

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 3, 1998**

The Regular Meeting of the Board of Trustees was held on Tuesday, November 3, 1998 at 8:10 p.m. in the Municipal Offices, 615 Broadway.

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

CITIZENS: Six (6)

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. 48-1998-99	\$ 2,957.40
Multi-Fund No. 49-1998-99	\$180,022.07

63:98 1999 STOP-DWI PATROL PROJECT REIMBURSEMENT CONTRACT

Village Manager Hess: The STOP-DWI program, which has been in effect for about eight years, has been extremely effective in Westchester and in Hastings. Hastings leads the county in the number of moving violations that are issued. The program has provided overtime money to the Village for our STOP-DWI patrol project. We recommend its approval.

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 Manager to execute the 1999 STOP-DWI Patrol Project Reimbursement Contract with Westchester County in the amount of \$8,400.00.

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	

64:98 SALARY - VILLAGE MANAGER

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 establish the annual salary of the Village Manager/Treasurer at \$115,000 effective June 1, 1998.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: The joint meeting with the Board of Education will be on December 7 at the high school lecture room. There will be a scoping session on the proposed Andrus project on Monday, November 16 at the Community Center from 3:00 p.m. to 5:00 p.m. and again at 7:00 p.m. to 9:00 p.m.

We discussed at the last meeting the possibility of establishing a parking committee to look at the commuter parking lot. One citizen has volunteered, and anyone else interested should contact any member of the Board, or myself, and we will be establishing that committee within the next several weeks.

Trustee Keaney: Will this committee be just limited to the commuter lots? What is their charge?

Village Manager Hess: Initially we are going to look at commuter lots. But I think we will expand that later on, after the first of the year, to look at parking in the entire downtown also. I have tried to work with the VIP and the LWRP committee on that.

Trustee Holdstein: So people should be prepared, if they want to commit, to be involved in this whole broader scope?

Village Manager Hess: If they want to commit to the commuter parking situation they can commit to that. And they can always move aside when we move on to other things. I think both

are worth looking at. As you know, on behalf of the Chamber we have approached St. Matthew's about the potential of using their parking lot for business and for merchants.

Village Manager Hess: I have been invited to attend a meeting of the Hillside Safety Committee on the 24th along with the Chief of Police and the lieutenant. The Committee has come up with a proposal, and we will try to brainstorm on safety improvements at Hillside.

In terms of the financing on the Municipal Building, I have suggested that the Board consider authorizing me to borrow the full amount of the funds at the present time. The latest figures show a spread of 1.4% between borrowing rates and investment rates. With this spread we are looking at a net income, which reduces the amount, or could be paid back against the borrowing, of \$21,000 in the first year alone. My recommendation is that we be authorized to borrow the funds now and move right into the investment vehicles.

Mayor Kinnally: If the rates change can we prepay that back and then draw down again on it?

Village Manager Hess: The borrowing would be at a fixed rate, and so would the investment. Depending on the length of term of the investment, we will schedule out certain portions of the investment to be longer than others depending on when the draw-downs would be. We will estimate over an eight or nine month period what the draw-downs will be and then we will be able to invest a full amount.

Trustee Holdstein: I had talked to people in the bond market who have explained to me that in the first five-year chunk you can pay "X," and then in the next five-year chunk you can pay...

Village Manager Hess: That is a bond, not a note. We are borrowing on a BAN, a Bond Anticipation Note. We would borrow \$1.5 million for 12 months and set up an investment schedule depending on when we expect the progress payments. A year from now when the note is due, we would get another BAN for another year. Projecting out, you would have a bond for 15 years, so you would pay 1/15 of that back.

Trustee Holdstein: So you would convert this loan in a year into bonds.

Village Manager Hess: Not necessarily. You have up to five years to borrow on BAN's before you have to go to the bond market. If the bond market has good rates, then we could go directly to the bond market.

Trustee Holdstein: But once we take this BAN we are locked into the BAN?

Village Manager Hess: No. We could pay off the BAN and order the bonds in two months. I am advising you to borrow the BAN now, and then we will take a look at the bond market.

Trustee Holdstein: Once we do the BAN, we have the money in hand to use as we need and invest and make some interest back on it.

Village Manager Hess: Exactly. It is a net-plus to the Village by doing that now, based on the spread between the borrowing rates and the investment rates.

Trustee Holdstein: Great. Sounds good.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: We have not received a formal response from the DEC on our request for an extension of time.

We are in receipt of some information about people who might be able to act as advisors to the Village in connection with our review. We will be discussing that subsequent to this meeting in an Executive Session.

Mr. Hess and I along with environmental counsel met today with Carl Copeland, head of Pace Environmental Law Clinic, an intern from the Clinic, the Riverkeeper John Cronin, Ralph Huddleston of Carpenter Environmental, and a student aide. We discussed a number of items, including their overview of the PRAP. We discussed whether Carpenter Environmental could act as an advisor to the Village. We did not get into whether they would because that is in our province, not in theirs. But we talked about what type of work it had done; what data they had reviewed and assessed; whether they would have any problems either working directly with the Village, or, if we were to retain our own consultant, whether they would work closely with the consultant and share information.

