

**Village of Buchanan
Board Meeting
September 6, 2011
7:30 PM**

PRESENT:

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

1. PLEDGE OF ALLEGIANCE:

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

2. APPROVE MINUTES:

June 21, 2011 Workshop: Trustee Funchion, page 2, paragraph 2, line 17, clarify by removing “after 4 PM”; on page 3, paragraph 2, line 3 add “know” after “to”; on page 4 under Web Site, line 5, add “was” after “it”. Trustee Knickerbocker requested to change the title on page 3 to “Crack Sealing” rather than “paving”. Trustee Zachary, page 4, under Web Site; change “Con Ed” to “Entergy”. Trustee Zachary, page 8, paragraph 1, change “recovering from surgery” to “faced with possible surgery”. Trustee Hitney, page 8, paragraph 2, line 5 add “lighting” before “needed”; and line 8 change “disability” to “liability” after “traffic”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

July 5, 2011 Regular Village Board Meeting: Mayor Murray had a change on page 9, paragraph 3, line 8 change “Entergy” to “Con Edison”. Trustee Funchion on page 21, last paragraph, line 3 change “does” to “is”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Hitney.

July 19, 2011 Workshop: Trustee Funchion referred to page 9, about people not wanting to speak to the Board directly because they are afraid of retaliation. He wanted residents to know that they should never feel afraid to speak to anyone on the Board at any time and to feel free to approach any of the Board members at any time. Mayor Murray noted to change “Rich” to “Ridge” Hill on page 1. A MOTION to approve these minutes as amended was made by Trustee Knickerbocker, seconded by Trustee Hitney with all in favor and Trustee Funchion abstaining as he was not present at the meeting.

August 1, 2011 Regular Village Board Meeting: A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

3. COMMENTS FROM THE FLOOR: (Agenda items only)

None

4. NEW BUSINESS:

a) PUBLIC HEARING: PROPOSED LOCAL LAW AMENDING CHAPTER 195 OF THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Murray planned to read the resolution but felt that it did not give a clear enough description. He explained that this law is a one-time waiver for water usage. Many times, some residents are not aware that they are using increased water due to a leaking toilet or a broken underground pipe where they take a lot of water and it costs a lot of money. Most municipalities around us have a one-time waiver for such expenditures. There are some residents that have had this happen on a regular basis and we did not have any avenue to give them any help.

At 7:42 PM, a MOTION to open the Public Hearing was made by Trustee Zachary, seconded by Trustee Hitney with all in favor.

Trustee Hitney commented that in the past when there was an unusually high water bill, we had the meters checked and replaced if necessary. She learned at that time that if a meter is off, it is actually recording less rather than more usage. If somebody receives a bill that is two or three times what they typically receive, looking at their whole usage history, the explanation usually involves a leak somewhere. Unless she hears otherwise tonight, she supports this one-time credit.

Mayor Murray asked Village Attorney Porteus to explain the criteria. Village Attorney Porteus advised that this is a one-time only credit for a leak or an unusual water charge. There are parameters. The consumer's property has to be used for residential purposes only. It must be within the Village of Buchanan. You have to repair the leak within ten days of being notified or hearing of the problem. If you get a bill that is extremely high, you have to do some investigation and you have ten days to repair it after learning that there is an issue. The leak has to exist in such a way that it was undetected except through an increase in water consumption. It would have to be authorized by the Village Administrator. It is one-time only and you have to be the owner of the property. Village Attorney Porteus did not know if anybody has had the problem. She gave the analogy that when her son was little, he called India on the phone. When she called the telephone company, they found that she did not usually call India, that it was an accident and took it off her bill.

Trustee Hitney wanted to know if we require documentation from a plumber or someone who would have been called in to mitigate. Village Attorney Porteus advised that this could be written into the resolution. Since it is a one-time waiver, if you come in and you let it happen again it would behoove the person to get it fixed. If the Board wanted, that could be written in. Trustee Hitney commented that it is just a one-time waiver so if it happens again, then it is the owner's responsibility.

