

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**ORGANIZATIONAL MEETING**  
**APRIL 7, 1998**

The Organizational Meeting of the Board of Trustees was held on Tuesday, April 7, 1998 at 8:05 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, Deputy Village Attorney Robert Ponzini, Village Manager Neil Hess, and Village Clerk Susan Maggiotto

**INVOCATION:** Rev. Okke Postma of the First Reformed Church delivered the invocation.

**ADMINISTRATION OF OATH OF OFFICE**

**Mayor Kinnally:** This is the beginning of our Village year, and we swear in the new Officers and new Trustees.

Trustees Keaney and Holdstein were sworn in by Mayor Kinnally.

I welcome my two colleagues to their assigned seats and their assigned roles, and let's hope we have a very productive year. We have other appointments as part of our Organizational Meeting.

**26:98 APPOINTMENTS**

On MOTION of Trustee Holdstein, SECONDED by Trustee Gagliardi, the following resolutions were duly adopted by roll call vote:

**A. DEPUTY VILLAGE CLERK**

**RESOLVED:** that the Mayor and Board of Trustees appoint **Linda M. Knies** Deputy Village Clerk for a term of one (1) official year.

**B. ACTING VILLAGE JUSTICE**

**RESOLVED:** that the Mayor and Board of Trustees appoint **Joseph A. DiSalvo** Acting Village Justice for a term of one (1) official year.

**C. VILLAGE ATTORNEY AND VILLAGE PROSECUTOR**

**RESOLVED:** that the Mayor and Board of Trustees award a contract for services to **Ponzini, Spencer & Geis** as Village Attorney and Village Prosecutor for a term of one (1) official year.

**D. HISTORIAN**

**RESOLVED:** that the Mayor and Board of Trustees appoint **Mary Allison** Historian for a term of one (1) official year.

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

Mayor Kinnally administered the oath of office to Acting Village Justice DiSalvo.

**27:98 MAYORAL AND BOARD OF TRUSTEES DESIGNATIONS**

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

**A. OFFICIAL NEWSPAPERS**

**RESOLVED:** that the Mayor and Board of Trustees designate the **Rivertowns Enterprise** and the **Herald Statesman** as official newspapers for a term of one (1) official year.

**B. OFFICIAL DEPOSITORIES**

**RESOLVED:** that the Mayor and Board of Trustees designate the **Bank of New York, Citibank, N.A., Chemical Bank, Hudson Valley National Bank, and MBIA-Class** as official depositories for a term of one (1) official year.

**C. VILLAGE AUDITORS**

**RESOLVED:** that the Mayor and Board of Trustees designate the firm of **Bennett, Kielson** as Village Auditors for a term of one (1) official year, to be compensated on a fee or contract basis.

**D. POLICE AND FIRE SURGEONS**

**RESOLVED:** that the Mayor and Board of Trustees appoint **Dorian Tergis, M.D.** and **Charles Edelman, M.D.** as Police and Fire Surgeons for a term of one (1) official year each, to be compensated on a fee or contract basis.

**E. REGULAR MEETING DAYS**

**RESOLVED:** that the Mayor and Board of Trustees designate the **first and third Tuesday of each month** as the Board of Trustees Regular Meeting Days.

**F. AUTHORIZATION TO SIGN CHECKS AND INSTRUMENTS**

**RESOLVED:** that the Mayor and Board of Trustees authorize the following to sign checks and instruments of the Village of Hastings-on-Hudson, when countersigned by the Mayor or one (1) Trustee:

**Neil P. Hess, Susan Maggiotto, and Linda M. Knies**

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

**MAYORAL APPOINTMENTS**

Mayor Kinnally made the following liaison assignments:

Fire Department	Mayor Kinnally
Police Commission	Mayor Kinnally
Safety Council	Trustee Holdstein
Newsletter	Trustee DeVita
Beautification	Trustee Gagliardi

Draper Review Board	Trustees Keaney and DeVita
Affordable Housing	Trustee Keaney
Youth Council	Trustee DeVita
School Board	Trustee DeVita
Library Board	Trustee Gagliardi
Parks & Rec	Trustee Holdstein
Senior Council	Trustee Gagliardi
Conservation	Mayor Kinnally
Finance Committee	Trustees Holdstein and Gagliardi
Planning Board	Trustee Holdstein
ARB	Mayor Kinnally
Deputy Mayor	Rotating among Trustees according to seniority
LWRP	Trustee Keaney

### **23:98 SALES TAX ON CLOTHING PURCHASES**

**Mayor Kinnally:** Just a bit of background on this. There have been a number of days, as you know, where sales taxes have been rolled back. It has been a big success for some of the merchants, but people have not stopped to assess the impact on the county and their local municipalities. I was at a meeting with the County Executive about six weeks ago with the Council of Governments. This is one item that came up. I know it's being discussed by the Westchester County Municipal Officials and also with the New York State Conference of Mayors. Everybody is recognizing that it's going to have an adverse effect on our budgeting process: the amount of money we get from sales tax now. Although many of us were not in favor of it in the beginning, it is a substantial amount. It's about 680-thousand dollars budgeted in 1998-99. That is quite a bit, and to have the plug pulled on that at this point without addressing where those sources of revenues are going to come from in the future I think would be foolhardy. So this is an approach to the legislators to say, "Think before you leap here. This is going to be a very, very onerous impact on the municipalities, and we better have some studies on it first, and also some alternate revenue sources, before we take this out of our budget."

**Trustee Holdstein:** I have one concern with this, and that is I don't know if there's been any analysis as to how much money we currently lose to people who shop in non-tax localities. On a given Saturday, or any other day of the week, take the George Washington Bridge to Route 4 in New Jersey. I've been on that street on a Saturday leaving Westchester to go shop over there because they do save on the taxes. I'm not thrilled about losing 28-thousand dollars, but my gut reaction is to be in favor of this. I don't think we have enough information to sign on opposed to it without some kind of knowledge as to what we're losing on a daily basis where people are going where there is no tax.

**Village Manager Hess:** If you look at the exemption on New Jersey: unless you're spending a substantial amount of money on clothing down there, for this 100 dollars you're saving five dollars, 75 cents. The bridge to get back costs you at least three dollars.

**Trustee Holdstein:** I understand. But this is a savings of a hundred dollars per item.

**Village Manager Hess:** No. If I buy up to 100 dollars' worth of clothing I'm exempted from the sales tax, which would save me five dollars, 75 cents. It wouldn't save me 100 dollars. It would save me five dollars, 75 cents. For me to go New Jersey to spend that money, the cost is going to equal what you pay in taxes in terms of the sales tax. I'm not saying that if you shop in the city of Yonkers or the city of White Plains there's not a significant difference, but you can save yourself 2-1/2- or 3-percent by just shopping outside those cities and in the rest of the county. There are a number of clothing stores in Greenburgh, Mt. Kisco, a number of areas across the county that are two- or three-percent less than White Plains or Yonkers.

**Trustee Holdstein:** But if I'm a parent with three kids and it's back-to-school time and I go over to the Garden State Plaza and I'm going to shop around that mall; I'm going to go to Macy's, I'm going to go to Toys 'R' Us or Kids 'R' Us; with each purchase up to 100 I'm saving. Now, if I spend 200 dollars do I save the taxes on the first 100?

**Village Manager Hess:** Right, one individual purchase.

**Trustee Holdstein:** I'm just not convinced that we've got enough information to know how much we're losing to New Jersey.

**Village Manager Hess:** Right now there are two proposals before the New York State Legislature: one is for an exemption of up to 100 dollars, and the other one is for an exemption up to 500 dollars, on the tax. The 100 dollars would cost Hastings 28-thousand dollars. It would cost the County of Westchester, I think, one-point-seven million dollars. That will have to come out of property taxes. If the 500-dollar exemption is approved, that's going to cost us 140-thousand dollars a year, and it's going to cost the County of Westchester something like eight million dollars. Again, that's going to have to shift back to the property tax payer.

**Trustee Holdstein:** Then I come back to my basic point. We don't know what the revenues are with the people shopping in the county now that's it's tax-free to shop for the clothing. We don't know. How much are we losing right now from people shopping in New Jersey?

**Village Manager Hess:** How much are we losing in terms of what, though?

**Mayor Kinnally:** You mean in lost revenues?

**Trustee Holdstein:** Sure. Suddenly they're no longer going over to Jersey to shop. They have to stay here because up to 500 dollars is tax-free. Now they're going to say, "Well, I'm not going to schlep over to New Jersey to shop. I can shop here. It's tax-free. It's equal to Jersey." So I'm a little uncomfortable that we don't know...I don't think we have all the facts. That's just my

concern. Listen, I'm not in favor of losing 28-thousand dollars of revenue for this Village, but I don't know what the flip-side is. When Giuliani did it in the city there was a huge windfall of revenue just from the purchase.

**Mayor Kinnally:** Giuliani didn't do it. It was done state-wide, except White Plains.

**Trustee Holdstein:** There was a tremendous windfall in terms of the amount of shopping that was done here at home and New York.

**Mayor Kinnally:** Yes, and the windfall went to the merchants. It didn't go to the city.

**Trustee Holdstein:** I understand that, but it's a trickle-down effect, too.

**Village Manager Hess:** If we lose 140-thousand dollars worth of revenue that's an additional three, four dollars on the tax rate, which means that the property tax payer is going to pay an additional 60 dollars a year. Let's say 575. They would have to spend a thousand dollars on clothing in New Jersey to make up that difference. So unless they're going to New Jersey and spending a thousand dollars on clothing it's going to cost the taxpayers in Hastings money, and I'll equate that to Westchester County as a whole. That will apply to your county tax bill, as well, so it's going to have even more of an impact.

**Mayor Kinnally:** Any other discussion on this?

**Trustee Gagliardi:** The only thing I'd like to say is that there's no way that we're going to be able to make up 28-thousand dollars a year if we lose this. That's a lot of money nowadays.

**Trustee DeVita:** I agree. I don't know what revenue sources would be able to make up the difference.

**Village Manager Hess:** I agree with Michael on one very important point. There hasn't been a study done by the state, and information provided to the municipalities, on what the law's overall impact is. Some of it is just perception in terms of people going to New Jersey to purchase clothing. I think a lot of it is perception. If you look at New Jersey, they've got blue laws on Sunday, and the number of Jersey plates that you see up in Westchester and Rockland County on Sundays is unbelievable. So until the state does an impact analysis of what this kind of exemption's going to mean to everybody...what the positives and negatives are...I don't see how we can buy in to this 100-dollar, or 500-dollar, exemption.

**Mayor Kinnally:** There's another problem here, too, and that is, why just clothing? Why stop there? For better or for worse, the issue of sales tax is part and parcel of the tax structure in the state, and people fear now that if it's clothing this year then it's going to be something else next year. There's no real good excuse for having just clothing and not taking it to books or to

building materials or automobiles. Michael, your point is more addressed, I think, to the state: Why the haste here, is basically what you're saying. Why the haste before the whole thing is looked at?

**Trustee Holdstein:** Could we add our desire on the resolution that not only are we opposing it, but we're asking the state to look further into more overall impact studies? I'd feel more comfortable voting for this if I knew we were saying to them, "We're opposed to it the way it's laid out, but we'd like you to do more of an impact study on what the pros and cons are."

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

**WHEREAS,** the State of New York is considering legislation to exempt sales tax on clothing purchases of up to \$100.00, and

**WHEREAS,** such an exemption will reduce Village revenues and cost Hastings taxpayers over \$28,000 per year, now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees oppose a permanent exemption on sales tax for clothing purchases, and be it further

**RESOLVED:** that the State of New York is requested to assess the overall impact of lost revenues to neighboring states.

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

### **24:98 FAB AIR PROGRAM**

**Mayor Kinnally:** [ Mayor reads resolution ]. Mr. Hess?

**Village Manager Hess:** As you know, as part of the Clean Air Act that was adopted a few years ago, all motor vehicle inspection stations had to change over their monitoring equipment with this new equipment, which costs in the neighborhood of 25-thousand dollars. The state provides grants of up to five thousand dollars to help those garages purchase the equipment. We have five identified garages in the Village. We've received an application from one so far, who is eligible

to receive the five thousand dollar funding. This is just to effectuate the program.

**Mayor Kinnally:** Any Trustees have any comment on this? Anyone from the public?

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

**WHEREAS,** pursuant to the Clean Water/Clean Air Bond Act of 1996, being Chapter 413 of the Laws of New York of 1996, the New York State Environmental Facilities Corporation (the "Corporation") is authorized to provide state assistance to villages, towns, and cities with a population of less than one million, for small business environmental compliance assistance projects which enhance the quality of the air of the State through compliance with environmental laws and regulations, or to remedy or prevent environmental deficiencies (the FAB Air Program"); and

**WHEREAS,** the Corporation has established the FAB Motor Vehicle Inspection and Maintenance ("I&M") Program pursuant to the FAB Air Program to assist in the purchase of enhanced automobile emissions testing equipment; and

**WHEREAS** the governing body of the Village of Hastings-on-Hudson (hereinafter, the "Municipality"), after due consideration has determined that participation in the FAB I&M Program is desirable and in the public interest; now therefore be it

- RESOLVED:**
1. The filing of an application, or applications, with the Corporation for financial assistance under the FAB I&M Program in the form required by the Corporation is hereby authorized, including all understandings and assurances contained in said application.
  2. The individual holding the following office is directed and authorized as the official representative of the Municipality to identify entities which will participate in the FAB I&M Program, to execute and deliver said application(s), to execute and deliver any other documents necessary for participation in the FAB I&M Program, to provide such additional information as may be required, and to take all actions on behalf of the Municipality as may be required in order to effectuate the intent and purpose of this resolution: Neil P. Hess, Village Manager.
  3. The Corporation is hereby authorized, on behalf of the Municipality to deliver payments made pursuant to the FAB I&M Program directly to the entities identified above, or such further entities as may from time to time



be named by the individual identified in paragraph 2 above.

4. A certified copy of this resolution shall be prepared and delivered to the Corporation as part of said application.

5. This resolution shall take effect immediately.

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

### **25:98 EXECUTIVE SESSION POLICY**

**Mayor Kinnally:** This was first adopted by the Board of Trustees on September 28, 1993.

**Village Manager Hess:** Actually, each Organization Meeting since then.

**Trustee Holdstein:** I just want to say one thing about this policy because I know we often have a lot of discussion in the Village about this policy. In my two years on this Board I think you, Mr. Mayor, have always maintained in these meetings the absolute policy of this law, that we discuss strictly those subjects and that we've announced in public that we're meeting on. I think the seven issues that are listed here in this public document are clearly and obviously matters that require this kind of meeting policy. I know that on occasion we take some heat about the policy, but I think it's a good policy, I think it's right, and I'm pleased to be able to say that I'm going to vote for it.

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 approve the Executive Session Policy as follows:

It is the policy of the Board of Trustees of the Village of Hastings-on-Hudson to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. matters which will imperil the public safety if disclosed;
2. matters which may disclose the identity of a law enforcement agent or informer;
3. information relating to criminal investigations;
4. discussions relating to proposed, pending or current litigation;
5. collective bargaining negotiations;
6. personnel matters; and
7. the proposed acquisition, sale or lease of real property or securities.

The Board recognizes that it is authorized to use executive sessions in these situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subject(s) of executive sessions, the specific subject matter and any statements made or positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until a majority of the Board votes to authorize the release thereof by the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

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Adopted by the Board of Trustees on September 28, 1993

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee James B. Keane	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee Anthony Gagliardi	X	
Mayor Wm. Lee Kinnally, Jr.	X	

## **BOARD DISCUSSION AND COMMENT**

**Mayor Kinnally:** Now, an update on the waterfront. We have seen an increase in removal of the screened debris out of Building 15. We had a meeting with some representatives of F.C. Hastings and Alpert Holdings a couple of weeks ago. In the last two weeks we've taken out almost 13-hundred cubic yards of debris from Building 15. More about that later, but at the meeting I asked Wayne Smith of F.C. Hastings whether or not they had budgeted and had targeted the removal of the remaining debris from Building 15 by the August 31 deadline. He said we should have no fears of that; that there was plenty of money and they have all intentions of having it done by then, if not sooner. I called to his attention that in spite of the fact that it was a relatively mild winter with no storms that we had seen a decline in the amount of material that was going out. He said that he was under the impression now that all the landfills are open and accepting all kinds of debris, and that we would see an increase in the amount of debris going out of there in the next few months. So, I am looking forward very much to the end of August when we can bid a fond adieu to everything that's been in Building 15. We will certainly have pictures when that building is emptied out. We're making it in increments. I would like to see those increments be larger.

I mentioned the meeting with F.C. Hastings and Alpert Holdings. The meeting was for the purpose of discussing a possible settlement of the lawsuit that we are now in with the owners of the waterfront. There are a number of years under protest. The owners of the site contacted us and asked us if we would sit down with them to explore various options that might be available to the sides in settling not only the lawsuit but also the outstanding payment which is due for 1991. That year is not part of the certiorari. That year is due and owing regardless of whatever would happen in court. Penalties and interest are accruing in that. We did have a meeting about two weeks ago, with counsel representing us, counsel representing F.C. Hastings, Wayne Smith, Mr. Hess, and me. Various things were explored. We have asked for additional information that was to be supplied to Mr. Hess, in addition to information that had been supplied to us previously and also to the Town of Greenburgh. Mr. Hess, where do you stand on getting that information?

**Village Manager Hess:** The information was provided to our attorney's office.

**Mayor Kinnally:** We expect to have an additional meeting on the 22nd of April, and we will keep people advised of any progress that's been made. I won't say there has been any progress. There has just been preliminary discussions about where our relative positions are. If and when we have information we will pass it along to the community.

We also asked Mr. Smith at that meeting about the status of the deal with Ted Kheel and his foundation having to do with the acquisition of the property. He indicated to me that they fully expected that the exercise of the option would be in June with the closing at the end of June. I also had occasion to speak with Mr. Kheel and asked him whether or not he intended to go

forward with exercise of the option. He said yes, he was moving ahead with the whole process. He and Trustee Keaney and I are having lunch tomorrow. The purpose of the lunch: he wants to bring me up-to-date on his discussions with ARCO. He said there have been some developments that he wants to bring me up to date on. After I speak with Mr. Kheel I will then contact ARCO to see what kind of information they have for us. I have been somewhat dissatisfied with the fact that we haven't been receiving information first-hand from ARCO, although Mr. Hess is going to report on a meeting that he had last week with ARCO and D.E.C. But I want to get more information on a more timely basis from ARCO. Mr. Kheel has been forthcoming in his discussions with ARCO, and I think it might be quite interesting to find out where ARCO stands, not only in the cleanup but also in the possibility of going forward with some participation in any development.

We also asked Mr. Smith at this meeting whether or not the target of October for the rod was still in sight, and he said yes, those were their plans at the present time. That really brings me to Mr. Hess' meeting last week. Mr. Hess, and environmental counsel for the Village, met with the D.E.C., Mr. Kheel, and members of ARCO up in Tarrytown. So, Mr. Hess?

**Village Manager Hess:** I thought it was a very productive meeting that we had with ARCO; the Riverkeeper, representatives of all the players in terms of the cleanup. The schedule appears to be moving forward based on the input that the Village had at the last information session on March 5. ARCO's plans are to issue the FS (Feasibility Study) by mid-June, and to schedule the Public Hearings in September. They talked about initially issuing something in June and having hearings over the summer and the Village objected to having any type of hearings, especially on something this significant, over the summer. So it appears the hearing on the FS will be in September, and they're expecting the record decision, the final approvals from D.E.C., to be in late October or early November.

A majority of the discussion at this meeting last Thursday had to do with the bulkhead situation. That's been a bone of contention between ARCO, the proposed developer, Mr. Kheel, and the Village and Riverkeeper. ARCO's original position was to have rip rap along the entire waterfront. The Village and Riverkeeper's position has been that whatever treatment is done along the shoreline has to provide for water-related uses and has to be consistent with the proposed future development. Mr. Kheel's position has been along the same line as the Village and the Riverkeeper.

ARCO will be providing from their engineers, by May 4, a complete study of the shoreline treatment and what their suggestions are. We will have another meeting with the parties involved in the litigation and the cleanup on May 19 to discuss the ARCO report. There was a request at our last budget work session, to ask ARCO for funding for engineers to review the information that has come from ARCO. I met with our counsel, Mark Chertok from Sive, Paget, & Riesel and Carl Copeland, who is Pace Environmental and representing the Riverkeeper. We have put our request in to the counsel for ARCO. This is an item that is covered and is

reimbursable to us through the litigation we have against ARCO. It is our intention, jointly with Pace Environmental, to continue the services of Ward Carpenter Engineers, whom we have used in the past, to do the reviews of anything submitted by ARCO. Again, all these costs are chargeable directly to ARCO through our litigation.

We're expecting that the discussion on May 19 will mostly revolve around the bulkhead and shoreline treatment. The next informational session that will be conducted by ARCO and D.E.C. will be on Thursday, June 11 at 7 p.m. at the high school auditorium. The major discussion at that meeting will be what the final outcome is going to be on the bulkhead treatment. ARCO would like to start work on the bulkhead and have work begin prior to the end of July and to have it done by the fall. These items are all starting to tie together. The bulkhead treatment relates to the cleanup activities on the site and the eventual development of the site. So, a number of things are coming into place right now, and the next few months are going to be very critical to the Village. There will be a stakeholders' meeting on May 19.

**Mayor Kinnally:** In connection with the bulkhead, I know a number of people have said that they thought that the timetable was overly optimistic and that the community wants to have some input into what's going to happen with the bulkheading. Certainly, our retaining the services of Ward Carpenter will help, as will the LWRP. I believe they're also looking into that. I received a draft today from Phil Carmel of a summary of what's been going on. I would urge everyone to remain vigilant and to follow what's going on. One of the things we're going to discuss tomorrow with Mr. Kheel is his input. Also, with ARCO, I'm going to contact them and see if they have any additional information on the bulkheading. We don't want to be surprised. We would like to have all of the committees and our Boards and Commissions that are interested in this particular site to have enough time to review the information. It's not enough that we get it at the last minute. Anything else?

**Village Manager Hess:** The meeting on Tuesday, May 19 which Trustee Keaney and I will attend is a critical meeting in terms of preparation for the June 11 meeting and exactly what the shoreline treatment is going to be on the Waterfront.

**Trustee Keaney:** Regarding "Hastings 1999," we have met and examined the many entries we got for our logo contest. We have decided on a winner, who is Nicoletta Berolini of High Street. Thank you very much. I've spoken to her and I've seen her designs. They're very exciting. I think she really captured the spirit of what 1999 is all about. We had many, many good entries and I thank them all on behalf of the committee. They, too, really exhibited the spirit we were looking for. You're going to be seeing a lot of this logo. We're going to have it on T-shirts, mugs, and other fund-raising activities.

Also, we have chosen a date to commemorate the Battle of Edgars Lane. That's going to be the weekend of October 16, 17, and 18. It will be, at the least, a public ceremony. We will have an unveiling of the historical marker that we have found. We are going to do a re-creation of the

story. Our plans to re-enact the battle are not final yet, so I can't commit to re-enacting the battle, but we will certainly re-enact the story, which is a very good story, with volunteer re-creators that we will certainly find. There are plenty of people who have expressed an interest in it.

**Village Manager Hess:** I know who'll volunteer as a Hessian.

**Trustee Keaney:** I thought you'd say that. Everyone mark your calendar for October 17. The actual date of the battle was September 30, 1778, but we are commemorating it in this Village on October 17, that weekend. For those of you who are history buffs, you may remember from your days studying history that October 17 was the date of the surrender of the British forces at Saratoga, said to be a turning point in that war. So it's very appropriate that we would be celebrating our own colonial battle on October 17. We hope everyone can come out.

**Trustee Gagliardi:** I'd just like to say that I was down at MacEachron Park this weekend, and I think the job they're doing down there is wonderful. It's opened up. They put a beautiful walkway there. It's not quite finished yet. It will be finished in the next few weeks, I guess, or months. It's opened up Marinello Cove, it's gorgeous, and I think it's going to be a wonderful asset to the Village when the restaurant is open and everything is underway.

**Mayor Kinnally:** I have some announcements. Stan Pycior has been appointed to a second five-year term as an alternate member of the ZBA. Bob Russak was appointed effective yesterday as a sergeant in the Police Department. He started today on active duty. We have a Public Hearing for next Tuesday, the 14th, on the budget. Thursday, the 16th, the Planning Board meets. Our next Regular Board Meeting is the 21st of April.

Some other announcements: Spike Barkin isn't here right now, but it's the 7th of April and the Brewers are in first place. It won't last long.

Anything else from the public?

**Michelle Hertz, Euclid Avenue:** Three short questions. Can MacEachron Park be opened before the restaurant opens, because there's no way we can get down the water unless that park is open?

**Village Manager Hess:** It should be open in a couple of weeks. They're going to be out there finalizing the fencing, and they're going to have to restore the grass area that they tore up when they were putting in the gravel. But it should be open in a couple of weeks.

**Ms. Hertz:** What is the status of Marinello Cove?

**Mayor Kinnally:** We are still discussing with the owners to see if we can come up with a price.

There's an application that we've submitted.

**Village Manager Hess:** The application to Greenway was turned down. We're submitting a new application to the Office of Parks and Recreation, again under EQBA. Greenway is a state-funded program. The first application last October went to Greenway. We received a letter about a week ago from them officially notifying us that they have turned us down, but suggesting that since the new applications are available now in April that we re-apply.

**Ms. Hertz:** Why did we get turned down?

**Village Manager Hess:** From what I understand, there were only two grants from Greenway that were issued in this area at all. Neither one were for acquisition. One went to Scenic Hudson, and the other I think went to Vassar.

**Ms. Hertz:** My third question is, the debris that's south of Building 15. Does that have to be gone by September also?

**Mayor Kinnally:** No, it does not. That's not covered by that decree.

**Village Manager Hess:** There's a separate consent order on that.

**Mayor Kinnally:** That's not covered by the August 31 deadline. They're waiting to get testing from the state right now so they can start. They have to test the piles. All material has to be tested.

**Ms. Hertz:** It's being sifted.

**Mayor Kinnally:** It has been. It's completed, but now they have to test it.

**Village Manager Hess:** They can screen it, but the screened material that they use for landfill cover has to be tested and approved before they can take it and use it as a landfill cover.

**Mayor Kinnally:** One of the things we said to Wayne Smith is that we don't mind that other material going off-site, but we don't want Building 15 to be sacrificed for that. We want to make sure that gets out, and he said, no, there's plenty of money there. But they're not talking anything but the outside material at the present time. That's staying there until the state has cleared it, and then they'll start removing it. Or, what they'd really like to do is to leave it on-site if it can be used for fill for ultimate development down there. So, one way or the other they have to get clearance for whatever they're going to do with it.

**Ms. Hertz:** But there's the sifted stuff and then there's the junk. That has to be removed.

**Mayor Kinnally:** No, not necessarily. That might be able to be used also, but they have to get clearance from D.E.C., and they're waiting for testing.

**Village Manager Hess:** They consider brick and concrete clean fill if it tests positively. The screened material they use as a dirt over landfills when they're closing landfills. But, as the Mayor said, if they can use it on-site and it has proper compaction...there are some areas of the site, because of the flood plain, that may have to go up as much as eight feet...that they possibly would be able to use that on-site.

**Peter Swiderski,** a new resident to Hastings: We came in June of last year. My privilege to be here the first time and to meet the Board. I'm looking for a reaction from somebody. I, unfortunately again, don't have a sense of the history of the individuals here, or even the pronunciation of some of the names, but in reading the local paper there was a reference to what Mr. Coughlin said when asked (I'm sure you all caught it) how he felt about preserving some green space on the waterfront. His answer was, in reference to the citizens of Hastings, "Too bad they don't own the property." I was wondering if anyone here had a reaction to that. I thought that was rather amazing, given that you all are talking about these discussions that seem to be moving forward. That struck me as a pretty harsh, negative thing to say.

