

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**DECEMBER 6, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 6, 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, Village Manager Francis A. Frobels, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

**CITIZENS:** One (1).

**PRESENTATION - LWRP Status Report**

**Philip Karmel, Chair, LWRP Steering Committee:** What is a Local Waterfront Revitalization Plan (LWRP) and what is the point of this process? An LWRP is a plan which, if officially adopted by the Village and approved by New York State, will bind not only the Village but the state and federal governments when they want to do something within the Village. We do not need to come up with a plan to bind ourselves, really, because we are in charge of the decisions in the Village that we make through our Planning Board and Zoning Board and Board of Trustees. But it will bind the federal and state governments in that under the Coastal Zone Management Act, before they take an action in the Village, they have to certify that the action is consistent with our waterfront plan. That would affect Department of Transportation projects in the Village and whatever other projects any of the governmental entities may wish to undertake in the Village.

As we have conceived it, the entire Village would be within the waterfront area and would be subject to the local waterfront revitalization plan. The heart of the plan is a series of policies which, once approved, become binding policies that governmental agencies need to comply with. In addition to the policies, there is some background information that explains how we got to where we are and some suggestions that are non-binding as to future projects that the Village may wish to undertake to implement the policies.

The document has been available in draft form on the Village website since 2002. We have spent a few years refining the document to the point where it can be formally submitted to the Board of Trustees for your preliminary approval and for public comment. In that respect it is similar to an Environmental Impact Statement, in that the Board will certify the document as an approved draft, and then receive public comment, and then you will consider the public comment, and the committee will consider the comment and make suggestions to you as to how the document should be approved. Once it is adjusted, after receipt of the public comment, it can be finally approved. As part of the process, it is also submitted to the

Secretary of State Coastal Resources office. They will have a hand in approving the document and giving us comments. One requirement of the document is that the policies that it sets forth must be consistent with the New York State Coastal Zone Management Plan which has 42 policies. Our policies need to be consistent with those policies, but they can be more specific and more shaped to the needs of the Village. That is really the whole point. If we adopted the state policies wholesale, there would be no value added from the document.

Some of the issues include the proper uses of our waterfront west of the railroad tracks. That is, obviously, a focal point of the document because most of the rest of the Village is fully developed and we are not going to knock down buildings and start over. It is what it is. But the property west of the railroad tracks is a future development site, and we want to make sure that the property is developed with a mix of parkland, and residential and commercial space, that will benefit the Village. A number of years ago the Regional Plan Association was engaged to assist the Village with a planning exercise. The RPA produced a very interesting report, which is a schematic conceptual land use plan for the property west of the railroad tracks. That report is an appendance to our draft document. The draft document suggests that a development along those lines would be consistent with the policies that the document enunciates. But the LWRP is not a wholesale incorporation of the RPA report because that report is specific in identifying individual places where individual types of uses should be located. It is too prescriptive to be a permanent game plan for the waterfront. We need a little more flexibility.

We have submitted the document informally to the Department of State staff, which has given us quite a few comments. It cannot be formally submitted for their review until the Village Board requests that that be done. Our committee is merely an advisory committee and we do not have any authority to formally submit something to the state on behalf of the Village. We have also received comments from a number of the boat clubs on the waterfront. We got input from the commodores of the boat clubs as to how we could facilitate a vibrant use of the waterfront in the water. Most of the RPA planning exercise focused on the land uses as opposed to the yacht clubs and use of the water, and a harbor management plan. We have incorporated those comments.

I would anticipate that we will get a document to you sometime over the winter, and have a public meeting in the spring to get widespread input from people in the Village. We will incorporate those comments and submit the document to the Secretary of State for approval. At that point it is submitted to a large number of other agencies because they also get a hand in reviewing it, although they do not have approval authority.

New zoning will need to be drawn up for the property west of the railroad tracks. That does not need to happen before the public meeting or before the document is submitted to the Secretary of State. But before the document is finally approved as a valid LWRP, it is a legal requirement that the Village Zoning Code be amended to conform to the policies set forth in the LWRP. Currently the property west of the railroad tracks: the Anaconda property, the Exxon/Mobil property, and the Uhlich property, is zoned for industrial use. That is not what we have planned in our policies for use of that property. To draft a zoning code that fits the needs of those properties will require some work, requiring the assistance of a zoning attorney or someone that the Village Board will retain for that purpose.

