

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JANUARY 12, 1999**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 12, 1999 at 8:22 p.m. at Hillside School, Lefurgy Avenue.

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

CITIZENS: 9

APPROVAL OF MINUTES

On MOTION of Trustee Keaney, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Regular Meeting of December 15, 1998 were approved as presented.

On MOTION of Trustee Keaney, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Special Meeting of January 4, 1999 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. 61-1998-99	\$134,874.73
Multi-Fund No. 62-1998-99	\$279,853.92
Multi-Fund No. 64-1998-99	\$ 36,395.15
Multi-Fund No. 65-1998-99	\$ 7,126.00
Multi-Fund No. 66-1998-99	\$ 51,424.48
Multi-Fund No. 67-1998-99	\$183,962.62

**2:99 - AUTHORIZATION OF SIGNING OF BOARD OF TRUSTEES COMMENTS
IN RESPONSE TO PROPOSED REMEDIAL ACTION PLAN OF THE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Mayor Kinnally: I received a call yesterday from John Cahill, Commissioner of the DEC, advising that there had been discussions within the DEC over whether and when additional testing should be done and the timing; he resolved the debate by saying that the DEC would extend the public comment period by a number of months, to allow public comment and to allow the DEC to design and implement additional testing on the site, including under buildings, so that we can have a full analysis of the extent of at least the PCB contamination on the site. It appears that the DEC has taken our draft comments into consideration and has decided that they

will do all of the testing and provide for additional comment and input on the testing to the community prior to the issuance of a record of decision.

I am requesting that counsel to the Village for environmental matters and our consultants Malcolm Pirnie contact George Heitzman and the staff at DEC and have input on the design of the testing, taking into consideration the comments that Dr. Padawer made last week during our hearing so that the baselines are appropriate and the sensitivity of the testing is adequate for what we are looking for. After discussion with counsel today, we are going to solicit additional written comment from the public until Thursday on our draft comments and incorporate these comments in a modified response to the DEC to go out next week..

In light of what the DEC has done, we will not be considering Resolution 2:99.

PRESENTATION

Sol Rubino, associated with Assemblyman Richard Brodsky's office: Some time Saw Mill River Parkway and the Hutchinson River Parkway had toll gates on them. They were the only tolls on parkways in New York State. Assemblyman Brodsky did what he could to see that they were removed. The tolls are gone.

There is a toll in Yonkers on the Thruway resulting in additional traffic on 9A because people and trucks prefer not to pay the toll. Inasmuch as the governor removed the toll in Spring Valley, we feel that it is only right that he remove the toll in Yonkers. A number of municipalities—Ardsley, Elmsford, and few others—have already agreed to join with the Assemblyman, and write to the governor and the speaker and the president of the Senate.

We are asking that Hastings join us in this proposal. Dan McLean is shepherding this piece of legislation, and I will turn it over to him.

Dan McLean: The Assemblyman, along with Assemblyman Pretlow of Yonkers and Tom Abinanti, county legislator for the area, have formed a bipartisan coalition to work with all the communities in the mid-Westchester region to eliminate this arbitrary discriminatory toll. Last year in the Assembly a piece of legislation to eliminate the toll passed by a substantial margin, but it died in the Senate.

Mayor Kinnally: This is dead unless we can get Republican sponsors from the area to carry this through the Senate. Has Senator Spano agreed to sponsor the legislation?

Mr. McLean: I do not know.

Mr. Rubino: I do not know. The reason we are going to the villages and towns is to put additional pressure on the Republican Senate.

Mayor Kinnally: It was never reported out of the Senate. It never came to a vote.

Mr. McLean: That is correct. On the other hand, there was a similar situation in Rockland where the Senate did agree to have that toll eliminated. We are under the impression that if we can generate enough support in the community we can persuade Senator Spano to sponsor a Senate version.

Trustee Gagliardi: Are you proposing truck tolls only as in Nyack or total elimination of tolls?

Mr. Rubino: I believe they could not remove the truck tolls because of federal funding. I do not think that is true here. I am not sure. I think the legislation calls for the removal of all of them.

