

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 24, 2006**

A Regular Meeting was held by the Board of Trustees on Tuesday, January 24, 2006 at 8:50 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

**PRESENT:** Mayor Wm. Lee Kinnally, Jr., Trustee Bruce Jennings, Trustee Marjorie Apel, Trustee Peter Swiderski, Village Manager Francis A. Frobel, Village Attorney Brian Murphy, Village Planner Angela Witkowski XXX, and Village Clerk Susan Maggiotto.

**CITIZENS:** x (x).

**PRESENTATION - POLICE DEPARTMENT MANUAL**

**Mayor Kinnally:** The first item of business this evening is a presentation by our police chief of a police department policy manual that he has been working on for a number of years. Chief, welcome. The floor is yours.

**Chief O'Sullivan:** Mr. Mayor, members of the Board, I have been working on upgrading the policy and procedure operations manual for the Hastings Police Department. The New York State Department of Criminal Justice Services has 130 standards that a department must meet in order to achieve accreditation. This manual has been written to comply, and be in conformance, with all of those standards. It is the first step in a process, and I think that step is complete. I would like to present it to the Board.

**Village Manager Frobel:** Thank you. Because the document is large in size, what I gave the Trustees in your packet over the weekend was simply a copy of the table of contents and some background information about what a manual is designed to accomplish. But we also have copies to take with you, if you would like to look through it. I have a copy here that I will loan to a member. And Chief, do you have a couple of extras for the Trustees?

**Chief O'Sullivan:** I have some downstairs that can be made available.

**Village Manager Frobel:** Our thought also was, tonight, if the Chief could talk very briefly about the New York State Police Accreditation Program and why this manual is really the first step towards reaching that goal, I would like him to talk a little bit about what that process can represent both in terms of raising the professionalism of the department, adding an increased element of pride, and being good citizens in the sense that we will affirm in the citizen's mind that our policemen have a set standard of procedures that they will follow

when they come in contact with almost any event. So Chief, why don't you talk about accreditation.

**Chief O'Sullivan:** Yes, sir, the accreditation process is designed to enhance the department's ability to serve the people. It starts off with procedures that are designed to enhance our own effectiveness. There are parts that are designed to enhance our interaction with other departments. There are policies that designate how we do a recruitment selection, background check, training for officers. And the final part is, we have a team of outside experts come and audit the entire department and they assure that everything is done according to the way it should be done. That should enhance the public's confidence in our ability to do the job the way we do it.

**Village Manager Frobel:** How long do you envision that process will take, Chief?

**Chief O'Sullivan:** According to them, we have to have the manual adopted, we have to do training on it, and they have to be in effect for three months before we can call for an inspection. So I would expect realistically we would be able to call for an inspection within the next six months, and then it is a matter of when they would be able to get to us.

**Village Manager Frobel:** Now, is their annual updated?

**Chief O'Sullivan:** No, reaccreditation is every five years.

**Mayor Kinnally:** Chief, what do you see the timetable being between now and that time when we can call for an inspection?

**Chief O'Sullivan:** Well, the policies have to be in place for three months. They have to be in operation. We have to prove that we are going according to them.

**Mayor Kinnally:** But how do we get to the policies? I mean, what would you like from us in that period?

**Chief O'Sullivan:** Once the Board approves the manual I will issue it. It will be effective probably two, three months after that. That will give us time to go through the training process with all the officers, get them used to it, give them the knowledge of what is in it. Once that is done, we can call for an inspection. So I would say, hopefully, within the next four or five months we should be able to request the inspection.

**Mayor Kinnally:** Okay, and the manual is finished now for our review? What about counsel's review?

**Chief O'Sullivan:** I gave a copy to counsel, I gave a copy to the Village Manager. There are several policies that were already in effect. They had been approved earlier by the Village Attorney and the Manager and the Board, and the Village's insurance company. That was a requisite, a time back, that had to be done.

**Trustee Swiderski:** Is it available in electronic format?

**Chief O'Sullivan:** Yes, it is on the computer. Raf was showing me how to make it electronically available.

**Trustee Swiderski:** And I vaguely remember at one point, not that money drives everything, that one of the factors here was that this can result in lower insurance?

**Chief O'Sullivan:** Yes, sir. I do not have exact amounts. I understand we already have saved some because of the policies that are in place. But it increases the amount of training that we are required to do. And, in essence, the very things approved by the state, that is, the way things should be done, I believe it does result in lower costs for insurance.

**Trustee Apel:** How can we tell which policies? I was just looking at the table of contents. Which ones have already been approved and which ones still need to be approved?

**Village Manager Frobel:** We are viewing it as a package, one manual.

**Trustee Apel:** Okay, but he said some were specifically individually approved.

**Village Manager Frobel:** Some are already in effect, Chief.

**Chief O'Sullivan:** Yeah, the ones that were already approved, I believe, were our use of force policy, our firearms policy, our vehicle operations, our arrest procedures, our treatment of prisoners, things of that nature that would be very litigious.

**Trustee Apel:** So we have to read this by when? When do I have to have my homework in?

**Village Manager Frobel:** Well, we do have copies that we want to leave with you. Also, just a final comment. The Chief has really gone about this the right way. He has had complete involvement with the men and the women of the police department, who have

reviewed it as well, with a lot of input from the officers, which is really the proper way to get full compliance.

**Trustee Jennings:** Chief, you spoke of training. There is internal training, for example, but then there might be training by external experts or something like that.

**Chief O'Sullivan:** Yes, sir.

**Trustee Jennings:** Do you anticipate any expenses associated with external training that some of the officers might need to be sent to?