**Mayor Kinnally:** I understand you will be getting a report from the Village Planner in a week or so that will help you along your task. Will the change of the zone for the property require SEQRA review?

**Mr. Karmel:** Yes. The entire process is subject to SEQRA. A chapter of the draft report will be a Draft Generic Environmental Impact Statement. The decision to approve the LWRP as a final action of the Village Board, which would be done at the same time as the amendment to the Zoning Code, will be subject to SEQRA. We have already prepared a Draft Environmental Impact Statement for that action. To complete that process we would need to finalize the Environmental Impact Statement and a SEQRA findings statement would have to be issued whereby the Board would find that SEQRA was complied with and that environmental values are protected and appropriate mitigation measures were put into place.

**Trustee Holdstein:** So the LWRP requires SEQRA as well as the zoning changes.

**Mr. Karmel:** Yes, any discretionary action of the Village Board is subject to SEQRA. Certainly, the preparation of a binding LWRP is such a discretionary action, as is the amendment to the Zoning Code. They are both subject to SEQRA, but I think the Draft EIS that is already a chapter of the draft document that we have prepared will be, once approved as the EIS, the SEQRA compliance for both actions.

**Trustee Jennings:** Since the LWRP encompasses not just the waterfront but the entire Village, do you anticipate that any area other than the waterfront area will require rezoning?

**Mr. Karmel:** In terms of the way the policies are framed, I do not think that would be required. But this is a draft document prepared by an advisory committee to the Village. You may decide you want to be more prescriptive with respect to the policies in the document than we have suggested. To the extent you want to identify specific policies that are

inconsistent with current zoning then, yes, you would have to change the zoning. But I do not think that would be required on the document the way it has been drafted today.

**Trustee Jennings:** You mentioned the relationship between your draft and the RPA study. But we have the Vision Plan and other documents as well. Can you comment on your perception of the consistency with these other documents, and would you consider the LWRP to be the equivalent of comprehensive master plan for the Village?

**Mr. Karmel:** To the question is the document consistent with the Vision Plan and the other planning documents, the answer is yes. A critical element of the Vision Plan is the desire for a vibrant commercial core downtown on Main Street and Warburton, which a lot of people like very much, as opposed to bedroom communities where you have to go to Central Avenue or somewhere to do your shopping. We have sought to emphasize the importance of the downtown in that, although there are commercial uses appropriate for the waterfront, we do not view the waterfront as an opportunity for a new downtown or a place to compete with our downtown. Given the population of the Village of less than 8,000 people, there is not sufficient demand for yet another downtown. We are attempting to interconnect the waterfront to the downtown so that the waterfront development reinforces what we have now and helps it be more vibrant rather than detracts from it. We focused development west of the railroad tracks mostly in the north part of the property. It is close to the railroad station, which is good for commuters, and also it is good for the downtown merchants because people will be able to walk across the railroad tracks and patronize the stores. So I think it is consistent with the Vision Plan and the other planning documents.

In terms of being a comprehensive plan for the Village, I think the comprehensive plan for the Village is the Zoning Code. You can have all the planning documents you want, but what actually matters in a village like this is what the Zoning Code says. If someone wants to develop something, what really matters is what the code provides. Some document on the shelf is of less legal importance. The Zoning Code is a comprehensive plan. This document is a plan and it will shape development, but I do not think it will control development the way the Zoning Code controls development.

**Trustee Jennings:** When do you think the document will be ready?

**Mr. Karmel:** I would say mid-February, maybe a little earlier. I am getting a document from the Village planning staff, and the committee needs to mark it up again. We have already marked out several drafts, but I would like to be able to mark this up once and then Angie Witkowski will need to incorporate those comments. Then it will be ready for the

Board to review. It will not be that much different than what is on the website now, so if you want to get started, you can.

