stecich:** The Planning Board may well find that it is a not a proper case because it could make the cost of the development so expensive that it would not be affordable. Or you could say that this does not apply to an affordable housing project. But that might not be a good idea because then you might have somebody say, I have an affordable housing unit in there, so at least 1/10 of my building is affordable so I should have a 1/10 reduction. It is better to leave it to the Planning Board’s discretion.

**Trustee Swiderski:** I liked Fran’s suggestion to have the money set aside specifically for recreational projects so it would not be co-mingled.

**Village Attorney Stecich:** You have no choice. The state village law provision that allows the Village to charge recreation fees says that any monies required in lieu of land for park, playground, or other recreational purposes shall be deposited into a trust fund to be used by the village exclusively for those purposes, including the acquisition of property.

**Trustee Swiderski:** Both the document by our planner and your suggestion in the first place is first-rate, and thank you.

**Mayor Kinnally:** Yes, absolutely. It gave us everything we need, and the brevity of the discussion tonight is indicative of that.

**Trustee Holdstein:** We do not really define the amount of land. Again, you are keeping that open to the Planning Board whether it is a park where it will house two benches, or a park like Reynolds Field that would house playing apparatus for kids.

**Village Attorney Stecich:** Most of the time my guess is that the fee will be required rather than the set-aside

**Trustee Holdstein:** You have defined the dollars, but you have not defined the land.

**Village Attorney Stecich:** No, you cannot. You would have to use judgment. But it is probably not going to happen.

**Trustee Swiderski:** Is this not just on property that is going to be subdivided, but on any property that is going to have new construction? Does it include rehabilitation?

**Village Attorney Stecich:** The rec fee will come up either when there is a residential subdivision or there is a site plan for residential, which would only be three-family or more buildings. It is not going to happen for one-family or two-family houses because those are not subject to site plan review. This will kick in for 10 West Main because it has not yet received site plan approval. The site plan review has already been done on 422 Warburton and 45 Main.

**Trustee Apel:** I want to make it clear that this is going to be required of the Planning Board. This is not one of these laws that gets stuck there and they can do it or they cannot do it. They have to do it, period.



**Village Attorney Stecich:** The Planning Board is familiar with it. At one of the meetings where the two applicants with site plan approval were before them, we let them know that this is in the works and that the Board of Trustees was working on the amount of the fee.

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

**WHEREAS,** section 7-725-a, paragraph 6 of the State Village Law, as well as section 295-112 of the Hastings-on-Hudson Code, authorize the Hastings-on-Hudson Planning Board to reserve land in a site plan containing residential units for park, playground, or other recreational purposes; and

**WHEREAS,** section 7-730, paragraph 4 of the State Village Law, as well as section 295-133.A. of the Hastings-on-Hudson Code, authorize the Hastings-on-Hudson Planning Board to reserve land in a residential subdivision for park, playground, or other recreational purposes; and

**WHEREAS,** all of those cited sections of the Village Law and the Hastings-on-Hudson Code authorize the Planning Board to require money in lieu of land in cases where suitable park lands of adequate size cannot be properly located on a subdivision plat or site plan, or where such a reservation of land is not otherwise appropriate or practicable; and

**WHEREAS,** the amount of money in lieu of parkland is to be established by the Village Board of Trustees; and

**WHEREAS,** the Village's Director of Planning conducted an Assessment of Park and Recreation Facilities and Fees in Lieu of Parkland, which assessment concluded that the cost of land for recreational purposes for each new dwelling unit in the Village is \$7,500 for smaller units (two bedroom or smaller) and \$10,000 for larger units (three bedrooms or larger), as well as \$10,000 for each new residential lot created by a subdivision; now therefore be it

**RESOLVED:** that the fees to be assessed in lieu of the reservation of land for park, playground or other recreational purposes be as follows:

with respect to site plans, \$7,500 for each dwelling unit that is two bedrooms or smaller, and \$10,000 for each dwelling unit that is three bedrooms or larger;  
with respect to subdivisions, \$10,000 for each new lot in a subdivision.

If, however, the land included in a site plan under review is a portion of a subdivision plat that has been reviewed and approved, the Planning Board shall credit the applicant for any land set aside for parkland or money donated in lieu of parkland under the subdivision approval; and be it further

**RESOLVED:** that these fees shall be required of any application for site plan approval or subdivision approval that has not yet received final approval, including pending applications; and be it further

**RESOLVED:** that this fee schedule be reexamined by the Board of Trustees every three years to assure its continued suitability.

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

### **BOARD DISCUSSION AND COMMENTS**

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

**Dave Kalet, Remediation Manager, Atlantic Richfield Co.:** We are about 75% complete with bringing the buildings down, and we are about 50% complete with processing of material. We have got to separate the steel, put it in the size that can be shipped off for recycling. The roofing material has to be carted off as part of our agreement to handle it as asbestos-containing waste. We have 49 days without an accident and we watch that very carefully. We are ahead of schedule on demolition. We should have the buildings down by Labor Day, and we should have things cleaned up within a couple of weeks after that. Our plan is to begin mobilizing with some drilling rigs the week of September 19 and begin the

pre-design investigation process. We are going to take some borings for geophysical properties so we can design the bulkhead along the river. We will be taking some samples in that area where we are working now.