Mayor Murray advised that this law was modeled off of some of our neighboring municipalities. The Town of Cortlandt and City of Peekskill have similar laws with different reimbursements and crediting systems. The way ours is tailored would suit the needs of our residents.

Trustee Hitney wanted to know what is the one-time that is recommended. Mayor Murray advised that this was discussed at a Workshop and with the Village Attorney. It was agreed to go down to what the previous water charge was based on an average of the previous 12 months.

Trustee Zachary wanted to know if the credit was given, would the owner have to show documentation that the problem was fixed. Mayor Murray commented that the proof would be in a normal water bill. Village Attorney Porteus advised that if they get another high reading, they are going to pay the entire bill. Trustee Zachary wanted to know if they would have to submit the receipt for the repair. He wanted to know how you would distinguish if somebody gets a new pool or had a one-time unusually high usage for other than a problem. He wanted to know how you would show it was a legitimate repair versus having one month where you use a lot more water for some other reason. Mayor Murray agreed. He directed the Village Attorney to include something concerning a receipt.

Trustee Zachary commented that this might be one thing to improve it but he has doubts about this waiver and will probably not vote to support it. He wanted to know if we have any idea of what it might cost the Village and how often it happens. Mayor Murray advised that it happened twice in the last 20 years. It was a \$400 or \$500 difference. The Mayor advised that we have a record in the Village office. The last one was recently and was from \$200 to \$1800. Before that, he was told that it happened once before, about 20 years ago. You are looking at around \$1000 in the last 20 years. Trustee Zachary wanted to know why we would amend the Village law for something that happened once in the last 20 years. He wanted to know when it has happened, was it because our water person from the Highway Department detected it or was it a resident. Mayor Murray advised that it was a person from our Water Department who detected it and notified the resident. The resident investigated and found that it was a leaking toilet in the basement that nobody used. Trustee Zachary wanted to know if it was detected, would the resident have to ask for the rebate. Mayor Murray advised that the owner must request it.

Trustee Knickerbocker commented on the distinction between a problem and people filling up a pool. She feels that people are going to be honest. This is a one-time waiver and these things do happen. It happened to her 15 years ago. It was a leaky toilet somewhere that was not used. It does happen but not often.

Mayor Murray commented that in researching other communities, he found that we are one of the only ones that do not try to help our residents out in this way.

At 7:52 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

b) 11-50 RESOLUTION AUTHORIZING A LOCAL LAW AMENDING CHAPTER 195 ENTITLED "WATER" TO THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that they were amending the Resolution to include verification of repair prior to reimbursement. Village Attorney Porteus noted that they were two other things being amended in this Resolution. They are also amending the section of the Chapter 195 concerning where any services have been turned off for non-payment. The prior fees were from \$2.00 - \$3.00 to \$75. The Board approved changing the fee to \$75.

Mayor Murray noted that as discussed at the last Board meeting, whenever they come up with a change in the Code, they like to get the whole Code fixed. Many of our fees and penalties are so outdated it does not even cover the cost for the processing of the paperwork. This fee was \$2.00. It has now been brought up to \$75, which is in line with other municipalities.

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

c) 11-51 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR THE STOP DWI PATROL PROJECT.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that there is no cost to the Village. This money comes from Westchester County. We put in the vouchers for it and are reimbursed, but there is no cost to the Village residents.

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

d) 11-52 RESOLUTION ESTABLISHING AND ADOPTING THE POSITION OF PART-TIME VILLAGE PROSECUTOR.

Mayor Murray read the Resolution (copy attached).

Trustee Zachary thinks this is a great idea. He feels that it is embarrassing that summonses that are issued in the Village are often viewed as trash because they are not being prosecuted. He commended Mayor Murray and Village Administrator Hay for bringing this into the Village.