**Chief O'Sullivan:** It is possible. We have sent all four of our sergeants. They are not certified instructors; they are certified by the state as instructors. One of the requirements from the DCJS is that we have to provide 21 hours of training yearly for each officer, and that training has to be done by a certified instructor. We do have four in-house instructors. We have two in-house certified firearms instructors. We have two certified in-house field training officers. So quite a bit of it can be done internally but, yes, there will be times we might bring in outside experts. We just had one about a month or so ago. One of the requirements is that we have to do evaluations, personnel evaluations. Before we did the evaluations we had to do training on how to do it, so we brought in an outside expert to do training on that with all our supervisors.

**Mayor Kinnally:** Okay, any other questions on the policy manual? On the accreditation, I know you have been working on this, I think, from before you became chief. My observation is that you have reached out to all of the other members of the department to get their input in this, so it certainly has been discussed and vetted by the department and should come as no surprise to anybody in the department. And, in fact, a lot of this is just a reaffirmation of what the department is doing right now. Aside from the formal policies that have been adopted, informally this has been the way that you have been operating.

**Chief O'Sullivan:** Yes, sir. This is just a matter of formalization and documentation.

**Mayor Kinnally:** Okay, if there are no further questions on this, I would like to move on to the SWAT request that you have, if you will address that. Thank you, Chief.

**Chief O'Sullivan:** Okay. As I have written in the memo to the Board, the Town of Greenburgh has been accepting members from the villages within the Township to participate in their SWAT team. Currently, I know that Dobbs Ferry has officers on the team, and I believe Tarrytown has an officer on the team. And I know that Elmsford and Irvington are in

the process of having an officer delegated to the team. We have had an officer, went through all the requirements, and we would like to have him participate.

As I also said, Hastings is not immune to the dangers of situations that normal police training does not cover. We have had instances where we have had to call for help, and officers from other jurisdictions have come here and put themselves in harm's way to help us. I just feel it is appropriate that we reciprocate, and we should have our officers trained and be able to render assistance when needed, as well.

**Mayor Kinnally:** Well, I certainly think it is appropriate in today's day and age. There has been a lot of cooperation among and between the villages and the City of Yonkers and the Town and the county on this. So I think it is something that we should contribute to, and be part of the solution.

Marge, anything on this?

**Trustee Apel:** No, I agree wholeheartedly.

**Mayor Kinnally:** Bruce or Peter? Anyone else from the community?

So Chief, we will address this. I do not think I have anything else. Your memo was certainly comprehensive, covers all of the areas that we need to know about; funding, most importantly, but also how it would fit in with the other neighboring communities and the justification for it.

I think unless the Manager has anything.

**Village Manager Frobel:** You want to bring up the manuals for the Trustees?

**Chief O'Sullivan:** Well, you know what? We will go down and pick them up. You don't have to get them. That one is indicative.

**Trustee Apel:** We can get them on the way out.

**Mayor Kinnally:** You are still not going to get that extra policeman, but that is all right.

**Chief O'Sullivan:** That is next meeting, Your Honor.

**Mayor Kinnally:** Thank you. We will be invited.

### **APPROVAL OF MINUTES**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the Minutes of the Regular Meeting of December 20, 2005 were approved as presented.

On MOTION of Trustee Jennings, SECONDED by Trustee Swiderski with a voice vote of all in favor, the Minutes of the Regular Meeting of January 10, 2006 were approved as presented.

### **APPROVAL OF WARRANTS**

On MOTION of Trustee Apel, SECONDED by Trustee Jennings with a voice vote of all in favor, the following Warrants were approved:

Multi-Fund No. 44-2005-06 \$200,533.32

Multi-Fund No. 47-2005-06 \$ 79,596.58

Multi-Fund No. 48-2005-06 \$ 68,363.04

### **RESOLUTIONS**

#### **8:06 GENERAL CONSTRUCTION ALTERNATE - JAMES V. HARMON COMMUNITY CENTER**

**Village Manager Frobel:** At your last meeting we spent some time discussing the project. We, I hope, convinced you that we have the financial strength to accept that alternative bid to the project, and at this time we are looking for your affirmation of that recommendation.

**Mayor Kinnally:** Let me ask if we have picked out the brick. Do we know what the brick is going to look like?

**Village Manager Frobel:** I do not. I would have assumed that might have been talked about during the design.

**Mayor Kinnally:** How close are they to ordering it?

**Village Manager Frobel:** I do not know. It may have already been ordered. I will have to check.

**Mayor Kinnally:** I hope not.

**Village Manager Frobel:** I really assumed that it had been resolved much earlier.

**Mayor Kinnally:** No, I do not think so, but if you would check on that. Any comments or questions on this? I know it was discussed at length in our last meeting, and that is to change from half brick to full brick instead of a mixture with stucco. Anything from the community?

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

**RESOLVED:** that the Mayor and Board of Trustees accept Alternate GC-1 to the James V. Harmon Community Center general construction bid in the amount of \$180,000 from Phoenix Building Corporation, Tarrytown, New York.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein		Absent
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**9:06 CERTIORARI SETTLEMENT - 445 BROADWAY REALTY**

**Mayor Kinnally:** Mr. Murphy, anything to add to this?

**Village Attorney Murphy:** Having been reviewed by certiorari counsel, Mayor, and based on the fact that this appears to be the best disposition possible and I believe we have done better than the Town on this particular issue, it is recommended that the Board accept the reduction.

