

Village of Buchanan  
Board Meeting  
March 7, 2011  
7:30 PM

**PRESENT:**

Mayor Sean Murray  
Trustees Theresa Knickerbocker, Richard Funchion, Brian Smith and Nicholas Zachary  
Village Administrator Kevin Hay  
Village Attorney Porteus  
Village Board Secretary Susan F. Matthews

**1. PLEDGE OF ALLEGIANCE**

Mayor Murray opened the meeting at 7:35 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

**2. APPROVE MINUTES:** Regular Meeting of January 3, 2011

A MOTION to approve the minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Trustee Zachary had a correction on page 7, paragraph 6, and line 3: change March 15 to March 5. Mayor Murray had a correction on page 8, paragraph 5, line 1: correct spelling of "Makelainen"; and on page 12, paragraph 1, line 12, change "I" to "in".

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

None

**4. NEW BUSINESS:**

- a) 11-08 RESOLUTION AUTHORIZING PLANNING BOARD MEMBERS AND A VILLAGE EMPLOYEE TO ATTEND TRAINING CONFERENCE.

Mayor Murray read the Resolution (copy attached).

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

- b) 11-09 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 53 ENTITLED "ANIMALS" TO THE CODE OF THE VILLAGE OF BUCHANAN ESTABLISHING STANDARDS FOR THE LICENSING OF DOGS.

Mayor Murray read the Resolution (copy attached).

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

Trustee Funchion wanted to know if the Code should include language that they also except guide dogs. Trustee Smith advised that guide dogs and police dogs were included.

Trustee Funchion wanted to know who the dog Control Officer is. The Village Administrator advised that the Town of Cortlandt provides that for us. Mayor Murray wanted to know if we have any agreement with the Town to use their Control Officer and what type of reimbursement there is as they probably would not do it for no cost if they have to testify in court. Village Administrator Hay will look into this.

On the question by Trustee Funchion, Mayor Murray advised that the State will not be taking care of the licensing so now the municipalities now have to do it and in order for the Village to do that, we have to have a local law. Trustee Zachary wanted to know when the State will cease doing this and when this local law would go into effect. Village Attorney Porteus advised that it is in effect upon filing.

Trustee Zachary wanted to know if the Village is now responsible for making dog tags and where we would do that. Mayor Murray advised that we do a portion of the licensing already. We already have a procedure to verify the inoculations. Village Administrator Hay advised that we are able to get the tags. The State provided all their vendors and the municipalities share those vendors. We will go with whoever gives us the best price. Trustee Zachary wanted to confirm that because it would be done through a Town of Cortlandt Animal Control Officer, we will not hold any dogs in the Village Hall. The Mayor confirmed that was correct. Mayor Murray did not know if there was an IMA in place for this. Village Administrator Hay will check on it. Trustee Zachary commented that in an emergency, the police are going to be handling those situations. This is for non-emergencies. Mayor Murray advised it is a requirement for the Village to take over what had been a State function but is now the municipalities' function.

#### c) 11-10 RESOLUTION APPOINTING AN ELECTION INSPECTOR.

Mayor Murray read the Resolution (copy attached).

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

### **5. INFORMATION FROM OFFICERS & DEPARTMENTS:**

#### a) Court Report – January 2011

Received

#### b) Attorney's Report.

Village Attorney Porteus reported on the Village Code and Local Laws. She has met with the Village Administrator and Building Inspector. They will be doing two more Chapters to the Code and will do more local laws in order to get it all up to date.

Village Attorney Porteus reported that she spoke with the Village Engineer concerning the June 1 deadline when we are supposed to meet with the County. She was advised that it will be met and we should be in full compliance. If there were going to be any delays, she would have to get continuance.

Mayor Murray reported that the letter has been sent to the owners of the house on White Street and that the Building Inspector has posted it as a dangerous structure. He asked for an update. Village Attorney Porteus advised that the Building Inspector was waiting to get a police officer to go with her. She is trying to post it. She is not here on Fridays but the Village Attorney expects to hear from her tomorrow. Ms. Miller was not comfortable going over there alone

#### c) Trustee's Reports

Trustee Smith reported that he was sorry that he was unable to be present at the last Workshop and will make the next one.