Mayor Murray said that in his meeting with Mr. Rosen, along with Village Administrator Hay they went through some of the court records. Mr. Rosen feels that although we will be paying him \$23,000 per year the amount of money we will receive instead of having dismissals will far outweigh his salary. The Mayor commented that he would like to see us break even, but we might even see revenue from this. He noted that the reason for doing this is not to make money. Mayor Murray considers it a morale and quality of life issue. If we are going to have our police officers and Westchester County and State Police officers out there enforcing our laws, we should at least be able to prosecute them. We have had complaints from some residents about habitual offenders, certain neighbors doing certain things and ignoring summonses. Hopefully by having the prosecutor, we will not have to incur overtime costs to have a police officer come to trial and try to prosecute it themselves. There were some issues with scheduling. The Board felt that hiring a prosecutor and being able to at least break even on his salary is a benefit to the residents and employees of the Village. They will revisit this in April. If it costs too much money or does not work out, we do not have to continue with it. It is a six month trial period.

Mayor Murray is looking forward to this and hopes it works out to be the best thing for our residents and employees.

Trustee Funchion is very glad to see what the Mayor has done. It is a good show of support for our police officers who are out there every day. It is a tough job. Traffic stops are not easy. Many crimes come from traffic stops and many crimes are uncovered in traffic stops. He thinks it will be a good help to our police officers and he thanked the Mayor for his work.

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

e) 11-53 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH HENDRICK HUDSON SCHOOLS FOR FUEL USAGE.

Mayor Murray read the Resolution (copy attached).

Mayor Murray said that one of the ways we can save money is to do bulk purchasing with the school district. The school uses a lot of diesel fuel and gasoline as does the Village. We have been in this agreement for many years. Some of the other fire departments in the area also have an inter-municipal agreement with them. It helps with the high turnover of fuel and bulk purchasing. It is cheaper for us to go up there than to drive to the gas station to fill up.

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

f) 11-54 RESOLUTION AUTHORIZING RELEASE OF BONDS.

Mayor Murray read the Resolution (copy attached).

Trustee Zachary wanted to know if there is a time limit for reclaiming bonds and can you come 30-40 years later and show the papers. Village Attorney Porteus advised that we were confused as well about how much time went by. Village Administrator Hay noted that the property was sold. Village Attorney Porteus advised that Village Administrator Hay checked it. The money is there. We did not release it and the Village Engineer did authorize the release many years ago. For some reason the person did not need the money.

Mayor Murray advised that this is a property on 3 Greentown Road.

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

g) 11-55 RESOLUTION AWARDED BID FOR THE MICRO STRAINER AND WEIR TROUGHS FOR THE WASTE WATER TREATMENT PLANT.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that we are required to get three bids. There are six bids. This is part of the rehabilitation of the Sewage Treatment Plant (STP). The Comminutor was taken out 30 years ago. One of the findings they had after many years of inspection is that the Board of Health requires a Comminutor or a similar piece of equipment. This strainer will take all the solid waste – the paper and plastics - out of the waste streams; where a Comminutor would grind it up and put it into the waste stream to be put down as sludge then pumped out from our sludge tanks, which is something we have to pay for. It is the Mayor's understanding, through the Village Engineer and other consultants that the micro-screen was a better solution than the Comminutor. As part of this, we are fixing the weir troughs. The uneven weirs were cited by the DEC and Board of Health as contributing to some of the settling problems at the plant. This has been discussed for a while and finally got the bids back.

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

h) 11-56 RESOLUTION AUTHORIZING USE OF VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that this is common to do for non-profits, especially non-profits that accept our residents. All our residents can go to the Town of Cortlandt Youth soccer, football and baseball leagues. The Board feels it is better to help keep the cost down for residents as well as the volunteers and organization through offering our fields for free. There is a note that they cannot use it on September 24 and 25. He wanted to verify that the Town of Cortlandt was aware of that.

