

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK**  
**BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**JUNE 15, 1999**

A Regular Meeting was held by the Board of Trustees on Tuesday, June 15, 1999 at 8:25 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 Neil P. Hess, Village Attorney Brian Murphy, and Village Clerk Susan Maggiotto.

**CITIZENS:** Eleven (11).

**APPOINTMENT**

Mayor Kinnally announced the appointment of Mitch Koch to the Architectural Review Board for a full term.

**APPROVAL OF MINUTES**

On MOTION of Trustee Keaney, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Public Hearing of June 1, 1999 (Electrical Fees) were approved as presented.

On MOTION of Trustee Keaney, SECONDED by Trustee Holdstein with a voice vote of all in favor, the minutes of the Public Hearing of June 1, 1999 (Zoning Code Amendments) 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 June 1, 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. 3-1999-00	\$129,018.00
Multi-Fund No. 4-1999-00	\$193,080.06
Multi-Fund No. 5-1999-00	\$195,616.87
Multi-Fund No. 7-1999-00	\$ 4,760.48

**59:99 ELECTRICAL FEES**

**Mayor Kinnally:** The Public Hearing on electrical fees was on June 1. We are trying to bring our fee structure more in line with the surrounding communities, because it was found after we increased it last time that we were disproportionately higher.

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

**RESOLVED:** that the Mayor and Board of Trustees adjust the fees for electrical permits as follows:

	<u>Current</u>	<u>Proposed</u>
\$250 and under	\$50.00	\$30.00
\$251 to \$500	\$75.00	\$40.00
\$501 to \$1,000	\$100.00	\$50.00
\$1,001 to \$2,999	\$150.00	\$60.00
\$3,000 to \$10,000	\$200.00	\$70.00
\$10,000 to \$50,000	\$200.00	\$100.00 plus 1% of value over \$10,000
\$50,000 and over	\$200.00	\$500.00

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
Trustee James B. Keane	X	
Trustee Elsa C. DeVita	X	
Trustee Michael Holdstein	X	
Trustee David Walrath	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**60:99 LOCAL LAW NO. 3 OF 1999 - ZONING CODE AMENDMENTS**

**Mayor Kinnally:** We had a public hearing on these amendments to bring the Zoning Code into compliance with changes that were made in the New York State Consolidated Laws.

**Village Manager Hess:** The amendments that were suggested by our Village Attorney, and recommended by the Planning Board, would amend the Zoning Code to make it conform with changes in New York State Public Law.

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

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Local Law # 3 of 1999 to amend the Zoning Code as follows:

A. Section 332 of the Zoning Code is hereby amended to insert the phrase "and two family" after the phrase "single family" in the first line of paragraph 1.

B. Section 405.2.a.(3) is hereby amended to read as follows:

An accessory apartment shall be permitted only in a building or portion of a building either already in existence on, or for which a building permit was issued prior to, November 1, 1994. (new language underlined)

C. Section 405.2.a.(9) is hereby amended to delete the language "the dwelling in which it is located," and replace it with the phrase "the principal dwelling."

D. Section 616 of the Zoning Code is hereby amended to add the following paragraph after paragraph 2:

The Planning Board shall have the power to issue Accessory Apartment Permits in accordance with § 405 of this Local Law.

The other paragraphs in § 616 should be renumbered accordingly.

E. Section 620, ¶ 4 is hereby amended to delete the word "immediately" and add the language "within five business days after such decision is rendered, and a copy of the decision shall be mailed to the applicant" to the end of the paragraph.

F. Section 633(3) is hereby amended to replace subsection f with the following:

Filing of Decision on Preliminary Plat

Within five business days after the date of the adoption of the resolution stating the decision of the Planning Board on the preliminary plat, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of the resolution to be filed in the office of the Village Clerk.

G. Section 633(4) is hereby amended to:

1. Add the following sentence to the end of ¶ c: "Within five business days after the date of the adoption of the resolution stating the decision of the Planning Board on the final plat, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of the resolution to be filed in the office of the Village Clerk."
2. Add the following paragraph after (2) of ¶ d:

Within five business days after the date of the adoption of the resolution stating the decision of the Planning Board on the final plat, the Chairperson or other duly authorized member of the Planning Board shall cause a copy of the resolution to be filed in the office of the Village Clerk.

3. Renumber ¶ d (3) to (4).

H. Section 652 of the Zoning Code is hereby amended to:

1. Delete the language "by the Village Board of Trustees" from ¶ 2.
2. Replace ¶ 3 with the following:

The Mayor shall appoint the Board of Appeals and the Chairperson of the Board of Appeals, subject to the approval of the Board of Trustees. In the absence of a chairperson, the Board of Appeals may designate one of its members to serve as acting chairperson.

3. Add the following paragraph after ¶ 3:

The Mayor shall appoint an alternate member of the Board of Appeals, subject to the approval of the Board of Trustees, to serve for a period of five (5) years. The alternate member shall substitute for a member of the Board of Appeals in the absence of a member or in the event a member is unable to participate because of a conflict of interest. All provisions of this Local Law relating to Zoning Board of Appeals members' attendance, eligibility, vacancy in office, removal, and service on other boards shall also apply to the alternate member.

