

Village of Buchanan
Mayor & Board of Trustees Meeting
February 4, 2020

PRESENT:

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Duane Jackson, Cesare Pasquale and Nicolas Zachary
Interim Village Administrator Marcus Serrano
Village Attorney Stephanie V. Porteus
Village Board Secretary Susan F. Matthews
Village Clerk Cynthia Kempter

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:50 PM. She led the Pledge of Allegiance and informed every one of the fire regulations.

2. APPROVE MINUTES:

November 26, 2019 Workshop: A MOTION to adopt these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

December 3, 2019 Regular Board Meeting: A MOTION to adopt these minutes as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

3. COMMENTS FROM THE FLOOR: (agenda items only)

Sean Murray, 205 Gallagher Street, commented that items (g) and (h) were discussed at last month's meeting and removed from the agenda because they were personnel issues and to not discuss the reasons why somebody would resign. For some reason it is now on the agenda this month. At the last Workshop there was no discussion to put this on the agenda. He believes that one of those resignations had not yet been submitted at that time. He wanted to know why they were now included this month. Mayor Knickerbocker commented that in 2010 when Mr. Murray was mayor, there was a Resolution with the resignation of a Planning Board member. She advised that we are not making a Resolution but want to publically recognize people who have served the Village. It also advertises that a position is now available. Mr. Murray was concerned that this may become a standard practice. He feels that when someone resigns and is not present when a Resolution like this is presented, if there is discussion it could lead to a misinterpretation of their reasons for resigning.

Eileen Absenger, 138 Tate Avenue, commented that at the Workshop the Board discussed having the Building Inspector also be the Fire Inspector. This would add \$5,000 to his \$96,000 salary. She wanted to know if the duties or job description of Fire Inspector could be incorporated into the title of Building Inspector without a salary increase. Interim Village Administrator Serrano advised that this was his suggestion. The Board will decide. Mr. Conti has volunteered to take on those additional duties and it is only fair to compensate him for those services. Ms. Absenger suggested adding the \$5,000 to the Village Clerk's salary for the extra time she works. She wanted to know what the qualifications for Fire Inspector are and would the Building Inspector require any additional training? The Interim Administrator advised that any Building Inspector has the qualifications to be a Fire Inspector and can do both jobs at the same time. If for example he goes in for a fire inspection and sees Code enforcement

violations, it makes it more efficient. That could not be done if there are two different inspectors. The \$5,000 will be discussed in next year's budget. He noted that we were paying the previous Fire Inspector \$5,000.

4. NEW BUSINESS:

a. PRESENTATION BY NORMA DRUMMOND – Update on the 2020 Census.

Norma Drummond, Commissioner of Planning for Westchester County, wants people to understand the census, how important it is and how the 2020 Census is different. Letters will go out to all on or about March 12. The census is mandated by the Constitution. The first was in 1790 and it is done every 10 years. It is used to apportion legislative seats and to determine the distribution of \$880 million per year in Federal funding. In Westchester, it is also for the distribution of sales tax. Following the 2010 Census it was realized that there were thousands of uncounted people in Westchester. For every person who is not counted, it is a loss of \$2500 in economic help to local municipalities. She noted that just 400 people not being counted is the loss of \$1million per year. It is a large impact.

This time everyone can respond on-line. The letter is an invitation with a 12 digit code. Every housing unit will have a distinct code. Each unit in a multi-family dwelling will have a unique code. You go on your phone and call or go on-line. Everyone gets a key for their housing unit based on where you live. This is the first census that has the opportunity to use government records in terms of who receives mail. The Census Bureau is not allowed to share any information they get with any other agency. There are only 9 census questions: name, address, age, sex, your relationship to the person responding to the census, whether you rent or own, your race and ethnicity. Ms. Drummond noted that while the U.S. Census is being conducted Westchester County is continuing to conduct the American Community Survey of 300 households in the month of March and 300 in April. She wanted people to know that they may get a second survey. There is a difference. People have an obligation to respond to both. The American Community Survey has 60 questions. She emphasized that they do not care if you are a citizen or not. It is an official count of the residents of this country. It is confidential. She explained how units are grouped into blocks. There are more housing units than municipalities are aware of. The census showed 864 official housing units in the Village of Buchanan. They found 890. Using public records, they found 24,000 more units in the County than the Census Bureau had records for. She noted that some municipalities were not doing their monthly building permit surveys. The Village of Buchanan was.

