

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

A Regular Meeting was held by the Board of Trustees on Tuesday, December 14, 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 Michael Holdstein, Trustee David Walrath, Village Manager Neil P. Hess, and Village Attorney Brian Murphy.

**APPROVAL OF MINUTES**

**Trustee Holdstein:** I was present, despite not being listed. So I would like an addendum.

On MOTION of Trustee Holdstein, SECONDED by Trustee DeVita with a voice vote of all in favor, the minutes of the Regular Meeting of November 16, 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. 57-1999-00 \$ 27,543.25  
Multi-Fund No. 59-1999-00 \$ 79,261.84  
Multi-Fund No. 60-1999-00 \$ 93,038.61  
Multi-Fund No. 61-1999-00 \$209,367.91  
Multi-Fund No. 63-1999-00 \$ 5,070.79  
Multi-Fund No. 64-1999-00 \$ 57,357.72  
Multi-Fund No. 65-1999-00 \$183,593.33

**103:99 -- STOP- DWI PATROL PROJECT REIMBURSEMENT CONTRACT**

**Village Manager Hess:** This program provides reimbursement for overtime in the police department in our speed control and Stop-DWI programs. This year the contract payment is \$11,400. The contract specifies the elements of the project and the reimbursement method. It is essentially the same contract we have had for several years.

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 Manager to execute the 2000 STOP-DWI Patrol Project Reimbursement Contract with Westchester County in the amount of \$11,400.00.

<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	

**104:99 PHASE II AND III TO OPPOSE UNITED WATER OF NEW ROCHELLE RATE INCREASE**

**Mayor Kinnally:** This is part of an effort that the Village has undertaken with other municipalities to oppose a rate increase application made by United Water. I think it is a good proposal.

**Village Manager Hess:** The cost of this section of the consortium's costs for us would be \$3,840. The consortium includes New Rochelle, Eastchester, Dobbs Ferry, Tuckahoe, Hastings, Bronxville, Pelham Manor, Ardsley, and Greenburgh. Our percentage of the cost is six percent, based on the number of gallons used in the Village. Our cost for hydrant rental would double under the proposal. We pay about \$95,000 a year, which is equivalent to about \$2 in the tax rate. That would double to about \$190,000 a year. In terms of the consumers in the Village, the quarterly rate would double. The rate increase proposed by United Water is significant, and we join these other communities in opposing that rate increase.

**Trustee Holdstein:** Irvington is not part of the consortium.

**Village Manager Hess:** No, they have their own water system.

**Mayor Kinnally:** The analysis from our consultants indicates that the proposal would increase costs 57.05% over three years; there is an extension out to ten years, with the average increase over the ten-year period of ten percent a year. We would see our rates at least double, with no corresponding increase in service or upgrade of any equipment, etc. It is more efficient, and certainly cheaper, for us to enter into a consortium to oppose than to have each of us go our own separate way.

**Trustee Walrath:** A large portion of this is driven by improvements they claim are needed to the system. There is room to argue on a number of them. They are talking about a lot of main replacement, and I saw nothing that indicated they had done a cost analysis against just cleaning them and relining them versus total replacement. One of the big things that is staring at us is that the New York City Croton supply is going to have to be filtered. They presently have the capacity to give us Catskill water also, and I do not think there is a filtration plant in here. But if that comes, it would make it a great deal more costly.

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 approve participation in Phase II and Phase III of the consortium effort to oppose the rate increase proposed by United Water of New Rochelle at a cost not to exceed \$3,840.00.

<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	

### **SAFETY COUNCIL REPORT**

**Mayor Kinnally:** We are in receipt of a report from the Safety Council. A meeting was held November 15. Previously, we had been in receipt of correspondence from citizens outlining suggestions for changes in traffic patterns, sidewalks, etc.

**Tom Hogan, 11 Clinton Avenue:** I and other residents of the Clinton/Ravensdale area attended a meeting in April, and I was told this was presented to the Board in writing in April, not November. There was a request for a traffic study in anticipation of Sprain Road being opened.

**Mayor Kinnally:** We had two meetings where we discussed traffic patterns in your area. The most recent meeting was in response to that written request.

