

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
DECEMBER 20, 2005**

A Regular Meeting was held by the Board of Trustees on Tuesday, December 20, 2005 at 8:05 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Michael Holdstein, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Francis A. Frobel, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

**ABSENT:** Trustee Bruce Jennings

**CITIZENS:** Nine (9).

**Mayor Kinnally:** Trustee Jennings is in Japan on business this evening.

**PRESENTATION** - Senior Citizen Rent Increase Exemption (SCRIE)

**Jenny Murphy, Senior Advocate:** I have had two residents of Hastings call about the Senior Citizen Rent Increase Exemption program (SCRIE). Hastings is one of seven municipalities eligible to adopt it because of the Emergency Tenants Protection Act housing in the Village. It is the only one of the seven that has not adopted it. It seemed out of character for Hastings, so I researched through the villages that have adopted it and found that many of them are not even aware of it. Irvington, although it allows the Senior Citizen Rent Increase Exemption, has no knowledge of anyone ever using it. Greenburgh spends the most on it, outside of Yonkers, which is not a reasonable comparison to make. The closest comparison I could come to was Tarrytown.

Under the program senior citizens 62 years of age or older and with a household income up to \$24,000 would apply to the state Division of Housing and they would determine their eligibility by getting evidence of income. Once they determine it, they would give them a docket number. The docket number would be used at their lease renewal and exempt them from having an increase. The landlord would get the amount lost in the increase by using that docket as a credit on their real estate taxes. So the tax burden would be on the Village of Hastings.

Pleasantville has it, but they are not using it. They say they do not have it, and they may not need to use it because they have established a senior housing project. Probably their neediest seniors are in there, right in the center of town. Tarrytown compares to Hastings demographically pretty closely. They are spending less than \$12,000 a year on it. Only three eligible residents have applied for it. I cannot figure out why there are so few. I spoke to

Larry McCrudden in Yonkers about that. I was wondering if there was a conflict with Section 8. But he said no, if someone is getting Section 8 vouchers they would not be eligible for the SCRIE as well. So that is possibly an offset for the SCRIE. Some of the most needy tenants in Hastings may already have Section 8, so it is starting to look more reasonable that we would compare to Tarrytown. In Greenburgh the total number of senior citizens is considerably higher. Their population is higher; they have more renters and more housing. We have 485 ETPA units; they have 822 units. They are spending \$60,000 with 27 seniors using this. I thought it was reasonable that it would not cost Hastings more than half that of Greenburgh. I think the worst case scenario would be maybe \$30,000, and the best case scenario would be something similar to Tarrytown, around \$12,000.

**Trustee Holdstein:** The memo was terrific, thank you. It is very clear. Doing some rough math, with \$24,000 income it means that this would apply on rents of \$580 a month or more.

**Ms. Murphy:** Their rent also has to be a third of that income.

**Trustee Holdstein:** Right. That is where I came up with the \$580. Multiply that by 12 months, it is \$7,000 roughly. So in between \$20,000 and \$25,000, that is a ball park number. I think the concept is great. I think we should do it. The question becomes trying to analyze the real costs from a budgetary standpoint. Do we have a true census to know how many seniors are in our community, what their incomes are, and what the average rent is in the buildings that are applicable here? Is this in any rental unit?

**Ms. Murphy:** No, it has to be ETPA housing. Almost all of the rental housing that is classified as that is all the apartment buildings in the center of town.

**Trustee Holdstein:** Do you have any idea what the average rents are?

**Ms. Murphy:** I do not have any idea. I do have an idea of how many. You have the senior citizens based on the last census over 65 who have an income less than \$25,000. If you look at the chart, that is a total of 293 seniors. Now, that does not mean that they live in ETPA housing. They could be homeowners.

**Mayor Kinnally:** It relieves them of rent increases, and the rent increases have been around 4, 5% a year? Is that right?

**Ms. Murphy:** Because these are rent-regulated buildings, I think it is something like 2 or 3% a year, and if it is a two-year lease it is 5 or 6%

**Mayor Kinnally:** I do not understand how, if there are three participating seniors in Tarrytown, it is costing Tarrytown \$4,000 per senior if it is just on the rent increase.

**Ms. Murphy:** I think one is a recent applicant. She said that two of the residents are costing \$300 a month, and the third resident is going to be somewhere around \$350.

**Mayor Kinnally:** That does not make any sense, though. I cannot imagine these people are paying base rents of that amount. If you are only paying the difference in the increase of the rent, those numbers are way out of whack.