Ms. Drummond noted that they started working on this Census in 2011. It ends on December 31, 2020. The deadline for data entry is July 31. The County is still hiring people to work on the Census on nights and weekends to knock on doors of certain citizens to make sure they get counted. 95% of the households have received the letter. 5% are homes that do not have mail boxes at their home. They will get a "stop and drop" paper form. Less than 1% will be visited by Census Bureau employees. The first of 4 separate mailings will be on or about March 12. People can call or e-mail. After that they get a post card. After April 1, if you do not respond you will get a form in the mail. People can respond on-line starting on March 12. The County Planning Department will have the ability to see the responses more easily and problems if any. There are counties that have language and cultural issues. They can send the proper people to get the best count. If someone does not respond by April 20, they get another mailing. If they still do not respond, they get a knock on their door. She commented that if you do not want a knock on the door, to fill out the Census. You can go to the library or community center where there is a public computer. The Census Bureau does not have your name or e-mail address. They do not have your personal information until you give it to them. Ms. Drummond advised that if

someone comes to your door to make sure you ask for an ID. If they ask you for your Social Security number or credit card, close the door!

Ms. Drummond reiterated the importance of the census. She noted that Westchester's response to the last census was below the national average. Some are not familiar with the census. There is a whole generation of young adults who may not know or realize that they have a responsibility to respond to the census. There are also a lot of Seniors who do not feel comfortable responding on-line. People are concerned with data confidentiality and privacy. Some fear repercussion. Some asked what is in it for them. When asked what would motivate them to respond, 94% answered if it meant more money for health care, fire departments, schools and fixing the roads. People of color were identified as hard to count. Westchester County is one of the more difficult places to count. Ms. Drummond said that they work with libraries and presented 23 million book marks. They work with the schools to adopt "Census Week". People need to make the connection that funding is tied to the Census.

Mayor Knickerbocker thanked Ms. Drummond for coming. She would like to have someone come here to help our Seniors feel comfortable with the census. In addition to technology concerns, they do not want to tell anyone that they live alone. Ms. Drummond reiterated that their personal data is confidential and will not be used. It is not only Seniors. She advised that for the non-English speaking people in the country the Census Bureau has assistance in 59 languages and can give technical assistance. Trustee Zachary asked what is done to reassure non-citizens and illegal residents to fill this out and tell how many people are in their household. Ms. Drummond said that the census does not ask about citizenship. She reiterated to emphasize that if they do not fill out the census, someone will come knock on their door. Trustee Zachary asked about someone living at college. Ms. Drummond advised that they should fill out the Census where they are living. They get services where they are living. Trustee Pasquale commented that his neighbor does not answer the door. Ms. Drummond advised that there is also a count of vacant housing units. All data is self-reported. Trustee Zachary asked what if someone loses the 12-digit code. Some people do not read their e-mail. Ms. Drummond advised that if you do not have the code you can respond with the nearest cross street to where you live.

There were no questions from the audience.

b. CONSIDER A MOTION TO OPEN PUBLIC HEARING REGARDING OVERRIDING THE STATE TAX CAP FOR FISCAL YEAR 2020-2021.

At 8:35 PM, a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

Mayor Knickerbocker commented that this is something we do every year. It looks like we might override the tax cap this year.

There were no comments from the Board or the audience.

At 8:37 PM a MOTION to close the Public Hearing was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor.

c. 2020-7 RESOLUTION TO ADOPT LOCAL LAW #1 OVERRIDING THE PROPERTY TAX CAP.

Trustee Pasquale read the Resolution (*copy attached*).

