

Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
Tuesday, September 8, 2009

**PRESENT:**

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

**ABSENT:**

Village Administrator Thomas J. Jankowski

**1. PLEDGE OF ALLEGIANCE:**

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

Trustee Richard requested adding an item to the agenda to have Mr. Cronin give an update on the Sewage Treatment Plant right after the presentation to Detective Piehler.

**2. PRESENTATION OF PLAQUE TO DETECTIVE STEPHEN J. PIEHLER FOR 15 YEARS OF DEDICATED SERVICE.**

Mayor Donahue presented Detective Stephen Piehler with a plaque from the Mayor and Trustees thanking him for his 15 years of dedicated service. Mayor Donahue commented that it was his honor in 1994 to have appointed Detective Piehler as a police officer in our Village. Detective Piehler was a very fine officer who cared very much for the people in the Village besides doing excellent work. Detective Piehler stood with his family to receive the plaque. Detective Piehler introduced his wife Donna, his son Brandon and his daughter Alexandra. Mayor Donahue congratulated him and wished him good luck in his retirement.

Detective Piehler commented that he loves to talk. He said it was a difficult choice to leave all the people in Buchanan. It works very well for his family and he can spend more time with them. He will miss all the friends he has made in the Village. That is the difficult part. He will not miss his schedule at all. He will miss his friends. Detective Piehler was appreciative of the plaque.

Police Chief Brian Tubbs wished Detective Piehler and his family all the best. We are sorry to have him go. His gain is the Village's loss. Chief Tubbs concluded by saying that it was a pleasure to work with Detective Piehler.

Detective Piehler then left as his kids had to go to school the next day. He shook everyone's hands and said he would miss everyone. Everyone wished him good luck.

Mayor Donahue congratulated him again and thanked him for serving our Village.

### **3. VILLAGE ENGINEER TIM CRONIN'S UPDATE ON THE SEWAGE TREATMENT PLANT.**

Tim Cronin commented that two items have recently come to the forefront at the Sewage Treatment Plant. The first deals with the potential for some funding from the NYS Environmental Facilities Corp. through their State revolving fund to perform some upgrades on the treatment plant. The plant is 50 years old. Many of the major components have not been upgraded in that time period, are now starting to show some significant signs of wear and tear and are upgrades that would likely be necessary in the short term. Whether that would be 4, 5 or 10 years from now, they are upgrades that are necessary. The fact is that the State does allow us to apply for these funds. If we are successful in our request, the funding would be given to the Village at a reduced interest rate. Depending on the other municipalities that are applying for this limited amount of funds, he believes there are even some grants that could come through. Mr. Cronin advised that they put in the application that was due last Friday. The State is going to review Buchanan's application as well as all the others of similar size. It will depend on the score. The higher the score, the needier the facility is. The higher the score, the better off we are. He believes that sometime in October, they will know to what extent the Village will qualify for either the grant or the reduced funding. That application has been submitted to the State up in Albany.

The second point of concern is pertaining to the on-going operational problems that the plant operators experienced over the past several months or so. Recently he was asked to explore this. Mr. Cronin advised that he put a letter together around August 28 in which he evaluated and tried to opine as to what a source of these problems would be. Based on the conversations with the plant operator, in mid-January of this year we started to have problems with the settling of the sludge which is the last stage in the sewage treatment plant in which the dirty stuff goes to the bottom and the relatively clean water goes out the top. We were not getting the clean water up to the top as we have been getting for the past 20-25 years or longer. Because of that, some operational changes were necessitated by the operator which was applying chlorine to the bacteria to slow its growth and stunt the growth of certain types of bacteria which would allow the settling to occur and hopefully maintain the high quality of water that the plant has been accustomed to. That has been on-going now for two or three weeks per month, where chlorine has had to be added to the treatment system. It is much more than is normal. In the past, chlorine was added one week a year or even less. Now it is two or three weeks per month. That is an issue that we need to address.

The other issue pertains to some significant odors coming from the Post Road pump station. He believed modifications were made to it. A plastic tarp was placed over the wet well which is the place where the waste goes into before it is pumped out at the pump station to try to reduce those odors at least to the extent that they are getting out to the environment. The pump station itself has had to be cleaned on a weekly basis due to a build up of solids and sludge that is accumulating in the pump station. Mr. Cronin advised that in conversations with the operator, the one significant change that he was aware of is that the Village has been starting to accept a

waste or filtrate by-product from an industrial or a user in the Village. That started in December 2008, approximately two to three weeks before the problems at the plant surfaced. Based on the evidence Mr. Cronin has seen, it is a reasonable conclusion that this newly introduced waste stream is the cause of the problem. As to whether that is 100 % certain, he commented that no it was not. With the biological process as they have at the plant where it is bacteria, many, many things affect the function of the plant. Whether it is the amount of bacteria you get rid of each day, the amount of oxygen you add, the amount of bacteria you recirculate, there are about six or seven things that can influence the way the plant operates. The operator has tried all the tricks he knows to try get the effluent to be a higher quality. Nothing has worked these past 8 months. Based on that, it would seem that the one thing that has changed from prior operations was the introduction of this filtrate. It is Mr. Cronin's recommendation to eliminate this filtrate stream into the plant for a period of time, evaluate the plant operations and see if we can bring the waste stream back to the high quality we are used to. At that time, reintroduce this filtrate and see if we can get another cause and effect. We have one and perhaps we can get a second or third before it can be determined with an even greater degree of certainty that that is the problem cause.

Mayor Donahue called for comments from the Board.

Trustee Smith wanted to know if there is a time line indicating how many weeks or days it would be, or if there is an estimate, for the effluent to cease coming in to the facility. Mr. Cronin advised that what we have now is bacteria. It is a living organism. It is not a matter of turning it off one day and having an immediate turn around the next. Mr. Cronin commented that he would guess it would be around six weeks to two or three months to see a turn around that eliminating this waste stream may produce. It is a bacteria in that plant. It is going to take while for that bacteria to work itself through the system.

Trustee Smith wanted to know if there are any other options besides this and whether we can reduce the flow to a fraction of what they are dumping in right now. For example, they are putting in 300,000 gallons a day or month; we can reduce it by a third. Mr. Cronin responded that it might be something that can help. He does not know how much they are introducing right now. He did see the filtrate reports but he does not recall what they are. He believes that they are allowed to dump up to 30,000 gallons a day. He believes they are dumping 10,000 gallons a day. It is an option to reduce it, and monitor the plant operations.

Trustee Murray had questions on several reports submitted by Mr. Cronin. One is from the EPA, dated June 10, 2008. He believes it was prior to the Cook project coming on line. Mr. Cronin noted that according to George Smith, they came on line in December 2008. Trustee Murray commented that apparently we have had these problems before as noted by the EPA. (Mr. Murray read from the report). Trustee Murray referred to where it said about the flow over the weirs and the final clarifiers is not uniform. It was observed on the day of the inspection that some areas of the weirs have no, little or high discharge flow. The weirs should be corrected to prevent uneven sludge settling and discharge of solids due to the high discharge flow and possible short circuiting of the waste water treatment plant. Trustee Murray commented that this sounded like the exact problem that Mr. Cronin was describing.

Mr. Cronin advised that Trustee Murray is referring to the weirs which are the spillway where the water leaves the treatment plant. There are spots where they are uneven and you are not getting a uniform flow over all of those. With that condition, it is correct that you will not get as clean an effluent as you would normally get. But back in that period of time, the effluent was much cleaner than it is currently. That flow over the weirs will help the plant, but when you have a sludge that is not settling, it is rising over the surface and going over the top of those weirs. Correcting the weirs will help operations. But Mr. Cronin also thinks it is not the cure to the current problems we are having today.

Trustee Murray wanted to know, based on Mr. Cook's permits that were granted by the DEC, by the EPA, as part of the Planning Board's resolutions and as part of the Hahn's Engineering requests, are they not supposed to be taking the same wastes as we discharge into our own and not taking industrial waste. Mr. Cronin responded that according to Mr. Cook, he is not taking industrial waste. But when you do have a septic tank and it is cleaned out periodically – whether it is every two, three or four years - the solids that accumulate in the bottom of that tank, although they are domestic in nature, they originate in people's houses, become very concentrated and very anaerobic, and there is no oxygen there. Mr. Cronin continued that they are running tests now for some different components that may lead to the growth of that bacteria that we do not want. It is not the same as waste leaving your house at 4:00 in the afternoon that gets to the sewage treatment plant at 5:00 in the afternoon. This is a waste that gets is accumulating in your septic tank in 2002 and getting to the plant in 2009. It is domestic but its actual biological make up is quite different.

