

**VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK  
BOARD OF TRUSTEES  
REGULAR MEETING  
TUESDAY, FEBRUARY 16, 2021**

**Regular Meeting Opened 6:02 PM**

**PLACE: HOSTED VIA ZOOM**

**STREAMED LIVE ON CHANNEL 75 (CABLE) OR CHANNEL 43 (FIOS)  
STREAMED LIVE ON [www.whoh-tv.org](http://www.whoh-tv.org)**

**No public participation in-person, as per Governor's directive regarding COVID-19**

**Public comments will be heard via email at [boardoftrustees@hastingsgov.org](mailto:boardoftrustees@hastingsgov.org) or  
through the Zoom Meeting Application**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: Mayor Armacost  
Trustee Leaf  
Trustee Lopez  
Trustee Fleisig  
Trustee Lambert  
  
Village Manager Murphy  
Village Attorney Whitehead

**APPROVAL OF MINUTES**

Trustee Lopez moved to approve the minutes for the Regular Meeting of the Board of Trustees, February 2, 2021, seconded by Trustee Lambert. Motion carried, all voting "aye". Approved 5-0.

**APPROVAL OF WARRANTS**

Trustee Lopez moved to approve the warrants, seconded by Trustee Lambert. Motion carried, all voting "aye". Approved 5-0.

**PUBLIC COMMENT**

Village Manager Murphy described a public comment email that came from Mr. Patrick McKenzie with respect to parkland dedication:

To the Board of Trustees,

I am writing regarding the parkland dedication topic under discussion tonight, which I have been following closely.

I want to start by expressing my gratitude to the Board for considering many of our parks for formal dedication. Particularly to Mayor Armacost, Village Attorney Whitehead, and Anthony Constantini: thank you for your leadership in preserving the public spaces that make Hastings such a special place to live.

I would like to encourage the Board to consider dedicating **all** Village parks. Taking this formal action to clarify the legal status of our parks would prevent divisive legal battles by reducing confusion for future Village officials about the conservation status of our parks.

The purpose of parkland dedication is to indicate which parks are subject to “public trust doctrine,” which adds an extra layer of protection for municipal parks. According to the New York State Comptroller's Office, *Public Trust Doctrine is defined by 150 years of State court decisions, which explain when municipalities must seek State legislative approval to alienate public parkland. Otherwise it would be tempting for municipalities to view parkland as a fiscal resource that can be sold or leased to raise money or used for other government purposes to avoid paying for private land.*

There are two ways that land can become subject to public trust doctrine. Many of Hastings’ parks might currently be dedicated through “**Implied acts**,” which include simply using a parcel as a park. Evidence such as maps can support the case that land is a park and is therefore subject to public trust doctrine. The second way — “express provision” — dedicates parks explicitly, through legal acts such as restrictions in deed or legislative action.

The main point of my public comment is to ask the Board to consider whether all of our parks have already been dedicated through “implied acts.” After all, many of our parks that are not formally dedicated have been used as parks and officially mapped as such (for example, in the Village Comprehensive Plan) for a long time. These include Fulton Park, Dan Rile Memorial Park, Rowley's Bridge Trail, Lefurgy Park, VFW Park, Vest Pocket Park, Wagner Park, Villard Pocket Park, Uniontown Park, and Zinsser Park. The effect of formally dedicating all of our parks would be a subtle but important move in support of Hastings’ long-term social and economic prosperity. Since these parcels are already well-known as parks, the act of formal dedication would not add any additional requirement for legislative approval for non-park uses of that land. It would simply codify and clarify that Hastings’ parks are indeed parks, and subject to protection under law. My understanding of parkland protections under public trust doctrine is that they are routine statewide and that it is unusual to choose to leave known parks undedicated. To restate this succinctly: Dedicating a new park where one does not yet exist would be a big decision. Dedicating a park where one already exists is a formality, since decades of implied acts make our parks subject to public trust doctrine.

