

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**MAY 19, 1998**

The Regular Meeting of the Board of Trustees was held on Tuesday, May 19 at 8:20 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr. (approx. 8:40 p.m.), Deputy Mayor James B. Keaney, Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee Anthony Gagliardi, Deputy Village Attorney Brian Murphy, Village Manager Neil Hess, and Deputy Village Clerk Linda Knies.

**APPROVAL OF MINUTES**

On MOTION of Trustee Gagliardi, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Public Hearing of May 5, 1998 were approved as presented.

The following correction was made:

Page 7, second to last paragraph: delete "Assessment"

On MOTION of Trustee DeVita, SECONDED by Trustee Gagliardi with a voice vote of all in favor, the minutes of the Regular Meeting of May 5, 1998 were approved as corrected.

**APPROVAL OF WARRANTS**

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

Multi-Fund No. 154-1997-98	\$ 21,626.76
Multi-Fund No. 156-1997-98	\$ 20,419.00
Multi-Fund No. 158-1997-98	\$199,777.40

**35:98 SALARIES NON-UNION PERSONNEL**

**Village Manager Hess:** We have presently two unions in the Village, the PBA and the Teamsters, which represent approximately 38 of our 54 employees in the Village. The balance of those are non-union personnel. They are graded and evaluated twice a year in contemplation of increases, to take effect June 1 of each year. The Board extensively reviews the evaluations of each person, and has input into those evaluations. These have been approved by the Board.

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

**RESOLVED:** that the Mayor and Board of Trustees establish the following salaries for non-union personnel effective June 1, 1998:

Chief of Police	\$92,700
Police Lieutenant	\$75,300
Supt. of Public Works/Building Insp.	\$77,000
Village Clerk/Deputy Village Manager	\$57,250
Supt. of Parks and Recreation	\$57,000
Director Youth Services	\$52,300
Asst. Superintendent of Public Works	\$59,900
Asst. Superintendent of Recreation	\$40,000
Deputy Treasurer	\$27,000
Building Department Assistant	\$33,850
Secretary to the Village Manager	\$30,300
Payroll/Personnel Clerk	\$28,750

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

**36:98 SUMMER MEETING SCHEDULE**

**Deputy Mayor Keaney:** It has been our tradition on the Board to meet just once a month, instead of twice, during the summer months of July and August, and we have to work that out.

After discussion by the Trustees of their summer schedules, two dates were agreed upon.

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 hereby schedule the following summer Regular Meeting dates:

1. July 14, 1998
2. August 11, 1998

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

**37:98 ADOPTION OF LOCAL LAW NO. 2 OF 1998 - VEHICLE AND TRAFFIC REGULATIONS**

**Village Manager Hess:** This restriction is based on a recommendation from the Safety Council and a Public Hearing the Board had at their last meeting. The request was from several residents in the neighborhood who experienced problems because of parking. The Safety Council recommended this restriction.

**Deputy Mayor Keaney:** I do remember that meeting, and I remember some of the residents who came and expressed their concerns and supported this Resolution.

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. 2 of 1998 to amend Chapter 97 Vehicle and Traffic as follows:

Amend Section 97-13.A by adding the following:

(89) No parking from here to corner for a length of 40 feet on the west side of Columbia Avenue to North End Avenue.

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

**Deputy Mayor Keaney:** What is the next step, Manager Hess, in bringing this resolution that we just passed into effectiveness as a law?

**Village Manager Hess:** We have already put up temporary signs based on police power for safety. What will happen is that a copy of the local law is filed with New York State, and then we're notified when the law becomes effective.

**Deputy Mayor Keaney:** But they are up now.

**Village Manager Hess:** We're okay in terms of the restriction.

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

**Village Manager Hess:** There are some conflicts in June with the school calendar. The Board may wish to consider that our meeting scheduled for June 2, which would normally start at 8 o'clock, could start at 9 if the Board would like, so we don't have a conflict with high school academic awards that start at 7:30.

[ Trustees one by one voice approval ]

**Deputy Mayor Keaney:** I think we should encourage the pursuit of academic excellence. I think we should bend our schedule, in my opinion, to this worthy cause. Nine o'clock on the 2nd.

On MOTION of Trustee Gagliardi, SECONDED by Trustee Holdstein with a voice vote of all in favor, Trustees voted to alter the time of the Board of Trustees Regular Meeting on June 2 from 8 PM to 9 PM.

