

Village of Buchanan  
 Mayor & Board of Trustees  
 Regular Meeting  
 Monday, June 7, 2010

**PRESENT:**

Mayor Sean Murray  
 Trustees Richard A. Funchion, Theresa Knickerbocker, Brian J. Smith and Nicolas Zachary  
 Village Administrator Kevin Hay  
 Village Attorney Stephanie V. Porteus  
 Village Secretary Susan F. Matthews

**1. PLEDGE OF ALLEGIANCE:**

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

**2. PRESENTATION: DUANE JACKSON PROCLAMATION**

Mayor Murray honored one of Buchanan's residents, Duane Jackson, for his contribution to the community. Mr. Jackson noticed a suspiciously unattended vehicle in Times Square and notified the authorities. It was subsequently found to contain explosive devices placed there as an act of terrorism. Mayor Murray wanted to celebrate Mr. Jackson's good deed. This is one of the things he looks forward to doing as mayor. He presented Duane Jackson a Proclamation of thanks for his efforts. Mayor Murray proclaimed that June 7, 2010 is Duane Jackson Day in the Village of Buchanan. Mr. Jackson was given a standing ovation by those present.

Mr. Jackson, a Navy veteran, is glad to have been living in the Village of Buchanan for the past 15 years. His family was embraced by the community and grew with it. He mentioned his neighbors, one of whom is former Trustee Jane Hitney. He introduced his wife and son. His daughter graduated from Hendrick Hudson High School and his son is currently a student there. Mr. Jackson thanked the men and women of Indian Point. A number of them came down to his stand on 45<sup>th</sup> Street in New York City and said thank you to him. Others came saying they were some of his neighbors from Montrose and Verplanck. Mr. Jackson did not think that what he did that night to avoid something potentially dangerous made him a hero. He saw something and said something. He said the real heroes were the members of the Fire Department and Police Department. Once a year when the Fire Department sends out the calendar for donations is not enough. Mr. Jackson presented the Fire Department with a personal check from the Jackson family. He thanked his neighbors and the community. This brings people together. Everyone should be vigilant in and out of New York City. There is a now a new enemy and you never know when it is going to rear its head. Mr. Jackson, a street vendor in New York City, presented Mayor Murray with a tee shirt which reads "If You See Something, Say Something". Mayor Murray told Mr. Jackson that fellow veteran Russ Harrison sent his best wishes and was sorry he could not be present. He knows how involved Mr. Jackson is with the Veterans. Mayor Murray is also a Navy veteran.

**3. SWEARING IN OF THE FIRE POLICE**

Mayor Murray swore in four members of the Fire Police. The Fire Police are always there to stop anyone from getting injured.

**4. APPROVE MINUTES: BUDGET HEARING OF APRIL 15, 2010 AND SPECIAL MEETING OF APRIL 20, 2010**

A MOTION to approve the minutes of the April 15, 2010 Budget Hearing of the Village Board was made by Trustee Smith, seconded by Trustee Knickerbocker with all in favor.

A MOTION to approve the minutes of the April 20, 2010 Special Meeting of the Village Board was made by Trustee Zachary, seconded by Trustee Smith with all in favor.

**5. COMMENTS FROM THE FLOOR: (agenda items only)**

None.

**6. NEW BUSINESS:**

a) **10-29 RESOLUTION AUTHORIZING MAYOR TO SIGN CONTRACT WITH HAHN ENGINEERING.**

Mayor Murray read the Resolution (copy attached).

On a question by Trustee Zachery, Mayor Murray advised that the work that is being done under the capital improvement, the engineering fees will be billed to the bond.

Trustee Funchion wanted to know, based upon the audit by the State Comptroller's office, is this something that should go out to bid. Mayor Murray advised that professional services are not subject to the bidding process.

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

b) **10-30 RESOLUTION AUTHORIZING THE VILLAGE ENGINEER TO PREPARE SPECIFICATIONS AND FOR THE CLERK TO ADVERTISE FOR BIDS FOR SLUDGE REMOVAL.**

Mayor Murray read the resolution (copy attached).

Mayor Murray noted that every year this is put out for bid and they get two or three bids. The Village Engineer is going to send out the specs. In two or three months they will award the contract.

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

c) **10-31 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER CAMP PERSONNEL.**

Mayor Murray read the Resolution (copy attached).

