

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
ORGANIZATIONAL MEETING
APRIL 8, 2008

An Organizational Meeting was held by the Board of Trustees on Tuesday, April 8, 2008 at 8: 00 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Wm. Lee Kinnally, Jr., Trustee Peter Swiderski, Trustee Jeremiah Quinlan, Trustee Diggitt McLaughlin, Trustee Danielle Goodman, Village Manager Francis A. Frobel, Village Attorney Marianne Stecich, and Deputy Village Clerk Linda Knies.

CITIZENS: Seven (7).

INVOCATION

Reverend Okke Postma: Thank you so much for the invitation. Each week, in all the houses of worship in our Village, you are remembered in prayers and support, and a prayer for blessings. It is a wonderful tradition to do this at the organizational meeting each year, to invite one of the spiritual leaders in the Village.

We give thanks for all good things. For the beauty and abundance of creation and for natural resources and human life. For the diversity of all peoples made in your image. For women and men who have made this nation strong, and who seek the commonwealth of communities great and small. And we seek blessings this evening at the beginning of renewed terms of service upon those gathered here to serve this Village of Hastings-on-Hudson.

Just as a river reliably courses along our banks, the Board may provide a steady course in times of ebb and flow. We ask for blessings upon the Mayor and all the Trustees, and upon all those who carry out their tasks as employees and volunteers, that they may faithfully serve by nature and by grace, in wisdom and with insight, with open hearts and open minds. That each of them may speak with courage and conviction, listen with care and consideration, do justice, love peace and kindness, and walk humbly and be responsive to all.

We give thanks for your willingness to serve, and for families who stand with you and behind you. We ask for blessings upon you in health and in body individually, and corporately as a Board of Trustees. So may the gift of your time and talents inspire and encourage every resident in this Village in all their states of life, young and old, in years or residency, those of abundant wealth or average or little means, to serve the common good in all things. We ask for such blessings upon all of you that we all may be blessed. Amen.

ADMINISTRATION OF OATH OF OFFICE

Mayor Kinnally administered the oath of office to Trustee Jeremiah Quinlan.

Former Village Trustee John Murray (1970 – 1974) administered the oath of office to Trustee Diggitt McLaughlin.

Mayor Kinnally administered the oath of office to Village Justice Joseph P. DiSalvo.

Judge DiSalvo administered the oath of office to Acting Village Justice James R. DeVita.

32:08 MAYORAL AND BOARD OF TRUSTEES APPOINTMENTS

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman the following Resolution was duly adopted upon roll call vote:

A. DEPUTY VILLAGE CLERK

RESOLVED: that the Mayor and Board of Trustees appoint **Linda M. Knies** as Deputy Village Clerk for a term of one (1) official year.

B. ACTING VILLAGE JUSTICE

RESOLVED: that the Mayor and Board of Trustees appoint **James R. DeVita** as Acting Village Justice for a term of one (1) official year

C. VILLAGE ATTORNEY AND VILLAGE PROSECUTOR

RESOLVED: that the Mayor and Board of Trustees award a contract for services to **Stecich Murphy & Lammers LLP** as Village Attorney and Village Prosecutor for a term of one (1) official year.

D. NATURALIST

RESOLVED: that the Mayor and Board of Trustees appoint **Dr. Fred Hubbard** as Village Naturalist for a term of one (1) official year.

E. HISTORIAN

RESOLVED: that the Mayor and Board of Trustees appoint **Barbara Thompson** as Village Historian for a term of one (1) official year.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

33:08 MAYORAL AND BOARD OF TRUSTEES DESIGNATIONS

Trustee Goodman: I have an item of discussion on D, regular meeting days. The national elections fall on the first Tuesday of November, which coincides with the Village Board meeting. I make a plea to my colleagues that we hold our Board meeting on that Monday before the national elections. I think it is a day when we should urge the population to look outside the Village, and that time should be reserved for them not to come here on that evening, but to participate in the national arena. I would implore my fellow Board members to consider that so that we do not have to take it up in November and then say we voted to have our meetings on the first and third Tuesdays. I am asking for that one exception.

Mayor Kinnally: We make periodic exceptions. Let us just deal with this, and we can deal with that well before November.

On MOTION of Trustee Swiderski, SECONDED by Trustee McLaughlin the following Resolution was duly adopted upon roll call vote:

A. OFFICIAL NEWSPAPERS

RESOLVED: that the Mayor and Board of Trustees designate *The Rivertowns Enterprise* and the *Journal News* as official newspapers for a term of one (1) official year.

B. OFFICIAL DEPOSITORIES

RESOLVED: that the Mayor and Board of Trustees designate **JP Morgan Chase Bank, Citibank, N.A., Hudson Valley Bank, First Union, Hudson United Bank, Commerce Bank, and MBIA-Class** as official depositories for a term of one (1) official year.