Mr. McLean: A secondary effect of removing the toll would be alleviating some of the traffic on 9A and some of the secondary residential roads. A toll for trucks would defeat the purpose. You would still have the trucks evading the toll and going through the secondary roads.

Trustee Holdstein: We should know for a fact that there is no federal funding on this site if we are going to sign on with this.

Mr. McLean: I will get back to you tomorrow.

3:99 - PUBLIC HEARING - BOARD OF ASSESSMENT REVIEW

Village Manager Hess: In my discussion with our Village Attorney this morning, his determination is this can be done by resolution and does not require a local law.

Mayor Kinnally: Over the years some members of the Board have considered replacing the Board of Trustees as the Board of Assessment Review with a citizen panel to sit on Grievance Day to review the applications, inspect, at least from the road, the properties at issue, and make a determination on the applications. Hastings appears to be a minority among area municipalities in having the Board of Trustees sit as the Board of Assessment Review, and I think this is a wiser way of doing business: giving it to a group of people who may have more specialized knowledge, or more time, than the Board of Trustees, especially since this is in the middle of budget review session season. Since we do not need a public hearing, I will schedule this for resolution at the next meeting.

4:99 PUBLIC HEARING - SENIOR CITIZEN TAX EXEMPTION INCOME LEVELS

Mayor Kinnally: The legislature has made amendments to the income thresholds for senior citizen tax exemptions and we want to avail ourselves of that.

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

RESOLVED: that the Mayor and Board of Trustees hereby schedule a Public Hearing on February 9, 1999 at 8:00 p.m. or shortly thereafter to consider the advisability of adopting Local Law No. 1 of 1999 to increase the eligibility income amounts for senior citizen tax exemptions.

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	

5:99 AUTHORIZATION TO SELL EXCESS VEHICLES

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 declare the following as excess vehicles and authorize the Village Manager to sell same by public bid: 1989 Ford Dump Truck; 1983 Terex Front End Loader.

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	

6:99 - DESIGNATE GENERAL VILLAGE ELECTION DAY

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

RESOLVED: that the Mayor and Board of Trustees designate Tuesday, March 16, 1999 as General Village Election Day, for the purpose of electing one (1) Mayor and two (2) Trustees for a term of two (2) official years each, and be it further

RESOLVED: that the polls are to be open between the hours of 7:00 AM and 9:00 PM at each Election District.

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	

7:99 - DESIGNATE ELECTION DISTRICTS

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

RESOLVED: that the Mayor and Board of Trustees designate the following Election Districts for the General Village Election Day, to be held on Tuesday, March 16, 1999:

<u>DISTRICT</u>	<u>PLACE</u>	<u>ADDRESS</u>
18 TH	HARMON COMMUNITY CENTER	44 MAIN STREET
19 TH	AMERICAN LEGION HALL	FARRAGUT AVENUE
20 TH	ANDRUS MEMORIAL HOME	185 OLD BROADWAY
21 ST	PROTECTION ENGINE NO. 1	573 WARBURTON AVE.
22 ND	HARMON COMMUNITY CENTER	44 MAIN STREET
23 RD	RIVERVIEW MANOR HOSE CO. NO. 3	83 EUCLID AVENUE
52 ND	UNIONTOWN HOSE CO. NO. 2	25 ROSE STREET
59 TH	AMERICAN LEGION HALL	FARRAGUT AVENUE
	And be it further	

RESOLVED: that the polls are to be open between the hours of 7:00 AM and 9:00 PM at said places.

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	

8:99 - GRIEVANCE DAY

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 designate Tuesday, February 16, 1999 as Grievance Day, from 5:00 PM to 9:00 PM in the Municipal Offices, 615 Broadway, Hastings-on-Hudson, New York, and be it further

RESOLVED: that the Board of Assessment Review will meet at such designated time and place for the purpose of completing the Assessment Roll and of hearing and determining complaints in relation thereto.

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	

9:99 - TAX LIEN SALE

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 Tuesday, March 16, 1999 as the Tax Lien Sale date at 10:00 a.m. in the Village Clerk's Office, Municipal Offices, 615 Broadway, Hastings-on-Hudson, New York.