We asked the Riverkeeper if there was either an actual or a perceived conflict between the Village and Riverkeeper; whether we could work together and share a consultant; and whether his hopes and aspirations in any way collided with what we have been talking about here for so long. The Riverkeeper reminded us that he worked on Building 15 with us and is a plaintiff in the lawsuit. He reiterated that his hope for the waterfront was to get the site cleaned up so that it no longer posed a health hazard, to remediate any runoff into the river, to stabilize the site by the installation of a bulkhead, and to turn this again into a productive piece of property from the standpoints of tax generation, utilization, access to the river passively and actively, recreational purposes, and limited commercial purposes. It was as if the average citizen in Hastings who is interested in the waterfront were speaking; I saw no divergence between what John said today and what he has said in the past.

The Riverkeeper is standing shoulder to shoulder with us in wanting to see this property cleaned up. We all question what is the highest and best standard that it is to be cleaned up to, but that is

something that will be dealt with over time. I saw nothing from his comments today, and his willingness to work with us and the willingness of Carpenter to work either directly or indirectly with us, that signals problems brewing for any joint effort between us and the Riverkeeper.

It was a positive meeting. The concerns that were raised by everyone as far as the positives, the negatives, and the shortcomings of the PRAP were almost identical

Trustee Holdstein: What was their response to working with a consultant the Village may hire?

Mayor Kinnally: They will do whatever is necessary to assist us. The particulars would be worked out over time, but there was no hesitancy on either of their parts that they were drawing back from any prior offers or any prior cooperation.

George Heitzman has indicated that there is a possibility of another comment session with the Village, possibly on December 3. That ties in with the extension. If they want to have another session to either solicit comments from the community, or get out some more information, it is a little foolish to be here on the 3rd and give us a very short period of time to digest all of that and incorporate it into a comment period. But our perception of foolish in the way bureaucracies run are not necessarily one and the same. I will raise this with John Cahill.

Trustee Keaney: Tony Gagliardi and I spoke to Senator Spano when he was here in the Village last week, we expressed the concerns that had been raised about the PRAP. He seemed very receptive, and I will be following up with him on the matter.

Mayor Kinnally: I have indicated to Assemblyman Brodsky's office that I will call him after the election to talk about the waterfront. He has a keen interest as chairman of the Environmental Committee of the Assembly. We will do what we can to get people on higher levels focused on what we need in Hastings.

Christy Pinnoyer, 58 Villard Avenue: I am here with David Walrath representing the Hastings Waterfront Watch. We are a group of Hastings residents concerned about the high level of toxic waste on the waterfront and that there be an adequate cleanup. We are very appreciative of the time put in by the Village Board and town officials on this issue, and we look forward to working cooperatively with you. We invite other citizens to join our group, and town officials to participate. We are going to be meeting regularly Saturdays at the Community Center from four to six. At our most recent meeting Hastings Waterfront Watch formulated a statement of purpose, which I would like to read into the record at this time. [attached to minutes.]

We also unanimously adopted a recommendation to the Village Board of Trustees:

Hastings Waterfront Watch

P.O. Box 624
Hastings-on-Hudson, New York 10706
(914) 478-7196

November 3, 1998

Recommendation for the Village Board of Trustees.

Hastings Waterfront Watch strongly recommends that the Village Board of Trustees immediately hire an independent environmental expert who specializes in hazardous waste remediation to review and comment on all aspects of the DEC remedial investigation report, supplemental remediation report, risk assessment, feasibility study and proposed remedial action plan, and on all attendant appendices and attachments, and to compare the results of this review with those of other comparable Hudson River sites.

David Walrath: Will there be anything new at the proposed state presentation and meeting in December?

Mayor Kinnally: We do not know.

Mr. Walrath: The concern that I have with the state's proposal for institutional control is that institutional controls for the PAH's and the metals leaves the actual remediation to some future development. I am afraid they may get rolled back into development costs.

Mayor Kinnally: This comes up time and time again. The issues of remediation and development costs are two separate things. A developer may tell the Village they need more density because of cleanup costs. It is not going to happen, even if ARCO is the developer. The cleanup costs are the cleanup costs. This may ultimately color a decision of any owner whether they want to develop the site, but as far as anybody trying to tell the Village Board that they must have greater density and this is part of our development cost, it is not going to happen.

Mr. Walrath: Ultimately they have the appeal to the courts, so I would like to get the remediation of the PAH's and the metals done now with some physical measures rather than in the future. To get the DEC to reverse its reliance on these institutional measures we have to get experts that are going to get us the very best science there is to back up what we want to get done now instead of waiting for these institutional measures.

Mayor Kinnally: There is a wealth of material out there. One of the problems with the data is that it is not in any one particular area. One of the things that Carpenter could do is to provide a road map. We are going to have to move fairly quickly on this. I know the state is anxious to move ahead, but speed is not really our ultimate desire here.