**Trustee Apel:** What effect does the LWRP have on the Saw Mill River?

**Mr. Karmel:** There are several prescriptive policies that would affect development near the river. One of them is the need to use best management practices to minimize the impact of storm water on adjacent properties, including the Saw Mill River. One of the policies the document enunciates is a pedestrian-friendly environment, so that would be a criterion to be applied in site plan review. There are a number of projects which were not binding but, nevertheless, are meant to spur the Village to action. One is the suggestion for a study to improve bicycle access to the trailway on the old Putnam railroad line. To bike there now you need to cross the bridge on Ravensdale which for adults is fine but for children is a challenging prospect. If that was to be approved and there was to be a specific policy with respect to bicycle access there, this is an illustration of the binding nature of the document. If the New York State Department of Transportation were to rebuild that bridge it would need to take that idea into account in its design. That is an example of how the process works.

**Trustee Holdstein:** If we are in a tussle with the state or federal government on something that comes up with the LWRP, who decides what is consistent with the plan?

**Mr. Karmel:** It depends on who is undertaking the action. For example, with site plan approval or a local law that would affect land use, whichever board is responsible for SEQRA compliance, just as they certify that SEQRA has been complied with, would need to certify that the proposed action is consistent with the LWRP. That is not the only way it could be handled, but that is what we have suggested in the draft document. Some municipalities have a separate coastal consistency review board that then gets a bite of the apple on whatever action the municipality is undertaking that is subject to the local waterfront revitalization plan. We have not recommended that because it seems like a multiplicity of reviews. So we have said whichever board is taking the lead in undertaking the action should look at the LWRP and then certify consistency. If it is someone outside the village, for example, the New York State Department of Transportation, then that department would need to certify consistency. It does not give the Village board veto power over the actions of other governmental agencies. It does not work that way.

**Trustee Holdstein:** If the board disagrees that it is consistent and the state is saying it is, who ultimately has the final jurisdiction?

**Mr. Karmel:** The state agency undertaking the action. I should add, for the sake of completeness, that if a federal or a state agency decides that their proposed action is not consistent with the plan but they think it is necessary, they do have the power to override the plan in that circumstance and they have to justify that. So it is not quite as binding on federal or state agencies as a state law. But I think agencies are very hesitant to do that, and they would try to work within a plan.

**Trustee Holdstein:** In that worst cast scenario, do we have any legal grounds to fight it?

**Mr. Karmel:** Consult your lawyer. I am not sure.

**Trustee Holdstein:** You said that because the RPA plan was too land-use specific, you treated it as an appendix; you did not take bites of the RPA plan and put it into the LWRP.

**Mr. Karmel:** The document is annexed to the LWRP as an appendix. Although we did not cut-and-paste aspects of that document into the LWRP, many of the ideas that were generated in the process of preparing the RPA report and that are set forth in the RPA report are incorporated in the policies in the LWRP. So the preparation of that RPA report did assist us in coming up with policies that we thought would be in the best interests of the Village because that report involved substantial public comment. There were a number of meetings and workshops that involved hundreds of people in the Village. We wanted to respect that process. And also members of the committee think that the report is very good.

**Trustee Holdstein:** But the general broad concept of the LWRP is deliberately not to be as specific as the RPA. It is to be a broader document, is that correct?

**Mr. Karmel:** Correct. It is a policy document, so it enunciates certain goals as policies of the Village. It would be a policy of the Village to have a substantial amount of parkland west of the railroad tracks. That is a policy, and we think that is a good policy. But that is different than saying that we want the parkland to have exactly this shape, and to be on these acres as opposed to some other acres, and to be formatted in a specific way. Those are more implementation issues that should not be dictated to every last detail in the LWRP.

**Trustee Holdstein:** A few weeks ago we voted on a law for the adoption of the Greenway Compact. There is a lot of discussion in the Village about master plans and comprehensive plans. Is it your opinion that the combination of a Zoning Code, the Vision Plan, the Compact Greenway plan, and our new LWRP, taken in total with these different layers that any development has to go through via Zoning Board, Planning Board, Village Board , that

this serves this village as an ultimate comprehensive set of tools versus yet another document that gets that label?