**Mr. Hogan:** Our concern is that this Board did nothing to protect us from the opening of Sprain Road.

**Mayor Kinnally:** The Village worked closely with the Town of Greenburgh. I was in at least weekly contact with Rick Turner, the Village Attorney in Greenburgh, to discuss strategy. I had communications with Ardsley. I spoke at a meeting of the City Council in Yonkers, and had a number of conversations with Mayor Spencer in Yonkers. I met with Senator Spano. We stayed out of the litigation at the concurrence of the Town of Greenburgh, for many reasons, but certainly the Village was there, and monitored the litigation. We were involved in it as best we could become involved without becoming an active litigant.

**Mr. Hogan:** The residents of my neighborhood want to know why this Board did not make an official appearance at any of these hearings where Sprain Road was being contested. There was no official presentation, or participation. That is what we are concerned about, because we are starting to feel it now and we are going to feel a lot more when the rest of these places open: Home Depot, the hotels, the theaters. The whole east side of Hastings is affected by this and we feel rather deserted.

**Village Manager Hess:** The original EIS did not contemplate Sprain Road being used for anything other than supplemental. The Mayor appeared at the hearing in Yonkers.

**Mr. Hogan:** Has any member of this Board met with any representatives of the Austin Avenue development or any of the stores that are in that development either in a private or an official manner?

**Mayor Kinnally:** All of our contacts have been through the governmental process, not with any of the owners: with the state, the Town of Greenburgh, the City of Yonkers, the homeowners, the associations at St. Andrews, Boulder Ridge, Donald Park, Clarewood, the 9-A Coalition, with Nick Spano and Assemblyman Brodsky. We had a number of meetings in the Municipal Building and also in the Harmon Community Center on this.

**Mr. Hogan:** The biggest problem is why Hastings is singled out as not participating in the official hearings when we are so directly affected by it?

**Mayor Kinnally:** This goes back as far as when Terry Zeleski was mayor in Yonkers. I can remember one conversation in particular, when I told him we would be scared to death if anything is going to happen to Sprain Road. His response was, Sprain Road will not open.

Everybody was blind-sided on this. One of the problems was the Town of Greenburgh ceded its property back to the state. Once that happened, it was all put in play.

I think a number of mistakes were made. I do not think, in retrospect, it was very wise for the town to gamble in that way. I was disappointed in the City Council in Yonkers for looking at the alternatives and opting to open that road, and I thought the entire litigation and the way it came out on both occasions in White Plains in Supreme Court was a disaster.

The Village is trying to anticipate what the next moves are going to be, and to work with the county, the town, the other villages, our elected officials in Albany, and the Department of Transportation to come up with an alternative. Before the decision was made about opening Sprain Road I told the county attorney that if this proposal is going to be pursued the Village anticipates that it will have a seat at the table, and will get involved at the initial stages on the planning of that road and its impact. This is a regional problem needing a regional solution that will address the traffic coming from all directions. We cannot, as I said to the City Council in Yonkers, bear the brunt of the traffic to and from that site. Even another road that will come off onto 9-A still affects us adversely because 9-A is not built to handle the volume that will be generated when the site is in full operation. One of the concerns I have is the tie-in of that road, if that road ever comes through, with the Saw Mill, and what any intersections are going to look like on the Saw Mill.

**Mr. Hogan:** We have a severe problem with the parkway exits. Is it within our jurisdiction to make a local street one-way?

**Mayor Kinnally:** Yes, it is.

**Mr. Hogan:** That is why I am here tonight. We need some relief before it becomes a problem where cars are crashing and people are getting run over.

**Village Manager Hess:** Meg Walker, at our request, has developed a group. You are going to be contacted, as well as other people in some other neighborhoods, on the effect on...

**Mr. Hogan:** We are getting a car count. We have had that before on that street. But we need a detailed traffic study.

**Village Manager Hess:** A detailed traffic study comes out of counts. They had a preliminary meeting today with the police department and they met with Greenburgh last week to get the counters set up. They are planning to have representatives from each of the neighborhoods affected by the parkway areas to develop some recommendations. Possibly

some one-way streets will be recommended. The charge the Board gave them was to look at closing a number of parkway entrances and exits because of Sprain Road specifically. There was a request to get the DOT to put in additional signage, which they have completed, to direct people away from Hastings and on the parkway off Saw Mill River Road. I talked to a couple of the neighbors on both Clinton and Stanley. They felt that since the signs went up they have seen an improvement. We have to look for permanent solutions for the area. Those signs are kind of a Band-Aid approach.

**Mr. Hogan:** There always has been a pattern of the southbound traffic on the Sprain using Jackson Avenue to gain access to the southbound Saw Mill Parkway, which gives them access to the west side of Yonkers and the west side of Manhattan. Now we have the added burden of the shopping center, which maybe people have not caught on yet but they certainly will catch on, that this is the short way. That is why I was so interested in that traffic study being done in April.

**Trustee Holdstein:** What would be your suggestion for one-way streets?

**Mr. Hogan:** You would have to make Clinton Avenue one-way south so it would not be a good way to get on the parkway. You would have to make Stanley and South Clinton one-way north, or at the other end make it no-left-turn. After a while people would realize it is not a shortcut if they have to wander all over.

**Trustee Holdstein:** The people that live on Clinton, Stanley, and South Clinton would all be in favor of a one-way street?

**Mr. Hogan:** I doubt if all of them would. You would never get all the people to be in favor of anything.

**Trustee Holdstein:** Would it be over 55%?

**Mr. Hogan:** If it was presented and explained what it was doing for their streets, yes. My street would be one-way. It would not bother me. Somebody has to sacrifice somewhere to cut the flow of traffic.

**Village Manager Hess:** We had a discussion on this last summer, after we got the Safety Council report. A number of residents were from the entire area: Kent Avenue, Ravensdale. Their point was the one-ways would push the traffic up to Kent Avenue, down Ashley, over to Farragut. That is why probably the most effective way to deal with the traffic is the entrances and exits on the parkway.

**Mayor Kinnally:** We will go back to the DOT with the suggestion that they close them because I think we have a better argument now that there will be a greater volume of traffic.

**Mr. Hogan:** Are you familiar with the Scarsdale area, and the Bronx River Parkway on the north end? They made streets one-way during certain hours, and it is not a shortcut anymore out of White Plains coming down 22 and jumping on. Why can't we do something for our neighborhoods? People on Clinton and South Clinton and Stanley, who pay the same taxes as somebody on the other end of town which has very little traffic, deserve the same consideration.

**Mayor Kinnally:** I agree with you, but whether it is easy or hard to get consensus on one-way streets, I would not want to ask the state to close all these exits after putting up the one-way signs, because they will tell us we have alleviated the problem. I would rather go to the state and say that we have a problem we cannot solve, and the only solution is to put all the traffic in the one intersection that is built to handle that volume of traffic, Farragut Parkway, and not give them an alternative.

We have to get everybody involved, because last spring we were considering a change, and neighbors south of you said this is not going to work because you are dumping the problem from the other streets onto our streets. I do not want to do anything piecemeal. I want to make sure that everybody has a say in what is being contemplated and that people know the rerouted traffic is going to affect them, and see if we can reach some kind of consensus.

**Mr. Hogan:** If I sound frustrated it is because we went to these meetings in April before Sprain Road was opened, and the Safety Council told me and my neighbors that this was presented to this Board in April, but nothing happened until last week.

**Mayor Kinnally:** We did consider it. We had at least two hearings about this.

**Trustee Walrath:** We are trying to get all of the groups together, get the data, and see if we can get the best solution that we can carry out within the Village for all people concerned.

**Trustee Holdstein:** The next step by this Board ought to be a full-court press with Senator Spano and the DOT and its new regional director to close the exits on the Parkway. We are the only Village on the parkway that has four exits. Regardless of what we decide down the road as a regional group of villages, that should be the full-court press now. That solves a lot of problems. Then we can sit down with everybody else, and talk about other issues.

**Mayor Kinnally:** This is not going to happen fast-track. This is going to require a SEQRA review and an Environmental Impact Statement, and all that goes along with it. You are talking about at least a year, because you are going to have to study the effects not just in Hastings but also in Dobbs Ferry, in Greenburgh, in Yonkers because there is a rerouting of traffic.

**Mr. Hogan:** Why can't we put up some temporary no right-hand, no left-hand turn between certain hours? That is what is in our jurisdiction.

**Mayor Kinnally:** Yes, we could. When we considered them after the hearings, other people from the community objected because it would divert traffic to their area.

**Mr. Hogan:** Do you need a referendum to put a sign up?

**Mayor Kinnally:** You have to have a public hearing.

**Village Manager Hess:** If you push the traffic to Ravensdale and Farragut Avenue, you have no traffic control there. That is a very difficult intersection. It operates at a level of either "D" or "F" now. Until this group finishes their study, I would have a problem recommending to the Board that they take that kind of action. We need to come to an agreement with all the neighborhoods.

**Phyllis Zahnd, Nine Hastings Landing:** I was also at the Traffic Safety Council meeting. The minutes that were written up misrepresented what our group was trying to present. I have a new set of minutes and distributed them. This is what we discussed, and what I felt was agreed on that night.

**Mayor Kinnally:** We have seen this.

**Ms. Zahnd:** The Parent's Safety Committee has taken the position that we need to have a thorough traffic study in all of Hastings which includes pedestrian traffic as well as vehicular traffic. When are we going to do a traffic study, what kind of a traffic study are we going to do, and what are we hoping to gain from a traffic study? What safety issues are we looking to enhance in our town? I am here to discuss pedestrian traffic because if we do not talk about pedestrian traffic then we are putting our children at risk. Many students use Broadway. Broadway should be a single lane, as it is in many other of our neighboring towns, and we can use the extra space to put in a sidewalk or a bicycle path and a sidewalk.



**Mayor Kinnally:** In connection with the Andrus application we are looking at making that area around Andrus one-way to address exactly what you are talking about. I do not know about adding two bicycle paths or sidewalks. We have to look at it. We put in a walking path on the northbound section of Broadway about five or six years ago.

**Ms. Zahnd:** I feel it is not safe to walk on that path on Broadway; the cars come too close.

**Trustee Holdstein:** Why are the students going to Olinda when they can walk across school property at the Burke Estate.?

**Ms. Zahnd:** It is a wooded area. It is somewhat isolated. Not all kids feel safe walking there, especially the younger ones.

**Trustee Holdstein:** Why not create an access to a school-owned property that is safe and monitored?

**Mayor Kinnally:** That is a school board issue.

**Trustee Holdstein:** I agree. But again, part of the dilemma is the old *Pogo*: "We've seen the enemy. The enemy is us." There needs to be peer pressure among all of us to tell our neighbors and our co-parents to slow down and be more careful. Maybe some volunteer parents would take it upon themselves on a daily basis to make sure that our kids can cross the Burke Estate from that point on Broadway over to Farragut safely. Part of the responsibility has to be with all of us who are parents and citizens in Hastings.

**Ms. Zahnd:** I agree with you, but I do not think that the issues are so clear cut that we can all come to the same conclusion as to how to be safe and still get to where we are going in a reasonably efficient manner. There are no procedures for traffic around the school and there is much confusion. It might be a good idea to create a path going through the Burke Estate.

**Trustee Holdstein:** There are some procedure at the high school, but they are often violated by parents who have the same concerns for their own children but perhaps are not thinking a little more globally about everybody's children.

**Ms. Zahnd:** How do we stay in communication so that I can follow what you are doing?

**Mayor Kinnally:** We meet twice a month here. We are all accessible by phone. I have voice mail in the Village. You can call and leave messages. You can drop off notes for the manager or for us: we get all of it. Communication has never been a problem.

The way to work is through the Safety Council because we have representatives from throughout the Village on the Safety Council. If you feel that certain actions should be taken and the Safety Council is not following up on it, or the minutes do not accurately reflect what the consensus was, then you will let us know. Any changes in traffic patterns or whatever are always subject to public hearings by the Board of Trustees.

**Village Manager Hess:** There were a number of recommendations made by the Safety Council, none of which require local legislation. They are recommendations for informational signs, for increased enforcement in certain areas, and investigation of the possibility of a three-way stop on James and Crossbar.