4. In ¶ 6, "Mayor" should replace "Board of Trustees."

I. Section 653, ¶ 3 is hereby amended to insert the phrase "or in his or her absence, the acting chairperson" after the word "Chairperson."

J. Section 653 is hereby amended to add the following paragraph to the end of the section:

7. The Chairperson of the Board of Appeals may designate the alternate member to substitute for a member of the Board of Appeals when such member is absent or is unable to participate because of a conflict of interest on an application or matter before the Board of Appeals. When so designated, the alternate member shall possess all the powers and responsibilities of a member of the Board. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.

K. Section 655, ¶ 1 is hereby amended to insert the phrase "in the Village Clerk's office" after the word "filing" in line 2.

L. Section 660 is hereby amended to replace the word "reviewed" in lines 4 and 13 with the word "reheard."

M. Section 712 of the Zoning Code is hereby amended to insert the word "written" before the word "protest" in line 1, and to insert the phrase "presented to the Board of Trustees and" after the word "change" in line 2.

N. Section 717 of the Zoning Code is hereby amended to delete the language "of land into lots for residential use and which subdivision plat also shows and delineates one or more new streets, roads, or highways in addition to lot lines and dimensions of the lots thereon delineated and which subdivision plat" and add the word "that" in its place.

**ROLL CALL VOTE**

**AYE**

**NAY**

Trustee James B. Keane  
Trustee Elsa C. DeVita  
Trustee Michael Holdstein  
Trustee David Walrath  
Mayor Wm. Lee Kinnally, Jr.

X  
X  
X  
X  
X

**61:99 BUDGET TRANSFERS FY 1998-99**

**Village Manager Hess:** These are year-end transfers necessary to balance the accounts for fiscal year 1998-99. Approximately \$140,000 are transfers into salary lines for contracts which were finalized during 1998, for police and public works personnel, and those contracts which are retroactive to June 1, 1997. Funds were authorized by the Board for the hiring of Malcolm Pirnie and Sive Paget in relation to the PRAP and the follow-up information on the testing plan proposed by ARCO, and for special counsel, engineering, and in planning by the Planning Board in regard to the ShopRite project.

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

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Treasurer to make the budget transfers for FY 1998-99 as follows:

FROM		TO	
A1980.4	71,945. Prov. Uncoll.		
A1990.4	96,000. Contingency		
A5110.101	8,000. St. Maint.		
A5142.415	6,000. Snow		
A5182.100	17,000. St. Lighting		
A7020.440	4,000. Rec. Adm.		
A7145.464	2,000. Comm. Ctr.		
A7310.100	10,000. After School		
A9010.8	80,000. Police Ret.		
	<hr/>		
	294,945.		
		A1230.475	1,720. Mgr. Books
		A1325.101	8,700. Treas. Per.
		A1420.464	58,500. Spec Coun.
		A1440.464	34,700. Eng.
		A1650.431	10,500. Comm.
		A3120.104	80,650. Police
		A3320.100	2,950. Parking
		A3620.102	4,100. Safety Insp.
		A4210.101	9,000. Drug Prev.
		A5010.102	900. St. Admin.
		A5132.100	6,100. Garage

A6610.100	475. Sr. Outr.
A7110.464	1,100. Parks
A7140.464	1,200. Pks & Plyg.
A8010.464	1,450. Zoning
A8020.464	9,500. Planning
A8120.100	10,600. Sant. Swr
A8140.458	4,000. Stm Swr.
A8160.100	16,500. Refuse
A8170.453	15,300. St Cln.
A8560.452	17,000. Shade Tree

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294,945.

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

**62:99 WESTCHESTER COUNTY DEPARTMENT OF COMMUNITY MENTAL HEALTH AGREEMENT - 1/01/99 - 12/31/99**

**Village Manager Hess:** Through the state of New York we receive funding which is funneled through Westchester County, the Department of Community Mental Health, which covers our Youth Advocate and Youth Advocacy programs. We received \$175,000 this year for the program on a budget of about \$184,000. It was the second year in a row that we have been increased. This program is used as a model throughout the state for other programs.

There is now a provision in the contract for certification regarding business dealings with Northern Ireland. I have never seen this in a county contract before. It is a rider in the last two pages. I would like authorization to sign the contract subject to review of this provision by our Village Attorney.

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 agreement between the Village of Hastings-on-Hudson and the Westchester County Department of Community Mental Health for the period January 1, 1999 through December 31, 1999, subject to review of the rider by the Village Attorney.

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

**63:99 DESIGNATION OF BLIGHTED SITE**

**Mayor Kinnally:** Mr. Hess, usually we do not have a resolution on the same night as the public hearing.

**Village Manager Hess:** I am asking for an exception to that policy because we do not have another regular meeting until July 13. The designation of the site on the corner of Division and Warburton as a blighted site will make it eligible for funding for demolition.