Trustee Funchion reported that a week and a half ago the letter went out to the local businesses serving the Village about the possibility of forming a local business association. He has received several responses and they were encouraging. Hopefully more will be received and they will gather together, have a meeting and go from there. They will see what they want this organization to be and how the Trustees and the Mayor can help out in encouraging businesses in the Village, both retail and wholesale as well as individuals.

Trustee Funchion reported that he attended the Saint Patrick's Day party on Saturday. He commended Karen Park and Sheri Jahoda who do about 90% of the work it takes to organize the parade. It was a great party and the most successful they ever had. They had over 115 people present. The parade is this coming Sunday at 2:00 PM. Trustee Funchion said to note that the night before is Daylight Savings Time and people should adjust their clocks so they do not show up at the wrong time. Bill Keenan and Clare Keenan Carey will be the Grand Marshals. The Aides will be Jerry Margiotta and former Mayor Dan O'Neill.

Trustee Zachary reported that on February 10 there was a Westchester Municipal Officials Association meeting held in Peekskill. He attended along with Mayor Murray and Trustees Funchion and Knickerbocker. The main topic that seems to be coming up is the issue of the State passing a property tax cap. It was passed in the Senate but not in the Assembly. It seems inevitable that it is going to happen and the municipalities are concerned that their ability to raise revenue will not be matched by mandate relief. A lot of people are pushing to pass a simultaneous mandate relief. He commented that it is tough when expenses that are out of our control keep going up and we have no way to respond to that.

Trustee Zachary reported on the 9/11 Memorial Task Force. He was out of town and missed the last meeting. He keeps in touch via e-mail. They are in the design phase. There are designs being submitted in the next week or so for the Executive Committee's review.

Trustee Knickerbocker was pleased to announce that we have someone new recording the Village meetings. We should have no problems after today. A lot of people called her about problems in the telecast. Village Administrator Hay advised that we are using the new equipment. If there is any problem, people should contact the Village Hall or one of the Trustees.

Trustee Knickerbocker reported that somebody approached her today about the traffic light at the B/V School on Westchester Avenue. She wanted to know if the light is going to be repaired. Mayor Murray advised that it is being researched to see who is responsible to put it up, the Village or the school district. During the snow storm after Christmas, a tree came down and took out all the wires and traffic devices in front of the B/V School. When the school was built, they had requested through a site plan that the light be put there. We have to determine whether it is the Village's or the school's responsibility. We do not think the insurance will cover it. It is being researched.

Trustee Knickerbocker thanked Trustee Smith for his two years of service. He will not be seeking reelection. Trustee Smith said that he enjoyed it and it is a great experience for anyone.

d) Mayor's Report:

Mayor Murray thanked Karen Park and Sheri Jahoda for their work organizing the Saint Patrick's Day Parade. He encouraged everyone to come out to support it. The Saint Patrick's Day Parade was started a few years ago by a private citizens' committee. The parade will be on Tate Avenue at 2 PM on Sunday, March 13.

Mayor Murray thanked Buchanan Engine Company. Last night, we had a lot of rain and the volunteers were out starting at midnight. There were trees and wires down. The last call came in at 8:30 AM. It is great that these volunteers help the citizens. There were a lot of people in need of assistance last night. The volunteers gave selflessly. We are very fortunate that we have them in the Village. The Village Board is going to continue to support them in every way.

The Mayor encouraged everyone to come out and vote on March 15. Voting is very important. There are people all over the world who fight for the right that we take for granted. It is everyone's responsibility to have a say in their government. The Mayor advised that we will be using the old lever voting machines. We had an issue with the County and the State. The State mandated that we use the County's voting machines. We did not budget for this and did not have any training or transportation set up. Thanks to Assemblywoman Sandy Galef and others, a special law was passed to allow municipalities to use the lever machine at the same cost. We can use them up to 2012. Mayor Murray has asked the Village Administrator to plan to use the County mandated machines next year so it can be included in the budget and to get the training. The only alternative after 2012 would be to use paper ballots. This would be cumbersome because for every registered voter, you have to have three or four forms. If we have 1,000 registered voters, we would have to have at least 3,000 paper ballots.