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

i) 11-57 RESOLUTION AUTHORIZING USE OF VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

Trustee Zachary noted that one of the dates would be the day before Buchanan Day. He wanted to confirm that the company setting up the castle for Buchanan Day would be doing it that morning. Trustee Knickerbocker confirmed that they will not be setting up until that morning, so it will be okay.

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Reports: July 2011

Received

b) Zoning Board Minutes: July 2011

Received

c) Fire Inspector's Reports: May & July 2011

Received

d) Attorney's Report:

Village Attorney Porteus reported that as she has been reporting monthly, they are very busy in the Zoning and Planning Board. The one change is that last month the Planning Board gave notice of their intent to be the lead agent on the AAA Carting application which is before them. They previously declared their intent to be the lead agent on the Greentown Recycling Project. This is the second project. The notices have not yet gone out but they will. Provided there is no comment from Westchester County, it is also in front of the Zoning Board next week on interpretation. This is a Public Hearing that is scheduled for next Wednesday.

Village Attorney Porteus reported that all the local laws have been sent by Village Administrator Hay for publishing. She is working with Building Inspector Barbara Miler on the Code. They are pulling out areas concerning fees. These will probably be the next local laws that will be coming through.

Mayor Murray commented that it is a monumental task. Our computer system was basically nonexistent. We are trying to put some of the files into the computer. We have just recently been able to start scanning things into our computer. We are pretty far behind and it is taking a lot of effort. Barbara Miller has gone through the files. They used to be filed by people's name instead of lots and blocks, so it is hard to trace some of our paperwork. We are getting a handle on it. The Village Attorney and Building Inspector are working really hard on it and the Mayor appreciates it.

e) Trustee's Reports:

Trustee Hitney reported that last month she brought up something regarding recycling that she read in the County Legislator's packet. Village Administrator Hay followed up on it and got the information. Per Westchester County's new Separation Law, we will be starting to recycle all plastics with the numbers 1 through 7 on the triangular arrow on all containers. Up to this point, we have recycled only numbers 1 and 2. It will take time to become accustomed to this. A lot of it will be packaging which we have been throwing away but will now be recycling. Nothing changes in terms of things that are not to be recycled, like plastic bags, unmarked plastic that has no triangular code and large rigid plastic such as toys. We never take Styrofoam, any containers

that have held any hazardous solvents, motor oil or pesticides, or any building materials such as PVC piping. None of those plastics will be recycled. Trustee Hitney asked residents to start to become more aware of these changes and hopes all will be in compliance with the new law.

Trustee Hitney reminded that school starts tomorrow. It takes a while for the buses to get accustomed to the new stops and routes, so residents are asked to be especially patient in the next few weeks.

Trustee Funchion reported that he started working with Trustees Zachary and Knickerbocker on Buchanan Day. He congratulated them on all the work they have done. A lot of work has gone into this. He hopes Buchanan Day will be a very successful time for everyone in the Village and everyone who is going to partake in the event.

Trustee Funchion wanted to remind people that the Village of Buchanan, Town of Cortlandt and Village of Croton and will have their 10th anniversary of 9/11 Ceremony at 2:00 PM on September 11 at the Cortlandt Town Hall. It is a very important day to all of us as Americans.

Trustee Funchion thanked the police, firemen and the Highway Department for their handling of the tropical storms that knocked out a lot of power, cable t.v. and phones all around the region. He commented that we can really take pride in our staff in the Village of Buchanan, especially the Mayor who coordinated all those efforts.

Trustee Knickerbocker echoed Trustee Funchion's comments. We had a tough tropical storm. Fortunately, we fared pretty well compared to other communities. She thanked everyone who was out there helping the Fire Department. When it was safe, she went out to assess how things were. The Fire Department was out there pumping out people's basements. She noted that this is a service they give us which they really do not have to do. They were out there morning, noon and night. There were out on Tate Avenue blocking the road where there were live wires down because of a fallen tree. The Mayor was out there all day helping people. The Highway Department was out on the scene. She saw George Smith who had concerns about the Albany Post Road pumping station. The Police Chief came out that day. The community came together and she saw neighbors helping neighbors. She was proud to see how the Village comes together in an emergency situation. On behalf of the Village Board and all our residents, she thanked everyone for all the hard work that they did.