I have to thank Chief O'Sullivan. He has been a big help in helping us plan for traffic routing and the like. Steel-handling recycling trucks do not need to be covered by DOT requirements. One citizen noticed a truck without a cover on it. It was a good comment. People cannot tell if it is a truckload of steel or something else. So we have requested the trucking firm to cover all loads coming out. It makes sense. It certainly cannot hurt anything. And it makes for a smoother job all the way around.

We completed some sampling in the river about two weeks ago. Those samples are in for analysis, and we will be presenting that to New York State DEC as part of OU-2 river negotiations. We have convened technical meetings with the DEC since March. They have been going very well. We have been discussing technical questions about the limits of dredging, what are the right technologies to use. We are meeting again next week to conclude our technical meetings. I think we are going to be in a position to talk about finalizing an appropriate remedy for OU-2.

**Mayor Kinnally:** Mark Chertok has given me a preliminary report of what is happening or not happening in Albany. I should have all the information that I need to have from him by Labor Day. I will pass it on to everybody and, if necessary, we can have a meeting with Mark in anticipation of the designs that will be forthcoming and the possible remediation in OU-2.

**Trustee Apel:** When you are doing the testing in the water by Building 15, was that the deep water port and has it been filled up?

**Mr. Kalet:** There is a boat unloading area in there that has not been filled in. It has silted in somewhat, but I would anticipate that part of our remedy in the river would include dredging and cleaning out those areas, as well.

**Trustee Holdstein:** It is very encouraging to hear that you are ahead of schedule and everything is going so smoothly. I appreciate your response to one person's questioning about the covering of the truck. It is a great show of good faith, and I want to say thanks to both of you for keeping us in the loop and working with us.

**Trustee Swiderski:** A significant component of the northern end of Building 15 is still standing. That is going to come down?

**Mr. Kalet:** The only thing that will be left in the northern end is Building 52, the building by the bridge with the sawtooth members on it. Fifteen will be fully down. Fifteen has a common structural wall between 15 and 22. Our engineer, Parsons, has advised us that we ought to put some bracing in before we remove the rest. It is a precaution.

**Trustee Swiderski:** I join Michael in saying your responsiveness to one citizen is terrific. Given what you are doing and where you are doing it, the fact that I have not heard a peep from a very large contingent that enjoys peeping is a testimony to a job that you are apparently doing not only well, but in a way that satisfies some very demanding customers. So thank you.

**Mr. Kalet:** I encourage people to go to our Website. It is [oneriverstreet.com](http://oneriverstreet.com) and we try to keep a weekly posting. I would like to extend an invitation to the Board. When we finish demolition, we can arrange for you to have a look at things. Shortly after Labor Day, we should have things cleaned up.

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

**Village Manager Frobel:** The Quarry Study Committee has asked to meet with the Board on September 13 to talk about their recommendations for that site. Susan headed that panel up. She has assured me they are ready to make their presentation.

As you can well imagine, the pool has been very popular this year. Our attendance is way up from a year ago. Ray has told me that we have not only met our revenue, but it looks like we are going to exceed it rather dramatically from what we had budgeted. It continues to be a very popular place for the community.

The Community Center asbestos removal was started in earnest on Monday. We have met with the police and the architect to map out some traffic concerns there. A dumpster will be placed in the front of the building which may intrude somewhat on the sidewalk. We have deferred to the police to help us set up safe areas for passersby to travel around. The bids for the new building are available. There has been much interest. We are hoping to get several bidders, and some good prices.

On Thursday and Friday of this week we will be relocating to St. Matthew's Lutheran Church. I do not know if our movement will be totally seamless, but we will try. We will

have a phone set up for people to call in for registrations. There will be some walk-in registration available. The website is being strengthened for information, for any questions they may have Thursday and Friday during this move.

We all have received calls and concerns about the pay station in the parking lot. The machine we had initially in this experiment had some mechanical difficulty. The new one has been installed. On Monday of next week we would like to try to use it to see if that eliminates some of the concerns. Part of the frustration was the difficulty in accessing because the machine was not working. There were times where there were lines of people, which seemed to exacerbate the concerns. The lieutenant would like to meet with some of the merchants to get some additional input from them. I am not sure we will change minds, but it is an experiment and we would like one more effort to try to see if this system works. We will have a report to the Trustees at the conclusion of this.