He noted that this is done every year. We are one of the lowest paying. Mayor Murray commented that we are very fortunate that we are able to fulfill all of our staffing needs.

A MOTION to adopt this Resolution as presented was made by Trustee Smith, seconded by Trustee Zachary with all in favor and Trustee Knickerbocker abstaining since she is related to one of the staff.

d) **10-32 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER SEASONAL PERSONNEL.**

Mayor Murray read the Resolution (copy attached).

The Mayor noted that this is for the Highway Department.

Trustee Zachary noted that this is not for an additional person. Somebody was hired and approved at the last Board meeting but that person is not going to take the job. Mayor Murray noted that there are only two summer seasonal personnel in the Highway Department. The person they are hiring is a replacement.

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

e) **10-33 RESOLUTION WAIVING FACILITY FEE FOR PACK 36 – BOY SCOUTS OF AMERICA ANNUAL MEETING.**

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that the Board generally waives the fees for non-profit organizations. The Boy Scouts help our young people and the Board tries to help them.

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

f) **10-34 RESOLUTION WAIVING FACILITY FEE FOR THE TOWN OF CORTLANDT FOR THE VETERAN'S ANNUAL PICNIC.**

Mayor Murray read the Resolution (copy attached).

Village Administrator Hay advised that all the insurance waivers have been received.

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

g) **10-35 RESOLUTION APPOINTING A VILLAGE AUDITOR FOR FISCAL YEARS ENDING IN 2010.**

Mayor Murray read the Resolution (copy attached).

Trustee Zachary wanted to know if this is done every year. Mayor Murray advised that every year there has to be an audit and they appoint someone. Up until last year, the Village had the same person. Last year they put out bids. They received two for the same amount. The Board chose the person who lived closer. The other one was in New Windsor. Next year, they will put this out to bid to make sure they are getting the best value, even though professional services do not require a bid. They did not do it this year. They did it last year and this firm is the most reasonable.

On a question by Trustee Zachary, Mayor Murray advised that the 2008-2009 audit is not yet complete. Village Administrator Hay advised that the present auditor is completing the 2007-2008 audit. This firm will do 2008-2009 and then 2009-2010. Mayor Murray advised that the State Comptroller's audit encompassed a wider time frame. The Village's auditor is going to confirm that each line was charged and paid correctly. The State Comptroller's audit looked at how things were paid and how they were bid out. It is a different audit. Because the 2007-2008 was not complete, the Board felt it better to retain the same firm for two consecutive years.

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

h) **10-36 RESOLUTION AUTHORIZING THE VILLAGE ENGINEER TO PREPARE SPECIFICATIONS AND FOR THE CLERK TO ADVERTISE BIDS FOR BACKUP GENERATORS AT THE ALBANY POST ROAD AND FOURTH STREET PUMP STATIONS.**

Mayor Murray read the Resolution (copy attached).

Trustee Smith commented that this is necessary.

Mayor Murray commented that right now these two stations are not operating correctly. The money spent for this is going to come out of the bonds. The reason a Resolution is needed is because we are doing it prior to receiving the bond money. Mayor Murray noted that this Resolution is being done on the recommendation of the Village Attorney and the Bond Counsel.

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

i) **10-37 RESOLUTION AUTHORIZING AN INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR GIS SERVICES.**

Mayor Murray read the Resolution (copy attached).

Trustee Funchion wanted to know what are the uses and what do we get out of it. Village Administrator Hay advised that this is different than a grant that the Village applied for. This is to set up a basic GIS system to share information with the County on housing and zoning. It will set up a mapping system to link to the Village web site. It sets up a basic platform. We have applied to the County for a grant to set up a specialized system more suited to the Village's needs. It is useful in different departments in the Village.

Mayor Murray commented that one advantage to having a GIS system is that we have an older work force with a lot leaving in the next four or five years. They have a lot of knowledge on the Village's infrastructure and the location of things like valves. The GIS system allows those things to be mapped. There is no cost to the Village.

Trustee Zachary wanted to know who will be responsible for maintaining it. Village Administrator Hay advised that the County will. It is more informational. Trustee Zachary noted the list of content items to be provided by the Village. He wanted to know if that would require a consultant or can they be provided by the Village staff. The Village Administrator advised that we can provide everything to the County in useable formats.

