

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 20, 1999

A Regular Meeting was held by the Board of Trustees on Tuesday, April 20, 1999 at 8:15 p.m. in the Municipal Offices, 615 Broadway.

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

CITIZENS: Twelve (12)

APPOINTMENTS

Mayor Kinnally: Two people have been appointed to the Youth Council: Dr. James Davis (reappointment) and Pat Spana.

APPROVAL OF MINUTES

On MOTION of Trustee DeVita, SECONDED by Trustee Walrath with a voice vote of all in favor, the minutes of the Organizational Meeting of April 6, 1999 were approved as presented.

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Public Hearing of April 13, 1999 were approved as presented.

PRESENTATION - DRAPER PARK

Mayor Kinnally: Our engineer, Larry Nardecchia, is here to discuss plans for an exit road out of Draper Park on to Washington Avenue.

Larry Nardecchia: I am a licensed professional engineer in the state of New York and I have been engaged by the Village of Hastings to design an access road that will allow traffic to exit onto Washington rather than the current two-way entrance and exit near Broadway. The traffic will flow one way throughout the park. We are trying to minimize the runoff onto Washington Avenue, to save as many trees as possible, to constrain our construction to the strip alongside the fence, and to screen the roadway from the adjacent residents.

The existing slope is forested, a canopy-type without dense underbrush. The trees are high, with the leaves well off the ground. Most of the trees are stalks at low elevation, so some screening would be necessary.

We are planning a three-phase vertical contour: a 5% slope at the top where the existing parking lot is, a 3% slope at the bottom, and the intermittent section is transitional from those grades, to

18%. We have narrowed the roadway to 12 feet and pitched the road sideways, so that rather than drainage structures and drainage pipes we are utilizing crushed stone. It is a wide-swale, which can be used for two purposes: parking and drainage retention. There will probably be about the same amount of runoff as at present. There is some off the slope, and there will be some off the paved road.

We have tried to save what trees we could. The ones to be taken down are either in the road or in the excavated portion. On the east side we put a retaining wall to save a very nice oak and to minimize the excavation, and maintain that buffer strip. Someone suggested that the saved trees are not quality trees and that we might be interested in taking them down. This area does not have a great deal of trees. There should be some planting here, as a buffer to the adjacent residents.

Mayor Kinnally: Where will the runoff from the paved portion of the road drain to?

Mr. Nardecchia: Currently the slope is forested, so the runoff is only about 55 or 60%. Pavement gives you 99% runoff, so you have about 40% difference. This buffer zone will pick up approximately 40%. As the years go by it will become less effective. We did not do an in-depth drainage analysis. We are trying to keep a status quo: no additional water, no less.

Trustee Walrath: Is there any drainage on Washington?

Village Manager Hess: There is no drainage on Washington in that area.

Trustee Walrath: It will go all the way down the hill?

Mr. Nardecchia: There is a slight saddleback in Washington, with a depression. It pitches across this site about 6%. Then it increases in pitch, and just before it hits Warburton there are two inlets and return recovery inlets on Warburton.

Trustee Holdstein: You said that over time, the retention of water...

Mr. Nardecchia: The ability of gravel as it silts up. Usually it silts up with sand, and it will still take water. But slowly the sand becomes less effective. We are using a coarse stone so it will last five or six years. You could totally replace it, or you could try some other drainage solution: drywells here or in the park, or piping. The materials cost would be about \$600 for the stone, and \$2,000 for the drywells.

Robert Forman, 383 Broadway: I am concerned about sight lines as I drive out onto Washington.

Mr. Nardecchia: You are level with the road. The road is 28 feet curb to curb. You get a sight distance of over 300 feet to the light. We will lose the equivalent of two parking spaces to keep the sight lines open.

James Horelick, 124 Washington Avenue: Since the parking lot was built there is an eroded channel from the flow of rainwater from the field and the Historical Society area onto Washington Avenue. Mrs. Smith from the Draper Park Review Board has said that it will be taken care of when the road is built, but I do not see a plan for that.

Mr. Nardecchia: The excavation of this roadway has approximately 700-800 cubic yards of material. For the additional parking area we use about 60 to 100 yards, so a significant amount of excavated material could be used for contouring. I did not design this as a drainage structure. I designed it to take care of a good portion of its own drainage. If promises were made that water which ends up on Washington Avenue can be diverted, then we could divert it onto the roadway.

Mayor Kinnally: Would you need a couple of drywells to accommodate that?