**Mr. Karmel:** I think it reflects a lot of planning. That is not to say the Village should stop thinking about whether the Zoning Code should be improved, but I am not sure it would be very valuable to start a whole new process of preparing yet another generic planning document for the entire Village. It would be more worthwhile to identify specific problems, if there are problems, with the way the Zoning Code is drafted, in that it permits certain types of development that are not deemed to be in the interest of the Village, and then to address those more specifically. That would be my suggestion. I would think that the members of the Planning Board who apply the Zoning Code on a regular basis, as well as our Village Planner, are likely to be in a position to identify specific parts of the Zoning Code if there are problems that need to be addressed.

**Trustee Holdstein:** Are there any places in the LWRP that are in conflict with our Zoning Code?

**Mr. Karmel:** Definitely. The current zoning of the waterfront is industrial and that is not what we want to see.

**Trustee Holdstein:** Exclude that one, which we have all known for many years has to be rezoned. Does the LWRP take any other strong issues that are in conflict with our zoning?

**Mr. Karmel:** I do not think so.

**Trustee Jennings:** In conversations that you and I have had, you have spoken about the necessity to begin sequencing certain decisions as we head into remediation. Can you give us your thoughts on that because I think it is instructive to set the context for how the LWRP fits into a remediation plan down the road.

**Mr. Karmel:** There is a connection between land use on the waterfront and the environmental conditions there. In the consent decree there are specific commitments about what will be done in certain areas and height limits and other things like that. The LWRP will reference the consent decree to ensure that development will be consistent with the consent decree that the Village Board has approved. There is another issue that does not specifically concern the LWRP but it is an important issue for the Village to focus on. ARCO is undertaking remedial design work to be consistent with the record of decision that the DEC promulgated for operable unit 1, which is consistent with the consent decree. Certain decisions are going to be made about how to design the remedy. It may be possible

for the Village to have input into those remedial design decisions to facilitate the design in a way that would encourage development to the waterfront. An example would be the utility corridors: the natural gas lines, electric lines, cable television, etc. are in concrete culverts that are backfilled with clean soil so utility workers do not come into contact with the contamination that is being left in place on the property. It would be ideal if ARCO could incorporate that concept in the remedial design so that the remedial action work that it eventually undertakes pre-builds some of the basic infrastructure that will eventually need to be in place for development, which should reduce the cost of development, speed the reuse of the property, and facilitate a development consistent with what is in the RPA report and the LWRP.

**Mayor Kinnally:** Certainly, it is something that everybody expects to coordinate because it would be a waste of time and money to design something that would have to be rejiggered after a developer comes in. It was also anticipated at the time that they went into the remedial design phase that there would be, if not a partnership, certainly a consulting relationship between us, ARCO, and any developer if they do not want to throw money away.  
Thank you for the report.

### **APPROVAL OF MINUTES**

On MOTION of Trustee Holdstein, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of Public Hearing #1 of November 15, 2005 were approved as presented.

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, the Minutes of the Public Hearing #2 of November 15, 2005 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of November 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 Warrants were approved:

Multi-Fund No. 36-2005-06	\$ 52,120.96
Multi-Fund No. 38-2005-06	\$123,379.00
Multi-Fund No. 39-2005-06	\$ 32,972.07



### **110:05 SALE OF VILLAGE-OWNED PROPERTY**

**Mayor Kinnally:** The proposed sale was the subject of two public hearings. Notice was given to adjacent property owners and people in the neighborhood. We received some written comments, but there were no other comments in connection with the public hearings. We have received a recommendation from the Village Assessor as to the upset price.

**Trustee Holdstein:** What will be the likely timing as to when we would transact this?

**Village Clerk Maggiotto:** If you decide to go ahead, then I would write a letter to the Ryans with the conditions that were approved tonight and it would be up to them to get the survey and whatever else needs to be done. After everything is in order, we would set a date for the sale and advertise it. But there is no pressure. Kathy says she has waited a lot of years, so if we accomplish it within the next few months it will be fine.