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

j) **10-38 RESOLUTION AUTHORIZING THE VILLAGE MEMBERSHIP IN THE NEW YORK STATE MUNICIPAL IN THE NEW YORK STATE MUNICIPAL WORKER'S COMPENSATION ALLIANCE.**

Mayor Murray read the Resolution (copy attached).

Trustee Funchion wanted to know if this is the same as contained in the report to the Board from the Village Administrator. Village Administrator Hay advised that the previous Village Administrator had the insurance agent for the Village bid the insurances out every year to get the best rates. Village Administrator Hay estimates that this one will save the Village around \$25,000 while keeping the same level of coverage. Trustee Funchion wished to commend whoever was responsible. Mayor Murray commented that Thomas Toub who handles the Village's insurance does a good job. He has done a lot of research not only for the Village workers but for the pension plan and Fire Department. The Mayor commented that a lot of

the Village's plans and paperwork have not changed over the years but that it is great to have people who are willing to do more research and think outside of the box to save us more money

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

**k) 10-39 RESOLUTION AUTHORIZING THE VILLAGE TO DECLARE THE SEWER TREATMENT PLANT PROJECT A SEQR TYPE II PROJECT.**

Mayor Murray advised that due it being such a lengthy Resolution with much legal wording, he would not read it in full. He confirmed that all the Board members had received and reviewed it.

The Mayor advised that this is a requirement of the State concerning the environmental impact laws. He called on the Village Attorney to give a summarized explanation of the Resolution.

Village Attorney Porteous advised that our project could be classified as either a Type I or a Type II. If it is a Type I, that is saying that the project will have a significant impact on the environment. An impact statement and more paperwork would be required, and there are more regulations. The Village Engineer, Village Attorney and the Mayor have looked at the project and what we will be doing. They believe it can be classified as a Type II because the footprint of the plant is not being enlarged and what is being done is to replace the same kind of treatment facility. If classified as a Type II, no further action needs to be done under the law. The EFC who are financing the project wanted this done quickly so that the application can be put in.

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

**l) 10-40 RESOLUTION AUTHORIZING INTER-FUND BORROWING.**

Mayor Murray read the Resolution (copy attached).

Trustee Zachary noted the \$50,000 cost estimate for the Fourth Street pump station given by the Village Engineer at the last Workshop Session. Since that is the amount in this Resolution, he wanted to know if it was intended to cover the immediate work to the Albany Post Road pump station as well. Mayor Murray advised that the majority of this money would be used to get the second part of the Sewage Treatment Plant in operation. It is also for the controls to the Albany Post Road pump station and the pump and float at the Fourth Street station. It is not for replacement of the engines which are a separate issue. They will come out as part of the full project. This Resolution must be passed, per the advice of Bond Counsel, because the processes involved with the full project are lengthy and these repairs are needed immediately. It should allow the plant to be in 100% operation in a month or so.

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

**7. INFORMATION FROM OFFICERS AND DEPARTMENTS.**

- a) Fire Inspector's Report – February 2010 to April 2010

Received and reviewed.

b) Zoning Board and Planning Board Minutes – March 2010 and April 2010

Read and reviewed.

c) Attorney's Report:

Village Attorney Porteus reported that the Board of Health hearing is tomorrow. It will greatly help that the Village Board has passed several Resolutions tonight. She expects that by the conclusion tomorrow, she will have a schedule agreement which means that the Board of Health will sign off on an agreement with the Village. They will monitor us. She is hopeful that there will be no fines.

The Village Attorney was requested by the Mayor at the Workshop to look at the possibility of establishing user fees for commercial dumpster pick ups. She is working with the Village Administrator. An analysis of the cost to the Village for picking them up is needed. The Village is prohibited from collecting more than its cost. More immediate matters did not allow that analysis to be completed. They will resume working on it. Legally, such a fee is permissible. Mayor Murray believed that analysis had already been done by the previous Board using trip tickets. The Village Attorney did not have anything. She knew that a Trustee on the previous Board had looked at some things but there was no Village Administrator at the time to provide necessary information. Mayor Murray advised the Village Attorney to give priority to more immediate and currently important matters.