Mr. Nardecchia: It depends on whether you want to solve the problem or divert it. The move I suggested would be diversionary; for small storms the gravel would probably handle all the water. As the storms get larger they exceed the capacity of the gravel, so it would bypass and go out to Washington Avenue. We could put in drywell structures if necessary.

Mr. Horelick: When I bought the house from you I was given a map, and on the map, along the fence, was a hand-drawn line with a hand-written note that there would be a new road and it would be 20 feet from the fence. This is more than 20 feet, and I want you to explain that.

Mayor Kinnally: I can't because I do not remember the line on the map.

Mr. Horelick: I object to the fact that your road is more than 20 feet. If you want more than 20 feet you can take it off the park beyond the fence. Remove the fence.

Trustee Walrath: In your judgment, when we cut down in are we going to get into any impervious areas?

Mr. Nardecchia: I have not seen any sign of ledge rock.

Trustee Walrath: If we contoured it, what would be the contingency plan?

Mr. Nardecchia: There is really no other location to go down. The plan of the road would stay the same. To minimize costs we would probably recontour the grade, and reduce the cuts; cutting into rock increases costs considerably.

Trustee Walrath: Would you advise a few borings to be sure before we settle this?

Mr. Nardecchia: Borings are not necessary. Probes could tell the story.

Trustee Walrath: Are permeable pavements significantly more expensive, and would they be worthwhile considering here?

Mr. Nardecchia: They are significantly more expensive. On this type of road, applying the brakes on a porous pavement would probably break the particles loose at a far greater rate. I would not recommend it.

Trustee Keaney: Is there room for the snowplow to turn around and go back down?

Mr. Nardecchia: Yes, the vehicles will get their 52-foot turning radius.

Village Manager Hess: When would we be ready to go out to bid?

Mr. Nardecchia: I would like the superintendent to review my proposed estimate, confer on the prices, and then we could put together a bid document.

Village Manager Hess: What is the estimated cost of drywells?

Mr. Nardecchia: I used a number of \$1,200 each. That would be roughly eight feet in diameter and five feet deep.

Mayor Kinnally: What is the time of construction.

Mr. Nardecchia: About 35 working days, tops 70. There is an electric service pole in the middle of the road that is being relocated. That could be one of the time features.

Mayor Kinnally: How long would it take you to find out if there is any rock?

Mr. Nardecchia: It is not a big deal. You take a five-eighths rod and drive it down. If you hit a boulder you want to go along the side.

APPROVAL OF WARRANTS

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

Multi-Fund No. 102-1998-99	\$ 34,329.47
Multi-Fund No. 103-1998-99	\$100,927.50
Multi-Fund No. 104-1998-99	\$ 78,945.31

43:99 AMENDMENT TO MUNICIPAL COOPERATION AGREEMENT FOR COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM (C.L.A.S.S.)

Village Manager Hess: We received this final draft and letter from the counsel to C.L.A.S.S. relative to changes in New York state general municipal law which requires certain changes in our C.L.A.S.S. contract agreement to comply with the changes in the state law.

Trustee Walrath: The basic thrust is to now have a board. The Board is now taking functions that BOCES had.

Village Manager Hess: Correct.

Mayor Kinnally: The day-to-day work of our investments, etc. is not being changed.

Village Manager Hess: No, that is still with the MBIA.

After some discussion of investment strategy, Trustee Walrath stated that so long as we are not coming out behind in any way, the change was fine.

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

WHEREAS, the Board of Cooperative Educational Services of the Sole Supervisory District of northern Westchester and Putnam Counties (the "BOCES") has heretofore entered into a certain MUNICIPAL COOPERATION AGREEMENT (the "Agreement") made pursuant to New York General Municipal Law, Article 5-G, Section 119-n, amended and restated as of July 20, 1992, by and among BOCES and each district and municipal corporation, as defined in Section 119-n of the New York General

WHEREAS, Municipal Law, that enters into the Agreement (with the BOCES, the “Participants”); and Section 13.1 of the Agreement provides that the Agreement, including the Exhibits thereto, can be amended, from time to time, by the Participants in the manner set forth therein; and

WHEREAS, for various reasons, including, but not limited to, the compliance with the recently enacted Article 3-A of the New York General Municipal Law which mandates the inclusion of certain provisions in the Agreement, and

WHEREAS, among such reasons is that certain provisions of the Agreement have been identified as being unnecessary, in light of other provisions of the Agreement; now therefore be it

RESOLVED: by the Board of the Village of Hastings-on-Hudson that the amended and restated Municipal Cooperative Agreement, dated as of October 20, 1999, a copy of which is attached as an Exhibit, is hereby approved and the Village Manager is hereby authorized to execute the contract on behalf of the Village of Hastings-on-Hudson.

