

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 14, 1999**

The Regular Meeting of the Board of Trustees was held on Tuesday, September 14, 1999 at 8:20 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee James B. Keaney, Trustee Michael Holdstein, Trustee David Walrath, Village Manager Neil P. Hess, Attorney Marianne Stecich, and Village Clerk Susan Maggiotto.

ABSENT: Trustee Elsa C. DeVita

CITIZENS: Ten (10)

PRESENTATION

Mayor Kinnally presented a Certificate of Service for 25 years of service to Stephen Tollefson of the Public Works Department and Sgt. Robert Palumbo of the Hastings Police Department.

APPOINTMENTS

Mayor Kinnally announced the appointment of Brian Murphy of Murphy, Stecich and Powell as the Village attorney following the disbarment of Robert Ponzini, the former Village attorney. Mayor Kinnally stated that this is a mayoral appointment subject to the approval of the Trustees; this confirms an action taken in executive session three weeks ago.

Ken Tuccillo, 14 Edgewood: I object to this appointment. The Village ought to undertake a search prior to such an important appointment.

Mayor Kinnally: That is a good point. This is an interim appointment to fill out the term of the appointment which expires next April.

Mr. Tuccillo: Notwithstanding, he will have been in the position for six months, so this is in effect a permanent appointment.

Mayor Kinnally: It is my obligation to appoint a Village attorney; the Village cannot be without an attorney as there are several ongoing litigations. I give you my commitment that we will look at this appointment at the beginning of the next official year. We looked at the qualifications of Mr. Murphy and the people in his firm, as well as the need for continuity, including in the matter of the waterfront and our interactions with DEC. Mr. Murphy was pivotal in our litigation involving Building 15 and the negotiations with the court, DEC and the prior owners. Although the decision rests with the Trustees, we will entertain any suggestions from the public. It is

inappropriate to discuss qualifications in public, but I will speak with anyone on this matter privately.

Lawrence Apel, 111 Rosedale: I would like to give you my thoughts on the Village attorney at any time you are available.

Trustee Holdstein: Please review the procedures for appointment.

Mayor Kinnally: Village law provides that I am the appointing officer. I announce the appointment subject to the approval of the Board of Trustees. It needs three votes; the Mayor can be one of the three.

Trustee Keaney: In my three years in the government I have found that Mr. Murphy and his partner Ms. Stecich have done a very good job for the Village. Their advice has always been sound, proven by their winning record for the Village, especially in the matter of Building 15 where Mr. Murphy hammered out a very good settlement for this Village. It's not only a matter of filling the gap, but I am confident we have a very good person here, and I am happy to second the nomination.

Trustee Holdstein: I agree wholeheartedly with Trustee Keaney. The record should show that the matter with Mr. Ponzini did not involve Mr. Murphy or Ms. Stecich, and they are the attorneys that have interacted most with the Village. They have done an outstanding job and have served the Village very well.

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

RESOLVED: that the Mayor and Board of Trustees appoint Brian Murphy as Village Attorney for the balance of the official year.

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

Mayor Kinnally: Bob Ponzini has served this community well and I wish him all the best in his future endeavors and his attempts to get this reversed. I thank him for all his work on the

Village's behalf through difficult times both in this administration and Mayor MacEachron's administration.

Mayor Kinnally announced the following appointments effective immediately:

Parks and Recreation - Steve Horelick
Architectural Review Board - Mitch Koch

APPROVAL OF MINUTES

Trustee Holdstein: I have three changes: p. 4, add the word do; p. 7, the speaker is Trustee Keaney, not Trustee Holdstein; p. 8, add the word as.

Trustee Walrath: Page 10, add the word do.

On MOTION of Trustee Holdstein, **SECONDED** by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of Aug. 17, 1999 were approved as amended.

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. 34-1999-00 \$103,554.08
Multi-Fund No. 36-1999-00 \$ 47,538.10

VILLAGE MANAGER'S REPORT

Village Manager Hess: The Village has received two grants. We had applied to both Assemblyman Brodsky and Senator Spano for funds for the library and have received \$35,000 from the State Education Department. I will be meeting with the library director and president of the library board to determine what work will be done. The second grant is to the Affordable Housing Committee from the State Affordable Housing Corporation for \$100,000. This is very good news.

I wish to compliment Ray Gomes and the recreation department staff for an excellent day camp and pool season; the swim team under Don Wemmer had a very successful season with a final record of 5-1. There are several new programs coming up for the fall season.

