

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
DECEMBER 1, 1998

A Regular Meeting was held by the Board of Trustees on Tuesday, December 1, 1998 at 8:00 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, Village Attorney Brian Murphy, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

CITIZENS: Five (5)

APPROVAL OF MINUTES

Trustee Holdstein had the following correction to the minutes:

P. 7 - Mayor Kinnally's last remark: add "thank"

On MOTION of Trustee Holdstein, SECONDED by Trustee Keaney with a voice vote of all in favor, the minutes of the Regular Meeting of November 17, 1998 were approved as amended.

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. 54-1998-99	\$ 61,078.28
Multi-Fund No. 55-1998-99	\$198,139.99

VILLAGE MANAGER'S REPORT

Village Manager Hess: Municipal Building renovations began on November 20 with asbestos removal. That was completed at the end of last week. The general contractor will begin work on December 14 and there will be another meeting with all the contractors on December 7.

We have discussed establishing a parking committee to look at the commuter parking situation and to make recommendations. Only one member of the public has volunteered to join the committee. The firm of Allee, King, Rosen and Fleming is doing traffic and parking work for the LWRP, and their report will include information on the commuter parking lots. We will have that input prior to our first committee meeting after the first of the year. Any resident commuters interested in joining the committee should contact any member of the Board or myself.

Chief Marsic and I met with the Hillside School Safety Committee last week. We have been requested by the Safety Committee to boost enforcement at Hillside School. Police presence early in the year improved conditions, but conditions are worse now. For the safety of the children Mrs. Wishnie is notifying all the parents and guardians that we will begin active enforcement again.

I will have a report for the Board at the next meeting about the Tax Trust Agreement with ARCO: what those funds coming in mean to our fund balances, and how it can affect our finances over the next year.

We will have a joint meeting with the school board on December 7.

There is a new late-night show coming to Channel 16, premiering this Friday night. It is called "The Hastings Show" and will be on at 11 p.m. on Friday, Saturday, and Sunday nights, and the first guest is the Mayor. It is hosted by Joe Capuano and should be quite informational and entertaining.

Trustee Holdstein: During the renovation will the parking lot be open the entire time?

Village Manager Hess: There are going to be some construction trailers there, so I do not think the entire lot is going to be open. I will find out more on that meeting on Monday.

Trustee Holdstein: With the asbestos removal, did OSHA come in and do all the testing?

Village Manager Hess: Yes. One of the reasons we could not start until November 20 is that the Labor Department, OSHA, had to come in and monitor it all the way through. There had to be air testing done during, and after, completion of the project, and those reports have to be approved by OSHA before there is a clean bill of health.

Trustee Gagliardi: A person concerned about safety at Hillside School called me and had the understanding that a ticket is only \$5 for illegal parking. That amount is very small; perhaps we should look into increasing the fines to discourage people more.

Village Manager Hess: Susan is going to be working on a new recommended fee schedule. We are looking at all the fees in all the departments, including fines and penalties.

BOARD DISCUSSION AND COMMENTS

1. Holiday Free Parking

Mayor Kinnally: Teresa Caruso from the Chamber of Commerce is here.

Teresa Caruso: The Chamber of Commerce has sent you a letter requesting to cover the meters for free parking for December 12 through December 24; can we be approved to do that?

Mayor Kinnally: One of the concerns we have yearly is people staying over an allotted time. Neil, how have we dealt with that in the past, and a suggestion about the future?

Village Manager Hess: Free parking is a two-hour limit, and the bags should say "Two-hour Free Parking."

Mayor Kinnally: I suggest that the merchants have a flier in their store explaining what the policy is, and remind their customers that they have two hours free but cannot abuse it because they will get a ticket.

Ms. Caruso: We will be happy to send out fliers to all the stores and post it.

2. Update on the Waterfront

Mayor Kinnally: I have received a report from Fleur Daniel dated November 13, 1998 indicating the results of additional testing in the river. They show, in some areas, PCB contamination. Those results have been noted by the DEC. We have hired the engineering firm of Malcolm Pirnie to assist the Village in preparing a response to the Proposed Remedial Action Plan and all of this information will be taken into consideration in responding to the PRAP. The data summary is available here and at the library. I am sure that as a result of comments at Board meetings and in the community there will be additional testing to pursue the issue of the PCB's in the river.

I spoke with Commissioner Cahill of the DEC on Sunday evening, and yesterday the DEC agreed to our request for an extension of the comment period to January 15. The consultants will work with our Village Attorney and the Board in preparing a draft of our comments to be submitted to the DEC. We hope to have that draft available to the public the first week of January. We will have a meeting of the community at Hillside later in the first week of January, at which time we will take comments on our comments, and then have a subsequent meeting the second week of January where we will present to the community what our official comment document will be that will be submitted to the DEC.

