

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JUNE 1, 1999

A Regular Meeting was held by the Board of Trustees on June 1, 1999 at 8:15 p.m. in the Municipal Offices, 615 Broadway.

PRESENT: Mayor Wm. Lee Kinnally, Jr. (9:05 p.m.), Deputy Mayor James B. Keaney, Trustee Elsa C. DeVita, Trustee Michael Holdstein, Trustee David Walrath, Village Manager Neil P. Hess, and Village Clerk Susan Maggiotto.

CITIZENS: Three (3)

APPROVAL OF MINUTES

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Public Hearing of May 4, 1999 were approved as presented.

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Regular Meeting of May 4, 1999 were approved as presented.

On MOTION of Trustee DeVita, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Regular Meeting of May 18, 1999 were approved as presented.

APPROVAL OF WARRANTS

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

Multi-Fund No. 115 - 1998-99	\$ 150.00
Multi-Fund No. 116 - 1998-99	\$ 17,760.23
Multi-Fund No. 118 - 1998-99	\$100,302.86
Multi-Fund No. 119 - 1998-99	\$ 751.06
Multi-Fund No. 1 - 1999-00	\$182,451.15

56:99 SALARIES NON-UNION PERSONNEL

Village Manager Hess: Each year the Board of Trustees reviews the salaries of non-union personnel, based on evaluations, salary levels in other municipalities, and discussions with the Manager. These are recommended salary levels for these personnel.

Trustee Holdstein: It should be noted for the record that these numbers were incorporated into the budget that we passed. These are not an addition to the current budget, but were planned for by the Village Manager.

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 establish the following salaries for non-union personnel effective June 1, 1999:

Chief of Police	\$98,250
Police Lieutenant	\$79,800
Supt. of Public Works/Building Insp.	\$81,000
Deputy Village Manager/Village Clerk	\$62,250
Supt. of Parks and Recreation	\$61,000
Director Youth Services	\$55,300
Asst. Superintendent of Public Works	\$63,400
Deputy Treasurer	\$30,000
Building Dept. Asst.	\$35,750
Secretary to the Village Manager	\$32,100
Payroll/Personnel Clerk	\$31,800
Court Clerk	\$27,500
Asst. Court Clerk	\$18,500
Recreation Asst.	\$24,000

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

57:99 PUBLIC HEARING - SALE OF VILLAGE OWNED PROPERTY

Village Manager Hess: The Village received a request from the Kahns to purchase a landlocked parcel near Pinecrest Drive adjoining their property. The request was referred to the Planning Board. The Planning Board made a determination that there was no public purpose for this property and recommended that the Board sell it at public auction. We are asking for a public hearing.

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

RESOLVED: that the Mayor and Board of Trustees schedule a Public Hearing for June 15, 1999 at 8:00 p.m. or shortly thereafter to consider the advisability of the sale at public auction of Village owned property, designated on the Village Tax Map as Sheet 1, Parcel 41.

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

**58:99 SUPPORT RESOLUTION - LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT FUND**

Village Clerk Maggiotto: My predecessor, Mary Callas, applied for a grant from this fund, which helped us begin our Records Management Program and get our files organized. Records management is an ongoing project, and we are presently the recipient of another grant to help us further organize the files. I find the State Archives and Records Administration, which administers these grants, wonderfully supportive and helpful to the Village in a lot of areas of records management. The funding is from county clerk's fees, and the sunset date for the funding is December 31, 2000. SARA has requested that local governments support the effort to make the funding a permanent part of the state budget.

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

WHEREAS, the Local Government Records Management Improvement Fund ("LGRMIF") was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4,300 local governments, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the LGRMIF operated successfully and supported essential advisement and grants projects to improve the management of records and information in local governments, and

WHEREAS, the New York State Legislature in 1995 extended the sunset date to December 31, 2000, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to taxpayers, and

WHEREAS, the LGRMIF continues to be critically important in the fulfillment of the many records and information related responsibilities of the Village of Hastings-on-Hudson, now therefore be it

RESOLVED: that the Village of Hastings-on-Hudson supports the elimination of said sunset provision of December 31, 2000 in order to make the LGRMIF permanent.

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

VILLAGE MANAGER'S REPORT

Village Manager Hess: Regarding the Municipal Building, we have sent the mechanical contractor a three-day notice relative to them not moving in a timely fashion. We have found some improvement, but not a great improvement. He asked at the last contractors' meeting that we withdraw the three-day notice, and I refused to do that. By the contract, we have to provide two three-day notices. The first puts them on notice. The second indicates that we are hiring another contractor. We have removed some of the work from the mechanical contractor and given it to the general contractor through a change order.

Boiler installation will start on Thursday. We are expecting him to live up to his contract. If he does not, then we are going to move forward with the second three-day notice.