Trustee Knickerbocker reported that arrangements are pretty much completed for Buchanan Day. They are still working on a few things. They would love to see everyone come out. It is our day to highlight our Village, have neighbors come out and to get to meet your neighbors and new residents. It is a day to support our Village and come together as a community. There will be entertainment and food. People should bring lawn chairs. They are going to get extra seating but people should remember to bring their lawn chairs so they can sit out on the lawn to watch the entertainment.

Trustee Knickerbocker commented that 9/11 is a very sad anniversary for our country. She asked that everyone fly their flags that day to support and remember those whom we lost.

Trustee Zachary commented that they have been talking about Buchanan Day for a year and now it is a little more than two weeks away. There will be a lot of things to do there. Everyone should come hungry. The Fire Department will be setting up their grilles for burgers and Two Brothers will be there selling food. Buchanan Day is especially for the Village residents but there is no residency requirement and everyone can come. He encouraged everyone to invite their families and friends from other communities to join you there. It is open to everybody and everyone is welcome. Trustee Zachary said to have fun and come hungry. Everyone in the Village got a flyer in the mail with their last Newsletter. Flyers can be picked up at the Village Hall and the information is on the Buchanan Channel.

Trustee Zachary reported that the 9/11 Memorial, which is a joint project with the Village of Buchanan, Town of Cortlandt and Village of Croton, is well under way. There are a lot of skilled people doing public relations and fund raising right now. The memorial will be a beautiful sculpture with a sundial on the river in Croton. There are fund raising activities going on. At Buchanan Day, they are going to have a table set up. They will be selling tee shirts and will have a 50/50 raffle in addition to other fund raising activities. On September 18 there will be a wine tasting at the new Monteverdi Restaurant, which is reopening. There is a \$75 per person donation. More information can be found on the Town of Cortlandt web site. There is a link to the 9/11 Remembrance Memorial. People can also go to the community link on the Buchanan web site. On September 25, Ronan Tynan, the Irish tenor, will be at the Paramount Arts Center. It was a fund raiser for the Peekskill Fire Department but they will be donating one half of their profits to the 9/11 Memorial. Trustee Zachary thinks there will be a 9/11 Memorial fund raising table at the Town of Cortlandt Family Fun Day on Sept 10. He hopes there is good weather for all these events.

f) Mayor's Report

Mayor Murray commented that the fundraising for the 9/11 Memorial is the biggest obstacle they are encountering right now. Everyone working on it is doing it for free as a volunteer. The designers and public relations people, everyone, are all doing it out of the goodness of their hearts and concern that this memorial comes to fruition as designed. They discussed it for many months. The designs were displayed here for residents to look at. The final design was unanimously chosen by the three communities. Hopefully they will get the needed funds. It is difficult. Everybody is trying to raise funds for one thing or another. The Mayor commented that this memorial is one of the most worthy causes that we can all get behind.

The 9/11 Ceremony will take place at the Cortlandt Town Hall at 2:00 PM on September 11. It is a joint ceremony between the Village of Buchanan, Town of Cortlandt and Village of Croton.

Westchester County is having a 9/11 Memorial ceremony on September 11 at 6:00 PM at the Kensico Dam Plaza.