Trustee Murray commented on the Village having the right to sample his discharge into our sewer system. He wanted to know if anyone has taken a sample of this to take a culture of it and see if it is actually the cause. Mr. Cronin commented that we are running samples today and taken to the lab tomorrow.

Trustee Murray commented that as part of Mr. Cook's permit process, does he not have to routinely submit samples to the regulatory agencies. Mr. Cronin advised that he was not certain what his requirements are. Trustee Murray wanted to know if anyone has asked Mr. Cook if samples were taken. Because when it came to the Planning Board, it was portrayed to them that it would almost meet a clean drinking water standard that was being discharged because the size of the micron size being filtered out. This is where Trustee Murray is getting confused. It was supposed to be basically clean effluent from what Mr. Cook told the Board and what his documentation stated. Mr. Cronin commented that this is a conversation Trustee Murray may want to be having with Mr. Cook.

Mr. Cronin noted that what he was just pointing out are the problems we are having with the Post Road pump station and the problems with the operation of the treatment plant. They coincided with the introduction of this filtrate. Mr. Cronin could not say with 100 % certainty that one leads to the other. There has to be some cause and effect relationship there that you cannot ignore.

Trustee Murray wanted to know if there are any other large producers of waste that came on line to discharge into that area, such as the renovation of Raulindo Auto Body that would discharge

in the same place. Mr. Cronin was not aware of any to the best of his knowledge. Trustee Murray wanted to know if there have been any modifications in the industrial area that the pump station would be primary discharge. Tim Cronin commented that if you make a renovation to a domestic use that would not be a problem. He is not aware of any significant industrial users. It is true that Raulindo Auto Body did come on line. He did not know if any test has been done to that effluent. If it is domestic waste from the bathroom, that should not have a problem. If it is other than that, it is worth looking into. But the type of waste that can cause a problem is one that generally develops in a very anaerobic old sludge which you would likely find in a septic tank. Other areas can be explored. Trustee Murray recapped on whether we are planning to sample his effluent to see if it is a bacteria coming from that station. Mr. Cronin responded that a sample was taken today and will be taken to the lab tomorrow.

Trustee Knickerbocker commented on the bonding and the progression of how that happened. The Board had a special meeting last Monday. She knows a lot of people could not make it. It was a special meeting where they discussed the bonding and how it all came about. She is very happy that we could submit it in a timely fashion. Trustee Knickerbocker had contacted the Clean Water Fund in the beginning of August and found that we had until September 4 to submit this application. It is for a bond. It is not free money. It is a low interest bond with a life of 30 years. We are looking at approximately 2%. When she had gotten that information, at the same time, a couple of days later, when the survey at the sewage treatment plant was done. The survey was really the foundation to the beginning of this whole package. Trustee Knickerbocker thanked Trustee Smith for getting the package together for the survey. We got it on Wednesday, August 12. She was in contact with Mr. Testa. They decided at that time to have a conference call in Mr. Cronin's office on Friday, August 21. In attendance was Mr. Cronin, Jim Annicchiarico, an engineer with Mr. Cronin, Trustee Knickerbocker and the plant operator. They had a conference call with Fred Testa who is their contact person with the State. He is a very knowledgeable, very helpful gentleman who is steering us through the whole process. After the conference call, he and Trustee Knickerbocker talked. At that time, she asked him if he thought we could get this submission in before the cut off date of September 5. If we did not get the submission in by September 5, we would not be on the annual list for the annual intended use plan. Tim Cronin told her at that time that they could get the engineering report done and everything done. Trustee Knickerbocker commented that she is very happy to announce that it is in the submission. The State has it and she got the response from the State. We should know some time by the middle of October where we are on the list. If we are above a certain line, we have access to the funding. We are not going to stop there because there also is a submission date for the Department of Environment Conservation, The Water Quality Improvement Project, that needs to be submitted by October 16<sup>th</sup>. That is funding for sewage treatment plants. We will move right on for the next submission for that. There is potential NYSERDA money for that for the equipment. We are not sure about that yet. Our focus now is for the September 4 submission because it was very tight time frame and a very tight turn around. Trustee Knickerbocker thanked Trustee Smith, Cronin Engineering and Sewage Plant Operator George Smith, who has been very helpful. She noted that they worked as a team. She thanked Mayor Donahue for having the Special Meeting last week so we could do a resolution to submit this in time. We are working at looking for money for the plant. It is an extensive project. The plant is over 50 years old and needs extensive rehabilitation. It is possibly one of the reasons why the plant is not functioning up to the proper capacity. There is a list of things

we need to address. She is happy they are doing something positive for the Village and moving in a positive direction.

Trustee Smith proposed getting a copy of the report in color to have it available in the Village office to residents who want to review it. It involves a substantial amount of money. It is about \$1.4 million. It is not just for the plant. It is for the pump station and the equipment. Tim Cronin commented that it is close to \$1.5 million. Trustee Smith commented that this project is pretty extensive. He recommended to everyone who is watching this or is at this meeting to look at the report. We are going to have to address this one way or the other.

Trustee Murray wanted to know if the problem we are having with the discharge is a particulate problem, a bacteria problem or a chemical problem. Mr. Cronin advised that at this time, he believes it is a bacteria problem. Trustee Murray wanted to know if we are discharging the bacteria untreated. Mr. Cronin responded that we are not. It is the type of bacteria that is growing in the treatment plant now. It is a filamentous bacteria. It is not a compact ground bacteria. It is sort of like steel wool. When you get that type, things do not settle out nicely in the settling tank. It is more bacterial than chemical.

Trustee Murray wanted to know if we have a turbidity problem discharge and whether we were close to our turbidity discharge. Mr. Cronin noted it was discharge of suspended solids. Mr. Cronin commented that he talked with George Smith and he thinks that the plant generally had discharge of suspended solids of three, four, five, six milligrams per liter which is parts per million and is a pretty clean effluent. Recently, we have been jumping up to the mid 20s and 30s and recently had one that exceeds that. What is happening is that the bacteria that is not settling is going out over the weir, then into the chlorination tank where the chlorine kills that bacteria and then out into the Hudson. On the question by Trustee Murray about big particles, Mr. Cronin noted that it would make the water looks cloudy but you would not be able to pick up an individual piece.

Mayor Donahue announced that George Smith was going to be at this meeting but he had a prior commitment. Mr. Smith is going to do some testing tomorrow and he is turning it in to an agency in Westchester County where we will get the results from.

Trustee Smith noted that George Smith is also working with the State DEC that has been at the plant several times to try and get a handle on it.

Tim Cronin advised that they also had an environmental specialist, Tim Miller, come down from Albany to look over the operation of the plant. George Smith has sent Mr. Miller some samples of the bacteria we have. The results, when you see the plant operate, it could be the filamentous organisms. The samples George sent to Mr. Miller did not show a high presence of filamentous organisms. That is one of the complexities that come into this picture. There are 10 different things that can be adjusted, varied and modified. After the upset, last Monday or Tuesday, George said the plant was working fine towards the end of the week. Now the sludge is not settling as good as it was last Wednesday or Thursday. The bacteria is alive and it does not behave as you would like it to all the time.

Mayor Donahue reported that he has been contacted by representatives of one of the commercial outfits. They are going to talk to him and get back to him. He will advise the board when he hears more from them.

Mayor Donahue thanked Mr. Cronin for his report. Mr. Cronin asked permission to leave and he was excused.

4. **APPROVE MINUTES**: Regular Meeting of August 3, 2009

Trustee Murray made a correction on page 21, paragraph 2, end of the line change ; “direct any only” (only the Mayor has that power); page 24, paragraph 3, line 12, change “wanted to know and was addressing” to “asked”; page 26, paragraph 2, last line, change “Village Clerk” to “County Clerk’s” office.

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

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

Jane Hitney, Lake Drive, had a question on New Business, Item (b). She noticed in the September Newsletter on whether anyone would be interested or qualified for this position. Ms. Hitney wanted to know what else the Village has done to advertise or search for a permanent replacement for the Village Administrator’s job.