Mayor Murray reported that he received a letter from the Montrose VA last week which he read. It is requesting a retiree to assist in writing a monthly newsletter for the NYS Veterans Nursing Home at the VA. The facility serves eligible Veterans and their dependents. It has been in existence since 2001. The newsletter would reflect on common issues of the day and other subjects. They will work with the retirees. Anyone who would like to participate should contact Village Administrator Hay. They can also contact the Mayor who will put them in touch with the right person. Mayor Murray has given the letter to Russ Harrison as well and it will be read at the Seniors' meeting. Trustee Funchion wanted to know if this would be done by one person. The Mayor was sure there is no limit to the number of people who can participate.

Mayor Murray thanked Trustee Smith for his service. He commented that it is so hard to get people to come out and put themselves out in front of the camera and public scrutiny. It is very difficult to take on this type of responsibility. While they may not have agreed on everything, the Mayor commented that it is so important to have different views and opinions so that everyone's voice may be heard. He thanked Trustee Smith for taking the time to serve the residents.

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

Kevin Arasim, Catherine Street, Buchanan, commented that he contacted the town a couple of months ago about the street light being out in front of his house. It is still out. He wanted to know if that is done in-house or by outside vendors. Mayor Murray advised that it was an outside vendor. Mr. Arasim wanted to know if there was a reason it has taken more than two months to have that looked at. Mayor Murray advised that it was the first he was aware of it. He directed the Village Administrator Hay to have the Highway Foreman look into it. Mr. Arasim noted that he sent an e-mail back in January, then followed up. Trustee Zachary commented that he has seen on other municipal web sites where they have a link where you can report a street light being out. He would like to see that added to ours. He advised that you could always just call the Village Hall.

Mr. Arasim commented on agenda items that he did not understand why they were not discussed in the meetings over the past three or four months when he has been present. He feels there are ethics and rights involved and there are things missing from the agenda.

Mr. Arasim commented that he had asked at last month's meeting about the accounting practices for the funds from Entergy specifically given for the sewage treatment plant and what is being done to make sure they stay separate and do not end up in the General Fund. That is not on the agenda. He commented on having discussed Village Engineer Hahn and his contract. We have a bond out and Mr. Arasim wants to make sure we are not paying him "T & M" to do drawings when that should have gone out for bid. That is not on the agenda. He commented on zoning concerning the hot dog truck. That is not on the agenda.

Mayor Murray advised that what are put on the agenda are items the Board must vote on and things that the public has to be notified of. What Mr. Arasim is talking about are internal procedures. Concerning the zoning question, the Mayor advised that he has the zoning and can give it if Mr. Arasim wished.

Mr. Arasim said he did. He felt it was a public safety issue. A friend came up last week and a girl ran out from behind a dump truck illegally parked getting a hot dog. He has no problem with hot dog trucks. He remarked that there are two empty gas stations in Montrose where they would be perfect at. There is no parking there and somebody almost got run over. He feels that is a problem and wanted to know if we have to wait until a child gets run over going over to get lunch.

Mayor Murray advised that the zoning for the area is C2 which includes C1 and C2. He read the permitted uses for that zoning. It is a permitted use. The person who operates the truck follows the Village Code and he files the required annual report with the Village. He has all the Board of Health permits. It is not the Village's property. We cannot force somebody to use the property

for what they do not want to use it for. The Mayor does not believe that there are any No Parking signs there. Mr. Arasim remarked that Mayor Murray should get out and take a look around the town that he is Mayor of because there are several and if he does not see them, there is a really big problem. The mayor advised that the Village does not govern the No Parking signs on State roads. The State does. Mr. Arasim commented that he would inform the State Police that there are cars illegally parked there. They are there all day long. The Mayor commented that if Mr. Arasim wanted to do that, he could.

Mr. Arasim wanted to know what the Village's plan with Village Engineer Hahn was he on a "T & M" or did the Village have a contract with him for the water treatment plant. Mayor Murray advised that we have a contract with Hahn Engineering to design the repairs for the sewage treatment plant. Mr. Arasim wanted to know how that contract came to be and if it was a public bid. The Mayor advised that contract is issued every year. Part of his employment contract is to do repairs required to our infrastructure which is following that contract. Anything done outside of that contract will be billed differently. Mr. Arasim wanted to know if it was a "T & M" rate or a flat rate. The Mayor advised that it was an hourly rate. Mr. Arasim felt that should be renegotiated because common practice is not to let someone charge hourly rates for a project of this size. He commented that we would end up paying 20% or better of the bond we just took out just in fees to Hahn Engineering. Mayor Murray advised that he believed the previous Village Engineer estimated 10 to 15% would be for engineering costs. Mr. Arasim wanted to know where it is at to date because Mr. Hahn has been working on this for a year. The Village Administrator will get that information. He commented that is a huge chunk, and the job is obviously going to go on for another year and has not yet gone out for bid.