**Trustee Holdstein:** The Ryans would be obligated to get a survey?

**Village Clerk Maggiotto:** The purchaser, yes. Whoever the purchaser is.

**Village Attorney Murphy:** If the Ryans perceive themselves as likely purchasers, it might be wise, because unless you have a surveyor ready to go, under the terms of the resolution you have 30 days to make it happen. If the Ryans did the survey and they were not the winners, they could probably recoup their money from the successful bidder. Or they could conceivably have somebody on standby prepared to meet those requirements. When the survey is done, it should include a metes and bounds description.

**Trustee Jennings:** Can anyone give me an example of a consideration that would reasonably lead to the rejection of a bid? What are the criteria?

**Village Attorney Murphy:** If the Board decided that they did not want to sell the land that would be sufficient.

**Trustee Jennings:** To anybody?

**Village Attorney Murphy:** To anybody.

**Trustee Jennings:** But how about if we just decided we did not want to sell the land to a particular party?

**Village Attorney Murphy:** That would be more problematical.

**Mayor Kinnally:** There would have to be a reason.

**Trustee Jennings:** What kind of reason would be germane?

**Village Attorney Murphy:** I guess a substantial belief that the party intended to put it to a use which would be inconsistent with the best interests of the Village would be grounds to reject the bid.

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

**WHEREAS,** the Village of Hastings-on-Hudson (hereinafter referred to as the “Village”) wishes to sell certain unimproved real property located in the Village; and

**WHEREAS,** said real property is no longer required for a public use or purpose and its sale will result in a monetary benefit to the Village; not therefore be it

**RESOLVED:** that the real property bisecting properties at 83 Cochrane (11/26/0681/27) and 11/26/0681/23A), and measuring approximately 3' X 100 ', be offered for sale to the highest bidder at a public auction to be held at a time, date, and place to be announced by public notice; and be it further

**RESOLVED,** that the sale of said real property be subject to the following conditions:

1. The real property shall be sold in an “as is” condition;
2. The real property shall be transferred by quit claim deed, subject to a survey to be completed at the purchaser’s expense;
3. All federal, state, county, and local laws, including the Zoning Law of the Village;
4. The approval of all proceedings and documentation by the Village Attorney;
5. A minimum upset price in the amount of \$1,500.00;
6. Payment of reasonable legal fees incurred by the Village in connection with the transfer of title to the property;

7. The closing shall take place within thirty (30) days of acceptance of the bid;
8. Upon acceptance of the bid, the purchaser shall present to the Village a certified check in the amount of 10% of the bid price. In the event closing does not take place as a result of a breach by the purchaser, the Village shall be entitled to retain said 10% as liquidated damages;
9. The Village reserves the right to reject any and all bids.

<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	

**111:05 WESTCHESTER COUNTY DEPARTMENT OF EMERGENCY SERVICES  
IMA**

**Village Manager Frobel:** The Village received word that we will be the recipient of a new base station, to be placed in the police station, to handle fire calls. The fire department will receive a new base station to be placed in the hook and ladder building. In addition to that, they will receive 10 mobile radios and five portable radios. This is all part of an effort to improve the lines of communication between different agencies and departments, entirely funded by the county. On execution of this agreement, they will begin the process of placing them in our facilities.

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 approve the Intermunicipal Agreements as attached with Westchester County Department of Emergency Services for mobile radios and control stations for the new UHF Trunked Fire and EMS radio system and authorize the Police and Fire Chiefs to execute their respective agreements.

<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	

**112:05 DESIGNATION OF OFFICIAL DEPOSITORY**

**Village Clerk Maggiotto:** North Fork Bank is making inroads in the area, and they are offering very good rates on CD deposits. We have a Draper CD outstanding, but we cannot use them unless they become an official depository. Brian has looked over the third-party agreement.

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 designate North Fork Bank as an official depository for Village funds for the duration of the current official year.

<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	

**113:15 CHANGE OF MEETING DATES**

**Mayor Kinnally:** We do not have our first regular Board meeting right after the New Year to give the staff an opportunity to get back in gear and all of us to get ready for the onslaught of business.