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

d. CONSIDER A MOTION TO OPEN THE PUBLIC HEARING REGARDING CHARGING SEWER RENTS BASED ON WATER CONSUMPTION AND CONNECTION FEES FOR THE PURPOSE TO COVER THE COSTS OF OPERATION, MAINTENANCE AND REPAIRS OF THE VILLAGE OF BUCHANAN SEWER SYSTEM INCLUDING THE SEWER TREATMENT PLANT.

This Motion was considered. See the following resolution.

e. 2020-8 RESOLUTION TO ADOPT LOCAL LAW #2 TO ADD ARTICLE III SECTION 155-38 TO VILLAGE CODE.

At 8:37 a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

Interim Village Administrator Serrano noted that several municipalities in Westchester have a Water Fund and a Sewer Fund. Some want that but cannot because they do not have their own water supply. We have the benefit of having our own sewage treatment plant whereas other municipalities have the County. The Water and Sewer Funds would be subdivided. It would be more fair across the board. Currently those who are higher users of water are being subsidized by those who are lower users. The Interim Administrator will prepare a spread sheet to explain what people could expect and what can be decided about going ahead and creating a Sewer Fund or not. He explained the costs based on the current budget. He showed an example that estimates that your sewer bill would be 31.52% of your current water bill. Currently we are pulling the money out of the General Fund and reallocating the expenses. He described the estimated decrease in the Village tax bill with a Sewer Fund. Based on a sample analysis, the estimated sewer bill would be between \$130 and \$300. The sewer bill is spread out to a lot more people and there are higher users of water. He noted that the numbers he is showing in these examples are based on the current year and will change. We will have new numbers when we get to the budget cycle. We have the PILOT reduction with Entergy next year. The taxes are going up to cover that. The Interim Administrator contrasted the example of his own water and sewer bill in Peekskill which includes a County sewer tax and the Village. He commented that the most important thing is that the sewer is bringing in a more fair analysis of what the Sewer Fund is used for because we want to be able to maintain the sewer system and treatment plant based on the water coming in to it. The more people are using the water, the higher the rate is. Mayor Knickerbocker asked what the minimum amount of water is. The Village Clerk advised that it was \$45.00. The Mayor noted that would be \$90 per year so the sewer would be \$30.

Trustee Zachary wanted to clarify his understanding and answer a question. We would be separating the sewer fees out of what people pay in taxes now. The general Village taxes are going to go down and there will be a separate tax to cover the sewer. The sewer fee is attached to the water bill as a separate line item. His understanding is that in theory, the total amount we collect in sewer fees would equal the total amount people's tax bill will go down. The Interim Administrator advised that is not what would happen because you are spreading out the sewer fee on a much bigger population of tax and water usage. Your assessment number is based on the value of your house but your sewer fee is based on how much water you use. In the Village we have corporations who use a lot of water. Trustee Zachary wanted to confirm that the Village does not end up getting more money. The Interim Administrator confirmed that was correct. Trustee Zachary still does not see where the tax payer is going to be saving the amounts the Interim Administrator described while also paying a sewer fee. The

Interim Administrator explained that it is a reallocation. The amount we have to raise is the same. It will balance out in what we need for Revenue and Expenses. Trustee Zachary asked about itemizing the tax bill. The Interim Administrator advised that we had discussed itemizing the tax bill by uses.

Trustee Funchion wanted to know if the sewer fee was tax deductible. The Interim Administrator advised that it is not. Trustee Funchion commented that right now that money being transferred from the General Fund to pay for the sewer fee can be deducted but not in the future.

