

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
June 4, 2012**

PRESENT:

Mayor Sean Murray

Trustees Theresa Knickerbocker, Richard A. Funchion, Nicholas Zachary and Duane Jackson

Village Administrator Kevin Hay

Village Board Secretary Susan F. Matthews

Village Attorney Stephanie V. Porteus

Police Chief Brian Tubbs

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. **APPROVE MINUTES:** April 10, 2012 Budget Hearing

Trustee Funchion wanted clarification on the Hudson River Towns on page 8, paragraph 3, line 4; amended to say the Mayor does “not” feel there is any benefit to joining. Mayor Murray concurred.

Trustee Funchion said that as noted in the Minutes, Village Attorney Porteus was to look into whether or not the Village was responsible to supply the cleaning of uniforms as a term of the contract. Mayor Murray advised that there was an interpretation on the value of the cleaning as far as what our contract actually stated. We want to reduce the amount of money we paid for our cleaning services, whether we could combine them or change it. Village Attorney Porteus advised that she had looked at it but did not have the information with her and did not recall what she found. Trustee Funchion advised that neither he nor Village Administrator Hay could find anything in the contract that specifically said we had to supply the cleaning. Village Attorney Porteus thought she came to the same conclusion, but has to check.

Mayor Murray advised that we are not joining Hudson River Towns this year. Village Administrator Hay had asked if we received a voucher for it. The Mayor directed him to send them a letter declining our enrollment because we did not see any benefit.

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

3. PRESENTATION: SWEARING IN NEW POLICE OFFICER THOMAS COBELLI, JR.

Mayor Murray swore in and welcomed Police Officer Thomas Cobelli, who was joined by his family.

Police Chief Tubbs explained that in February, we lost one of our officers who resigned and returned to the job he came from. After an extensive search, we located Officer Cobelli who we feel is a fine choice. Chief Tubbs advised that Officer Cobelli has already been working for a few weeks and that he is going to be an outstanding fit and a benefit to the Village. We are glad that he is here.

Mayor Murray said that he echoed those thoughts. He has already had a lot of interaction with Office Cobelli through his responding to the Fire Department. His professionalism will be an asset to the Village. The Mayor thanked Officer Cobelli for coming and for having his family here with us.

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

None

5. OLD BUSINESS:

a) PUBLIC HEARING: LOCAL LAW AMENDING CHAPTER 78 ENTITLED “ELECTRICAL INSPECTIONS” OF THE CODE OF THE VILLAGE OF BUCHANAN.

This Public Hearing is a continuation of the Public Hearing that has been open for the last two meetings.

Mayor Murray asked for any comments from the public on the proposed amendment or this local law. There were none.

Trustee Funchion is still opposed to it as it stands. He does not see the need for it and believes it is going to add to the bureaucracy. It will add to the bills of the Village residents who want to get electrical work done.

Trustee Zachary commented that he will have a problem if it does not have some carefully crafted exclusions. He does not have a problem with requiring these permits if it is specified that it is for new construction and jobs over a certain dollar figure. He is not sure what that figure should be; possibly \$1,000. They need exclusions for emergency repairs and small jobs below that dollar figure. If it was crafted to be specific as to what it did and did not include, he could support it. He could not support it as a general requirement no matter how small or how suddenly the work needed to be done.

Mayor Murray advised that we have asked for more interpretation from the Building Inspector as to what her actual goals were. We have not received that yet.

Trustee Knickerbocker asked Village Attorney Porteus for her input because she has been working on this and working with Barbara Miller, the Building Inspector. The Village Attorney was not at the last Village Board meeting to comment. Village Attorney Porteus advised that she spoke with the Building Inspector who is the one who asked for this. The Village Attorney sent her the Board's inquiries and concerns. The Building Inspector commented to her that she thought the Village Attorney summed it up when she expressed to the Board that her concern was just getting a handle on the contractors who are doing electrical work in this Village. She is concerned that she be advised. It is a way to take a look at who is doing the work and that they are licensed and insured. The Village Attorney advised that she conveyed Trustee Funchion's concern that there are only a certain, limited number of people who can do the electrical inspections after the work is done. The Building Inspector acknowledged that she cannot do that. She made a few phone calls. There are only four eligible companies. The fee is \$85 for an inspection of interior electrical work. In a swimming pool, either above-ground or an in-ground, it could be from \$100 to \$300. Those are the inspection fees. Village Attorney Porteus advised the Building Inspector that the Village Board requested a memo. Ms. Miller did not feel the need because those were her concerns and she felt that the Village Attorney had expressed them, and if the Board did not want to do this, it was fine as well.

Trustee Zachary wanted to know if those fees are comparable to what the contractors would be paying to the Board of Fire Underwriters which, as far as he knows, generally has been doing the inspections. The Village Attorney advised that she did not make the phone calls. The Building Inspector did and she advised that those are the overall fees for any interior work. Village Attorney Porteus noted that she asked Ms. Miller if the size of the job was a factor. The Building Inspector advised that it was not. They come out and inspect it. It is \$85. You pay it to them, not the municipality. It is an expense. Trustee Zachary commented that was all the more reason for him not to want that to apply to somebody who gets an electrician to put up a ceiling fan, for example. They would end up paying more for the fees than for the ceiling fan. On new construction, upgrading services and things like that, it might be a good safety mechanism for the residents. It cannot apply to the little jobs.

Mayor Murray commented that he is not one for keeping this Public Hearing open indefinitely. This has been discussed for three months now at the Workshop and two prior Public Hearings. The Mayor directed that since the Resolution is on the agenda, it is to be voted on.

At 7:40 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

b) **12-16 RESOLUTION AUTHORIZING LOCAL LAW AMENDING CHAPTER 78 ENTITLED “ELECTRICAL INSPECTIONS” OF THE CODE OF THE VILLAGE OF BUCHANAN**

Mayor Murray read the Resolution (copy attached).

A MOTION to present the Resolution as proposed was made by Trustee Knickerbocker and seconded by Trustee Zachary. The Resolution was not adopted as all were opposed.

Mayor Murray advised that if we get other clarification or interpretation from the Building Inspector, we can always revisit this. Since it was on the agenda, because of the new Open Meetings law, the Mayor believed that we should vote on it to keep on the record.

6. NEW BUSINESS:

a) **PUBLIC HEARING: LOCAL LAW AMENDING CHAPTER 149 ENTITLED “RECREATION FACILITIES” OF THE CODE OF THE VILLAGE OF BUCHANAN.**

At 7:43 PM a MOTION to open this Public Hearing was made by Trustee Knickerbocker, seconded by Trustee Funchion with all in favor.