**Ms. Murphy:** It could be over a certain amount of time, too. It would accumulate, and the cost burden can increase.

**Mayor Kinnally:** When did this program start?

**Ms. Murphy:** I asked Larry McCrudden. He thinks it was adopted in Yonkers in the 70s.

**Mayor Kinnally:** The numbers sound awfully high. It is a lot of money.

**Trustee Swiderski:** It is a lot of money. That is why it makes people nervous.

**Trustee Holdstein:** Well, no. If you take the \$12,000, divide it by the three applicants, it is \$4,000. You take the \$60,000 and divide it by 27, it is not \$4,000.

**Ms. Murphy:** Greenburgh is not really consistent, I agree. I tried to figure out a formula that was consistent with every municipality, and I could not.

**Trustee Holdstein:** For how long can a tenant sign a lease? How often can they raise the rent?

**Ms. Murphy:** It is usually a two-year lease. For the duration of the lease, the exemption is in effect. When the lease is renewed, they have to reapply and get a new docket number. By reapplying, they have to re-prove their income. If their income goes up, or if a child comes back to live and has an income, that is counted in the household income.

**Trustee Apel:** If the rent gets up to \$2,000 the landlord could ask whatever they want. So then we do not know what they are going to have to pay.

**Sharon O'Shea, 406 Warburton:** Once the rent reaches \$2,000 on an ETPA apartment it can be taken off ETPA. It can also be taken off ETPA under other circumstances: if the apartment is left empty for a year; if the landlord wants to put a relative in that apartment; and so forth.

**Trustee Apel:** One of the things we need to find out is where all the rents are in Hastings. If we know that there are 100 apartments, and out of that 25 are going to come off this anyway and we are only left with the rest, I think we would have a better sense of what we are dealing with. Because eventually, if it gets to \$1,999, we are still on the hook.

**Trustee Swiderski:** The annual cap of \$25,000 that confers eligibility: does it climb every year or so?

**Ms. Murphy:** I am using \$24,000 because it is based on a local law of salary cap. Right now the range is \$20,000 to \$24,000, and I tried to speak to someone at the Division of Housing to find out where they get the cap. She says it can be determined by the municipality. All of the local Westchester towns and villages use 24 right now. So in answer to your question, I think it does vary.

**Trustee Swiderski:** But does that amount automatically increase every year?

**Ms. Murphy:** I do not know.

**Sue Smith, 645 Broadway:** I think that it does increase each year. It is like the senior exemption that you give now for homeowners.

**Mayor Kinnally:** Not automatically, though. We have to pass the senior exemption.

**Ms. Smith:** Right. But there is encouragement to do that, just like the affordable housing limit for eligibility goes up each year. In that case it is a HUD-directed thing but there is recognition of the increasing salaries and costs each year. In my memo I may have misspoken. I said \$27,500 because that is the amount, new legislation, that the county is going to pass called DRIE, Disabled Rent Increase Exemption. That is the starting number this year. They are encouraging communities to do that for anyone who is disabled. I do not know how you define disabled. I did not get that information. But that will be, for all ages, another possibility.

**Trustee Holdstein:** Is there a way we could get a better handle by doing some simple polling: what people's rents are, their incomes more or less?

**Mayor Kinnally:** You can get the rents from the county. The people who qualify for ETPA, I believe, have to register those rents with the county or with the state rent board. The tricky part is getting people's income.

**Trustee Holdstein:** Perhaps not necessarily ask specifics but at least give a range: it would be a good idea and something we should definitely consider. It would give us a closer ballpark as to what the expense is so that we can start planning our budgetary responsibility.

**Ms. Murphy:** Based on the social groups that meet at the Recreation Center, and the friendships I have made over the last few months, I have casually interviewed and polled some people on it. I have only identified two eligible seniors so far. I know some of the situations with seniors because of the Medicare, so they are sharing information with me. Most of the ones who might be eligible are homeowners.

**Trustee Holdstein:** It sounds like a great program and not a huge burden to the Village, given as you have identified only two so far. And if it is five, if it is seven, the qualifications are somewhat limited.

**Mayor Kinnally:** Right now we need some more information. Jenny, if you could get us some more of that information. And on the DRIE, if we could get some sense of what that program is about, we might look at that also.

**Ms. Murphy:** What specifically do you want me to find out? I could probably find out what the rents are, but it still would not tell you that of those people paying those rents how many of them are seniors.