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

44:99 FINANCIAL ASSISTANCE TO BUSINESS (FAB) DRY CLEANER PROGRAM

Village Manager Hess: This is similar to a program we joined with the same New York State Environmental Facilities Corporation to provide funds out of the Bond act to service stations to purchase equipment for emissions testing. This program will provide funding to dry cleaners who are going to be under more stringent requirements on filtering their air to provide funding to upgrade their equipment.

Trustee Holdstein: Is there any financial burden on the Village?

Village Manager Hess: No.

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

WHEREAS, pursuant to the Clean Water/Clean Air Bond Act of 1996, being Chapter 413 of the Laws of New York of 1996, the New York State Environmental Facilities Corporation (the "Corporation") through the Financial Assistance to Business Program (the "FAB Program") is authorized to provide state assistance to villages, towns, and cities with a population of less than one million, for small business environmental compliance assistance projects which enhance the quality of the air or waters of the State through compliance with environmental laws and regulations, or to remedy or prevent environmental deficiencies; and

WHEREAS, the governing body of the Village of Hastings-on-Hudson (hereinafter, the "Municipality"), after due consideration, has determined that participation in the FAB Program is desirable and in the public interest; now therefore be it

- RESOLVED:**
1. The filing of an application, or applications, with the Corporation for financial assistance under the FAB Program in the form required by the Corporation is hereby authorized, including all understandings and assurances contained in said application.
 2. The individual holding the following office is directed and authorized as the official representative of the Municipality to identify entities that will participate in the FAB Program, to execute and deliver said application(s), to execute and deliver any other documents necessary for participation in the FAB Program, to provide such additional information as may be required, and to take all actions on behalf of the Municipality as may be required in order to effectuate the intent and purpose of this resolution: Village Manager.
 3. The Corporation is hereby authorized, on behalf of the Municipality, to deliver payments made pursuant to the FAB Program directly to the entities identified above, or such further entities as may from time to time be named by the individual identified in paragraph 2 above.
 4. A certified copy of this resolution shall be prepared and delivered to the Corporation as part of said application.
 5. This resolution shall take effect immediately.

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

45:99 CONSORTIUM TO OPPOSE UNITED WATER OF NEW ROCHELLE RATE INCREASE

Mayor Kinnally: This will allow us to participate in the effort to oppose a 100% increase over the next 10 years. Similar resolutions are being proposed in adjacent communities who are serviced by United Water of New Rochelle.

Village Manager Hess: The \$1,200 funding represents six percent of the expected cost, based on our water consumption in the consortium communities of six percent of the total. The consultant who will do the study of the proposed rate increase and the attorneys involved in going to the PSC on behalf of the consortium would each cost approximately \$10,000.

On MOTION of Trustee Walrath, 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 to join a consortium of communities to oppose the rate increase proposed by United Water of New Rochelle at a cost not to exceed \$1,200.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: Next Tuesday night we have a special Board meeting for consideration of the Village budget for 1999-2000. We have a neighborhood meeting in Uniontown on the 28th

to discuss Little League's request for use of Uniontown on weekends. On the 29th we are having a brainstorming session regarding our Community Development Block Grant funds and a discussion of possible improvements at Draper Park, Riverview Park, and at the Community Center. I would like a motion for a Public Hearing on May 4th on our Community Development Block Grant application.

On MOTION of Trustee Keaney, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board approved a Public Hearing on May 4, 1999 to discuss the proposed Community Development Block Grant projects.

Village Manager Hess: The county has sent out a request for a proposal for architectural and engineering services on the Warburton/Division site. The Southside and Washington Avenue project we are expecting to be under way in June. The County Planning Department is working on final plans and specs; the island and the peninsula are deduct-alternates on the contract. We are taking bids May 11th on the Whitman Street sewer. The Municipal Building is on schedule and still within budget.

Trustee Holdstein: What is happening on the Warburton/Division site?

Village Manager Hess: The preliminary environmental analyses have been done; they have all the base information and will hire architect and an engineer to develop a full feasibility study with drawings, etc.

Trustee Holdstein: I have questions about the rock, the contamination, and the ownership of the site.

Village Manager Hess: Greenburgh owns the site. The affordable housing committee is the preferred developer until February, 2000. There were environmental problems, but the environmental assessments have been done, and that is part of the RFP package for the architects and engineers. They have to account for that. Regarding the rock, the job of the architect and engineer is to come up with the price of doing the entire project, which would include the rock.