Mayor Murray explained that this Public Hearing is to discuss putting new time limits on our recreation facilities. Currently, our Code specifies 11:00 PM. Complaints have been received from residents in the areas around our parks that there are people hanging out at 11 PM and later. It would make it easier for us to enforce our laws and prevent vandalism. We have had issues with vandalism in the past, especially on Westchester Avenue. This will put a dusk to dawn curfew on our recreation facilities unless requested by permit. We contract with the Town for softball and other usages at Lent’s Cove. We have lights there. The Mayor thinks that this is the best way to prevent vandalism or any illegal activity.

Mayor Murray asked for any comments from the public. There were none.

Trustee Funchion believes that it was Trustee Zachary who brought up at the last meeting that perhaps the language should be more specific, like one hour before sunrise and one hour after sunset. There should be specific times so that there is no ambiguity in the law. Mayor Murray asked for the legal interpretation. Village Attorney Porteus advised that it says “dusk to dawn” because the corresponding hours change by the season. Trustee Zachary noted that he wanted it to be consistent. The intention is that people are not there when it is dark. He is okay with either “dusk to dawn” to “sunrise to sunset”. He believes that to be specific it should say something like 15 minutes after sunset or 15 minutes before sunrise. Dusk is that murky twilight. You still have dusk for 20 minutes to a half hour after the sun goes down. So if you get technical, dusk is that murky twilight. He commented that if you really wanted to be specific, for enforcement purposes, you could put 15 minutes before sunrise or after sunset.

Mayor Murray asked Police Chief Tubbs for his interpretation on how this law could be enforced. Chief Tubbs advised that the norm is that “dusk” is an arbitrary time. But if we are talking about the facility by the Highway Department garage for example, if an officer were to find somebody or a group of kids there at a time that he would perceive to be dusk, he would not issue a summons based on that. He would tell them that it is time to go. If they refused to leave, then as custodian of the park and representative of the Village, he is enforcing the law and would have to take action and issue a summons. Chief Tubbs commented that he cannot think of a situation where there would not be a lawful order given before any official action is taken. He therefore thinks that “dusk to dawn” would be an appropriate term because it would not be enforced immediately. Mayor Murray noted that it would be up to the interpretation of the officer. Chief Tubbs concurred and said that the officer would ask them to leave prior to taking any official action.

Trustee Knickerbocker feels that the real intention of this is not the murky area of dusk to dawn but it is for people who are hanging out in our parks at 11:00 PM or midnight or at 1:00 or 2:00 in the morning. She feels that if they are hanging out there at those hours, most likely they are up to no good. Mayor Murray commented that it gives the police officers another tool to safeguard our facilities.

The Mayor again asked for any comments from the public. There were none.

At 7:48 PM a MOTION to close this Public Hearing was made by Trustee Zachary, seconded by Trustee Funchion with all in favor.

b) 12-17 RESOLUTION AUTHORIZING LOCAL LAW AMENDING CHAPTER 149 ENTITLED “RECREATION FACILITIES” OF THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Murray read the Resolution (copy attached).

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

c) 12-18 RESOLUTION RETAINING PROFESSIONAL ENGINEERING SERVICES.

Mayor Murray read the Resolution (copy attached).

This is from June 1, 2012 to May 31, 2014. There is a budgetary cap of \$80,000.

Mayor Murray advised that this contract is different from the last one. Our previous ones were for one year. This is for two years. It locks in all our rates at the previous year’s prices. The Mayor feels that it is good for the Village in that it keeps our engineering services at the lowest cost possible for the next two years. The terms and conditions are the same as the previous two years.

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

d) 12-19 RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS REMOVAL OF BLINKING TRAFFIC CONTROL DEVICE AND INSTALLATION OF A STOP SIGN.

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that the Stop sign would only be installed on the Fourth Street side and not on the Westchester Avenue side. He wanted to know if they should have a Resolution that specifically states that because he does not want people to think we are putting Stop signs on Westchester Avenue. The Village Attorney will see that done. The Mayor advised that this light has not been in service for many years. It has been a blinking light for many years. The switching devices have been removed and installed in other traffic devices in the Village to help keep down costs. It is becoming an eyesore. We have to pay for its maintenance. Whenever a light goes out, it costs approximately \$125 to replace it. The Mayor feels that getting rid of this will serve the same purpose as putting a Stop sign on Fourth Street.

Village Attorney Porteus asked for clarification the location of the Stop sign. Mayor Murray advised that it will be on Fourth Street only, not on Westchester Avenue. The Resolution as currently worded does not clearly specify that. If that light were functioning, it would control traffic on Westchester Avenue in an east-west direction. The Mayor does not want people to think that we are putting Stop signs on Westchester Avenue.

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

e) 12-20 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER SEASONAL HELP.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that this person was recommended by Highway Foreman Jeff Tiernan and that he also worked for the Village last year.

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

f) 12-21 RESOLUTION AUTHORIZING EMPLOYMENT OF RECREATION PERSONNEL (POOL).

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that most of these people also worked for the Village last year. He feels that we are lucky to get people for \$7.00 or \$8.00 per hour. They were all recommended by the Recreation Supervisor.

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

g) 12-22 RESOLUTION AUTHORIZING THE EMPLOYEMENT OF RECREATION PERSONNEL (CAMP)

Mayor Murray read the Resolution (copy attached).

Trustee Funchion noted that there are no dollar signs next to what he assumes to be the salary figures. He wanted to confirm that those are salaries. The Mayor confirmed that they are.

Mayor Murray advised that there is a mistake under Senior Counselors. One of the applicants, Sara Rousch, has declined to be employed. She has a different job. This list came out before she gave a final determination.

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

7. EXECUTIVE SESSION TO DISCUSS ADMINISTRATOR'S CONTRACT:

At 7:59 PM, a MOTION for the Board to enter into Executive Session to discuss the Village Administrator's contract was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

At 8:23 PM, a MOTION for the Board to come out of Executive Session was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Mayor Murray advised that the Board entered into Executive Session to discuss the terms and conditions of the contract renewal for our Village Administrator. He advised that they came to terms. They have had a couple of discussions with him and negotiated a salary increase.

h) 12-23 RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT TO EMPLOYMENT AGREEMENT WITH THE VILLAGE ADMINISTRATOR.

Mayor Murray read the Resolution (copy attached)

The Board agreed to the terms.

This is an amendment to the Village Administrator's contract, which is a five-year contract expiring in 2013. The contract specified a 3% pay raise for all those years. The pay raise did not include the \$6,000 for acting as the Village Clerk or Treasurer. For the first year, the salary

increase will be 8%; then 5% for the second year; 5% for the third year; 3% for the fourth year; and 3% for the fifth year. After five years, the final average salary will be \$98,000.