It’s important to note that public trust doctrine does not rule out the possibility of development. It simply ensures that any decision to develop a park isn’t taken lightly. For example, the fact that Fulton Park is subject to the public trust doctrine doesn’t prevent the Hastings Public Library expanding. It just means that such a move would require environmental review and state approval. Presumably the New York Public Library, which occupies part of Bryant Park, has gone through this process, as have the many parks across the state that have built new roads or structures.

Our Village parks are already subject to oversight by the state legislature, so I see no downside to formally dedicating them to the people of Hastings. The Board has already discussed that it is good for zoning, dedication, and land use to align. The decision not to formally dedicate our parks would not exempt them from legislative oversight—it would only complicate things for Village officials down the road.

Thank you,  
Patrick McKenzie  
374 Warburton Ave.

Anne Lessy addressed the Village Board with respect to Police Reform:

Thank you for the opportunity to speak tonight.

My comments concern the Village's Police Reform Taskforce. But what I really hope to discuss is how we can reimagine community safety more broadly. One of the most important interventions of the Black Lives Matter movement is highlighting how divestment in community and social services has accompanied (and continues to accompany) the explosion of mass incarceration and mass criminalization.

The War on Crime was our country's backlash to the achievements of the civil rights movement. New York was not immune to this. Our state's Rockefeller Drug laws created a template that supersized a racist and harmful War on Drugs, that continues to this day, disproportionately punishing people of color here in Westchester County and across the state.

As a resident and community member who's witnessed heightened suffering during this cruel pandemic, my plea is that our public resources prioritize feeding the hungry, clothing the cold, supporting the sick, creating and preserving affordable housing, and championing full funding for public education so our kids, staff, and teachers can safely return to school.

Helping our neighbors and addressing economic insecurity and racial inequality--intensified by the pandemic--would strengthen our community in a positive way while advancing racial justice and making Hastings a more inclusive and supportive place to live.

There are excellent examples of municipalities that have developed innovative programs that provide mental health services and crisis support without engaging the criminal law system. Programs like CAHOOTS in Eugene, Oregon and the STAR program in Denver, Colorado are the models I hope the Village and Westchester County will emulate and adopt.

I applaud Hastings for having a record of restraint in the age of mass incarceration. I hope this state-mandated process does not make the Village lose sight of this as a strength. The reality is, there's no organic, grassroots movement here demanding new police equipment or more police in public schools. Only an executive order issued from Albany.

I sincerely urge the Village not to be part of yet another backlash cycle in the long struggle for racial justice by reacting to Black Lives Matter with more funding for policing, rather than meeting the moment and redefining community safety for all. We need to invest our public resources in fighting hunger, fully funding our public schools, providing mental health services, creating truly affordable housing, and providing supportive services for families struggling during this devastating pandemic.

Thank you.

Alex Rabb also addressed the Village Board with respect to Police Reform.

## **RESOLUTIONS**

### **10:21 – PURCHASE OF ELECTRIC VEHICLE**

Trustee Lambert moved, seconded by Trustee Fleisig, and unanimously carried upon roll call vote, that the following resolution be approved: Approved 5-0.

**WHEREAS,** the Village Manager vehicle needs replacement; and

**WHEREAS,** the Village policy supports the purchase of electric vehicle whenever feasible; now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees authorizes the capital lease/purchase of a Nissan Leaf SL Plus up to the amount of \$33,747.66 for use by the Village Manager; and

**BE IT FURTHER RESOLVED:** that the Mayor and Board of Trustees authorize the Village Treasurer to make the appropriate transfer from the Capital Reserve Fund (AA.878) to the Capital Projects Fund (HH.0021.637) to fund the purchase of the vehicle for Village Hall.

**11:21 – NEGATIVE DECLARATION – ACCEPTANCE OF THE DONATION OF 22 AQUEDUCT LANE**

Trustee Leaf moved, seconded by Trustee Fleisig, and unanimously carried upon roll call vote, that the following resolution be approved: Approved 5-0.