Mayor Donahue advised that the Village office personnel placed ads in the Courtland Gazette, the North County News and the Journal News. The ad has salary and benefits of the past Administrator. It is also posted in different internets where people look for positions. We have a compete file that tells where it was advertised and how someone could check it. Yesterday was the first day it was in the newspaper. If anybody wants to know the method used to advertise the position, they can get this at the Village Hall tomorrow.

Trustee Knickerbocker commented that she sees the different newspapers that we are advertising in. She thinks we are looking for someone with financial and managerial experience. It might be best to not only advertise in local papers but perhaps the Wall Street Journal and New York Times as those are business professional papers also. Mayor Donahue said this would not be a problem.

Trustee Knickerbocker wanted to know if we are still going in the direction of and discussing going with Rich Herbeck. Trustee Murray responded that he called Mr. Herbeck. He was willing to take on the task of finding an Administrator. The brief discussion Trustee Murray had with him was that he was going to come to the Village Board and talk for free and tell what he would do for us. He was going to advertise. Whether the Board wanted nation-wide, state-wide or county-wide, it was their decision. He wanted to put together a package that stated the

challenges the Village of Buchanan has; what the requirements that the Trustees felt; he was going to do the interview process. His fee was approximated on how large a search we wanted and how many candidates they wanted to interview. The whole process would cost between \$7,000 to \$10,000. Trustee Murray brought this to the Mayor who basically told Trustee Murray not to explore that and that the Board would be exploring this through advertisements in local newspapers and t.v. This is what Trustee Murray did with Mr. Herbeck and that is what he would have done for us.

Diane Tangen, 240 Catherine Street, wanted to know what qualifications, education and experience were listed. It would seem to her that we want someone who is educated in the field of municipal and public policy.

Mayor Donahue advised that in the ad, the person would have to have a Bachelor's Degree. A Master's Degree would be a plus. They would have to have supervision, prior experience in municipalities and state government and budgeting. The person has to be very well qualified. Anybody can get this information at the Village Hall. Mayor Donahue noted that we will also have an ad in the Wall Street Journal and New York Times. Diane Tangen suggested posting the position in trade journals for people looking for positions such as this. Mayor Donahue said he would note this.

Trustee Murray commented that he read the advertisement today in the Penny Saver. He read the requirements for a Village Administrator. It included that the salary is dependent on experience plus benefits; appointed by a five member Board elected for two staggered terms; full service community; \$8 million budget; 23 full-time employees, plus part-time and seasonal employees. Required: Bachelor's Degree, Masters Degree a plus, and a minimum five years experience in municipal and/or state management. It requires supervision of daily activities or an equivalent combination. Experience: financial oversight of personnel, labor relations, development and implementation of budgets, securing grants, supervision of employees and management staff, administrative services, purchasing, economic development and public works. Candidates should have a strong history of public interactions, knowledge of OSHA standards and experience in the private sector. The ad directs to send the resume to Mayor of the Village of Buchanan, 236 Tate Avenue, Buchanan, NY.

Mayor Donahue commented that when the resumes come in, a copy of the resumes will be placed in each of the Board member's folders.

## **6. OLD BUSINESS:**

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

Trustee Richard was in favor of making a motion to postpone this Resolution because we have no Administrator. She has been able to obtain a copy of a budget control report from the Village office staff. It differs by about \$500,000 from the original budget control report that she has. At this time she wants to postpone it until we get a Village Administrator to straighten it out.

Trustee Murray addressed Village Attorney Porteus. He wanted to know if the Village is required by certain State laws to have an audit completed and if the deadline is the end of October. Village Attorney Porteus advised that she checked with Village Administrator Jankowski who advised that the Village is required to have an audit. We do not have an auditor this year. He did not know of any fines or penalties that will incur but it has to be done. Trustee Murray noted that we cannot have an audit until the Board authorizes the budget transfers. Village Attorney Porteus advised that this was exactly what she has been told.

Trustee Richard commented that the one problem she found with the budget control report that she was given is that the Village Administrator has already made the budget transfers in the budget control report without approval. They are already set in that system. When she wanted to go back and check it out she found that he has already done budget control reports as far as our accounting system is concerned.

A MOTION to postpone this Resolution was made by Trustee Richard, seconded by Trustee Smith with all in favor.

**b) 09-31 RESOLUTION ESTABLISHING POLICY ON VIDEOTAPING VILLAGE BOARD MEETINGS.**

Mayor Donahue read the Resolution (copy attached).

Mayor Donahue noted that the Board has discussed this for quite a while. He thinks it is a good idea to open it up more. He sees that the Town of Cortlandt has different boards' meetings on t.v.

Trustee Murray commented that this resolution does not state anything about Planning and Zoning Board meetings. He is glad for that because our Planning and Zoning Boards are a lot smaller and have smaller agendas than the Town of Cortlandt. The Town meetings for run hours and hours. He commented that they have so many people on the agenda that it is amazing that they get anything passed. The Village of Buchanan generally does not have that many people for any given meeting and as many things on the agenda. They do have some but nowhere near two or three hours worth. Trustee Murray commented that Mr. Tate wanted \$200 per meeting which would be \$400 extra per month, \$4800 per year. Trustee Murray did not see the benefit to the tax payers to spend \$200 to broadcast somebody extending the line on their lot. He did not feel it would be economical. He wanted to be sure that the resolution does not include the Planning and Zoning Boards. Mayor Donahue advised that it does not.

Trustee Richard commented that when she first brought the motion up, it was strictly for the Village Board. Mr. Tate was kind enough to give us a quote in case we did want to go into the Planning and Zoning Boards. Trustee Richard agreed with Trustee Murray that they are too short for that kind of money. Her main concern was to get all the special meetings that the Village Board had. This year's Budget Hearing meeting was not televised which she was sorry that it did not happen. Anytime the Village Board meets, she thinks it should be televised. Trustee Murray agreed. He wanted to make sure about the difference between the proposal and the resolution.

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

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

Trustee Richard commented that since we do not have the Village Administrator to help us out, she wanted to postpone this. The Board needs to get a cost analysis from the Administrator. She asked to postpone this for a month or two. Trustee Smith agreed with her.

A MOTION to postpone this Public Hearing until the October 2009 Village Board meeting was made by Trustee Murray, seconded by Trustee Knickerbocker with all in favor.

5. **NEW BUSINESS:**

a) **09-32 BOND RESOLUTION FOR RESTRUCTURE AND RESURFACING ROADS.**

Mayor Donahue called on Village Attorney Porteus to explain the resolution.

Village Attorney Porteus commented that the Village Board had a Special Meeting to consider the Board passing a bond resolution for \$950,000 to resurface the roads. Village Attorney Porteus advised that the Board can go one of two ways. One is to pass what is called a bond resolution subject to permissive referendum. This means that the Board passes it, posts notice of it. If they get a petition, it is put to vote for the Village residents. If they get a petition for a vote within 60 days, a special election is held to let the residents vote. The second way would be to pass a mandatory referendum. This means that the Board decides they will not have the Village's petition to vote. The Board just automatically puts it to a vote. Her suggestion at this point is that because of the complications that arose when they attempted to do this and put it on the November ballot for the General Election, because the Village has residents who are only registered in the Village and not the County, the County wanted no part of the Village's proposition at the General Election. The choices are (1) permissive referendum subject to permissive, meaning it is passed and there are 30 days to ask the Village residents for a vote, or (2) automatically allow them to vote. Either way, timing is important. If you do subject to permissive referendum and the Board were to pass it tonight, they would have to petition 30 days

from now. Within 60 days of that time, they would have to have a special election which is costly.

Mayor Donahue recommended that we have it in the March election and the Village residents have a right to vote. Trustee Murray commented that there are a couple of ways to do this. Mayor Donahue commented that he was open for suggestions.