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

**2:99 - AUTHORIZATION OF SIGNING OF BOARD OF TRUSTEES COMMENTS
IN RESPONSE TO PROPOSED REMEDIAL ACTION PLAN OF THE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Mayor Kinnally: I am advised by the Village Manager that even though we are not sending the full document that we had anticipated there should be authorization given to me to sign the comments that will be prepared by our Village Attorney in conjunction with Malcolm Pirnie. So let me put that resolution back on the table.

This will not be an official response, but counsel feels that a number of the issues that were raised still should be put in front of the DEC at this time to place the DEC on notice as to the scope of the testing we want done, and also to discuss how we perceive the health risks, and more importantly, to discuss the bulkhead. That should not await further testing.

Vanessa Merton, 111 Pinecrest: I think we are seeing a very positive development and I again want to congratulate the Board on your very good work in bringing this about. I think it is a really terrific move for our Village.

Is it clear that the Village is asking that the DEC not issue a ROD until this testing process has gone forward, and is it your understanding that that is their intention?

Mayor Kinnally: The statement from the DEC is that "...the DEC will request that the property owner [ARCO] conduct additional testing of soils beneath buildings on the site and in the Hudson River to more fully determine the extent of contamination." This is not limited to PCB's. "Results of these investigations will be made available for public review and comment before a final decision is made on a cleanup plan. DEC environmental engineers had planned to conduct these additional tests during the design phase of the site cleanup, but will conduct them earlier in the process in response to requests made by Village residents. The additional testing and analysis is expected to take three to four months to complete. A new deadline for public comment will be set once testing details are finalized. Village residents and concerned citizens will receive a DEC fact sheet on the public comment extension this week." The DEC is saying that they are not expecting final comment from us because the data base that will be used to design a remediation plan will be changed.

It is quite clear that they are not going to issue a ROD. Commissioner Cahill said to me that he has made a decision that he does not want the modified testing done after a ROD is closed under the design phase. He wants it incorporated in the document.

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 Mayor to sign the comments of the Board of Trustees in response to the Proposed Remedial Action Plan of the Department of Environmental Conservation as those comments are modified to incorporate additional comments submitted by the public, and also the change of circumstances by virtue of the Department of Environmental Conservation's change of position.

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: We are starting the budget preparation process for the 1999-2000 budget. If any members of the Board have any items, either capital or operational, please let me know.

Municipal Building renovations are proceeding on schedule. Demolition should be completed by the 22nd of this month.

The Planning Board has requested action by the Village Board on the Vision Plan; there will be a joint work session with the Planning Board on January 19 to discuss the plan. The Ridge Street Committee is having a community meeting on January 13. On January 14 we will have a presentation by Westchester County Planning on their proposed improvements on Southside and Washington Avenue that is funded through the Community Development Block Grant program. Residents in the area, and businesses, have been invited to attend, as well as Metro North.

The Recreation Department is sponsoring a snow sculpture contest. We send a judge over to take a picture of the sculpture; prizes will be awarded after April 1st.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: I met with Ron Tomlinson, the site manager for ARCO. He indicated that he will be meeting with all the tenants on the site to get an assessment of who is on the site, what type of operations, whether there are leases, etc. He has promised to give me that report. He told me that ARCO has notified all those who are not major tenants on the site—that is, those entities other than PTI, Guski, and Riverside Auto—that they must leave the waterfront property. ARCO has asked me if the Village would assist in trying to relocate these operations. I have reached out to the Town of Greenburgh and am going to speak with the City of Yonkers, Dobbs Ferry, and Irvington, to see if there are vacant spaces available to accommodate these tenants.

ARCO has moved the trailer from outside Building 15 to the area right adjacent to the bridge and will secure the area by closing the gates in that area and putting up additional fencing throughout the site.

ARCO intends to retain a company to do an environmental assessment of the buildings on the property. I have asked that the asbestos be abated at this time. Those buildings which are deemed problems will be sealed up for the time being. They are looking into the possibility of removing those structures. I asked them to meet with Village staff and the DEC to get the permit process under way to tear the buildings down. ARCO indicated that they would be pursuing that. They are aware of the fact that some of the brick could be used as fill on the site. They have heard the message clearly from the Village that we want to see the derelict buildings down and greater security.