Mayor Murray advised that several portions of the job have been out to bid, such as the sludge collection. The Board was going to send the Comminutor out to bid but decided to remove and repair it instead of purchasing a new one which is an estimated cost savings of \$30,000. He commented that as Mr. Arasim was probably aware, a new one was estimated at \$35,000-\$45,000. The estimated repair price was around \$6,500. The sludge equipment, which was never in the original estimate, is estimated to cost about \$180,000. That was never in the original estimate that the bond was based on. So the repair cost is an extra \$180,000-\$200,000. The repair cost would have been \$1.8 million instead of the \$1.4 million that was bonded. We should be receiving in the very near future the sludge collection equipment for the tank that has been out of service and will be installing that. The Mayor commented that there have been several things that have gone out to bid, so to say that we have not been moving forward is not right.

Mr. Arasim commented that he did not say we are not moving forward. He thinks money is being spent not hastily and we are not paying attention. He believes that Hahn Engineering's fees should have been a set price. He believes that every other town would have sent that out to engineering firms for RFP, obtained pricing and hired based on the price. Mr. Hahn is on an hourly rate. Mr. Arasim commented that he could be charging the Village 50 hours per week.

Mayor Murray advised that Mr. Hahn is charging the exact same rates that the previous Village Engineer charged. He is actually billing us in 15 minute increments instead of half hour increments, which is a cost savings. The previous engineering firm that we based our bond resolution on was billing us the same way the current engineer is billing us. Mr. Arasim commented that on a job of this size, you do not do "T & M" on it. He remarked that basically, Mr. Hahn is making his payroll every week here. Mayor Murray advised that in the contract we

have several different engineering fees. We have different engineering hourly rates all the way down to clerical rates. Just because one firm is doing it, does not mean we have one set price. Mr. Arasim wanted to know the numbers we have paid to date for this. He strongly recommends revisiting that and getting a flat fee. It is probably going to go on to 2012. He does not believe the numbers are in our favor. We have taken out a bond and we are going to be paying this for years to come. Mr. Arasim does not want to be paying Hahn Engineering's fees out of a bond.

Mayor Murray advised that one thing the Board had discussed, possibly before Mr. Arasim started attending meetings, is that when the auditor sits down at the exit meeting, we are going to take out what we believe to be the operations and maintenance costs from Entergy. We could not do that this year because we did not have those fees separated. So repairs to the plant are not going to be paid out of the bond. They will be assessed to Entergy according to their contract. Mr. Arasim commented that other than when he had surgery, he has been coming to the Board meetings for two years. He wanted to know about the money from Entergy and the General Fund set up. He commented that the Mayor had mentioned his campaign that he was going to do that. Village Administrator Hay advised that it comes into a revenue line; specifically under Sewer Flow Charges. It goes in as revenue. We budget and estimate for it every year. We charge them. From each line in the budget, we know how much for the labor costs and benefits. They pay a percentage depending on their usage. Mr. Arasim wanted to confirm that we do have a separate line on the budget for that and that we know exactly what they are giving us and what it is going to be. The Village Administrator confirmed that was correct. Mayor Murray advised that they are sent a yearly bill. Mr. Arasim wanted to know if that information was public. The Mayor advised that it is which Mr. Arasim can FOIL.

Mr. Arasim remarked that as a tax payer and a resident of Buchanan, he is entitled to his opinion and to not have his door knocked on and to be threatened in front of his child.

Sam Cherchia, Westchester Avenue, remarked that to say he is angry is a massive understatement. He commented that it is not his policy to sand bag anybody or to bad mouth them behind their back. A couple of weeks ago he told the Village Administrator to have George Pommer at the Village Board meeting because Mr. Cherchia has a lot of say about Hahn Engineering. He remarked that in his opinion, they are total incompetents. He commented that FOIL is a State law. He does not like being lied to. He remarked that he does not tolerate liars. He does not accept it from anybody. He is addressing the Board. He was going to have his say. Mr. Cherchia remarked that he has been abused by the Board, the Village Administrator, the Village Engineer and Village Attorney.