You may have heard that there were some positive tests for the West Nile virus. I spoke to Mary Landerman from the Westchester County health department. They do not intend to do any kind of spraying or extensive eradication other than checking catch basins to see if there is standing water. The preventive methodology will be limited to personal protection: long sleeves, long trousers, being careful in the evening hours when the mosquitoes seem to be most active, using the lotions that are on the market. Until the first frost we will probably see a continuing high number of them. They ask that people take precautions around their home. Do not leave any standing water, the usual preventive measures that we are all pretty much familiar with.

**Trustee Holdstein:** Will they come back and test again between now and September 15?

**Village Manager Frobel:** They will. She would not divulge the exact location of the community where the test was; it could have originated just over the Village line, but the test showed as positive in Hastings.

### **BOARD DISCUSSION AND COMMENTS**

**Trustee Swiderski:** I am sure the pool is very successful, mostly by the evidence from my own eyes that there is no parking. Parking disappears consistently early in the day and it forces people out into the streets, to the irritation of a number of the neighbors. I do not know if it is that lifeguards are driving cars suddenly. But somebody should try to figure something out because it is an issue that is an irritation to the neighbors and to the users.

**Mayor Kinnally:** Possibly we could suggest that Village personnel at the pool park up at Hillside.

**Trustee Swiderski:** My first idea and suggestion, absolutely. It is a niggling issue that detracts from a great facility.

Whether it is a bold or foolish decision on Dobbs Ferry in regard to the deer, I want to follow up as far as our own village's reaction to an increasing public health menace as well as a danger to cars and your average everyday tulip and hosta. I would urge that we communicate strongly to the Greenburgh deer committee that they come forth with their suggestions formally, and pronto, because if Dobbs Ferry is taking action unilaterally, it would make sense if we jointly took action as it is a regional problem. I am not suggesting that euthanizing the deer is the only option, but our limited experiment around Hillside School is not enough and it is time we mobilize more aggressively, whatever that may be. Examine the options, understand the expenses, and talk about it as a community.

**Mayor Kinnally:** We reached out to the state a number of years ago when the population was increasing along the Aqueduct. The DEC said it is not something they are going to deal with. Every level, from the state to the county to the town, recognizes that there is a problem and they just throw their hands up in utter frustration at it. I know what they did down in Hilton Head a number of years ago. The case went to the Supreme Court in South Carolina. They allowed a limited hunt, and there are practically no deer at all on Hilton Head Island as a result of it. But in this area it is very difficult to get any resolution. I do not know what Dobbs Ferry is going to do. To me it is a drastic, and I am not sure the wisest, approach. But nobody seems to be coming up with anything. Contraception is the start of it, but how you deal with euthanizing in a heavily populated area is very difficult. Not a day goes by that we do not see deer on our property and adjacent to our property and in all of our open spaces. It looks like a lawnmower has come through and devastated all of our gardens. Maybe we can talk to Jacques and see if he cannot light a fire under other people in the town. We can reach out to our health board.

**Trustee Apel:** The committee Jacques heads up strongly feels that they need a flyover to see exactly where all the herds are and how many there are. They have to do this in the fall after all the leaves are down. He does not seem to be getting any support in terms of money. I think he quoted \$30,000. But who is going to fund-raise for this? Who is going to support this? The herd doubles every year, so we do not even know how many we are dealing with, we do not even know what the baseline is.

**Mayor Kinnally:** Sam Abate from Ardsley has set up a meeting with Senator Spano for next Tuesday. Maybe it is something that can be raised

**Trustee Holdstein:** To return to the pay station: to those who have complained, I would underline that this is an experiment. We want to try it, see how it works. Let us live with it for a month. We are not committed to it, and I think that that is important for the community to understand. We can always walk away from it, but sometimes we just have to get used to something and maybe it is better. I do not have an opinion.

**Trustee Apel:** What was the cost of that?

**Village Clerk Maggiotto:** About \$7,500.

**Trustee Apel:** And versus each one, if we had gotten individual meters?

**Village Clerk Maggiotto:** About \$350.

**Trustee Apel:** I was reading about the technology to have pay stations in more than one place. You could be somewhere else in the Village and your car could be at Boulanger and you could put money in where you are. If one of the complaints is that it is only in one place and people are not going in that direction, there is technology to have more than one.

**Trustee Holdstein:** The idea of several of these machines scattered around the Village does not aesthetically particularly please me. And while it would be convenient that if I am near Scoops and I could plug more in, the fact is that in the old system if I went to Scoops I would have to walk back to the meter anyway.

**Trustee Apel:** You could have one on either end of the parking lot.

**Trustee Swiderski:** That is a better example.

**Mayor Kinnally:** Part of it is a cost issue.

**Trustee Apel:** I am just saying the technology allows you to have them all over the place, so it is certainly something to look at.

## **ADJOURNMENT**

**Mayor Kinnally:** I would like to have a motion to adjourn for the evening in memory of Charles Murray. We lost Charles last week. He was a unique individual, a great worker, a tremendous person. I would like to have a moment of silence in his memory, and ask that a copy of the minutes be sent to his parents.

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of Charles Murray at 9:45 p.m.