**Mayor Kinnally:** I think all of our reactions were as harsh and negative to that. He works for F.C. Holdings and Alpert. They have no interest at all in developing the property. So thank goodness he's in that position. But the people who have, I'll say Ted Kheel, he wants to develop the property. We've had preliminary discussions with him about open space, and the reaction has not been negative. To the contrary, there has been some significant discussions between Mr. Kheel and myself about the amount of the property that would be devoted to open space or park land. Mr. Kheel does not share Mr. Coughlin's lack of concerns in that regard. In addition, there is a certain percentage that's in the zoning text right now that deals with open space, so it is not going to be all paved over.

I'm glad you shared our reactions to Mr. Coughlin's comments. His comments are in the decided minority, thank goodness. His approach to the whole thing is in the decided minority.

**Village Manager Hess:** One of the advantages to my being on the first floor is that I have, like, a drive-up window. Every couple of days I'll be working at my desk and all of a sudden I'll hear a tap at my window and Mr. Angelovich will be standing there going, "Can I come in for two minutes." Most of the time I say come on in. Today I couldn't. I was busy on something, had a meeting going. So he slipped a letter through my window for tonight's meeting. I did copy the Board on it, but I wanted to read one of the letters he gave me. He gave me the second part of this letter tonight. It says:

“Sitting in the New China Restaurant last Saturday noon I saw an individual come out of the cleaners. Simultaneously a white object flew onto



the middle of Warburton Avenue. He immediately picked it up and deposited it in front of the Stationery Store. That person was our own fine Mayor, and my role model, William Lee Kinnally, who said 'Let's put some pride back in our Village and clean up our act.'

"I have tried to emulate our Mayor by adopting River Street as my cleanup area for the past several years. I fervently hope that others will adopt a spot and join us in keeping Hastings beautiful.

Signed, Paul Angel"

**Mayor Kinnally:** Thank you, Red. I appreciate that. I did not know what was coming, but I'm glad I didn't take cover. I got home early today from the city and the Village looked absolutely wonderful. The sun was out, there wasn't a cloud in the sky, and the trees were in bloom. It really looked wonderful. But sometimes when we cast our eyes on the sidewalks and the streets we see that there are things there that shouldn't be there, and I ask everybody to get some exercise, bend over, and pick this stuff up. Better yet, don't throw it on the ground to begin with.

**Trustee Holdstein:** I want extend my congratulations to our new Detective Sergeant O'Sullivan and to Officer Russak and his promotion to sergeant. These are two great officers, both of whom live in the Village and really have devoted their entire professional lives to this Village. They're two wonderful assets.

Lastly, because I know he's home for the next six weeks nursing a bad ankle, I want to say get well soon to Sandro. He had a bad accident up at Zinsser Field. Get well Sandro

**Mayor Kinnally:** Before we adjourn, if I could have one more moment. People, I'm sure, have read in the paper of the passing of Ed Murray, former Trustee here in the Village, and a longtime resident of the Village. Ed served on this Board from 1980 to 1986. I had the privilege and pleasure of serving with Ed. He was one of the finest Trustees I've ever served with and one of the finest people. He was one of the first people I met when I moved into the Village. We both lived at 445 Broadway.

For the new people in town, he was certainly someone who was the epitome of a public servant and a Village Trustee. I learned an awful lot in serving with Ed, although I was on the Board for two years before he came on the Board. He was just a rock-solid person. He was one of the people that interviewed Neil when Neil came on, and you just couldn't come away from a meeting with Ed, or working with him, without having a tremendous amount of respect for his

integrity and his common sense, and his approach to life and to the Village.

I would ask that we stand in adjournment in memory of Ed Murray, and ask that a copy of these minutes be sent to his sons, Brian and Ed.

On MOTION of Trustee Holdstein, SECONDED by Trustee Gagliardi, with a voice vote of all in favor, the Board voted for an Executive Session immediately following this meeting to discuss litigation and personnel.

**ADJOURNMENT**

On MOTION of Trustee Gagliardi, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board voted to adjourn at 9:05 PM in memory of Ed Murray.