**Trustee Walrath:** The Safety Council has not been responsive to the requests that we have an overall study. I see nothing in their minutes that indicates they believe we need any further study, and I believe we do of safety around the school. I would like to get it so children could walk to school safely.

**Village Manager Hess:** If people find out it is going to cost them an average of \$1,000 to put a sidewalk in front of their house, I think that information has to get out also.

**Trustee Walrath:** We need both a traffic study, and a study of where we need pathways that would get people to school. I suggest we find out which ones need to be maintained for children to be able to walk to school year-round, including plowing in the winter.

**Mayor Kinnally:** Maintained by whom?

**Trustee Walrath:** That is what we need to study.

**Trustee Holdstein:** I know there are some residents here from James Street. Why is the recommendation for a stop sign at Crossbar rather than at the end of the street?

**Gary Albanese, 114 James Street:** I believe the reason for the sign was to slow the speeders that are doing in excess of 50 miles an hour down James Street.

**Michael Bazigos, 42 James Street:** I am at the intersection of Crossbar and James. One intent is to mitigate the speeding on James Street. It is exacerbated by the clear shot that you get once you get past Bevers. If you are going southbound on the left side, there is a long stretch of non-residential property and people pick up speed.

There are three 3-year-olds around that area. I am the father of twin three-year-old girls. We sit right on top of that intersection. Because we have a graded driveway, I am afraid that if

conditions are slippery one of them could slide down into the street at people driving in excess of 25 miles an hour, which is almost always the case.

There are some sloping peculiarities around James Street and Crossbar that heighten the risk especially when there is black ice in winter. The proposal of putting a three-way stop sign on James and Crossbar does not obviate another suggestion that was made, but maybe did not get recorded into the minutes of the Safety Council, to put one on Bevers as well. The more the better. The more you can chunk up people and compel their compliance to the 25 mile per hour speed limit the better it would be for everybody involved.

**Village Manager Hess:** The minutes I sent you had the recommendations from the Safety Council, not all the discussions or all the requests.

**Mr. Bazigos:** How do we keep the process rolling forward?

**Mayor Kinnally:** The Board would have to give notice of a public hearing, have the hearing, and then have discussion and consideration by the Board.

**Mr. Bazigos:** Will we know, after leaving this meeting tonight, if you are going to recommend a public hearing?

**Mayor Kinnally:** I do not know what the Board is going to do.

**Joe Rodriguez, Safety Council Chair:** The Safety Council recommends that we put in traffic devices to measure the amount of traffic and the speeds on that street. After we have this information, then we should look at to see if we have a problem, and then bring it to you and see if you feel a stop sign is going to alleviate the problem. I think enforcement is probably the key rather than adding stop signs to every corner.

**Tina Albanese, 114 James Street:** I am happy that the Board is taking a look at this serious issue. I have lived in Hastings for a long time, although I have only lived on James Street for the last six months. Because of this traffic situation, my property is driven on constantly every day. There is screeching and halting of vehicles and excess speed. Three accidents have happened to my vehicle. This is a serious situation. I just wanted to thank you for looking into it.

**Mayor Kinnally:** We have a lot of anecdotal information here. We are probably going to defer to the Safety Council to coordinate a number of these things. The police chief will work with you on the issue of traffic studies. The appropriation has to come from the Village Board, and we will be considering that.

**Mr. Rodriguez:** On Broadway and the sidewalks, I met with Meg Walker, the Chief, Mr. Walrath and a few other individuals. Meg has some thoughts on ways to try to alleviate the problem that exists there. We are going to try to possibly approach Andrus and other landowners in that area.

**Mayor Kinnally:** We have looked at the question of sidewalks in a number of areas in the Village. Geographically it is difficult to have a stretch of unimpeded sidewalk in this Village. One of the concerns we had in putting in the pathway on Broadway was how to differentiate for both pedestrians and drivers where the road ends and where the pathway begins. There are no curbs. There are a lot of trees and outcroppings which preclude doing a straight cut and putting in a sidewalk. On Far Lane, for example, there is no way of building a straight run on one side of that road. I do now see how a traffic study is going to address an issue of how you can build a sidewalk in an area that has rock or stream in it.

