

Village of Buchanan
 Mayor & Board of Trustees
 Regular Meeting
 Monday, November 2, 2009

PRESENT:

Mayor Alfred Donahue
 Trustees Theresa Knickerbocker, Sean Murray, Gail F. Richard
 Village Attorney Stephanie V. Porteus
 Village Secretary Susan F. Matthews

ABSENT:

Trustee Brian Smith
 Village Administrator Thomas J. Jankowski

Mayor Donahue advised that Trustee Smith was on vacation.

1. PLEDGE OF ALLEGIANCE:

Mayor Donahue opened the meeting at 7:30 PM, welcomed everyone and informed them of the fire regulations. Mayor Donahue led the Pledge of Allegiance.

APPROVE MINUTES: Regular meetings of September 8, 2009 and October 5, 2009

September 8, 2009: Trustee Murray made a change on page 21, paragraph 2, and line 3 to cross out "they" and insert "Village" before Board and in the same paragraph, line 6, insert "Planning" before Board.

A MOTION to adopt the minutes of the meeting of September 8, 2009 as corrected was made by Trustee Richard, seconded by Trustee Murray with all in favor.

October 5, 2009: A MOTION to adopt the minutes of the meeting of October 5, 2009 as read was made by Trustee Richard, seconded by Trustee Murray with all in favor.

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

None

6. OLD BUSINESS:

a) **RESOLUTION AUTHORIZING BUDGET TRANSFERS TO CLOSE FISCAL YEAR 2007-2008.**

Trustee Richard asked that this be postponed until we have a Village Administrator in place to go over it.

Trustee Murray commented that as was discussed last month, the Village is under a regulation to close its books in October. He wanted to know if there was not a requirement to close out the fiscal year in a certain time frame. Village Attorney Porteus advised that they should be closing the fiscal year. Trustee Murray commented that when this was discussed last month, he thought the Board was going to go back to the old budget. Apparently, the budget transfers are already made on paper. The Board was going to try to delete those and try to trace some of the funds. Trustee Richard was going to look at that.

Trustee Richard advised that she did that. She found that all the budget transfers are going into retroactive pay for the year 2007-2008. The fiscal year is closed out on May 31, 2008. The Board did not pass the retroactive pay until July 2008. Therefore, it should not be in this budget transfer at all.

Trustee Murray wanted to know if the budget transfers could just be deleted. Trustee Richard commented that personally, she thought that they should, but she does not have the authority to delete those things and that is why she is waiting for the new Village Administrator. Trustee Murray wanted to know does not the Village Board have that authority and that is why this is before the Board. The Village will not have a Village Administrator for another couple of months. To expect somebody to come in as a new Village Administrator, and to understand the Village's finances going back to 2007-2008, he thinks is an almost impossible task. Trustee Murray commented that if the Board could just delete those transfers, the books could be closed.

Trustee Richard commented that if the Board deletes those transfers, she is more than willing to go ahead with it. But as long those transfers are in this resolution, she is not in favor of passing the resolution.

Trustee Murray wanted to know what the consequences would be if they deleted those transfers.

Trustee Knickerbocker commented that the net amount is going to be the same. It is not going to change the percentage of the budget. It is not going to change the dollar amount. It is just the transfers within the budget. Trustee Murray commented that it would be what line it came from. That is what was confusing him. Trustee Richard commented that it was depending on the line. Trustee Murray wanted to verify that the amount is not the changing the bottom line and they are not going into the red on anything. Trustee Richard commented that they are already in the red. Before the budget transfers, they were a million dollars in the hole for that fiscal year. He transferred \$450,000 out of a fund to bring the deficit down to about \$500,000. The transfer was done without Board approval. He then put in the transfers for retroactive pay which they had a contingency budget for \$125,000 for that particular year. The following year when the Board knew they were passing the contracts, they did allow for the contingency to go to \$250,000 to offset the retroactive pay for the fiscal year 2008-2009. He has taken money out of the contingency. He has taken money out of other departments in order to offset retroactive pay.

Trustee Murray wanted to know if a new Administrator comes in, where he would get the money. Trustee Richard responded that a new Administrator would be able to back out all the retroactive pay and put it into the proper year that it should belong in, especially after we have just gone through a New York State audit. She commented that they were not happy with the way the Village's books are right at this point. She questioned the gentleman with regard to the retroactive pay being in the wrong prior year where it was backdated and they told her that he should not be doing that. She is just trying to do it the proper way and that would be to put it in the proper year. The way to do it would be to back out all the retroactive pays and go through the budget transfers to what is left over.

Trustee Murray commented that everything was paid. All the bills were paid. Trustee Richard commented that the bills were paid but we are in the red.

Trustee Murray wanted to know what line the half million dollars was in; if it was Employee Benefits. Trustee Richard commented that he took it out of Other Funds, Line 9901. Trustee Murray noted that \$750,000, which is the General Fund, is Line 9901. Trustee Murray wants to close the books out somehow. The Board has the authority to close out these lines. The Board discussed last month that they were going to stick with the original lines that they had and not transfer those funds. He wanted to know if that could be done. Trustee Richard commented that if Trustee Murray wanted to go back into the lines and change all the figures, it was up to him and he could present it to the Board. Trustee Murray said okay.

Trustee Knickerbocker noted that the Board really has to settle this, especially if they were going to talk about bonding. They need to close these books out. She wanted to know if there is some way the Board could bring in a CPA or someone else. The person would have to be paid, but somebody who would actually come in, quickly go through the budget and tell the Board where they are with it. She commented that it is time consuming to go through each one of the lines.

She started originally to try to compare where it was coming from and where it was going. It is a lengthy list. She did not know if that was an option for the Board.

Mayor Donahue commented that as everyone knows, there has recently been an audit in the Village and there is another one currently going on. He is sure that when they get the report, which he hopes will be soon, it will shed some light on corrections that they will have to make or should have made before. He does not know if the Board can wait that long.