Trustee Murray commented that first, the Board has to get all of the financing straight. What they are talking about is \$980,000 paid off over 15 years at a fixed interest rate which would be approximately an \$88,000 increase to our budget to pay for it over that time frame. They also want to try to borrow the \$1.4 million for the sewer plant. They are talking about two different bond issues, two different permissive referendums. They could accomplish it all in the March time frame if necessary. Once they get all the financing straight, the bids straight and everything straight, they can say to the residents that the Board wants to borrow this money; here is what the impact to your taxes will be; and this is what the \$1.4 million is going to pay for. If you do not want us to do that, all you have to do is get a petition together. One person, 3 people or 10 people can get a petition together. They need 20% of the people who voted in the last election in the Village. If we get that 20% of people who say they do not want the Board to do this, the Board cannot do it. Within 60 days of that, they have to put it to a vote by the public. In order not to have a special election - or, as the County suggested to have a paper ballot because they would not let the Village put it on our machines - in order to prevent all of that, 60 days after the public says they do not want the Board to do this, then they put it up for general election. The public can flip the lever to say whether they want the sewer plant fixed or want the roads fixed. The Board can make this a whole 90 day process so everyone can come out and talk about it. They can have all their information together. Trustee Murray felt that it was the best way to go. They can have everything together by November. Give all the information to everybody, have it posted in the paper and have all the paperwork in the Village Hall. This way anyone can do what they want instead of more or less forcing it on somebody.

Mayor Donahue did not have a problem with this. He wanted to know if that means there would be two separate petitions – one for the roads and one for the sewage treatment plant. Trustee Murray replied that they can do it that way and it would be okay. Somebody might just like to do the roads or someone might want the Board to just do the sewage treatment plant instead. People get scared when you combine the two and see \$2.5 million. One is over 30 years and one is over 15 years. One is at a fixed interest rate, lower because you are getting money from the State for the sewer plant. Things can get confused when you roll it all into one and somebody says “Hey, you are borrowing half of your budget in one year!” You might get a little nervous about that. Trustee Murray commented that in order to make it clear, to have the people understand more, you have two separate things so the people can make the choice themselves. This is all a timing issue. He commented that this is basically in the infancy stages because they do not even know if they can get the money from the State for the sewer plant. They know they can go this way right now with the roads. He does not think it would be advantageous for

anybody to roll everything together because they are on two separate time lines. There are two separate agencies involved. There are parts to grants that we might be able to get for free for one and not for the other. Trustee Murray felt that it would be wiser and would behoove us for the public to have the best information possible, to keep the two things separate.

Mayor Donahue commented did not have a problem with that. He noted that he did not have to remind everyone, there are all kinds of problems, as witnessed before with the sewage treatment plant. Also as everyone can see just by riding on the roads, they are in very bad shape. Mayor Donahue had no problem with whatever works best.

Trustee Murray commented that the Board should advise the Village Attorney as to how the Board would be going about this. He commented that they want to go with the permissive referendum but want to have it timed so the 30 days for the petition closes within 60 days before the March election. If they could get all the paperwork together and the bonding issues and all the money together for the roads so that could be available in November.

Village Attorney Porteus advised that they would not be able to get the money until after the resolution is passed. It is after they pass the Resolution; if they get a petition or not; whether it goes to a vote or there is not petition and it is effective 30 days after the Board passes the Resolution, is when the real work begins. She advised that they do not want to spend any more money on engineering right now until the Board knows that the resolution will be passed. She agrees that timing it within 30 and then 60 days of the election saves the Board from having a Special Election, the inspectors and all the costs involved. Village Attorney Porteus wanted to know if the Board was going to do this subject to permissive referendum or mandatory referendum.

Trustee Murray commented that his suggestion was to do this by a permissive referendum for the sewer plant and a permissive referendum for the roads.

Trustee Smith was in favor of keeping it separate and distinct so there is no confusion. By that time he hopes the new Administrator will be on board so the Board can work with that person.

Trustee Murray commented that they also already hired a person to do the bond work. He wanted to know if that person could still do the research. Village Attorney Porteus advised that was correct. She noted that the Board authorized \$1500. He does not charge that until the work is done. If this does not go through, he was hired for the roads. She has been assured it is a \$750 fee for the work he has done so far and no more. If he continues, the Village will pay \$1500 after the bonds are approved, the costs are done, the engineers end. Although it was approved, we did not want to hire him without something done but we have not spent that and probably will not for some time. Trustee Murray commented that there still could be some work done prior to the 90 day time frame. Village Attorney Porteus advised that it could be done. It would help to have an Administrator. This is what is sorely missing for the person doing the bond work because he usually works with the Administrator. Village Attorney Porteus commented that an

Administrator is needed especially for when they talk about going out to the banks. They need to know what is in the contingency and what the budgets are. It has been difficult, but he is trying to work with what she can get him and he will move forward.

The Village Attorney advised that her understanding is that the time to do it is November. If they get a petition, it will be in December and within 60 days of that it will be put through. Maybe it will be December to January. It will get you within the time to not have a special election and put right on in March with the other elections. Hopefully, Trustee Knickerbocker's project will also come through in March. It will be a separate bond resolution just dealing with the sewage treatment plant.

Trustee Knickerbocker commented that it will be with a permissive referendum. This has to be very clear. If the Board votes this evening on the permissive referendum, they, the residents or whoever wants to come forward has to actually go out and get petitions.

Village Attorney Porteus advised that the petitions, by law, have to be provided to citizens in the Village office. She has prepared one and if they that is the way the Board wants to vote, it will be in the Village office. Then the staff will give it to whoever comes in. 20 percent of the people who voted in the last election would actually have to come in, sign it and date it, and come in and present that. That is how they get the vote. It is not an automatic vote.

Trustee Knickerbocker commented that it would force the Board to put it on the ballot in March. This is the residents' money and their decision. They are going to pay for it over 15 to 30 years, so it is their decision. She wants everybody to understand that somebody actually has to do these petitions to go out. She wanted to know how many voters would make up 20% of the last election. The Village Attorney advised that she would have to check. Trustee Knickerbocker commented that if it were 500, you would need 100 signatures to put it on the ballot. If some people do not decide to go out and get those petitions, if no one goes and does the petitions, then the bonding automatically goes through. Village Attorney Porteus advised that it would. They are given 30 days. Trustee Knickerbocker commented that it is a little confusing and everyone needs to understand what the process is. Village Attorney Porteus advised that 30 days after the date you pass the resolution, if there is no petition, it goes into effect. There is still some room for challenging on other grounds, but she did not believe there would be grounds here. By law if it is not a permissible use, which the bond for the roads are. Barring that, the bond goes into effect immediately. A notice of estoppels is published in the newspaper reminding residents that 30 days have come and gone, reminding them that this is what the Board is doing. It goes forward without a vote.

Trustee Knickerbocker commented that the other alternative is that if they do not do this, where we have to have the 20% of the people do a petition which is kind of work for the residents. Someone has to go out and do this. People have to bond together to do this.

Diane Tangen wanted to know if 20% of the people have to get a petition for or against, as they never said which. Trustee Murray advised that the petition would have to be against it. Village Attorney Porteus advised that 20% of residents would have to say to put it on the ballot; that they want to vote.

Trustee Murray made a MOTION to carry this bond Resolution over to the October meeting. He commented that they can continue to discuss this in public and probably vote on it in November. The Motion was seconded by Trustee Richard with all in favor.

Mayor Donahue advised that this will be carried over to the October Village Board meeting.

**b) 09-33 RESOLUTION APPOINTING PERSON TO PERFORM THE DUTIES OF VILLAGE ADMINISTRATOR.**

Mayor Donahue read the Resolution (copy attached).

Mayor Donahue advised that the Village Administrator was using his vacation time. His retirement will go into effect on December 18, 2009. Somebody has to sit in, in the mean time. The Resolution was made up. This is now in the hands of the Board. Mayor Donahue advised that since his name is in the Resolution he will not be voting on it.

Mayor Donahue read the Resolution (copy attached).

Trustee Murray commented that the Code also states that anyone who takes on that title is entitled to a sum not to exceed \$1,000 for each month or part thereof. It also states that to perform in that paid capacity for no more than three months for any continuous vacancy. He wanted confirmation that the Mayor was only going to do this for three months and was not going to take any compensation. Mayor Donahue advised that he was not going to take any compensation. Trustee Murray asked the Village Attorney Porteus if the Mayor does this for three months and we do not have an Administrator, is it bypassing the intent of the Code if another elected official takes that position for another 90 days; and if the Board is therefore under the gun to get someone within 90 days. Village Attorney Porteus advised that it would behoove the Board to get someone within 90 days. The Board was all in favor of that. Village Attorney Porteus commented that the way she read the Code is somewhat different. It says any additional payments pursuant to this section shall be paid for a period of no longer than three months. The way she read it is that the Board can pay somebody for only three months but if they do not have an Administrator in three months, the person can stay there anyway because someone has to assume the duties.