**Mayor Kinnally:** I would like to find out how long this program has been in effect, and how Tarrytown reaches their \$12,000 and Greenburgh reaches their \$60,000. Where are these rents pegged and how much is there an aberration in any of these? It seems that Tarrytown's average of \$4,000 a year is quite high. Especially since you cannot have more than \$24,000 income. If the rental is over \$2,000 a month, they are not eligible. Well, anybody who is paying \$2,000 a month is making substantially more than \$24,500 anyway, or they could not afford it. So these numbers just don't seem to make sense.

**Trustee Holdstein:** I agree with you on the economics. But if someone were to sell their home and reap a fairly substantial windfall in that sale, and put it in the bank, interest off that money is part of that \$25,000 in income. Like you say, you could not have an income of \$25,000 and pay \$2,000 a month in rent. You would not be eating all year. But if they are

using capital to help pay the rent, then it could work. It could be eating up their capital, as well. You could have rents and minimal incomes if they have substantial capital reserves.

**Mayor Kinnally:** I do not think you are going to find too many people qualifying for this who have sold homes in Hastings. You are going to find long-term people in this housing.

**Trustee Holdstein:** I am just trying to balance the numbers.

**Ms. Murphy:** I can get more details from Tarrytown. And Pleasantville says they do not have it, but they are listed as having it. I can see if Greenburgh would give me more information. I really had a hard time getting what I got, but they have 27 residents using it and it is running \$60,000. So you want to know what the median, or average, rent is.

**Mayor Kinnally:** And how they come up with that \$60,000. That is over \$2,000 a person.

**Trustee Apel:** It depends upon when they started. If they started and the rent was very low and they were paying \$100 a month, it adds up.

**Mayor Kinnally:** I agree, and that is why we have to find out when it was adopted by the state legislature and when the municipalities adopted it.

**Ms. O'Shea:** I have lived in an ETPA building since 1998. I became disabled a year ago. I have spent the better part of the last year scouring every Internet site, every government agency, every county and municipal agency trying to find what is available for disabled people. While I was looking for information on ETPA for another tenant in my neighborhood I stumbled across SCRIE on the ETPA web site. You really have to look hard to find this information. I found out afterwards about DRIE. It is fairly typical that information like this is hard to find. If I do not know about it, I cannot imagine how somebody who is 62 years old and not familiar with using a computer would. And when it is not announced in the newspaper or press releases, and they do not read the local papers, I cannot imagine how they would know about it.

As far as rent increases, you are given an option every time your lease comes up for one or two years. It is always to the tenant's advantage to take two years because it is always a lower percentage. It has ranged, in the time that I have lived in an ETPA building, from zero percent to 6.5%. This year was 6.5%. That is a huge rent increase for a person on a fixed income. Also on this web site, it said that to qualify for this program the income limits and the percentage of rent figure was the same as for Section 8. I also called the called the Section 8 office. You get bounced back and forth, and it is as if nobody knows anything

about this program. But if we talk about a hypothetical person who moved into an ETPA building in 1998 paying \$1,100, today she is paying \$1,320 and will be paying \$1,320 until 2007.

**Mayor Kinnally:** We are going to get some more information, and will revisit this and DRIE in January. We have a letter from Tom Forbes, and from Sue Smith and the Affordable Housing Committee. Both of those communications will be part of the record.

### **APPROVAL OF WARRANTS**

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

Multi-Fund No. 40-2005-06 \$554,508.32

Multi-Fund No. 41-2005-06 \$151,941.31

Multi-Fund No. 43-2005-06 \$ 98,965.20

### **109:05 DONALD PARK FIRE DISTRICT AGREEMENT**

**Village Manager Frobel:** At long last, we are in a position to recommend that the Trustees authorize the mayor to execute this agreement. This is an agreement that expires in a few days, but it is for the last three years, formalizing the relationship between the Village and the Town for providing certain fire protection services. It has come at the end of a long period of time of negotiations.

**Mayor Kinnally:** I want to thank Mr. Frobel and Susan, our fire chiefs, and our ex-fire chief, Bob Schnibbe, for helping on this, and my colleagues on the Board who continued to prod the Town Board and the Town Supervisor to get this done. If anything, it will serve as a benchmark for our negotiations going forward. We did not get everything we wanted to get but we come out in very good shape. We have not received these amounts for the past three years, so it will be a shot in the arm for us budget-wise and revenue-wise. I am in favor of this, and I encourage the Board to support it. The Town has agreed to pay the Village for fire services \$203,608 for the period January 1 through December 31, 2003; \$207,491 for the period January 1 through December 31, 2004; and \$224,759 for the current year.

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 Mayor to sign the agreement as attached with the Town of Greenburgh for service by the Hastings-on-Hudson Fire Department to the Donald Park Fire District for 2003-2005.