Trustee Murray asked if the State Comptroller's office was going to adjust the lines. Mayor Donahue advised that they will not but that they will give guidelines on what should have been done and how to do it properly.

Trustee Murray commented that he understands that the Village auditor has quit now, too. He wanted to know if the Village auditor will be able to correct these lines if they do not have a Village Administrator in place. Mayor Donahue commented that the Board got something from the Village auditor some time ago where he spoke about this with the Village Administrator but no one could come up with an answer. Trustee Richard commented that the best thing she could offer was to see if she can get Cindy to back out the budget transfers with regard to the retroactive pay and print up a brand new budget control report. Trustee Richard will look at it and see if that will do it.

Trustee Murray commented that there were about 20 items that were supposed to be transferred. Trustee Richard commented that there are 43 items that he transferred and a lot had to do with retroactive pay.

Trustee Knickerbocker wanted to know if the Comptrollers had said when their final report would be done. Mayor Donahue advised that when they left over a week ago, they could not be sure but that generally it takes a couple of months. It could be longer or shorter. They do not give an exact date.

Trustee Richard commented on going back and asking Cindy for previous transfers to see throughout the years, Trustee Richard went back five or six years. There was one year where they did budget transfers for two years at the same time. Trustee Murray commented that they do not want to run into that issue right now. Trustee Richard agreed but it is something that has happened. She does not see if they do not do it right away, it is not something you want to do. You do not want to do two years. It was all done in one resolution. She commented that to her it is ridiculous because it is two separate fiscal years. Once you close out the year, it should all be done. She is willing to go down and work with Cindy and see if she can back out all the retroactive pays, print up a new one and see if they can go with that.

A MOTION to postpone this Resolution to next month's Village Board meeting was made by Trustee Richard, seconded by Trustee Murray with all in favor.

b) CONTINUATION OF PUBLIC HEARING TO CONSIDER IMPOSING A SYSTEM OF USER FEES FOR THE COLLECTION OF GARBAGE IN THE VILLAGE.

Trustee Richard reported that she did research on that as per instructions from Village Attorney Porteus. She got some information from Highway Foreman Jeff Tiernan on the amount of dumpsters and the amount of cans on the commercial properties. She got information on the dumping fees from Cindy. She is in the process of trying to work up some kind of a policy that the Board can set up. She did research with another municipality. She asked for information from them. She hopes to have something for the Board to review to make sure it is okay before she presents it. She will probably be able to present it at the next Board meeting. She is asking for one more month on the dumping fees.

A MOTION to keep this on the agenda for next month's Village Board meeting was made by Trustee Richard, seconded by Trustee Murray with all in favor.

5. NEW BUSINESS:

a) PUBLIC HEARING TO DISCUSS BONDING FOR SEWAGE TREATMENT FACILITIES AND ROADS.

At 7:45 PM, a MOTION to open this Public Hearing was made by Trustee Murray, seconded by Trustee Richard with all in favor.

Henry Hrdlicka, Bannon Avenue, commented that a couple of months ago when the Board discussed the bond issues, they gave two different scenarios. The one the Board favored at the time was that they were going to put it on a ballot for the public to vote on. Last month, all the discussions he heard from the Board was that it was now going to be up to the public if they wanted it to be put on a public ballot and you have to get twenty percent of the people that voted in the prior election. Mr. Hrdlicka felt that it was wrong to put the burden on the Village residents. He thought the Board should take the bull by the horns, make the decision and put it on the ballot. Let it lay where it has to. If the people are for it, good. If they are not, then we have to live with their decision.

Mr. Hrdlicka had a question about the sewage treatment plant bond issue. He commented that Trustee Knickerbocker has said a couple of times that she is trying to get some money for us. He does not know what the total number of the bond issue is going to be but whatever it is, he wanted to know if they pass that bond issue and then receive money from another entity, is the Board going to deduct it from what they need in the bond issue or still proceed to get the whole thing and use the money for other projects. He wanted to know if legally, are they allowed to or not. Trustee Murray advised that they are not.

Mr. Hrdlicka commented that the second part of his question is whether the Board is going to reduce the bond if they get money or are they going to go for whatever the number is. Trustee Knickerbocker advised that she is hoping to get the money and that the application to the DEC was submitted on October 16. Everything is very competitive right now with all the grants and money. She is hoping to get the money that was asked for. Trustee Knickerbocker commented that if you ask for \$1 million, for example, and you get \$500,000 from them, then the bond will be \$500,000. Mr. Hrdlicka wanted to know would this be so even if it is approved for \$1 million by the voting public. Trustee Knickerbocker advised that the bond price would then have to be adjusted to go on the ballot for \$500,000.

Mr. Hrdlicka wanted to confirm his understanding that the vote would be in March. Trustee Murray advised that the vote will be in the regular election in March. Mr. Hrdlicka wanted to know if they do not get the money and this is passed by the public, is the Board going to reduce it after it is passed. If the public approves \$1 million and the Board gets \$500,000 that means all they need is \$500,000. He wanted to know if they would still be going for \$1 million. Trustee Murray advised that they are going to go for what they need. He noted that they were planning on a worst case scenario because they did not think they were going to get anything. If they give everybody information on a worst case scenario, anything they get from the State will just reduce the amount of money they will have to borrow. Mr. Hrdlicka commented that is what he was looking for. This has not been discussed and it is why he is bringing it up. Trustee Murray commented that this is why the Board is having these meetings.

Trustee Knickerbocker commented that they should have an answer before March. The Board will know when March comes around. Mr. Hrdlicka commented that hopefully the public will be able to have a say in it to make a decision about it one way or the other.

Mayor Donahue commented that there are all kinds of problems now at the sewage treatment plan. He does not know what the final cost will be. Mayor Donahue reported that he was served a summons last month to appear on November 10 before the Westchester County Department of Health in New Rochelle. Since that date, they changed it to November 24. Maybe it will shed more light on what we have to do. He commented that they will work with you but they play

hard ball. They will make sure that the Village corrects whatever has to be done. Mayor Donahue could not give an answer of the outcome yet. Mr. Hrdlicka commented that he was aware of some things from being on the Budget Committee.