Trustee Zachary thought that Village Administrator Hay has proven himself in this position and commented that he is currently paid well below what people around the County are being paid to do this job. Typically, Village Administrators in Westchester are being paid \$120,000 to \$160,000 a year. The only other Village our size is Elmsford and their Administrator is making \$30,000 or \$40,000 more. This is a contract designed to bring Village Administrator Hay to a more competitive salary. It is still below what is typically being paid. But it does give him a boost in his salary which the Board hopes will keep him with us.

Mayor Murray advised that the previous Administrator was making approximately \$125,000 plus \$6,000 as a Clerk-Treasurer. Our current Village Administrator is still making well below his predecessor. Plus, Village Administrator Hay has picked up a lot of the work load of one of our previous employees. When he first came here, we had three people in the Village office. Now we only have two. He had to pick up some of that work load and still be able to accomplish his duties, at a lower pay than what is comparable around the County as well as what the previous Village Administrator was being paid.

Trustee Funchion thinks Village Administrator Hay well deserves these increases. He has done a great job of bringing the office into the 21st century in all the upgrading that he has done, especially the budget. Trustee Funchion believes that overall, the money spent on Village Administrator Hay's salary is some of the best money spent in Buchanan. Trustee Funchion thanked him very much.

Trustee Jackson commented, not only as the "new kid" on the Board trying to understand the rationale but also as a tax payer, that his only concern was that he felt that the 8% should be put on the back end of the contract or in the middle, as opposed to up front in these times of budget concerns as a taxpayer.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker, and approved by a vote of 4-1 with Mayor Murray and Trustees Knickerbocker, Funchion and Zachary in favor, and Trustee Jackson opposed.

i) 12-24 RESOLUTION APPOINTING REGISTRAR AND DEPUTY REGISTRAR OF VITAL STATISTICS.

Mayor Murray read the Resolution (copy attached)

Village Administrator Hay will be Registrar and Cindy Kempner, Deputy Registrar. Mayor Murray wanted to know if this is a new position required by State law. Village Administrator Hay advised that it is not new. It primarily applies to birth and death certificates.

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

j) 12-25 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

This is for a graduation party and is contingent on having met all of the full requirements.

Mayor Murray advised that they want to serve beer and wine. This can only be done if they supply an insurance certificate prior to using the facility. He directed the Village Administrator to advise the applicant. The Mayor advised that one of the reasons this Resolution was allowed to come onto tonight's agenda is that the requested date is for June 30 and we would not be meeting again before then.

Trustee Jackson wanted to know when they would satisfy the insurance requirement to be in compliance. Village Administrator Hay advised that he has contacted them. They said they are going to bring the certificate in this week. Mayor Murray advised that if they do not have the certificate, we do not give them the key.

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

8. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Reports – April 2012

Received

b) Planning Board Minutes – April 2012

Received

c) Village Engineer's Report

George Pommer, Village Consulting Engineer, thanked the Board for the opportunity to report on the April 19, 2012 meeting of the Planning Board. He did not know if the Village Board had the minutes of that meeting. The Mayor advised that they did. Mr. Pommer said that there was a discussion about one of the applications that involved the steep slopes along Greentown Road. During the discussion, there was a discrepancy in what we, being the Village Engineer and the applicant's engineer, felt was the appropriate measure to have a safeguard between the existing disturbed slope and the existing parking lot. Mr. Pommer passed out photos. He noted that there is a significant disturbance with many large and small boulders on a disturbed slope. There is no barrier between what is there now and the parking facility. It was suggested that a certain type of barrier be installed between the parking lot and the slope. There became some objections as to

why that barrier was needed. The Village Engineer and Planning Board felt that there was a safety issue between this disturbance and people using the parking facility. This was approved on May 17. The project was finalized and they were provided our final approval of the project. Between May 17 and today, this condition existed between now and then. Since that time, we received a memo from the applicant's geo-technical engineer who makes some recommendations between now and today, now that he has seen the slope and the disturbance. Prior to this area being the way it is now, there was soil in the parking area that was removed. Now we have this condition. The applicant's geo-technical consultant has come back to us and said that for safety purposes there should be a barrier. We agreed with that in the meeting. They recommended that a temporary protection barrier be made of concrete blocks. We used the term "mafia blocks". It is an industry term. Mr. Pommer passed out brochures in which he noted that term being used. He commented that is a trade term and is commonly used. There are several documents that the Village Attorney will go over in her report and possibly discuss in more detail.

Mr. Pommer understands that at the last Village Board meeting there was discussion about what was said at that Planning Board meeting. He commented that the only thing that was said is what is shown in the meeting minutes; he believes on page five. We talked about the blocks and dimensions. He commented that that was the only issue that was mentioned concerning these blocks, that they are needed. Today, the applicant's geo-technical consultant has concurred with that. Mr. Pommer said that nothing else was said beside the use, the size and dimensions and why we thought they were needed.

Trustee Jackson wanted to know if the term "mafia block" is an acronym. Mr. Pommer advised that it is an industry term and is meant to be a specific size. It is a cost effective block of a certain size that is easily obtained, easy to use and readily available. Most concrete companies make these blocks. They come back with waste concrete which they put into forms to make these blocks. They are readily available and anybody can pick them up from a local concrete company and use them to build walls. You do not need a design to build a wall with them. Trustee Jackson wanted to know if the term itself is a term used within the industry. He commented on Mr. Pommer having given a description of what they are. Mr. Pommer advised that it is not an acronym. Trustee Jackson said that most words have an origin.

Trustee Knickerbocker thanked Mr. Pommer for coming in to explain what happened at that meeting.

d) Attorney's Report

Village Attorney Porteus wanted to comment on what occurred at the last Village Board meeting. She was unable to be present. Mr. Pommer was not present. Trustee Jackson was not present.

Village Attorney Porteus said that Mr. Pommer was accused of not only using the term "mafia block" at a Planning Board meeting, which he did, but that he suggested to the applicant and his

engineer and attorney that they put up a mafia block wall to hold back the rocks. What he was accused of saying was that he went into great detail on how to dispose of a body with mafia block and that a mafia block is used to tie a body to it and that Village Attorney Porteus acquiesced to that because she did not immediately stand up and insist on an apology.

Village Attorney Porteus said that those were the kinds of comments she wanted to address tonight, as well as Mr. Pommer's comments being accurate. He did use the term mafia block. It was used in the context of a retaining wall. The Village Attorney has used the term in legal papers and has been exposed to that term in her law office. She was not particularly impressed or shocked by it, or anything else that was suggested that was said about it. She would like to pick up Mr. Pommer's comments and to directly confront the accusations that were about her.