**Mayor Kinnally:** And the payment terms are 30 days?

**Village Attorney Murphy:** Thirty days without interest on approval of the Board. If paid within 30 days there will be no interest assessed. There will be a waiver of interest.

**Mayor Kinnally:** Okay, any comments or questions from the Board? From the Manager? From the public?

On MOTION of Trustee Apel, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

**WHEREAS**, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<b>Property Owner</b>	<b>Address Description</b>	<b>Year(s)</b>
<b>445 BROADWAY REALTY</b>	<b>445 Broadway Volume HA, Sheet 10 Block 624, Lot 5</b>	<b>1995- 2005</b>

**WHEREAS**, petitioner's court challenge is now pending in Supreme Court Westchester County; and

**WHEREAS**, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges;

**NOW THEREFORE BE IT RESOLVED**, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<b>Year</b>	<b>Original AV</b>	<b>Reduced AV</b>	<b><u>AV</u> Reduction</b>
1995	302,500	DISCONTINUED	
1996	302,500	DISCONTINUED	
1997	302,500	DISCONTINUED	







Trustee Bruce Jennings	X
Trustee Marjorie Apel	X
Trustee Peter Swiderski	X
Mayor Wm. Lee Kinnally, Jr.	X

**11:06 CERTIORARI SETTLEMENT - RIVER GLEN TENANTS CORP.**

**Mayor Kinnally:** I assume the same recommendation is in place?

**Village Attorney Murphy:** Yes, Mayor. We have also, as you have noted, achieved a discontinuance of nine years' worth of certiorari, which is of considerable advantage to the Village.

**Mayor Kinnally:** And did we do better than the Town?

**Village Attorney Murphy:** Yes, we did.

**Mayor Kinnally:** Okay, any comments or questions from the Board? From the public?

On MOTION of Trustee Apel, SECONDED by Trustee Jennings the following Resolution was duly adopted upon roll call vote:

**WHEREAS**, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

<b>Property Owner</b>	<b>Address Description</b>	<b>Year(s)</b>
<b>RIVER GLEN TENANTS CORP.</b>	<b>645 Broadway Section 10, Sheet 14 Block 0, Lot 12/4</b>	<b>1994- 2005</b>

**WHEREAS**, petitioner's court challenge is now pending in Supreme Court Westchester County; and

**WHEREAS**, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges;

**NOW THEREFORE BE IT RESOLVED**, the Office of the Village Attorney is authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

<u>Year</u>	<u>AV</u>	<u>IAV</u>	<u>AVR</u>
1994	200,000	DISCONTINUED	
1995	200,000	DISCONTINUED	
1996	200,000	DISCONTINUED	
1997	200,000	DISCONTINUED	
1998	200,000	DISCONTINUED	
1999	200,000	DISCONTINUED	
2000	200,000	DISCONTINUED	
2001	200,000	DISCONTINUED	
2002	200,000	DISCONTINUED	
2003	200,000	190,000	10,000
2004	200,000	190,000	10,000
2005	200,000	190,000	10,000

The Village of Hastings-on-Hudson's share of the refund is \$4,903.00±.

<b>ROLL CALL VOTE:</b>	<b>AYE</b>	<b>NAY</b>
Trustee Michael Holdstein		Absent
Trustee Bruce Jennings	X	
Trustee Marjorie Apel	X	
Trustee Peter Swiderski	X	
Mayor Wm. Lee Kinnally, Jr.	X	

**VILLAGE MANAGER'S REPORT**

**1. Proposed Memorial Day Crafts Fair**

**Village Manager Frobel:** Staff has been working with the Chamber of Commerce to hold a crafts fair Memorial Day weekend, that Saturday, in the downtown area. We still have not hammered out all the details, but we have a rain date for that Monday, the 29th. So that is being planning now.

## **2. Storm Debris & Power Outages**

**Village Manager Frobel:** Also, I would report that crews are working to pick up storm-related debris. If homeowners leave limbs and branches and brush at the curb, crews will be coming by and picking that up over the next several days, as they continue to pick up Christmas trees that are left at the curb. A compliment both to the police department and the DPW. They were working around the clock during that storm that hit the Village last Wednesday. I believe power has been restored to everyone. If they have not been, they must be isolated and they should report that to us. Also, if for some reason we miss a stop and you do have debris at the curb, residents are asked to just contact the department and we will make sure we pick it up.

**Mayor Kinnally:** If I can add also to that, the fire department was out that day and the evening of the day of the storm. We had a number of very difficult situations: two telephone poles burning live wires. They stood by, and they were out in the middle of the night. So our thanks also to the fire department. And I am sure I will get bricks thrown at me, but Con Edison also responded as best they could. They cleared Route 9. We implored them to do it, and they had a crew down there in the middle of the night and had Route 9 open going toward Dobbs Ferry so we did not lose the next business day. But they were trying circumstances for everyone. Luckily, we did not have any injuries like some of the communities had. I know XXX was hit in the head with a falling tree, we had some property damage but, luckily, we did not have any serious personal injury or loss of life.

## **3. Village Audit**

**Village Manager Frobel:** And final comment, the audit was received today. We hope to distribute that to you this week. If Raf does not have them available tonight, we will make sure you get them over the weekend. But that was for the audit for the period ending last May, arrived yesterday. I do want to arrange a meeting with the auditors and the Trustees perhaps sometime in February after you have had a chance to look over the audit. They would like to meet with you.