Village Attorney Porteus noted as clarification to the Board that it says the specific amount for each month shall be determined by a resolution of the Board of Trustees at the first meeting of the following month. So, if you assume the duties for September then at October's meeting, there should be a resolution prepared by her as Village Attorney for some sum of money that the

Trustees would determine. She wanted to know if Mayor Donahue was waiving that now and does not want that Resolution monthly. Mayor Donahue responded that he will waive the money.

Trustee Murray commented there are two separate sections. He noted that the Village Attorney was reading page 35-6. On the previous page, it says that in the case of a vacancy or during the absence or disability of the Village Administrator, the Board of Trustees may designate some properly qualified person to perform the duties of the Administrator on an acting basis for a period not to exceed 90 days. He noted that the 90 period is not contingent on being paid or not. It is for filling the position. Village Attorney Porteus advised that the way Section 35-5A says is that the Board will find a qualified person as the acting Administrator and they will be paid at the Administrator's rate. The Board has chosen not to do that. Option B says that if a vacancy occurs and you are not appointing an acting Village Administrator, then one of the Board members gets the job. That person can get no more than \$1,000 a month as determined by the Trustees and cannot get paid for more than three months. Village Attorney Porteus noted that the acting Administrator would have gotten a full salary and obviously they cannot do that.

Trustee Murray made a MOTION to accept the Resolution as read. The Motion was seconded by Trustee Richard with all in favor and Mayor Donahue abstaining.

c) **09-34 RESOLUTION AUTHORIZING USE OF VILLAGE FACILITY AND WAIVING FEE.**

Mayor Donahue read the Resolution (copy attached).

A MOTION to move on the Resolution was made by Trustee Murray, seconded by Trustee Richard with all in favor.

d) **09-35 RESOLUTION AUTHORIZING USE OF VILLAGE FACILITY.**

Mayor Donahue read the Resolution (copy attached).

Trustee Murray wanted the public to know that the applicant did supply an insurance waiver which is customary when a permit is granted to serve alcoholic beverages.

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

e) **09-36 RESOLUTION ACCEPTING PROPOSAL FOR WEB SITE DESIGN SERVICES**

Mayor Donahue read the Resolution (copy attached).

Trustee Richard commented that she reached out. She did have two proposals. The third gentleman that she reached out to never responded. One proposal was for \$14,000. This one is more in line with what the Board wants. This is just to get us started to update the Village web site to get Board minutes and everything else that we can on to a web site. Hopefully in a year or two, we can increase the web site to possibly add the videotaping of these meetings. This is an on-going process. This is just to get us started to a point where we hopefully will be able to get a lot more information on the web site to keep people up to date with what is going on here.

Trustee Murray wanted to know what line this coming out of in the budget. Trustee Richard advised that in the budget control report there is \$13,000 for computer expenses for the Village Hall. On a yearly basis, we run roughly around \$6,000 or \$7,000. There is at least \$5,000 left over. This is just for \$1500. It depends on the new Village Administrator where he wants to put it but that is the line she was looking at for computer expenses.

Trustee Knickerbocker commented that not only that, but the Board has to be very careful. With the auditor here from the State, there are going to be some requirements and recommendations from them that are going to be coming out of that line also. She asked the Village Attorney what is the dollar amount before they have to go to bid before the Board votes for something. Village Attorney Porteus advised that she asked Village Administrator Jankowski if the Board has to go to bid on this and was advised they do not. It was a \$14,000 quote from the gentleman. But since the amount is \$1500, Village Administrator Jankowski advised that it can be done this way.

A MOTION to adopt the resolution as presented was made by Trustee Richard, seconded by Trustee Smith with all in favor.

f) **09-37 RESOLUTION AUTHORIZING REFUND OF PLANNING BOARD FEE.**

Mayor Donahue read the Resolution (copy attached).

Mayor Donahue noted that the Board has a letter from the Planning Board Chairman concerning the circumstances of the extension of approval for a minor subdivision. Unfortunately when they went to do the survey, the surveyor was no longer in business. The applicant paid the initial fee for the approval.

A MOTION to accept this Resolution as presented, to refund the money in accordance with the Planning Board's suggestion, was made by Trustee Murray, seconded by Trustee Knickerbocker with all in favor.

g) **09-38 RESOLUTION APPOINTING DEPUTY REGISTRAR OF VITAL STATISTICS.**

Mayor Donahue read the Resolution (copy attached).

Mayor Donahue noted that there is no extra pay for this. Before this, the Village Administrator could have signed these papers but he is no longer here.

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

**h) 09-398 RESOLUTION APPOINTING NEW POLICE OFFICER**

Mayor Donahue read the Resolution (copy attached).

This is on the recommendation of Chief Brian Tubbs to fill the vacancy created by the retirement of Detective Piehler. The new officer has been interviewed by the Village Board.

Trustee Murray noted that as is known, last year when Officer Mike Godshall retired, his position was not filled for over a year. As a result of having that position open, the Village incurred heavy costs in overtime. The overtime costs were very high. Then when we ran into another situation with another officer leaving, the costs were astronomical. This new officer has a couple of year's duty in the City of Mount Vernon and is coming in almost at the bottom rate of pay. If we are going to maintain our police department, it is essential that we try to eliminate the overtime as much as possible. When we pay overtime, it is not just the cost of the overtime to the officer, it is the cost of the overtime to his retirement and pension system and the payroll tax. As an example, if you pay \$30,000 in overtime, it is actually costing \$60,000-\$70,000. Trustee Murray commented that just by having the officers work overtime by not filling this position, we are probably losing money. As many people remember on another point concerning the police department, Trustee Murray noted that he wanted to research part-timers. They have done research and it seems to be somewhat prohibitive. If we are going to maintain a police department, it is essential to have the full complement to limit the overtime and retirement costs. This is why Trustee Murray is in favor of this resolution. He would also like to get more information for part-timers. He thinks it could help save the Village money in the long run to pick up some shifts if somebody is on vacation or somebody is sick. Part-timers have the experience and we would not have to pay the medical benefits, overtime costs or costs to the retirement system. Trustee Murray noted that his position on this has been steady the whole time.

Mayor Donahue noted that the whole Board interviewed the police officer. The officer spent some time in Mount Vernon, which is like working in some of the busiest and toughest sections of New York City. This makes him well qualified. He was born and raised in the Village of

Ossining. He lives there now which means that lives nearby. Mayor Donahue felt that he is a very good choice by the Chief of Police and he thinks that the Board agrees.

Trustee Murray commented that the officer has been in the system for two years, which Police Chief Tubbs confirmed. Trustee Murray continued that hopefully we can get another 18 or 20 years out of this officer and he can progress up through the ranks. We would not have to run into the same problem as some other departments where you hire someone for two years and you have to pay their medical costs for their entire life. It is good to get somebody with some experience who you can anticipate staying with our Village for a long time.

Mayor Donahue commented that when the officer was asked how he felt about it and if he was looking to go any further, he said that someday he would like to be Chief. So Mayor Donahue believes that the officer is going to stay here for a while.

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

#### **6. INFORMATION FROM OFFICERS AND DEPARTMENTS.**

- a. Wastewater Treatment Report – January, February, March & April 2009.

Received and filed.

- b. Zoning Board Minutes – June 10, 2009.

Received and filed

- c. Planning Board Minutes - May 21 & June 18, 2009

Received and filed.

- d. Attorney's Report:

Village Attorney Porteus reported that it was brought last time that the Village had some billboard litigation years ago. Someone reminded her that it was time and indeed it was. She contacted counsel for Eller Media (sp?) and requested that the billboards be removed immediately. She is waiting for a reply but she has not heard from them. We are beyond that time. She thanked whoever brought that up to her.

Trustee Murray wanted to know what was the rental revenue the Village received from the billboards. Village Attorney Porteus did not have that file. She looked up the stipulation that was filed. There is Phase I and II. It was 7 years. Seven years came and went in March. The stipulation is clear to get them out or pay the cost of the Village removing them. She did not

look further. She wrote the letter and said to remove them. Trustee Murray commented that he wanted to know if the Village was getting \$2,000 or \$3,000 a month. The Village Attorney advised that she could look it up. She thinks that former Village Attorney Dan McCarthy did that years and years ago. If the Board wants her to look into this she will. Trustee Murray asked if anyone on the Board knew what the rental income was. Mayor Donahue commented that he did not know the amount of revenue but it was on the recommendation of former Trustee Bell several years ago to do this. Mayor Donahue advised checking in the Village office about how much revenue. Trustee Murray commented that the Village's economic position was a little different 7 to 10 years ago when this was negotiated. He is not saying to revisit it but would like to have that information. Mayor Donahue noted that Cindy Kempnor keeps records of all the monies coming in. Mayor Donahue will ask her tomorrow.

