

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 2, 1998

The Regular Meeting of the Board of Trustees was held on Tuesday, June 2, 1998 at 9:25 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee James B. Keaney, Trustee Elsa C. DeVita (9:27 p.m.), Trustee Michael Holdstein, Trustee Anthony Gagliardi, Deputy Village Attorney Brian Murphy, Village Manager Neil Hess, and Village Clerk Susan Maggiotto.

CITIZENS: Five (5).

Mayor Kinnally: We're starting late this evening because it was Awards Night at the high school, and my congratulations to all the students who won myriad awards tonight. It's an incredible group of students we have up there. My congratulations to them and to their parents.

APPROVAL OF MINUTES

Village Manager Hess: Page 1, next to the last paragraph, third line down: "We're graded and evaluated twice a year." It should be "They are graded and evaluated twice a year."

On MOTION of Trustee Holdstein, SECONDED by Trustee Gagliardi with a voice vote of all in favor, the minutes of the Regular Meeting of May 19, 1998 were approved as amended.

39:98 GRANT AUTHORIZATION - NEW YORK STATE PARKS

Village Manager Hess: This is a grant request to the Office of Parks, Recreation, and Historic Preservation of New York State under the Clean Water/Clean Air Bond Act. We are applying for \$275,000 for the acquisition and development of Marinello Cove on the northern portion of the waterfront.

Mayor Kinnally: This grant proposal originally went in under the Greenway funding, and we had thought that the application that we had submitted in that funding could apply equally to the parks application but, apparently, that is not the case.

Village Manager Hess: Greenway does not provide funding for acquisition, or they will not. They referred it to the Office of Parks/Recreation, and in our discussions with Parks and Recreation they urged us to apply again in this round.

Trustee Holdstein: Page 2, Summary. If those numbers change does that affect the monies?

Village Manager Hess: We can only receive 50 percent of the entire cost of the acquisition and development. If the acquisition and development is less, then we will receive proportionally less. The maximum we can receive is 50 percent of the entire project cost.

Trustee Keaney: This is a very nice package that the Village Manager has. The New York State Department of Parks, as is Greenway, is very interested in seeing the community support for this project. At our waterfront planning conference three weeks ago there was a great amount of interest in the recreational facilities that can go in the north end of the waterfront. I'm very much in favor of this application. I think we should lend all our efforts to acquire Marinello Cove and develop it, along with the plan that we have working. I'd be happy to move this when the time comes.

Mayor Kinnally: I think this is a wonderful project. I'm going to move up my discussion on the waterfront update because it's on-point.

I'm planning a trip to Florida next week. I have been in discussion with the two partners who own the Marinello property. One of them lives in this area, and the other one is Spring Hill, Florida. The gentleman in Florida has indicated an interest in talking with me. We're miles apart on price, but we'll talk. The gulf between the asked and bid price can be extraordinary. The amount of money that the state comes through with will help us bridge the gap, but we have to negotiate as if we have no funding. I hope to have a report at our next meeting that there has been significant progress.

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

RESOLVED: that Neil P. Hess, as Village Manager of the Village of Hastings-on-Hudson, New York, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and/or Title 3 of the Clean Water/Clean Air Bond Act, in an amount not to exceed \$275,000, and upon approval of said request to enter into and execute a project agreement with the State for financial assistance to this municipality for acquisition and development of Marinello Cove.

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	

41:98 GRANT AUTHORIZATION - HUDSON RIVER VALLEY GREENWAY

Village Manager Hess: This is a grant request developed in conjunction with Trustee Keaney's LWRP Committee and with the Parks and Recreation Department and Commission.