The 23rd annual Spring Thing is this Saturday and Stars Over Hastings, sponsored by the Education Foundation is Saturday night. We have 60 spaces sold so far for the Village Tag Sale on June 19 at the train station. The Farmers' Market begins that day.

The Community Developmental Block Grant application was submitted today. I want to thank Meg Walker and Susan Maggiotto and other people who helped put this together.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Deputy Mayor Keaney: There was a stakeholders' meeting last Thursday, the first in many months. Mr. Hess and the Mayor attended. I am going to ask Mr. Hess to report.

Village Manager Hess: Trustee Walrath was also at the meeting. ARCO does not want to put in a sheet metal bulkhead and have a record of decision issued later which requires them to put in a different bulkhead. They proposed some amendments to the consent order. The DEC's opinion was they would not amend the consent order. That is still under discussion.

Trustee Walrath: They are putting the bulkhead in only in the section where no one feels the excavation proposed in the PRAP would render the bulkhead useless. ARCO stressed strongly that they would fight having to pay for a bulkhead twice. The only problem with the section is that it will, once the bulkhead is there, fix the shoreline at that point. The bulkhead proposed is different from the one in the PRAP. It is inward, slightly of the existing bulkhead. The other would have widened the site somewhat.

Village Manager Hess: We discussed having Malcolm Pirnie as a monitor during the testing, and having a third party pay for Malcolm Pirnie. That would increase the level of assurance that the testing is done properly and there is proper quality control. There was no resolution.

Trustee Walrath: ARCO raised problems about safety, training, insurance, and so forth; regarding training, the Pirnie people are specialists in the area, and regarding insurance, the people there would have to hold harmless the contractors executing the work. It was left that they would send their requirements in writing to us.

Trustee Holdstein: I thought that ARCO had agreed to the sheet metal bulkheading and that it was the best bulkheading versus riprap. Why do they think the ROD would want them to remove it?

Trustee Walrath: It was not a question of making it the best; I still have questions whether we might be better off with concrete sheeting rather than steel, and I would like to see an investigation of that, but there may not be time to do that. The question is the design. They are talking about, for this short section, making an impermeable bulkhead. The PRAP talked about putting a filter behind it so that water could move through it but not particulates because the pollutants are largely attached to the particulates. We have problems if they block off the entire waterfront. But in this short section the flow would go around and through the ground in the south, down to the Mobil site, and through the ground to the north. I do not think they can continue with this type of bulkhead for the entire site. This is moving ahead because no one feels that the excavation of the PCBs behind this particular bulkhead would undermine the bulkhead so it would have to be replaced at a later date.

Village Manager Hess: The other major topic was their timetable for their testing. ARCO made a commitment to the court that the testing would be done in August, so a conference has been scheduled for September, and they have to show the judge substantial progress.

An availability information session on the Mobil site will be scheduled for sometime in September, there probably will be a coordinated information session on Mobil and ARCO.

ARCO will provide us their study and analysis of the buildings, and their proposal for what buildings they are going to demolish.

Trustee Walrath: The study was just completed. Waterfront Watch was not invited to this meeting. Mr. Loesser is open to other people being invited. The people who attended were from the Riverkeeper and Malcolm Pirnie, Mark Chertok, Mike Loesser, George Heitzman, Jacqueline Nealon from the Health Department, and the regional director from the New Paltz office. ARCO had Sandy Stash, Mark Brekus, an in-house attorney, Barbara Zimmerman, and an attorney from their law firm.

There was discussion on site planning. ARCO's public position is that they would like to see it planned so that the cleanup is consistent with the proposed use of the waterfront.

Village Manager Hess: ARCO indicated that they were willing to finance 50 percent of a land-use plan on the waterfront. I indicated our position was that they could fund 100 percent, and the Village would do the selection of who would do the study. What about the LWRP?

Deputy Mayor Keaney: The LWRP had a proposed consultant present his thoughts on a land use plan. The LWRP has come to the stage where the first stage is almost done and will be submitted to the state in a week or so. That is the inventory and analysis stage. After that comes a project and policy stage. A land use plan would be very helpful. If ARCO, for their own purposes, is anxious to fund at least part of this plan, that is good.

Village Manager Hess: I indicated to Sandy Stash that ARCO should front-end the cost; if we can receive reimbursement from the state through a grant and then credit the cost that is fine. They can act as intermediaries with the other owners to try to seek reimbursement on this land use plan, and get the process moving along.

Trustee Holdstein: Has there been any follow up from Congressman Gilman's office regarding questions of the merger with a foreign company, and the legal obligations here in the United States of ARCO?

Deputy Mayor Keaney: There has been a follow-up. ARCO, apparently, has 125 sites like this in this country in various stages of remediation. That is a potential of 125 congressmen in the same position we are. I suggested that to the Congressman's office, and he thought that was a very good angle. The Congressman's office is trying to find out where the other sites are.