C. POLICE AND FIRE SURGEONS

RESOLVED: that the Mayor and Board of Trustees appoint **Dorian Tergis, M.D.** and **Charles Edelson, M.D.** as Police and Fire Surgeons for a term of one (1) official year each, to be compensated on a fee or contract basis.

D. REGULAR MEETING DAYS

RESOLVED: that the Mayor and Board of Trustees designate the **first and third Tuesday of each month** as the Board of Trustees Regular Meeting days.

E. AUTHORIZATION TO SIGN CHECKS AND INSTRUMENTS

RESOLVED: that the Mayor and Board of Trustees authorize the following to sign checks and instruments of the Village of Hastings-on-Hudson, when countersigned by the Mayor or one (1) Trustee:

Francis A. Frobel, Susan Maggiotto, Linda M. Knies

except individual payroll checks which shall require two (2) of the following signatures:

Francis A. Frobel, Susan Maggiotto, Linda M. Knies

ROLL CALL VOTE

AYE

NAY

Trustee Peter Swiderski

X

Trustee Jeremiah Quinlan

X

Trustee Diggitt McLaughlin

X

Trustee Danielle Goodman X
Mayor Wm. Lee Kinnally, Jr. X

34:08 MAYORAL AND BOARD OF TRUSTEES DESIGNATION

Mayor Kinnally: I will recuse myself in this matter. My firm has a professional relationship with the O'Connor Davies firm. We represent them, and we do work with them in connection with common clients.

On MOTION of Trustee Goodman, SECONDED by Trustee Swiderski the following Resolution was duly adopted upon roll call vote:

A. VILLAGE AUDITORS

RESOLVED: that the Mayor and Board of Trustees designate the firm of **O'Connor Davies Munns & Dobbins LLP, Bennett Kielson Storch Yablon & DeSantis Division** as Village Auditors.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	Abstain	

35:08 EXECUTIVE SESSION POLICY

On MOTION of Trustee McLaughlin, SECONDED by Trustee Goodman the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees approve the Executive Session Policy as follows:

It is the policy of the Board of Trustees of the Village of Hastings-on-Hudson to conduct Village business in an open fashion and to make available as much information as may legally and practically be disseminated.

The New York Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include:

1. Matters which will imperil the public safety if disclosed;
2. Matters which may disclose the identity of a law enforcement agent or informer;
3. Information relating to criminal investigations;
4. Discussions relating to proposed, pending or current litigation;
5. Collective bargaining negotiations;
6. Personnel matters; and
7. The proposed acquisition, sale, or lease of real property or securities.

The Board recognizes that it is authorized to use Executive Sessions in these situations, but will do so with restraint.

To maintain confidentiality and to encourage the uninhibited discussion of the subjects of Executive Sessions, the specific subject matter and any statements made or positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until a majority of the Board votes to authorize the release thereof by the Board.

It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be released to the public, the suitable vehicle for reporting that information, and the timing of the reporting.

The Village Clerk (or designee) shall take minutes of each executive session, such minutes to consist only of the following:

1. Date of resolution calling for the executive session;
2. Date, place, and time of executive session;
3. Names of persons present;

4. Broad description of subjects discussed (e.g. personnel, pending litigation); and
5. If any action is taken by formal vote, a summary of the final determination of such action and a record of the vote, in accordance with Public Officers Law 106.

Minutes shall be approved at the next regular meeting of the Board of Trustees.

Adopted by the Board of Trustees on September 28, 1993.
Revised November 20, 2007.

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

36:08 RULES OF PROCEDURE

Mayor Kinnally: These are the rules of procedure that the Board has been acting on for years, as adopted initially July 15, 1997, amended April 7, 2005 dealing with public comment, and amended April 10, 2007 dealing with the order of business and the issue of placement of public comment in the order of business. Is there any discussion of the rules of procedure?

Trustee Quinlan: I would like to discuss section 6, voting: an abstention, silence, or absent shall be considered a negative vote for the purposes of determining the final vote on the matter. As I indicated in my communications with my fellow Board members, that disturbs me somewhat in the fact that you could be absent and there could be a resolution on the agenda which you wholeheartedly support and it appears that by this section that you would be registered as a negative vote instead of absence.

I know that it does not make any difference in the final vote because if there are three members you need three votes, if there are four members you have to still have three votes, and if there are five members you still need three votes. I do believe that it could cast a

Trustee in a negative light, and I think it should be marked on the resolutions that you were absent, and then you do not have to run into that problem.

Mayor Kinnally: The wording is careful in that regard. Marianne can discuss why it is considered, but it is not recorded as a negative vote. It is considered as a negative vote because it does not add to the total needed to pass the resolution or whatever item that we are considering. As you indicated, we would need two votes if we had a simple majority here, right?

Village Attorney Stecich: No, you would need three votes to pass anything.

Mayor Kinnally: Yes, so it is not a nay vote.