**WHEREAS,** a Short Environmental Assessment Form (EAF) by the Village of Hastings-on-Hudson has been filed with the Board of Trustees in connection with the acceptance of the donation of 22 Aqueduct Lane; and

**WHEREAS,** the Mayor and the Board of Trustees, the only involved agency, have reviewed the EAF and the criteria for significance set forth in 6NYCRR § 617.7(c); now therefore be it

**RESOLVED:** that the Mayor and Board of Trustees find that that acceptance of the donation of 22 Aqueduct Lane will not have a significant adverse impact on the environment and does not require an Environmental Impact Statement (EIS) for the reasons as set forth in the EAF.

**12:21 – ACCEPTANCE OF DONATION OF 22 ACQUEDUCT LANE**

Trustee Leaf moved, seconded by Trustee Fleisig, and unanimously carried upon roll call vote, that the following resolution be approved: Approved 5-0.

**WHEREAS,** the Jacques and Yulla Lipchitz Foundation, Inc. has offered to donate property located at 22 Aqueduct Lane, Hastings-on-Hudson, NY, the former studio of the artist, Jacques Lipchitz, (the “Real Property”) and all its contents to the Village; and

**WHEREAS,** the Village has conducted due diligence regarding the condition of the Real Property, its real estate title and improvements including a Phase 1 Environmental Assessment by Potomac Hudson Environmental, Inc. and follow up on the recommendations therein and a structural assessment by Structural Consulting Services, P.C.; and

- WHEREAS,** based upon recommendations in the Phase 1 Environmental Review the heating oil tank was removed and the soils tested for volatiles, paints and metals, none of which were found at levels exceeding applicable action levels; and
- WHEREAS,** a structural assessment of the property was performed which found that overall the building was in good structural condition and that the building on the Real Property is structurally sound; and
- WHEREAS,** the Village has considered the cost and benefit of accepting the gift of the Real Property and all its contents and concludes that there is minimal immediately necessary cost to accepting the Real Property, and that the potential benefit to the Village to owning the Real Property in immediate proximity to Quarry Park now being developed across the street is substantial, and that specific future use can be considered when grant or other fund mechanisms become available to make any improvements which may be necessary; and
- WHEREAS,** the Real Property is currently tax exempt and so there will not be any loss in tax revenue by the Village taking ownership of the Real Property; and
- WHEREAS,** the Village Board has issued a Negative Declaration in connection with its consideration of acceptance of the donation of the Real Property.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

The Village Board of Trustees hereby accepts the donation of the Real Property and all its contents from the Jacques and Yulla Lipchitz Foundation, Inc. and authorizes the Village Manager to execute any documents required to effectuate the donation subject to review and approval of the Village Attorney.

### **Change of Regular Agenda Order**

#### **PRESENTATION**

Westchester County Executive George Latimer provided a detailed presentation providing an update on COVID-19, including an update on vaccine distribution in the County.

### **Return to Regular Agenda Order**

#### **13:21 – RESOLUTION DEDICATING PARKLAND IN THE VILLAGE OF HASTINGS-ON-HUDSON**

Trustee Fleisig moved, seconded by Trustee Lopez, and unanimously carried upon roll call vote, that the following resolution be approved: Approved 5-0.

- WHEREAS,** the Village of Hastings-on-Hudson has previously dedicated a series of properties as public parkland, either by deed or official resolution, including:
- MacEachron Park;  
Pulver's Woods (4.110-108-62);  
Kinnally Cove (4.30-19-3);

Draper Park (4.80-69-4, 4.80-69-5, 4.80-69-6);  
Riverview Park (4.100-93-6);  
Ravensdale Woods (4.120-134-48);  
9A Saw Mill Lofts Parcel (4.60-46-3.4SA, 4.60-46-3.4SH);  
Farragut Parkway Parcels (4.140-151-1, 4.140-151-3, 4.120-136-1);  
Hubbard Extension Trail (4.130-139-1.2);  
Nepera Park (4.150-155-4); and,  
Fraser Park (4.110-105-5).

