

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
OCTOBER 19 , 1999**

A Regular Meeting was held by the Board of Trustees on Tuesday, October 19, 1999 at 8:10 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

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

**ABSENT:** Trustee Michael Holdstein

**CITIZENS:** Three (3)

**APPOINTMENT – LWRP CHAIR**

**Mayor Kinnally:** The first item of business this evening is to announce the appointment of the new Chair of the LWRP, Ed Weinstein. Ed has served on the LWRP since its inception, and I thank him very much for taking this appointment. I also thank the former Chair, Trustee Keaney, for serving so well and putting in the long hours to work with the Committee to get us where we are now.

**APPROVAL OF MINUTES**

**Trustee Keaney:** Page 8, correct the spelling of Phil Karmel's name.

On MOTION of Trustee DeVita, **SECONDED** by Trustee Walrath with a voice vote of all in favor, the minutes of the Regular Meeting of September 21, 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. 47-1999-00 \$ 43,844.28  
Multi-Fund No. 48-1999-00 \$ 78,687.26  
Multi-Fund No. 50-1999-00 \$188,085.96

**82:99 – VISION PLAN**

**Mayor Kinnally:** When we addressed this last time some questions were raised by members of the Planning Board asking for further clarification from the Village Attorney, Marianne Stecich. I have not gotten that information.

**Village Manager Hess:** I think Patricia Speranza was going to try and set up a meeting with the attorney. I am not sure that has happened yet, so I would ask that this be removed from the agenda.

On MOTION of Trustee Walrath, SECONDED by Trustee DeVita, the following resolution was removed upon unanimous vote:

**RESOLVED:** that the Mayor and Board of Trustees endorse the goals of “A Community Vision for Comprehensive Planning & Strategic Action Plan” prepared by the Planning Board as a document to provide guidance to the Board of Trustees for future legislative action.

### **88:99 – HUDSON RIVER ESTUARY GRANT**

**Village Manager Hess:** The Board has designated the acquisition of Marinello Cove as a top priority, and this will be our third grant application to different departments of the state for this acquisition. This would provide particularly good access for small boats and fishing. I recommend its approval.

**Mayor Kinnally:** I met with John Cahill, the Commissioner of the DEC, and I reviewed some of the applications for grants that we had submitted in the past but not received. I would send him a copy of this application with a cover letter from me reminding him this is something that we truly want.

I had a conversation today with one of the present owners of site, and inquired whether the site continued to be offered for sale, and they said it was. I expressed once again our interest in negotiating for the acquisition of that site.

**Trustee Keaney:** The Board has been strongly behind this acquisition for some time, and the LWRP took a very strong position in favor of it. It would really do wonders for our access to the water.

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

**RESOLVED:** that Neil P. Hess, as the Village Manager of the Village of Hastings-on-Hudson, New York, is hereby authorized and directed to file an application for funds from the Hudson River Estuary Program in accordance with the provisions of the Hudson River Estuary Management Act (11-0306 Environmental Conservation Law) in an amount not to exceed \$100,000, and upon approval of said request to enter into and execute a project agreement with the Hudson River Estuary Program for such financial assistance to this municipality for the acquisition of Marinello Cove.

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

**89:99 – TRAIL EASEMENT AGREEMENT**

**Village Manager Hess:** This is an agreement for a trail easement that was negotiated as part of the Trustees' and Planning Board's review of the Riverpointe Development project, and will provide additional access from Warburton Avenue, potentially the waterfront, across the Aqueduct, and up to Broadway. It is an essential part of the trailway system, as recommended through the Vision Plan and through the Planning Board.

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 authorize the Village Manager to execute a hiking trail easement agreement with Ginsberg Development, L.L.C. as described in the attached agreement.

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

**90:99 – SEWER EASEMENT AGREEMENT**

**Village Manager Hess:** This sewer ease agreement is in conformance with the review and approval of the Riverpointe Development, and provides for permanent maintenance access to the public sewer which will be on their property.

On MOTION of Trustee DeVita, 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 Manager to execute a sewer easement agreement with Ginsberg Development, L.L.C. as described in the attached agreement.