I have indicated to ARCO that I expect to get real-time updates on any changes, both on personnel and any policies that are being implemented on the waterfront. I want to have the information about who is on the waterfront, who is not going to be on the waterfront, what move-out times are, any additional security, and any changes in the physical operations. They promised that there would be that type of reporting.

We found that the taxes that were due at the end of December had not been paid and we realized that perhaps ARCO was not in possession of a tax bill because it went to the prior owners of the site. We placed a call to them, and in 48 hours we were wired the funds for the taxes. They are now fully paid for 1998-1999, in addition to all the payments that were due throughout the duration of the Tax Trust Agreement.

Mr. Tomlinson raised the possibility of making similar payments to the Town of Greenburgh. I told him who he could contact to make arrangements for payment of taxes, and I understand that has been done.

Members of Waterfront Watch met with both Mr. Tomlinson and Ms. Stash last evening, and my report is that the meeting was a positive one.

I note a sad passing, of former Mayor Paul G. Lauffer, who served in this Village as Mayor from 1949 to 1951.

I am in receipt of a letter from Town of Eastchester Supervisor Jim Cavanaugh and City of New Rochelle Mayor Tim Idoni stating that United Water of New Rochelle hopes to raise rates by 10 percent a year for the next decade to renew or replace 450 miles of pipe that serve our communities. They suggest that the Village join with the other municipalities who are affected, including New Rochelle, Eastchester, Ardsley, and Dobbs Ferry, to retain the services of a law firm and an engineering firm to help us fight this increase. The Board will discuss this in Executive Session tonight under personnel, but I think it is an approach that is beneficial to the Village and something that we should pursue.

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 personnel and litigation.

Mayor Kinnally: We are in receipt of a report from the Village Assessor on 1998 Small Claim Assessment Review settlements of grievances, and I would like to discuss this at our next Regular Board Meeting.

I am in receipt of a letter from the New York State Department of Transportation indicating structural flags were placed on the Southside Avenue bridge over the Metro North tracks. The bridge was flagged for a load rating and some structural problems. We will follow up with the State Department of Transportation and continue our discussions with the various parties to see what is going to happen with that bridge.

PUBLIC COMMENTS

Bob Zahn, 24 Crossbar Road: I want to add my congratulations to the Board of Trustees for the document that has been presented for the DEC. This is an issue we can all come together on that is so important to the vitality and revitalization of our community.

I was a part of the filming of the Waterfront Conference and Festival on September 13, 1997. I presented the documentary to the Village Board and I have now transcribed the comments in the film of 55 people which I am presenting to you with my cover letter.

Ms. Merton: Do we have any news about the Metro North bridge initiative where Metro North wanted to spend about \$11 million adding additional bridges, possibly pedestrian?

Mayor Kinnally: I had some conversations about this, not directly connected with it but with John Cronin and John Cahill, about a year ago. We will continue talking about it.

Ms. Merton: I am giving you a couple of letters from the DEC files from DOH that you might want to reference in your comments. There is a definitive statement by Jacqueline Nealon, who is the point person for the Department of Health, to the then-project manager for the DEC, that the DOH and the DEC were well aware that residential use was contemplated on the site. "According to the information that I have received, the property owner is considering developing the property for residential use." The next paragraph addresses the hydrocarbons and the metals and says that since the owner is considering developing the property for residential use it will have to be cleaned up to background levels.

The other letter states that "...this office has already stated that soil cover, regardless of how deep, without any excavation of contaminated soil is unacceptable," and then mentions not only the PCBs, but the PAHs to be removed. It might be worth a footnote.

Trustee Keaney: You raised a point about the Zinsser bridge. The reconstruction of that bridge, made Metro North's short list last summer. They were soliciting public comments and the LWRP steering committee went on record in August to support this. I will follow up to see what stage they are at.

Mr. Chemka, Ridgedell Avenue: Regarding the Zinsser bridge, the Department of Transportation is looking to spend money for their department. So this would be an ideal time to look at that bridge very closely. We should go after them to spend some money on that bridge one way or another.

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 9:27 p.m.