**Ms. Ciborowski:** Are they state funds or federal funds?

**Village Manager Hess:** Federal.

**Ms. Ciborowski:** That worries me. We had that problem once when we had that urban renewal problem come up and it was with federal funds. We had a big hassle in the community at that time. I do not like the use of those federal funds.

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

**WHEREAS,** the Affordable Housing Committee has recommended a site at 420 and 424 Warburton Avenue at Division Street, designated on the Village Tax Map as Sheet 7, Block 615, Lots 26, 27, 28A & 28 through 35) for potential affordable housing, and



**WHEREAS,** this site could be eligible for Community Development Block Grant funding for the "Elimination of Slums or Blight on a Spot Basis," and

**WHEREAS,** the clearance of the two vacant, deteriorated and (non-historic) abandoned buildings on the site would eliminate a condition that is detrimental to public health and safety, and

**WHEREAS,** the clearance of these buildings would eliminate conditions of blight as a specific location not incorporated in a slum or blighted area, now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees designate 420 and 424 Warburton Avenue a blighted site (on a spot basis) according to the Community Development Block Grant Program.

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

**64:99 APPROVAL OF PROPOSAL - REGIONAL PLAN ASSOCIATION**

**Trustee Keaney:** The Regional Plan Association has proposed to the LWRP steering committee a land use process to be paid for, at least in part, by ARCO. The steering committee was excited about the prospect of moving beyond the current inventory and analysis stage of the LWRP and getting into the policy and project stage. We felt that this land use design process would be a big component of that. We are supportive of the condition that the steering or advisory board be appointed by the Board of Trustees.

**Mayor Kinnally:** Let me address the condition related to cost. The site is privately owned and we are not going to devote any Village funds to planning for a private site. This condition says to ARCO that while we estimate the cost to be \$100,000, whatever the costs are they are yours. If you can get alternative funding from RPA, fine, but do not look for any Village funding.

Mr. Hess, on number 4: will the Village have the right for use of plans, drawings, and computer files both during the process and subsequent to completion of the process?

**Village Manager Hess:** That would be my understanding.

**Trustee Holdstein:** Have other LWRP committees used this tool?

**Trustee Keaney:** All of them at some point engage a professional land use group. We have done a lot of the leg work on our own because there are so many people in town that want to do it, and because it was important to establish a rapport with the community and get more people involved. Now that that stage is almost done, we are moving to a stage that we could really use a professional.

**Rob Lane, Regional Plan Association:** I live in Dobbs Ferry on the border between the two towns and I use your train station every day, so I see this waterfront. The Regional Plan Association sees this as a tremendous opportunity. RPA is one of the oldest planning organizations in the country. We pride ourselves on our independence. We are unaffiliated with any government agency or any business agencies. We are supported by membership and through foundation support.

We were flattered when, independently, ARCO and the DEC suggested that RPA be brought in to design a community-based process for figuring out what should go on this waterfront. We have a very long and strong record for doing this kind of facilitation, for being very creative in designing community-based planning processes. I agree it is very important that the steering committee be appointed by this body, but RPA will insist that it be an inclusive and broad-based group, including ARCO and the DEC. ARCO has offered this money without conditions, but they expect to have a seat at the table. They understand that they cannot necessarily change what may happen, and they will have to live with it. But it is essential to the success of this process that the first thing that happens, the formation of this advisory committee, be an inclusionary process.

**Mayor Kinnally:** ARCO will be at the table, but their absence to date is not the result of any exclusion by the Village. I have expressed my dissatisfaction with their lack of presence. ARCO will have input but the decision-making will reside in the Village.

**Mr. Lane:** I would like to think that this offer signals their desire to have a dialogue going forward, and their faith in RPA to help facilitate that process.

**Village Manager Hess:** I found the concept very interesting, as did the LWRP, representatives of the Planning Board and several Trustees at the meeting, and there has been positive feedback.

**Mr. Lane:** ARCO has offered to pay half the cost of this process estimated to be \$100,000. We are actively seeking foundation support and have two applications pending.

**Jean Zimmerman, 165 Rosedale:** I wonder about the motivation of ARCO. Why is ARCO making this investment in our vision of what is going to happen down there?

**Mr. Lane:** I think it is in their enlightened self-interest to a process take place where there is a land use plan that ultimately leads to the rezoning of the property to the Village's satisfaction and to the disposition of it. It is a liability to them, and I think they can see either an indefinite future of litigation or the possibility of doing something that will enable them to not have this burden.

**Mayor Kinnally:** I have spoken to ARCO about this. The Village and the state have said it all should be cleaned up to residential levels. They have balked at doing that. They want to clean up the property and build the bulkhead according to the use the various sections of the property will have.

**Village Manager Hess:** The down side to this is if ARCO tries to use this process as a delaying tactic in getting a record of decision on the property.

**Mr. Lane:** From discussions with Mike Girard, a new attorney working with ARCO, their concern is that this process get launched and take place in the course of the fall before the DEC decision of record.

**Vanessa Merton, 111 Pinecrest Drive:** Is the time frame set forth in the second paragraph, by the end of 1999, a commitment to reach an outcome by that point?