**Mayor Kinnally:** Any comments on that report?

## **BOARD DISCUSSION AND COMMENTS**

## 1. Update on the Waterfront

**Mayor Kinnally:** We had a presentation last week in the high school auditorium. George Heitzman and a representative of the Department of Health came down and discussed the PRAP for Tappan Terminal down on our waterfront. It was, I thought, quite a comprehensive presentation of the issues and the Proposed Remedial Action Plan that the state has for that site. I was somewhat disappointed in the turnout of the non-interested parties, meaning if you took the property owners, the attorneys, and the various consultants out of the room there were not a heck of a lot of people from the community there. Although the ones that were there certainly came up with a number of very good insights and comments that were, I know, taken to heart by George Heitzman and the Department of Health.

In connection with that, we had our Village environmental counsel there, an attorney from Sive, Paget & Riesel. We have a number of issues that we are looking at. The Board has not commented yet, nor have we met with counsel, but we will do that. There are some concerns that were raised by Waterfront Watch. Especially Phil Karmel had a number of comments that night. Phil has been in contact with Mark Chertok, and Mark has reached out to experts in the area to see if we can retain someone, especially in the field of chlorobenzene XXX. There are substantial concerns about chlorobenzene that were voiced by George Heitzman, by the Department of Health, by Phil, and by a number of other people. It is a different type of contaminant that what we have been dealing with on the ARCO site. ARCO is mainly PCBs and heavy metals, but chlorobenzene and some of the PAHs XXX and other volatile organic compounds are more of a challenge and will significantly slow down remediation of the site. So we are trying to reach out to people who can give us some insight and provide some guidance to what we would like to see cleaned up down there.

In that regard, the comment period is now to close on February the 2nd. It does not appear that we will be ready to have any comprehensive or intelligent comments ready at that time. I know some people from Waterfront Watch have requested that there might be an application for additional time. So I would like to throw out to the Board the possibility of approaching the DEC for extension of the period of 15 days to Friday, the 17th of February, which is the Friday before Presidents Day break and everything else. Mark is comfortable and confident that he will be able to get what he needs and to be able to communicate with the other interested parties just to make sure that we have covered everything and the Village will be properly protected down there. So I throw it out for consideration by the Board.

**Trustee Apel:** I think that is the least amount of time we should have.

**Mayor Kinnally:** It does not rule out going back, but Mark does not think we need more time. He thinks that two weeks is reasonable.

**Village Manager Frobel:** I would just indicate that Mr. Heitzman contacted my office today with just the message you have conveyed to the group that there has been a request for additional time. I think they are asking for 60 days, and he did want to hear from the Trustees as to whether you wanted additional time, as well.

**Mayor Kinnally:** Let me hear from the rest of the Trustees. And I have a recommendation.

**Trustee Swiderski:** It was Waterfront Watch that asked for the 60 days?

**Mayor Kinnally:** He did not indicate who it was.

**Trustee Swiderski:** Clearly, we need more time and I think it is a function of what our environmental attorney recommends. I am not sure who is asking for the 60 days, but perhaps 30 days is more appropriate.

**Trustee Jennings:** We certainly should ask for more time. I think if it is Waterfront Watch maybe we should not be working at cross purposes, and try to coordinate our request with them. I am not sure what the right time period is, but if we can get more than two weeks I am sure Mark would not turn it down.

**Mayor Kinnally:** No, he would not turn it down. I think probably he wants to get a reading from George. But he was in contact with Phil and will continue to be in contact with Phil, so let us see what we can do. Either I or Mark, or both of us, will give George a call. He may want something in writing. That is what has been done in the past. If so, we will draft something up, but I really do not see a problem with that. Mark did indicate that he did not think he would need that much time, but let us see. I do not want to undermine anybody, but let us see what the rationale is. I do not want to get time just to get time. We really want to get as much done on the site, I will not say as quickly as possible, but I do not want to drag it out. Let us see what people need and support them.

**Trustee Apel:** Some people might need a little more time to absorb everything, as they said, and they want to be checking stuff. So if they want to make comments, and if we are going to absorb the information, too, it is going to come back to us.

**Mayor Kinnally:** So will look at that, and I will talk to Mark tomorrow. I will be back to everybody on that.

**Trustee Jennings:** My impression at the meeting the other night was that there were pretty significant technical and scientific questions being raised about the approach that the state was describing, was proposing to take, in many senses. Both the techniques for dealing with the substance, and the type of barriers they were proposing to put down, and so forth and so on. The amount was a little bit reminiscent of some of our earlier discussions a couple of years ago about the ARCO site. So if anything, our prior experience leads me to believe that more time will be needed than we think to sort all this stuff out.

**Mayor Kinnally:** Any public comments on that? I have nothing else on the waterfront. Fred is here.

**Fred Yaeger, ARCO liaison:** We are also pleased that the Tappan Terminal PRAP has been released and that the proposed remediation at that site appears to be compatible with the One River Street OU-1 record of decision.

I also wanted to add in that during 2005 at the One River Street site, between the demolition and the first phase of predesign investigation for the remedial design, we expended over 40,000 worker hours of effort with no accidents, no harm to people, and no harm to the environment. We feel that this is really very important in terms of the kind of work that we have been doing over there.

We have also completed a field study of the architectural review of Buildings 51 and 52 and the water tower, and are now in the process of preparing our report on the findings. We expect to have that report ready for next month, in February or at the very latest in early March, to give to this board and then the LWRP and whoever else we feel would be of interest to hear it.