The Village Attorney reported that the Board has been given a proposed hiring policy. She requested their comments and suggestions for the next Workshop Session. She will be working with the Village Administrator on a procurement policy in response to the auditor's report.

She advised that at next month's Board meeting, they will have to pass the three month log concerning retirement credits.

Trustee Zachary wanted to know if the hiring policy would be discussed at the next Workshop. The Mayor advised that if the Board wished to, it would. Trustee Zachary wanted to know if there was any legality concerning preferential hiring of residents versus non-residents. The Village Attorney advised that there are mixed opinions. NYCOM does not like preferential hiring, including the words "promote from within". However, they advise that many municipal attorneys disagree with that analysis. The Attorney General's opinions go both ways as well. The feeling is to attract those with the best qualifications rather than just promote from within. Trustee Zachary commented that in a small village like Buchanan, you may have to go outside. But in some cities, there are residential criteria. The Village Attorney advised that it is legal but brings in questions of nepotism and other issues.

Trustee Smith commented on the County Board of health hearing. Speaking with the Village Engineer, he believed there was some question about who was communicating directly with the County. Trustee Smith wanted to know if communication was going through the Village Attorney and could that be streamlined to assure that it was. The Village Attorney commented that there may have been some miscommunication in the beginning. The Village had been issued some citations. The Village Attorney attended some hearings. They were not followed up on paper. The outcomes of the hearings and expectations were related to the Village Board. When Mr. Hahn became the Village Engineer, there was some contact by them. When the Village Attorney became aware, she took steps to insure that everyone was current.

Trustee Funchion wanted to know if there was anything further concerning the legality of the Village's drug testing. The Village Attorney advised that case law and the State Comptroller's office state that it is illegal to drug test your employees, unless they are

members of a union and have waived that, unless you have a reasonable suspicion. There are cases that provide that applicants may be tested for drugs so long as they are advised in writing in advance and all applicants are tested. It also states that if the first test is positive, a second test should be done. Trustee Smith wanted to know if that applied equally to summer hires as well as full-time employees. The Village Attorney advised that she would check further but the distinction appears to be between those already employed and applicants. Trustee Zachary wanted to know if there was an age factor since many of the summer hires are teenagers. The Village Attorney will check on that. She believes there may be because of the need for parental consent to waive your right on privacy issues. Mayor Murray noted that the question arose as a possible cost savings by testing a random group every month instead of everyone.

d) Trustee's Reports:

Trustee Zachary reported that he attended the NYCOM Conference in Saratoga in early May. He attended some very useful workshops. One was on municipal finance. Another was on the differences between a Type I and a Type II action for SEQ. One that he found especially useful was on municipal web site. Trustee Zachary will be involved with the Village web site which he wants to see become more useful. He asked for comments and suggestions from residents about the web site. They can be sent to him by e-mail.

Trustee Zachary reported that at the last Workshop Session some residents who are Cablevision subscribers have told him that they are not getting public access Channel 78, the Buchanan Channel. Trustee Zachary contacted Cablevision. He commented that he is not clear on what is going on. When they converted over to digital signals in compliance with FCC regulations, they started eliminating channels. Residents who are Cablevision subscribers and did not have a cable box (who were using cable ready televisions) were no longer able to receive the Buchanan Channel over which the monthly Board meetings are broadcast. Trustee Zachary spoke with Cablevision's office responsible for public access channels. He asked if Cablevision was legally required to provide this channel to its subscribers and was it Cablevision who made it a requirement to get a box. He did not feel that he received satisfactory answers. He is waiting for further information from them. He would like to hear from any residents who are affected by this to determine how many there are.

Trustee Knickerbocker thanked the Mayor for the honor of representing the Village at the Memorial Day ceremony at the Town of Cortlandt. Trustee Funchion was present. It was a wonderful ceremony in honor of our country's fallen heroes and Veterans. Russ Harrison was there, as was Duane Jackson.

Trustee Knickerbocker reported that on May 27, she participated in a conference call with the Mayor, Village Engineer, Village Attorney and Village Administrator so the Sewage Treatment Plant (STP) project can move forward. There are some submissions to be made. They are moving forward with it. Fred Testa of the EFC in Albany has been a great help. Tonight's resolution declaring this as a Type II action is a part of the process. She will keep everyone updated. Trustee Knickerbocker reported that she was at the STP with the Village Engineer when some contractors were looking at the part that is currently not in operation. The Board is on top of this project and is moving it forward.