Trustee Jackson noted that the Indian Point plant is closing and will therefore be using less water. By putting the Sewer Fund in place, we are going to see a drain in revenue that we are losing from the power plant. He questioned that actual benefit based on the Interim Administrator's estimate vs. the reality of what the use is and the reality of what the plant will stop using. The Interim Administrator commented that what was discussed is just an estimate of what we have right now. There are other big users of water. Entergy will be using less water but we will be buying less water as well, so our water expense will go down. The Water Fund should balance. We do not know with the Sewer Fund. It will be affected by how much Indian Point will scale down and how long they will be around. Trustee Jackson thinks that it may be prudent to look at this formula after the first year of the plant closing. Trustee Zachary commented that all these things are going to cause adjustments in the water rates and tax rates. It will be hard for people to see exactly what is dropping out of their tax bill because their taxes are going up with the first loss of revenue from the PILOT agreement. He suggested itemizing things to help people better understand the changes as they come into effect. The Interim Administrator advised that we are working the DEC to obtain grants that cover up to 75% of sewer projects. He wants to itemize as much as possible to help us with that.

Trustee Zachary noted that if you still have a 5 gallon flush toilet, it uses 3 times as much water with every flush. Mayor Knickerbocker noted that the new water meters will show if they have a leak. In response to a question from Trustee Pasquale, the Interim Administrator confirmed that residents would receive one itemized bill with their water and sewer fees. He advised that State law requires that money in the Sewer Fund cannot be transferred to other funds. It can only be used for expenditures for sewer projects. The Mayor commented that if we are eventually able to take in sewage from other localities they would also form a sewer district. The Interim Administrator advised that there are legal issues that need to be discussed.

Sean Murray commented that this is basically a sales tax on water. He noted that it was presented as being for accounting purposes and not to increase revenue. He commented that there is already a way of accounting for it in a line item in the budget. He does not think that presenting this as not being a way to generate extra revenue is not factual because it is being done to collect money for the operation and maintenance of the sewage treatment plant and keep the taxes low so as not to increase the General Fund taxes. The Interim Administrator advised that we allocate the expenses to where they belong in the Sewer Fund. He does not anticipate any increase in water or sewer. If everything remains equal the taxes will go down. Mr. Murray agreed. He commented that you are taking something out of the General Fund and putting it into a separate fund. In the meantime, the General Fund will be used to fund everything else. There is already a way to account for this in the budget now. The Interim Administrator believes that this reallocation makes it more fair for the users of the system. Mr. Murray wanted to know if the sewage contract with Entergy has been renegotiated. He does not know if they will be liable to the sales tax or not. They already pay a percentage of the operation and maintenance based on the amount of water they sent to the plant. He does not see why a big industrial user would pay twice for the same service.

Mr. Murray noted that it was asked why this was never enacted before. He commented that there were attempts in the past to enact GRTs. We had a Public Hearing on one for electric rates. There were discussions about one for cable television fees. There was discussion about adding a garbage tax. All were soundly rejected by the elected officials at the time due to public outcry. Mr. Murray commented it was felt at the time that if we need money to provide a service that it should be put in a tax bill and during the budget process explained to the people as to why we need that money. He feels that putting in these regressive taxes is hiding your actual tax bill. He commented that a few years ago he was in favor of a 3% GRT because the big industrial users would have doubled the amount of revenue that the tax payer would have paid, but it got voted down. The Interim Administrator commented that Mr. Murray is talking about additional fees whereas he is talking about reallocating money received. Mr. Murray sees this as generating extra revenue outside of levying taxes. That is why he is against this.

Mr. Murray did not see a resolution modifying the Village Code covering one time reimbursement for people who have a water issue in their house. He commented that a few years back we experienced water pressure issues and a water main break, and some residents, especially some Seniors, saw elevated water bills. At that time the Board passed a Local Law that had a one time forgiveness. That should also have a refund in the Sales Tax bill. He believes that if this proposal is adopted the percentage is actually going to go up because Entergy is approximately a 30% user and we bill them accordingly at a unique water rate. The Village also pays different water rates for water we take from Peekskill and Montrose respectively, and those fees are passed along. So there are a lot of variables which will mean a lot of fluctuations. Trustee Zachary thinks this proposal is very up front because you will see what you are paying. It is not a revenue raising tax. It is shifting. Mr. Murray feels that if it does not raise the revenue stream then there is no advantage in doing it. Trustee Zachary feels that the advantage is that people that use more will pay more. Mr. Murray agreed that either way you do it, there will be inequities. The Interim Administrator commented that people can control their water and sewer usage. It is an equity issue so people can pay their fair share of the sewer system. Eileen Absenger, 138 Tate Avenue, noted that she is a property owner who is not on the sewer system.