Trustee Murray commented that what people have to understand is that whether it is a permissive referendum or it is a referendum right on the ballot, if it gets voted down or the petitions are 20%, or whatever they decide to do, if it gets voted down that just means the Board cannot borrow money. If the County and State say they do not care where the Village gets the funds, the Village has to fix that plant or we cannot operate it, that means the Board has to take it out of the General Fund. The only way to get the money into that fund is an immediate tax increase for one year. When they bond it and borrow it, they can spread it out for 30 years for the sewer plant and 15 years for the roads. If the County was to say that within six months the Village has to do the \$1.4 million in repairs, the Board would have to raise taxes \$1.4 million immediately. Mr. Hrdlicka commented that he was not questioning that. He questioned the bond and if we do pass it, what is the situation with money. He understood what Trustee Murray was saying. Trustee Murray noted that the person who is doing the bond research for the Board will be asked to come to the December Village Board meeting. Trustee Murray advised that right now the Board is giving out the information they have so the residents know months ahead of time. Next month, there will be another Public Hearing with the person who will have exact numbers and the contingency situations talked about. Trustee Murray commented that with the road bonding, the Village is allowed to pre-pay it without any penalty. With the 30 year bond, there is a penalty if you pay it back within five years. There are certain stipulations. They have to get the exact answers from the bond person. These same questions will be asked at next month's Public Hearing. The Board wants the public to have as much information early on and whatever scenarios they can come up with. He commented that it is a good question. He did not think they are going to get a lot of money from the State for this. One thing that was asked for from the State was a low interest loan for 2.2%. Right now, it looks like they are only going to get 4.0%. The Board is going on worst case scenarios right now. The exact details, they will have pretty much in concrete next month. Mr. Hrdlicka reiterated that he felt the Board should put it up to the public and not put the burden on the public to go and get signatures and force the Board for the public to vote on it.

Trustee Murray commented on something he was going to ask Village Attorney Porteus, noting that she could fill in anything he might miss. He commented that right now with the roads, the project is slated for \$980,000 to be paid back over 15 years, for \$88,000 per year. The sewer plant estimate is \$1.4 million to be paid back over 30 years with \$130,000 per year to pay back. So the grand total paying back these loans would cost the Village about \$218,000 a year. Based on what our budget is right now, it looks like an approximately 24% to 26% tax increase to pay for these bond issues. This tax increase would be only to pay for these two things. One is for 15 years and one is for 30 years. There is a pre-payment penalty on one of the bonds. If they pay it back early, within five years, all the details the bond representative can answer next month at another Public Hearing. The Board had discussed putting a petition together and that is the direction they were going last month. If the Board wants to discuss it more, they can discuss it again. It was the direction that they had. Once they come up with a permissive referendum, if people remember from watching the last meeting when he came up and talked about it, that is the way he recommending going. They had discussed it with the County. The County would not let them do it, basically because they did not like that the Board did not have an election and the Village does not have an Administrator to administer a paper ballot. There were all kinds of issues. Trustee Murray commented that the Board wanted to go to with the bond representative's recommendations to go with a permissive referendum. That means that once they decide to borrow this money, the public would have 30 days to get 20% of the voters from the last election to oppose this referendum; which then means that automatically within 60 days of that opposition, they would have to put it on the ballot. The Board wanted to time this with our Village elections so they would not have to hold a special election and incur more cost, more paperwork and more problems with the County. Concerning the 20% of the people who voted in

the last election, there were aprox. 430 people who voted in the last election. That means that any person, any group of people or anybody who comes in and says they do not want the Board to borrow this money, then they cannot borrow it and have to put it on the ballot. It seemed like the easiest way to go and that is what was recommended. We have approximately 2,200 people in the Village and if 80 people did not like it, the Board would have to put it on the ballot. This is what was discussed last month and it is the direction that the Board was going in. Trustee Murray wanted to know if Village Attorney Porteus had anything to add.

Village Attorney Porteus commented that Trustee Murray had it correct. That is versus the mandatory referendum where you would automatically put it on the vote in March.

Trustee Murray wanted to know how the other Board members felt. Mayor Donahue commented that our backs are against the wall and we have to move on it as soon as possible. Trustee Murray wanted to know Mayor Donahue's position. Mayor Donahue wanted to know Trustee Murray's position. Trustee Murray commented that he preferred to have a permissive referendum. Trustee Richard agreed with it. Mayor Donahue agreed with a permissive referendum.

Trustee Knickerbocker commented that the Board is going to put this up in March. She would prefer to have the mandatory referendum where it goes on the ballot in March. There are going to be two bonding issues. One is the roads and one is the sewage treatment plant. This would allow the residents to decide to pass either one, both or neither. She would feel more comfortable to leave that up to the residents as this is a substantial amount of money. The residents are going to be the ones paying it back. They need to make the decisions. She is not looking to have to have anyone have to go through the petitions and do the extra work. She commented that whether there are 80, 200 or 5 signatures, it is extra work for the residents to put up a petition. She is more comfortable to have the mandatory referendum where it automatically goes on the ballot in March. In the meantime, the Board is going to have meetings that will extensively explain the reason for the bonds. She would like to have the Village Engineer come in again to go over the problems at the sewage treatment plant. With the roads too, there is a package right now for \$980,000. Trustee Knickerbocker commented that they might want to step back and say maybe they will not do all five of these roads. Maybe they will pick the worst road. Maybe it will cost us \$400,000 and maybe that is the road they will focus on for that year. Her personal feeling is that for the Board to go and ask the residents to do a permissive referendum, she is not for that.