In 1989, the Village took an easement across the front of his property to install a storm sewer running from Pheasants Run to the creek. It is 10-12 feet deep. It passes under his sewer line. It was installed under the supervision of Hahn Engineering. It was closed up by Hahn Engineering. This line never had a problem. Subsequent to that installation, during the 1990s, Mr. Cherchia had to have somebody snake out the line several times. He assumed it was his fault. In 2003, he hired Mr. Tice to do snake it out. Mr. Tice measured it out and advised that the blockage is right in the middle of the right-of-way. From the Fall of 2003 into Spring 2004, Mr. Cherchia commented that he argued with the previous Village Administrator to have it repaired because he did not dig or do anything in the right-of-way. The line is roughly six feet deep. He commented that Mr. Hahn told him it was not his problem. Mr. Cherchia commented that he eventually prevailed upon Village Administrator Jankowski to have it opened up. On his sewer line was a

chunk of concrete curbing. Mr. Cherchia commented that even he knows that you do not drop heavy items on a sewer line. He challenged Mr. Hahn about that. Mr. Cherchia commented that Mr. Hahn stated that he was present when it was closed. Mr. Cherchia said that Mr. Hahn was not present and that he would not expect him to have been. It was discovered that this concrete cracked the line which then plugged repeatedly.

Mr. Cherchia had spent about \$2,000 at this point to have it snaked out on a regular basis. Under Mr. Hahn's supervision, 7 feet of this line was cut out, patched and closed up in 2004. In 2006, it was blocked again. Mr. Cherchia came back to Village Administrator Jankowski who ordered it to be opened again. Mr. Cherchia commented that the patch did not work. The line plugged. It was removed and another patch in the 7 foot line was put it under Mr. Hahn's supervision. In 2006, it happened again. Mr. Cherchia went to the Village Administrator again. Mr. Cherchia commented that he was told that the Village had spent \$20,000 on the opening and closing because of Mr. Hahn's supervision. They repaired it again with another patch in 2008.

On November 11, 2010, it plugged again. Mr. Cherchia commented that it was the fourth time since he knew that Mr. Hahn had screwed it up. Mr. Cherchia called Mr. Tice again who snaked it out with great difficulty because of the nature of the patch. There is a lip that will not allow the snake to go through easily. Mr. Cherchia described it as 4 inch pipe. The patch is on the outside leaving the rim on the inside to collect toilet tissue and other debris. At that time, he took a DVD video of this 4 inch line. It had deteriorated to the point where it sagged. The 4 inch line was reduced to 2 inches. Mr. Cherchia was told that it will plug again.

Mr. Cherchia came to the Village office and spoke to Village Administrator Hay. Mr. Cherchia commented that he claims, adding that the Mr. Hay will probably deny it now, that he was told by the Village Administrator that George Pommer wanted the DVD. Mr. Cherchia made a copy and gave it to him in November 2010. He has heard nothing since.

Mr. Cherchia knows this is going to plug again. Early in February, he went to the Village Administrator again who advised that he spoke to George Pommer who says they fixed it. It is not their problem. Mr. Cherchia remarked that when you fix something, it stays fixed, especially when it is buried 6 feet underground that nobody else can touch. Mr. Cherchia remarked, seven feet and four attempts to get the thing done and he cannot do it, and the Board trusts him with the \$1.5 million renovation of the sewer plant. Mr. Cherchia remarked that it was a joke.

Since he heard this from the Village Administrator, he said to have George Pommer at this meeting because he was going to tell a story about this engineering firm. Mr. Cherchia filed a FOIL on February 18, 2011. He got an answer back from the Village Administrator. Mr. Cherchia remarked basically he did not know that people do communicate verbally.

The first item Mr. Cherchia requested was the date that Mr. Hahn reviewed the DVD. The response was December 1. His letter is dated February 23. There is no response from Mr. Hahn from December 1 to February 23. He reviewed it. Mr. Cherchia remarked that he does not know what is wrong with Mr. Pommer that he does not care to make a comment on this. Mr. Cherchia commented that he was told now that Mr. Pommer did not to comment on this, although two weeks before he was told by the Village Administrator that Mr. Pommer had said that he was not going to have it repaired.