I want to compliment the beautification committee for the beautiful planters around the downtown.

I attended the Conference of Mayors Main Street Conference at the end of August. It was an outstanding conference. I learned that all downtowns are experiencing the same types of problems our downtown is, and that the new trend is the “de-malling” of America. With the big box retailers, the emphasis is now on downtowns which can be very vibrant places. This is in keeping with the Planning Board’s vision plan. I will distribute a report on the conference to this Board and the Planning Board.

BOARD DISCUSSION AND COMMENTS

1. Update on the Waterfront

Mayor Kinnally: There will be a stakeholder’s meeting on Sept. 29. We have received word from ARCO that they are beginning the process of applying for demolition permits for some of the buildings on the waterfront. It is my hope that the review with the DEC and the Village can be completed so that demolition can be started this fall.

2. Donation to Library

Mayor Kinnally: A gentleman called me to say that he enjoys using our library very much and would like to show his appreciation. He has given a substantial gift to be used for the reconstruction of the steps and part of the plaza in front of the library. He will provide the materials and the workmen to do the job. I am thrilled by the gift. The donor has requested that the gift remain anonymous, but I wish to thank him publicly for it. This is a tremendous credit to the library staff, that they are doing such a wonderful job that someone would feel moved to give such a gift. This will be the first stage in the renovation of the plaza area in front of the Municipal Building, and will be in keeping with the newly-renovated building.

This is my first meeting in this building; it’s great to be back and the building is wonderful. It will be workable for many years. Everyone is pleased with what has been done with the space. This is a jewel the Village can be proud of. Thanks to Neil and Susan and everyone who was involved in the project. There will be a public rededication coming up soon.

Trustee Keaney: I would like to thank the Planning Board for designating the Municipal Building and the library as the governmental node at a time when people were suggesting moving the Municipal Building elsewhere.

Village Manager Hess: It was pointed out at the NYCOM conference that municipal buildings, libraries, and community centers ought to be located in the downtown as a draw to people who then stay and shop.

3. Sprain Road Reopening

Mayor Kinnally: There has been a decision by the Appellate Division in Brooklyn that vacated the stipulation the Town of Greenburgh, Yonkers, and the Thruway Authority had entered into dealing with the access on Sprain Road. There is now a serious possibility that that road could be opened for all purposes. Stew Leonard's is scheduled to open on Tuesday. There is a hearing tomorrow before Judge Barone in Supreme Court in White Plains dealing with an order to show cause brought by Ardsley asking for the judge to direct the Thruway Authority to take steps to open the road. The parties that lost in the Appellate Division are appealing. This is very complicated procedurally and our environmental counsel is sorting through it. We will do what we can to assist those parties that want to ensure that Sprain Road is open only for emergency access. We are not parties to this action and are not submitting papers, although I did submit papers in the Appellate Division, reiterating the arguments we have made of the negative effect on the Village.

4. Southside/Washington Project

Village Manager Hess: Four items have been discussed relative to changes to the plan for Southside/Washington. The island in Southside has already been eliminated; the island in front of the train station and the extension of the peninsula were alternates in the bid documents; and there is a question about the bump-out on Southside before the turn to the bridge. We need decisions on the latter three items.

Trustee Holdstein: It appears that saw cuts have already been made around the peninsula to extend it, which I am opposed to. Please look into this.

After discussion about the bump-out, Mayor Kinnally heard consensus not to include the bump-out. The need for it was eliminated when the crosswalk at that point was eliminated, and rather than slow traffic down as intended it could be hazardous as cars might move into the opposite traffic lane.

Mayor Kinnally: Regarding the island in front of the train station, I like the idea of defining the area and direction for traffic to circulate, but the curbing seemed too much of a hazard. I suggest we define the area using pavers or cobblestones in the same outline, but not raising it above the road surface.

James Cameron, 140 High Street: I think we need the extension of the peninsula to help pedestrians get across Southside more safely.

After discussion about the island in front of the train station, Mayor Kinnally heard consensus to define the area without an island but with different texture at no greater height.

Village Manager Hess: I would like to hear the opinion of Meg Walker about the texture change.

Meg Walker, Village Planning Consultant: It will help somewhat. The goal was both to direct traffic and to beautify the area in front of the station; you will partially accomplish the first. Hastings pavers are being used in the area below the station, so the same material could be used.

Trustee Walrath: A pedestrian crosswalk was supposed to go through the island. With the island eliminated, perhaps we could look into extending the sidewalk towards the bridge and moving the crosswalk up to that point.