The purpose of this grant is to apply to Hudson Valley Greenway under its small grants program to provide architectural and planning assistance to develop a plan for recreational aspects of the northern waterfront, including MacEachron Park, Marinello Cove, and the Hudson Valley Tennis Club. We hope to undertake testing in Marinello Cove to determine what soil is there, any contaminants, and the potential of a boardwalk or pedestrian walk from the Hudson Valley Tennis Club around Marinello Cove and into MacEachron Park. The money would be used for planning assistance. The Parks and Recreation Commission will develop a subgroup to work with the planner or architect and help develop these plans. There would be representation from the Commission, Village staff, the LWRP, the Planning Board, and the Conservation Commission. Ultimately their recommendations would go to the Parks and Recreation Commission and, once endorsed by them, would come to the Board of Trustees.

We are asking for \$10,000. The entire project budget is \$20,000. In terms of this grant, there are some people I'd like to thank: Meg Walker, who assisted in development of the proposal; Ed Weinstein; Jim Keaney; and people that assisted me in putting both these grants together -- Linda Knies, who did a wonderful job, and Raf Zaratzian.

Trustee Holdstein: On this kind of a grant, do the same rules apply?

Village Manager Hess: Yes. They'll provide up to 50 percent of the funding. We have to provide a local match. If we got a foundation to provide \$10,000, that could be used as our local match. We can't use other state or federal funds as a match, but there are other potential sources for matches. If we could get some county funding for this we could use it as our local match.

Mayor Kinnally: We are talking this evening about the northern end being devoted to recreational purposes. In the latter 1980s, when we considered the re-zoning of the property, the concern was expressed that if a project such as the one that was proposed for the Anaconda

property was approved, what would happen to the other parcels of land? Would they be approved with similar density? Having the north end at the end of the waterfront taken out of play by Harvest on Hudson, MacEachron Park, the acquisition of the Marinello Cove, and the expansion of the tennis club allays those concerns; we will not have residential development on that end. We will have passive recreational use, some restaurant use, and something that relieves the pressure on the traffic and all the services that we have to provide in that area.

Things are coming together, and I thank the Village Manager for putting this together in a quick fashion, the Deputy Village Manager and the Village Clerk for her work, and the work of the office downstairs. Most importantly, Trustee Keaney has been the person who has been working together with the citizen groups in keeping the enthusiasm and the momentum going on this.

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

RESOLVED: that Neil P. Hess, as Village Manager of the Village of Hastings-on-Hudson, New York, is hereby authorized and directed to file an application for funds from the Hudson River Valley Greenway in accordance with the provisions of Title 3 of the Clean Water/Clean Air Bond Act and/or the Hudson River Valley Greenway Act (Article 44, Environmental Conservation Law) in an amount not to exceed \$10,000, and upon approval of said request to enter into and execute a project agreement with the Hudson river Valley Greenway for such financial assistance to this municipality for Waterfront Planning and Design Assistance.

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	

[Trustee Keaney leaves meeting]

APPROVAL OF WARRANTS

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

Multi-Fund No. 160-1997-98	\$ 99,252.38
Multi-Fund No. 161-1997-98	\$ 58,269.43
Multi-Fund No. 162-1997-98	\$ 55,796.66
Multi-Fund No. 163-1997-98	\$ 830.00
Multi-Fund No. 1-1998-99	\$188,320.71

38:98 ENHANCED 911 INTERMUNICIPAL AGREEMENT

Village Manager Hess: We've had Enhanced 911 service. It's proved throughout the county to be extremely effective in providing quick emergency services to all the municipalities in the County. This contract would extend the IMA for an additional five years.

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

RESOLVED: that the Mayor and Board of Trustees authorize the Village Manager to execute the Intermunicipal Agreement as attached with Westchester County for the operation of Enhanced 911 Service.

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

40:98 PLANNING BOARD REQUEST FOR CONSULTANT FUNDS

Village Manager Hess: Mayor, I would ask that you amend this resolution to put a maximum transfer of \$30,000 pursuant to the resolution of the Planning Board. In their request to the Board they requested an authorization for the Planning Board to spend up to \$30,00 to retain experts.

Trustee Gagliardi: We were talking about a planner for the Village. Is this separate and apart?

Mayor Kinnally: This is directly applicable to the review of the application for the Shoprite.