Mayor Donahue called for a Motion to move forward on this. Trustee Murray commented that this is just a Public Hearing and there is nothing to move on. The Board will continue the Public Hearing to next month and have the bond representative further explain the pros and cons of the permissive and mandatory referendums. They could also have the Village Engineer here that day to answer any questions the public might have. He commented that maybe they can pare down some the roads and maybe go down to \$460,000 which was the estimate just for Bleakley Avenue and save ½ million dollars on the other road projects. He commented that if they could have those two people present to explain the bond issues, the pros and cons of the permissive and mandatory referendums and get some more concrete numbers on whether it was based it on 2.2% or 4%, and hopefully the Village Engineer can have some updates on the grant money. This is an on-going process. Nothing is cast in stone right now. It will be discussed again next month. Within a few weeks of next month's meeting is when the Board will have to start the process.

Mayor Donahue wanted to know whether or not there is a time limit to have it ready for the Board of Elections in order to put it on a ballot. Village Attorney Porteus advised that there are certainly time limits but the Board is well within them now and will be within them next month. If the Board decides to go with the mandatory referendum, they could go into January. She commented that it seems that this is being discussed as though either the residents are going to get a vote or not. No matter which way the Board does it, the residents are going to get to vote. The difference is, and it is worth clarifying, that if they do a permissive referendum and residents

have to sign the petition, they definitely get a vote. If enough residents feel that the sewage treatment plant, for instance, needs attention now rather than waiting until March, they could choose not to petition that bond resolution and 30 days later it goes into effect. The Board could begin to work on the sewage treatment plant immediately. They are not waiting until March or April. Whereas with the roads, they might want to petition just the roads and put it on the ballot in March and then say, no, the roads can wait. It is not that they both have to be petitioned or both do not. She thinks that what Trustee Murray probably is thinking more along the lines and hoping that the residents see that the sewage treatment plant in particular is pretty critical. If you understand that and then do not sign the petition for that one, the Board can work on it 30 days later. They can borrow the money and get this thing up and running. It does not mean that the roads have to go along with it. The roads can still be petitioned, put on in March and then vote for it or not for it. There are many ways to do this. The urgency with the sewage plant is probably what is behind the permissive referendum. Trustee Murray agreed and commented that they are going to get in trouble.

Mayor Donahue commented that he and Trustee Murray will be going down to the hearing on November 24 and he is sure they are going to tell the Village, "Let's get going". At least then the Board will know what they want and he can bring it back to the December Village Board meeting and they can tell residents about the findings of the Department of Health. The Board has to move on this. They just cannot put it away. It is just going to cost money and there is nothing they can do.

Trustee Murray commented that when the Board talks about petitions, everybody thinks about having a piece of paper and having to go knock on everyone's door. They can just have the petitions sitting down at the Village Hall. If anybody does not want it, just like coming to vote on one day, they can come to the Village Hall and sign the petition. It could be set up like that. It would be with the same time constraints with somebody coming in to vote, except you have 30 days to decide whether you want to come to the Village Hall to vote. He knows when people think about petitions, they think about knocking on doors to try and convince somebody. But anybody who does not want it could come down to the Village Hall and just sign the petition. Trustee Murray was sure the Board can set something up like that and he is sure it is more than legal. Village Attorney Porteus advised that it is required that they present the petition to sign at the Village Hall. Trustee Murray reiterated that you do not have to knock on somebody's door that you do not know or convince some neighbor. You just have to come to the Village Hall and sign it there. It is just like you are going to be voting at the Election Day in March.

Mayor Donahue advised that at the December Village Board meeting they will have the Sewage Treatment Plant Foreman, Village Engineer and Village Attorney present and see if the Board can come to some kind of decision. Trustee Murray added to have the bond representative present also.

At 8:02 PM, a MOTION to continue the Public Hearing at the December Village Board meeting was made by Trustee Murray, seconded by Trustee Richard with all in favor.

09-44 RESOLUTION AUTHORIZING INTER-MUNICIPAL AGREEMENT FOR PRISONER TRANSPORTATION.

Mayor Donahue read the Resolution (copy attached). This agreement is with Westchester County.

A MOTION to accept the Resolution as read was made by Trustee Richard, seconded by Trustee Murray with all in favor.

6. INFORMATION FROM OFFICERS AND DEPARTMENTS.

- a. Wastewater Treatment Report: May – September, 2009.

Received and filed.

b. Zoning Board Minutes: August 12, 2009.

Received and filed.

c. Attorney's Report:

Village Attorney Porteus reported on the Eller Media billboard issue. She finally got hold of the attorney who has contacted his client. They called today but she was not in. They will provide her with a schedule of when the billboard should be removed. She commented that he was very nice about it. It took a while because he has not represented them in a while and he had to reach their current counsel. He hoped it will be resolved shortly. Trustee Murray wanted to know what amount of revenue was generated from the billboards and was Village Attorney Porteus able to find that out. The Village Attorney advised that she has not and that this attorney does not represent them anymore. She could ask Betty or Cindy in the Village office, but pursuant to the stipulation, they have to take them down. It could not be changed now, if that was what Trustee Murray was thinking of doing. Trustee Murray commented that he wanted to know about it, as he asked a couple of months ago when the subject came up, because the Village's financial situation was different seven or ten years ago. If the Village is collecting two or three thousand dollars a month for each one of two or three billboards. Village Attorney Porteus advised that there were three phases. Trustee Murray commented that he hates to be losing \$40,000 a year. Village Attorney Porteus advised that the Village was sued and signed a stipulation. Everybody agreed as to what to do. The Village already made them take down Phase I and II at their own cost. The Village made a big issue in court. It was a long, protracted litigation. The Village is stuck with this. They should have been down a year ago.

d. Trustee's Reports:

Trustee Murray

Trustee Murray reported that last month, he and Mayor Donahue attended the rally that Town Supervisor Puglisi had at the VA Hospital to keep public and media aware of what type of opposition there is to closing that VA facility. He wanted the residents to remember that this is not just a veterans' issue. This is everybody's issue because the Federal government does not pay taxes. This land is not for sale. It is going to be for lease. The government does not have to pay taxes on its leased land. If you have 400 units coming into this area, which was proposed by developers, technically they would not have to pay school taxes. It would be a tremendous impact to our school taxes alone. Residents would have to be subsidizing this lease agreement that the VA would be entering into. Residents would be subsidizing all the infrastructures. Because this would be so much of an impact to every resident, veteran or not, Trustee Murray would love to see more people to come out to help support the Town Supervisor and the local veterans groups to try to stop this from happening. This is the residents' school, money and infrastructure. He commented that the federal government is trying to lease it away to basically, millionaires. We should not be subsidizing any millionaire developer.