Trustee Holdstein: Is there a final price tag that is going to allow the Affordable Foundation to buy that site?

Village Manager Hess: No, but there was a price discussed when it started of \$150,000.

Trustee Holdstein: If the Town of Greenburgh were to donate it to the Village, is there any advantage for them to do so?

Village Manager Hess: There is no tax advantage to them, but if they work with us on a cooperative project, then a portion of that building could be eligible to Greenburgh volunteer firefighters or those in the unincorporated area also.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: Waterfront Watch had a conference at Harvest on Hudson last Saturday. New information did not come up, but it was a comprehensive presentation.

There was a conference in federal court in White Plains last week in the Riverkeeper's suit against ARCO. The Village is an intervenor. The judge was not happy with the lack of progress on the part of ARCO in going forward with the testing. After a response by ARCO's attorneys that they could do it in four months, the judge set it down for further conference on September 17th. Subsequent to that conference we learned that ARCO is now being represented by Arnold and Porter. We do not want ARCO to use this change of counsel as a excuse to get an extension of that time. Notification was going to be made quickly by Mr. Chertok to ARCO that we expect to go forward in September.

We met last week with the DEC in preparation for a meeting in Albany with ARCO; I believe the DEC went to Albany with a clear idea of where the Village stood in connection with both the testing and the bulkheading. The DEC was concerned about the bulkheading because ARCO has indicated that they do not want to go forward in designing the bulkheading until a site plan has been approved or at least constructed by the Village. A draft document was submitted by ARCO to the DEC looking for assurances by the DEC that if a reconstruction of the bulkhead goes forward, if in the future there is a change on the land, ARCO will not be required to accommodate that change through a new bulkhead. The ultimate agreement will be between ARCO and the DEC, but we have been assured by the DEC that we will be a party to the discussion.

We have requested that the stakeholders' meetings between the Village, the DEC, the Riverkeeper, ARCO, and our engineers and our attorneys be re-instituted. The DEC and ARCO have agreed and the meeting is scheduled for May 20th.

Ron Tomlinson of ARCO has indicated that an environmental assessment is being undertaken this week. I asked for a copy of the report, because the assessment deals with health and safety issues that are of interest to the community. They will get back to me and let me know whether ARCO wants to release the report. They stated their intention to remove some of the delapidated buildings before the end of October. They indicated that they were still moving ahead with

certain of the tenants and subtenants. Pete has moved out and has taken over some Village property on Southside, and they were in discussions with Ray, who runs the coffee wagon, and with the ice cream company, with their goal to get them out.

Joy Rose, 18 Terrace Drive: Congratulations to all of you and the residents of Hastings for coming out on Saturday and showing their support to the politicians for the waterfront cleanup. It was all of our energy that has propelled this as far as it has gone. Let us keep up the good work.

2. Farmers' Market

Mayor Kinnally: The committee that runs the Farmer's Market made a presentation last week, including a review of the siting of the market this year in the parking lot behind the Municipal Building, the number of vendors, the type of produce, and the product that the vendors would have. We want to get input from some of the merchants who had expressed concern last year.

Joy Rose: I with Sue Burke from Food For Thought because she is concerned. I have a huge family, and I buy all my food there. I reminded her that a lot of her business is from orders from people who order produce for Tuesday delivery or for Friday delivery. By the time Saturday comes along she usually does not have much left in the store, so the market is not hurting her business very much.

I also encouraged her to participate in some way. People got thirsty down at the Market last year. They could put out a sign, or a cooler with juices, or we even discussed ways that they might become involved in the Market. She seemed more open to that, so I think she was feeling a little more positive.

Mr. D'Amato, 71 Mt. Hope Blvd.: In what way is the Farmer's Market going to help the merchants on Warburton Avenue?

Mayor Kinnally: People thought is that it would improve the circulation and the numbers of people who came through the Village. People would walk to the market and come through the Village.

Mr. D'Amato: Most of the stores in the Village are not open until about 9 or 10 o'clock in the morning, when the Market is just about finished. People buy merchandise and then go home.

Mayor Kinnally: While many people get there at 8 o'clock, there is a steady stream of people until 12 o'clock.

Mr. D'Amato: But I do not see in any way that the stores on Warburton Avenue are going to benefit by the Farmer's Market. It affects everyone as well as me.

Mayor Kinnally: We are expanding the advertising to get more people from North Yonkers, Dobbs, Ardsley, and Irvington to shop.