Village Manager Hess: We received a number of comments at the Planning Board hearings relative to the DEIS that was submitted. Questions raised had to do with Austin Avenue, the potential of traffic impacts, the inadequacy of the market analysis. The Planning Board, from those comments and after consultation with counsel and our consultants, felt it was appropriate to request funding for additional studies. The additional studies would provide consultants for a market analysis by other than the applicant's consultants and traffic studies. From that information the Planning Board will be able to make a more informed decision.

Mr. Shapiro from the 9A Coalition is here tonight, as well as Ms. Berman. He brought a copy of an article which appeared in the Westchester County Business Journal on May 25 relative to the Shoprite plan. I have distributed it to the Board and the Planning Board will receive it also,

Mayor Kinnally: It should be made part of the minutes of this meeting.

Jay Shapiro, Hastings-on-Hudson: I am co-chairman, with John DeSantis, of the Coalition to Preserve the Sawmill 9A Corridor. We were very gratified at the turnout at the Planning Board meetings. Among the concerns that were expressed and reiterated were the traffic impacts on the community and the impact on our downtowns. For the Village to allocate up to \$30,000 for the retaining of additional expertise to evaluate traffic impacts and other aspects of this potential project is completely appropriate. A coalition which enjoys significant support throughout the Village and other communities in the area supports and applauds this.

I would read into the record a section from the article in the Westchester Business Journal of May 25, which is headed "Developer Awaits Approval on Hastings Shoprite Plan." According to the attorney for the developer, they believe that the Village will move forward with approving their application. They argue that it's basically a done deed as far as they're concerned.

At the Spring Thing last weekend about ten people sat at the table for six hours and talked to several hundred people. Probably 95 percent of the people who came by agreed the Shoprite was a bad idea. In fact, there was a feeling that we had already stopped the Shoprite. They were surprised that this thing was still moving forward. The developer's attorney, in this same article, is quoted as saying, "There seems to be a core group of people involved in the opposition. I think there's a lot less opposition that there was." That isn't the case. We've had significant good response to our mailings and there's probably more opposition than two years ago.

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 authorize the Village Treasurer to make a transfer of funds to a maximum of \$30,000 pursuant to the resolution of the Planning Board of May 21, 1998 to retain experts to provide assistance and consultation for the further review of the environmental impacts of the application of Ardsley Partners II, L.P. for a proposed supermarket.

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

42:98 HUDSON RIVER ESTUARY MANAGEMENT ACTION PLAN

Mayor Kinnally: This a request to us from Bob Elliott of Historic River Towns that the legislatures and municipalities in the area support this and send a copy of the resolution to Albany to the governor and to the legislature. This act is consistent with what we have been undertaking here in the Village, and what our neighboring villages and cities have been doing to ensure the continued revitalization of Hudson River.

Trustee Gagliardi: It would be great for the Hudson River and the communities to make it a permanent part of the budget.

Trustee DeVita: I agree.

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

WHEREAS, the Hudson River Estuary Management Action Plan was approved and released by Governor Pataki in May, 1996, in furtherance of the requirements of the Hudson River Estuary Management Act adopted by the Legislature; and

WHEREAS, the Hudson River Estuary Management Action Plan identifies 20 priority actions that the Department of Environmental Conservation has committed to implementing by the end of 1999; and

WHEREAS, the five major goals of the Estuary Management Program are: Managing Aquatic Resources; Preserving Upland Habitat, Open Space and Scenery; Enhancing Recreation and Tourism; Revitalizing the River-based Economy through Environmental Protection; and Promoting Stewardship Through Environmental Partnership; and

WHEREAS, in 1996-97, the Estuary Management Program received a \$6 million allocation from the Environmental Protection Fund (EPF); and

WHEREAS, in the 1997-98 State Budget, a specific line item is proposed for EPF making funding for the Estuary Program a permanent category in the budget; and

WHEREAS, a \$7 million appropriation is also proposed in the budget for the Estuary Management Program, now therefore be it

RESOLVED: that the Mayor and Board of Trustees of the Village of Hastings-on-Hudson, New York urges Governor George Pataki and the New York State Legislature to support the aforementioned appropriations in the 1998 budget relevant to the Estuary Management Program and duly requests that the special line item for the Environmental Management Protection Fund become a permanent category in subsequent New York State Budgets.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: I want to comment on the Spring Thing on Saturday. I thought it was a great event, great turnout, and the Chamber of Commerce and Teresa Caruso should be complimented on the work they did on it.

Also, in relation to the Chamber of Commerce, a group has developed from the Chamber called the Hastings Downtown Improvement Project. Their interim chair is Christina Griffin. They're

working with the Chamber to develop and make recommendations relative to improvements to the downtown area. The Chamber Board met today, and Christina presented them some of her ideas. We've committed some minor up-front funding to join the National Mainstreet Alliance and some initial materials needed for the project. I understand the Chamber is also contributing funds towards this improvement project. I wish them well in their work over the summer.

Virginia Sura, who is deputy court clerk, will become acting court clerk on Monday, June 8. Lee Tyrrell's last day here will be this Friday, June 5. Virginia will be appointed court clerk effective August 7 or 8 on the retirement date of Mrs. Tyrrell. We are recruiting for the assistant court clerk through the civil service process.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I touched upon Marinello Cove earlier. Concern was expressed at our last meeting by Trustee Holdstein and other Trustees about the amount of material going out of Building 15. Following our meeting, I called Jerry Festa of Falcon and told him that we were less than happy with the amount of material that's been going out. He said there were some problems with landfills closing down, and they were expecting to have a firm commitment for the removal of the screened material, which is on the western side of Building 15. I don't have the concern about the screened material; that will go out easily. It's the C&D material, the larger material that has been sifted out remaining in Building 15, that has not been going out in the volume we had hoped. I was informed last week by Mr. Festa that they would make the September 1 deadline with no problem and they anticipated an increase in the removal of the material.

I have not seen the most recent figures, but today I called Wayne Smith of F.C. Hastings to relay my concern to him. Unfortunately, he was out of the office; I hope to discuss this with him tomorrow. We will be passing on our concerns to the DEC. We will be monitoring the amount of material remaining and the amount of material going out very carefully so that we can beat the September 1 deadline.

I had a call yesterday from Charlie Gargano's office: the Economic Development Corporation. I had met about a month ago with John Milya of that corporation, and told him of our interest in getting state funding at least for our planning position that we've had in discussion having to do with our waterfront. I told him of the improvements and developments that we've had on the Waterfront, including the restaurant. He was also very interested on behalf of the state government in seeing that the material was out of Building 15 by the fall. Regarding the

Economic Development Corporation, we have been put in touch with the gentleman who covers grants for Westchester County; I have directed him to Mr. Hess and we are hoping to get funding for the planning position. It appears that this is exactly the type of project they're looking to fund, and the benefits down the road are something that are right in their mandate: to see an underachieving piece of property become successful in generating taxes, generating revenue, and bringing something back to the community. I'm quite positive that the state will work with us and that we will get a significant grant so we can cover the planning position for 1998-99.

Trustee Holdstein: You indicated that in your conversation with Mr. Festa that there was a schedule. Did you ask to get us a copy of the schedule for removing the C&D?

Mayor Kinnally: I didn't ask him for a copy. A similar schedule has been discussed with Wayne Smith at F.C. Hastings, and he told us that there is a schedule of money that will be disbursed over a period of time covering the removal of the balance of the material from Building 15.

Trustee Holdstein: Was Jerry Festa referring to a schedule of materials or monies?

Mayor Kinnally: A combination of monies and timing. The key to all of this is money. None of this stuff moves out of there unless there's available money.

Trustee Holdstein: But also location. When Jerry indicated there have been fills closing; that's not a problem?

Mayor Kinnally: Jerry did not indicate that that was going to be an impediment to the removal. These landfill projects do close down. He said one of the difficulties is that they have to transport this material longer distances. The turnaround may be different. When people talk about scheduling I see dollar signs, and nothing moves out of there unless there's an allocation of money. Money has been scheduled, and that's consistent with Wayne has told us.

Trustee Holdstein: Will you be reaching out to Commissioner Cahill on the same matter, or to Andrew Lent?

Mayor Kinnally: We will be talking to the DEC, but they have no jurisdiction over getting stuff out of there. That's purely a function of the court order.

Trustee Holdstein: They have jurisdiction over the final date.

Mayor Kinnally: No, they don't. It's a court order. But they're mindful of that, and we will be talking to the DEC. I understand Commissioner Cahill will be here next week to speak with the

Conservation Commission; I will bring it to his attention. A removal plan that is part of the court order. The courts have ultimate control over the implementation of the removal schedule.

I was hoping tonight to have some report on progress on our negotiations for the settlement of the certiorari proceedings on the Anaconda property. There have been negotiations over the past number of months. A number of proposals have gone back and forth. I do not have any progress to report. Some of our demands are not being met by the owners of the site, and it's up to them at this point. We're not going to sign off on anything that we're not satisfied with. Discussions will continue.

I had a brief conversation with Ted Kheel. Ted is interested in acquiring the site from F.C. Hastings, Alpert Holdings. Mr. Kheel indicated to me today that discussions were ongoing, and his intention was still to close on the property in June and to acquire title to the property by the end of June.

2. Andrus Home

There have been some discussions with the Village about a project that the Andrus Foundation wants to undertake on the home with expanding the use of the home. I will be meeting later this week to discuss informally some other concepts they have developed for the expansion of the facility. My understanding is that the concept that they had so far as the placement of an additional structure has been significantly modified to make it more consistent with the topography of the area, and also to make it unobtrusive.

3. Other

Trustee Gagliardi: I would like to thank the Beautification Committee for their beautiful plantings and flowers around the Village, especially up at Chemka Pool. I received positive feedback from a lot of the citizens. Thank you once again for your efforts.

Mayor Kinnally: Last Saturday night the Foundation that is assisting with some improvements in the school sponsored a show, "Stars Over Hastings," in the auditorium, which was blessedly air conditioned thanks to the Foundation. It was an incredible evening. All but one of the performers was from our Village, and these were world-class performers. A number of us were there, and it was remarkable to have that type of talent in this community. They all devoted their talent, their energies, and their time to a tremendous cause. I congratulate everyone who was involved in that, including the performers and the people who are on the Foundation and the volunteers. A lot of new people and a tremendous cross section of the community was there, and it was remarkable. A number of people said, We hope we can do it next year, and I second that.

It would be wonderful if we could have this as an annual event, especially for the people in our Village to see the tremendously gifted people who live here.

Trustee Holdstein: Not only was it a spectacular day with Spring Thing and then the concert, but on Sunday the Historical Society sponsored a fund raiser at the new waterfront restaurant. They had estimates of over 400 people that had come from 3 to 5 on Sunday. It was a great fund raiser, and people were very excited to see the restaurant. The owner said that he had 350 on the Saturday night before. It's off and running, and he was very, very excited about the restaurant.

John Carleton, Draper Park, 126-128 Washington: On the matter which was brought up a few years ago about the taxes, I'd like to have an answer definitely by the next meeting so that we don't miss the next tax date.

Mayor Kinnally: We're going to have an Executive Session this evening with our attorney. It's one of the things we will go over with him. We will pursue that, and I will get back to you and Mr. Forman before that date.

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 and land acquisition.

Village Manager Hess: The June 11 meeting with ARCO and DEC is an extremely important meeting, the last public meeting before the fall, when the record on decision will be filed. Written comments can be sent to my office, and I will forward them to ARCO and DEC.

Mayor Kinnally: I anticipate that there will be significant discussion about the bulkhead. There's a tremendous amount of disagreement over the scope, the type of improvements to be made to the bulkhead, and more importantly the timing of it. It was anticipated that the bulkheading would be addressed from a construction standpoint this summer, but the possibility of that has become remote.

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Gagliardi, with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:12 p.m.