We are also preparing a focused feasibility study report to submit to NYSDEC on additional sediment and dredging studies in OU-2 conducted in 2005, with a submitted date of mid-February, of course, 2006. We are also continuing to be fully engaged with NYSDEC in regard to concluding sampling and data analysis needs. We remain confident that the remedies for both the on-land and offshore portions can be agreed upon so that the entire cleanup project can proceed in a coordinated and timely fashion. We do not foresee any obstacles or objections that would delay the project in its entirety. We also anticipate two significant public meetings to take place over the next six to eight months. These include, first, the OU-2 PRAP reissue, and the OU-1 50% remedial design presentation, and invitation for public comment. The pace at which the project proceeds from that point forward would significantly depend upon the amount of time needed for the public participation of the project. We feel our challenge, ARCO, the Village, the community, and NYSDEC, is a



collaborative effort to define the remedy that is protective of human health and the environment, receives broad public support, is technically achievable, and meets NYSDEC policy objectives.

**Mayor Kinnally:** Thank you. Just one note. You said that the PRAP for Tappan Terminal was compatible with yours. One of the comments and criticisms was that while it may be compatible, it was not comparable. There were significant reservations about the extent to which the DEC was remediating the site and, if you will, isolating the ultimate user of the site from what is on the site. So that is in part why additional time is being sought, but I am taking your time up here. Do you have anything else for us, Fred?

**Mr. Yaeger:** At this point, if there are any questions I would be happy to try to answer them, or get back to you regarding the activities of the site.

**Mayor Kinnally:** Just one thing. It sounds like it is a fairly aggressive year for moving it forward, and there are a number of components: DEC, ARCO, and the community. And it ties in with what we've been talking about, moving forward on our internal planning and not just land planning. Just organizational planning for what the site will look like, the use of the site, and also how the Village will gear up and structure itself to deal with the situation.

**Trustee Swiderski:** You say that it is compatible. But I was thinking over the weekend, trying to visualize. The two remedies are quite different in the amount of ground cover offered, and also in the cost for the cap. Your site pursues greater ground cover and has a cap that covers the entire site. The site directly to your south has less cover, no cap. So I wonder what that boundary looks like. Does the ground drop away by 3 feet because they only have 2 feet of cover and you have five? Does your cap have to extend downwards to contain your soil because they do not have a cap? You know, it may be compatible, but to the non-engineer trying to think through how the terminus between the two sites appears, I was wondering what is going to happen there.

**Mr. Yaeger:** Well, I am not an engineer, but I would be happy maybe at the next meeting to have Dave Kalet and Ray from Parsons XXX to be able to attempt to answer that question. What we meant in terms of, I guess, compatibility was that the idea is to see if we can clean up. The effort of One River Street and the Tappan Terminal could be done on a consistent basis so that remediation and final work on it could be done almost at the same time. So I think that is the aspect of the compatibility.

But in terms of your question, I would rather get an engineer to be able to answer that question.

**Trustee Jennings:** We certainly all share a good feeling about the record of safety that you report this evening, and that is quite an excellent achievement. For my benefit and the benefit of those watching, could you simply review sort of the next major steps in terms of the cleanup and planning process? When will we have documents that you submit to the state that will provide more detailed information about the next steps? The excavations, the measures that you are planning to take to make sure that the environment is monitored and protected and the public is protected from any side effects of the excavation work and other work that you will be doing. Are we talking about 2006 being a time when you are going to file such documents and have the state approve them, or is this 2007? Just what is the time frame here?

**Mr. Yaeger:** I am not sure if I am aware of the total specific time frame, but this first report on the predesign that we are going to be handing in in mid-February is going to have a lot of good information in terms of the analysis of the sediments and how we proceed further. But one of the key values of our company is safety. Not only safety for the community, but safety for the workers. So if our workers are safe, that they are right on the site, we are doing everything to keep worker safety at 100%. Then if the workers are safe, then so will the community be. We are making every effort to continue to do that.

But in terms of the specific time frame, I do not have all that information for you. I will try to get more specific information for you.

**Trustee Jennings:** Well, that is all right. It is not going to be two or three years, it is going to be in the next several months that we will be able to see some of this. I just go back to the discussions we had during the consent decree, and the settlement of the court case and everything. Just to underscore our shared agreement and determination that as we move forward the Village will remain in the communication loop and sort of monitoring in a vigilant and an active way. Even as the state does, even as your people do. So we do not want to lose sight of the fact that the Village feels that we should be an active observer and an active participant in this kind of safety issue as we go forward and as things really get to be even more interesting than they have been the last couple of years.

**Mr. Yaeger:** And we welcome that. What you are saying is, in terms of keeping open communication and open dialogue, I am around all the time. If there is anything I can do for the Village in terms of offering additional communications or visitations on this site for people to get a first-hand look I will be happy to do so.

**Mayor Kinnally:** Great. Anything else? Fred, thank you. Appreciate it. When do you think Dave will be in next, do you know?

**Mr. Yaeger:** As soon as we can get him in, if there's a particular time that we need him in at a particular meeting, I will help him.

**Mayor Kinnally:** No, I was just thinking if he has a periodic trip scheduled.

**Mr. Yaeger:** Nothing is scheduled at this particular point.

**Mayor Kinnally:** Okay, thanks.

## 2. Senior Citizens Rent Increase Exemption (SCRIE)

**Mayor Kinnally:** Next item under Board discussion and comments is the Senior Citizens Rent Increase Exemption. Jennifer, good evening. The numbers look even better, do they not?

