

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**AUGUST 11, 1998**

The Regular Meeting of the Board of Trustees was held on Tuesday, August 11 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Trustee James B. Keaney, Trustee Michael Holdstein, Trustee Anthony Gagliardi, Village Attorney Robert Ponzini, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

**ABSENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Elsa C. DeVita

**CALL TO ORDER**

**Acting Mayor Holdstein:** This evening Mayor Kinnally and Trustee DeVita are not with us so I am sitting in as Acting Mayor.

**APPROVAL OF MINUTES**

On MOTION of Trustee Keaney, SECONDED by Trustee Gagliardi with a voice vote of all in favor, the minutes of the Regular Meeting of July 14, 1998 were approved as presented.

On MOTION of Trustee Keaney, SECONDED by Trustee Gagliardi with a voice vote of all in favor, the minutes of the Public Hearing of July 14, 1998 were approved as presented.

**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. 19-1998-99	\$ 6,972.87
Multi-Fund No. 20-1998-99	\$ 246,727.30
Multi-Fund No. 21-1998-99	\$ 5,052.39
Multi-Fund No. 23-1998-99	\$ 39,701.60
Multi-Fund No. 24-1998-99	\$ 255,637.19
Multi-Fund No. 25-1998-99	\$ 9,049.92

**54:98 DESIGNATION OF SEPTEMBER REGULAR MEETING DATES**

**Acting Mayor Holdstein:** The reason for the adjustment is the late falling of Labor Day. We traditionally have our meetings on the first and third Tuesdays, so we are moving it back a little bit. I would like to note that those will be our first meetings in our new location at 615

Broadway, as this is our last meeting in the building as we prepare for the renovations. Village offices will be closed on Friday for the move and we will reopen on Monday at 615 Broadway.

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

**RESOLVED:** that the Mayor and Board of Trustees designate September 15, 1998 and September 22, 1998 as the Regular Meeting dates for the month of September.

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

**55:98 INVEST IN KIDS PROGRAM CONTRACT**

**Village Manager Hess:** This is the second contract relative to the \$25,000 that we received from Westchester County for the Invest in Kinds Program. The amount of this grant is \$10,000. The Board had previously approved the contract's grant for the \$15,000. This is for our school and community program. We recommend approval.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the Invest in Kids Program contract, as attached, with Westchester County for the period September 14, 1998 to June 30, 1999.

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

**56:98 PUBLIC HEARING - PROTECTIVE TECHNOLOGIES INTERNATIONAL INC.**

**Acting Mayor Holdstein:** Over the years we have had quite a bit of growth with this company on the waterfront. They have recently gotten a certificate of occupancy for additional loading dock facilities and now, based on the application, they are looking to have a hearing to discuss expanding within the existing building.

**Village Manager Hess:** The requirement under the current waterfront zoning is that any application for a building permit or a certificate of occupancy requires a public hearing before the Board of Trustees. Protective Technologies has made application and the Board is considering setting a hearing for Tuesday, September 15th on their application.

**Trustee Keaney:** I would ask that at the public hearing a better sketch be attached. In the past, the sketch that we have been given shows how much square footage they are asking for and more importantly, how they are oriented in the building. I would like to see a sketch that shows what they are looking for now and what they have already.

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

**RESOLVED:** that the Mayor and Board of Trustees schedule a Public Hearing for Tuesday, September 15, 1998 to consider the application of Protective Technologies International Inc. to expand the Certificate of Occupancy for Building 52-B to include the southwest corner to expand the outbound shipment labeling area.

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

**57:98 EXECUTION OF ASSESSMENT STIPULATIONS**

**Village Manager Hess:** As was discussed in July relative to the settlement with Harbor at Hastings Associates and the tax trust agreement, and as the Mayor at that time pointed out in his presentation, the reductions in assessments for years 1992 through 1997 talked about the reduction in assessment for the specific parcels on the waterfront. The new assessment would be

\$450,000 for each of those assessment years. What the Board approved at the last meeting was the tax trust agreement. This resolution authorizes the Village Attorney to sign the stipulations on the reductions in the assessment.

**Trustee Keaney:** This stipulation seems to track exactly what the tax trust agreement said it would, without any superfluous words; it is a bare bones legal stipulation.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Attorney to execute the assessment stipulations for Harbor at Hastings Associates, Sheet 8, Parcels 89, 91, 93, and 94, as follows:

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT

**WHEREAS,** petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address</u>
Harbor at Hastings Associates	River Street Hastings, New York Sheet: 8 Parcel: 89

**WHEREAS,** petitioner's court challenge is now pending in Supreme Court, Westchester County; and

**WHEREAS,** the Village and property owner have reached a mutually agreeable resolution; now therefore be it

**RESOLVED,** the Village Attorney is authorized to execute the following settlement on behalf of the Village and all special districts no less than the following amounts:

<u>Assessment Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>
1992	\$949,500.00	\$184,500.00
1993	949,500.00	184,500.00
1994	949,500.00	184,500.00

1995	949,500.00	184,500.00
1996	949,500.00	184,500.00
1997	949,500.00	184,500.00

Note: Since the property owner has failed to pay taxes since 1991, no Village refunds are due. This merely reduced the liability of the taxpayer.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT

**WHEREAS,** petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address</u>
Harbor at Hastings Associates	River Street Hastings, New York Sheet: 8 Parcel: 91

**WHEREAS,** petitioner's court challenge is now pending in Supreme Court, Westchester County; and

**WHEREAS,** the Village and property owner have reached a mutually agreeable resolution; now therefore be it

**RESOLVED,** the Village Attorney is authorized to execute the following settlement on behalf of the Village and all special districts no less than the following amounts:

<u>Assessment Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>
1992	\$241,900.00	\$45,000.00
1993	241,900.00	\$45,000.00
1994	241,900.00	\$45,000.00
1995	241,900.00	\$45,000.00
1996	241,900.00	\$45,000.00
1997	241,900.00	\$45,000.00

Note: Since the property owner has failed to pay taxes since 1991, no Village refunds are due. This merely reduced the liability of the taxpayer.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT

**WHEREAS,** petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address</u>
Harbor at Hastings Associates	River Street Hastings, New York Sheet: 8 Parcel: 93

**WHEREAS,** petitioner's court challenge is now pending in Supreme Court, Westchester County; and

**WHEREAS,** the Village and property owner have reached a mutually agreeable resolution; now therefore be it

**RESOLVED,** the Village Attorney is authorized to execute the following settlement on behalf of the Village and all special districts no less than the following amounts:

<u>Assessment Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>
1992	\$36,500.00	\$9,000.00
1993	36,500.00	9,000.00
1994	36,500.00	9,000.00
1995	36,500.00	9,000.00
1996	36,500.00	9,000.00
1997	36,500.00	9,000.00

Note: Since the property owner has failed to pay taxes since 1991, no Village refunds are due. This merely reduced the liability of the taxpayer.

#### RESOLUTION AUTHORIZING TAX *CERTIORARI* SETTLEMENT

**WHEREAS,** petitions have been filed by the property owner below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<u>Property Owner</u>	<u>Address</u>
Harbor at Hastings Associates	River Street Hastings, New York Sheet: 8 Parcel: 94

**WHEREAS,** petitioner's court challenge is now pending in Supreme Court, Westchester County; and

**WHEREAS,** the Village and property owner have reached a mutually agreeable resolution; now therefore be it

**RESOLVED,** the Village Attorney is authorized to execute the following settlement on behalf of the Village and all special districts no less than the following amounts:

<u>Assessment Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>
1992	\$1,100,000.00	\$211,500.00
1993	1,100,000.00	211,500.00
1994	1,100,000.00	211,500.00
1995	1,100,000.00	211,500.00
1996	1,100,000.00	211,500.00
1997	1,100,000.00	211,500.00

Note: Since the property owner has failed to pay taxes since 1991, no Village refunds are due. This merely reduced the liability of the taxpayer.

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

**VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** Although the staff will be working on Friday, Village offices will be closed because we will be moving to temporary facilities at 615 Broadway on the corner of Broadway and Warburton Avenue. The Village offices will be open for full business on Monday, August 17.

The Mayor and I were talking a few minutes ago about Building 15. To be inside that building now is truly a wonder. It is the size of about two football fields and there is very little debris left. Approximately 2,300 cubic yards were removed from that building last week, and they are currently on schedule to meet the court-ordered date of removal.

Regarding the PCB situation at the waterfront, something that has been of concern for the Board for some time: we have been fortunate during the discussions and review with the DEC and ARCO during the remediation investigation and feasibility study period to have the input of Dr. Padawer, who has been a tremendous help to me during the whole process of reviewing all the documents that either ARCO or their consultants have sent us, and commenting on them. He has been extremely helpful, and I want to take this opportunity to thank Dr. Padawer for his help.

The DEC is certainly committed to achieving an appropriate cleanup at the waterfront, especially in terms of the PCB situation. Besides the PCB's there are a number of other contaminants on the site. The new project manager for the DEC, George Heitzman, is extremely experienced in remediation efforts, and we look forward to working with him in the months ahead as they develop the final plan for cleanup. The DEC will have its next availability session on September 24 at the high school auditorium. There will also be an update on the Mobil situation beginning at 7:00 p.m.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Andrus Continuing Care Retirement Community Proposal**

**Acting Mayor Holdstein:** We are in receipt of a proposal from the Andrus Home to expand their facilities. We are going to refer this to the Planning Board and the Zoning Board for their comments, and then look to move the process forward at our next Board Meeting.

**John Kirkpatrick, representing John E. Andrus Memorial Inc.:** We are pleased that you are referring it to the Planning Board and the Zoning Board. Would your Board be willing to begin the SEQRA process by sending out a lead agency letter?