**Village Manager Hess:** We received some good news today. Our request to the Invest In Kids grant was approved in the amount of \$24,000, so again this year we'll be receiving additional funding from the County for our youth program.

We have been painting all the light posts in the downtown. I've met with the Chamber president and vice-president on two separate occasions to discuss several improvements in the downtown. There is a committee that's been formed of Chamber members and residents and the ARB to look at improvements in the downtown. We have talked about were new trash receptacles. We hope to be putting in, possibly, new meters and additional planters throughout the downtown; and there are a number of other ideas. We are pricing out pressure-washing all the sidewalks.

[ Mayor Kinnally enters ]

We're hoping that we'll be able to undertake that type of cleaning at least twice a year. I've asked for the Chamber's cooperation in this from the standpoint of having the businesses sweep in front of their stores.

Also, I met with the Chamber president about an idea we had talked about several years ago: a parking lot up behind St. Matthew's School. We had put together an entire package, but the survey from the Chamber indicated there was interest from only one Chamber member to rent space. So the project died at that point. But they're interested in taking a look at it again. I'll be working with Peter Rockwood in the next month or so on developing a plan for that.

**Trustee Holdstein:** The Village Manager mentioned the Spring Thing for May 30th. That's going to be quite a Hastings day. I also want to remind people that that evening the Hastings Education Foundation is sponsoring the Stars Over Hastings; it's a concert at the high school auditorium. Many, many acts will be performing: local talent, classical, jazz, and it should be a very, very special evening of music to raise money for the Education Foundation. So, Spring Thing in the afternoon, and the concert in the evening: it's one of those great Hastings days with lots going on.

## **BOARD DISCUSSION AND COMMENT**

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

**Mayor Kinnally:** The last two weeks have seen 1,780 cubic yards of debris going out from Building 15. By D.E.C.'S estimates, there are 10,000 cubic yards left in the building. As I have previously reported, we have had discussions ongoing with people from F.C. Hastings, and they have assured us that their plans, and their funding, indicate that the remaining 10,000 cubic yards (or whatever is left in there, be it screened or unscreened) will be removed and the building will be completely empty as of September 1, pursuant to Judge Coppola's decision.

Speaking of F.C. Hastings, we been meeting with F.C. Hastings, along with counsel and the Village Manager, in connection with discussions designed to affect the settlement of the tax certiorari proceedings. As you know, 1992 through 1997 are at issue before the Supreme Court in Westchester County. The question: whether or not the assessment that we have on the property can be sustained. The year 1991 not in dispute, although it has not been paid. All of those years are the subject of ongoing discussions. We are going to have a discussion later this evening to have discussions with counsel to go over various proposals and some of our input into a possible settlement. I stress the word "possible" because things are very fluid, and the question is whether or not any settlement that is put in front of us is reasonable and in the best interests of the Village. In that regard, I would like to have a motion for an Executive Session for a meeting

with counsel to discuss litigation, immediately following this meeting, and also for litigation update and acquisition of property.

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 and land acquisition.

**Mayor Kinnally:** Also, we're looking at the restaurant opening up this weekend, at least for a private party, and that north end of the property being revitalized. My efforts will be ongoing to acquire the Marinello Cove for the Village. I am hoping to get down to Florida to discuss it with one of the owners within the next few weeks.

**Trustee Holdstein:** You reported that the owners felt that they're on-target for the September 1st date. With the pace that I've been watching in our reports, I'm a little concerned and I wonder if we should be reaching out to D.E.C. and light their fire a little bit to make sure they're sitting on the landowners. The pace doesn't look like they're going to make it.

**Mayor Kinnally:** If they get out 1,000 a week between now and September 1, that's more than twelve weeks.

**Trustee Holdstein:** But the estimates always seem to be a little off.

**Mayor Kinnally:** You're right. Your point is well-taken. We have been discussing with D.E.C., and we will bring it to their attention once again.

**Village Manager Hess:** We had a meeting with D.E.C. in Tarrytown today with all the representatives: F.C. Hastings, ARCO, representatives of the D.E.C., and Ted Kheel. Ted Kheel stated that he had received on May 1 a notification under their agreement. They had to fish or cut bait within sixty days. It is, according to Kheel, their plan to take title by June 30th. They've ordered the title report, deed, and they have a sale agreement with F.C. Hastings. They are still meeting and discussing with ARCO some type of partnership.