**Jenny Murphy, Senior Advocate:** Well, they are a little different. You got my notes. The Greenburgh numbers are not that different than I reported. They did lose a few of them. They had 27 reported participating at a total cost of about \$60,000. I think they have lost six participants. Now they are down to about 21, at a cost of \$50,000, just in a few months' time. But the Tarrytown figures, I think because of the Greenburgh figures I presumed she was reporting to me the monthly cost, but the \$12,000 was the annual cost. Even still, in the three months' time since I spoke to her, since September, there was some difference in the number of people participating in Tarrytown. It seems like the real variable here is the amount of time a person participates in the program. In Tarrytown, the longest any of the four people have been in it is about three years. In the Town of Greenburgh the amount of time goes up beyond 10 years, as long as 1993. Also, Greenburgh reported the wrong number in the ETPA housing. So when I asked her to confirm that number, that was the number that did not make sense to me. That they had \$60,000 in costs for only 800-something units. That is the number. When you said the figures didn't make sense, to me that was always the one that was bothering me because it was just such a high number. Now when she rechecked her figures, she did not recall giving me the 822 figure or where that came from. But she sent me a fax stating that the number was actually in excess of 3,000 units. So that is more in synch, I think, with the \$50,000.

**Mayor Kinnally:** So you think the cost is about \$6,500 a year.

**Ms. Murphy:** I am guessing.

**Mayor Kinnally:** Yeah, but it is certainly a more intelligent guess with these numbers than we had.

**Ms. Murphy:** I agree, yeah.

**Mayor Kinnally:** Okay, and a question that we had was also... XXX

XXX [ END TAPE ONE, SIDE A ]  
[ START TAPE ONE, SIDE B ]

**Ms. Murphy:** XXX ...it is just somebody who gets disability income. That is the determination Anybody who qualifies for any kind of disability income.

**Mayor Kinnally:** SSI, yes.

**Ms. Murphy:** Anybody who qualifies for the same benefit. I do not know how you would determine how many people in Hastings would qualify for that.

**Mayor Kinnally:** Can we get that information?

**Village Manager Frobel:** I would like to try because I really would like to keep the two together. I think we are dealing with the same group in the community that could use some special attention.

**Ms. Murphy:** I agree. As a citizen, I am behind it.

**Mayor Kinnally:** If the municipality makes the application, they may be more inclined to give out that information. We can explain to them that it is for budget purposes and we need it to assess the ultimate cost of a program. Perhaps they will give it to us.

**Ms. Murphy:** Well, when I tried to get rent rolls from the housing department they sent me an application for the Freedom of Information Act. So some of this stuff is really hard. I thought maybe one way to go would be you might be able to find out how many handicapped permits there are. You could not find that?

**Mayor Kinnally:** It is not really much different. Any number of people who qualify for handicapped are not getting SSI.

**Village Manager Frobel:** SSI is very difficult, a very strict standard.

**Ms. Murphy:** It would be a stricter standard, so it would be lower.

**Village Manager Frobel:** I will work on that, try to get you something on that.

**Ms. Murphy:** The other questions that were asked were how frequently the ceiling changes, the \$24,000. It seems to be infrequent. No one could really tell me. I really could not get a definitive answer on what determines the \$24,000. But if the Village makes a resolution to adopt the SCRIE program, they can set the ceiling lower, as low as \$16,000. All our neighboring villages use the full \$24,000, but it has not been changed since 2003. People have said that it was a long time since it had been changed from that. No one gave me a definite. It is just by memory.

What was the other question I tried to address in here?

**Mayor Kinnally:** I forget what the other question was. Certainly, we had to focus on the numbers. The numbers were what gave us, I think, the most concern because they just did not seem to correlate.

**Village Manager Frobel:** I think the only follow-up I had was, the process is a simple resolution to participate in the program.

**Ms. Murphy:** A resolution submitted to Elaine Warren at the Division of Housing in White Plains, with the seal, would, I guess, put you on the list.

**Mayor Kinnally:** Okay, any questions?

**Trustee Apel:** The only thing I know is, once we are in it, we cannot get out of it, is the deal.

**Ms. Murphy:** Well, that is what Larry McCrudden XXX said in Yonkers, but Elaine Warren said I guess you could get out of it. She indicated that, but I do not know if she is sure of it. Larry McCrudden XXX thought that that was a real important point to make.

**Trustee Apel:** I think the concern I had, and what you mention, is that we do not really have control over, or you did say that we have control over, the rate at which we do it. Did you say that?

**Mayor Kinnally:** The income guidelines.

**Trustee Apel:** We do have control over that.

**Ms. Murphy:** The income guidelines we do, but you have a cap. The cap, nobody can make more than \$24,000 no matter who has adopted it. But you can set the cap lower if you want. You do not have to adopt the whole \$24,000; you can go as low as \$16,000. I mean, that is miserable, but nobody that I investigated in Westchester, they all seem to be using the \$24,000 standard.

**Trustee Apel:** I find it a worthwhile program, but I always get scared when we do not have control. We are going to say yes to something, and we do not know where the market is going and what is going on, and we do not have numbers and we do not know how many, and yet we are going to say yes to something. That is the only concern I have. I mean, you got as much information as you can possibly get, which is how many people we are dealing with and stuff like that.

**Ms. Murphy:** The other variable I mentioned before is that Section 8 program is actually a better program. And anyone who qualified for SCRIE would also qualify for Section 8. The variables in that are that a landlord can reject it. But I do know that the person before me did make several Section 8 applications. I was able to find out that there are a few buildings that have Section 8 residents I knew definitively. So in my capacity I would encourage applications to Section 8 also. They are opening it up again, and they do give priority to Hastings because we do not have our own program here. And they do give priority to seniors, I think, as a rule. Still, sometimes they close it off, but that could take some of that burden off.