Trustee Funchion reported that on May 7, he and Trustee Zachary toured the Sewage Treatment Plant (STP). It was quite enlightening.

Trustee Funchion and Trustees Zachary and Knickerbocker attended the presentation by Entergy on the proposed cooling towers. He noted that this was Entergy's side of the issue. They expect to hear the other side in the future.

Trustee Funchion reported that in May, he attended a newly formed group, the Northern Westchester Energy Coalition. The Village is not currently a member. It is comprised of

municipalities in northern Westchester who have joined together to formulate plans for lowering energy costs and achieving better use of energy in our environment.

Trustee Funchion attended the Westchester Municipal Officers Association. The speaker was County Executive Rob Astorino who outlined the difficulties of cutting taxes without cutting services. Trustee Funchion and Trustees Knickerbocker and Zachary attended the NYCOM meeting in Saratoga Springs. Trustee Funchion attended five different seminars regarding finances, contract negotiations, Freedom of Information laws and a future new law concerning ethics boards and the establishment of a stronger code of ethics with increased fines for violations. Trustee Funchion has advised the Mayor that he wishes to be involved in this for the Village.

Trustee Funchion attended the Memorial Day Remembrance in the Town of Cortlandt. Town Supervisor Puglisi does a great job and it was well attended. He commended Trustee Knickerbocker for her moving presentation that day.

Trustee Funchion advised that owing to commitments made prior to his deciding to seek office as a Trustee, he will not be present at the July and August Village Board meetings. He will be in the Workshop Sessions.

Trustee Smith reminded residents on behalf of the Highway Department that they are currently very understaffed. So if they appear to be slow in responding to requests, please bear with them. The Board is trying to get another person but that takes time.

#### Mayor's Report:

Mayor Murray reported that he attended many different meetings this past month but in this report, he will focus on some specific points. He has found that Buchanan does not belong to many of the associations that other communities in the Hudson Valley do. One is the Historic Hudson River Towns. Every community that borders the Hudson River is a member. The dues are \$1500 for this year. They help establish grants and to communicate between different communities on their specific needs for grants for upgrading their facilities which border on and discharge into the river.

A MOTION for the Village of Buchanan to join Historic Hudson River Towns was made by Mayor Murray and seconded by Trustee Funchion.

Trustee Smith commented that he favored the idea but wanted something in writing that he could review. Mayor Murray did have some literature but not with him this evening. He commented that he was speaking with the Town of Cortlandt and learned that the dues were actually \$3,000 per year. The Mayor expressed reservations about that and Buchanan has been offered membership for this year at half price. Trustee Smith favored carrying the Motion over to the July meeting to allow the Board to review the literature. Mayor Murray favored entering into it now because they are formulating some things both this month and next. Trustee Knickerbocker wanted to confirm that it would be \$1500 for this year. The Mayor advised that it was and if the Board finds that the Village received nothing from this membership, it would not be renewed next year. Mayor Murray is concerned when Buchanan is the only community that does not participate in things, especially when you see who is receiving grants. You cannot attend a single meeting and get all the information you need. He feels that when you have associations that pertain to specific aspects of the community, it is important for the Village to interact with those associations.

Trustee Knickerbocker favored joining this year for \$1500 and having the Board review the results when the time comes to renew. Trustee Zachary agrees that the Village needs to interact with other communities and favors joining. He would like to see more information on this. He wanted to know if they sponsored activities and events. Mayor Murray advised that they sponsor different activities and events. Buchanan may not be able to participate in many because we

have a small area that is accessible to the river. But membership would be helpful to try to get money for Lent's Cove, the ball field and storm water management programs that we are in dire need of. Anything that pertains to the river, they assist you with. Basically, there is a fee because there is engineering and professional grant writers. Trustees Knickerbocker and Smith noted that it may also help with our sewer treatment plant project.

The MOTION was passed with all in favor.

Mayor Murray reported that he spoke with members of the Hudson Valley Greenway Association. He was not familiar with that group. There is no cost for membership. The Mayor requested Trustee Smith to research this further and be Buchanan's representative to it. Trustee Smith agreed. The Mayor believes it is for communities that do not border the river. It is concerned with environmental matters and community improvement of the environment.