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

**91: 99 – PUBLIC HEARING ADMINISTRATIVE FEE SCOFFLAW NOTICES**

**Village Manager Hess:** We have the right by state law to charge an administrative fee for processing scofflaws. We have to pay the state for each series of notices that go to the state. We have the right to recover those costs. The Judge has indicated that the fee is appropriate, but would like it done after a Public Hearing, and resolution by the Board.

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 schedule a Public Hearing for Tuesday, Nov. 2, 1999 at 8:00 p.m. or shortly thereafter to consider a proposed administrative fee for scofflaw notices.

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

**92:99 – CLIFF STREET STORM DRAIN REPAIR**

**Village Manager Hess:** I would like the resolution amended to read, "...in an amount not to exceed \$19,950." I do not have the final proposals yet. We have a second bidder coming in. We expect to start this project next week. We do not want the project to exceed that amount. The estimate was approximately \$20 thousand, and we are hoping the second bidder will be lower. We will open up, repair the drain, repair the pipe, and get the street done in approximately three working days. The Board has discussed this and has been supportive of the project. I would like authorization to be able to move ahead.

**Trustee Keaney:** The total amount of the bid would not exceed \$19,550, but we are not approving any particular bidder right now because you said somebody was coming in later.

**Village Manager Hess:** We are waiting for a second bid, and if it comes in under that amount we are going to take the lowest bidder.

**Mayor Kinnally:** Why do we not just say, "...authorize the Manage to enter into a contract for the repair of the storm drain on Cliff Street in the amount not to exceed \$19,950.00."

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

**RESOLVED:** that the Mayor and Board of Trustees agree to enter into a contract for repair of the storm drain on Cliff Street in the amount not to exceed \$19,950.00.

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

**93:99 – CIRCLE DRIVE DRAINAGE REPAIR**

**Mayor Kinnally:** This is a project we had been talking about the last few meetings that came to our attention, especially in light of the heavy rains recently.

**Village Manager Hess:** We have looked at other areas where we have "bubblers," which are overflow catch basins. Concern was expressed that if we approve this change in this bubbler would it set a precedent in others? The answer is no. This is a situation unto itself. This is an area that has drainage piping within a relatively short distance, and can be accommodated.

This drainage basin would be removed altogether. There is no need for this basin because it takes in no water infiltration. The grating will be removed and the pipe will be extended down to Villard Avenue and connected to that storm drain. We recommend its approval.

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 accept the quote for the Circle Drive drainage project from Ricci Construction Corp., 1 Railroad Avenue, Hastings-on-Hudson, in the amount of \$9,000.00.

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

### **CHANGE ORDERS – MUNICIPAL BUILDING**

**Village Manager Hess:** This item was tabled at the last meeting so we have to consider it. You can to remove it from the agenda and set it for Nov. 2.

On MOTION of Trustee Walrath, SECONDED by Trustee Keaney, the Board decided by roll call vote to remove authorization for the change orders for the Municipal Building from the agenda, and set it for action on Nov. 2.

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

### **VILLAGE MANAGER'S REPORT**

**Village Manager Hess:** Regarding the Municipal Building, the contractor that we discussed several weeks ago has been here diligently every day, as well as the architect, to insure that the work is completed. The new generator has been installed. The furniture deliveries are imminent.

Southside Avenue: The contractors will not receive the bases for the lights until Friday; they will set bases, lay the conduit, and do the pouring next week. We are hoping to see substantial progress next week. We received pre-construction pictures from both the contractor and the engineer inspector. We expressed the Board's concern relative to the stability of the wall to both the engineer and to the contractor. The engineer, in turn, has sent a letter to the contractor.

Villard and Whitman: When we opened up the street we discovered that Con Ed, years ago, had put in gas pipes in the same excavations, which are not proper. It was necessary for Con Ed to do additional excavation for the gas piping. There is a lot of rock to be removed so we are laying only about 18 feet per day. The engineer says we have another four weeks there. For a very small job it has been very frustrating.