Village Attorney Stecich: That is exactly right. I believe the way the Village records it is, if you either are absent or abstain it is recorded as an absence or an abstention. But one way to clarify this would be to say that an abstention, silence, or absence shall be recorded as such, but shall be considered a negative vote. I do not know if that would do it. That is really a matter of state law. If you are not there, or if you abstain, it is considered a vote against the measure.

Mayor Kinnally: But not recorded as such.

Village Attorney Stecich: You can record however you want to, although that would make sense to record it as negative. But you could specify that it should be recorded as an abstention or an absence.

Trustee Quinlan: So you are saying that this is a matter of state law?

Village Attorney Stecich: Yes, I will double-check, but I did check both the statutes and attorneys general opinions on it today. It is under the general obligations law.

Trustee Quinlan: No, you do not have to. I thoroughly trust your opinion.

Village Attorney Stecich: Although you look at that and it is not crystal clear, because if it were crystal clear I would not go beyond that. But there are two attorneys general's opinions that both say that if you do not vote for a measure it would not pass on a vote of two-to-two.

Mayor Kinnally: Shall we clarify this by saying, after the words shall be, inserting recorded as such, but shall be considered a negative vote for the purpose of determining the final vote on a matter? Does that clarify it?

Village Attorney Stecich: The reason I think it is good to clarify it here is so you know it. Right now we have a Clerk/Deputy Manager who is familiar with procedural issues, but there might be a time when it is not. If under state law it is essentially a negative vote, then it should probably be recorded here so there is no confusion in the future.

Trustee Quinlan: So you think the language should stay the same? Is that what the bottom line is?

Trustee Goodman: Adopting some of your points.

Mayor Kinnally: I am suggesting that it read: an abstention, silence, or absence shall be recorded as such, but shall be considered a negative vote for the purpose of determining the final vote on a matter. So it will not be a nay, if you are absent, on the minutes.

Trustee Swiderski: It will reflect the actual vote.

Mayor Kinnally: Yes, you are absent or you are abstaining or you are silent.

Trustee Quinlan: I would agree with that, Lee, thank you. That clarifies my problem.

On MOTION of Trustee Swiderski, SECONDED by Trustee Quinlan the following Resolution was duly adopted upon roll call vote:

RESOLVED: that the Mayor and Board of Trustees approve the Rules of Procedure as attached and amended

ROLL CALL VOTE	AYE	NAY
Trustee Peter Swiderski	X	
Trustee Jeremiah Quinlan	X	
Trustee Diggitt McLaughlin	X	
Trustee Danielle Goodman	X	
Mayor Wm. Lee Kinnally, Jr.	X	

MAYORAL APPOINTMENTS

Mayor Kinnally: Normally at this point the Mayor announces liaison appointments, but we are going to put that over until our next meeting. I will be discussing it further with the individual Trustees.

Trustee Swiderski: Lee, before you adjourn I do have one item. I just wanted to make a brief statement. We are surrounded by heroes in this village. Yesterday, I was deeply privileged to be the beneficiary of the everyday heroes we work with here.

My son and a friend were playing over on Hillside Avenue on a rope there that has hung for years. My son slipped and his head went into the noose at the end of the rope. He dropped, went immediately unconscious, and hung there. Through the good fortune of a taxi driver coming by the woods, Hillside Avenue, his life was saved. Within minutes, the EMTs, the police, and fire were on the scene. Within a half-hour he was at Westchester Medical Center where, within a couple of hours, a CAT scan was done and nothing found. At 11 o'clock he went home with a rope burn on the side of the neck that he will be able to show off tomorrow at school, and a complaint about pain in the side of his neck.

We dodged a bullet, the worst sort of bullet a parent could face, and I would like to thank some of the people who were there that afternoon. Officers Pavone, Ryan, and Major, dispatched by Sergeant Hayden, promptly handled the scene and interviewed both boys. My son regained consciousness about a minute after he was put on the ground. They ascertained what had happened and controlled what very quickly became a fairly crowded scene. Fire Department Chiefs Bannon, Pecylak, and Gagliardi also managed the environment, guided traffic and kept everything in check. And finally the ambulance crew, Michelle Porter, Mike Usher, and Mike O'Toole, along with Greenburgh paramedic John Cunningham, took wonderful care of my son, and took him and my wife up to Westchester, where they received further wonderful care. Gail Kipper and Superintendent Shaps handled the situation at school.

And finally, there is a hero out there. His name is Dylan Fisher, a long-time resident of Hastings, grew up on Darwin. We are graced to have his simple act of heroism in our midst, and I hope you have a chance to recognize that at some future time. Thank you.

ADJOURNMENT

On MOTION of Trustee Goodman, SECONDED by Trustee McLaughlin with a voice vote of all in favor, Mayor Kinnally adjourned the Organizational Meeting at 8:38 p.m.