She noted that Mr. Iacomini said that as Mr. Pommer was describing how you tie a body to these blocks that she should have stopped that and made him apologize. Both Mr. Iacomini and Mr. Cherchia said that somehow the words "mafia block" were directed at Italian people. They were highly insulted, citing their Italian ancestry. Village Attorney Porteus remarked that is vile garbage. The word "Italian" was not used. Nor were any other nationalities or colors used. It is nonsense and garbage and it is vile.

Village Attorney Porteus noted that Mr. Cherchia told the Village Board that we are not allowed to use defamatory words. She quoted his comments: "You can't defame people." She commented that that is true but she guesses that the insinuation was that Mr. Pommer's comments and her silence were defamatory. She commented that Mr. Cherchia went further in alleging that previously, she and Mr. Pommer had "tag teamed" him and accused him of filing false claims against the Village. She commented that these were more vicious, vile, malicious, reckless and intentionally false comments by Mr. Cherchia.

As for Mr. Iacomini, Village Attorney Porteus said that to her, "mafia block" is a term used in the industry. She has documents which she copied for everyone. It is used by the United States Army. Landscape Architecture puts it on the cover of their magazine. Suppliers in the tri-state area promote it in their ads and catalogs. She cited its use in Village Board meeting minutes for other municipalities around the area. The Village Attorney commented that clearly, she has been exposed to the term and therefore did not find it insulting nor did she believe that it was ever directed toward an applicant at all. It was used in reference to the use of a retaining wall. In her opinion, it was not a slur. She commented that more to the point, if Mr. Iacomini felt that it was a slur on the applicant, Italians, a group of individuals or anybody else, he should have stood up, gone to the microphone and told the Planning Board that he found it insulting, or politically incorrect or anything else. Instead he chose to not say anything, because then he could not have come into the next Village Board meeting and broadcast it and publish it. He chose to say that the Village Attorney should have immediately stopped that. Village Attorney Porteus commented that that is his opinion. What she finds more disturbing is that he is a member of the Zoning Board. He is used to coming in. He always takes the microphone at this board and every

other board that he speaks in front of and entertains his suggestions, his comments and his criticisms. She commented that he did not spend one minute doing any research or homework on whether or not the comments he attributed to Mr. Pommer and then said that the Village Attorney should have stopped were ever even said by Mr. Pommer. She thinks that is incredibly vile, vicious and reckless, especially for someone who is a board member. She commented to read the minutes. FOIL the tape. Ask one of the eight the people who were in the room whether Mr. Pommer wanted to tie up bodies or anything like that. She commented that he owes that to them.

Village Attorney Porteus noted that Mr. Cherchia was not even in the room on the night of the Planning Board meeting. Yet he stood up at the Village Board meeting and, quoting Mr. Cherchia's comments at that meeting, said that Mr. Pommer went into great detail about how to dispose of a body with a mafia block. Village Attorney Porteus addressed Mr. Cherchia saying that he was not present at the meeting, that he did not FOIL the minutes and that he had no clue as to what was said that night. He had said to the Village Board you cannot use defamatory words. She commented that he clearly has no idea what that means. She quoted the following definition which has four parts, followed by her comments: "It is a false statement concerning another person or persons." She commented that means it must be about a person, not about an inanimate object like a concrete block. "The unprivileged publication of a statement to a third party." That means like coming here to a public meeting, broadcasting it on the television and all over the Village. "If the defamatory matter is of a public concern, fault amounting to at least negligence". The Village Attorney commented that you cannot negligently publish false information about people that would tend to damage their reputation. He called for Mr. Pommer's and Ms. Porteus' immediate termination. She noted that if you are a public official, the burden is higher. You have to show either actual malice, which would mean that he did it intentionally knowing that it was false; or you can show a reckless disregard for the truth. The Village Attorney commented that is why she brings up the point about waiting for the minutes or FOIL-ing the tape. Some hint about wanting to know what really happened that night. She commented that Mr. Cherchia did nothing. He just published it. And, he has published it in more places than just this village because she has gotten phone calls about it. She commented that she would be interested to know if a court of law would find Mr. Cherchia's comments defamatory or the term mafia blocks.

Village Attorney Porteus commented on one more thing that Mr. Cherchia said to the Village Board which she considers to be more vile garbage. She quoted him as saying that "these two" [Mr. Pommer and Village Attorney Porteus] have "tag teamed" him before by accusing him of filing a false claim. She commented that was nonsense. She said that the public which heard all these vicious accusations may not know what happened.

Mr. Cherchia presented a request, not even a written claim as she recalls, for some work to be done at his house. As a municipality has to do, a little investigation was taken and Mr. Cherchia was told that the Village did not believe it was our responsibility. She noted that Mr. Cherchia is

a lawyer. He knows his legal remedies. He knows that he had rights. He could say that he thinks the Village is wrong, that the investigation was wrong, that he thought we should fix it and that he was filing a claim. She commented that he did not do any of that. He came in and said that Mr. Pommer and her had “tag teamed” him and accused him of filing a false claim. The Village Attorney said that was not true. It is vicious and reckless, and it is intentional.

Village Attorney Porteus commented that she has spent a couple of years putting up with this type of stuff. She thinks that maybe by sitting by respectfully and not confronting it head on, as she is doing tonight, that she has lulled Mr. Cherchia in particular into thinking that these types of vicious, vile, false attacks are okay. They are not okay. Her new policy is that any time she hears or reads anything that is remotely something to do with a legal issue, including letters to the editor, she will look at it, read it and analyze it, then at the next Board meeting she is going to comment on it for the Board and the citizens. She feels that the residents of the Village do not deserve this. They do not need to turn on the TV and hear this kind of nonsense about the consultants. She wants to remind Mr. Cherchia that there are rules and there are laws and freedom of speech is not a license to defame people. She remarked that he needs to learn it because she has had enough.

The Mayor asked if there were any questions for the Village Attorney. There were none.

e) Trustee’s Reports

Trustee Zachary reported that he attended NYCOM on May 7-8 in Saratoga. He found it to be very useful. He learned things that he will be able to apply as a Trustee. The workshops on budgeting, dealing with village funds and the new pension tier system gave him a lot of very useful information and were very beneficial to attend.

Trustee Zachary reported on the 9/11 Memorial. They tried to get it going a year ago. It is a joint effort by the Village of Buchanan, the Town of Cortlandt and the Village of Croton. He commented that it was kind of floundering because it has been difficult to raise money for it. Trustee Zachary is happy to report that it is surfacing again, largely because some of the hard working people on the task force have been able to get contractors to donate their services. The cost has been significantly lowered. Trustee Zachary looks forward to this memorial being built. It is going to be at the River Walk in Croton sponsored by all three municipalities. There is a link on the Village of Buchanan web site for anyone who wants to donate.