**Speaker:** I can understand that there are challenges, and some things, maybe, just cannot be done. But at this stage we need to know what should be done. And then at least we know where with stand in terms of whether we are halfway, two-thirds, of the way in terms of creating a safe situation for all the citizens of the community.

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

**Village Manager Hess:** We finished pouring on the east side of Southside Avenue yesterday. We are now working in the area of the Con Ed lot. We will be proceeding to the commuter lot over the next week depending on the weather.

**Mayor Kinnally:** It seems to me the finish in front of Maud's was better than the west side of the street.

**Village Manager Hess:** We have not accepted any sidewalks yet. We will make a determination. We may have them rip out the sidewalks on the west side and re-pour those.

Whitman Street: all the piping is completed and finished. We should be completed, and out of there, by next week after cleanup and paving. That has been a long and arduous project.

We received bids on painting and carpeting of the Community Center. It was determined that the tiles under the carpet have asbestos content, and that if we remove those tiles before putting down the carpeting it is going to be an extremely expensive proposition: anywhere up to \$22,000. It is not a health concern unless you start ripping out the tiles. We are having an analysis done by Hygienics to determine whether we can cover over the old carpet with

new carpet. Since we are going to be looking at a total renovation of the Community Center in three years, the idea of spending that kind of money does not make economic sense.

We are working on the 2000 budget. We will be sending out budget worksheets shortly to all departments. If the Board has any new programs or initiatives it wants us to take a look at, please let me know.

We are also working on an updated new capital program for 2000 through 2005. All the Village departments have submitted information for consideration, and I hope to have a proposed program to you by the end of January.

We have an item that we will be discussing in Executive Session tonight on some proposed settlements on three *certiorari* matters. There is a new law which we just received information on from the Conference of Mayors which goes into effect January 1st relative to the filing of Zoning Board minutes. If the Board wishes to have Zoning Board minutes continue to be filed through the Village Clerk, then we would have to pass a resolution designating that. I would suggest that we maintain that situation as opposed to having them filed in the Building Department, which would be the option under the new law. I would like to request a special meeting for next Tuesday for those two items.

We are 17 days away from the New Year, and what is being called the "Y2K Bug," or "Millennium Bug." We have established a hotline for anybody who has any kind of concerns or questions relative to Y2K, and that is to Rafael Zaratzian, who is in charge of technology and behind the camera now. That is 478-3400, extension 615. We are totally Y2K-compliant. We have contacted out vendors, who have indicated Y2K compliance.

### **SPECIAL MEETING**

On MOTION of Trustee Walrath, SECONDED by Trustee Holdstein with a voice vote of all in favor, the Board voted to hold a special meeting at 8 p.m., December 21, 1999 in the Municipal Building for consideration of *certiorari* settlements and for the filing of Zoning Board of Appeals minutes.

### **EXECUTIVE SESSION**

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

### **BOARD DISCUSSION AND COMMENTS**

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

**Mayor Kinnally:** We are in receipt of certain information concerning a demolition plan that has been filed by ARCO. There will be a public hearing on that application on January 18, 2000. I urge people in the community to hear what the application is, and to discuss it with the Board and with ARCO.

**Trustee Walrath:** I have been in touch with Pirnie on the question of the bulkhead and its useful life. They referred me to the people who worked on the bulkhead for the Irvington Waterfront Park. They had a situation where they could use riprap. I do not think we can because we would have to encroach further into the river.

## **2. Sale of Excess Village Property**

**Village Manager Hess:** We had sent letters to all the neighbors that this was on the agenda tonight.

**Mayor Kinnally:** Trustee Holdstein asked why would we go to a bid process, where it is not required. My response is that this is the policy of the Board. We have set an upset price and we bid it. I see no reason to change from that. I would like to have some discussion among members of the Board at this time.

Mr. Kahn, your application is fairly straightforward: you want to buy 0.6 acres of property. Concerns have been raised by people, adjacent landowners, as to any improvements to be made on that property if that will adversely affect property, especially downhill. Counsel has provided us with an opinion as to what type of restrictions, or encumbrances, we can put on the property to tie it up in the future.

