

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
JULY 13, 1999

A Regular Meeting was held by the Board of Trustees on Tuesday, July 13, 1999 at 8:10 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: Ten (10)

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 15, 1999 (Sale of Village Property) 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 15, 1999 (Blighted Site Designation) were approved as presented.

On MOTION of Trustee Walrath, SECONDED by Trustee Keaney with a voice vote of all in favor, the minutes of the Regular Meeting of June 15, 1999 were approved as presented.

PRESENTATION

Mayor Kinnally presented a key to the Village of Hastings to five-year-old Brock Kyle who had written to the Mayor requesting a key. Mayor Kinnally commended the boy and his parents for his civic interest and said he hoped it would continue.

APPROVAL OF WARRANTS

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

Multi-Fund No. 9-1999-00	\$ 62,993.15
Multi-Fund No. 10-1999-00	\$ 28,088.93
Multi-Fund No. 12-1999-00	\$190,002.42
Multi-Fund No. 14-1999-00	\$ 773.00
Multi-Fund No. 15-1999-00	\$ 85,689.73
Multi-Fund No. 16-1999-00	\$281,156.72
Multi-Fund No. 17-1999-00	\$233,923.60
Multi-Fund No. 18-1999-00	\$ 9,554.50

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

Trustee Keaney presented the Draft Inventory and Analysis document to the Board, representing a year of work by the the steering committee comprised of Chairperson Keaney, Village Planning Consultant Meg Walker, Ed Weinstein, Philip Karmel, Jeffrey Bernstein, David Hutson, Jacques Padawer, and Julius Chemka; and a number of subcommittees that gave a great deal of time. Trustee Keaney stated that the document provided a foundation for future work. He thanked the public for their understanding of the length of time it took to get a broad-based plan.

Mayor Kinnally thanked the committee and the community for its participation and said the document provides the seeds for the revitalization of the waterfront and is a testament to the leadership of Chairperson Keaney.

67:99 AUTHORIZATION TO RECEIVE BIDS - STREET RESURFACING

Village Manager Hess: The Board will have the opportunity to review the list of streets scheduled for resurfacing in the next two weeks and to suggest additions or subtractions. The specifications are based on tonnage. The bid will be awarded on August 17.

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 authorize the Village Manager to receive bids on August 3, 1999 for street resurfacing.

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	

68:99 AUTHORIZATION TO RECEIVE BIDS - MUNICIPAL BUILDING EXTERIOR PAINTING

Village Manager Hess: The specifications cover scraping, replacing the wood columns where necessary, two coats of primer, and final painting, including the flagpole. We will award the bid August 17 and the work is to be completed by September 17.

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 receive bids on August 5, 1999 for exterior painting of the Municipal Building.

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	

69:99 1999 INVEST IN KIDS SUMMER PROGRAM

Village Manager Hess: This is the fourth year of funding for this program. The year the funds will be used for the Summer Institute.

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 Manager to sign the 1999 Invest in Kids Summer Program contract with the County of Westchester for the period 7/06/99 to 8/27/99.

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	

70:99 AWARD OF BID - DRAPER PARK ROADWAY

Village Manager Hess: A question was raised by Mr. Horelick regarding the location of the proposed roadway adjacent to his property. We reviewed the closing documents and maps. The actual roadway is not on Mr. Horelick's property. An area of cut had been on his property but it will be moved off his property. Additional drywells were added to the plan at the request of residents' concerns.

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 Draper Park Roadway construction to Tucci Equipment Corp., Larchmont, New York, in the amount of \$59,840.00.

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	

EXECUTIVE SESSION

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

71:99 AFFORDABLE HOUSING POLICY AMENDMENT

Sue Smith, Affordable Housing Committee: This relates to a grant request for the affordable housing site on Warburton Avenue. We have already received a \$20,000 grant from the Federal Home Loan Program and have applied for a grant from the New York State Affordable Housing Corporation. We have been advised that in order for our application to be considered we will have to modify the preference list in the Village's Affordable Housing Policy to provide only two categories. We are requesting the change in the policy for this application only to conform to what the funding agency requires.

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

RESOLVED: that the Mayor and Board of Trustees amend the Affordable Housing Policy for the Village of Hastings-on-Hudson adopted June 17, 1997 for the grant application to the New York State Affordable Housing Corporation for funding for the Warburton Avenue houses as follows:

([bracketed] material is deleted; underlined material is added.)

IV. PREFERENCE CATEGORIES

Among income eligible households preference for purchase or rent of affordable housing shall be given to those where the household to occupy the unit shall include a member in one of the categories below where the order of preference is from one to [eight] two.