Regarding the Tax Trust Agreement, a notification went out today to ARCO that they were in default of the \$38,000 payment that was due on November 1, 1998. We have referred the matter to the Village Attorney to pursue in the event that the default is not cured. Interest continues to accrue at one percent a month.

This Thursday evening the DEC will have an availability meeting at Hillside School. Once again the purpose of the meeting is to convey constructive comments and suggestions to the

DEC for their consideration in the PRAP. If someone has something in writing it should be submitted to the DEC as soon as possible.

Trustee Holdstein: Is the DEC going to formally respond to all the questions asked in September, and will that be in a written document available to the public?

Village Manager Hess: After the comment period is over, they respond to all the comments, whether they were at the public hearing in September or written comments after. I do not know if it will be in a written document.

Trustee Keaney: The New Year's event of 1999 is coming to the Community Center starting about 11 p.m. We plan to recreate all the happiness that happens in Times Square in a friendly fashion. It is going to be a fun event to kick off 1999.

LWRP is meeting next Tuesday night; we have very detailed committee reports. The 40 or 50 members of the citizenry of Hastings who have volunteered to be on the committee of the LWRP are phenomenal. The work they have put into some of these committees is just astounding. We hope to come up with a draft inventory analysis for the Board and the Planning Board and the public soon.

On MOTION of Trustee Gagliardi, SECONDED by Trustee Keaney with a voice vote of all in favor, the Board voted to adopt two-hour free parking in the Village from December 12 to 24, including the Post Office parking lot.

Trustee Holdstein: We have been stalling on the Ridge Street Planning Committee primarily to await the appointment of our Village Planner, which has been done. Now that Meg Walker is on-board, on December 16 we will have another session to discuss the future of Ridge Street. We invite all those that live in the area or have thoughts on what we could do to improve that street, and the traffic, parking, and residential problems that are there. We want to start moving the process forward with a solution and a plan.

PUBLIC COMMENT

Ed Localio: I want to thank Mayor Kinnally and the distinguished Board for letting me speak here tonight about what I will call for the last time the ATI property, on the corner of Farragut and Nepera Place. On several occasions when I was cutting the grass there, people would ask me why was I cutting the grass in a Hastings park. Many people do not know that the property for these 14 years has not been the property of the Village of Hastings.

I would capsulate almost 15 years, and it started with not a bang but a rumble. In October, 1984 we had an earthquake in Hastings. It is commonly referred to as the Ardsley earthquake because the epicenter was possibly under the cemetery off Jackson Avenue. While there was not any

extensive damage in Hastings, several underground tanks ruptured without anyone knowing it; at the ATI site as well as on the Sawmill River Parkway.

Later on in that year Village officials were notified that gasoline was leaking from at least one tank on the ATI site. They pumped 1,800 gallons out of a 2,000-gallon tank. They thought the problem was solved, only to find out that there was more fuel below ground than they had anticipated. It ended up to be approximately 21,000 gallons that had leaked over a long period of time.

As a result, fumes from this underground spill filled our sewer system and our sanitary sewer system to dangerous levels. The Board of Health was notified. The Hastings Police Department and the Fire Department, as always, responded. Five families were evacuated from their homes, and with the help of Village Manager Hess they found temporary accommodations for four or five days before they were allowed to return to their homes. One family did not return for about a year, and this was the beginning of what could have been a potential disaster in Hastings. But with the help of, especially, Village Manager Hess things progressed fairly smoothly.

ATI was forced to get a company to do resource recovery on the site. TES put in monitoring wells and installed an additional tank so that this "product" could be pumped from the water table and preserved in this tank to be later hauled away. The building was left to go into total disrepair while the recovery went on. TES stopped their recovery on many instances because of lack of payment, and with the prompting of Village Manager Hess was forced to take on the project again and again. Finally, at the end of two years, they recovered approximately 19,000 gallons of this spilled fuel. Some venting systems were put in to try to vent from the water table which could not be pumped out. In the meantime, the neighborhood in which I lived was subjected to uncertainty, to declining property values, and to fear about where this gasoline might creep under their homes and further contaminate their properties. We all as a community worked very closely with Village Manager Hess and he was very reassuring that things would be taken care of in the proper way, and I have to say he has done that.