**Mr. Lane:** It is a goal to have something happen in the fall.

**Ms. Merton:** We have to be mindful that there is lot going on in this Village at this time. I want to be sure that we are not pushed into reaching closure because ARCO is going to play such a prominent role in this process.

**Mayor Kinnally:** ARCO's contribution to this process will have nothing to do with their input in the process. If they do not want to fund it, the process is not going to go forward. If they fund it, their comments will not have any greater weight in the deliberations than the Village or the community.

**Ms. Merton:** I do not understand why we want to at ARCO's proposal to do this, when there are other things we would like ARCO to spend its money on, like more sampling. Why can't we proceed with the LWRP steering committee that we already have?

**Trustee Keaney:** It is a possibility that those people would be appointed to the advisory board.

**Ms. Merton:** We should go forward with the LWRP process, put out an RFP if we want additional planning, or retain RPA if they are available and want to proceed on this basis. Then it would be our process that the Village controls completely.

**Mayor Kinnally:** I cannot say it louder, stronger, or clearer, but the Village Board will control this process. The process of rezoning that property will be under the complete control of the Village Board. It is not being given to ARCO. It will never be given to ARCO.

**Mr. Lane:** This may not be a situation where bidding for the services of a private consultant is appropriate. DEC and ARCO have expressed their desire to be part of a process if RPA can facilitate it. It brings them to the table in a way that a private consultant might not. There may be divisions in the Village, and I see our contribution not so much as private planning professionals as to facilitators to help mediate between parties and create a framework for constructive dialogue.

**Ms. Merton:** Why is the DEC at the table in a planning process? The DEC has no expertise in planning for the community.

**Mr. Lane:** They will ultimately submit a decision of record. They should be able to make their concerns heard. To the extent that we can engage them constructively, and ARCO, Mobil, and other adjacent property owners, the process has a chance of being more successful.

**Edward Weinstein:** I would like to express my enthusiasm and my optimism about this process. The LWRP process, which has been going on for over a year, is at a point of completing the inventory and analysis, and our next step is to come up with a physical plan. This offer of funds from RPA and ARCO gives us the opportunity to do this in a way that is more thorough and comprehensive than many communities have an opportunity to. Yonkers did exactly what we are doing. RPA ran a program in Yonkers that was very similar to the program outlined in this proposal. We see the great progress that Yonkers has made. I encourage the Board to approve this contract.

**Peter Wolf:** I am in favor of the RPA proposal, and I hope the Board approves it. RPA has the experience, the resources, and the impartiality to crystalize many issues so that we can move forward in the planning process.

**Philip Karmel:** I am also excited about RPA's effort to help bridge the gap here. There is clearly dysfunctional communication between the Village and ARCO, and the LWRP and ARCO. Bringing a mediator on board with the sophistication and the reputation of RPA offers the possibility of fostering an effective communication process with ARCO. We also need to work hard to get Mobil involved.

As to the issue of land use-driven cleanup, that may well be ARCO's objective in beginning this process, and it may well be the DEC's objective. To an extent, land use-driven cleanup is appropriate and is done throughout the state. But it should not be presumed that it is appropriate to clean up an area to be used as a ball field less intensively than an area to be used as a back yard to a home. We need to be careful in thinking about that.

**Jean Zimmerman:** I also would like to express my support for the land use planning. It is wonderful that ARCO wants to contribute money to the community but we have to see if there are unspoken agendas. I fear that ARCO hopes that on this wonderful wave of good will and enthusiasm for planning certain things are going to be forgotten about, especially over the summer months. What we at Waterfront Watch, along with the Village and along with Riverkeeper, have been asking for in terms of getting the DEC to press ARCO on additional sampling is all the more important.

**Ms. Merton:** If ARCO is so interested in participating in this process in a cooperative way, they should not object to the Village's requiring as a part of this process that the Village have complete access to all of the records and materials that pertain to the use of the property by Anaconda during the Anaconda era.

**Mayor Kinnally:** We would have to coordinate the request with counsel and with the DEC. We have to make sure that what we are asking for in another forum does not poison the PRAP process.

**Trustee Walrath:** We are all interested in what ARCO knows, but the proper venue for that is through the DEC, not through this planning process. The two can be safely separated.

**Mr. Lane:** We should not start with the contaminants. We should design what this community would like to see on the waterfront. Subsequent to the planning process there will be other negotiation where you will look at where the contaminants are on the site, and maybe that will influence what you finally decide. This process is about visioning and modeling on that waterfront what this community would like to see.

**Trustee Walrath:** But it is not subsequent. It has to go on starting right now.

**Mayor Kinnally:** It will be parallel.

**Trustee Holdstein:** I think this is outstanding and an absolute win-win for the Village. The Village maintains tremendous control in this process. It does not cost us anything. It invites everybody in the community to be involved. It does not obligate us to anything, but moves the process forward. We have people paying for us to finally move forward with a game plan based

on what the community of Hastings wants. This has nothing to do with the cleanup; that is a separate fight that we have to keep fighting. I am tired of this process bogging down: we are going too fast, we are going too slow. We have to get going, period. To the question of whether the LWRP should be doing this, this is linked with the LWRP process. This is linked with it. I think it is tremendous and I could not be more enthused.