1. Volunteer Fire Company and Ambulance Corp members living in or serving Hastings and [2.] Village of Hastings municipal employees.

2. All others.

[3. Hastings UFSD (Greenburgh District 4) employees.

4. Households whose head of household or spouse is 65 yrs of age or older and is a resident of Hastings.

5. Households whose head of household or spouse is 30 yrs of age or younger and is a resident of Hastings.

6. Any other Hastings resident meeting income eligibility requirements.

7. Immediate family members of Hastings residents.

8. Other persons employed in Hastings.

9. All others.]

And be it further

RESOLVED: that there be thirty (30) business days of marketing for the Warburton Avenue houses to the persons in the first category prior to marketing to all others.

ROLL CALL VOTE:

AYE

NAY

Trustee James B. Keane

X

Trustee Elsa C. DeVita

X

Trustee Michael Holdstein

X

Trustee David Walrath

X

Mayor Wm. Lee Kinnally, Jr.

X

VILLAGE MANAGER'S REPORT

Mayor Kinnally: Before you begin I would like to say that it was a spectacular display of fireworks on the 4th of July and great feelings came out of it. I salute Neil, the Hastings 1999 committee, the employees of the Village, the police and fire departments, all of whom contributed to the great success of the event.

Village Manager Hess: Thank you to Parks and Recreation Superintendent Ray Gomes who coordinated the event with Lt. Schiavone, and compliments to Harvest on Hudson restaurant for their cooperation and for providing buses between the commuter lot and the restaurant. Having fireworks has been talked about for a long time by the Trustees and finally it happened. The cost was \$45,000 but the Board spread the cost over two years' budgets. The police estimate the crowd at 5,000 but everyone was moved in and out of the Village with no problems.

Trustee Keaney: We should institutionalize a 4th of July celebration with or without fireworks.

Village Manager Hess: The date for the move back to the Municipal Building is July 23. Village Offices will be closed that day. Most of the work is done except for the millwork. We are having a problem with the HVAC contractor, Harmonay. Frank Craine of Gisolfi Architects sent him a strong letter. [letter read].

Regarding the defibrillators, I met with the police and fire chiefs and received a proposal from the company. The next step is to try to get funding. We are mailing an application for four units initially. Thank you to Mrs. Lewis for bringing this to our attention.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: There is a stakeholders' meeting at the end of July. We are waiting for the environmental assessment of buildings on the site done on behalf of ARCO that was promised for early July. It is necessary to get this for public safety and also planning concerns. We were hoping to get some buildings demolished by fall but time is running out. We will talk with environmental counsel and the DEC.

The Regional Plan Association has run into difficulty with funding for the recently approved proposal. Only \$50,000 from ARCO is presently on the table. It is inappropriate for the Village to make application to the state for funding as has been suggested. It is the responsibility of ARCO to make up the shortfall.

Trustee Keaney: ARCO seems eager to come up with \$50,000; we should press them to come up with the rest.

Village Manager Hess: If we apply for a grant from DOS under Coastal Zone 4 then the basis of RPA's proposal would have to change. Let ARCO supfront the other \$50,000 until other sources come through. RPA has said the timing of the other funding is the problem. Grant applications are due August 17 and will not be decided until October so this would push the process into spring.

Mayor Kinnally: We do not want to do anything to delay the Record of Decision or to push the dates back for ARCO.

2. Waterfront Watch

Mayor Kinnally: Waterfront Watch has requested that they be included in the stakeholders' meeting and that Phil Karmel and Robin Herbert be the designated representatives.

Trustee DeVita: If the meetings are an opportunity to share ideas and react to each other then Waterfront Watch which has done a great deal of work should be included. The two people mentioned are excellent choices.

Trustee Keaney: The question is not whether we should urge the DEC to do what they do not want to do, that is, invite Waterfront Watch, but rather what does Waterfront Watch represent that the Village Board does not, and should another organization be given a role that the Village has?

Trustee DeVita: Their interest is slightly different from the Board's. They represent their group, not the Village, but they have incredible expertise and have a lot to offer. They do not duplicate the Board.

Trustee Walrath: They represent concerned citizens who have taken the trouble to pay a lot of attention. They do not represent the Village but would be a great help to the Village. This is not a negotiating forum at present but a place where ideas are shared. We have nothing to lose because the ultimate authority is with the Board. Joining forces will make the Board position stronger.