Mr. Walrath: There are various things you can do: a layer of soil on top may very well answer the problem, but the utilities may be below that layer. I talked with Ralph Huddleston last week, and I understood they were going to push for two to three feet. That is what I hope we will come out with, but we need to put good science behind that, because the state has taken an opposite position and we have to turn them around.

Mayor Kinnally: A good deal of the site is going to have to be raised anyway to above the flood plain before any development can take place.. One of the things that we talked at length about today was that although the state has identified high concentrations of PCB's, testing in a radius around those sites has not been done to rule out any infiltration or migration of these PCB's, or the existence of pools of PCB's. There is a need for additional data that we do not have.

Let me just comment on something. You said you had called Ralph I do not want to take advantage of Carpenter. They are helping us because we have reached out to them, but it is difficult for citizens to call them, and they cannot really share everything with you because they are not working for us. It is an awkward position for any independent consultant, either retained directly by us or by a third party, to interact that way.

Bob Zahn, 24 Crossbar Road: I would like to present a vision plan for the Hastings-on-Hudson waterfront that may serve to guide all responsible parties in the remediation efforts. This was independently developed. [attached to minutes]

Susan Richman, 21 Pinecrest Drive: My understanding is that we have received some feedback from the study that the county has done on Division Street. Do you know anything about that?

Mayor Kinnally: Yes, we reported on that last week. They indicated that more testing has to be done, and that the property has to be secured so that it is safe for additional inspections. There are issues of underground tanks on the site.

Village Manager Hess: They did some swipe samples on the floor and discovered some PCB's.

Mayor Kinnally: They are not anywhere near giving it a clean bill of health. They were afraid to send the inspector through the entire structure because it was not safe. They did identify through pressure tests underground tanks that may have been leaking.

Ms. Richman: We have another site, identified as the "Jenny Station," that it is in arrears for almost ten years of its taxes. It was being considered for foreclosure but because of the possible contaminants, Greenburgh decided not to foreclose. If a private owner still owns it can't we force them to clean it up, just like we are doing with the waterfront? Everyone is talking about

the need for affordable housing, but here is this vacant, dilapidated eyesore in the middle of our Village. What can we do about it?

Village Manager Hess: We had permission of the owner to go on the Division Street site because the owner is the Town of Greenburgh, but we cannot go on private property to test without permission of the owner.

Mayor Kinnally: We can bring it to the DEC's attention. We have looked into acquiring that site, but the amount of money the owner wanted for it precluded that site being one for affordable housing.

Ms. Richman: But we do not know if it is contaminated. If there are underground leaks, which people are assuming that there are, which is why they are afraid to foreclose, can we not?

Mayor Kinnally: How can you make the assumption that the Town of Greenburgh, or we, are not foreclosing?

Ms. Richman: I talked to Paul Feiner. They were considering foreclosing, and he said that because of the fear of expense of contaminants that we should not foreclose at this point.

Mayor Kinnally: We cannot get on the site to do testing, but to the extent that what is on-site poses a health hazard we will bring it to the DEC's attention.

Ms. Richman: When they built the Food Emporium my understanding was that they found oil underneath there that they assumed was coming from the Jenny Station. Is that true?

Mayor Kinnally: There was a plume of gasoline that had come through the stream and that was in danger of going down through the ravine and emptying into the Hudson River.

Village Manager Hess: It was in the northern portion of the driveway.

Ms. Richman: Do you think it was from the Jenny Station?

Mayor Kinnally: That would be the logical spot.

Ms. Richman: Is that not reason enough that there is a health hazard, then, if it is migrating down our Village?

Village Manager Hess: The tanks were removed in the eighties.

Ms. Richman: Is it possible that things could backwash under Reynolds Field?

Mayor Kinnally: I remember this was raised a few years ago, and a flier was sent out with a skulls and crossbones, but the level of lower Reynolds Field, where the tennis courts are, is substantially higher than the Jenny Station. You can stand on the roadway, Chauncey Lane, which is below where the tennis courts are, and almost see the top of the building. These tanks are substantially below-grade.

Ms. Richman: Is there any fear for adjacent neighbors?

Mayor Kinnally: There has not been any indication that there has been any migration of any plume to the north. I do not know about the south. The track house may be just on-grade at that point. There is no fear at all of Reynolds Field. Coming right through Reynolds Field is a brook; the water that comes down from Hillside Woods comes through Farlane, through Reynolds Field, underneath the Aqueduct, goes through the Food Emporium property, and goes down the ravine by the Firehouse and the Community Center, underneath the parking lot, and into the Hudson.

Ms. Richman: If you could find out about testing and see what we can do to move on this, that would be a very positive site. About Division Street: what is the time frame for this additional county test? We have \$60,000 to demolish the building. Should we do that?

Mayor Kinnally: We have to get the property before we can do anything. We do not own the building. We were given permission only to do testing on the site. I do not know where it stands as far as securing the building, but the county did not indicate that they wanted to drag their feet. They want to get the testing finished.

EXECUTIVE SESSION

On MOTION of Trustee DeVita, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the regular meeting to discuss personnel.

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 9:05 p.m.