Mayor Murray thanked the Highway, Fire and Police Departments for their hurricane response. We had the Highway Department come in that day to have the wood chipper ready so that when trees came down they would be ready to chop them up. A large tree came down on Westchester Avenue that took out a lot of power. Another large one came down on Bannan Avenue. There were other smaller ones down around the Village. As things were happening, the Highway Department was fixing them. The Montrose VA came down and offered mutual aid. There was a rather large fuel oil spill at one of our industrial sites that is having some difficulty at the Planning Board right now. They had a 270 gallon fuel oil spill. The Montrose VA came with their HAZMAT team. They put out some booms and mitigated the damage that could have occurred. The Buchanan Fire Department started out at 3 AM and did not finish up until midnight the next night. They received a lot of calls. Not only were wires down, a lot of residents needed help with the water situation. They did more than 40 pump outs. There was a lot of work. The Mayor reminded that the Fire Department is all volunteers. The Police Department had an additional officer come in and help with road closings. There was flooding at the iron bridge and at Lent's Cove. There were closures because of trees being down. Everybody helped out and really came together. The Mayor was glad we were able to coordinate all of our emergency responses. Westchester County set up systems which would have helped us if we had needed outside assistance, but we were able to work with the resources available to us.

Mayor Murray reported on the road paving. The contract for paving was adopted last month. The road work on Henry Street and Second Street should start on September 12 or 19 depending on the weather and storms. The top and bottom of Second Street will be paved along with Henry Street. Curb repairs are being done on Donahue Court and Valerie Court. There was a little delay on Donahue Court but they should be getting work done very soon.

Besides wires burning and trees being down, one of the other calls to the Fire Department during the storm was from some of the residents on Donahue Court. They heard a fire alarm going off and were concerned. They narrowed it down to the house of a resident who was not home. They called the Fire Department. There was a small fire that filled the house with smoke. It set off the alarm but for some reason it did not get sent down to the automatic dispatch. Mayor Murray emphasized that if you see something out of the ordinary, report it so the Police or Fire Department can look into it, determine if it is right or wrong and sort it out. In these situations, it is best to err on the side of caution. If those residents did not come out at 9 or 10 o'clock at night and report their concern, if the fire in that home had occurred at 3 o'clock in the morning, it could have been a serious fire that was occurring. The Mayor encouraged everyone to call the authorities for anything out of the ordinary and it can be sorted out.

Mayor Murray read a portion of a letter from Cablevision (copy attached) advising that they are phasing out analog and transitioning to all digital. It will be completed on December 16, 2011.

They are extending their offer for free set top boxes and cable cards. Cablevision subscribers will be advised directly by mail. Mayor Murray reminded that several months ago when Cablevision switched a majority of their programming to digital, there were residents who could not view our cable channel because they did not have cable ready televisions. Prior to February when the FCC mandated that they go to all digital, there was some confusion among our residents on how to get boxes, what the time limit was and how they were going to pay for it. A lot of people did not notice they were having issues until they were unable to watch the Buchanan Channel. December 16, 2011 is the last date for analog. If for some reason you do not have a digital t.v., contact Cablevision to take advantage of this free offer. After December 16, you might have to be charged for it and the Mayor would not like to see any resident have that happen. Part of our franchise agreement is that this station has to be given to residents for free but you must have the equipment.

Mayor Murray reported that we have been having some issues with electrical code requirements on our generator. Last month, the Board authorized the purchase of generators as part of the rehabilitation of the Sewage Treatment Plant. Two generators are being replaced. We wanted them to be installed inside to keep them out of the weather and prevent rodent infestation, which the Mayor has known to be a problem in other installations. Unfortunately, the size of our building does not allow for their installation inside. There were some codes established after the current generators were installed mandating distances from high voltage switches. This will not allow us to install them inside the building. They will now be installed outside of our pumping stations. It will be \$8000 cheaper.