**Trustee Apel:** Is it the same amount of money, the same amount of relief, or you said they get more?

**Ms. Murphy:** It is usually better, I think. They give like vouchers based on the income and the need of the resident. And if the landlord accepts the Section 8 vouchers, then they pay a certain portion of the rent. I think that is how it works now, and they would pay a voucher.

**Trustee Apel:** So did I hear you correctly? That you think we get it because we do not have this other program, and once we get this program...

**Ms. Murphy:** I wish I had my Section 8 notes. But some municipalities have their own processing for Section 8, their own Section 8 program. Since Hastings does not, it is processed from any locality. For some reason, I believe seniors get some special consideration in that case.

**Trustee Swiderski:** My concern here was always similar to Marge's. You know, this is an entitlement. Once we pass it, it develops a constituency which will not want to let it go. And I can conceive of, this being Hastings, a dedicated core of people out there making sure that absolutely every single person entitled to this gets it. I have always worried that those numbers would be higher than other communities because we have, on a per capita basis, far more activists than anyone else. So my concern has been, as good a program as this is, it is an entitlement that could burden us. The fact that we have control over the cap, and the \$24,000 sounds reasonable, my concern was that there be a built-in indexing that would ensure the number of people falling under the auspices of this program could grow beyond our control. If we indeed have a control over the cap and the resetting of the cap over time, then I am far more comfortable with the program. I think it is worthwhile, and will not sneak up on us in some sort of demographic way that we have not anticipated.

**Village Manager Frobel:** Yeah, let us check on that.

**Trustee Apel:** Could we have our own program that we would have control over? Could it not be our own? The Hastings SCRIE, and then we would set our own? And then we would have control over it, and we would not have to be...

**Trustee Swiderski:** Well, it would mean we would have to take on the logistics of cutting checks to all the tenants. Approving, first of all, the tenants and then cutting the checks and monitoring it and running it. That is an overhead.

**Ms. Murphy:** Well, could you not still do it as a tax credit the same way? But you would lose some of the administrative expense that goes to the Division of Housing because they process the applications and they do all the checks and balances. That is an administrative cost that Hastings would not bear. It would go to the Division of Housing.

**Trustee Swiderski:** Do we get charged for that in any way?

**Ms. Murphy:** No.

**Mayor Kinnally:** I think on the question of the manageability of it and what our ultimate exposure would be, I would like to speak to Larry McCrudden XXX. I have to call him on two non-Village matters, so this is a good excuse for me to stick that in.

**Ms. Murphy:** Yeah, he always sends his greetings.

**Mayor Kinnally:** So I will call him, and see how he interprets things so he comes out with that once-in XXX.

**Ms. Murphy:** Well, he is your worst case scenario guy, I think.

**Mayor Kinnally:** Well, I will tell him you said that.

**Ms. Murphy:** But there are a couple of other variables to consider. Some of the ETPA housing in Hastings has converted to cooperative housing. For example, there is one final rent-regulated tenant. When she is gone, and she is in rehab right now...

**Mayor Kinnally:** Where is this?

**Ms. Murphy:** This is one of the Hastings House Gardens. One of the Broadway luxury places. When she vacates that unit, that is no longer ETPA. There is also rumor of making a co-op out of River Edge Apartments. I know people who live there. They talk about it all the time, so I know that this has been discussed. Again, the reduction of ETPA housing would be a variable. We are not going to get more ETPA housing. All our rentals essentially are that. So a reduction of that, there are some things that could ensure that our vulnerability would lower over the years, too. So that is something to consider. And certainly the population can grow out of control. You cannot foresee everything. But that would not be just for our municipality either, and I think the Division of Housing would have to address that to spare all municipalities.

Finally, I would also say that even in the best case scenario, and as the advocate it would be my position, of course, to encourage people to apply for this. So I foresee it as, I hope if it is adopted that the people who are eligible will go for it. That is a good point: I do think that Hastings will make better use of it than other municipalities. I think I gave some census information. There are only so many seniors we have; there are only so many seniors that make that kind of money. So you can kind of guess a worst case scenario. I do not think it is horrible numbers if you think from that point.

That is it.

**Trustee Jennings:** A couple of things. Firstly, the situation that Peter envisions I hope does happen, frankly. Because I do not think it is good to have a low income entitlement program and bank on the fact that a certain number of people who are, in fact, eligible just will not find out about it or know about it or apply for it or whatever. That is not the right way to



keep this program under control. So I would hope that if we adopt this that 100% of those who are eligible will be able to receive this benefit.

Secondly, the question of how much we can control it or not control it. My own take on this kind of thing is, if we decide to do it we ought to do it because people need it and it is the right thing to do and it reflects values of our community. If the total budgetary expenditure of this program goes up in future years, we have to raise taxes, we have to raise the budget in order to do it. We should not go into it thinking, Well, we are going to spend \$50,000 a year tops and we are going to keep it at that even if we have to ratchet down the eligibility levels. To me, that is putting the cart before the horse or some metaphor like that. It is just not the right way to think about these policies. So whether we should do it or not, I think, hinges on whether we think this is a program that reflects the values of our community and we want to do it. We will figure out how to pay for it going forward. As you say, there are a number of considerations that suggest that the eligible population is not going to grow significantly. If anything, it will decrease over time, and so forth and so on.