### **Trustee's Reports:**

Trustee Smith reported that they spoke a lot about the treatment plant at the last meeting, which is still our priority. He had nothing more to add to what Village Engineer Cronin said. Trustee Smith thinks the Board should look at the contract closer to find an end to this whole thing and put it behind us so everybody can move on. He has heard nothing new from Highway Foreman Jeff Tiernan whom Trustee Smith spoke to earlier. Jeff Tiernan certainly would like money for getting the trucks repaired as winter is around the corner. He still has some concerns but is still above water.

Trustee Richard thought that in the last meeting, the Board was asking Jeff Tiernan to come in to this Board meeting because he was trying to get stuff. There is no Administrator so she thought the Board had asked him to come in to present his replacement for the salt shed in front of the Board so they can approve it and get him some kind of money. But she did not see him tonight. Trustee Murray commented that he thought it was just a suggestion, to have Mayor Donahue talk to him about it. Trustee Richard commented that she thought the Board was actually asking him to come in. Maybe he can come in to the next Board meeting

Trustee Knickerbocker reported that the Board had a busy month in August. She has an update with the NYCERDA money that they were trying to go after. There was a meeting on August 13. Trustee Knickerbocker met with two people from the New York Power Authority: Alicia Bailey who is the Village's account executive, and Maribelle Cruz who is an engineer. It was a very in depth meeting. She was in attendance with Michael Baisley, our Building Manager. He does everything in the building and grounds. It was an interesting meeting because we had talked about doing an energy audit in the Village. Trustee Knickerbocker found that in 2006 there was an energy audit done. No one knew about this report. There was no report sent to the Administrator or Michael Baisley and no one had ever received this report. Before the meeting, Trustee Knickerbocker got it and gave copies to the Village Board. They had an interesting discussion on how we can go after this money from NYCERDA which had to be applied for by August 24. Having some of the recommendations from 2006, we did not have to have this

energy audit. They went off of the one they had. The energy use and savings analysis was broken down to what the Village Hall pays, what the highway garage pays and what the sewer treatment plant pays. Their recommendation, at that time and still is, was to update the existing lighting systems in the Village Hall and the highway garage, as well as replacing the air conditioning units in the Village Hall and replacing the lighting with highly efficient T-8 lamps. The estimated savings to the Village would have been 25% or \$5500 a year. When the engineer further did the analysis before we could submit this on August 24<sup>th</sup>, there is certain criteria that we did not meet. Trustee Knickerbocker commented that for the Village to spend \$35,000 which would have been reimbursable through the NYCERDA and through the stimulus money, the pay back for us to do that - not only that; we had to replace the lighting with highly efficient T-8 lamps - speaking to Michael Baisley and the gentleman who is doing our electric lights and who has done that in several other buildings in municipalities, he did not recommend replacing the lighting with T-8's. Especially when you get into a working environment and office spaces because the lighting is so dim that it is really not worth doing. There were a lot of complaints and people eventually switched back to other things. Possibly it could be used in the hallways. Trustee Knickerbocker noted that our cost savings if we had done that would have been approximately \$5500 a year. That was for all the facilities including the Village Hall, the highway garage and the sewage treatment plant.

Another recommendation was to replace the air conditioning units. The payback on that was just not there. They estimated for replacing our units, which are old and not energy efficient, we would be looking at \$100,000. The cost savings on that was approximately \$1400 per year. They had the meeting. Trustee Knickerbocker wanted to thank Mike Baisley who was very professional and very knowledgeable about different things other than the building itself. He is very knowledgeable and an asset to the Village. He presented himself well and also asked a lot of good questions. She was very happy that he was there at the meeting with her.

Trustee Knickerbocker commented that unfortunately, this application for the monies for this just did not fit into our Village's needs at this time. We are going to look and see what other types of money is available for the Village. With the DEC, there is funding for the sewage treatment plant, so the Board will continue to look.

Trustee Murray announced that the Town of Cortlandt is dedicating its Youth Center on September 12 down at the Cortlandt train station. It is also going to be their Family Fun Day from 11:00 AM to 3:00 PM, with the dedication of the Youth Center at 1:00 PM. Since we are in the Town of Cortlandt, everyone can come down there. It is for all Cortlandt residents.

Trustee Murray announced that Buchanan Engine Company is going to start up with their breakfasts again on the last Sunday of every month. It will be September 27 from 8:00 AM to 1:00 PM.

Trustee Murray wanted to know if anyone has put in applications for the Village Administrator position. Mayor Donahue advised that Betty Travis in the Village office has envelopes with any applications that have been received. There was one 3 or 4 days ago. She prepared a package. If Trustee Murray wishes to contact her, she can tell him exactly who they have heard from. There is a package for each of the Board members and the Village Attorney. Trustee Murray wanted to know if it has been put into their boxes. Mayor Donahue advised that they are lying on the desk downstairs and the Board can pick them up later on. Everybody will receive one and they have the names on the package.

Trustee Murray wanted to know if there have been any contract negotiations. All of the Village's contracts have expired at the end of our fiscal year in May. He wanted to know if there has been any contact with any of the unions or any negotiations or any potential financial impact to the budget. Mayor Donahue advised that he received a call from the representative from the Teamsters. They are willing to sit down any time we want to sit down and discuss it. Trustee Murray wanted to know if anything was scheduled. Mayor Donahue advised that nothing has been scheduled yet. He has to get back to them. He can have no more than two people there but they are willing to sit down and negotiate.

Trustee Murray commented that there are several positions open on the Ethics Board. Some have been open for eight months, since May. He wanted to know if anybody has been contacted to become members of the Ethics Board. Mayor Donahue responded that the only one he was aware of, and he just received it the other day, was the one person who retired or resigned was several months ago. The other one he was told was a Village employee. Mayor Donahue commented that they will have to ask one of the Village employees to sit on the Ethics Board. Mayor Donahue will look at this tomorrow to see of the present members, which parties they are affiliated with because you cannot have a majority from one party. Mayor Donahue will look at this tomorrow. He will be open to suggestions for people to serve on that board.

Trustee Murray reported that the Comptroller started his audit last week. The audit is going to last for 45 days. There will be somebody at the Village Hall every day for 45 days. The supervisor is going to be here once a week for the next month and a half. Trustee Murray imagined that it will be somewhat of an in depth audit and should be an in depth report which he looks forward to reading.

Trustee Murray reported that now that school has started, he has spoken to a few residents on Rockledge Avenue. He remembers a few years ago (noting that none of the present Board members were serving on the Board at that time), when the "No Parking" signs during school hours were put up on Rockledge Avenue. He remembers from watching the meetings that after a couple years, the issue was going to be revisited to see if the situation had got better or worse. There were a couple of residents who expressed concern that they really did not see any benefit to these signs. Trustee Murray wanted to know how the Board can go about addressing this. He

would like to revisit it. He believes it was part of the resolution to revisit those signs after a time frame to see if there was any benefit.

