

## **RESOLUTIONS - BOARD OF TRUSTEES REGULAR MEETING OF FEBRUARY 18, 2020**

### **15:20 RESOLUTION OPPOSING THE DANSKAMMER, LLC BUILD OUT PROPOSAL**

- WHEREAS,** climate change requires immediate action to stop incrementally expanding fossil fuel energy generation and fully ramp up on renewables; and
- WHEREAS,** Danskammer, LLC is seeking to build a new, massive 550 MW fracked natural gas and diesel-burning power plant in Newburgh, New York, increasing emissions of methane and carbon dioxide, and so accelerate climate change; and
- WHEREAS,** Danskammer would be a plant posing significant risks to the air and water of the local community will contribute to the climate crisis by burning dirty fossil fuels around the clock; and
- WHEREAS,** the Danskammer, LLC build out proposal is against the stated goals of our Governor, laid out in the Climate Leadership and Community Protection Act (CLCPA), and is wrong for our economy, our health, and the environment; and
- WHEREAS,** there is no proven need for gas to meet our energy needs, in fact the 2018 Reliability Needs Assessment of the New York Independent System Operator (dated October 2018) found no statewide gap in power generation or transmissions capacity in the next decade, notwithstanding the impending closure of the Indian Point nuclear power plant; and
- WHEREAS,** Westchester County is committed to growing the investment and workforce in clean energy, including a \$250 million grant provided by the State this year to free up existing natural gas capacity and incentivize more energy efficient measures; and
- WHEREAS,** The Village of Hastings-on-Hudson, New York, as a certified Climate Smart Community, is committed to continuing its efforts to transition to a clean, green economy and to address climate change and its destabilizing effects on our ecosystems and community;
- WHEREAS,** the Danskammer plant has already flooded once during Hurricane Sandy and is at risk of flooding again due to sea level rise, and containments including, but not limited to, aqueous ammonia and diesel on site, stand to pollute the Hudson River if Danskammer's expansion were to be approved;
- NOW, THEREFORE, BE IT RESOLVED,** that The Village of Hastings-on-Hudson, New York, calls upon the Public Service Commission to reject the Danskammer application; and be it further

**RESOLVED,** that the Hastings-on-Hudson Village Clerk is directed to submit this statement to the Public Service Commission and to send a copy of this Resolution to New York State Governor Andrew M. Cuomo, U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, U.S. Congresswoman Eliot Engle, U.S. Congresswoman Nita Lowey, New York State Senator Andrea Stewart-Cousins, New York State Senator Peter Harckham, New York State Assemblyman Tom Abinanti, New York State Assemblywoman Sandy S. Galef, Westchester County Executive George Latimer, and Westchester County Legislators Mary Jane Shimsky, John Testa and Catherine Borgia.

**16:20 – RESOLUTION APPROVING HILLSIDE WOODS PARKS RESTORATION PROJECT**

**WHEREAS,** in 2017, the Village of Hastings-on-Hudson received a New York State Department of Environmental Conservation (DEC) Urban and Community Forestry (U&CF) Grant to complete a Tree Inventory and Urban Forestry Management Plan for Hillside Woods & Park, for which they put out an Request For Proposals to solicit work. In April of 2018, the Village hired Land Beyond the Sea, Ecological Design (LBS Ecological) to complete that work; and

**WHEREAS,** on February 19, 2019 the Board of Trustees accepted the Hillside Woods & Park Tree Inventory & Urban Forest Management Plan prepared by Land Beyond the Sea Ecological Design, as presented; and

**WHEREAS,** the Village of Hastings-on-Hudson has developed a plan for the Hillside Woods and Park Restoration Project and has received a State and Municipal Facilities Program (“SAM”) grant through the New York State Dormitory Authority for the Restoration and Improvements to Hillside Woods and Parks Project.

**NOW THEREFORE BE IT RESOLVED,** that the Board of Trustees determines that the Hillside Woods and Park Restoration Project is an Unlisted action under the State Environmental Quality Review Act and has prepared and reviewed an Environmental Assessment Form Parts 1 and 2 and hereby determines that the Project will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED,** that the Board of Trustees approves proceeding with the Hillside Woods and Park Restoration Project.

**17:20 – AUTHOTIZATION TO EXECUTE DOCUMENTS FOR DASNY GRANT FOR HILLSIDE WOODS AND PARKS**

**RESOLVED,** that the Mayor and Board of Trustees hereby authorize the Village Manager and the Village Clerk/Treasurer to sign and execute all required

documents in connection with the State and Municipal Facilities Program (“SAM”) through the New York State Dormitory Authority for the Restoration and Improvements to Hillside Woods and Parks Project #21565.