Ms. Walker: I discussed that with Suzette Lopane and she said the sight lines were even poorer at that point, but it might be worth revisiting because a lot of people cross there when the station is closed. There is a utility pole in the way.

Mayor Kinnally asked for discussion of the peninsula extension.

Trustee Holdstein: With all due respect to Mr. Cameron, I think the extension would close off that mouth too much, which is the only access to the waterfront. I have concern for pedestrians, but narrowing the access would be a disaster with the flow of trucks and cars.

Trustee Keaney: I see your point about the access, although I am not as opposed as you are to the extension; pedestrian concerns could be addressed with striping and crosshatching of pedestrian areas.

Mayor Kinnally: My concern is for traffic turning right around an extended peninsula; it would create a greater hazard and exacerbate traffic problems.

Mayor Kinnally heard consensus that the peninsula should not be extended.

Village Manager Hess: Despite assurances to the contrary in August, Metro-North has ordered the contractor to stop work on their property. I am meeting them tomorrow and may tell them to do their own work on the property while we continue to work on the rest of the project. We cannot proceed with work on their property until they give us permission.

Trustee Holdstein: Did we get anything in writing from Metro-North signing off on the project?

Village Manager Hess: The director of real estate had committed to it in a meeting and they were supposed to send a letter giving approval.

5. Other Business

Trustee Holdstein: To return to the waterfront, what control will the Village have in the demolition, for example, regulating truck traffic through the Village?

Village Manager Hess: We will refer that question to counsel prior to a public hearing on the demolition permit.

Mayor Kinnally: DEC has control over the demolition because it is a listed site.

Trustee Holdstein: I would like to point out that the anonymous donor for the library is not a resident of Hastings, which makes the gift even more remarkable.

PUBLIC COMMENTS

Ann Schnibbe, 8 Edmarth Place: In reference to the vision plan of the Planning Board, I as well as my neighborhood object to the idea of rebuilding a pedestrian bridge from Edmarth Place to the waterfront. I will reiterate this objection at the Planning Board meeting.

David Shapiro, 5 Travis Place: Regarding the appointment of the Village attorney, I would hope the Village would use this as an opportunity to examine the system of oversight and accountability of firms doing business with the Village. I suggest the formation of a search committee to consider all firms interested in representing the Village.

Mayor Kinnally: I welcome any information people might have that would assist the Board in evaluating candidates for any position in the Village, including that of attorney. I do not think a search committee to interview candidates is appropriate, but if people either individually or collectively wish to come up with candidates, we welcome the information, as was done with the consultants on reviewing the waterfront PRAP.

Michael Holstein, 74 Cliff Street: I have come to seek relief on behalf of the residents on my street for a severe safety hazard from holes in the street caused by the collapse of a storm sewer. We were promised repairs over the spring and summer but no repairs have been made and the condition gets worse with every rainfall.

Village Manager Hess: The superintendent of public works is getting prices on the work from contractors and the repair will be done, and will be done shortly. The damage to the storm sewer was done when the street was repaved.

Diane Tangredi, 76 Cliff Street: Where will the repairs begin?

Village Manager Hess: There is a stream between two houses that overflows into a catch basin; a pipe underneath the street has broken, causing the street to heave. The estimated cost is \$20,000.

Arnold Nager, 83 Cliff Street: I am the property owner adjoining the crater. I am unable to park my car and the hole is a danger to pedestrians and cars alike. I was promised a repair in the spring. The hole was filled in; it just wasn't repaired and continues to get worse.

Village Manager Hess: If any resident has a long-standing problem that is not being taken care of, they should feel free to mention it to the Mayor or a Trustee or myself.

Ms. Tangredi: Mr. Gennarelli has told me the Village will pay for curbing because it is needed along my property. Do you know what this will cost?

Village Manager Hess: The Village replaces curbing equivalent to the cost of blacktop, but I do not know the cost yet.

Mayor Kinnally: Unfortunately I must announce the death of long-time resident Joe Bassman, a member and former captain at the Uniontown Hose Company. He served as an active fireman for years in this community and will be missed. He was also a former member of the School Board, serving with former Mayor MacEachron. I would like to stand for a moment of silence and have a motion to adjourn in his memory.

ADJOURNMENT

On MOTION of Trustee Holdstein, SECONDED by Trustee Keaney with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting in memory of Joseph Bassman at 9:55 p.m.