<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	

**114:05 LAWN MAINTENANCE AND WATERING - AUTHORIZATION TO BID**

**Village Manager Frobel:** We are looking for authority to go out to bid for a successor contract to the one we have had in place for the past several years. This is for the maintenance of our park properties. We are looking for a three-year agreement. The specifications have not changed from previous years. Staff has reviewed them fairly closely, and we are optimistic we will get some good prices for the next three years.

**Trustee Holdstein:** We have some new plantings in the Boulanger wall that require watering which we did not have before.

**Village Manager Frobel:** Let me double check. I think Ray took that into consideration.

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 receive bids for lawn maintenance and watering.

<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

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

**Village Manager Frobel:** I have seen a draft of the application to the Army Corps of Engineers and to the state for the improvements at Kinnally Cove. As anticipated, they were to be prepared this month. We hope to submit them to those two respective agencies this month, and we are proceeding pretty much on target.

**Trustee Swiderski:** Could I ask for some comments on the Pace meeting that you had?

**Village Manager Frobel:** The Pace meeting was held last week. All the participating communities were in attendance. We met with two consultants from the university that are going to be heading up the study and gave them some additional direction as to where you would like to see this study focus. They expect to be beginning it very shortly.

**Trustee Swiderski:** Did you feel that the agenda of what they will be studying was clear to them?

**Village Manager Frobel:** I think so, but there was still some discussion about this notion of forming a new town, which was somewhat of a surprise to me because I thought we were looking at ways to ensure that we are getting value for the services that we are paying for today, perhaps looking at recommendations for changing and strengthening the current system.

**Mayor Kinnally:** I would like to reach out to people in Irvington and talk to them about that because I think that is where it was coming from. That was not the original scope. My understanding of the scope of services was just to analyze what services were being provided by the Town and what we were paying in the way of taxes. That has been brought into sharper focus with the SCOB report, which is more or less a blueprint for what Pace is going to elaborate on. So with the Board's approval, I would reach out to some of the other municipalities and get a clarification on that.

**Trustee Holdstein:** When we first talked about this, Neil had discussed the idea not necessarily of the other villages joining and creating a new town, but rather could Hastings stand as a coterminous village/town on its own

**Mayor Kinnally:** Each of the municipalities could do that, or they could form a new town. But all of it is premature.

There was an interesting column in yesterday's *Journal News* by Milt Hoffman about the mediation and, for lack of a better word, the fight between the Village and the Town and also the litigant, Bob Bernstein. Peter and I met with some of our colleagues and with the mediator, Judge Friedman, a couple of weeks ago. We discussed our skepticism as to the wisdom of having a mediation. I called Milt today and talked to him about the column, and he said that some of the leaders in the villages should stop grandstanding. I talked to him about what he meant by that, and also tried to get an idea of whether he had an idea of what issues are being mediated or should be mediated. What we are talking about is the relationship between the Town and the villages and the apportionment of the various taxes. Milt urged that the villages be part of the mediation. When I raised with Milt exactly what the mediation would be, I think he understood our skepticism. Judge Friedman urged us to reach out to Bob Bernstein. I have done that, and tomorrow I am supposed to have lunch with him to get an idea of his role in the mediation and what, if anything, he hopes to get out of the mediation.

We are continuing to urge the Town to continue with the appeal. I have a copy of a letter that Dick Fontana, the former mayor of Ardsley, received in 1982 from Bill Finneran, the author of the Finneran Law, about what this law was about and what it was designed to avoid. It appears to me that it deals with exactly the situation that we are talking about. Milt's position in the column was that the last thing we want to do is to have the Town of Greenburgh be reluctant to acquire any additional open space because it is going to be an additional burden on the villages, where they are going to be paying twice.

**Trustee Apel:** There is no commitment to do any mediating now, is there?

**Mayor Kinnally:** No. There is a commitment by the Town to mediate, and there is a commitment by Bernstein because Bernstein has nothing to lose in the mediation. But the villages have not pulled the trigger on it yet.

**Trustee Apel:** I think we do not have enough information. We have to get this report first. We have to know exactly what we are supposed to be getting from Greenburgh and whether we get it or not. And then we need to hear from the institute. To mediate before we have any information, and have that report, is terribly premature.