But I think that there are many, many positive benefits and good values that are served by a program like this, not the least of which is the Village as a whole helping people who wish to remain in the community that they have lived their whole lives in despite their lowered income or despite their living with disabilities. So there are lots of things that recommend this program, I think, once we really get into a full discussion of it. I certainly would be prepared to support it. We cannot control it totally. I mean, the economic situation, there are lots of variables that are beyond our control. I think as a community we just have to give up that kind of control and say we want this and we are going to support it, and we will find the money in this community to support it going forward.

**Ms. Murphy:** I appreciate that point of view.

**Mayor Kinnally:** Jen, I think we have come a long way. I will reach out to Larry and see what else we need, and we will put this on for another evening.

**Ms. Murphy:** Okay, thanks.

**Mayor Kinnally:** Thank you. Appreciate it.

### 3. Miscellaneous

**Mayor Kinnally:** Any other Board discussion and comments?

**Trustee Apel:** Just one. I am the liaison to the Safety Committee. I just make an observation of what I have noticed has been happening over the years. I think the things that people are coming to the Safety Committee with are now things that the Safety Committee is kind of locked into. Because everything is based upon people wanting to close the streets that we are talking about for walkable communities and fixing the same things. I think we have really reached a point that they can listen, but I do not think they can do anything anymore because we are waiting to decide what we are doing in that area. So I would hope that we could move forward this spring. We have had studies and grants and so forth, so that that would enable these issues which are coming to the Safety Committee, and we have heard over and over and over again, would finally be resolved.

**Trustee Jennings:** Marge, I think I have heard more discussion around town in the last few weeks about this traffic roundabout circle at Five Corners than any issue in the last couple of years. I understand that was a consultant's proposal and only that, but is that what you are talking about? The process moving forward? Making some decisions about what to do with Five Corners and the square?

**Trustee Apel:** Well, we talk about Five Corners, we talk around the school, we talk about Broadway. I mean, we are just talking and talking. So I think I cannot say resolving it, but trying to start to work on these things and actually come up with something would be fine. And in terms of that circle, the understanding I have with that is that if you are going to narrow Broadway you do not want to back everybody up, so keep the traffic moving. Now I do not know whether that works or not, but I am just saying I think that was the...

**Trustee Jennings:** I am just looking forward to our discussion here.

**Trustee Apel:** And it will be going around in circles. To circle or not?

**Mayor Kinnally:** The roundabout, to me, is exhibit A of what consultants do. And unfortunately, they do not have to live with the consequences.

**Trustee Jennings:** Cause trouble.

**Mayor Kinnally:** And the little I saw, I had been called by the newspapers. I do not know anything but what I saw in the paper on it. It is certainly far-reaching, and I am not so sure that the consultant has given very much thought to the implications of the whole thing. But we are having trouble with four lanes of traffic on Farragut right now, and channeling that down to two lanes of traffic I just do not see where that traffic is going to go or if it is going to move any more freely.

**Trustee Apel:** Maybe they just will not come through Hastings.

**Mayor Kinnally:** Yeah, and all the kids will be going to school elsewhere.

Frank gave us a memo on recycling containers. There is food for thought in there. Michael is not here tonight. I thought the contents were fine. He has certainly given us many options. One of the things we have to try to do is to see if there is a market out there for this. I mean, our perception is that it would be great to get these and the people will use them. I have asked Fran, and maybe he and Raf can come up with something to try to gauge the depth of yearning for these things out there. Because if we order 500 of them I do not want to sell them at a flea market in five years when we are trying to find space.

But let us see what we can do. The numbers that he gives us, a 500-unit purchase at the prices he is talking about, is not crazy. Well, let us see what we can do. I do not want to compete with people in business here, but we could also reach out to the real estate people and tell them when new people come in this is what is available to them, and whatever.

Anything else coming before the Board? Public comments? There being no public, there will be no comments.

**Trustee Swiderski:** Lee, do you want to say anything about our favorite Village Officials Committee issues?

**Mayor Kinnally:** The Village Officials Committee continues to meet, and to converse and consult, and run around in circles. We are still trying to press the Town of Greenburgh to file the appeal. The issue is up in the air. There may be some resolution soon on it, I am not quite sure. But we are still skeptical as to the wisdom and viability of any mediation process here.

**Trustee Swiderski:** Which apparently began without our involvement.

**Mayor Kinnally:** It may not be the worse thing, to be honest with you.

**Trustee Swiderski:** No?

**Mayor Kinnally:** They may have articulated certain things that we may find out soon that they intend to mediate. But we have, as I said, pressed the Town and we hope to get an answer from the Town very quickly on whether or not they will file the appeal. I guess that is all we can say at this point. We have had quite a few discussions, both in person and

through e-mails. We can really burn up the wires with the e-mails. It is amazing how much back and forth there is. But it is an issue that is of great interest and concern, both in the Town and the Village. You know, we are really talking to the wrong people. We have to join forces, go to Albany, and say, You have to take a look at this blueprint: it does not work. I am hoping that we can engage the state legislators in that, and maybe even NYCOM XXX to talk about it, to look at it, see what we can do. Because it certainly is something that is out of whack, and you cannot do it on a piecemeal basis.

So that is all I have.

**Trustee Jennings:** I do not have anything else. I am curious. Is there any further information about the Pace study?

**Mayor Kinnally:** No, a couple of the other guys are reaching out to Pace to find out where things stand. Don Mara XXX, I think, was going to look into that.

### **EXECUTIVE SESSION**

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

### **ADJOURNMENT**

On MOTION of Trustee Swiderski, SECONDED by Trustee Apel with a voice vote of all in favor, Mayor Kinnally adjourned the Regular Meeting at 10:00 p.m.