Mayor Murray commented that in recent months, the Board has requested a police report. He spoke with the court system regarding a monthly court report. One was not received this month. They have also not yet received a letter from the Police Chief concerning Stop signs entering Tate Avenue. He requested the Village Administrator to send memos to the applicable department heads stating that request. The Mayor did not see a June payment to the Fire Department in the vouchers. There was only a May Power Authority voucher which the Mayor advised should have come out of June's. There should not be one associated with May. Mayor Murray does not believe it is right to have people wait three or four weeks for checks. The contractual payments to the Fire Department were late in part because the Village had to wait for the Power Authority bills to come and subtract it. The Mayor met with the Trustees of the Fire Department to fix that.

Mayor Murray reported that he has discussed with Trustee Smith about appointing a liaison to Entergy. The Mayor appointed Cheryl Murray as Liaison to Entergy for the Village of Buchanan. She is a former Trustee and Mayor of the Village. She was a liaison from our area to former Governor Pataki. She currently works at Governor Pataki's governmental education center in Peekskill. There will be no cost to the Village. She is willing to volunteer her services. This will alleviate some of the communication between Entergy, the Mayor and Village Administrator. There are many things currently going on there. They are in the middle of the relicensing process. The Mayor has been receiving frequent contact with the NRC, attorneys and others. Cheryl Murray can greatly assist with that.

Mayor Murray apologized for unintentionally overlooking conveying his Mother's Day wishes at the end of last month's meeting. He hopes that everyone had a good one. He wished everyone a Happy Father's Day this month.

Because of the 4<sup>th</sup> of July holiday observance, the next Board meeting will be on Tuesday, July 6. The next Workshop will on Wednesday, June 16.

## **8. COMMENTS FROM THE FLOOR:**

Jane Hitney, 12 Lake Drive, congratulated Duane Jackson and thanked the Mayor and Board for honoring him tonight. He lives in Ms. Hitney's neighborhood and they are very proud to have him as their neighbor and Village resident.

Ms. Hitney, a former Trustee, advised that a few years ago the Village did belong to the Historic Hudson River Towns. The Board at the time felt that there were a lot of benefits to belonging. She emphasized that the Board needs to confirm that information about Buchanan is included in their annual pamphlet. Mayor Murray believes this year's pamphlet was issued two months ago. That was what led to the inquiry as to why the Village was not a member and the Mayor's ensuing discussion with them. He does not believe we will be in this year's pamphlet. Ms. Hitney believes the Town of Cortlandt is very active in the Hudson Valley Greenway project. She recommended speaking with Rosemary Boyle.

Ms. Hitney spoke about the Village Clock. She commented that while not everyone may agree on having the clock in the Circle, every resident should be in agreement on having a beautiful village. The landscaping around the clock is in dire need of maintenance. She cannot call the landscaper to take care of this and the seasonal work because the Village has not yet paid the bill from November. Many residents and businesses donated to the clock project. She wanted to know the status of the overdue payment.

Mayor Murray advised that this was raised at the last Workshop. He advised at that time that he had signed the voucher and authorized the payment. Following that, some legal interpretations came from the State Comptroller's office stating that the Mayor could not legally sign that voucher and recommending how to proceed. Mayor Murray commented that he is in agreement with Ms. Hitney but must proceed as directed by the Comptroller and Village Attorney. He must adhere to the law and the required procedure. Ms. Hitney wanted to know how long that would take. The Village Attorney advised that some affidavits must be put together, some legal research done and communication held with Ms. Hitney and the landscaper. She estimates two weeks. Ms. Hitney spoke with the landscaper today. Everyone is anxious to get this resolved because it makes everyone look bad. It is essential to maintain good lines of communication as to what is going on. Village Attorney Porteous advised that she will be contacting both Ms. Hitney and the landscaper to get this resolved with the Board's involvement, both legally and financially.

