

Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
Monday, February 1, 2010

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

Change in the agenda:

Mayor Donahue advised that there would be a presentation from the State Attorney General's office.

1. PLEDGE OF ALLEGIANCE:

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

MOMENT OF SILENCE:

Mayor Donahue asked for a moment of silence to remember in our prayers all the people in Haiti which was hit by a major earthquake.

PRESENTATION:

Mr. John Katzenstein from the NY State Attorney General's office announced that he was present to speak about a couple of the "scams du jour", how their office can help everyone and how they can best serve the public. Located at 101 East Post Road, White Plains, they cover Westchester, Putnam and Rockland Counties. He runs the Consumer Fraud & Protection Bureau. They have a number of functions. He wanted to advise those present and watching on television. Mayor Donahue commented that our meetings are well televised, in Peekskill and the Town of Cortlandt also. Mr. Katzenstein reported that his office performs many functions including outreach programs like this. They believe in "caveat emptor" which means "let the buyer beware". They feel that if they can educate people to understand what kinds of questions they should be asking, what they should look out for and some basic consumer law, they will not get scammed and will not have to come to his office to get bailed out when they do get defrauded or deceived. They feel that as much information they can put out and as much education they can perform, it is good for all the citizens. He has seven Senior Citizen volunteers who answer telephone calls. Often when the consumer thinks they have been defrauded or scammed, they will call to try to get the problem resolved and all they get is a recording at the end of the phone. Often they come to his office and are very mad and aggravated and at their wits' end. The people in his office are Senior Citizens who have been around the block a few times. They have been with him for a number of years. They know how to sympathize and empathize with people. They know how to get to the root of the problem and how to best help that consumer.

Sometimes the best help is to tell the consumer where to go, in a nice way. If there is a complaint with the local auto shop, his office refers them to the Department of Motor Vehicles because they have the expertise and jurisdiction in that area. If there is a problem with car insurance, they send them to the NYS Department of Insurance. If there is a problem with the residential phone, gas or electric bill, they are referred to the Public Service Commission. His office also gets a lot of criminal types of complaints. Some are very sad. Someone has been assaulted or abused and they will generally send them to the D.A. Mr. Katzenstein's office knows the best places people can get help. Even within the Attorney General's office, there are a number of bureaus. There is an Environmental Protection Bureau. If you see the air, ground or water being polluted, that agency might look into that. There is a Health Care Bureau. If you think you have been defrauded by your HMO or health insurance company, they would send you there. They have a Public Integrity Unit. If you see wrongdoing on the part of public officials, (he commented jokingly, not in Buchanan of course), they have people who work for the Attorney General's office who will look into those kinds of situations. They have an

Internet Bureau that is becoming a bigger part of their business. If you have conducted a transaction over the internet and you feel that you have not gotten what you ordered, or if you feel that your identity has been stolen by the internet, the Internet Bureau will look into those kinds of situations. There are a lot of bureaus and a lot of help within the Attorney General's office.

Mr. Katzenstein runs the Consumer Fraud and Protection Bureau. They get close to 1800 complaints every year. He looks at every complaint that comes in. If you have a complaint against any company and think his bureau can be of value to you, you should put that complaint in writing. He recommended putting it on their complaint form so they will have all the information that they need, or you can use your own stationery. Send it with copies of any documentation you may have including receipts, contracts, correspondence and bills. They will look at every complaint that comes in. One thing they do require is that they not be the first line of defense. If you have a complaint, often you can go to the company and they will resolve it for you because they know that they have wronged you; the product is defective; they have overcharged you; or made an innocent type of mistake. They will either refund you or replace the product. If that has not worked, come to them and they will try to help. His office does not act as a person's individual attorney. They are the State's Attorney. They defend the state. If you get into a car accident on the Taconic State Parkway and you think the State is at fault because there is ice on the road, his office defends the State. They had a problem a while back on the Saw Mill River Parkway when a tree fell on a van. It was a very tragic incident where the husband was in the front seat, 2 kids were in the middle and the wife in the back seat. The tree had a "V" on it. It fell on the car, killed the father and mother and spared the two kids in the middle seat. He commented that it was an unbelievable accident. The estate of the parents is suing the State for recovery. They have a lot of lawsuits about traffic accidents, including those from prisoners from Sing Sing, Bedford Women's' Correctional facility and the Rockland Psychiatric Facility in Rockland County. His office has to defend the State. If you have a problem against a particular company, his office will not act as an individual's attorney. You have to get one yourself. But if they see a pattern and practice of fraud or deception on the part of a particular company and it amounts to a significant amount of money or a lot of people involved and it looks like a winnable case, they will take legal action. They have to pick and choose whether to take legal action. Their resources are limited as is every organization these days. In those kinds of cases, they may take action. The public as a consumer defrauded are not in the paperwork when they bring the action. It is New York State against the company. They recover for all the people that have been defrauded. They recover penalties and those kinds of things as well. If you have a problem with a particular merchant, you should call them and write to his office and they will see if they can help you. They resolve about 2/3^{rds} of all the complaints they receive in favor of the consumer. Even if they do not, they can give advice on what to do next.

Mr. Katzenstein commented that it is February 1 and there is still time to make New Year's resolutions. The following are a few you may want to make. He referred to when Mayor Donahue spoke about Haiti, which is a tragic situation. In any kind of situation, unfortunately there are scammers that take advantage of a situation like Haiti and try to make money off it. Be careful when giving to a charity. We should make that a resolution. We try to be charitable and donate to worthy causes but you do not want to throw your money away. When donating, make sure the charity you think you are donating to is the charity you are donating to. Be careful of "sound-alike" charities. It is not by accident that they sound alike. Usually only send a check or use a credit card and be careful even when you do that. Do not use cash, except when dropping coins in the Salvation Army bucket or for Girl Scout cookies. Ask for identification of the person you are giving the money to if you can do that. Find out how much of your dollar that you are giving to charity will actually be going to the victims that the charity is trying to help. Often they use telemarketers, which serves a useful purpose and there is nothing wrong with it. But sometimes the telemarketer gets 70%, 80%, 90% or even 110% of your dollar. The telemarketer gets your dollar plus another ten cents from the charity for giving you a call. His bureau has a book that can tell you how much telemarketers get from your dollar for each specific charity. Be aware of how much is going to administrative kinds of expenses. You want less than 50% of your dollar going to administrative kinds expenses, which includes salary, rent and those kinds of expenses. The Attorney General has a web site for that number. That number should be as low as possible. Do not fall for emotional kinds of appeals. Often you will get a telephone call that a particular family needs money immediately. Even the Haitian situation is very emotional. Do not donate the next instant because you get an emotional appeal. Do not donate just because you get a free gift like return address labels,

holiday cards, religious trinkets, etc. The definition of a free gift is that it is free. Do not feel guilty that because you received this stuff, you have to donate to that particular charity. If you feel strongly about that charity and it is good, you can donate but not just because you have a free gift. Do not feel that you have to return the free gift.

Gift cards, which some of us have given and received during the holidays, can be problematic. Mr. Katzenstein is not a great fan of gift cards for a few reasons. He noted that the law is going to change. Sometimes they expire after a period of time. You think you have a \$100 gift card and you might find out it is worthless. After 13 months the merchants can charge a monthly administrative fee on the balance of the gift card, so it decreases in value over a period of time. Merchants love to sell gift cards. One reason they love to sell them is that they are not 100% used. They are lost or people forget about them so that is pure profit for merchants. Be careful of that. Be aware, particularly in this environment when a lot of companies are no longer in business - such as Fortunoff's, Sharper Image, and Linens 'N' Things - and you had a gift card from them, you are in trouble. You have to go to bankruptcy court as another creditor on a list. The resources to pay out the debt are limited and you are probably out of luck or will get very little money. Be careful before you give gift cards.

He commented that the Board mentioned something about other kinds of solicitations. This is becoming more prevalent. He gave examples, such as one which says "you have been selected to be a mystery shopper". Sometimes the letter looks very official with logos of well known companies on the top. They offer you to be a mystery shopper through the mail or internet. It says that every time you buy something from a certain store and report on the service that you got at the store, you earn \$400. This is a scam and never actually happens. The trouble is that before you even go into the store, you are required to buy a certain amount of materials from this mystery shopper company and that money is lost and completely thrown out. He showed another letter from a "deposed Finance Minister" of Nigeria. Mr. Katzenstein commented jokingly that most of the time if you are deposed as a Finance Minister in Nigeria, you do not live to tell the story. In this letter it says the prince found \$40 million in his bank account after being deposed and needs a place to park the money. You have been identified as a creditable depository for that money. They ask you for the number of your bank account, which is identify theft. In addition, you are asked to send money for taxes, etc., and that money is lost. Often what comes along with the letter is a check. It looks official and says that you won a foreign lottery and they will tell you to deposit this check in your bank. Often the teller will take your check. They say you have to send money "processing" to a foreign address by a Western Union cash draft. If you fall for this and send the money out of the country, two days later the check you deposited will bounce. The money that you sent, you will not get back. Another letter he showed was from relatives of Saddam Hussein. His relatives "found money", wanted you to deposit it and send a check for taxes, etc., like the example before this. It is a scam. Always know that if it is too good to be true, it is not true!

He talked about the upcoming census which is a Federal program run by the State. Any time there is an opportunity, scammers will get involved. It only takes a few to give this whole deal a bad name. When the census person comes to the door, they will have an official looking government card and badge and a hand-held computer. The only information you have to give them is your name and how many people live in your household. They can ask other information for demographic reasons. You do not have to answer those questions. Do not let them into your house. This is an important deal. A lot of money depends on the numbers they come up with. You want to be cooperative but always be cautious.

Another New Year's resolution is to order your three free credit reports every year. Get one in January from one credit reporting agency; one in June from a second one; and one in October from the third agency. Do not just get them for the sake of getting them but look at them and see if you agree with everything that is on there. Because if you have been a victim of identity theft, (they have a whole presentation on it and if you want them to come, they have a number of presentations they can give on identity theft, Project Sunlight, children on the internet). If somebody used your credit card or has taken out a bank loan in your name, you are not going to have to pay for it. It will be an unpaid debt on your credit report. You want to find identify theft and then do something about it. To order a free credit report call (877) 322-8228. A better way is to go on-line and you get it immediately. Just go to this site which they recommend: www.annualcreditreport.com. This is for three free credit reports. It is a government site. Do not go to other sites as they might be trying to sell you something.

Another thing to be careful of is the phone solicitations which are often done at dinner time trying to sell you something. Get on the "Do Not Call" list. Often, they are trying to sell you something. Charities and companies that you have done business with in the last 18 months and religious organizations are exempt from the Do Not Call list. Also the government is exempt. To get on the Do Not Call list, call (888) 382-1222, or go to the www.donotcall.gov web site. If you want to reduce the amount of mail solicitations you receive, particularly for new credit cards, there is an "opt out" list run by the Direct Mail Association. Call (888) 567-8688, or go to the www.optoutprescreen.com web site.

If anyone wants them to speak at a club or organization, the Attorney General's office has a number of different kinds of presentations they can give. Call them at (800) 771-7755. Mr. Katzenstein gave a few quotes: "If it hasn't been written, it hasn't been said", which means to make sure to get everything for a major transaction in writing. "The big print giveth and the small print take-eth away", which means to make sure you read the fine print. When you sign a contract or send for something in a t.v. offer, all the good news is in the big print and the small print flashes across the screen so quickly that you cannot read it anyway, such as the shipping, return and handling fees, etc. "If it is too good to be true, it probably is." "Fools rush in where angels fear to tread". Don't rush in to making a major transaction because you might regret it in the future. "It is easier to squeeze toothpaste out of tube than to get it back in". This means that before you part with your hard earned money, be aware of what you are doing. So for 2010 treat every experience as though it was your first or your last and you will have a good year.

APPROVE MINUTES: Regular meeting of December 7, 2009

A MOTION to adopt the minutes of the meeting of December 7, 2009 as read was made by Trustee Knickerbocker, seconded by Trustee Murray with all in favor and Trustee Smith abstaining as he did not have time to review his.

COMMENTS FROM THE FLOOR: (agenda items only) – None.

4. OLD BUSINESS:

a) 10-08 Resolution AUTHORIZING budget transfers to close fiscal year 2007-2008.

Mayor Donahue read the Resolution at the last meeting (copy attached).

Village Administrator Hay reported that he called the New York State Comptroller's office and talked to Mr. Duffy in the Procedures & Practices Division of the NYS Comptroller's Office. He asked Mr. Duffy what the issue we had here was about it being in the 2007 and 2008 budget but the resolution and payments were in the 2008-2009 budget. The NYS Comptroller's office considered that when negotiating a budget, it was more of an accounting issue. They do not have a problem with it being done either way. You can accrue the liability of the retroactive pay in either one of the budget years. They do not have an opinion on which way is better. They advised that most municipalities do it differently depending on how they feel comfortable with it. Going forward, he recommended that when we talk to our auditor, we can come up with our own policy way for doing it. But he had no problem with the way we currently had it done or if it was accrued in the 2008-2009 year as well. Village Administrator Hay commented that he has been talking to him for the last few days about this issue.

A MOTION to authorize the budget transfers to close the fiscal year 2007-2008 was made by Trustee Murray, seconded by Trustee Smith with 4 in favor and Trustee Richard voting no.

5. NEW BUSINESS:

a) 10-09 Resolution APPOINTING Inspector of Registration and Election

Mayor Donahue read the Resolution (copy attached).

Trustee Murray asked the Village Administrator if all the people were contacted and said that they would be available. Village Administrator Hay advised that they were contacted and were available.

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

b) 10-10 Resolution STATING Date, Place & Hours for Inspectors to Meet

Mayor Donahue read the Resolution (copy attached).

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

c) 10-11 Resolution ESTABLISHING Standard Work Day for Officials

Mayor Donahue read the Resolution (copy attached). This was received from the New York State Comptroller's office for elected and appointed officials.

Trustee Murray commented that he had spoken to Village Administrator Hay about this before and wanted to know whether he contacted New York State about this. It does not seem right to Trustee Murray that they have the potential for getting credit for six hours a day, five days a week. When we did this, the people who are enrolled in the State Retirement System had to do an audit of their time and that is the way it should be credited for them. When he reads this Resolution, it makes it sound like they are getting credited for 30 hours a week which he does not think is right. He noted that the Village Administrator is getting credited for 35 hours a week and he knows that the Village Administrator works a lot more hours than the Board does. He feels that the wording is messed up.

Village Attorney Porteus commented that it does sound that way. She advised that they want a minimum of a five day work week, six hours a day, and it could be more. What happens is that anybody who is a participant in the retirement systems keeps a log. For example, if you claim you worked 10 hours this month, what you do is, if it is a 5 day work week, 6 hours per day, that is 30 hours. $30 + 30 + 30 + 30$ is 120 hours for the month. You take the 10 hours you worked that month and you do the division. You would be getting one and a half days a month. That is how it works. She noted that actually making the work day minimum like this for 30 hours, you are getting less credit.

Trustee Murray commented that he does not want the public to think that the Board is getting credited for retirement of 30 hours a week. It is how the Resolution sounds to him. It is not true. It is just a way to formulate what the way the actual credit is. Village Attorney Porteus advised that the participants have to keep a log. This is a new regulation as of January 1, 2009. After the March election, anyone participating will immediately be required to keep a three month log because they think it is more accurate. For now, they are asking us to do this one. After March, they are asking it be redone again. It is a more complicated resolution. They believe that anybody who participates and keeps a log for three months will be more accurate. They do not want you to use a busier month or a quieter month, so three months will be an average of how many hours you are putting in.

Trustee Richard wanted to know who you submit the log to. Village Attorney Porteus advised that the logs should be given to Village Administrator Hay. They are actually asking for the calculation. They want first the resolution and then the calculations on how we are reporting. That will be good until June, after the three month log. That going forward will be until they tell us to do it again.

Trustee Richard wanted to know if it goes into effect immediately or should it be backdated. Village Attorney Porteus advised that no, as soon as this is done, they use this. Trustee Richard commented that they have been on the Board two years and they do not know if they are getting credit or not. She wanted to know if they go back to then or just start it now. Village Attorney Porteus advised that the prior Village Administrator had been giving the Board credit. Village Attorney Porteus was unable to figure out how. The Comptroller has not been able to figure this out for most municipalities but now we are all going to figure out how. Trustee Murray

commented that the Comptroller had a piece of paper where the Board was all credited for the same number of hours. He asked Trustee Murray how it was calculated and he did not know. He thought they were all credited for 6 hours per month. Village Attorney Porteus advised that she could try to figure out how this was calculated. She noted that this was a problem state-wide and this is why this is being put into effect. They also want her to assure anyone who participates, after they do their three month log, if six months from now you are putting in a lot more hours, keep a log and it can be recalculated by the Village Administrator as long as you have the back-up. They are not asking for you to be obligated to those hours forever. If you start working more, you get more credit. It is much more regulated now.

Trustee Knickerbocker wanted to know that if you are not involved in retirement, are they also asking for a log. Village Attorney Porteus advised that it was only for those involved in the retirement system. They want it for the future. They want it on record and published.

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

d) 10-12 Resolution APPOINTING Part-Time Recreation Supervisor

Mayor Donahue read the Resolution (copy attached).

Trustee Murray pointed out that there was a typographical error on the last date: to read "2010" not "1020".

Trustee Richard wanted to know if this is the same salary as was offered to the last Supervisor. Village Administrator Hay advised that it was the same salary.

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

e) 10-13 Resolution AUTHORIZING Submission of Propositions Regarding Bond.

Mayor Donahue read the Resolution (copy attached). He read beginning on page 2.

Trustee Murray commented that he thought it was to be over 30 years. He wanted to know what the 40 year reference was. He wanted to know if the 40 years is just the usefulness. They are not going to borrow the money for 40 years. Village Attorney Porteus advised that it was correct, we are not going to borrow the money for 40 years. She advised that she asked the Bond Counsel about why we have 40 years. He advised that nobody does that anymore and are only lending based on 30 years but to leave the language as 40 years. The Bond Counsel has the usefulness of the roads listed at 15 years and the Sewage Treatment Plant at 40 years. She asked originally why we would do 30 and Bond Counsel told her that no one is lending for 40 anymore. That could change. Trustee Murray commented that the Board discussed 20 to 30 years but never discussed 40 years. Village Attorney Porteus commented that they discussed 30 years and it is what they preferred. Trustee Knickerbocker commented that they said 30 years would be the maximum. Trustee Murray commented if this gets passed, they would not automatically be borrowing for 40 years. It would be up to the Board. This is the maximum amount of time allowed by law. Village Attorney Porteus advised that the Bond Counsel advised leaving it there just in case but she believes that the resolutions were passed for 30 years anyway.

Mayor Donahue commented that it is very important that we do this, especially for the Sewage Treatment Plant. He commented that they have been down to meetings with the Department of Health. They want the Village to do this. It is our responsibility to raise the money to do it. He hoped that residents will come out and pass the bonds so we get things corrected.

Trustee Knickerbocker wanted to know if the road proposition is 950 or 980. Village Attorney Porteus advised that it was 950. Trustee Knickerbocker commented that she wanted to make sure we are doing the right thing. Trustee Smith and Trustee Richard thought it was 950.

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

6. INFORMATION FROM OFFICERS AND DEPARTMENTS.

- a. Fire Inspector's Report – October 2009 – January 2010.

Received and filed.

- b. Zoning Board Minutes – December 9, 2009.

Received and filed.

- c. Police Department Monthly Reports – January 2009 – December 2009.

Received and filed.

- d. Attorney's Report:

Village Attorney Porteus reported on the auditor. We have one proposal that she gave the Board. Village Administrator Hay has one on its way any day now and it will be passed along to the Board. Village Attorney Porteus commented that hopefully next month they can act on it.

She reported that she attended the second Board of Health hearing on the Sewage Treatment Plant. They graciously allowed the Village to adjourn to March 23, right after the vote for the proposition for the upgrade. They let her know in firm but nice terms that if the bond is not passed, they are still expecting full compliance. She needs to come in with a plan. She commented that as the Board has been saying for a month or more, it is imperative we do that. The second issue is the second licensed operator for the Sewage Treatment Plant. It is pretty urgent and also needs to be handled prior to the March hearing. Those are the two issues and they did not believe that one was related to the other. As was discussed at the hearing, getting a licensed operator is more difficult. There are certain requirements. You have to have somebody there for six months before they are eligible to take the test. For the Board, it is something they have to think about it.

Trustee Murray wanted to know when this needed to be done and whether they needed to have the licensed operator earlier than March 23. Village Attorney Porteus advised that no, she was advising that the Board should think about it soon. There are two issues. The bond is on Election Day. The second issue is that they need a written plan about what they are doing about the licensed operator, on that day. The Board should start thinking about it.

Trustee Knickerbocker wanted to know about having to get a piece of equipment for the plant – the grinder, the Comminator (sp?) - for \$35,000. Village Attorney Porteus advised that they were willing to wait for us to do the whole project.

Mayor Donahue advised that the Health Department is working with us doing everything they can. It is up to us on Election Day. It is a must to vote "yes" on those bonds. We have no choice. They have been very lenient. They could have hit us with fines but did not. It depends on what happens that day. It is very important that we vote for that bond.

d. Trustee's Reports:

Trustee Knickerbocker reported that she is waiting for word from the DEC. There has been no information from them on the grant money we applied for. Hopefully very soon, we will get some information on whether we are going to get some grant money.

Trustee Murray commented that last month he wanted to know what the dollar value was for reassessment of the the properties with a dollar amount per thousand assessed. Previously, they always had a dollar amount like \$500 or \$600 and Trustee Porteus had advised she would get

back to him. Village Attorney Porteus advised that she did not have that information with her but Cindy Kempter in the Village office has it.

Trustee Murray wanted the public to know that the Board did receive some pretty extensive activity reports from the Police Department covering the last year. There were questions on how much activity they do because a lot of this is not in the newspaper. On a monthly average, the Police Department responds to approximately 120 to 130 complaints a month. There were 20-30 moving violations per month and numerous parking violations. Of course, the parking violations increase during the winter time and are a little less in the summer. Our police are very active on a daily basis. You do not see it in the newspapers a lot. Some months there are six or seven car accidents that they respond to. They respond to a lot of events, unattended deaths, burglaries and the gamut. There is a lot of activity. Upward of 120 to 130 per month, down to 80 per month. He wanted to let people know this.

Trustee Murray wanted to know if it would be okay for the Mayor to put in the Newsletter something about what the consequences of this bond are. There is a lot of the information at the Village Hall. A lot of people do not understand what the tax impact will be with and without the bond. There were a lot of numbers floating around, like a debt service of 20% if the bond gets passed; but it will be over 100%, 120% - 130%, if the bonds do not get passed. Mayor Donahue advised that he talked to Village Attorney Porteus earlier and she will put together the details and facts at the end of the month for when the Newsletter goes out. It will have all the details and facts to let everyone know exactly what has to be done and what the cost will be. Trustee Murray wanted to stress the percentage increase. A lot of people do not correlate the dollar amount per assessed value. They hear a percentage of tax increase. If the Board could break it down to a percentage increase if it passes or does not pass. As everyone knows if it does not pass, the County says the Village will have to pay for it all in one year and we will not be allowed to borrow the money. It will be a huge impact.

Mayor Donahue noted that they have given us until March 23. It is ironic that it works that way because the budget has to be presented by the Village Administrator to the Village Board on or before March 20 or 21. If it does not get passed, it has to be put in the budget because we must do it. If we do not, we will be subject to thousands and thousands of dollars worth of fines. Mayor Donahue advised that when he, the Village Engineer, Village Attorney and Plant Operator George Smith went down to the County when they had hearings, they had people there because of their sewage plants and septic tanks having problems. They were being charged \$5,000 fines. For small contractors, they were handing out \$10,000 fines and for people doing a little work, they were handing out \$20,000 fines. So far the Village did not get hit with any fines. It is very important that we vote "yes" on Election Day to pass that bond.

Trustee Murray wanted to know what is the status of the Comptroller's report. The report was completed in the October time frame. Here we are in February. Trustee Murray wanted to know if we have any idea when it will come, when they will have a draft or when they will have an exit meeting. Village Attorney Porteus commented that she wished she knew. The Comptroller's office wrote to the Village and told what to put in the letter, stating that the Village gave everything they were asked to and that nothing was held back. We gave them everything they wanted. The letter was written months ago to the Comptroller's office just as they requested. She spoke to them three weeks ago and was advised that they were working on it and would let her know when they were done. Mayor Donahue was contacted by the person that was in charge. The other person moved on to a new position. She was down county doing an audit there. She says they are working on it and will get us something as soon as possible.

Trustee Murray wants to attend the exit meeting and wanted to know when it will be. Maybe we will have to have a special meeting if more than three Board members would like to attend and are available. It would be a week's lead time. Village Attorney Porteus advised that what they do is call and schedule it so we can make it a week's lead time.

Trustee Murray wanted to know why there was a voucher because all the locks had to be changed in the Village office and whether there was a security issue or an issue with the locks. Village Administrator Hay reported that there was no security issue. With the change in Village Administrators, they had new locks put in for him. He thought it was procedure and can check into it.

Trustee Murray reported that he received a copy of some of the recovered files from the computer. He wanted to know how a letter he wrote to the Mayor about the Village Administrator's position dated October 24 was in those files that were supposed to have been recovered on October 14. He wanted to know who had access to the computers since then. On the disk that they gave him were his choices for the Village Administrator which was after the recovery date. Trustee Murray wanted to know who scanned that in and who had access to these files. Mayor Donahue commented that he has no idea. Trustee Murray commented that when the Mayor asked for everybody's letter in writing on who their recommendations were, it was submitted to each one of the Trustees. It was on the disk they gave Trustee Murray with all the recovered e-mails. Somehow something got mixed up. Mayor Donahue commented that he knows very little about computers at all.

Trustee Murray commented that this goes along the lines of the computer files and retrieval. Last month, there was a discussion about an unauthorized expenditure. It was an expenditure not authorized by a resolution. There is no resolution now but he understands that all those bills were paid and wanted to know if that was correct. Mayor Donahue advised that he would address that in a statement in his report. He does not have last month's meeting minutes but it was stated that they wanted a separate resolution for \$1300. He thought that it was strange that it was paid without anyone telling him.

Trustee Smith reported that so far the Highway Department still is holding its neck above water. They are down a couple of people from injuries but are holding their own. Highway Foreman Jeff Tiernan is very happy with the salt shed. It holds 30% more material than the previous one. The larger volume of salt you buy, the less money it costs per ton which is how it is sold.

Concerning the Sewage Treatment Plant, he has not heard anything more from George Smith.

Trustee Smith reported that the other report from Highway Foreman Jeff Tiernan is that the signage for the trucks, etc. for Bleakley Avenue is on order. He is sorry that has not received it yet. As soon as he gets it, it will be put up immediately. As far as getting the white stripe on the road, even though it may have been warm enough for a few days recently the surface is too cold to risk white paint on the road because if someone drives through it, it will be a problem. But it will be addressed when the weather is warmer.

Trustee Richard reported that Village Administrator Hay gave her a report that she asked for regarding the Cook filtration reading. He gave her 13 months. The total income taken in is \$48,605. Trustee Richard wanted to know if that is from the inception or a yearly thing. Village Administrator Hay advised that they were trying to do a yearly thing for her. Trustee Richard wanted to know if we have other money prior to December 2008 that is not on this calculation. Village Administrator Hay advised that was correct.

Trustee Richard reported that when they talked about budget transfers and the new auditors, there are two being considered. She wanted to know should they not look into doing a budget transfer for 2008-2009 before they set up auditors to audit that year. She noted that in the past Village Administrator Jankowski had the auditors come in and after that, then he did the transfers. Trustee Richard wants to see the transfers before they actually do an audit and wanted to know if it can be done that way. Village Attorney Hay was not sure but noted that in Hastings-on-Hudson when the auditor came in and did the report, they made suggested budget transfers which could have been changed depending on how they liked them. That is the way he understood that it happens. One of the firms that he has working on a proposal for us does a lot of municipalities in Westchester County. They used them in Hastings. They do recommend

budget transfers after the audit, after they have looked at all the books. He understands that they have to do the audit first.

Trustee Richard commented on the budget control report that the Village Administrator gave her. When she went through it, she commented that one of her pet peeves since she has been on the Board is the telephone expenses that we have in the Village of Buchanan. One alone is over \$1200 past budget cost. She wanted to know if it was possible for Village Administrator Hay to get a quote from Verizon or Cablevision and try to lower our telephone expenses. Village Administrator Hay advised that it is part of the things he is looking at with the IT services. They have a shared services program with Westchester County. They have gotten a bid out for most of the municipalities. They also offer light path phone service as well. He is looking into that because he has also noticed that the bills seem high. It is one of the things he wants to audit and look at in the new year along with the shared services IT for the internet service as well. He has talked to other Administrators and Managers and most of them use that shared services bid that Westchester County has.

Trustee Richard reported that we are \$7,000 over budget on street lighting. A lot of it has to do with changing of the light bulbs on the traffic signals, at least in the bills that she was looking at. She wanted to know if it is possible, without waiting for the New York State audit, to start our own policy of prior to purchasing anything or ordering anything in that respect to put in a purchase order, to go through the Village Administrator so he could check to see if there is money in that budget line in order for the Board to do it, and whether he could set some kind of policy up like that. Village Administrator Hay advised that with the new KVS system maybe they would be able to have a purchase order system where they could set up a system like that where he can look at the lines to know how much money is in there and how much was spent. They had one similar to that in Hastings. It was very convenient for seeing how each line was playing out as the year went on. It is something that he will be looking into. Trustee Richard wanted to know when to expect the new KVS to be updated. Village Administrator Hay advised that they have to get the internet system in because it is a web based system. He is working with Westchester County on that. They need to have the internet access at least for one computer in the Clerk's office and his computer, so he can look at budget lines as well.

Mayor's Report

Mayor Donahue reported that he would respond to questions about retrieving e-mails. He read a letter (*attached*) describing the actions taken, the reasons for them and his comments.

Trustee Murray wanted to know who he was addressing the letter to. Mayor Donahue advised that he was addressing it to Trustee Murray. Trustee Murray commented that Mayor Donahue should have said that. The Mayor commented that he did. Trustee Murray commented that as he was sure Mayor Donahue was aware, he did authorize the initial expenditure which the Board discussed in Executive Session and he authorized \$1,000. They did have a voucher for that expenditure in the November meeting which was signed by the Board, which for some reason was crossed out last month. He did not have a problem with recovering any data and he had authorized it to begin with. The problem that he had was that they had another piece of data that was recovered that nobody was informed of and they had to sign a voucher for it. He has still not received the voucher to be signed. Trustee Murray did not think it was really ethical that somebody who spends the money signs as a department head and then signs as the auditing board. He feels that does not separate the expenditure process. He commented that there is a reason why these bills are supposed to be audited by three people, so that one person does not have more voting power than any other person on the Board. Trustee Murray has been asking for some of these documents for several months. He finally did receive some on Thursday or Friday and that is why he discovered that obviously somebody had tampered with them. There is no reason why recovered documents from the beginning of October should have contained information that was given to the Mayor and the other Board members after that date. There

again, he had a problem with the chain of custody which was his original complaint when they could not view any of this information.

Trustee Murray wanted to know if he was to believe that those computers are currently locked up downstairs, or not. Mayor Donahue advised that the computers are locked up. Investigations are being conducted by the Police Department into the computer that was given to a private citizen. The Village taxpayers paid \$1800 dollars for it and he is waiting for the final report from the Chief of Police. When he receives the report, he will give a copy of it to the Board in Executive Session. Trustee Murray wanted to know if there was a third computer investigation. Mayor Donahue advised that the only computers he knows of are the Village Administrator's and the one they got back from a private citizen which the taxpayer's money paid \$1800 for. The Chief of Police is doing the investigation on it. When Mayor Donahue receives the information, he will turn it over to the Attorney General's office. Trustee Murray wanted to know if the Chief of Police was doing the investigation or is the Westchester County Police Department doing the investigation. Mayor Donahue advised that the Chief of Police is the main office conducting the investigation and he has been in contact with the Westchester County Police and the District Attorney's office. Mayor Donahue is still waiting for the report and as soon as he gets it will give copies to the Board in Executive Session. Trustee Murray wanted to know if right now, we were in possession of that lap top or is it in some other investigative agency's possession. Mayor Donahue noted that the investigation is being conducted by the Chief of Police of Buchanan and that computer has most of the information. Just like any other police investigation, it is not unusual to go to other police departments for assistance. In this case, he reached out to the Westchester County Police Department and District Attorney's office. The Mayor commented that it is not unusual for a police department to go to other departments. Trustee Murray commented that he understood that and that he just wanted to know where the computer was and was this laptop locked up with the Chief of Police downstairs or is it in Westchester County Police Department headquarters. Mayor Donahue responded that Trustee Murray would have to ask the Chief of Police who is conducting it and will be giving the report, as he is handling the whole thing.

Trustee Murray reported that he did receive that disk and some of the information recovered from it. Trustee Murray wanted to know if Trustee Smith made the copy for him. Trustee Smith advised that he did. Trustee Murray wanted to know what computer he used in the Village office to make that copy because that is probably the computer that his letter was scanned to. Trustee Smith did not know what he was talking about since he did see the letter. Trustee Murray commented that it was on the files that Trustee Smith gave him. Trustee Smith did not know how to scan a document. He does not know how to scan a document and did not know that it was on there. Trustee Murray noted that somebody did, as he did not scan it in. Nobody on the Board scanned the letter or knew how to. Trustee Murray did not scan it in. Somebody must have done it. In response to a request by Trustee Murray, Mayor Donahue advised that he would give Trustee Murray a copy of his letter.

Trustee Knickerbocker commented that things were getting a little confused. There are two different issues going on. There are two different computers being investigated. One is the Village Administrator's computer and the Board had approved money to have that looked into because the e-mails were erased. Then, unbeknownst to a few of the Board members, and she noted that Mayor Donahue read his statement, the external hard drive was also looked into. Then there is another computer. Staying with the Administrator's computer, she wanted to know if everyone on the Board had a copy of the documents that were retrieved from the hard drive. Trustee Murray advised he did not. Mayor Donahue advised that he gave a copy of the information that he had with the vouchers. They were left in everybody's box. Trustee Murray said there was not and it was a lie. Mayor Donahue commented there was a copy of the voucher that was signed and that was all he had as there was nothing else. Trustee Murray noted that he was talking about the data retrieved from the computers. Mayor Donahue commented that he

had nothing else and gave the Board everything he had. Everything is in the open. Trustee Knickerbocker commented that she was trying to understand this and was not attacking anyone.

Mayor Donahue wanted everyone to understand that the prior administration gave the taxpayers' dollars, \$1800, to a private citizen and it was approved by a prior administration. The voucher shows that the bill was made out to the Chief of Police in the Village of Buchanan. Somehow it was in a private citizen's house. This is definitely illegal. The Village taxpayers paid for it and the Chief of Police is conducting an investigation. When he completes his investigation, a copy of the report will be given to the Village Attorney, Village Administrator and the Village Board.

Trustee Knickerbocker commented that she wanted to stay with just the Village Administrator's computer and to understand what happened and to get it settled. She has the two vouchers. She did not know about the second voucher for the external hard drive until two days after the last Board meeting. At the last Board meeting, she did not sign the vouchers before. But she went downstairs [to the Village office] two days later. She knew that there were some questions, so she asked to see the vouchers. She sees the extra investigation that was done to the external hard drive on the Administrator's computer, not even talking about the other investigation. As a Board member, she has questions. As a Board member, she needs answers but does not know who to ask. She saw the three signatures that you need to pay on a payment. Trustee Knickerbocker addressed Trustee Smith saying that there was nothing being said against him and it is not that they do not want him to get his money. She wants to do things the right way. In the future, she wants to see things done the right way for the residents and taxpayers and not make the same mistakes. She noted that on the voucher, she sees the department head, which is Trustee Smith. On an invoice in the future, she wanted to know is the person who is the department head and the person who the check is supposed to go to supposed sign. Trustee Knickerbocker commented that maybe she needs to call NYCOM to ask them. She does not want any other Board members to get into this situation. She wants to get this out in the open and settled so they can move on.

Village Attorney Porteus advised that there were a lot of different questions some of which she tried to look up herself because she was trying to get a handle on what occurred. She advised that \$1,000 was approved. At that point, nobody understood that the company they were using was not going to take a voucher or a check, only a credit card. The Village does not have a credit card. Trustee Smith used his credit card. She advised that if you look at the Village law and various areas of the public officers law and different laws, the way the Village does vouchers, the way that it reads is that the employee or the department head has to sign. This is procedure and the way we have always done it. A department head has to sign it. There may not be a department head. The issue the Board is trying to figure out is whether the person who is being reimbursed should sign his own voucher. For example, if you went on a trip, should you sign your own travel expenses. That is a good issue. She looked at Comptroller's opinions but they go every which way. It looks like the best way to do it is to try to avoid doing that. She commented that however in this particular situation, there was no benefit to Trustee Smith. It was something he put on the credit card. The other one, she is not sure why that voucher was not signed by the other Trustees.

Trustee Murray commented that in the November meeting, they received a voucher for \$1,000 that was authorized by the resolution. It was signed by more than three people and Trustee Smith was not one of them. In the January meeting, that voucher was crossed out, stapled to a new voucher with an expense of another \$1,300. That is why he had to question it and why he did not sign that voucher. The other voucher that Trustee Knickerbocker has even has a different budget code. The \$1,300 was being paid out of the Mayor's Other Expenses. Trustee Murray wanted to know why would an investigation of computer records being recovered come out of that line. If it is no problem, he believes it should come out of the Computer Expense line like the others. It does not seem to him like there are three independent people auditing the records. He believes that when Trustee Richard does things with the web site, she passes that on to the Board to audit so that there is an independent audit of the bills. Trustee Murray commented that

if there had been a resolution, if the bill had come to the Board this month, he would not have had problem signing it. But this was all done three days after the meeting. Three days after he had the question on it, it was all signed and paid for. He did not think it was right.

Trustee Knickerbocker commented that this is not anybody attacking. They are asking questions on the Board. They have the right to do that. She wants to understand for the future so we do not do this again.

7. COMMENTS FROM THE FLOOR:

Sam Cherchia, 120 Westchester Avenue, remarked that he is getting old but his memory is not bad. He commented that this is what went on a month ago. This is not why the voucher was not signed for Trustee Smith. Mr. Cherchia's recollection is that Trustee Murray commented that he would not sign the \$1,000 voucher because the department head was marked as Trustee Smith. It seems to Mr. Cherchia that it depends on who submitted the voucher whether or not Trustee Murray is willing to sign it. Mr. Cherchia commented that he has a voucher submitted and dated March 2, 2009, submitted by [former Trustee] Jane Hitney for legitimate expense, eyeglass reimbursement. No department approval. It was signed by [former] Trustee Gary Bell and Trustee Sean Murray. There is a third signature on this and it appears to be Theresa Knickerbocker. The date of this is March 2, 2009 which is some 16 days before the election for Trustee Knickerbocker. To compound the matter, a check was issued to Jane Hitney on March 16, 2009. Mr. Cherchia commented that nobody is concerned about that. He commented that it seems to him that it depends on who submits the voucher. So Trustee Murray's argument to change according to what he thinks they need.

Trustee Murray commented on a voucher dated today with no department head signature with Trustee Smith's and Mayor Donahue's signature.

Sam Cherchia commented that it says "Comments From The Floor"; not questions from the Board.

Diane Tangen, 240 Catherine Street, commented that she wanted to get on with some real business. She watched the January Village Board meeting on TV since she was unable to be present because she was out of town when the referendum was discussed at length. It was very informative. There was a lot to absorb. She gives the Board a lot of credit because it can be seen that there was a lot of hard work done. She commented that Trustee Knickerbocker has done a lot of hard work. Trustee Smith has made the sewage treatment problem a lot clearer.

Ms. Tangen commented that she understood that the two referendums together would cost a total of \$2,450,000. She wanted to know if in addition to raising taxes, was there not some way through the budget process to decrease some of the expenses that the Village now has and increase some of the revenue. There was a budget committee that worked very hard to come up with some ideas to make some significant changes in the budget process. Some raised the revenue and some reduced costs.

Ms. Tangen commented that it has also been mentioned by the Board and in the Mayor's letter about Entergy having under-assessed buildings on their property. She wanted to know who is the Village's assessor. Mayor Donahue advised that the assessor is the Board of Trustees. Ms. Tangen wanted to know if the Town of Cortlandt has the same assessment as the Village. Mayor Donahue advised that they have a different assessment. Ms. Tangen wanted to know if we are working on increasing those taxes which are too low. Mayor Donahue advised that he moved on it and they assessed the administration building an extra \$53,000 per year in taxes. Trustee Murray commented that the Board passed that Motion, he believes, over the summer. That was taken care of. Ms. Tangen commented that she understands that there is a new building under construction at Indian Point that needed a building permit and a C.O. Trustee Murray advised that an engineer has given us a bill for going down there and looking at some things which may or may not fall under the Village's laws. The Village has a separate law for Indian Point for

doing certain kinds of work. Mayor Donahue advised that the Building Inspector has been meeting with representatives from Entergy. She would have the information on that. Ms. Tangen commented that they should be paying their fair share and should not just be giving gifts.

Ms. Tangen commented that in the Village Trustees' boxes she gave information that Assemblywoman Sandy Galef is going to have an informational meeting about making local courts more efficient to save tax dollars. It will be held at the Cortlandt Town Hall on Thursday, February 4 from 7:30 to 9:00 p.m. Several judges will be there to discuss the issues. She feels that it might be a very good thing for the Village to look into.

Ms. Tangen thinks the internet site is coming along very well. She is looking forward to seeing a police blotter to see what the police do. Trustee Richard commented that there is a section on the web site. They have not yet received anything to put in it.

Ms. Tangen wanted to know if the Village has a Property Maintenance Law. Trustee Murray advised that we do. Ms. Tangen wanted to know about the property on Lindsey Avenue where the grass was not mowed all summer nor had the sidewalk shoveled. There is one piece of property where the house is for sale. The lawn looks like a kid did just one swath mowing the grass. She wanted to know who is liable. Mayor Donahue advised that the owner is liable. Ms. Tangen wanted something to be done. She commented that it is not like there is some old person living there who cannot take care of their property and we should be taking care of them. The Village should be doing it and put a lien on the taxes. It looks terrible. She commented that if we have a Property Maintenance Law, let's do something.

Eileen Absenger, 138 Tate Avenue, commented on the web site. She commended Trustee Richard. Ms. Absenger felt that the downside of the web site is the Mayor's letter on it. She did not think that it enhances the web site. It does not bring forth the residents in a good light. She commented that whether they are in a good light or not, it makes no difference. She feels the Mayor should have an upbeat, inviting, embracing letter for anyone who views the web site. Since the residents all received his letter in the Village Newsletter, she does not think it is appropriate. It is very negative as compared to what the web site looks like. She hopes the ghost writer of the Mayor's letter looks on the internet. Mayor Donahue commented that he never put anything on the internet. Ms. Absenger commented that his letter is there, on the first page of the web site. Mayor Donahue commented that he had nothing to do with that. Ms. Absenger feels that as the mayor, he should have somebody take his letter off and put something more cheerful on the web site to invite everybody to look at it.

8. **ADJOURNMENT:**

At 9:00 PM a MOTION to adjourn this meeting was made by Trustee Richard, 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.