Mr. Cherchia had also asked in his FOIL request for the exact name of the person or party who declared that the Village was not responsible for the repair of the defective line installed by it or its agent. The Village Administrator's response advised that the Village has no documents responsive to this request. Mr. Cherchia commented that he asked for a name. He remarked that the Village Administrator does not know the difference between a document and a name. Mayor Murray commented that the Village Administrator knows the difference. That is not a record that we maintain. Mr. Cherchia commented that he asked for a verbal communication. The Mayor advised that if Mr. Cherchia wants a name, he may use the Mayor's. A verbal communication is not a record that is maintained and therefore is not FOIL-able. Mr. Cherchia commented that he should not have been told in February that George Pommer reported that they were not going to fix it. Mayor Murray commented that he has given Mr. Cherchia the answer. He can accept it or not. Mr. Cherchia commented that he does not accept anything Mayor Murray says.

Mayor Murray remarked that he was sorry. Mr. Cherchia remarked that he was sorry Mayor Murray was sitting there. The Mayor remarked that Mr. Cherchia can run for election when the term comes up in 2012.

Mr. Cherchia remarked that he knows that he is being harassed because of what happened with the Henry Street project. The Board had Mr. Pommer come to a meeting last November to explain the situation on Henry Street. Mr. Cherchia commented that it was him who Mr. Pommer was addressing because he challenged what he felt was a ridiculous figure that Mr. Pommer gave. He commented that Mr. Pommer said that they are not charging until they do the work for Henry Street and they had not charged anything at that point. Mr. Cherchia commented that he responded later at a Board meeting that he had read a voucher requesting \$1800 for work on the so-called road improvement in the Town of Cortlandt. He commented that basically he was told by the Mayor and Village Administrator that if he wanted to have the voucher, he would have to FOIL it. Mr. Cherchia said that he asked if they would produce it and they did not want to. He has a voucher dated September 3, 2010 for \$680 for work on that project. He commented that according to Mr. Pommer the month before they had done no work and they had been paid no money. Mr. Cherchia did not believe what he says and remarked that it has come to a point where he does not believe a word that comes from this Board. He believes they are doing this to harass him. He remarked that they should do what they think they have to do and he will do what he has to do.

That sewer line was broken by a contractor under the supervision of the Village Engineer. The Village repaired it three times and it still does not work. Mayor Murray responded that Mr. Cherchia's sewer line is working correctly now. Mr. Cherchia said it will not continue to function. A sewer line should be a line with a decreasing angle, not an angle up. It is a 4 inch line, not a 2 inch line. The construction is so defective that it has been reduced to a two inch line. Everybody else in the Village has a 4 inch line. He did not do anything to the line. The Village did with Mr. Hahn's supervision. He commented that now Mr. Hahn is saying that they fixed it and it is not their problem anymore. Mr. Cherchia commented that if you fix something, it works. This does not work. He remarked that he is not accustomed to have sewage coming into his cellar. He is not going to take it. The \$20,000 spent before will be nothing because he is not going allow the Board to do this. Mr. Cherchia remarked that the Board did not vote on it but the Village Administrator does not speak up.

Trustee Zachary commented that he is not a plumber but he wanted to know is that a four inch cast iron pipe. Mr. Cherchia advised that it is the standard pipe for the entire Village. It is something different, not PVC. He thinks the patch is PVC. It was installed in the 1960s. It is the 7 foot patch that is bent. What was done was a larger pipe was put over each end and clamped down. That in turn sank. It does not maintain the angle of drainage. Without that continuous angle, which is minor, it will flow. There should never be standing water in a sewer line. But this shows two inches of standing water, not flowing. Mr. Cherchia commented that he is not at fault. He did not install it. He did not break it. He commented that the engineer the last time, whoever it was, sat in his car for five hours on Pheasant Run and spent ten minutes at the work site. Mr. Cherchia was sure Mr. Hahn was paid all for times that it was there and it still does not work. Mr. Cherchia commented that he is the one who has to pay \$200-\$300 to have it snaked out. It often happens on weekends so he has to pay a higher fee. He has put in several thousand dollars. He thinks he is entitled to a sewer line that works. It is in the Village's right-of-way. He does not know if he could even dig in that right-of-way. He would have to get a permit and he cannot get one because Mr. Pommer says there is nothing wrong with it. He is not going to pay any more for this.