We discussed having the next ARCO/D.E.C. fact session on June 11th. We also talked about the possibility that it may be more convenient to have it here as opposed to the high school auditorium, because we had about fifteen to twenty residents at the last one. It makes it much easier in terms of us being able to film and people being able to hear with a decent sound system if we do it here. We always have the ability to set up the other room for an overflow crowd, if necessary.

The major discussion that evening will be on the bulkhead. ARCO has submitted their engineering reports on their bulkhead recommendations. We had expressed concerns previously, and at several public meetings relative to the bulkhead, that what they were proposing was riprap on the entire length of the shore. Our concern was that it would not allow for water-dependent uses if it was entirely riprapped. They've now devised a plan to sheet pile the cove areas and to have riprap on the balance. Fish and Wildlife from D.E.C. has concern that two acres along the river bottom would be taken and would reduce habitat. What you have is 45 feet of river bottom being taken for the entire length of the property.

What was interesting about the reports that we received from ARCO is that they did not indicate how they rejected the other options. We expressed that today at the meeting, and we are to be provided with those other options. ARCO is going to be meeting with D.E.C. in the next two weeks to try and finalize this. There are two things we have to look at. One has to do with remediation of the site, and how the bulkhead affects that. The other is for the future use of the property; how that's affected by riprap versus sheet piling, and water-dependent uses.

So, there're a number of options. D.E.C. is mostly concerned with the remediation factor, and not those other issues. We've been expressing concern, both the Riverkeeper and ourselves, relative to those other issues. They seemed to indicate that the bulkhead in the southwest portion of site was the worst, near the water tower, and near Building 57.

**Deputy Mayor Keaney:** Manager Hess, have the reports that they produced been given to our consultant, Ward Carpenter?

**Village Manager Hess:** The Riverkeeper had given them to Ward Carpenter.

**Deputy Mayor Keaney:** Did they report on their reactions to those today?

**Village Manager Hess:** No, I didn't get a report on that today. We only received these reports a week ago. The other reports that we received had to do with the additional tests that have been done at that location. We forwarded those to Jack Padawer, and I asked him for his commentary, certainly prior to our meeting on the 11th. Ward Carpenter will be taking a look at those also.

Regarding the additional testing they have been doing: this has indicated much higher levels of PCB's at the site; they have developed CAD models of the PCB contamination. This is near Buildings 53 and 54, behind the PTI site in the extreme northwest corner. The highest levels of the concentrations in that portion of the site are anywhere up to 38 percent PCB's on the surface, which go as low as 32 feet in that area. Their samples go down lower than that until they're clear. They are developing additional testing around buildings to determine if there is any kind of plume. Plume is an area where contamination can spread. Then they can determine, if there's

nothing on the opposite side of a building and they can do some testings in the buildings, exactly where all the contamination is. The colored areas: The blue are the lowest concentrations, and the yellows and oranges are the heaviest concentrations. Those would go up to 100,000 parts per million, if it's red. The blues are 10,000 parts per million. Even the 10,000 is 100 times higher than the minimum levels. So, the concentrations are fairly heavy on that side of the site.

**Mayor Kinnally:** Let me just clear up one thing that Neil mentioned, that is, the statement concerning notification to Ted Kheel. I had learned of that fact after our last Board meeting. But it was something, I believe, that I passed on to the Board in connection with our discussions concerning the tax settlement that we had last week here. It was not something that was discussed publicly because it was not available for public discussion. I only learned about it maybe eight or nine days ago.

## **2. Hastings 1999**

**Deputy Mayor Keaney:** Word has come to the Hastings 1999 Committee that a contingent of British and Hessian troops will pass by Edgar's Lane and possibly encamp in Draper Park on the weekend of October 16th, 17th, and 18th, 1998. Our committee has undertaken to alert the Continental Forces so that they can come and help us protect our property.

This is a very important weekend for Hastings 1999. It's going to be our kickoff weekend. We're going to be celebrating, and commemorating, the 220th anniversary of the Battle of Edgar's Lane. There will be a recreation of the Battle. We are hoping to present the story in dramatic detail. We are hoping to have a public ceremony, and the unveiling of the historical marker which has been found. We hope that the weather will cooperate. It's really looking like it's going to be a terrific weekend. So please mark you calendars: October 16th, 17th, and 18th for the 220th anniversary of the Battle of Edgar's Lane.

## **ADJOURNMENT**

On MOTION of Mayor Kinnally, SECONDED by Trustee DeVita with a voice vote of all in favor, Deputy Mayor Keaney adjourned the Regular Meeting at 8:55 p.m.