**Acting Mayor Holdstein:** With two of our members not available this evening, we are going to have to postpone decision-making on lead agency until our next meeting September 15<sup>th</sup>. We are reviewing the documentation, and we certainly want the Planning Board and the Zoning Board to begin their review.

**Mr. Kirkpatrick:** That is fine. We understand that this will receive a careful and complete review. It is not a casual proposal on our part. We are not trying to rush anything along, by any means. We are pleased to talk to the Planning Board and the Zoning Board, and be back before your Board on the 15th.

I know that your Village sometimes requests an escrow deposit from an applicant for a complicated proposal like this, and perhaps retains outside consultants. Might it be a timesaver for us to indicate at this point that we are absolutely willing to make this deposit at any time the Village wants, and if it would be appropriate now, we would like to move ahead with that.

**Acting Mayor Holdstein:** Duly noted. I do not think it would be appropriate at this point, but we appreciate your earnestness in wanting to work with us. We will get the Planning Board and Zoning Boards involved, and at the September 15th meeting, hopefully, we will address who will be the lead agency and move the process, including the SEQRA process, along.

**Mr. Kirkpatrick:** We will put it on our calendars for the 15th, and will speak with the Village Manager about when we should appear with the Planning Board and the Zoning Board.

## **2. Hastings 1999**

**Trustee Keaney:** I want to remind everyone that the Hastings 1999 kick-off event is going to be the commemoration of our Battle of Edgar's Lane on October 17, 18, and 19. We are going to have the re-creation of the Battle, re-creation of the story, and unveiling of the historical marker. This mug shows our prize-winning logo for 1999: it picks up the Palisades, the Village, and, I think, the vitality that 1999 is supposed to envision. These mugs are available at The Office Ink. Part of the proceeds from each mug go to fund Hastings 1999.

**Trustee Gagliardi:** I would like to offer my congratulations, and the Board's congratulations, to the Hastings swim team on another undefeated season. This year we were undefeated in Division 4. The swim team had an added plus this year: they had a diving team, and I want to congratulate everybody who had the courage to go up on the board and dive off. The swim team had about 100 members, and was coached by Don Wemer and assisted by Stacy Lucas and Lauren Testa.

**Acting Mayor Holdstein:** I should congratulate my cronies on the Hastings Men Over 40 Softball League – The Sons of Palisades – who this past Sunday beat the Irvington team in two successive games to claim the championship.

I would like to further reiterate what I think is an overwhelming success in finally ridding ourselves of the debris in Building 15. Having seen the building in its full state, and seeing it now, it really is overwhelming. As Trustee Gagliardi said last week in conversations about tax settlements: we continue to remove roadblocks which will lead one day to a revitalized and redeveloped waterfront.

The final numbers are in on the tax settlement. While we were speaking in terms of close to \$800,000, the final number is approximately \$846,000.

## **PUBLIC COMMENTS**

**Michele Hertz, 62 Euclid Avenue:** What is the Mobil site meeting about?

**Village Manager Hess:** At the time we joined in the suit against ARCO we also brought suit against Mobil. This is a Class 2 contaminated site. We had them in federal court, and they agreed under a voluntary consent order to do their RIFS. The DEC wants to update everybody on where that stands. In both the Mobil case and the ARCO case, every three months we go before the federal judge. Both ARCO and Mobil have to give status reports of where they stand in the cleanup process. Although it may seem very slow, the process is moving along.

**Mary Jane Shimsky, 35 Ashley Road:** When we talked about the estimated cost of the renovation, we assumed that the relocation of the Municipal Building would be into trailers which would be leased and put on-site. What is the cost of leasing 615 Broadway?

**Village Manager Hess:** The cost is \$7,000 a month in terms of the lease. The actual cost of trailers was over \$20,000 more than leasing the building. There were several concerns. Number one was the cost. Another one was that if we moved into trailers there would be no meeting space. The Esposito Building worked very well in terms of square footage and location. Another concern we had was parking in this area. If we tried to stay in trailers both library patrons and all our staff would have to park on the street, and that would have affected Maple and Southside Avenue tremendously in terms of parking and traffic flow. The public would try to do business and would have to walk through a construction site to go to a trailer. This could be difficult, especially with the number of children around here. All these things went into our thinking, but the cost factor was my priority when it came to saving \$20,000.

**Ms. Shimsky:** Will there have to be a re-customizing of the building, for example, alarm systems for the police, or anything like that?

**Village Manager Hess:** No. The alarm system in this building is not very. This is done remotely: just electronic eyes that go to the police station. This is an internal system that is not very costly. Probably what they will end up doing is taking this and putting it over there.

## **ADJOURNMENT**

On MOTION of Trustee Keaney, SECONDED by Trustee Gagliardi with a voice vote of all in favor, Acting Mayor Holdstein adjourned the Regular Meeting at 8:40 p.m.