Ms. Hitney commented that when you work with the State, you assume you are following whatever criteria has been set up. The committee did that exactly with the grant. It expires at the end of July. There are additional monies she could apply for because they are sitting there for them. She feels it would be a shame to not tap those resources which could keep this project into the future at no cost to the Village. Mayor Murray advised that even before he signed the voucher, it was not possible to use the money from that grant for that. The Mayor was going to take the money from the General Fund which was why he authorized that payment. There are difficulties from a legal basis which required the voucher to be rescinded. There is a strong possibility that the money for that payment will not be paid from the grant from Senator Leibell. Ms. Hitney wanted to know what would happen to the checks that have come into the Village. Mayor Murray commented that he does not agree with it but it is what the Village has been advised by the State agency. Ms. Hitney noted that it was a State agency that sent it. Mayor Murray advised that the Board would meet with Ms. Hitney to explain it in detail. He added that he is very disappointed. If the Village meets certain criteria, it can be done out of the General Fund.

Ms. Hitney commented that fortunately, the biggest expenses are behind us. From now on, it is primarily maintenance and the irrigation system. Mayor Murray advised that the irrigation system is separate. The contract is going to be signed. The Village had already accepted the clock. The irrigation system is the Village's. The only outstanding bill is for \$2400 for work in Monroe Park. The Village is maintaining all the contracts it incurred after acceptance of the clock.

Trustee Knickerbocker wanted to know if the barrels in the Circle were included. Ms. Hitney advised that that has always been the Beautification Committee. It is not connected to the clock funding or project. Trustee Knickerbocker was surprised that was not done this year and had no information on the Beautification Committee. She commented that the Board recognizes all of Ms. Hitney's efforts on this and wants to see this resolved. It must be done the right way, legally.

Paul Pyrrch, 190 Tate Avenue, advised that he, his wife Laurie and Karen Park have served as the Beautification Committee. They have done the barrels in the Circle for 15 years. They are looking for additional members. They plan on doing the plantings. They were not able to do it before now due to other demands on their time. Trustee Knickerbocker thanked them. She cleaned out the barrels and placed flags in them for Memorial Day. Mr. Pyrrch advised that they

tend the barrels and the planters leading into the Village. Mayor Murray requested the Village Administrator to determine how any expenses for this committee are vouchered. Mr. Pyrrch advised that they have a separate account. They usually do a flower sale in the Spring. In the past, they have received donations from Entergy and local businesses. They raise the money or receive donations for the plantings.

Gary Bell, 230 Henry Street, wanted to know if the legal restriction on using the grant money obtained by the Clock Committee through Senator Leibell was part of the State Comptroller's report. Mayor Murray advised that the Comptroller's report did not address the Clock Committee. Mr. Bell, a former Trustee, had believed that it was part of the investigation of that committee by the previous Village administration which was done through the Police Chief and State Comptroller's office. Village Attorney Porteous advised that the previous administration had the Police Department involved to see if there was any criminal behavior. That was unfounded. They also asked the State Comptroller to look at the Clock Committee's financing. They chose to not include that in the scope of their audit. Mr. Bell wanted to know which State agency gave the Board the legal restriction on using the grant money. Mayor Murray advised that the Comptroller gave the opinion on how that money could be used. The Comptroller's audit did not encompass the clock. That was separate. The Comptroller interpreted the Village's ability to pay that bill. The Village Attorney advised that they took the information they were provided with and passed it to their legal department. The Village Attorney has been in contact with them. She advised that the problem is not the grant money Ms. Hitney obtained but that the voucher is a third party voucher. The Village did not contract with the landscaper. A private committee did. The grant money is a different problem being worked out. Mr. Bell wanted to confirm his understanding that it was the Comptroller who determined that the grant money could not be used for this. The Village Attorney advised that the Board could not authorize payment of that voucher as it is currently submitted. She spent considerable time on the phone with the Comptroller's office trying to determine how that could be done since the Board agreed that everything was done with good intentions.

Mr. Bell had a question concerning the Resolution appointing an auditor that the Board passed tonight. He wanted to know if the dollar amount of \$23,500 given in the reading of the Resolution was for the auditing for the fiscal years 2008, 2009 and 2010 combined or was that per year. Mayor Murray advised that was per fiscal year. He believed the previous auditor was \$21,000. The Board only received two bids which were for the same amount.

Regarding the SEQR for the Sewage Treatment Plant, Mr. Bell wanted to know if the Village would be the lead agency. The Village Attorney advised that no lead agency is required for a Type II.

**9. ADJOURNMENT:**

At 8:55 PM a MOTION to adjourn this meeting was made by Trustee Knickerbocker, seconded by Trustee Smith 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.

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Kevin Hay