Trustee Holdstein: I agree with Trustees DeVita and Walrath if the group understands that they do not speak for the Village. Also, it is necessary that there be the two same persons. They will be another set of ears and their expertise will assist the Village. If it becomes a problem we can revisit the issue.

Mayor Kinnally: The Board has the ultimate responsibility for decision making. Getting another party to the table is not a signal the Board is ceding its authority. If negotiations begin, only the parties directly involved will be there. I am mindful of Trustee Keaney's concerns but I think Waterfront Watch should be stakeholders with either Mr. Karmel or Dr. Herbert attending. Both bring expertise and credibility. I hear consensus that we should go along with Waterfront Watch being present at the stakeholders' meetings.

3. Sale of Village Property

Mayor Kinnally: This refers to the sale of Village-owned property, the subject of a public hearing on June 15.

Attorney Murphy: The next step is for the Village to ask the Village assessor to give an opinion as to the value of the property.

Village Manager Hess: Could Attorney Murphy present the specific criteria from past property sales, such as designating an upset price, ensuring that there is no combination with other properties, etc., and present this at the August meeting?

4. 914 Area Code

Mayor Kinnally: The Public Service Commission is considering the introduction of a new area code in areas served by 914. The preferred option of the County Executive is to split Westchester from other areas served by 914.

Trustee Walrath: Westchester does not have the right to 914. All the suggested measures are stopgap except for an overlay with a new area code for services other than telephone. I would hope that all those who have 914 would not have to change. Technology will eventually solve this problem.

Mayor Kinnally: I urge the Board to discuss this among residents. I will check with other municipalities and find out the position of the Municipal Officials' organization. We should coordinate our position with the County Board of Legislators.

5. Utilization of the Municipal Building

Mayor Kinnally: We want to ensure that the renovated building stays in good condition, especially regarding food, beverages, and smoking. There should not be food or beverages in any public areas. The present smoking policy prohibits smoking in public areas but allows smoking in areas not generally accessible to the public. Does the Board want to have a smoke free building?

I think the building should be smoke free. It will keep the building as nice as possible as long as possible, and then there is the health issue. There is the concept that "I should be allowed to smoke in my office" but this is a public building and no one should be put in a position where they have to go into a room where smoking has occurred. It is wrong to have a place in the building where any member of the public or employee should be exposed to noxious substances. There is no smoking generally in public buildings.

Trustee Keaney: The building is a public resource. We pay the Village Manager a lot of money and I would rather have him smoke at his desk than go outside. It is not fair to have him have to interrupt his day.

Trustee Holdstein: The problem is when a member of the public has to go into a private office. Many people come to the Village Manager's office and are bothered by the smoke, as I have been.

Village Manager Hess: If Trustee Holdstein had expressed his concerns to me when he first came on the Board it would have been dealt with.

Trustee DeVita: Smoking is a lifestyle choice, and those who choose not to smoke should not be subjected to smoke. Every public building should be totally smoke free; most are. There should be a defined comfortable area away from the building for people to smoke.

Trustee Walrath: My office of over 100 people is totally smoke free. People need a better place to smoke than the doorway of the building. It can be made to work.

Trustee DeVita: The area beyond the parking lot where there are benches overlooking the Hudson and a great view would be a good designated place.

Mayor Kinnally: I would like to see a smoke free building and I cannot think of a better time to do it. I would like to hear from Mr. Hess both as the Village Manager and personally.

Village Manager Hess: I would like to get input from the staff and get back to the Board. The Board makes policy decisions and we carry them out.

Mayor Kinnally: How many staff smoke?

Village Manager Hess: In the new building, three upstairs, none downstairs, and four in the police department.

Mayor Kinnally: I have concerns about the other municipal sites but I want to limit the discussion to the Municipal Building for now.

Village Manager Hess: I will not smoke in the new building while this is being decided. I will poll the staff and submit the results to the Board.

6. Other

Trustee Keaney: Regarding our concerns about the sale of ARCO to BP Amoco and the effect on the cleanup, the secretary of the Federal Trade Commission has responded by saying that any FTC review is limited to the probable effect on competition and that it is unlikely that pending remediation actions would fall in that scope of review. The FTC may not even ask for public comments. Despite these comments I am not ready to give up on this angle.

Mayor Kinnally: Our environmental counsel Mark Chertok may know someone in anti-trust.

EXECUTIVE SESSION

On MOTION of Trustee Holdstein, SECONDED by Trustee Walrath with a voice vote of all in favor, the earlier motion for an executive session was amended to include the acquisition of real property.

ADJOURNMENT

On MOTION of Trustee DeVita, SECONDED by Trustee Keaney with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:20 p.m.