2. Public Hearing - Blighted Site

Village Manager Hess: One of the elements of our CDBG application we discussed at the last meeting was the Warburton and Division for affordable housing. The county feels it would be helpful if we had a resolution relative to the application we have for demolition: that we designate this a blighted site. We have documentation of its structural unsoundness. We are asking for a public hearing on June 15.

Trustee Walrath: Will we need to wait to vote until July?

Village Manager Hess: No. You have waived it before on specific items. You could vote on the same measure.

Deputy Mayor Keaney: The street address is 420-424 Warburton Avenue at Division Street, formerly called the Walters property; currently owned by the Town of Greenburgh.

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 schedule a Public Hearing for Tuesday, June 15, 199 at 8:00 p.m. or soon thereafter to consider the advisability of designating 420 and 424 Warburton Avenue, designated on the Village Tax Map as Sheet 7, Block 615, Lots 26, 27, 28A, & 28-35, as a blighted site on a spot basis according to the Community Development Block Grant Program.

ROLL CALL VOTE

AYE

NAY

Deputy Mayor James B. Keaney	X
Trustee Elsa C. DeVita	X
Trustee Michael Holdstein	X
Trustee David Walrath	X
Mayor Wm. Lee Kinnally, Jr.	Absent

EXECUTIVE SESSION

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita with a voice vote of all in favor, the Board scheduled a joint Executive Session with the Board of Police Commissioners on Monday, June 7, 1999 at 8 p.m. to discuss personnel for sergeant interviews.

PUBLIC COMMENTS

Michelle Hertz, Euclid Avenue: Was the subject of grid testing brought up at that stakeholders' meeting? Has the Village asked that ARCO, or the DEC, look at grid testing? I think it would be very important for Waterfront Watch to be included as a stakeholder, especially so that ARCO and the DEC knows that we are coordinated and working together.

Village Manager Hess: If you recall our comments in relation to the testing, we did ask for grid testing. Malcolm Pirnie proposed the 50-foot testing grid. Waterfront Watch made a similar request in their comments to the state. Waterfront Watch got a letter back from the state. We got it verbally. They indicated it would take several years to do the testing if you did it on a 50-foot grid basis.

Ms. Hertz: It would not take that many years if they did it properly, with enough people.

Deputy Mayor Keaney: Has Malcolm Pirnie evaluated that response?

Village Manager Hess: We met with them since they got their response. And they made us aware of that, as I recall. They understand the state's concern on that. But ARCO's and the DEC's response was that it would take too long, based on a 50-foot grid.

Trustee Walrath: The state is not supporting this, and we have got to find better arguments if we are to ask for any more sampling. The state says they do not see a pathway, therefore the additional proposed sampling for the non-PCB contamination they find is sufficient.

Ms. Hertz: How do they know that there are no PCB's where they are not testing?

Trustee Walrath: They continue to rely on the anecdotal evidence of where the PCB's were used. It did guide them to these very heavy concentrations. They found the PCB's pretty much where they were being used. Nobody is yielding on the non-PCB contamination. I think they

are also saying they are not going to blanket the whole site with a grid because the state does not believe there are PCB's on the other side of the site. They are accepting the anecdotal evidence where it was used. If we could find any evidence to counteract that, we would have a strong argument.

Ms. Hertz: Are they saying they are just not going to look at anything else but PCB's?

Trustee Walrath: That is my impression of the state's position.

Ms. Hertz: And do we have to accept that?

Deputy Mayor Keaney: We have made opposition known. Waterfront Watch has made their position known. And, as David said, we have not been able to convince the state otherwise.

Deputy Mayor Keaney: The Mayor has joined us. Mayor, are you in a position to report on your earlier meeting?

3. Sprain Road Opening

Mayor Kinnally: The purpose of the public hearing in City Hall in Yonkers was to consider one of two options: either to have Sprain Road open only for emergency purposes or for all purposes. I said that I am not against the project; a vibrant, and a solvent, Yonkers is in everybody's interest. But considering the impact that opening up Sprain Road for all purposes would have, not only on Hastings but also on Dobbs Ferry, Irvington, and Ardsley, I thought it was foolish to go with anything other than emergency access only; the Thruway Authority, the City of Yonkers, and the other municipalities should come together to try to find a solution to relieve the residential areas of the increase of traffic that is sure to occur when this project opens up. The comment period extends through June 14. Written comments go the lead agency, the city council. As I pointed out to the city council, the solutions you are proposing here do not affect the City of Yonkers. None of this traffic is going through your residential neighborhoods. It is affecting your neighboring communities. And as much as we want to see you succeed, it cannot be at our expense.

ADJOURNMENT

On MOTION of Trustee DeVita, SECONDED by Trustee Keaney with a voice vote of all in favor, Deputy Mayor Keaney adjourned the Regular Meeting at 9:15 p.m.