Trustee Jackson is in favor of waiting until the budget is in place to evaluate the effects from Entergy. He favors charging for the amount you personally use as opposed to subsidizing the other users.

At 9:08 PM a MOTION to adjourn the Public Hearing to March 4, 2020 was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

f. 2020-9 RESOLUTION CONDEMNING ANTI-SEMITISM.

Trustee Zachary read the Resolution (*copy attached*).

Mayor Knickerbocker commented on how sad a commentary this makes, that we live in a society where a Motion like this is necessary. Trustee Zachary commented that this is something that begins at home. Children are not born with religious hate. It is something they learn from what they see and hear around them. He commented that we all grew up seeing or hearing something denigrating another religion or race or group of people. But hopefully we saw and heard other lessons that teach us that we are all human beings. Trustee Funchion commented that many of us know of someone who fought in WWII and never came home. He cannot understand why in our country today we allow the Nazi Party and the Nazi flag to be flown. It is illegal in Germany.

A MOTION to adopt this Resolution as presented was made by Trustee Zachary, seconded by Trustee Funchion with all in favor.

g. RECOGNIZE THE RESIGNATION OF MR. MIKE WENZ FROM THE PLANNING BOARD AS OF DECEMBER 20, 2019.

Mayor Knickerbocker recognized Mr. Wenz and presented him with a Certificate of Appreciation for 4 years of service.

h. RECOGNIZE THE RESIGNATION OF MR. JIM SEIRMARCO FROM THE PLANNING BOARD AS OF JANUARY 12, 2020.

Mayor Knickerbocker recognized Mr. Seirmarco with a Certificate of Appreciation and thanked him for his many years of service to the Village. He cannot continue because of his health.

i. CONSIDER A MOTION TO PROMOTE MR. TONY SANTIAGO TO MEO (MOTOR EQUIPMENT OPERATOR) AS RECOMMENDED BY MR. ROBERT WHEELER, LETTER OF RECOMMENDATION IS ATTACHED, AS OF FEBRUARY 7, 2020 AT AN ANNUAL SALARY OF \$97,387.

Trustee Funchion read the attached letter of recommendation.

Trustee Funchion congratulated Mr. Santiago. Trustee Jackson noted that with the new hires our Highway Department is fully staffed. He commends all our employees.

A MOTION to promote Tony Santiago was made by Trustee Jackson, seconded by Trustee Zachary with all in favor and Mayor Knickerbocker abstaining.

j. CONSIDER A MOTION PROVIDING FIVE THOUSAND DOLLARS (\$5,000) TO MR. ANTHONY CONTI TO PERFORM THE REQUIRED FIRE INSPECTIONS AS MANDATED BY THE New York DEPARTMENT OF STATE.

Mayor Knickerbocker read the Motion.

A MOTION to adopt it as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

k. CONSIDER A MOTION TO AUTHORIZE THE RELEASE OF A BID TO RECEIVE PROPOSALS FOR THE SLUDGE REMOVAL FROM THE VILLAGE OF BUCHANAN SEWER TREATMENT PLANT.

Mayor Knickerbocker read the Motion.

A MOTION to adopt it as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

l. CONSIDER A MOTION TO APPOINT ELECTION INSPECTORS FOR THE MARCH 2020 GENERAL VILLAGE ELECTIONS. THE PAY SCHEDULE IS CHAIRMAN - \$195.00/DAY; INSPECTOR - \$180.00/DAY; AND ALTERNATE INSPECTOR - \$90.00/DAY.

Mayor Knickerbocker read the Motion.

The Mayor noted that the elections will be on March 18, 2020.

A MOTION to adopt it as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

m. CONSIDER A MOTION TO ENTER INTO AN AGREEMENT WITH WESTCHESTER COUNTY FOR THE USE OF VOTING MACHINES.