**Mayor Kinnally:** I am not so sure. I think you can go into mediation, assuming that you have defined the areas to be mediated. The big-ticket item is going to be the Parks and Rec budget. That is fairly well-defined because there is very little that the villages get from the

Town of Greenburgh in the way of recreation. But there needs to be a lot more definition. Judge Friedman came out of our session scratching his head because it is more complicated that he was initially led to believe in meeting with the Town. We talked with the judge about the concept of mediating the budget. It is the Town Board's responsibility to come up with a budget. Why do you need to have a mediator come up with a budget? It is an unpleasant situation that they are delegating to somebody else to let them off the hook.

**Trustee Holdstein:** I agree that it is their job to do the budget, not a mediator's. On that basis I am opposed to getting involved. Is that judge booking at \$600?

**Mayor Kinnally:** No, he dropped it to \$400 or \$450. But he is not looking for a contribution from the villages. It will be in the A budget.

**Trustee Swiderski:** Right. We will all pay for it collectively in the end.

**Mayor Kinnally:** There is a cap on his hours at this point.

**Trustee Holdstein:** Is there any room to let us get somebody else at a better price?

**Mayor Kinnally:** There is always room for that. But I cannot say that the fee is over the top.

**Trustee Swiderski:** He impressed me as a reasoned person. If you wanted to run a mediation, he is as good a person as you would like to have.

**Mayor Kinnally:** He also knows the territory. He has been in private practice, he has been a supreme court judge in Westchester, he has been involved in politics in Westchester but not for the last 20 years. So he knows the players, the personalities, the municipalities

**Trustee Swiderski:** The appeal has to be filed by the 6th? So time is rapidly running out.

**Mayor Kinnally:** That is one of the things I am going to talk to Bernstein about tomorrow.

## **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** There is a meeting with the DEC on the PRAP for the properties adjacent to ARCO, Uhlich and Exxon/Mobil, scheduled for Tuesday, January 17, at 7:30 p.m. at the high school, with a snow date of January 18. There will be a notice sent to everyone about the scope of the session. George Heitzman will be running the meeting. It is the first step in freeing up that property and getting it on the market.

**Village Clerk Maggiotto:** George Heitzman brought some documents down yesterday. As soon as he sends us the fact sheet we will send that out on e-mail. Everything is on the DEC web site, and he thought the best way for people to see the documents other than in the library or here would be with a link to the DEC site, which we will put on our site.

## 2. Other

**Trustee Holdstein:** Do you know what is happening at the Food Emporium? The Architectural Review Board report says A&P Fresh Market/Food Emporium Deli. Is that it? They are going to change the sign and the name?

**Mayor Kinnally:** It is changing, but I do not know the particulars. They have already made changes internally.

**Trustee Holdstein:** I am baffled by it from a marketing standpoint. I do not know what the net-net change is. Should they be coming to us and letting us know these changes, or they are free to do whatever they want?

**Mayor Kinnally:** They are free to do whatever they want, subject to complying with laws on changes physically to the property. There was no discussion with the Board about the change from A&P, although I remember speaking with them about it and telling them I thought the Food Emporium was a mistake because of the higher price points. They may have gone to the Planning Board and the Zoning Board because they needed approval to do the construction, but I do not remember their ever coming before the Board of Trustees.

**Trustee Holdstein:** We have a letter from Willkie Farr Gallagher, the legal counsel that does our bond work, informing us that one gentleman is retiring and his partner is moving on; does this mean we are going to move with that partner to this new firm?

**Mayor Kinnally:** That is what they are asking us. We have not made a decision yet.

**Trustee Holdstein:** Is that something that is a public discussion, a personnel executive decision discussion, or something that Fran and Sue will decide on their own?

**Mayor Kinnally:** We do not have any bond counsel work at the present time, but if and when bond counsel comes up, we might consider an RFP.

**Village Clerk Maggiotto:** Starting on January 3 there will be a new parking configuration on the west side of the tracks on the piece that we lease from Metro-North. We have entered into a new agreement with Metro-North, and they have captured all the spaces they own all the way up to and including the spaces that are part what we think of as the Harvest parking. There will be 34 new metered spaces open to everyone, not just Hastings residents. The number of permit spaces will stay the same, but we will now have a place in Hastings for anyone to park all day who wants to go into the city. By their design, these 34 spaces will be right in the middle of the permit parking. They will not be metered with the physical meters that we are used to. They will be using a slot box. We will have people down there helping at the beginning. The cost will be \$4 a day. There is plenty of new signage, all designed and approved by Metro-North.

**Trustee Holdstein:** I assume the MTA police are responsible for enforcement.

**Village Clerk Maggiotto:** No, we will be doing the enforcement.

### **EXECUTIVE SESSION**

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel.

### **ADJOURNMENT**

On MOTION of Trustee Apel, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:10 p.m.