**Trustee Jennings:** I have a business obligation on the 10<sup>th</sup>, so I will not be able to make it.

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 change the dates of the Regular Board Meetings from January 3 and 17, 2006 to January 10 and 24, 2006.

<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**

**Village Manager Frobel:** At our last work session we spent some time talking about our plans for development of Kinnally Cove. Tonight we would like to talk about our plans for what we would like to see accomplished over the next several months there. Our phase one plan is to address shoreline stabilization, do some beach restoration and restoration of the boardwalk. The idea is to open it up, to show some progress, and to make the site accessible to the public. It has been a project that has been stalled somewhat. For that we apologize. We feel that we are back on track. Right now, the delay is the permitting process. It appears that the permitting handled by our engineering firm is taking longer than we would have liked. We want to hold off doing any work until we have that permit in hand. The permit will be for all three phases of the project, even though funding may not allow us to reach phases two and three.

**Superintendent Gomes:** The Rec Commission is pretty excited about the project. They have been reviewing it for a couple of years, and they are looking to get a look at the plans, which could be in about a month, and then start putting our ducks in a row and see what we can get accomplished. Once we have a copy of the plan, the staff will meet again to see how much we can accomplish with our own forces. We have a very limited budget, so the hope is that some of the initial clean up can be accomplished with our people. We acquired a great deal of rock for the stabilization project. Our own people may be able to place that rock. The boardwalk I am certain we will need someone to build for us, but we would like to try to do as much as we can with our own people.

**Trustee Holdstein:** At the playground at Hillside School the initial work was done by a lot of volunteers. Would it make sense for at least the initial cleanup to engage volunteers?

**Superintendent Gomes:** Once we get a baseline of the plans and specifications, that would give us a clear picture of how to attack it. I would think volunteers could be a component.

**Trustee Holdstein:** Do we have to go out to bid for the work we are going to have to outsource?

**Superintendent Gomes:** Yes, you would want competitive prices for the building of the boardwalk.

**Mayor Kinnally:** I think it is pretty exciting that we are moving this forward. This schematic is on the web site. As the Manager said, what we are trying to do with this first phase is open up the site, make it more accessible and more inviting, and let everybody know what we have there. I think we will be able to visualize what we would like to see in the next two phases. What we have now in those phases will evolve over time, and this opening up and cleaning up will help us in that evolution and conceptualizing what we can do down there. We want to get people down on the waterfront.

Fran, Susan, Ray, thank you for all the help that you have given to us on this and sticking with this. It has been a long time. My hope is that the people who are interested in this process will take a look at the plans, follow it, and continue to give us their input. I am looking at beginning of the summer having this available to the public.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** ARCO continues with what they have been doing on the design engineering. I am hoping to get together with Mark Chertok to discuss his conversations with ARCO and moving forward on a number of issues that Phil Karmel touched upon this evening on the remediation plan, OU-1, OU-2, where things stand with the state.

**Trustee Jennings:** We should make sure that we have the Village personnel in place to ensure continuity and liaison with ARCO as they develop the remediation plan so that we can avoid unnecessary mistakes that will later on disrupt our development plans for the site or cost us extra money in order to get what we want there. I want to make sure that we have a

responsibility in place from one of our Village staff to make sure this communication link is always open.

## 2. Other

**Mayor Kinnally:** There has been an ongoing discussion with the Town of Greenburgh over the issues that first arose with the settlement of the tree case, the litigation involving Taxter Ridge, and now a proposal by the Town Supervisor and the Town Board that the villages join in a mediation with a retired judge to mediate budget issues that have been called into question by Bob Bernstein and other people in the Town of Greenburgh. This is almost a duplication, or harbinger, of what is to come with the study requested by the villages of the Michaelian Institute at Pace. The villages have been asked to join with the Town, Mr. Bernstein, and a neighborhood group, to split the cost of the mediator. The mediator is charging \$650 an hour, and he figures it will take him 40 hours to mediate this process. A number of us are meeting tomorrow with the mediator. I am not so sure that it is an appropriate thing to do at this time because we have instituted the work of the Michaelian Institute.