Trustee Murray was sorry he was unable to attend the Halloween Party held on Saturday. They are still trying to get accustomed to their new baby who just came home six or seven days ago. Trustee Murray is sure a lot of residents had fun. It was Mr. Camarra's last official act as the Recreation Supervisor. Trustee Murray hopes all the residents had a good time. He is sorry he was not able to be there.

Trustee Murray reported that the Buchanan Engine Company's Children's' Christmas Party will be held on December 20 at 2:00 PM at the Buchanan fire house. Santa Claus will come in on the fire truck. All the kids will get presents from the Fire Department. Buchanan Engine Company does a great thing. There are usually a lot of people there.

Trustee Murray wanted to know, since they had spoken about the auditor, if the Village's auditor, Mr. Weidelman, gave a letter of resignation or a letter of intent to the Board that he would not be doing the audit this year, and if the Board had anybody in mind to do the audit this year. Mayor Donahue commented that he has not received anything. This is open and the Village will be looking for an auditor. He commented to maybe have the Village Attorney send the auditor, Gary Weidelman, a letter to find out what his position is. Village Attorney Porteus wanted to know if the Mayor Donahue and the Board have heard from him. Mayor Donahue advised that he did not unless the Village Administrator received something. Trustee Murray commented that there was discussion that Mr. Weidelman did not wish to be employed by the Village anymore but he has not signed anything in writing. Trustee Murray commented that last year, Trustee Richard discussed having a different auditor. He wanted to know if she has the name of the person or what the contractual agreement would be. Trustee Richard commented that no, in order to have a different auditor it has to be put it out for bid. Anything over \$10,000 must go out for bid. It is something that will have to be done, to put out a bid to see if someone wants to audit the books for last year. Trustee Murray wanted to know if the same contract description as the previous auditor had could be sent out right now and bid if Mr. Weidelman does not wish to be with the Village any more. Trustee Richard advised that Mr. Weidelman would have to bid also. She commented that it is not that he gets it on a yearly basis. It is something that should be put out to bid on a yearly basis. Unfortunately, she does not think that it was done that way. But that is how it has to be. If Mr. Weidelman wants to be the auditor for this year, he would have to bid the contract. Village Attorney Porteus and Mayor Donahue noted that the Comptroller talked to them about that. Trustee Murray wanted to know if the Board can put out a bid package as soon as possible. They do not need a resolution to send out a bid. Village Attorney Porteus wanted to know if the Board wanted to contact Mr. Weidelman. Trustee Richard noted that Mr. Weidelman's contract is up. Mayor Donahue commented that maybe they could contact him. He would like to see something in writing from Mr. Weidelman. Trustee Murray wanted to know if a resolution is needed to send out a bid. Village Attorney Porteus advised that they did not need a resolution for this. Trustee Murray commented that once they get confirmation from the previous auditor, he wanted to get the bid process going. Even though they do not have any closed books to audit right now, it would be nice to have somebody in place so that as soon as they have it, they could get a person working on it. Trustee Richard commented that the person would not be coming in for the books that they are trying to close. They would be coming in for the following year of 2008-2009.

Trustee Murray reported that last week, October 21, the Board finished their interviews for the Village Administrator. He submitted his requests for his choices on October 26 and 27. Trustee Murray wanted to know if everybody else submitted their choices. Trustee Richard advised that she did. Mayor Donahue advised that he received the final one tonight in his mailbox and the Board would have to go into Executive Session to discuss it.

Trustee Murray made a MOTION to go into Executive Session discuss the Village Administrator's position. He wanted to know if they wanted to do it at the end of the meeting. He commented that they need this Village Administrator. They have completed all of their interviews. Mayor Donahue commented that the last time when the Board suggested an Executive Session, they waited until all of the agenda was completed and then went into Executive Session.

Trustee Murray made a MOTION that following Comments from the Floor that the Board enter into Executive Session to discuss the Administrator's position. The MOTION was seconded by Trustee Richard with all in favor.

Trustee Murray reported that that last month he discussed the contract negotiations. He wanted to know if there was anything scheduled for contract negotiations. Mayor Donahue reported that he was contacted by the new PBA President, Mike Guida. Mayor Donahue talked to Shop Steward Bobby Wheeler today and told him to set up some kind of contact between their unions and the Village. Bobby Wheeler will be getting back to the Mayor tomorrow. Mike Guida will

get back to Mayor Donahue when he returns from sick leave. He had an injury at home. They are both going to contact the Village and start moving on it.

Trustee Knickerbocker

Trustee Knickerbocker reported that she attended the Halloween Party. She and all the little “goblins” had a good time. Downstairs by the elevator in the Village Hall is a group photo of all of them who attended the Halloween Party in their costumes.

Trustee Knickerbocker wanted to apologize to the residents and everyone in the room for what happened at the end of the last Village Board meeting. She had asked for a change in the order of business so that the residents did not have to sit here when the Board went into Executive Session. When they came out of Executive Session, the Board did do a resolution hiring DIT Recovery Services. She does not want anyone to think that in any way the reason that she asked for the change of order was because she was trying to hide something. The Board did not plan on having another resolution on the agenda. She just did not want everyone to wait. She thought it was appropriate to close that part of the meeting and allow everyone to go home. But the Board did come back in and voted on another Resolution. She did not want it to look as if something was going on behind the scenes.

Trustee Knickerbocker reported that on Wednesday she will be attending a meeting in Albany at the DEC. She will report back to the Board when she gets back and to the residents at next month’s Village Board meeting. This is for Board members, mayors and municipal officials. The focus is on the importance of the wastewater infrastructure and the need to maintain and invest in that valuable asset. This is a very timely meeting that they are having. She will get whatever information she can from them and bring it back.

Trustee Richard

Trustee Richard reported that she also attended the Halloween Party and that she came in with a camera. They did take pictures of all the little kids. It has already been put on the Village web site. It has not been opened up to the Village yet. It is still in the workshop mode because they are still tweaking the site. But these pictures will be on the web site when they do open it up. Trustee Richard is hoping to have it done by the December Village Board meeting so that residents can actually go in and see how it turned out.

Trustee Richard reported that she attended the Second Annual Buchanan 5K Race. She thanked the Cortlandt Community Volunteer Ambulance Corps for sponsoring it. They had a very good turn out. She thanked Mayor Donahue and the Village of Buchanan for allowing them to use the roads to run the race. They finally had a very nice, sunny day. There were a lot of spectators watching the race. They raised over \$2,000 for the Jimmy V Foundation which has to do with cancer research.

Mayor’s Report

Mayor Donahue reported that he was at the Buchanan 5K Race. It was a great job done by Bill Richard to raise money for cancer research. There was a good turn out. Next year, they hope for an even better turn out. Mayor Donahue thanked Westchester County, who as usual sent their Sheriff’s Department to handle traffic and help the Village. Anytime there is a necessity, they do a great job.

Mayor Donahue commended Buchanan Police Sergeant Michael Guida. On Tuesday, October 26, Sergeant Guida received a call about a person trying to break into a house on Tate Avenue. He arrived in a matter of seconds and located a suspect matching a description given by the home owner. The suspect, from Cortlandt Manor, was arrested for attempted burglary. He was also found to have drug paraphernalia in his possession. Sergeant Guida then provided the information of his arrest to Westchester County Police detectives. Working together, Sergeant Guida and the County Police detectives were able to determine that the person arrested was

responsible for a burglary on Burke Court, attempted burglaries on Hilltop Drive and numerous other burglaries in the Town of Cortlandt. Mayor Donahue wants to publically commend Sergeant Guida. A copy of this citation is being put in his file. Two weeks ago at the 8:00 AM Mass at Saint Christopher's Church, a Village resident got ill. Sergeant Guida was the first one to respond, and then the Cortlandt and Peekskill ambulances came to back him up. Mayor Donahue wanted to commend him and both of those services for being so prompt in responding to the scene. The Village resident turned out to be in good condition.

Mayor Donahue congratulated the United States Marines Corp. It is their anniversary on November 10. He noted that Don Zern who was in the audience was a Marine.

Mayor Donahue reported that on November 11, there will be Veteran's Day ceremonies. Peekskill has one at 11:00 AM and the Town of Cortlandt at 12:30 PM. The Village of Croton has one but he did not know the time.

Mayor Donahue wished everybody a Happy Thanksgiving.

7. COMMENTS FROM THE FLOOR:

Jane Hitney, Lake Drive, gave the Board and residents an update on the clock. If they have driven past the Circle in the last couple of days, they will see that the landscaping was done in Monroe Park. It looks beautiful. It is a nice walk way to the pedestal that holds the plaques. On the negative side, on Sunday morning she got a call from the Police Department that it appeared that some plants were taken from the area. She took pictures and called the landscaper this morning to confirm if they had completed the work or had the plants been taken. Unfortunately, they were taken. There were at least a dozen plants taken and a police report was filed. That put a little delay and glitch into the dedication. She hopes to give residents and the Board a date soon. If it will be before the next Board meeting, they will make phone calls to let people know. They are hoping to do it before the colder winter weather sets in. She commented that it is an unfortunate occurrence but they will move on. Mayor Donahue thanked her for her comments.

Diane Tangen, Catherine Street, had questions on the sewage treatment plant. She wanted to know if Cook used it to dump his waste rather than going to the County. Mayor Donahue advised that Cook has a contract for sludge removal and a contract for our waste water treatment plant. Ms. Tangen commented that he uses that rather than going to the County where there is a dumping station in Hawthorne. Mayor Donahue asked the Village Attorney about the contract. He commented that Cook picks it up and goes around to his place and back to the Village. Mayor Donahue did not know if he went down-County. Mayor Donahue asked Trustee Murray also. Trustee Murray wanted to know if Ms. Tangen was talking about the de-watering facility or the sludge removal contract. Ms. Tangen did not know but noted that Trustee Smith had talked about having a lot of problems now with the sewage treatment plant because of someone using it and the name Cook was mentioned. Trustee Murray advised that what he alluded to is that the Village Engineer had concluded that in the time frame that Cook De-Watering came on-line, there was an increase in a certain bacteria in the sewage treatment plant. It is still under investigation. They had taken samples. It is still being discussed. One of the things is that the treatment plant is in such bad shape, they are having a little difficulty correlating. Even though the time frames coincide with each other, they are not at 100% capacity. They are operating at 10,000 gallons per day. They are not just taking waste and dumping it into our plant. It goes through a de-watering facility where they filter out the filtrate. They put in what the DEC terms as "clean water" even though it is not treated with chlorine. He wanted to know if that was what she was referring to. Ms. Tangen commented that she was not sure what she was specifically talking about. She is asking if there is a contract with someone or something new that the Village did not have 4, 5 or 10 years ago. Mayor Donahue advised that there are two contracts with Cook. He has one for sludge removal and the other contract is where he takes waste out of the Village's plant back to his location where it goes through some kind of de-watering facility, then back in. Trustee Murray advised that Cook also takes it from septic tanks. Ms. Tangen

wanted to know if he then uses the Village's facility to dump that. Trustee Murray commented that back in 2005 and 2006 is where he proposed the de-watering facility. Instead of just dumping it into this big drying pit and scraping it up, it is put through filtrate bags to take the solids out. Ms. Tangen asked if Cook owns that facility. Trustee Murray advised that he does. Mr. Cook has a special permit granted by the Village. It is not on Village property. Mayor Donahue advised that Mr. Cook has a contract which was signed February 2008. It was a 20 year agreement. Trustee Murray advised that it is for the operation of the de-watering facility. Mr. Cook started the application process around 2005-2006. He obtained permits from the DEC and Board of Health. He went through the Zoning, Planning and Village Boards. He was granted permission in the beginning of 2008. Trustee Murray commented that if he is correct, Mr. Cook came on-line in August of 2008. Ms. Tangen commented that Trustee Smith made it sound like ever since that process began, the Village has had even more problems with our sewage treatment plant. She was wondering how long the contract is for and if it is going to have an adverse impact for the next 20 years. Trustee Murray commented that there are stipulations within the contract where if it does cause an adverse impact to our plant, if it causes a violation of our SPDES permit or if he goes over his discharge, the Village can shut him down. Ms. Tangen commented that if it causes a lot of damage, maybe can the Village get out of the contract. Also, she wanted to know does the Village get a lot of money from him. Trustee Murray advised that it is one penny per gallon. Trustee Richard advised that the Village gets about \$1500 per month.

Ms. Tangen commented that it is critical to make improvements on the sewage treatment plant. She wanted to know if the Village made any major improvements or upgrades since the sewage treatment plant was built 49 or 50 years ago. She wanted to know has the Village made any long ignored deficiencies repairs. Mayor Donahue advised that around 1996, the Village got a grant from Governor Pataki through Senator Leibell. Initially, we received around \$350,000 to do improvements at the plant. Over the next couple of years, we received \$100,000 to \$200,000. It was a grant that was secured. After that, Mayor Donahue did not know. Ms. Tangen commented that it is certainly important to do these things on an on-going basis. She commented that it is like your house. If you do not put a new roof on it, you end up with big leaks. You have to do it before it leaks.

Ms. Tangen wanted to know about the contract negotiations and who negotiates for the Village with the unions. Mayor Donahue advised that negotiations are generally done by the Village Administrator and the Village Attorney but at the same time, you have an option if you want to pay expenses, to go outside to bring someone else in. The last time, negotiations were done by the Village Attorney and the Village Administrator who deals with the union people and their representatives. Ms. Tangen commented that we do not have the Village Administrator right now and it would not be appropriate for the Mayor as the Village Administrator to deal with the unions. Mayor Donahue commented that he has experience to do it, but he would not do it. Ms. Tangen commented that she would think since the Mayor has relatives in the union, it would be inappropriate. She wanted to know if the entire Board gets copies of the contracts to peruse and do they get input on the issues they would like to bring to the table. Trustee Murray commented that he has copies of both contracts. He would like to be involved in the contract negotiations. There has not been much negotiating. Ms. Tangen wanted to know if the Board has a chance to discuss issues. Mayor Donahue advised that you cannot discuss any pending contract negotiations in public. No Board member can do it. Ms. Tangen commented that what she wanted to know is that as a Board, do they have the opportunity to sit down with each other and say what they think the issues are and what they think should go on the table. She has been involved in negotiations too for many years. She knows that the Board of Education had certain issues that they wanted the administration to bring up to her unit when it was time for her to negotiate. The School Board has that and not just the Superintendent. The Village Board should have the opportunity to discuss what they think the issues are that are going to affect the taxpayers. Trustee Murray advised that technically, they cannot meet in private. It has to be in Executive Session at a public meeting. In order for the Board to get together and discuss these

things, it has to be in public at Executive Session. They would have to call a Special Meeting and say they are going into Executive Session to discuss contract negotiations. They have not done that yet. The Board has not been negotiating. Ms. Tangen commented that we all know these are difficult times. She thinks that probably the union employees must take up 65% of the budget. If the Police Department takes up 22 % and there are only 6 policemen, she understands they are 17 union employees who are full-time employees in addition to the police.. Mayor Donahue advised that there are 22-23 employees. There is the PBA also. There are 16 or 17 union employees in the Village.

Ms. Tangen commented that we are getting it from all sides. We get it from the Federal, State and County governments. We hear about foreclosures. We hear about unemployment. The national debt is in the trillions. Now we are talking about the Village ourselves and that they are going to have to raise our taxes. We have to have the bond issues. As far as the sewage treatment plant goes, she felt we did not have any choice. People are unemployed and the good times are no longer rolling. During the good times, we took advantage of them. We had three nuclear power plants, now down to two. We have sewage treatment, a swimming pool and a beautiful municipal building which have made our real estate very valuable. We have outstanding services. It is good for all of us. But she believes that sometimes in our heyday, we spent our money to excess. We expanded our work, gave substantial raises and liberal benefits. We charge next to nothing for the full-day day camp and a small fee for our pool. It was great and why should not we have all benefited. But now we should rein in the spending. The first thing she wanted to commend is this Board for a good start by eliminating the medical benefit for elected officials. It probably started years ago in our heyday. She is sure it was not just five or six years ago. She is sure it got started a long time ago. When we let the good times roll, why should not we reap the benefits. She benefitted too, as she had a child who went to the day camp and did not have to spend a lot of money on it. There were years with zero percent tax increases. Maybe they should have raised them then. Maybe we should have gotten things done because we cannot get things done now because now we are on the PILOT Program. She did not think anybody had a choice with the PILOT Program. Everybody is on it: the School District, the City of Peekskill and the County. She wanted to know if Buchanan's is raised, stays the same or does it go down. Mayor Donahue advised that the PILOT Program is in effect until 2015. He disagreed with her comments and did not think we should have signed the PILOT Program. He was involved in some of the negotiations. He commented that the representative from the school was pushing for it. Shortly after that time, she retired. Mayor Donahue believes they could have fought it. Around 1994-1995, Con Edison wanted to do something similar and wanted to reduce their tax payments. There was a demonstration and a march from the High School that was several hundred people. All the main newspapers came up and television stations. A day or two later, they took it off the table. Mayor Donahue thinks we should have fought it. It should have been fought to the hilt. The Village did not fight it and now we are stuck with it. It is in effect until 2015 and we have to live with it. Ms. Tangen wanted to know if it goes up or stays the same. Mayor Donahue advised that with the settlement when we received the money, they front loaded it. The Village is now receiving \$1,900,000. Before, we were receiving almost \$2.6 million. The first three or four years instead of keeping it at that, and we would have had some money, they front loaded it so they would have no increase in taxes. They front loaded it for the first two or three years. After that, it went down to reality starting in 2006 when we raised the taxes 102.5%. That is how we stand right now. It stays almost the same, \$1.9 million and change. In a couple of years, it goes beneath that. Then it goes up, but the last year it is like \$700,000.