Mayor Donahue noted that Police Chief Tubbs was present. Trustee Murray asked Chief Tubbs if he knew if anyone wanted more or less signs, has the parking situation alleviated and has the church allowed more parking in their lots now. Chief Tubbs advised that the school just had a meeting with parents and students concerning “on school” student parking. He thinks they are increasing the number of student parking spaces they permit on school property. The problem seems to get worse as the school year goes on and more of the students become of driving age, and more and more students bring their cars to school. All those parking spaces on-site will have been taken so they look for the closest legal parking spaces they can find. What had happened previously was that the residents of Rockledge Avenue began to complain that first thing in the morning the students get there, around 7:00 o’clock in the morning and they park in front of the house so there is no place for the residents to park. The residents specifically requested that those signs be installed, no parking between school hours on school days. Chief Tubbs commented that he did not know of anything that has changed to make things better for the residents. As far as he knows, if they took the signs down the kids would find it very quickly and the problem that occurred before the signs were put up would probably reoccur. He could not say that for sure but he believed it probably would occur. Trustee Murray wanted to know, recalling from a few years ago, was there not an issue of the probability of the residents themselves getting a parking ticket. Chief Tubbs said it is an issue and the residents were well aware of it. What they ended up doing was since they put the signs so far up the road on Rockledge Avenue, almost to the bend in the road, they subsequently took a few signs down because the students were not parking that far down. Chief Tubbs commented that it changed that way. They do not differentiate between students and residents. If a resident is parked in front of his house for five minutes, the officer is not going to write him a parking ticket. But if a car is just sitting there, it is a violation of the posting and a parking ticket would be issued. Trustee Murray wanted to know if there was a possibility of getting a record of how many residents actually received tickets as opposed to people who are trying to prohibit the school kids and was there a way to correlate that data. Chief Tubbs said that possibly they could but it would require going through all the parking tickets. They do not keep any of the data for the parking tickets. It is provided to the court. They would have to look at every ticket that was written on school days, run those licenses and find out whether or not they are residents or students. If Trustee Murray really wanted that done, the Police Department could accommodate him, but it would take some effort. Trustee Murray commented that they would discuss it later. He just wanted to bring it up since there has been an issue with a couple of people who asked him about it. He will see if something can be worked out.

Mayor Donahue commented that his concern was that someone could bring up the question of selective enforcement and he did not know what position the Village would be put in. Trustee Murray understood. He commented that they could write a special offer. Trustee Murray just

wanted to bring this to the attention of the Police Chief and Board that certain residents had issues concerning the parking enforcement. Trustee Murray did remember that it was a stipulation that the Board might revisit this issue if these types of things came up. He was just doing that and they could talk about it later.

Trustee Knickerbocker commented that she was not sure how difficult this is. Before this all started, the students were not allowed to park in St. Christopher's parking lot. Now they can. In the morning, there are a lot of cars in the church parking lot. She suggested that experimentally for 30 days, to not take the whole pole down but just remove the sign and see if there are any problems with different people parking there from the school. She understands what the residents are saying about that street. They have these signs on their front lawn and in front of their homes. Maybe this situation, especially the meeting that the school had that they are going to put more parking on their property, and also now that St. Christopher's is allowing them to park there, maybe it is not as critical for them to find a parking space. She recommended trying this to see how it works out. If it is still a problem, it is not difficult to put the sign back up. But the pole would remain for 30 days. Trustee Murray wanted to check with some of the residents before they make any changes. Trustee Knickerbocker suggested that it could be discussed in November.

Trustee Murray reported that watching the video of the last Board meeting, he noted that some of it was cut off; about ten minutes. One part that was cut off was the reason he was voting against the expenditure of another \$10,000 for the lawsuit for CK Trucking. The Board did receive a copy that was filed in the County Clerk's office about some of the charges that were dismissed. What Trustee Murray had read during the meeting was cut off in the video. He noted that last month he read that "neither party disputes that the defendant's remedial fill provided in January and February of 2007 was clean. Additionally, lab tests concerning soil samples from where the fill was taken from annex as Exhibit D lends further support to the defendant's argument that they conducted the requisite test and sent the results to Thomas Jankowski, representative of the Village. These actions taken on behalf of the defendants adequately rectified any problem with the previous contaminated fill and supplied the Village with the soil test it desired; therefore, the defendant's motion to dismiss the Village's unjust enrichment cause of action is granted. In sum, the court has dismissed the causes of action in negligence, nuisance, unjust enrichment and for punitive damages. It also dismisses trespass damage claims for the period prior to October 10, 2005. The Court has sustained the former negligence claim as a Breach of Contract Claim and a Trespass claim to the extent indicated." Those are the reasons why Trustee Murray voted against the acquisition of another \$10,000 to continue the lawsuit. This was by Judge Lefkowitz (sp?) and filed on March 30, 2009.

Trustee Murray thanked Police Officer Dominick Formosa and Robert Budd for their quick response to a structure fire that occurred around 6:30 in the morning on Saturday. It was called in by a resident that there was a possible structure fire. Due to their rapid response, they were able to make an official report to the County that enabled the Police Chief prior to arriving on the

scene to request additional resources from our mutual aid companies. As a result of those actions, they were able to mitigate any damage to the structure. Their quick response to the scene, their proper reporting techniques and their notifications to all the agencies helped out a lot in that situation. As people know, at 6:30 in the morning a lot of people are not up to see a fire on somebody's deck. He thanked them again.

### Mayor's Report

Mayor Donahue reported that an audit is being conducted in the Village of Buchanan. It did not happen by chance. In May of this year, Mayor Donahue sent a letter to the State Comptroller asking him to conduct an audit in the Village of Buchanan for the years 2000 to present. He mentioned several things in the letter including illegal dumping by CK Trucking. The other day when they met with the officials from the Comptroller's office, the supervisor was there and one of the examiners. They advised that they were going to look into every aspect of what happened in the Village over the years. They were given 45 days to complete the audit. They were very business-like. One examiner is in at 8:30 every morning and leaves about 4:30 or a little later. On Thursday, he was there from 9:30 and left around 6:30. They will continue to do the audit. At that time when they met with the people from the Comptroller's office, Mayor Donahue was present along with the Village Attorney and Trustee Smith, because they could not have more than two Board members otherwise it would constitute a Village Board meeting and they would have had to publicize it and had it open. He believes every member of the Board took advantage and introduced themselves to the Comptrollers. They are spending most of their time in Penny Pierce's former office and the Village Administrator's office. When they finally complete the report, everybody will receive a copy of it from this Village Board, or if there is another Village Board by the time they complete it. They are here every day. If anyone wants to come and speak to them, Mayor Donahue did not think there would be a problem. They are available and get in every morning about 8:30 AM.

### 8. EXECUTIVE SESSION:

At 9:10 PM a MOTION to go into Executive Session to discuss Amitec litigation (sp?) small claims assessment and review of petitions, was made by Trustee Murray, seconded by Trustee Knickerbocker, with all in favor.

At 9:22 PM a MOTION to return from Executive Session was made by Trustee Murray, seconded by Trustee Knickerbocker, with all in favor.

### COMMENTS FROM THE FLOOR:

Angelo Iacomini, Donahue Ct., commented on record keeping in the Planning and Zoning Boards. There are a lot of comments that are not written in to the context of those meetings. In some cases when he reads through the minutes, there are a lot of things and comments that are missed that may be relevant in how a decision may be rendered. He suggested that they need not

a video but some sort of tape that they can maintain to go back and look into if there are any issues or discussions as to what was said. That would be helpful in the Planning and Zoning Board. There are off-side discussions that are relevant to how certain decisions are made. He noticed in looking at last month that the man from the deli was a little agitated. There were things that were said that really needed to be put down in more detail. It could be relevant and could leave the Village open to some sort of litigation. He wanted to be sure that everything that is said is recorded and maintained in a file somewhere. He commented that Trustee Knickerbocker and Ms. Absenger were there and had comments, which was fine. Mr. Iacomini noted that there were other side comments with other members of the Board that were not recorded that were relevant, or if you hear it and get some assumptions other than what you read. He would like to see a recorder of some sort put into those meetings to have the verbal word recorded. He knows Trustee Knickerbocker was talking at that meeting. He addressed her saying that she is a public official. He was not sure, because she is a public official, he did not know if it was right that she spoke for or against it because her words could sway a vote to or from. He commented that everything needs to be dealt with on an equal plane for anybody setting up shop in the Village. There were other things that were said there that were not on the transcript that may have been relevant when you read it. He would like to see something like that so that the stenographer can go back and capture everything that everybody said.