Five years had passed, and in that period of time lawsuits prevailed. Graffiti covered the building. Garbage was strewn upon the site. We petitioned the Village Board, and the Board was very helpful, and Village Manager Hess contacted the land owner in Florida and got a hold harmless document to allow us to remove the building on the site. The community raised enough money to demolish the building. The Village gave us dumpsters to put the debris in. We asked the DEC if it would be beneficial to the site if we removed the building and the blacktop. They said that it would and so we proceeded.

The empty underground tanks were removed, with the exception of the new tank that had been installed temporarily. TES removed but, through the community's insistence, we were able to prevent them from backfilling the property with the contaminated soil. Village Manager Hess insisted that they haul the contaminated soil away and backfill it with cleanfill at their expense.

At that point we had a relatively clean but still unsightly site. We raised some additional money to put up a fence. We petitioned ATI to give us some trees, and we planted trees and seed and it became a really pleasing site. When you get off the Sawmill River Parkway, instead of seeing an abandoned gas station you saw a cute little vest pocket park.

But the property was under the control and the ownership of Greenburgh, which prevented the Village from doing any maintenance on the property. I tended to do a lot of it myself. It was a Village park in every respect, but without Village ownership.

After years of meetings with the Town of Greenburgh and Paul Feiner, who was very supportive; and again, Neil Hess, who attended all those meetings, Mr. Hess applied for a grant from the state, with the support of this Board, and was able to get that grant. And with the agreement with the Town of Greenburgh, Hastings was able to purchase this property. I understand that as of January 1, 1999 this will be a Village park. There is one thread that goes through all this. That is the name of Neil Hess. From day one Neil has been a strong supporter of what we wanted to do. Through several administrations he has been there from the beginning. Some may say that, Well, that is his job, and it is his job. But I think he took on this project with a little more than just his job. He never dropped the ball. He was always straightforward with us, even when sometimes what he had to tell us was not pleasant. He never brushed us off, and I think he knew in his heart that this was the right thing to do. And I want to give special thanks from my community to Neil. We do appreciate your professionalism and your tenacity in seeing this thing through, and we are very happy that this is now going to be a Hastings park. And on behalf of my neighbors, I want to thank you all, especially Neil.

Mayor Kinnally: That is very kind of you. Not to denigrate anybody's efforts, but everyone pitched in. Years ago Ed has this idea, and it was difficult dealing with ATI and working through the potential liability problems. But there is no question that the neighborhood, and one of the gateways to the Village, has been appreciably improved. Do you find that there is any debris or litter?

Mr. Localio: For the most part it has been well-respected. It is an important point that TES when they signed off on this said that all their equipment and all their tanks had been removed. And I insisted that they had left one tank. On my word, Neil put his reputation on the line and insisted that they did not complete the removal of the tank. In fact, the tank that was left—the recovery tank—when they were finally forced to remove it we found that they also had abandoned 2,000 gallons of recovery fuel in that tank. So some future generation, unbeknownst to them, might have ruptured that tank with disastrous results. At this point there are no tanks.

Mayor Kinnally: Are they still venting it?

Mr. Localio: No, they are not. And the DEC signed off on it in 1994, I believe, as being safe.

David Walrath, 100 Edgars Lane: On behalf of the Hastings Waterfront Watch I have been asked to express to the Trustees, to the Mayor, and to Mr. Hess how pleased we were and what a great job you have done in getting a consultant and the extension.

Joe Lesly: The PRAP raised the question in my mind that before contamination was realized as a problem all the proposals for the waterfront had to do with new development. Since contamination arrived I have not heard or read a word about to what end any of the six recommendations might lead. Can you pick any level of remediation without any reference as to what purpose. I could see, for example, since it is zoned for industrial and a half-dozen companies are allowed to work there, that there is no problem if ARCO said they would pick a plan that allows the existing tenants to be there and clean up the open area.

Mayor Kinnally: ARCO does not have a say in it, but the commitment has been by this Board, and also by the DEC and the governor, that the property will be cleaned up such that you can have residential development down there. If they want to keep the operations there they are still going to have to clean up the site to residential levels.

Mr. Lesly: But should PRAP have any reference at all to potential uses?

Mayor Kinnally: The PRAP assumes residential use, the highest use. That is the underlying rationale through all of our discussions with the DEC.

Mr. Lesly: That may be implicit. I looked for that in the PRAP and did not find it.

Mayor Kinnally: I have read it with that implicit understanding, and also with the understanding of what the DEC, John Cahill, and Governor Pataki have said. That is, I think, everyone's understanding on the Board and in the community. I do not think we are looking at a situation where they are not going to do anything, and allow the use to continue. First of all, you have the problem with the Hudson River. It is a given that the PCB's are going to be removed, so you have everything else there that will be addressed ultimately.

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 personnel items.

ADJOURNMENT

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