Ms. Tangen commented that it seems to her that it is like a punishment when we ask the Village employees to feel our pain and we ask them to pay their fair share for all that we enjoy. She does not know if we can ask our current employees when negotiating with them to pay for part of their benefits. But if we cannot ask for that, at least the Board can start with new employees, people that are not already hired. The Village has very good salaries and she is very happy for that. Some of these people are our relatives, neighbors and friends; some of whom she

has known her whole life. She thinks it is great that we enjoyed these things. But things have changed. It is time that you have to get a little bit tough and strict and have the employees feel our pain too.

Ms. Tangen commented that another thing that annoys her is just a little thing. It is that Lincoln's Birthday is still a holiday. The Town of Cortlandt does not have it as a holiday. She was out there at a meeting and they have all their services that day. She feels that since they made President's Day in the 1970s, and since that time Martin Luther King Day, we have an awful lot of holidays. It is very likely there could be a snow storm on Lincoln's Birthday and not many people have Lincoln's Birthday off as a holiday any more. She was curious about the negotiations and if everybody had input. Mayor Donahue thanked her for her comments.

Eileen Absenger, 138 Tate Avenue, commented about the Village web site. She talked to Chief Tubbs about the burglaries that were right across the street from her and on Burke Ct. and Hilltop. She also saw a gentleman walking out from Lester Crimmons' vacant house and reported that to Chief Tubbs. She did not know anybody that looked like that. There was somebody strolling out from behind the darkness of the house. She wanted to know if on the web site, the Police Department could have some part of it to make any kind of statement or to report anything. Chief Tubbs told her that sometimes the Village Newsletter has too much on it so if they do have something, they are not able to put it on the Newsletter. Trustee Richard advised that they have it so that just one section in the web site is the calendar and another section is the Newsletter. She wanted to break it out so the Seniors can have their own section and to also put in a section for the Police Department so if they can put their notices on the web site, it can be added at any time. The way they are working it now is this woman is actually setting up this entire computer system up for us. She is supposedly coming down to teach the girls in the office how to update it on a regular basis. The Newsletter can be changed regularly so anything can be added or deleted at any time. Trustee Richard commented that they can add a section for the Police Department. Ms. Absenger commented that Chief Tubbs advised that if you see someone you do not recognize, please call the Buchanan Police Department and inform them of anything suspicious; even just if you are uncomfortable. That is the Police Department and what they are here for.

Ms. Absenger commented that she understands that it costs about \$400 a month to bulk mail the Newsletter. Mayor Donahue was not sure of the exact cost. Ms. Absenger wanted to know if it was possible to use the web site, since it will have a calendar to eliminate whoever is possible. She suggested to have it as it usually is, have it available in the Village office and if somebody does not have a computer and does not want that and would like it mailed to them, that the Village could cut down from \$400 to \$100 or less. It would at least be something. Mayor Donahue commented that they could look at this. However if it is mailed like that, it would be at the regular rate. What they use now is the bulk rate. The Mayor advised that they could look into it. Ms. Absenger commented that there are too many people who are on the internet or want to go on the internet all the time and they are more likely to go on the Village web site to make a copy of the calendar and put it on the refrigerator or whatever. She commented that it was just a suggestion.

Ms. Absenger commented that something was left on her doorstep the other night. It is to Buchanan residents concerning what you should know before you vote for the next County Legislator. She knows it is for John Testa. She believes that Domenick Volpe put it on doorsteps too. She commented that it states that Dominick Volpe was in favor of the recent County affordable housing settlement. This settlement names Buchanan as a targeted municipality for affordable housing units. Ms. Absenger wanted to know if anybody could verify that for her. Mayor Donahue advised that there is no information that Buchanan is targeted for it. If we were, he would bring it out and let residents know. Ms. Absenger commented that she has heard about it for months now. It has been in the newspapers and everything. Mayor Donahue advised that he has not received anything.

Mayor Donahue called for a MOTION to go into Executive Session.

EXECUTIVE SESSION:

At 8:40 PM a MOTION to go into Executive Session to discuss the Village Administrator's position was made by Trustee Murray, seconded by Trustee Richard with all in favor.

Before the Board went into Executive Session, Mayor Donahue advised that if anyone sees any one who is suspect, the Police Department wants you to call them. He commented that today with the economy as it is, it is sad to say but there will be more people out there than we thought doing things that they never did before. So if you see anything suspicious, contact the Police Department. They will be very happy that you did.

At 8:59 PM a MOTION to return from Executive Session was made by Trustee Murray, seconded by Trustee Knickerbocker, with all in favor.

8. **ADJOURNMENT:**

At 9:00 PM a MOTION to adjourn this meeting was made by Trustee Murray, seconded by Trustee Knickerbocker with all in favor.

9. **AUDIT OF BILLS:**

General Fund: _____ Water Fund: _____

Capital Fund: _____ T&A Fund: _____

See Abstract of Audited Claim Vouchers for details.

Thomas J. Jankowski