Mayor Knickerbocker read the Motion.

A MOTION to adopt it as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

n. CONSIDER A MOTION APPROVING THE VOLUNTEER FIREFIGHTERS THAT HAVE MET THE REQUIRED 50 POINTS FOR THE SERVICE AWARD PROGRAM AS PROVIDED BY THE FIRE DEPARTMENT AND ATTACHED HERETO.

Village Attorney Porteus advised that this is an elective service award program for volunteer firefighters. They earn points for certain activities such as fighting fires and attending meetings. With those points they are entitled to a payment based on the number of years of service. Each year the Fire Department certifies to the Village the members who made their points. The Interim Administrator thanked the officers of Buchanan Engine Company for their cooperation. There was a new process for them. They worked hard to get the list together and everything they were asked to do was done without question.

A MOTION to adopt this was made by Trustee Zachary, seconded by Trustee Pasquale with all in favor.

o. ANNOUNCE A NEW E-MAIL NOTICE FOR RESIDENTS ON WEB SITE.

The Interim Administrator announced that on the Village web site you can sign up to receive e-mail notifications of Village meetings. He is also working with our web designer on a more interactive calendar with links to the meeting agenda. He also reminded people to sign up for the Code Red system which is for emergency purposes only. Mayor Knickerbocker asked to have a sign up table in the Village Hall on Election Day. It has also been in the Newsletter and on Facebook.

4. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) Justice Court Reports – December 2019

Received and filed. One amount is \$2,074 and the other is \$2843.

- b) Police Report – December 2019

Received and filed. Mayor Knickerbocker noted the highlights: 145 total calls; 43 moving summons; 31 parking summons.

- c) Attorney's Report:

Village Attorney Porteus will have a report for Executive Session.

- d) Administrator's Reports:

Interim Village Administrator Serrano reported that the Village Clerk has the tentative tax roll. Residents can contact the Village office with any questions. Grievance Night will be on February 18 from 4 PM - 8 PM.

- e) Mayor's Report:

The clock in the Village Circle is scheduled to be repaired the week of February 17.

Mayor Knickerbocker reported that there was a Citizens Advisory Panel meeting on January 15 at the Village Hall. Diane Tangen, Eileen Absenger, Mike Wenz and Bobby Wheeler were among those present. Holtec did a presentation on the Post-Shutdown Decommissioning Activities Report (PSDAR). They did not answer all the questions that were raised but the Mayor noted that they were there to only do a presentation. There will be more, separate meetings on specific subjects like the financials and the spent fuel with the appropriate people to answer questions in detail. Our concern is the slow and thorough decommissioning of the plant. This is the beginning of a long process.

Mayor Knickerbocker reported that last Thursday she attended the New York State Task Force meeting. They discussed how the Cessation Fund would be funded. Previously it was with tax money. They now have another funding mechanism. Representative Nita Lowey's representative spoke about what the Congresswoman is working on, like the Stranded Act. They did not have all the details. The Mayor commented that we will be going after that money.

Trustee's Reports:

Trustee Jackson reported on a suggestion from one of our residents and member of the Historical Society to use the Village pavilion for a Revolutionary War Exposition for the children to remember our history and pass it on. The Historical Society Committee will pursue that.

Trustee Funchion reported that he was at the Advisory Panel meeting with the Mayor. He felt that a lot of their questions were sidestepped which bothered him. One that he asked was that when Indian Point 1 was closed down the spent fuel was moved. He wanted to know how they did it but the people said it was before their time. He felt that it was unfortunate that Holtec did not send people who were qualified to answer questions.

Trustee Zachary reported that they had a kick off meeting of the Town of Cortlandt-Village of Buchanan Joint Local Waterfront Revitalization Program (LWRP). This is from a State grant to develop the waterfront. It involves a study from the river up to Washington Street. The study group meets once per month. There is a hired planning consultant. They will look at ways to improve the waterfront. It is not limited to the waterfront. It includes the downtowns and the business areas and vitality of the community as a whole. The public may attend. There will be a link on the Village web site. The next meeting will tentatively be on February 26 at the Village Hall.