**Trustee Keaney:** Has Con Ed taken responsibility for the extra cost involved here?

**Village Manager Hess:** Yes. They have hired the same contractor and pay him directly.

Draper Park Roadway, on the other hand, has been a delight. We ran into no rock whatsoever, although we expected to encounter some. That contractor will be done within another seven or eight days of work. We are removing the old, rusted fence on the west side of the driveway, east side of the park. Replacing the fence was outside the scope of the project, but we will probably have that done next year as part of the improvements.

**Trustee Keaney:** The 1999 Committee planted a historic sycamore tree in Draper Park, and there is wooden staking around it but it needs a chicken wire fence to protect it from animals.

**Village Manager Hess:** Jim was the one who donated the tree to the 1999 Committee, and to the Village. He should be recognized for that.

We should consider whether parking will be allowed at night for residents along the roadway, I will put that on the agenda for discussion Nov. 2.

**Mayor Kinnally:** Please notify the people in the neighborhood.

**Village Manager Hess:** I want it referred to the Safety Council and the Parks and Recreation Commission.

We are going to do additional trimming behind the Municipal Building, behind the library on the south end, and also on the west side of Draper Park. I hope we will be able to complete most of those this fall, or if not then in the spring. We have discussed opening up views to the Hudson in various parts of the Village, and these are good places to start.

The Village's 120<sup>th</sup> birthday party will be at the Riverview on November 13. Everybody is invited to attend. We will have the rededication of this building the same day. The initial dedication of this building was done in November, 1929, so this rededication will be November, 1999.

**Trustee Walrath:** Is there a possibility of a change order on that sidewalk off Southside?

**Village Manager Hess:** We may have to have that small portion surveyed. Beyond that, Suzette Lopane would prepare a change order, which she would provide to the contractor; he would give us a price, and then we would negotiate a price on the change.

**Mayor Kinnally:** Have you heard anything further from MetroNorth to get the permit necessary to do the improvements on their land?

**Village Manager Hess:** No. We have left several messages.

## **BOARD DISCUSSION AND COMMENTS**

### **1. Waterfront**

**Mayor Kinnally:** We will continue to pursue the acquisition of Marinello Cove. We have received a gift from Martin Ginsberg, Ginsberg Development of \$25 thousand to go toward the \$100 thousand fee of RPA.

**Village Manager Hess:** RPA has submitted a grant application to the Westchester Trust Foundation.

**Mayor Kinnally:** Once we get clearance on that I will be back to ARCO, RPA, and the LWRP, and see when we can go forward with the community-based planning. I am also working with both ARCO and the DEC on the bulkhead reconstruction and on the issue of the demolition. Have we got a formal application from ARCO yet?

**Village Manager Hess:** Not as of yet.

**Mayor Kinnally:** I will call and find out where that is because time is going by. We would like to get the work started on that. I got a commitment from the DEC that they would work in tandem with us so that there is not an exceptional delay in getting DEC sign-off on it.



Austin Avenue and Sprain Road: The Thruway Authority has said they would allow the road to be used but they are not going to maintain it, so they have to get a third party to maintain the road. I have had a number of discussions with the County Attorney and Mayor Spencer in Yonkers. I am hoping to sit down with the mayor after Election Day to go over some of the things that are on the drawing boards now. There is informal discussion about the possibility of building another access to the site from 9-A in an area which would be in the Town of Greenburgh just north of Austin Avenue. One of reasons I had contacted the County Attorney was to make sure that the Village had a seat at any table where people were discussing any new access road. We are not a party to the lawsuit at this point, but certainly we are an interested party.

The Village has filed an answer in the Cropsey litigation brought by the Hudson River Museum, and filed papers in opposition to the motion by the School Board to enjoin the showing of the painting at the current exhibition at the Museum, and also to mandate that the painting be seized and returned to the School Board. Our position has been that the conveyance, or the transfer, was to the school district but that the intent was that the painting remain in the Village and that whoever holds the painting—either the school or the Village—would hold it as a trustee for the benefit of the people in Hastings.

**Village Manager Hess:** We have scheduled a joint meeting with the Board of Education.

**Mayor Kinnally:** That meeting is scheduled for November 9. Undoubtedly, the question of the painting will be a part of it. Whether we will be able to discuss it as Boards because of the pendency of litigation depends upon how that litigation stands.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee Walrath, SECONDED by Trustee Keaney with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 9:00 p.m.