**WHEREAS,** the Village of Hastings-on Hudson owns additional lands traditionally used as public parks which are not currently dedicated as public parkland,

**NOW THEREFORE BE IT RESOLVED,** that the Board of Trustees determines that the dedication of previously-acquired property as parkland is a Type II action under the State Environmental Quality Review Act, not requiring additional environmental review; and

**BE IT FURTHER RESOLVED,** that the Board of Trustees of the Village of Hastings-on-Hudson hereby agrees to maintain and improve the following lands as dedicated public parks, to be under the care and control of the Trustees of Hastings-on-Hudson:

Uniontown Park (4.140-151-12);  
Hillside Park (4.81-76-6, 4.81-76-11);  
Hillside Woods (4.81-76-3);  
Vest Pocket Park (4.70-56-6);  
Lefurgy Park (4.90-89-6, 4.90-89-14);  
Zinsser Park (4.40-26-11);  
Wagner Plaza;  
VFW Plaza (4.70-49-5); and  
Villard Pocket Park (4.40-37-13).

**14:21 DESIGNATION OF VILLAGE ELECTION DAY AND ELECTION DISTRICT**

Trustee Lopez moved, seconded by Trustee Fleisig, and unanimously carried upon roll call vote, that the following resolution be approved: Approved 5-0.

**RESOLVED:** that the Mayor and Board of Trustees designate Tuesday, March 16, 2021 as General Village Election Day, for the purpose of electing one (1) Mayor for a term of two (2) official years and two (2) Trustees for a term of two (2) official years each; and be it

**RESOLVED:** that the polls are to be open between the hours of 6:00 a.m. and 9:00 p.m.; and be it further

**RESOLVED:** that one Election District is designated, located at the James V. Harmon Community Center, 44 Main Street.

**15:21 SCHEDULE PUBLIC HEARING FOR PROPOSED LOCAL LAW A OF 2021**

Trustee Fleisig moved, seconded by Trustee Lopez, and unanimously carried upon roll call vote, that the following resolution be approved: Approved 5-0.

**RESOLVED:** that the Mayor and Board of Trustees schedule a public hearing for Tuesday, March 16 at 6:00 PM or shortly thereafter to consider the advisability of Proposed Local Law A of 2021 – A Local Law Amending Chapter 295, Zoning, of the Code of the Village of Hastings-on-Hudson, to Amend Provisions for Height Restrictions on Residential Buildings; and

**BE IT FURTHER RESOLVED:** that the Mayor and Board of Trustees refer the Proposed Local Law to the Planning Board, Zoning Board of Appeals, and the Westchester County Planning Board for advisory report.

### **VILLAGE MANAGER’S REPORT**

Village Manager Murphy provided a detailed presentation on the Draft Police Reform Plan. Trustee Lopez provided further comments. A discussion with the Mayor and Village Board followed.

The Village Manager continued to provide an update on the temporary no U-turn restriction in the southern corridor. A brief discussion with the Village Board followed.

Village Manager Murphy introduced the Adopt-a-Spot and Pollinator Pathway program in the Village, and then concluded with an update on snow removal after the recent snow event.

### **BOARD DISCUSSION**

Trustee Fleisig provided an update on the Ravensdale Bridge Replacement Project.

Mayor Armacost and Trustee Lambert began a discussion regarding a Fleet Efficiency Policy. A discussion with the Village Board followed.

Mayor Armacost provided an update on the dedications of various parkland throughout the Village. The Mayor then provided a detailed update on COVID-19 including statistics and vaccination procedures, and upcoming Village events.

### **ANNOUNCEMENTS**

1. Thurs. Feb. 18 – Safety Council 7:00 PM Hosted via ZOOM
2. Mon. Feb. 22 – Senior Citizen Advisory Committee 5:00 PM Hosted via ZOOM
3. Thurs. Feb. 26 – Zoning Board of Appeals 8:00 PM Hosted via ZOOM
4. Mon. Mar. 1 – Architectural Review Board 8:00 PM Hosted via ZOOM
5. Tues. Mar. 2 – Board of Trustees Regular Meeting 6:00 PM Hosted via ZOOM

### **ADJOURNMENT**

Trustee Leaf moved to adjourn the Regular Meeting, seconded by Trustee Lopez. Motion carried, all voting “aye”. Approved 5-0.

**Meeting Adjourned 8:09 PM**

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**Joseph L. Cerretani**  
**Village Clerk**