Trustee Zachary noted that at the next Workshop they will continue the discussion on an overlay zone to encourage development. He will discuss the letter to residents about parking enforcement and discuss Code enforcement in general.

Trustee Pasquale reported that the Village Board will be having their budget meetings and Workshops and residents are encouraged to attend. The Board will answer any questions instead of residents hearing different things all over the place.

He wished all the ladies a Happy Valentine's Day.

5. COMMENTS FROM THE FLOOR:

Frank Apollonio, 3220 Albany Post Road, commented on getting a ticket for parking on Route 9A. He has been parking there for 40 years. He said that a police officer came into his own parking lot

and gave him a ticket. One of his tenants got a ticket. He moved his car and parked on the southbound side of Route 9A and got a ticket there. Mr. Apollonio commented that others park there and feels that he was being singled out. Two weeks ago a police officer came to his tenant's door to have him move his car out of the parking lot. He reiterated that there has been parking there as far back as the 1940s and showed an old photo.

Trustee Zachary advised that the State will be doing paving there and redoing the crosswalk. The Village is applying for grant money to improve the sidewalk coming around from Bleakley Avenue to Route 9A. Mr. Apollonio commented that there was discussion about putting a sidewalk there when Sean Murray was mayor. Mr. Murray confirmed that it was discussed and voted down. Mr. Apollonio commented that there is not enough parking there. It is commercial property. He had a deli there for 38 years and only had two 15 minute parking spots in front. He had to park there to go to work in the morning. Now he cannot do that. A sidewalk will take away more parking spots that he and his neighbors have today. He commented that there is not enough parking for the people who live there and none for anyone who visits them. For years they parked without a problem across the street from the deli until now. He wanted to know why there are now parking signs all over there. He wanted to know if this was to try to squeeze him out or if it was a way to raise revenue for the Village from the fines paid by residents.

Mayor Knickerbocker advised that we had received complaints because there were 4 or 5 cars parked there. Some people thought it looked unsightly. The big concern was a safety issue. There was a sight distance issue on the corner of Route 9A and Bleakley Avenue. That it is Village property. There was a truck parked there. Mr. Apollonio noted it was not his. The Mayor wanted to know how many of Mr. Apollonio's tenants parked on that side. He advised only one. Trustee Zachary asked how many spots he needed for his three apartments. Mr. Apollonio advised that he had one spot in the back of the property and one in front. He would need one or two across the street. Trustee Zachary advised that there had been a concern with a picnic table in one of the spots. Mr. Apollonio commented that it was there for the deli and he is having it removed. Trustee Zachary advised that there are still details being worked out with the State concerning their pending work there. He recommended that when that is worked out that the Village get back to Mr. Apollonio to work out his needs. Mr. Apollonio commented that it is not just him but all the neighbors there. He asked why they received tickets for parking along Route 9A when everybody else does. Trustee Zachary agreed and noted that Raulindo's parks vehicles there. The Interim Administrator will find out why Mr. Apollonio's tenants are being ticketed. Mayor Knickerbocker advised that the next Workshop is on February 25 and if we have more information he will be invited to come back.

Sean Murray commented on the elected officials' successful passage of the \$1 million bond. It was passed without any opposition or a Public Hearing. He wanted to sign a petition opposing it that was supposed to be in Village Hall but there was none. He was advised by the Village Clerk that the bond company did not send one. The Village was going to call the bond company. Mr. Murray returned 4 or 5 hours later and was told that not only would there be no petition but that if he wanted to challenge the bond he must do his own research through the Board of Elections and that the Village employees had been instructed to not assist him in any way. Mr. Murray tried to contact the Board of Elections. The person who handles bonds was not in that day. After 3 or 4 days and 8 phone calls, he finally spoke to somebody. He was advised that there was no reason to come to the Board of Elections. Bond issues are handled by the Village. They would be the one to give you all the information for the permissive referendum. The Interim Administrator called Mr.