During a blizzard last December, a tree came down that took out the wires and traffic light in front of the B/V School. We got some estimates. The last one was \$140,000. The Mayor spoke with the School Board in June and requested suggestions from them on sharing the cost or changing the traffic control device. In lieu of doing that, we have had a police officer directing traffic. It is not the Mayor's intention to have our police officers there on permanent duty. Since we have not been able to get any more information from contractors, and since we have not heard further from the School Board, he wants to set up a Public Hearing to install Stop signs in front of B/V School to mitigate the traffic concerns. It is not his intention to put Stop signs at every intersection but we are not going to have a police officer directing traffic or spend \$140,000 for a Stop light. A letter will be sent to the School Board advising them that we are going to set up a Public Hearing and that any comments or suggestions from them would be welcomed.

A MOTION to set the Public Hearing at the October 2011 Village Board meeting for the installation of a traffic control device at the intersection of the B/V School and Westchester Avenue was made by Trustee Zachary, seconded by Trustee Hitney with all in favor.

6. COMMENTS FROM THE FLOOR:

Sam Cherchia, Westchester Avenue, commented that the Village requested a right-of-way across his property to install a storm sewer from Pheasant Run to the creek. It was given to the Village and the construction took place with Hahn Engineering supervising. Subsequent to completion of the storm sewer, Mr. Cherchia's sewer line stopped functioning. It had to be snaked out on a regular basis. In 2003, after having had that done six times, he went to George Smith. For several months, they attempted to resolve it with Mr. Hahn. Nothing was resolved. Mr. Cherchia commented that in 2004, Mr. Hahn announced that they did nothing wrong. Mr. Cherchia went to then Village Administrator Tom Jankowski and explained it to him because it had been determined that the break in the sewer line was directly above the storm sewer that was installed under Mr. Hahn's supervision. Village Administrator Jankowski and then Mayor O'Neill ordered it repaired. It was done under Mr. Hahn's supervision. Mr. Cherchia commented that when it was opened up, it was determined that the construction broke his sewer line. The repair lasted from 2004 to 2006 when it again stopped up and had to be snaked out. Mr. Cherchia went to Village Administrator Jankowski. He and Mayor O'Neill ordered it repaired again. It was again done under Mr. Hahn's supervision. In 2008, the same problem occurred again. Village Administrator Jankowski and Mayor Donahue ordered the work done, again under Mr. Hahn's supervision. Last November, 2010, the same thing happened again. Mr. Cherchia had it videoed by the person who cleaned out the sewer line. He went to Village Administrator Hay and told him the story. Mr. Cherchia commented that Village Administrator Hay told him that George Pommer of Hahn Engineering wanted to see the video. Mr. Cherchia provided him with a copy in November. He heard nothing further, so in early February he submitted a FOIL for information on why this was not being done. He did not get a satisfactory response. Mr. Cherchia commented that Village Administrator Hay told him, differently from the response to the FOIL request, that Mr. Pommer said that the sewer line was repaired. Mr. Cherchia commented that last Thursday, the first of the month, less than 10 months after Mr. Pommer declared it repaired, the same break in the same place stopped it up. Mr. Cherchia feels this means that it was not repaired.

In his FOIL, Mr. Cherchia asked for six items. The Village Administrator responded to five stating that the Village has no documents responsive to this request. The sixth was a request for the date that Hahn Engineering reviewed the sewer line at 120 Westchester Avenue. The response gave that date as 12/1/2010. Mr. Cherchia still does not have an answer from the Village. He wanted to know if this means that on December 1, 2010 Mr. Pommer just sent a letter to the Village. Mr. Cherchia commented that he cannot get any information because there are no documents but he got this response so there must be a document. He commented that Mr. Pommer sent a letter stating simply that he reviewed a DVD. Mr. Cherchia feels Mr. Pommer cannot make up his mind ten months later. He has never repaired it. Mr. Hahn was responsible for the original break and three repairs which Mr. Cherchia feels were not repairs. He is still paying \$200 every few months, and sometimes more if the break is on a weekend.