## **18:20 ADOPTION OF PROPOSED LOCAL LAW A OF 2020**

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Proposed Local Law A of 2020 to amend Chapter 18, Ethics, of the Code of the Village of Hastings-on-Hudson, Section 18-10, Annual Disclosure to Modify Annual Disclosure Requirements for Village Officers and Staff, which upon enactment shall become Local Law #1 of 2020.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:  
(added language is **bold**, removed language is ~~strikethrough~~)

**SECTION 1.** Section 18-10.A of the Code of the Village of Hastings-on-Hudson is hereby amended as follows:

A. Officers and employees required to file. Officers and employees holding the following job titles or positions shall be required to file a signed annual disclosure statement:

[1] Officers and employees who are elected.

[2] The heads of any ~~agency, department, division, council, board, commission or bureau of the Village and their deputies and other~~ **department or division of Village government and** persons authorized to act on their behalf.

[3] Officers and employees who hold policymaking positions, including members of the Zoning Board of Appeals, the Planning Board, **and** the Architectural Review Board. ~~and all other boards and commissions of the Village.~~

[4] Officers and employees whose job descriptions or actual duties involve the negotiation, authorization or approval of:

[a] Contracts, leases, franchises, revocable consents, concessions, variances, special permits or licenses;

[b] The purchase, sale, rental or lease of real property or services, or a contract therefor;

[c] The obtaining of grants of money or loans; or

[d] The adoption or repeal of any rule or regulation having the force and effect of law.

## **SECTION 2. SEVERABILITY**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

### **SECTION 3. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

### **19:20 ADOPTION OF PROPOSED LOCAL LAW B OF 2020**

**RESOLVED:** that the Mayor and Board of Trustees hereby adopt Proposed Local Law B of 2020 to amend Chapter 196, Notice of Defects, of the Code of the Village of Hastings-on-Hudson, Section 196-1, Amendment of Village Law to Rename and Update the Provision to Reflect the Village Law, which upon enactment shall become Local Law #2 of 2020.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

**SECTION 1.** Section 196-1 of the Code of the Village of Hastings-on-Hudson is hereby amended to read as follows:

§ 196-1 Prior Notice of Defects.

No civil action shall be maintained against the Village for damages or injuries to person or property sustained in consequence of any street, highway, bridge, culvert, sidewalk, or crosswalk being defective, out of repair, unsafe, dangerous or obstructed, or for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any sidewalk, crosswalk, street, highway, bridge or culvert, unless written notice of the defective, unsafe, dangerous, or obstructed condition or of the existing snow or ice, relating to the particular place, was actually given to the Village Clerk of the Village of Hastings-on-Hudson and there was a failure or neglect within a reasonable time after receipt of such notice to repair or remove the defect, danger or obstruction complained of, or to cause the snow or ice to be removed, or the place otherwise made reasonably safe.

### **SECTION 2. SEVERABILITY**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

### **SECTION 3. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

### **20:20 RESOLUTION ENDORSING APPLICATION TO THE HUDSON RIVER VALLEY GREENWAY PLANNING GRANT PROGRAM**

**WHEREAS,** the Village of Hastings-on-Hudson is applying to the Hudson River Valley Greenway for a grant under the Hudson River Valley Greenway Planning Grant Program for a project entitled Hastings-on-Hudson Comprehensive Plan Update.

**NOW THEREFORE BE IT RESOLVED** that the Board of Trustees of the Village of Hastings-on-Hudson hereby does approve and endorse the application for a grant under the Hudson River Valley Greenway Planning Grant Program, for the Hastings-on-Hudson Comprehensive Plan Update project located within this community.

**21:20 – AUTHORIZATION FOR VILLAGE MANAGER TO SIGN AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**RESOLVED,** that the Mayor and Board of Trustees authorize Village Manager Mary Beth Murphy to execute the Agreements and any subsequent papers which might be required to secure payment of the claim: Proceeding 13403, PIN 8754.76.221, S.H. 9485, Map 1021, Parcel 1027, as per the attached documentation.

**22:20 APPROVAL OF 2019-2024 SNOW AND ICE AGREEMENT WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

**RESOLVED:** that the Mayor and Board of Trustees authorize the Village Manager to sign the Snow and Ice Agreement with the New York State Department of Transportation for the 2019-24 Snow Seasons, as attached.