**Village Manager Hess:** It has been the Village policy, Trustee Holdstein, for at least as long as I have been here that Village property is not sold privately. It is sold by sealed bid or actual auction.

**Trustee Holdstein:** But, based on what I read here, it does not say we could not sell the property privately.

**Village Manager Hess:** The attorney stated "...a municipality can convey property and create easements which are not inconsistent with the general ownership of property." Just because we can convey property, he did not get into the method by which we convey the property. A

municipality, as far as I know, cannot sell privately except to another municipality or to another public entity.

**Trustee Holdstein:** It says, "...the Village may use its discretion to determine the method of sale."

**Village Attorney Murphy:** A recent Attorney General's opinion came down, and indicated that a municipality can determine how it disposes of such property. That does not prevent a municipality from setting a general policy as to how it will dispose of real property.

**Mayor Kinnally:** So we could do it at a private sale?

**Village Attorney Murphy:** That is conceivable, yes. However, the fiduciary duty of the Board is to determine the best way to determine the best price.

**Mayor Kinnally:** Certainly, we have to realize as high a price as possible.

**Mayor Kinnally:** Let us assume the Board was in favor of disposing of this property. What do we do next?

**Village Manager Hess:** We would have to put notice out as to a sale date. I still need terms and conditions of the sale. Right now we have an upset price that we have received from the Village Assessor of \$2,500. We have to determine whether it is a public bid process or sealed bid process, and determine the condition on the date of the sale. We would have to, advertise it. We would, again, notify the neighborhood.

**Mayor Kinnally:** My suggestion would be that counsel prepare terms and conditions for our consideration, and that we put this on the agenda for the first meeting in January.

**Trustee Holdstein:** First question is, Can we put in any stipulations or conditions that we choose?

**Mayor Kinnally:** That was the subject of the memo from counsel as to what encumbrances and restrictions we can put on there. We are limited.

**Trustee Holdstein:** How do we determine notices?

**Village Manager Hess:** All we normally do is put it in the paper. In this case we sent out notice because one neighbor came to our meeting and expressed some concern about it. So they received the notice. Normally, all we do is notify the adjacent property owners.

**Mayor Kinnally:** I would send out a similar notice next time.

**Trustee Holdstein:** Mr. Kahn, how long have you lived in your property?

**Bob Kahn, 82 Pinecrest Drive:** Eight years.

**Trustee Holdstein:** How is it maintained? Is it open yard grass, is it wooded, what is the site right now?

**Mr. Kahn:** It is wooded. There is a tree that has fallen down and is resting on another tree. I was thinking of asking the town to take it away. But if I buy it, I will take it away.

**Trustee Holdstein:** So it has required no maintenance over the eight years you have been there.

**Mr. Kahn:** No maintenance.

**Trustee Holdstein:** And have you discussed it with your immediate neighbor to the other side of the property?

**Mr. Kahn:** Yes.

**Trustee Holdstein:** They had no interest?

**Mr. Kahn:** I do not think they are interested. They are about 30 feet higher, or 40 feet higher, than the property. It does not seem to be of much use to anybody else but me.

**Trustee Walrath:** One of the concerned neighbors on Warburton indicated that you were willing to forego any development in that area once it was joined with your lot. Are you quoted correctly there?

**Mr. Kahn:** I am opposed to deed restrictions in principle because forever is a long time. I cannot imagine that anything more than a gazebo could be built on that property, considering setbacks. I have no intention of building anything. I just want to have a little bigger lawn. I would not be happy with restrictions.

**Trustee Walrath:** But you would not be willing to accept that?



**Mr. Kahn:** The people that are interested in restrictions think there is a drainage problem which emanates from the properties above them down to them, and I have been cooperating with them and trying to work with them. And I cannot see a relationship, but maybe there is. I do not know.

**Mayor Kinnally:** We will see you on the 4th?

**Mr. Kahn:** Yes.

### **ADJOURNMENT**

On MOTION of Trustee Keaney, SECONDED by Trustee Walrath with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:15 p.m.