Mr. Cherchia commented that previous mayors and the previous Village Administrator had no problem. It is in the right-of-way. It happened during the construction of the Village's storm sewer. He wanted to know if the Mayor was going to order it repaired. Mayor Murray advised that he was not. Mr. Cherchia remarked that he expected that reply because he feels that the Mayor has already made it clear to him that he is retaliating against him and this is strictly personal between the Mayor and himself. He remarked on his feelings about the Mayor and that he has expressed them in the past. He commented that Mayor Murray is the mayor, he is a resident and he has property that the Village destroyed. He remarked that the Mayor has made it personal and that if that is what the Mayor wants, he can make it personal too. He wanted a reason as to why the Mayor will not have it done.

Mayor Murray advised that as he had advised in the past when Mr. Cherchia brought this up, there are certain State laws that do not allow the Village to do that. Residents are responsible for the sewer lines on their property.

Mr. Cherchia commented that the Mayor should ask the Village Attorney about negligence. He remarked about the Mayor's expounding on the law to him. If somebody does damage to someone else's property, they are responsible to restore the property. He remarked on whether the Village Attorney talked with the Mayor. Village Attorney Porteus commented that they do talk. She had no idea that it broke again last week. She has no idea of what the final outcome was with George Pommer and Hahn Engineering that Mr. Cherchia was referring to other than that he looked at the video. From her last discussion with the engineers, they do not feel that they negligently destroyed Mr. Cherchia's property. She agrees with his definition of responsibility in a case of negligence but commented that Mr. Cherchia is acting as though because that is the law, that occurred here. There is a big missing piece. Mr. Cherchia said there are witnesses who were present when it was opened and they found about ten feet of curb stone dropped on the sewer line. Somebody acted on behalf of the Village installing the storm sewer. He did not put it in there. It is five feet down. It is obvious to him that the contractor used fill that he should not have. Mr. Cherchia did not expect the engineer to watch every bit of fill that was put in. But once you do the damage, you are responsible for it. Village Attorney Porteus commented that the question is whether or not they created this problem or whether or not something else is going on. Mr. Cherchia commented that the Village repaired it three times. Village Attorney Porteus wanted to know if Mr. Cherchia has wood delivered to his house every October driving across where that point is. Mr. Cherchia said they do not drive across that. Village Attorney Porteus commented that Mr. Cherchia is acting as though because he says it, it is true. That is not what the Village Engineer is telling us.

Mayor Murray advised that there is a 10 minute time limit on comments which had been reached. Mr. Cherchia wanted to know if he gets a written response.

Mayor Murray referred to one comment Mr. Cherchia made concerning the Village Engineer in 2008. Mayor Murray believes that then Mayor Donahue hired Tim Cronin as Village Engineer

at the Organizational Meeting in 2008. Mr. Cherchia commented that Mr. Cronin disqualified himself until later in the year because he was involved with a client before the Village Board. It was done by Hahn Engineering up to the end of summer.

Mr. Cherchia wants to get a written response to his request instead of one stating that there are no documents. Mayor Murray advised that if the Village does not maintain a document, we are not obligated to create one. Mr. Cherchia wanted something stating that they are not going to do this. Mayor Murray advised that he can FOIL a copy of the minutes.

Eileen Absenger, 138 Tate Avenue, wanted to second the statements about the Fire, Highway and Police Departments during the storm. They came expeditiously after the giant tree fell on Tate Avenue. The police were there making sure no one came through. The residents were able to get electricity back within two days thanks to the Highway and Police Departments. She gives them appreciative thanks from all the residents on Tate Avenue.

Mayor Murray said there was a lot of hard work done. It is good that everyone came together. He got a lot of comments from the public as he went around the Village this past week. They had the street sweeper out to get up all the branches so that the storm drains did not get clogged. You have to do a lot of prep work to come through something like this as relatively unscathed as we did. We had the Highway Department doing the catch basins before the storm, so the rain we are getting now will not create a flooding problem.

7. ADJOURNMENT:

At 8:48 PM a MOTION to adjourn was made by Trustee Knickerbocker, seconded by Trustee Hitney with all in favor.