Cheryl Appel, 73 Villard: One of our goals is to help bring business to the merchants, so besides advertising more outside of town, we want the vendors to give out coupons from stores in town that want to participate by giving a small discount or some sort of a thing that would promote their business directly through the Market. We are leaving the market open until 2 o'clock again. Also, people are desperate for drinks there. There are quite a few vendors in town who could offer drinks. These are other ways of advertising, directly and indirectly, what other merchants offer in town. We could get the merchants to cooperate by offering ways that they could join us instead of feeling as if we are going to take business away.

Trustee Walrath: The Farmer's Market sells food to be prepared to take home. Is there something that could be sold locally for both drinks and snacks?

Ms. Appel: We felt that there would be, but we will start with drinks and small snacks and see what people want to offer.

Mayor Kinnally: This is meant to build on making Hastings a destination and a desirable place to come and shop. Just as we assessed what happened last year this year, and made some improvements, we will look at it every year.

Village Planner Walker: We will have a site manager, and we are also looking to hire a college-age person to help the site manager and to help run children's events and entertainment. We are looking for somebody to work from 7:30 in the morning until closing time to help the site manager. About 25 merchants were surveyed. Although they did mention that they did not see an appreciable increase in their business, the majority said that they wanted the market to come back and that they thought it was a positive thing for the Village. We can distribute a map of the downtown with fliers we will be handing out. There were a number of suggestions about entertainment and more physical links to Warburton, signage, and banners.

Trustee Walrath: Maybe we could have more merchandise at the Farmer's Market to attract people later in the day, too.

Village Planner Walker: Hopefully there will be more vendors and more merchandise in general, so it will not sell out as early this year.

3. Other

Trustee Keaney: Last meeting we talked about the impending merger between BP and ARCO. We thought it was a good idea to contact Congressman Gilman to make our position known to the antitrust authorities as far as making sure that BP lives up to the obligations they have under U.S. environmental law. I contacted the congressman, and he sent a letter to the Director of the Office of Congressional Relations of the Federal Trade Commission stating that he wants formal assurances that BP will comply with recommended remediation of the site and aggressively pursue any recommended remediation plan, and assure the residents of Hastings that BP intends to fully accept responsibility for the cleanup. We have an American Heritage river here that is in danger of being leaked into by these PCB's. That is my pitch to him. I will continue to follow up with the congressman.

PUBLIC COMMENTS

Susan Winn: I wrote a letter to the Mayor and the Board updating you on the Hastings 1999 celebrations, and to thank you for the support that the committee has gotten from the Board of Trustees with DPW, with extra police, and with encouraging us to go on for the rest of the year.

Hastings lost a wonderful person on Sunday, Jack Cattell, who was a 65-year member of Protection Engine Company Number 1. He passed away, and I would like to say "thank you" to Jack and to all of the volunteer firefighters for all they do for us. He epitomized volunteerism in this Village.

Mayor Kinnally: Jack was active up until a few years ago, not only here in the Village but also in the County of Westchester. There is not a volunteer fireman active in the state of New York who does not either know Jack personally, or the legacy of Jack. It is truly incredible that someone could have been that active for that period of time, and so productive, as Jack Cattell. It was very sad to have him pass away, but there is celebration also in the fact that he gave so much to this community for so long and inspired a number of people. People who are active in the Fire Department are the descendants of Jack Cattell and the trail that he blazed; the Fire Department would not be what it is today without people like Roos Aluisio and Jack Cattell. We are forever in their debt.

Since our last meeting we also lost Jim Harmon, who worked for 27 years in the Recreation Department. A number of years ago we named the Community Center after Jim as a small token of our affection. Just as with Jack, anyone who came through the recreational programs in the last two generations knew Jim Harmon. Even after Jim had his stroke and had to retire, his frustration was that he could not work with the kids in the community. But every opportunity he had to talk to them and to go to different events, and to be as active as he could be, he was there.

He, too, was an inspiration to a number of people throughout this community. It was amazing, the outpouring of affection for Jim and for his family on the announcement of his death. At the end of the meeting I am going to call for a moment of silence for the two of them, and ask that we stand in adjournment in their memories.

On MOTION of Trustee Keaney, SECONDED by Trustee Walrath with a voice vote of all in favor, the Board scheduled a Special Meeting for Tuesday, April 27 at 8 p.m. in the Municipal Building for adoption of the 1999-2000 budget.

ADJOURNMENT

On MOTION of Trustee Walrath, SECONDED by Trustee DeVita with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:50 p.m.

Mayor Kinnally: I would like to stand for a moment of silence for Jack Cattell and Jim Harmon, and ask that we adjourn in their memories.