Trustee Murray asked if Mr. Iacomini was suggesting verbatim minutes or audio. Mr. Iacomini talked verbatim minutes. Peekskill had it for a while. He said to look at the web site in Ossining which is very detailed and is line for line in the structure. Mr. Iacomini commented that he is suggesting an audio tape that can be maintained so they can go back and say the person said this or that. Then they can have that besides just the written word because if it is not written it is gone and it cannot be captured any more. He wants some sort of reference material backup. A tape to him is the cheapest and easiest way to go. In most cases, you never would have to go back to it but you have that back up file to substantiate what was said. Trustee Murray asked what the legal record. When you vote on the minutes, that is the legal record. He commented that if you have an unofficial tape, which one supersedes Article 78 here, or if you go into potential litigation. Village Attorney Porteus advised that it is the minutes that are typed and voted on as accepted, that is why corrections are made. The tape would not be the same as what was voted on. Maybe Mr. Iacomini was suggesting verbatim minutes. Trustee Murray noted that the minutes have to be available as public record. Mr. Iacomini said that if they vote on the minutes a month or two months later, they might not remember exactly what was in there and if somebody comes to you and says something was said but it was not in the minutes, it does not mean that it was not said but that it was not in the minutes. Trustee Murray wanted to know if he wanted verbatim minutes. Mayor Donahue asked Village Secretary Matthews what was used now. She responded that there is an audio tape, video tape and her written tape. Mayor Donahue noted that if someone wanted to subpoena the tape, they could do so. Village Attorney Porteus advised that what is done in the Planning and Zoning Board is shorthand. Shortening up in sum. Mr. Iacomini said you would lose some context and he thought it would be a helpful addition.

Trustee Knickerbocker thanked Mr. Iacomini for bringing this up. She knows after the last meeting, her name has been blackened and she wanted to respond. She commented that any of the meetings, they should do word for word so there is no confusion. There was litigation that was suggested. She gave a brief overview. The meeting that the Planning Board had was not a regular meeting. It was not a Public Hearing. It was an informational meeting. She was aware of that meeting. She went with her business owner's hat on and her resident's owner hat on. Also, it is 20 feet from her building. She was interested in understanding what type of a business was going in there. It was a permitted use. Originally the building was Mr. Shunk's (sp) building and was approved as a restaurant. Coming in as a deli was a lesser use, so it was a permitted use. Trustee Knickerbocker read what she said at that meeting which was that when she owned a deli for 16 years, she felt that competition is good. It makes you work harder. That was her personal opinion. In fact that she was a deli owner for 16 years. Parking at the Circle has always been an issue and she wished the Village could create more parking. If there was no space to park, customers would go somewhere else. They had a discussion about the parking. They talked about at the turn of the century when these municipalities were being formed, people did not have two or three cars in their driveway. They had one car. Here we are over 100 years later. Parking is an issue in the Village Circle. For decades, noting that she is an old timer and has been here for over 52 years, the Village always had two businesses. Not her business. Where her business was eventually was previously Bill Sammon's who was there for decades. He had a business, lived upstairs and raised a family. Now where her building is that she renovated, there was Freddy Sober who also ran a business. For years, the Village was not as built up as it is today. These two people ran a business, coexisted for many, many years and they did fine. This meeting really was an informational meeting. Anyone could have attended. It was a Planning Board meeting and they discussed the application. Trustee Knickerbocker commented that over the years, she has been in front of many Planning and Zoning Boards. Over the years, many Trustees and mayors have spoken at these meetings and given their opinions. She would like to have the Planning Board be polled to see whatever her comments were in any way influenced their decision, which really did not have to be voted on because it was a permitted use. It was an informational meeting. No matter what she said or did, it was a permitted use. If the Village did not agree to this permitted use, they would have been immediately in an Article 78. She also spoke to someone in NYCOM, the New York Conference of Mayors. They had a discussion about Article 18 and Article 18 number 800-807. She explained the whole situation to him. He felt that Trustee Knickerbocker was not in violation. She has no financial gain. It has also been said that she brought this deli into the Village. Trustee Knickerbocker said that she did not. Mr. Shunk has been looking for a tenant. Trustee Knickerbocker said that if she was going to bring a deli into the Village, she certainly has empty commercial space that she would have put this person in. She wishes him the best of luck. It is tough financial times to be opening a new business. She looks forward to the whole Village Circle eventually being rented so they can bring life back into the Village. When she was a little girl, she remembered all the businesses being rented there and it gave a different feel

and life to the center of the Village. If this is going to be a problem with any of the Trustees or mayors speaking at these meetings, she thinks we should possibly amend our Ethics. There are things that need to be addressed with our Ethics Code and this might be another thing that needs to be specifically put into our Ethics Code; that once you become a Trustee, you give up your rights as a resident, taxpayer and citizen to ever speak at a Planning or Zoning Board meeting. It is something that can be discussed. She did not think it was a good thing but if that is what has to be done so there is no other illusion or anybody else is accused of any wrongdoings.

Mr. Iacomini commented that he was not accusing Trustee Knickerbocker of any wrongdoing. Trustee Knickerbocker commented that she heard accusations from people. Mr. Iacomini commented that maybe the Code of Conduct should be given to all new Trustees. Trustee Knickerbocker was a Trustee before. There is a stipulation. Trustee Knickerbocker advised that it was not in the copy she got. Mr. Iacomini said it was not changed in his book. He said that his book read that “no official or employee of the Village of Buchanan shall use or attempt to use (noting that he was not saying that she did) his or her official position to secure unwarranted privileges or exemptions for himself or herself or others or grant any special considerations, treatments or advantages to any citizen beyond that which is available to every other citizen.” Mr. Iacomini goes to the meetings and listens to find out what is going on. What he says that everyone may say you did not affect their decision. The fact, if it was an issue, for example, if someone says they think something should go to a Public Hearing on this. To Mr. Iacomini, it is not a pro or con to either side. It is just a stipulation of what might be the parameters we might need to follow. By doing that and speaking on a positive side, it may skew what the decision may be. He is not saying there is any wrongdoing. He is saying what is in the book. Maybe the Code of Conduct must be laid out like the Miranda Act when you become a Trustee or official of the Village. Trustee Knickerbocker commented that it is one thing that the attorney for NYCOM did ask, that in every Village building, we should have that posted so every official and employee can see the Code of Conduct. She will look into making sure it is in every building. She respected what Mr. Iacomini said but she thinks the point that he was missing is that no vote was necessary. So no matter what she said, it did not matter because it was a permitted use. This person could use it as this. Mr. Iacomini noted that it was a lesser use. Trustee Knickerbocker noted that it was a permitted use. It was an informational meeting and that is how it was presented to her. No vote had to be taken at the Planning Board. If it was a Public Hearing, she would not have spoken at that meeting. She would have attended to see what was going on. Since it was an informational meeting and permitted use, she did not feel that she swayed anybody in any way. It is something to look to in the future.

Mr. Iacomini commented that in the past he read in some minutes that Trustee Murray spoke and gave good input on to what direction they needed to go. Trustee Murray said that what he did was that he spoke in front of the Planning Board when they did not enforce the resolution passed by the Planning Board about the parking restrictions on Raulindo Auto Body. He asked them if they wanted him to come in to tell them why they did it as a Village Board. It did not have

anything to do with any voting or anything. He wanted to explain to the members of the board why the Village Board acted contrary to what the Planning Board recommended. Mr. Iacomini commented that it was good information and he did not see anything wrong with that.

Trustee Knickerbocker commented on making sure the Code of Conduct was posted.

Mayor Donahue noted that when he was on the Board for years he went to several Planning and Zoning Board meetings. He may have spoken. He did not know if he spoke or not. He did not know about the right to speak. The Village Board does go there and they cannot separate those. They are still acting as Mayor and Trustees. Nobody cannot prohibit anyone from talking. Talking about different things in the Code and bringing it up to date and tell people what they can and cannot do.

Diane Tangen, Catherine Street, commented that she was at the meeting Monday night. It was a very good meeting and everyone worked very hard. She was very impressed with George Smith and his ability to articulate what he knows about the plant in a way that residents could understand it. She wanted to know if when we have our new web site, will residents be able to contact the Board via e-mail. Trustee Richard advised that it was one of the requests that she has made of the designer.

Diane Tangen wanted to know the salary of the new policeman. Mayor Donahue responded that he believed it was around \$63,000. Trustee Murray noted that it was in that area.

Diane Tangen commented on how difficult this must be for Betty and Cindy, the secretaries who work downstairs, to be audited and to be working without a Village Administrator. She thinks everyone should keep in mind that they are doing a fine job. They are doing all the work with one person less in the office and no real Administrator.

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

At 9:50 PM a MOTION to adjourn this meeting was made by Trustee Murray, seconded by Trustee Knickerbocker with all in favor.

#### 9. **AUDIT OF BILLS:**

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

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

See Abstract of Audited Claim Vouchers for details.

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Thomas J. Jankowski