Also, I have a problem with any board asking a third-party mediator to become involved in what is essentially, and uniquely, a legislative process. It is the Supervisor's responsibility to propose a budget and the Town Board's responsibility to consider and pass a budget. I do not see how it is appropriate for the Town Board and the Supervisor to cede that responsibility to a third-party mediator. That is what elected officials are elected to do. So we will go to the meeting tomorrow but I am not the least bit optimistic that it is a workable solution or that it is a solution that should be put in place.

**Trustee Swiderski:** There is one other issue. On November 22 the Town Board's right to perfect an appeal of Taxter Ridge expired. They asked for that to be extended for this mediation process to run its course. It is foolishness to link the two together. The Board not only has a right but a moral obligation to appeal a decision which clearly does it and the villages wrong. So two things have happened here. An appeal has been shelved for quid pro quo, when there should be none, of this negotiation. And in all of this the Village is somehow cast as intransigent by not welcoming this appeal process.

**Mayor Kinnally:** They think they are doing us a favor by inviting us to the table on this. I do not see it as a favor. I see it as an abdication of responsibility, and I told them as much.

**Trustee Jennings:** Were they granted the extension?

**Mayor Kinnally:** Forty-five days..

**Trustee Jennings:** So that extension is in place whether or not this mediation process goes forward.

**Mayor Kinnally:** Yes.

**Trustee Jennings:** It is my understanding that the Pace study is supposed to conduct a cost-benefit analysis of the question of creating a new town.

**Mayor Kinnally:** No, it is a cost-benefit analysis of the services that are provided at the present time by the Town and looking at what the villages get for those services. It is not geared towards secession.

**Trustee Jennings:** The SCOBA [Special Committee on Budget Allocation] document seemed to address the same thing.

**Mayor Kinnally:** It did, but I am not so sure that it is as comprehensive as Pace can do. The report looked at the budget items and revenue items and whether they are fairly allocated between the two town budgets. It did not try to derive whether services were correctly or fairly allocated. For example, maybe the Town Attorney spends 5 to 10% of his time in the course of the year on village-related matters. That is not the allocation in the budget. It is probably between 20 and 50%. The Pace study will look at that type of thing.

**Trustee Jennings:** Then prior to having the analysis that we are going to get from Pace, it would be premature to enter into this mediation. This is what they are going to be talking about, presumably, and we will not have our facts straight.

**Mayor Kinnally:** Exactly. And there is no way the mediator will get that information. That is not the purpose of a mediator. To me, the process seems fatally flawed.

**Trustee Apel:** One of the things that I think could be helpful for me is to know what are the services we get from the Town and what is it costing us. We have signed agreements, and they are providing, supposedly, a list of services for us. I would like to know what they are.

**Mayor Kinnally:** You are talking about IMAs. This is outside of an IMA, outside of a fire contract. There are budgeted items: animal control, signs, social services, recreation, the library. We pay half of the Town's expenses for the library, not only the operational expenses, but also the capital expenses. The courts also. I see this as a first step in a



reappraisal of the structure of the towns and villages. I understand the unincorporated Town's frustration. They think that the villages are getting a free ride. What they forget is that the villages are paying twice because we do not rely upon the services of the Town. And there is very little in the way of association between the villages and the Town. We cannot use their pool except in specific circumstances. The same thing with some of the parks. It is a rare person in Hastings who avails himself or herself of anything that the Town offers. The only time as a citizen in 32 or 33 years that I have gone to the town is to file a STAR application.

**Trustee Apel:** That is what I was trying to get a handle on. I know you talk about the IMAs. But in terms of standing alone and being our own village, we have a significant amount of the services here. We are already doing it. And if we need them, then we can make agreements with anybody to do that. I think that is the part I would also like to see for ourselves to think about. All these different lists and all the overlaps, and the things we need and we do not need, that is part of the analysis that I was hoping would be the next part that Pace would do.

#### **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 liability issues with counsel, to obtain advice of counsel concerning development, to consider personnel for appointments to boards and commissions, and for update from the Manager on contract negotiations with the PBA and 456.

#### **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 9:25 p.m.