Mayor Murray advised that there are several laws governing sewer lines. He read Village Law 11-1112 concerning the Village's authorization to require property owners to repair connecting water lines on their property and the Village's right to enter the property to make repairs should the owner refuse to do them. He also read a State Comptroller's opinion from 1979 that further defines that a municipality may not enter private property to install or repair these lines as a municipal charge, or give money to assist in that even if the property owner is willing to reimburse the municipality.

Mr. Cherchia remarked if the Village Attorney would like to explain the laws of negligence. Mayor Murray commented that it is not the Board's opinion that the Village acted negligently.

Joseph Carroll commented that he is the owner/operator of Fire Dogs, the hot dog wagon that has become a recent issue. When he established the business in 1999, he came to the Village Board and was given what he described as their blessing. They even asked him to consider putting it by the Village pool in the summer time. Last month he got several calls pertaining to the issue raised by Kevin Arasim. He understands that he is thought to be accused of threatening and is here to defend himself. People have stopped by to talk with him and have called him. He does not live in the Village and therefore does not vote here. He does not get into the politics here and is neutral. He commented that he went to Mr. Arasim's house to give him a "heads up". He basically told him that he knows a lot of people.

Mr. Arasim confronted Mr. Carroll at the microphone and remarked that Mr. Carroll had knocked on his door and said, "I know people and I can hurt you." Mr. Carroll responded that if Mr. Arasim was so threatened, why did he get into Mr. Carroll's car and go with him to go pick up his own vehicle. He said that he went there to help Mr. Arasim out and that he has spoken to some of Mr. Arasim's colleagues who said the same thing. Mr. Arasim commented that Mr. Carroll was not a member of this town and should not even be speaking. Mr. Carroll said that he can speak on his own behalf when someone was going after him.

Mayor Murray declared both of these people out of order. He requested that a police officer be summoned to the meeting room. The Mayor directed that we are not going to have an argument.

All comments are to be made to the Board. He noted that Mr. Carroll had the floor. Mr. Arasim commented that Mr. Carroll was not a member of this town or a taxpayer. Mayor Murray advised that this is a public meeting. All members of the public are welcome to come to public meetings. That is the Open Meeting Law. Mr. Arasim commented that it was limited to residents. The Mayor advised that we cannot limit the population who can come to open meetings.

Mr. Carroll commented that he wanted to clarify things. He did not threaten Mr. Arasim. He went there to give him a “heads up” that he does know a lot of people. He commented that as Mr. Arasim exited Mr. Carroll’s vehicle, they shook hands and Mr. Carroll said that if there was anything that he could do for Mr. Arasim, to reach out to him and he would help. Mr. Carroll commented he has no political agenda and that everyone in the Village knows that he does not get involved with politics.

Mr. Carroll commented that he does not serve any kids during the high school lunch hour because none of them are allowed to come over there. It is a safety issue. He is glad they shut the campus down because personally, he was out there many times helping kids. He specifically noted one who was hit by a car near Da-Ro’s. He does not think we are going to shut down every business because kids are crossing the street.

He commented that he did go to Mr. Arasim’s house to give him a “heads up”. If Mr. Arasim took it wrong, he apologizes. He would not go to his house to threaten him. He has no need to because all of his permits are legitimate and have been since 1999. He went there to help Mr. Arasim out. He is sorry that Mr. Arasim took it wrong. He does not want to get into the politics here or into a fight with Mr. Arasim. He had no need to do to fight.

#### **7. AUDITING OF VOUCHERS:**

At 8:27 PM the vouchers were audited.

#### **8. ADJOURNMENT:**

At 8:30 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Mayor Murray encouraged everyone to support the Saint Patrick’s Day Parade.

General Fund: \_\_\_\_\_ Water Fund: \_\_\_\_\_

Capital Fund: \_\_\_\_\_ T&A Fund: \_\_\_\_\_

See Abstract of Audited Claim Vouchers for details.

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Kevin Hay