Murray the next day to advise that he had been given some incorrect information. Mr. Murray advised that there are 3 different laws governing permissive referendums – a State, a County and a Village law. The one that we were referencing was a County law. It specifies 5% of the people voting in the last gubernatorial election. The State law is 100 people or 10% of the gubernatorial election. The Village law is 20% of the electorate. He commented that it would have been nice to have that information before that happened. He wanted to know who gave the instruction to the office staff to not assist the public on this. Mayor Knickerbocker said that our office staff is always helpful to everyone. Mr. Murray agreed which is why he was surprised. He commented that there are only 2 people in the Village who direct the work force: the mayor and the Village Administrator. He commented that based on the 5% criteria in the previous interpretation it would have been easy for him to have gotten the required number of signatures. He speculated in his mind that there may have been a fear that he could have blocked it and maybe a little more research was done on the legalities resulting in his being told that the Village staff could not assist him. The Interim Administrator advised that they went to the bond counsel because he was not sure. He advised that it was up to the individual looking to sign the petition to look it up on the internet. Because that advice came from legal counsel, that is why Mr. Murray was told that the Village staff could not help him and that he would have to look it up himself. Mr. Murray commented that the bond counsel said that they did not have to but they could have and chose not to. The Interim Administrator commented that he did advise Mr. Murray that it was 20%. He conveyed the legal advice of the bond counsel that it is up to the individual resident who wants to sign the petition to go to the internet where there is a sample petition that can be filled out.

Village Attorney Porteus noted that we had a few Permissive Referendums when Mr. Murray was mayor. Mr. Murray agreed and commented that we assisted the public in every way. The Village Attorney confirmed that the Interim Administrator did receive that advice from the bond counsel. Mr. Murray reiterated that the bond counsel does not direct the Village employees; only the mayor or Administrator.

Mr. Murray recommended that the Village Board consider disbanding the Planning Board. There have been a minimal number of people coming before that board in the past few years. He commented that the Village Board is entertaining changes to the architectural review process. Those did not include any input from the Planning Board. The Zoning Board was consulted on some issues. He advised that New York State law allows the elected officials to take over the duties of the Planning Board. His understanding is that people who recently purchased property in the Village have not been coming before the Planning Board. They are going to the elected officials instead. He commented that since the Village Board is already doing it, disbanding the Planning Board would save the taxpayers money. They have had only 8 meetings in the last 2 years. He commented that when they give the rules that people find them too arduous and do not comply. There is a lot of illegal development going on. In a recent Workshop he talked to the Board about illegal excavation on Con Edison property behind Raulindo Auto Body that is taking down the steep slopes. He commented that part of it is because of the parking restrictions the Board is talking about. He has been talking about it for the last year to the elected officials and the Planning Board. That has not stopped the work. He suggested that if there is not going to be any enforcement maybe the construction they are doing should just be taxed. Mr. Murray commented that he spoke with the Building Inspector and was advised that he was told not to issue any citations to Con Edison because they are a public utility.

The Interim Administrator advised that it was not Con Edison doing the work. It was someone trespassing on their property. He was advised by Con Edison today that they have served a cease and desist order on that person and ordered them off their property. Mr. Murray commented that this is this is the third time. They used to put up concrete barriers and fences. Within days they are gone. He wanted to know who is going remediate this property to bring it back to its actual contour. He noted that we do have topographical maps. Trustee Zachary commented that the site plan will have to show where the retaining wall was to have originally been. He commented that right now Raulindo is dumping junk back there. Mr. Murray commented that he is talking about the adjacent property. Raulindo is storing his debris on Con Edison property on a different piece of land. He stores the waste behind the shop and all the cars behind the house.

6. EXECUTIVE SESSION:

At 10:00 PM a MOTION to enter into Executive Session to discuss the PILOT was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

7. ADJOURNMENT:

At 10:35 PM a MOTION to exit the Executive Session and adjourn the meeting was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor.