

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 16, 1997**

The Regular Meeting of the Board of Trustees was held on Tuesday, December 16, 1997 at 8:12 PM in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee James B. Keaney, Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee Anthony Gagliardi, Attorney Brian Murphy, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

CITIZENS: One (1)

APPOINTMENTS

Village Manager Hess announced the following appointments:

Dr. Myron Gilbert - Parkway Gas Stations Committee
Rafael Zaratzian - Deputy Village Treasurer

APPROVAL OF MINUTES

On MOTION of Trustee DeVita, SECONDED by Trustee Gagliardi with a voice vote of all in favor, the minutes of the Public Hearing of December 2, 1997 (Vehicle and Traffic) were approved as presented.

On MOTION of Trustee Keaney, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Public Hearing of December 2, 1997 (Certificate of Occupancy PTI Holding) were approved as presented.

Trustee Holdstein had the following correction to the minutes of the Regular Meeting of December 2, 1997:

p. 7 - change "Zant" to "Zahn"

On MOTION of Trustee Gagliardi, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Regular Meeting of December 2, 1997 were approved as corrected.

APPROVAL OF WARRANTS

On MOTION of Trustee Gagliardi, SECONDED by Trustee Keaney with a voice vote of all in favor, the following warrants were approved:

Multi-Fund No. 79-1997-98	\$ 27,355.81
Multi-Fund No. 80-1997-98	222,424.20

Multi-Fund No. 82-1997-98

170,707.28

93:97 ADOPTION OF LOCAL LAW NO. 9 OF 1997 - VEHICLE AND TRAFFIC REGULATIONS

Trustee DeVita: What regulations are in place at that location now?

Village Manager Hess: None.

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

RESOLVED: that the Mayor and Board of Trustees hereby adopt Local Law No. 9 of 1997 to amend Chapter 97 Vehicle and Traffic as attached herewith.

ROLL CALL VOTE:	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

94:97 PUBLIC HEARING - TELECOMMUNICATIONS

Village Manager Hess: The Board has received the latest draft of the wireless telecommunications legislation and a new overlay district map which we developed based on input from the public hearing and from the Conservation Commission. Hillside Woods has been removed and new areas included: Graham, Andrus, the Burke Estate building, the Municipal Building and Library, and the water tower on Forest.

Trustee Holdstein: Can we get any concessions from developers for allowing use in these areas?

Mayor Kinnally: The Village does not allow or disallow uses; it simply designates area where these facilities are allowed by private contractual agreement between owners and the carriers. The Village gets involved only when Village property is leased. The proposed legislation tried to address everyone's concerns.

Trustee Holdstein: Can this law be challenged by the carriers?

Mayor Kinnally: A law can always be challenged, but we have tried to work with the carriers to come up with something workable for anyone.

On MOTION of Trustee DeVita, SECONDED by Trustee Gagliardi, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for January 8, 1998 at 8:00 p.m. or shortly thereafter to consider the advisability of adopting a local law establishing a Personal Wireless Service Facilities Overlay District.

ROLL CALL VOTE:	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

95:97 BOARD MEETING CHANGE OF DATE

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

RESOLVED: that the Mayor and Board of Trustees change the date of the Regular Meeting from January 6, 1998 to January 13, 1998.

ROLL CALL VOTE:	AYE	NAY
Trustee James B. Keaney	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

96:97 APPROVAL OF CERTIFICATE OF OCCUPANCY - PTI HOLDING INC.

Mayor Kinnally: As a follow up to the public hearing on December 2 regarding an application for a certificate of occupancy for PTI Holding, a letter was sent to Mr. Birritella outlining the requirements that PTI and the owners of the property would have to meet. The request before us is that the Board approve this application subject to satisfaction of the requirements in the letter.

Meredith Birritella: A number of corrections are presently underway in the sprinkler, heating, and electrical systems. The landlord has begun to work on a number of items on the punch list but the weather has prevented some items such as painting fire lanes. I heard second-hand today that the fire marshal or the building inspector would meet with representatives of the owners on

Thursday regarding capping off certain fire hydrants. We estimate that weather permitting all work will be completed by February 1 including the work in the plans I provided to the Board. We have not yet expanded into the other buildings but we have started renovations.

Mayor Kinnally: What about the trailers behind the building parallel to the water?

Mr. Birritella: Those contain slow-moving items; the contents will move inside when renovations are complete. The trailers will be removed by spring and there will be loading dock doors where the trailers are.

Trustee Gagliardi: At the last public hearing the matter was referred to the attorney for a report. Did we get an answer?

Attorney Murphy: Some issues are still outstanding with the building inspector.

Mayor Kinnally: This will not affect what we do tonight because our approval is contingent on the approval of the building and fire inspectors.

Village Manager Hess: A certificate of occupancy cannot be issued if there are violations anywhere on the property, but our understanding is that any violations will be corrected.

Trustee DeVita: What is the advantage to our voting tonight?

Mr. Birritella: This is a leap of faith on our part; we are investing money already as part of our lease agreement. We cannot move ahead without knowing that a certificate of occupancy will be approved conditionally.

Trustee Holdstein: I am torn about this situation. I am happy we have a business growing but I have a problem with a certificate of occupancy when we don't collect taxes. This business is good for the community but a message has to be sent to the owners that we cannot allow this to continue. I will vote no as a statement to the landlord. I am sorry to do this to Mr. Birritella because he is running a good operation, but I would urge my fellow Board members to do the same.

Mr. Birritella: By approving this certificate of occupancy and having the landlord collect rent the value of the property is increased, so if the Village is looking to collect money from the landlord it is better to have him having income from the property. If this is not approved we will have to find another location; 160 Westchester residents would be unemployed because we are unable to locate any other space in the county that meets our requirements. I urge the Board to reconsider this position. In the long run this will strengthen the Village's case in collecting taxes; a vacant abandoned building strengthens the landlord's case that the buildings have less

value. We have paid about \$33,000 a month on the old lease and will pay \$700,000 annual rent in the new lease.

Trustee Keaney: This is an expansion of an industrial use to roughly double the space. There will be two new assembly lines with 40 employees added, for a net gain of 20 employees on the site. The tenant is improving the building. The lease extends to 2001 with annual options to renew thereafter. The rent is in line with industrial space in Westchester. There will be six to ten extra tractor trailer trips per day. I do not see this doing anything for the Village. In 1995 we approved Mr. Birritella's first certificate of occupancy. That was a different time when there was still a substantial amount of debris in the building. We are much closer to the time when we can see what the community wants on the waterfront. My question is: is an industrial business generating little benefit and no taxes, going to the year 2001 and possibly beyond, what we want?

We are faced with a good businessman running a socially desirable business providing jobs, but the taxpayers in Hastings are getting no or very little benefit. I don't care what Greenburgh's settlement is. Allowing this expansion will put off the day the owners upgrade the property and we can have upgrading of the scenic values and the values mentioned in the zoning code that are supposed to guide our decision. This will detract from the goals we should be looking to with very little benefit to us. There is precedent for this; the bus operation was voted down. This is a detriment rather than a benefit to the Village and it raises quality of life issues.

Trustee Holdstein: Trustee Keaney makes a good point that collecting so much rent does not motivate the owners to work with the LWRP. We must hold their feet to the fire and start moving the owners.

Mayor Kinnally: It's correct that we are not getting any revenue from the property, but we are on the horns of a dilemma: we are in litigation and until it is resolved we are faced with the distinct possibility that we will not see any money. The bus operation was turned down because of concern about increased traffic through the Village. FC Hastings or Alpert Holding have been ignored as one of the participants because they have shown no interest in developing the property; they have stepped aside in favor of the contract vendee, Mr. Green and Mr. Kheel. In the past I have voted against certificates of occupancy to move the owner ahead. In many respects the property is unique because the people mainly responsible for the cleanup are not the current owners, and the people mainly interested in developing the property are a holding company. It was clear from our meeting last week with ARCO that the timetable for cleanup will stretch well into the next century.

Village Manager Hess: May I request a recess so the Board can consult with its attorney?

On MOTION of Trustee DeVita, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board voted at 8:45 PM to recess the Regular Meeting of the Board for the purpose of obtaining counsel from the Village Attorney.

The Regular Meeting of the Board resumed at 8:55 PM.

Mayor Kinnally: We will return to this resolution later. The Village Manager will give his report now.

VILLAGE MANAGER'S REPORT

1. The Ambulance Corps is reviewing specifications and three bids for a new ambulance; I anticipate we will award the contract on January 13.
2. Regarding the proposed renovations of the Municipal Building, Gisolfi's firm was supposed to get us a breakdown of costs in November. The engineers had a problem in the basement due to a fire alarm situation. It was resolved last week and the final cost estimates are in and available for a committee meeting December 17. The asbestos inspection is complete; there is some asbestos in the basement wrapped on pipes and some around the heat in my office, but it is in good condition. It will be encapsulated according to federal law.

BOARD DISCUSSION AND COMMENTS

1. Waterfront Update

Mayor Kinnally: Over the last two weeks 2,420 cubic yards of c. and d. material went out. Although no screened material went out, this is not so much concern because there is no problem finding a home for it. The material is moving out at a higher rate than last spring and we are ahead of schedule to meet the numbers from the consent decree of a year ago in October. We had lunch last week with the ARCO representatives; we reemphasized a number of items from the meeting last week, especially the comments from Dr. Padawer and others requesting that the technical information be produced in more understandable fashion. ARCO agreed to give clearer technical information so that the community can evaluate it better. The speed at which ARCO has been proceeding has left a lot to be desired. They asked to be advised of the LWRP activity. We will be in more regular contact with ARCO separately from the DEC process. The avenues of communication have been expanded; we expect that we will get more information and ARCO will be more responsive to us and to the community.

2. Ambulance

Mayor Kinnally: I am in the process of drafting a request for a grant for the new ambulance and have also submitted a request for a 1998 concert series in the Village. The application has been acknowledged but there will not be a response for several months.

3. County Executive

Mayor Kinnally: I called County Executive Elect Spano and had a good chat about the county and the town and villages. I reviewed our positive working relationship with County Executive O'Rourke and the county planning department. I received a commitment from Mr. Spano that this good relationship will continue and be expanded. Mr. Spano will have a meeting soon after his swearing in with the supervisors and mayors of the towns and villages. I was encouraged by his response; the villages will benefit.

4. Other

Mayor Kinnally: Regarding the terrible fire in Rosalind Gardens in Dobbs Ferry, Hastings was the first to respond to the mutual aid call and worked all night shoulder to shoulder with the other fire departments. Our sympathy goes out to the people who were displaced. Congratulations to our fire department who fought the fire as well as they always do; our volunteers always answer the call.

Trustee Keaney: Breakfast with Santa was a huge success; Santa was jovial and the elves puckish. The kids got gifts and it was a fun time. Everyone should go to see what a great time it is for everyone.

Trustee Gagliardi: Happy holidays to everyone in the Village and a healthy new year.

96:97 APPROVAL OF CERTIFICATE OF OCCUPANCY - PTI HOLDING INC. (contd.)

Mayor Kinnally: There is a motion on the floor. Is there any further discussion?

On MOTION of Trustee Gagliardi, SECONDED by Trustee DeVita, the following resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees approve the application of PTI Holding Inc. dated October 23, 1997 for a Certificate of Occupancy for the south portion of Building 52, 52B and 52A on the Waterfront for the expansion of the warehousing operation from the adjacent bicycle helmet assembly operation, contingent upon the approval of the Building Department and the Fire Department.

ROLL CALL VOTE:

AYE

NAY

Trustee James B. Keaney		X
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein		X
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

EXECUTIVE SESSION

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

ADJOURNMENT

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