On the page "Responsibilities of the Village of Hastings," number three under "Promotion" says, "The Village will assist, be primarily responsible." Which is it?

**Mr. Lane:** It should be "will assist."

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

**WHEREAS,** the Regional Plan Association (RPA) has submitted a proposal dated June 11, 1999, attached herewith,

**WHEREAS,** the proposal provides for the design and implementation of community-based planning and design process for the Waterfront, now therefore be it

**RESOLVED:** that the Board of Trustees approve the proposal with the following conditions:

1. All costs of the process, estimated at \$100,000, will be paid through a Village escrow account financed by Atlantic Richfield Company (ARCO) at 50 percent and from foundation sources of RPA at 50 percent.
2. An Advisory Board or Steering Committee will be appointed by the Board of Trustees to define the goals of the planning process and other such duties as developed jointly by the Board of Trustees and RPA.
3. All meetings of the Advisory Board or Steering Committee will be open to the public pursuant to the NYS Open Meetings Law.
4. The Village will have the right to all plans and drawings, and have access to them, including computer files.

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

**65:99 APPROVAL OF PROPOSAL - RIDGE STREET CONSULTANTS**

**Village Manager Hess:** During the budget review we discussed that there was additional money appropriated in planning which could be used on planning studies or information needed for various committees. A total of \$7,900 has been requested by the Ridge Street Committee to provide for a survey of Ridge Street as well as some engineering work. The proposed surveyor was the lowest bid of three, and Hahn was the only one who submitted a proposal for engineering. I recommend that the Board approve these items.

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

**RESOLVED:** that the Mayor and Board of Trustees approve the proposals of consultants for Ridge Street roadway improvements as follows: Roland Link Surveyors in the amount of \$5,700.00 and Hahn Engineering in the amount of \$2,200.00.

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

**66:99 AWARD OF BID - SIDEWALK IMPROVEMENT PROJECT SOUTHSIDE / WASHINGTON AVENUES**

**Village Manager Hess:** The last part of the resolution is "...with the construction on Metro-North property subject to final approval by Metro-North." We have a problem with the Metro-North portion of the work. They have yet to either give us a release or to approve the work to be

done. We are recommending awarding the bid and starting the work in the Village's portion of the project; the last part to be done would be the Metro-North property, assuming we reach agreement with Metro-North and they approve the project.

The other option is not to do the Metro-North portion. The sidewalk work along the front of the parking lot would have to be moved inside the parking lot, which creates a problem because you would end up widening the roadway. The decrease in spaces could be accommodated by changes in the parking lot to provide for compact spaces to make up the difference. We would lose approximately 10 to 12 spaces if we flipped the sidewalk into the parking lot.

Metro-North wants us to put 12-hour meters on the public street for additional commuter parking. They want us to set aside 40 of the 250 spaces in the commuter lot for non-residents. The original reason we applied for this project was not for renovation of the Metro-North station. It was to provide improvements on Southside Avenue for the commercial area. It also provided new sidewalks and a safe walking area in what is considered a low-moderate income area. That area will not be required to pay an assessment of the sidewalks because it is a low-moderate area. If Metro-North does not want to have a significant improvement to their station, they are the losers in the long run. I find it interesting that the taxpayers of Westchester County pay Metro-North \$125,000 a year for station improvements and station maintenance, and it takes a party of 12 in New York City to decide what to do with this little plaza.

**Mayor Kinnally:** I have reservations about the bump into the road, because if cars are pushed out farther toward the center line they are going to have a more difficult time making that turn. Regarding the island, there is a split in the Village on whether or not that is appropriate. There may be a compromise there, and not have curbing but put in cobblestone to define that island.

**Trustee Keaney:** I would have to see those cobblestones before I could decide. I have never liked the island. That is not a large space in that plaza. The island will cause an obstruction of traffic. I think you are right when you say there is a split in the Village. It depends on what you see, and when you see it, and who you speak to.

**Mayor Kinnally:** Metro-North has given us more time to think about this. We can have some studies done on this, and revisit.

**Trustee Holdstein:** I am opposed to the extension of the peninsula, and I am opposed to the island. This cobblestone concept could be both attractive, and yet give a sense that you are not wedged in. You have an escape route.

**Mayor Kinnally:** We can introduce some of these elements to the county, but we ought to move on the bid and then continue discussions with MTA.



**Trustee Holdstein:** Should it be an issue that ROACC and Melrose are working together for the first time, and are the notes from the building inspector on previous problems of concern?

**Mayor Kinnally:** There were performance problems, but Marco and the other people who had input say that there has been a change of ownership, a change of management, and they have addressed these shortcomings.

**Village Manager Hess:** You have to have a substantial reason to throw out a low bidder.

**Mayor Kinnally:** The fact that they never worked together does not give us a substantial reason because that is not part of the bid package. That is not a prerequisite, that they work together.

**Village Manager Hess:** I am recommending that the Board award the base bid. After the Metro-North discussions we will have a better handle on the rest of the work. We will do them as change orders, and ask them to live within those alternate bids. If the scope of the island changes, as was discussed with cobblestone, then you would get an addition.

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

**RESOLVED:** that the Mayor and Board of Trustees award the bid for the Sidewalk Improvement Project for Southside Avenue and Washington Avenue to ROACC Corp./Melrose Construction of New York, Inc./Joint Venture, 2939 Edison Avenue, Bronx, New York in the amount as follows:  
Base Bid: \$672,338.62  
with construction on Metro-North property subject to final approval by Metro-North.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
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 Hess:** Let the record note: it is the base bid.

**WIRELESS TELECOMMUNICATIONS FACILITY - CONSULTANT AGREEMENT**

**Village Clerk Maggiotto:** This agreement is a contract with Comi Telecommunications Services for review of a proposal submitted to the Zoning Board of Appeals for a variance to site a wireless telecommunications facility outside the overly district. There are two applicants, but this contract pertains only to Sprint which is the only company that has submitted \$5,000 for an escrow account to pay the contract for the consultant to review their submission. The review would include determining that the proposed facility is needed to provide coverage, and that all the sites in the overlay district are not feasible, as the applicant has stated.

**Village Manager Hess:** The review will be made available not only to the Zoning Board as part of their review process, but also to the Planning Board, which is the next step if it is approved by the Zoning Board.

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 authorize the Village Manager to sign an agreement with Comi Telecommunications Services for review of the Sprint proposal for a wireless telecommunications facility in an amount not to exceed \$5,000.

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

**Mayor Kinnally:** I would ask the Village Clerk to notify the ZBA, and the parties, that we have approved this tonight.

**Village Manager Hess:** Since we are approving this specifically for Sprint, assuming we get a similar contract with Omnipoint within the next week or so, but we are not having a meeting until July 13, could we get authorization to sign that one also, assuming all conditions are met?

**Mayor Kinnally:** Assuming it is in the same form, the same terms, and the money in hand, I would authorize the Manager to enter into an agreement for review of the Omnipoint proposal.

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

**RESOLVED:** that the Mayor and Board of Trustee authorize the Village Manager to sign an agreement with Comi Telecommunications Services for review of the Omnipoint proposal for a wireless telecommunications facility in an amount not to exceed \$5,000.

<b>ROLL CALL VOTE</b>	<b>AYE</b>	<b>NAY</b>
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:** Municipal Building: security system, the cameras have been installed. The HVAC contractor has been proceeding in a timely manner. We are looking at substantial completion by June 30, and will be moving back to the building toward the end of July. We would look at a rededication of the building in late September or early October.

Our sweeper is back in service, finally. One of the transfers of almost \$10,000 had to do with the sweeper itself: a completely blown engine, and we had some other problems with it before the engine blew. But it is back in service, and it is scheduled for replacement next year.

I received a letter from the Hudson River Foundation regarding our grant request for funds to acquire Marinello Cove, suggesting that they would help us “explore other funding options.” They are referring us to the new EQBA round in October. We will be going back for the fourth time for this project.

The Village Tag Sale is this Saturday from 9 to 4 down at the commuter parking lot. I want to thank all the residents who had made donations to the sale, and specifically to Linda Knies, Marie Oelkers, and Gail Hoffman, who have been working very hard to put this together.

**Mr. Wolf:** I would urge the Board to reexamine and try to expedite the process regarding Marinello Cove and to have public access from the public portion of the Tennis Club through Marinello Cove and over to the park.

**Mayor Kinnally:** We are going to get that reinstatement of the access going out to the Tennis Club when they are finished with their construction.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Update on the Waterfront**

**Mayor Kinnally:** We have received funding of \$10,000 from a foundation to be used to assist the Village in the testing of the site in connection with the cleanup. The donor has asked that the name not be revealed, but I thank the persons from the Village responsible for the donation on behalf of the Village.

### **2. Other**

**Mayor Kinnally:** I frequently get letters from various people, and I would like to read a letter that I got recently:

"Dear Mayor Kinnally:

My name is Brock Kyle. Can I have one of the keys to the city?

Brock Kyle  
16 Southgate  
Age 5

I have not been able to call him because I cannot find his number, but I am doing what I can to get Mr. Kyle something.

Regarding the Municipal Building, we have to look at the utilization of the building. We have to make sure that people do not bring food into the public spaces: coffee, soda, or whatever, to stain the rugs, etc.; animals. Also, I am raising for the Board a consideration of the smoking policy in the building. It is an opportunity for us. We have discussed it in the past, but I want the Board to discuss it again before we get into the building, if that is possible.

Regarding the sweeper, are we going to look into the possibility of getting a different type of sweeper?

**Village Manager Hess:** In addition to the replacement of the street sweeper next year, we are looking into the possibility of mini-sweepers for parking lots, sidewalks, smaller public areas.

**Trustee Walrath:** Does the rebuilding we have done on the old one buy us another couple of trouble-free years?

**Village Manager Hess:** Possibly. I will look at the evaluation done by the mechanic.

**Trustee Holdstein:** Can these mini-sweepers serve a third role by putting a small plow in the front to do sidewalks?

**Mayor Kinnally:** We will look into it. The ones I have seen do not come with hitches, because they do not have the transmissions that they need for that. They are usually not multiple-g geared.

### **EXECUTIVE SESSION**

On MOTION of Trustee Holdstein, SECONDED by Trustee Keaney with a voice vote of all in favor, the Board scheduled an Executive Session immediately following the Regular Meeting to discuss personnel, litigation, and land acquisition.

### **EXECUTIVE SESSION**

On MOTION of Trustee Holdstein, SECONDED by Trustee Keaney with a voice vote of all in favor, the Board scheduled an Executive Session for 8 p.m., June 29, 1999 to discuss personnel.

### **3. Waterfront Watch**

**Mayor Kinnally:** Trustee Walrath asked that a request be brought before the Board. Waterfront Watch has requested that they be added as a party to attend the stakeholders' meetings which are convened periodically by the DEC.

**Trustee Walrath:** The stakeholders that the DEC convened, I understood, was based on the parties to the lawsuit. Mike Loesser said that if Waterfront Watch were a party to the lawsuit they would have been invited. I think it would be constructive to have Waterfront Watch participate in those meetings particularly to address the matter of the testing. Without having all the players, we are going to get a full acceptance on the acceptability of the proposed cleanup.

**Mayor Kinnally:** The DEC does not appear to be interested of building a consensus here on a cleanup. The DEC is going to make a decision. Waterfront Watch is different from the Riverkeeper or from other parties at the table, because we are not representing any other parties. We represent the people in Hastings and I have not seen that the interests of the Village are anything but coincidental to the interests of Waterfront Watch or anybody else in the community. The message to the state is more forcefully done by allowing an assemblage of all of this material,

arguments, and everything to be given to the Village so that we can deliver it to the state. That does not mean that Waterfront Watch cannot send information to the state, or lobby. But I see these stakeholders' meetings as precursors to ultimate negotiation for the use of the waterfront. And those negotiations, as far as I am concerned, have to be done by the Village of Hastings-on-Hudson.

**Trustee Walrath:** One of the things that troubled me is that we did not see an agenda ahead of time.

**Mayor Kinnally:** Certainly we should have an agenda.

**Trustee Walrath:** I am regretting that I did not say more, that Pirnie did not say more, because we have to muster better arguments if we are going to get better sampling beyond what we have.

**Mayor Kinnally:** We have submitted all our comments, and Waterfront Watch submitted comments on the sampling. Do they talk about the sampling at these meetings?

**Village Manager Hess:** Only about the timing. They did not address the grid.

**Trustee Walrath:** They seemed in the meeting to be very upset with the idea of the grid, like this was a very extreme thing to have suggested.

**Mayor Kinnally:** They said all along that they were against the grid and their written comments have said that.

**Trustee Holdstein:** The stakeholders' meeting is not a public meeting, but are there notes taken, or is it recorded? Are there documents that the public can get?

**Trustee Walrath:** Neil and I took notes, but have there ever been minutes in the past?

**Mayor Kinnally:** We always report on what is discussed.

**Village Manager Hess:** It is a DEC meeting. It is chaired by Mike Loesser, their counsel.

**Trustee Walrath:** Mike Loesser made the comment in the meeting that he was open to suggestions for additional people. He did not say by whom. Apparently, a suggestion is by current stakeholders for additional stakeholders.

**Trustee DeVita:** I do not know where I stand on this. I have only been to one stakeholders' meeting, and to me the meeting that I went to was a lot of information given. We did not have a lot of give-and-take in that meeting. I see the Waterfront Watch as a very valuable resource in our

community and a wonderful sort of vehicle for us and sort of an advisory, in its own way, to us. The level in which they are acting is incredible: it is professional; it is active; it is involved, and it involves a lot of people. If a major part of it is listening, and trying to get a sense of tone or a feeling of how everyone is feeling, maybe another set of ears would not be a bad idea. I have to give this some thought.

**Village Manager Hess:** It is a form of communication.

**Trustee Walrath:** The Mayor said before that it had another function. It is getting over almost to negotiations.

**Mayor Kinnally:** At our earliest meetings in 1986 and 1987 there was a lot of discussion and posturing. It was not just an exchange of information. It was setting down strong positions.

**Mayor Kinnally:** Let me go back to the testing, because it has provided a lot of discussion tonight. Can you think of an argument that has not been made to date about the testing? We spent hours and hours on public comment. We retained an expert. Waterfront Watch retained an expert. The Riverkeeper has been involved.

**Trustee Walrath:** I think we could dig harder. They have not done anything that would relieve us of having undetected hot spots up until this point. In the reply to Waterfront Watch's comments, they said it was unwarranted, and quoted a different section from the one that Waterfront Watch had quoted from the federal guidance on the sampling approach. We could look at that in more detail than we have, and there are additional arguments that we could come back with.

**Trustee Holdstein:** I want to think about whether Waterfront Watch ought to be at the meetings. One of my concerns is more voices might bog the thing down and make communication and open flow more difficult. How did you find the meeting in terms of the ability of all those people in one room to get some things accomplished?

**Trustee Walrath:** I do not think it accomplished a great deal. People expressed positions, that is all.

**Mayor Kinnally:** The sense of the Board seems to be that we want to think about this some more. We can hear from the public tonight and put this off until the 13th.

**Jean Zimmerman, Waterfront Watch:** We have had some preliminary conversations with various people about participating in those meetings, and were surprised not to be invited to participate. I do not think there is actually a black and white answer as to why Waterfront Watch was not invited to participate. There is not a set cast of characters that would be logical to

participate, and always participates. I know from conversations with individuals at Scenic Hudson, they also feel that it is quite an oversight and a mistake not to invite Waterfront Watch or a comparable group. We happen to be the only independent grassroots citizens' group in Hastings that is focusing exclusively on issues pertaining to cleanup of the Hastings waterfront.

I urge the Board to support our effort to participate in those stakeholders' meetings. As chair of the organization, I believe strongly that we can bring a lot to the table at those discussions, not superseding the Village's representation of the community, but adding to that with the expertise of our members and the work that we have done, the research that we have undertaken independently and at own expense, as well as the additional research that the consultant we retained did. We can work as a team with the Village more effectively toward the goal of getting a cleanup at the waterfront that we can all live with.

**Trustee Holdstein:** Would you want to have one person serve that role and be consistently at those meetings versus different people for different meetings?

**Ms. Zimmerman:** Yes, I would propose specific people: two of our steering committee members, Phil Karmel and Dr. Robin Herbert, who have each made a substantial contribution.

Regarding the sampling, DEC has discounted the recommendations of Waterfront Watch, the Village, and the Riverkeeper, all of which were similar. As a result ARCO's revised sampling plan does not look at any of those issues. If we let it drop now we are not going to get the kind of characterization of the site that we need. I would like to propose, separately from the stakeholders' meetings, that we put our heads together and figure out a way of taking this to the next level.

**Mayor Kinnally:** If anybody can come up with a better way to persuade the DEC on the issue of the testing I am all for it. They do not share our concerns about the testing. I am very skeptical of what they are suggesting and how they are not buying into the arguments that have been made, but I do not know how to change that. Whatever decisions have been made I am sure have been vetted by the people at the top of the chain.

**Village Manager Hess:** Mayor, I suggest that we refer this to our counsel for the best approach, in his experience, in how to address their negative response to the concerns.

**Mayor Kinnally:** That is a good idea. He has worked with them on a number of things, and sees them both formally and informally, and there may be a way of doing it.

**Trustee Keaney:** I got the impression from David that Mike Loesser of the DEC was open to more participants at the meeting, but I got the impression from you that the DEC did not think it was a good idea for Waterfront Watch to participate. Did you ask to be invited?



**Ms. Zimmerman:** Yes, there was a conversation between one of our members and Mike Loesser and he came up with rationalizations for why it would be difficult to have Waterfront Watch invited. The main one was not being party to the lawsuit.

**Trustee Holdstein:** Was this after the stakeholders' meeting?

**Ms. Merton:** Yes. There was no expression of reservation about Waterfront Watch being excluded. It was an explanation of who happened to end up on the list. The point that was emphasized was that it is open, and if other stakeholders, such as the Village or the Riverkeeper, expressed the point of view that it could be of value to have Waterfront Watch participate, that would be another reason that it would make sense. That is the way it was left.

**Mr. Wolf:** I suggest another meeting with the Village's legal experts and their environmental engineers to see whether as a group they find that the sampling that is being proposed now is adequate. And if it is not adequate, that we identify in exactly what ways it is not.

**Mayor Kinnally:** We have done that. We have identified the shortcomings. We had many meetings with the public. We had input from your committee, from Waterfront Watch, from Malcolm Pirnie.

**Village Manager Hess:** Do you really want to take the time over a couple of weeks to try and schedule a community meeting, bring in the consultants, to come up with the same things? Why don't we talk to our counsel to see what the best approach is.

**Ms. Merton:** Regarding whether there are any other arguments to be made, our expert came back to us just today and said if you want to have a randomly-distributed sampling and you decide you cannot afford 3,000 samples, what you do is you map the 3,000 samples on a random basis...

**Mayor Kinnally:** If your expert has additional information, have him get on the phone or mail it to the DEC. Time is of the essence. If he has information, get it to Albany.

The Conservation Commission has given us a proposal for reconstituting a portion of the Commission and some of their mission. I will make copies and pass it on to the Board of Trustees. It is something that has to be passed by counsel, and will have to be discussed as a personnel item.

## **ADJOURNMENT**

On MOTION of Trustee Keaney, SECONDED by Trustee Holdstein with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 11:35 p.m.