Trustee Zachary was very saddened to hear about the death of Harry DiPietro. He was a neighborhood institution. He was lovely man and will be missed very much.

Trustee Zachary reported that the pool is currently open on weekends. We had a great weekend when it opened for the season on Memorial Day. We have had some lousy weather since but weather permitting, it will be open on the weekends throughout June.

Trustee Zachary reported that the Buchanan Day Committee is holding monthly meetings. It is well in the works of being planned. There will be something in the Village Newsletter in July. The date will be September 29. He asked everyone to hold that date. More details will be announced as it gets closer.

Trustee Jackson had nothing to report.

Trustee Funchion attended the meeting with the Veterans in early May at the VA Hospital in Montrose. On June 14, there will be a protest outside the VA Hospital to bring publicity to all that the services there are being cut back bit by bit. Trustee Funchion commented that they should not be, especially at this time when we have a facility that is there to service the men and women coming back who have received traumatic head injuries and have to deal with post-traumatic stress. He urged everybody to come out on June 14 at 3 PM, rain or shine, in front of the VA Hospital.

Trustee Funchion represented Buchanan as a speaker at the Memorial Day celebration at the Town of Cortlandt on the Friday of Memorial Day weekend. He also attended the Tri-Village parade for Buchanan, Montrose and Verplanck last weekend.

Trustee Funchion reported that we are well on our way with Buchanan Day. Last year's was a great success. He encouraged anyone who can, to volunteer. We can always use new people and new ideas.

Trustee Funchion wished everybody a Happy Father's Day.

Trustee Knickerbocker commented on Trustee Zachary's report that the different municipalities are funding the 9/11 Memorial. She noted that is something we need to discuss at a Workshop. Trustee Zachary advised that at some point there had been a discussion about municipalities financing this and that all three said that this was not the right time. There may be small support coming from them.

Mayor Murray advised that is not quite correct. The break down was by population and cost. Our population was the smallest. The contribution we will be asked for will be \$4,800. Croton has three times the population. They will be contributing approximately \$15,000. The rest would be contributed by the Town which has 43,000 residents with about 35,000 in the unincorporated section. On Thursday, there will be a meeting of the Executive Committee of the 9/11 Memorial. Trustee Zachary advised that the last figure for the Town that he saw was \$15,000. The Mayor advised that was for something else. He wanted to know if the Board would be willing to come up with \$4,800 to move this project forward. The Mayor would like to know prior to discussing it in his meeting on Thursday. The Town Supervisor and the Mayor of Croton are each discussing it with their Boards. We will be the first to discuss this.

Trustee Knickerbocker has no problem with the memorial. She had said that the original design was very elaborate. She knows that initially it was to be done through fund raising. She does have a problem. She emphasized that it is not in disrespect for the 9/11 survivors. She has a problem using Village funds to go to a different municipality for a memorial. She does not think it is appropriate. She wanted to know if we can legally do that. Mayor Murray advised that what would have to happen is that the type of non-profit would change. It would be a separate Resolution and separate law. Right now, they have their own tax number. There are some legalities to be worked out. The Town Attorneys are working on them now. Once they come together with a draft, we will submit it to our Village Attorney for review as will the Village of Croton with their attorney. The Village has basically been in agreement with the Village of Croton's attorney and there are certain interpretations they are trying to work out with the Town Attorney.

Trustee Jackson wanted to know what those fund raising efforts had been. Mayor Murray advised that they had a concert, wine tasting, and auctions. There was a lot of effort. They have raised approximately \$28,000 over the past year. The original cost estimate was \$180,000. It has since been lowered to \$80,000. The Executive Committee broke it into two phases. It is the foundation, as well as the steel being laid, as well as some of the landscaping. The goal would be to have it up by September 11 for \$80,000. Over \$20,000 has been raised and the rest would be through the contributions from the municipalities.

Trustee Jackson suggested looking at the fund raising efforts again. He noted that he worked with former Trustee Jane Hitney to raise funds for the clock in the Circle. They raised money from residents and help came from either Entergy or Con Ed. He agrees with Trustee Knickerbocker about not taking the donation out of public money. He feels that we need to look outside of the box concerning fund raising. Mayor Murray advised that Entergy will not be donating because the Village of Croton is vocally against them. They have organized some protests against Entergy. Trustee Jackson commented that he does not know the politics of that. We are trying to do a memorial to those who lost their lives there.

Trustee Jackson wanted to make a comment concerning the veterans and the VA. He is a Viet Nam veteran. Any veteran in the Village can go and get a VA medical card. He commented that a lot of veterans do not register with the VA because they have medical benefits through the company where they work or their union. He urged as many veterans as possible to register in the VA system to show them that the numbers are not dwindling and that everybody is not moving to Florida. He encouraged all Village residents who served in the armed services to register because those statistics are very important and that is the way to keep the funding going.

Trustee Zachary commented that the Board needs to see the figures for the 9/11 Memorial and to discuss it further. Mayor Murray advised that there was a break out that was given to the Board and discussed at a Workshop a few months ago. Trustee Zachary commented that he might have misunderstood the figures he received in the last e-mail.

Trustee Knickerbocker thanked Don Zern for his efforts in the Circle. She commented that out at the clock, it looks great. He was out there this weekend with his grandson and did all the weeding and planting of the petunias. Trustee Knickerbocker thanked him.

f) Mayor's Report

Mayor Murray thanked the Our Lady of Mount Carmel Society. On May 19, they hosted a free Armed Forces picnic for over 400 people. Everything was donated by local businesses. There were veterans, people currently serving on active duty and families there. Everyone had a good time. The Mayor commented that often we look at Memorial Day and Veterans Day but do not think about those who are actively serving.

Mayor Murray reported that Buchanan Engine Company hosted the Tri-Village Memorial Day parade. They put a lot of effort into hosting it. He thanked them for that. It was well attended. We had a lot of people at the pavilion as well as a couple of hundred who came back to the fire house. It was a fitting tribute to those who sacrificed so that we could have our freedom.

Mayor Murray reported that in the past couple of months in the discussion of the budget, the Fire Department and the Explorer Program, there were some questions on who would carry the insurance. He got clarification from the Trustees of Buchanan Engine Company. If somebody gets injured, the initial cost will be picked up by the parent or guardian. Whatever they do not pick up will be picked up by the insurance policy carried through the Boy Scouts of America, up to one million dollars. There will be no insurance through the Village of Buchanan. The Mayor said that if there are any further questions, they can be asked under "Comments From The Floor".

9. COMMENTS FROM THE FLOOR:

Sam Cherchia, Westchester Avenue, commented that he has heard a lot of garbage and drivel in his life. Tonight tops it. He stands by what he reported at the last Board meeting. He believes that the remarks were made in a derogatory fashion, were meant to be derogatory and he accepts it as such. He commented that he knows what was going on. He believes it was Village Attorney Porteus' obligation to stop this man. He commented that if she had put as much effort into going into it that night as she did with the two of them coming up with this nonsense, it would have been a different story. You do not make the remarks that were made. You do not make those remarks with the circumstances as they then existed. You have to look at the entire picture. She did. She knew what was said and why it was said, and so did Mr. Pommer. Mr. Cherchia commented that he said that they should both be terminated. Other people do for making these remarks. Other people get bounced immediately. Village Attorney Porteus asked what remarks he referred to. The Mayor directed to let Mr. Cherchia continue to speak.

Mr. Cherchia said that he comes up here and he does talk and he does complain. He lives here. He does not have to take this from anybody. He does not have to listen to this nonsense but he

sat there and did not say a word. He came here to the last meeting and made a legitimate complaint. He noted that he was not at the Planning Board meeting. He told her at the outset that he was not there. That was what he heard. He found it offensive. He commented that he found it offensive because of what was said, the circumstances it was said in; the applicant is there; the events that preceded it; and she knows all these things too. He does not really care. She did not say anything. That is her choice. He feels that she was obligated to. He commented that yes, he knows the law and he knows that there are canons of ethics and this will continue. He has no intention of dropping this.

Mr. Cherchia commented that at the last meeting, Trustee Funchion was the only person who said he will not tolerate that in any form. Not just because Mr. Cherchia finds it offensive. Mr. Cherchia commented that Trustee Funchion said bigotry in any form is basically what he said. That is where Mr. Cherchia stands. He will pursue this. He remarked that Village Attorney Porteus threw down the gauntlet. Mr. Cherchia commented that he is not reluctant to pick it up and run. He will, in all phases.

Mr. Cherchia commented that regarding the other nonsense that yes, he did say that Village Attorney Porteus accused him of making a false claim. He has been having trouble with the sewer line that this company supervised the installation of a storm sewer that broke his sewer line. Mr. Cherchia came to the Village in 2004 and complained. He commented that he was not on the best terms with this Board at that time. He commented that they said that they broke it and that they would repair it; again supervised by this firm. Mr. Cherchia said that 2004 lasted two years. In 2006, the same thing came again. Mr. Cherchia came to the Village and made a complaint. He was told that yes, the Village had to fix it. They did. It lasted two years. In 2008, he again had the same problem. He came again and the Village said that they would fix it. It did not get fixed. In 2010, it broke down again. Mr. Cherchia remarked that this is from someone who the Village Attorney said did not make a claim. The last time the sewer backed up, he had Tice drain service come in and do a video. Mr. Cherchia commented that anybody would know that the sewer line is four inches and was constantly descending to the main line. The video showed that was one and a half inches of standing water in it which causes it to plug. Mr. Cherchia responded to Mr. Pommer's request for the video and gave it to him. Mr. Cherchia commented that Mr. Pommer said there was nothing wrong with the sewer line.

Mr. Cherchia remarked so that is him not making a claim. He does not know what Village Attorney Porteus considers making a claim. Mr. Cherchia said that he did make a claim. He did go just on his word that she said so. He commented that to make the matters worse, after he told her this, Village Attorney Porteus said that he ran trucks over it and that he broke the pipe. Mr. Cherchia remarked that she does not even know where he lives. He remarked that he is not going to argue with this woman. He has no intention of doing it here. It is not a dead issue and to not think for a minute that it is.

Mr. Cherchia commented that it is not a term that is an industry term. It is a slur. He knows it and you know it too. But it seems to be okay to nail Italian-Americans. It is not over. He will be back. He remarked that Village Attorney Porteus can laugh because she has nothing else to do. There is a matter of free speech. You cannot defame anyone through free speech because then it is not free speech. He commented that he defamed nobody, least of all her.

Angelo Iacomini, Donahue Court, wanted to comment on the first issue that the Village Attorney and George Pommer brought up. Mr. Iacomini commented that, as he believes he stated on the tape, he was surprised that the Village Attorney did not put a stop to the conversation.

The Mayor directed that comments be directed to him.

Mr. Iacomini commented that he thinks she is a very competent attorney. He has never had a problem with her. He never said anything against her in the past. He was surprised that she did not stop the conversation. Mr. Iacomini commented that “mafia block” is a slang term. He did a little research on the term. It was actually coined by a Bill Sapsis. He owns a rigging company out of Pennsylvania. He is the one who originally coined the phrase. It is a three foot cube of concrete. It is used for ballast as an anchor and has a guide wire that you can tie a loop on to secure it. It is one to two tons. It is a convenience to tie down rigging. There are a lot of terms that are used. Mr. Iacomini commented that it is a slang industry term and that is fine. He copied a couple of things where he found places where you can buy mafia blocks.

Mr. Iacomini commented that for him, the big thing, in the minutes of the April 19, 2012 Planning Board meeting that he has, on page 6 the Village’s consulting engineer suggests a temporary mafia block retaining wall to pile soil behind. The consulting planner said that she never heard of that term. Mayor Murray directed Mr. Iacomini to read the rest of that sentence. Mr. Iacomini said that the Village’s consulting engineer, Mr. Pommer, explained that it was an industrial term; two feet by two feet. Mr. Iacomini commented that there was no mention in these minutes about tying a body to it. Mr. Iacomini said that took place. He commented that when you are discussing with an applicant, what did that have to do with the issue at hand. When the planner asked what it was because she was not familiar with the term, it is a concrete block that you stack on top of each other that you stack soil behind. That is the answer. He commented that the fact they went into the rope and tying a body and dropping it in the water was irrelevant to the discussion that was taking place.

Mayor Murray wanted to know who Mr. Iacomini was charging to have said that. He noted that Mr. Iacomini was at that meeting. Mr. Iacomini said that it was part of that conversation. The Mayor again asked who said it. Mr. Iacomini commented that every Planning Board member sat there. The Mayor commented that he understood that. He asked again who Mr. Iacomini believes made the comments about dropping a body into the water. Mr. Iacomini commented that he thought it was George Pommer. The Mayor asked Mr. Iacomini who he believes to have said it now. Mr. Iacomini said that he still believes it was George Pommer. He commented that

there was a lot going on but he thought it was George Pommer. Mayor Murray commented that he was not asking what Mr. Iacomini thought. He wants him to tell what he knows to be true.

Mr. Iacomini commented that regardless, he felt that the Village Attorney should have said that we do not need to get into that; that it is not the issue at hand.

Mayor Murray commented that the issue at hand is the accusation made against our consultant and our attorney. Mr. Iacomini has said that he was at that meeting. The Mayor is asking him who said what. That is all.

Mr. Iacomini believes it was George Pommer. That is his perception of it. Mayor Murray asked Mr. Iacomini if that is found to be inaccurate, would he have a problem with apologizing. Mr. Iacomini said he would apologize. He would have no problem. He commented that if he was right or if those terms were thrown around, it is not in these minutes. He wanted to know if there were any more minutes. The Mayor advised there were not. The Village Board has what was read here. Mr. Iacomini commented that those words were said. The Mayor noted, along with the applicant refusing to put the dirt back on to what was illegally removed. The Mayor quoted from the minutes. He remarked that it was easier to ask for forgiveness than to ask for permission. He noted that was on the previous page.

Mr. Iacomini commented that the point is the term. He felt that the dialog that took place was not appropriate. He commented that he will stand here and apologize to George Pommer if he did not say it. Mr. Iacomini did object to those comments. He said that Mr. [Don] Zern heard his objections up there. Mr. Iacomini did not know why Village Attorney Porteus did not. Mayor Murray directed Mr. Iacomini to direct his comments to him. If he decides that somebody else needs to respond, he will ask them to.

Mr. Iacomini noted that there was an acting Chairperson at that meeting because Mr. Martinelli, the Chairman, was not present. Mr. Iacomini thinks he was like a deer in the headlights because he was nervous. Mr. Iacomini commented that the acting Chairperson did not say that those comments were out of order but he did hear Mr. Iacomini object to them. Mayor Murray wanted to know where Mr. Iacomini's comments were listed in the minutes. Mr. Iacomini said, "Exactly!" The Mayor wanted to know if he had come up to the microphone. Mr. Iacomini advised that he did not come up to the microphone. He said that he sat in a chair (which he pointed to in the room). Mayor Murray wanted to know if it was Mr. Iacomini's interpretation that the person taking the minutes should take every comment that comes from the floor without being recognized by the Chair to be put into the minutes. Mr. Iacomini commented that the Planning Board was in the midst of resolving an issue. He indicated where the Village Attorney and the applicant respectively were at that time. Mr. Iacomini commented that he has not seen anybody at the meetings that he has gone to get up and dialog "I object to those words", but that does not mean it does not happen. He did not get up at this microphone and say that he objects to it. He said that he sat there loud enough that the acting Chairperson heard him say that he

objects to it. The Mayor asked if it was Mr. Iacomini's contention that the person presiding over the meeting should address everybody informally who make comments from the audience. He asked if it was not the rules of order and decorum to be recognized in a public meeting prior to making comments. Mr. Iacomini concurred. The Mayor asked why he did not do that. Mr. Iacomini commented that it was very derogatory. He said that he immediately responded.

Mr. Iacomini commented that there have been meetings where he has sat here. The Mayor commented, where Mr. Iacomini and two others make derogatory comments from the rear of the room. Mr. Iacomini wanted to know what derogatory comments he has made. Mayor Murray apologized. He is sorry that he has degraded himself to his level. Mr. Iacomini commented that he may have objected and he may have asked questions about different issues but he has always tried to stay respectful to people. He never called anybody anything. He may have asked questions about lines of expenses. But he has never got up here and called anybody bad things. That annoys him because he tries not to do that. He does not take this lightly. He is sorry Village Attorney Porteus was not here at the last meeting. He understands why and he is sorry for that. He would have stood up here at that last meeting if she was sitting there and stated his case exactly the same way as he did. He was surprised. He holds her in high esteem as to what can and cannot be done. She is the legal counsel for the Village. He found it surprising that she did not put the brakes on it and say: "no good." He found the whole dialog of tying a body and stuff like that did not need to be in the conversation. He does not know how that got into the conversation. He feels that the answer to the planner's never having heard that term is that it is a concrete block that you stack on top of each other that you put dirt behind to retain or that you keep dirt from coming into that area. He commented that is all he is saying. Nothing more. Nothing less.

Mayor Murray commented that Mr. Iacomini has made it clear that he is accusing Hahn Engineering and George Pommer of using derogatory statements. Mr. Iacomini said that he is not accusing Hahn Engineering. The Mayor advised that Mr. Pommer is a representative of Hahn Engineering who is contracted to provide our engineering services. Mr. Iacomini commented that does not mean that he accused Hahn Engineering. The Mayor felt it does. Mr. Iacomini commented that in his case, in the business world if somebody says something derogatory, he addresses it and takes the appropriate action that needs to be taken in the particular circumstances. That is what he does. He commented that because one person says it, it does not mean everybody else in the company has the same thoughts. He asked so does that mean that he blames all of the Board. He does not. He is saying that dialog did not need to take place at that Planning session in April. That is all he is saying.

Mr. Iacomini wanted to know that if Mr. Pommer did not say it, tell him who did. He wanted to know what the audio tape showed. Mayor Murray advised that it has been sent out to be put into CD. We have not yet got it back. Mr. Iacomini hopes that we will get a little more out of it because the minutes that he has is not all that was all in the dialog. He was very surprised that this was what was in the dialog. He does not take being an Italian-American lightly. He does

not flaunt it. Everybody needs to be treated on the same level. All ethnic backgrounds. We should not be saying anything about anybody. Mr. Iacomini commented because this fellow coined the phrase for a block he did not even invent and everybody picked up on it, does that make it right to use. It could have been a term used for some other nationality. He asked if that makes it right to use. The Mayor commented that he was 100% right. He noted that he sees that the U.S. Army uses the term. He remarked that he will send a letter to the Army that they should amend their contracts or take it out.

Mr. Iacomini said he was appalled at this. He commented that he is not one to stand up here like this. He tries to come to give the Board the issues and that is it. He feels that he has never run head to head with the Village Attorney. He believes that he has always been cordial to her. He commented that she may have a different perception just as he may have a different perception of what was said. It is all in what everybody hears. He thinks that those words that he does not see in the minutes, that the audio [tape] will hear them and we can determine who did it. He commented that all he really came up to ask was whether they had gone any further in the investigation. Then we got into their dialog. Mr. Iacomini said that he will answer their dialog as best he can.

Mr. Iacomini wanted to comment on another matter. Mayor Murray advised him that we have a ten minute time limit. He apologized to Mr. Iacomini for interrupting him and using some of his time. Mr. Iacomini said this was a different issue and that he was told it was ten minutes for each issue. The Mayor advised that he would check that but that he would allow Mr. Iacomini to continue.

Mr. Iacomini said there is a No Parking sign on the corner of Lake Street where the school buses come out that is missing again. He believes you have to call the Department of Transportation to have it put up again because it is a State road. The same one is gone.

Mr. Iacomini commented that on the traffic light at Tate Avenue and Fourth Street, the red light is out on the side when you come up to Tate Avenue traveling south. He noted that he brought this up to the Police Chief today. There is no light at all. Mayor Murray advised that when we have a number of lights out, whether they are street lights or signal lights, we wait until we get a couple of them together so that when the contractor comes in he can stay here the whole time. Mr. Iacomini commented that the only reason he brings it up is that he feels that somebody could assume that the light is out and make a turn when a car coming down Tate Avenue has a green light. Police Chief Tubbs advised that the Highway Foreman was advised of the issue today.

Mr. Iacomini wanted to know if there was any progress on the traffic light by the B/V School. Mayor Murray advised that all the information was submitted to the insurance company. They will be contacting the contractors. We will not be handling any of those funds. It will all be handled by the insurance company. We do not have to have any interaction. They will provide all the funding. They will provide their own budgets. We have given them the two bids that we

received. They are going to take whichever bidder they want at no cost to the Village. No Village resources will be used. Mr. Iacomini wanted to know if there was a time frame. The Mayor advised that we have not received any.

Former Mayor Al Donahue, 156 Second Street, said that if we look at the agenda, comments are comments. They are not comments by the Mayor or the Village Board. It is comments by the person speaking here at the microphone. It is not cross-examined by the Mayor or Village Board. It is the person speaking here.

Mr. Donahue commented on the Explorer program. He addressed the Board by name and said his concern is the safety and welfare of our young children 14 and 15 years old. He commented that no one on this Board which supported this 100% mentioned that there is a licensed bar on the premises of the Buchanan Fire House. He thinks that when the 14 and 15 year olds come in for training, the bar should be closed either permanently or when they are in training. He checked around. The Croton Fire Department has had an Explorer program since 1980. It is funded strictly by the fire department with no help from the municipality. They close down their bars. Mr. Donahue commented that they do not feel it is right with 14 and 15 year old children being there. Neither does he. Peekskill, Mohegan, Montrose and Verplanck Fire Departments all have Explorer programs. They all close down their bars. Mr. Donahue commented that today, people are getting killed and injured by the thousands because of people drinking and driving their cars. Mr. Donahue thinks a lot of bars should be closed down. He is sure that if the parents in the Village were aware that the Buchanan fire house was a licensed bar that sold alcoholic beverages, they would be very concerned if their 14 and 15 year old children were at that fire house. He feels that if that bar is not closed down permanently, it should be closed when the 14 and 15 years old boys and girls are there in training.

Eileen Absenger, 138 Tate Avenue, has an issue with about the cost of the 9/11 Memorial and the Village donating to it. She commented that she takes nothing away from the sorrow that we felt for that day. She has a problem with the memorial being in Croton on that walkway. She thinks it is a great walkway. She is not sure if it will be all the way at the end of the walkway where the only people who will see it are the boaters. She commented that if Croton is having a problem with this, then she is too.

Ms. Absenger referred to Trustee Jackson's comments concerning VA registration cards. She wanted to know if the veterans' associations are helping the veterans get those cards so that they get more numbers. Trustee Jackson advised that the Viet Nam Veterans chapter that he is affiliated with always encourages any veteran to sign up and has done so for years. Trustee Jackson said that he made the announcement in the context of what Trustee Funchion was commenting on because a lot of people who have medical insurance through their occupations do not feel the need and those veterans who were "in country" have somewhat of a dislike for the VA system. It is something we have to work through. But he encourages all veterans to register with the VA. There is no cost. He commented that as a member of the American Legion and

DAV, they try to talk up that you have to get involved at least by being a member of the VA health care system regardless of whether you use it or not. Ms. Absenger wanted to know if he had a percentage of those who have not gotten a card or may not have thought about it. Trustee Jackson surmised that the percentage is not in favor of Veterans services because we are constantly being under counted and being told that our veterans are moving to Florida and Arizona. But we see the increased case loads that are coming through the VA at Montrose.

Ms. Absenger commented that she thinks that Mr. Iacomini has always been respectful to every board that he has been up against and to everybody that he has spoken with, that he has been an official. She does back him on that. She commented that we all have our moments. She would say that 99 out of 100%, he has been right there.

Ms. Absenger agrees with Mr. Donahue concerning closing the bar in the fire house during the training of 14 and 15 year olds. She has her own feeling about bars and fire houses. She did not know if Montrose and Verplanck even closed theirs but whether they did or not, she would not want it to be open if youngsters under the age of 16, at least, were in the facility.

Ms. Absenger commented that she was at the Planning Board meeting on April 19. She advised that she watched the interchange between the planner, George Pommer, and the lawyer and engineer for the applicant. She commented that it was quite back and forth. She commended Village Attorney Porteus for defending herself on one hand. She also thanked her for being honorable and gracious enough for not having “thrown under the bus” the person who might have said the stuff until we get confirmed information. She feels that the term mafia block was not meant in a derogatory sense. She commented that she knows there are Italian-Americans, Irish-Americans, German-Americans, Jewish-Americans, Japanese-Americans and Chinese-Americans. She said that they all have “quote, unquote, a mafia”. She does not believe after looking at the information herself, in the Army Corps of Engineers and on the cover of magazines, that this Planning Board meant anything else but that. The planner did question it. Ms. Absenger commented that she would not expect her as a planner to know. As an engineer, Ms. Absenger would expect that they would know. She did not pick up the sense that the representatives for the applicant were overly distraught on this. Ms. Absenger commented that she is not taking away from what anyone here felt. She is stating her position. She commented that the Village Attorney might have been able to say something. Don Zern might have been able to say something. She does not know how she feels about it. As to what was really stated, she feels that you really have to hear that tape.

Don Zern, Westchester Avenue, commented that maybe he can rectify the situation concerning the Planning Board. There was a supposedly derogatory statement made about mafia blocks. It is a common term used in the business. He has personally used it. He did not take offence to it nor did he see anybody else on the Planning Board jump forward. The planner asked to have a description of it. He noted that one thing he will say to the public is that George Pommer did not make that statement. He will leave it at that. When the tapes come back, you will find out who

did make the statement. He said that it was one of the parties, one of his associates on the Planning Board, who made the statements. He wanted to be very clear that it was not made as a derogatory statement. He said it was made as a jest and that is all he will say right now.

9. ADJOURNMENT:

At 9:40 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.