

Mayor & Board of Trustees

Village Board Meeting

November 7, 2018

PRESENT:

Deputy Mayor Richard A. Funchion
Trustees Duane Jackson, Cesare Pasquale and Nicholas Zachary
Village Administrator Kevin Hay
Village Board Secretary Susan F. Matthews
Police Chief Brian Tubbs

ABSENT:

Mayor Theresa Knickerbocker

1. PLEDGE OF ALLEGIANCE:

Deputy Mayor Funchion called the meeting to order at 7:30 PM. He explained that he was chairing this meeting because Mayor Knickerbocker is still out due to the effects of her operation. He wished her well and hopes that her ankles get better. It is a tough recovery. Deputy Mayor Funchion led the Pledge of Allegiance and informed everyone of the fire regulations.

2. APPROVE MINUTES: None to be approved.

3. PRESENTATION – Swearing in of new police officer and new detective.

Deputy Mayor Funchion commented that this is a happy occasion. We are swearing in a new police officer and detective tonight. He swore Officer Jonathan Tiernan into office as the new police officer and Detective Courtney Loertscher as the new detective. Police Chief Tubbs said that Officer Tiernan came to us by way of the Town of Poughkeepsie and Town of Saugerties Police Departments. He has 8 years of experience and came well recommended. He is a community oriented police officer. Chief Tubbs feels that he will blend perfectly into our community.

Chief Tubbs said that Detective Loertscher's resume' is unmatched by anyone who has been a member of the Buchanan Police Department. She was a detective for 2 years prior to coming here and has extensive investigative experience. Chief Tubbs commented that she is a very talented police officer.

Chief Tubbs commented that this is a really special occasion. The future for the Buchanan Police Department is very bright and there is a lot to look forward to. Last month Shane Farrell was promoted to Sergeant. The pieces are falling together. Chief Tubbs commented that he thought about his future. He has decided that after 37 years in the Buchanan Police Department, he is going to retire in January. He feels privileged and honored to have served our community. He had the support and understanding of his family while on shift work for 22 years and being constantly on call for another 15. He was grateful to this Village Board and every Village Board.

He commented that they may not have always agreed on everything but when that disagreement provided the best service to the people of the Village, how can any of it be wrong. Chief Tubbs is grateful to former Chief Joseph O'Toole who in 1982 took him on with no police experience. He is grateful to the officers with whom he now serves because they put forth their best efforts to give our residents their very best every day. He is grateful to all the officers he has worked with over the years, especially recently retired Sergeant Mike Guida whom Chief Tubbs described as the finest police officer he has ever known, and retired Detective Tom Cobelli. He was grateful for the relationships he had with the Highway Department, the Buchanan Justice Court, the Fire Department, the Cortlandt Community Volunteer Ambulance Corps and everyone he worked with in Village Hall. The Chief commented that most important, he was grateful for all the residents' support and friendship over all the years. He is grateful that we have allowed him to be a part of the Buchanan family for so long. He hopes that he has served the Village well.

Deputy Mayor Funchion commented that the Board feels that these were great selections. He noted that he spoke with the mayor. They did not know about Chief Tubbs' retirement. Deputy Mayor Funchion is sure that Chief Tubbs will enjoy his retirement. He noted Chief Tubbs' comments about all the years of being on shift and on call and commented that speaking as a retiree himself when you are retired every night is Friday and every day is Saturday. Deputy Mayor Funchion thinks that the Buchanan Police Department has been spectacular any time he called them. He described a recent incident involving people coming onto his property late at night where he called for police assistance. It was handled professionally and quietly. He commented that Buchanan is a great community and he agrees with Chief Tubbs in believing that there is a great future here with our Police Department. He thinks that we will get through some tough times all together. Deputy Mayor Funchion welcomed our new police officer to Buchanan and hopes that he gets to know everybody in the Village soon.

Trustee Jackson thanked everyone for coming out tonight for this special occasion. He commented that he had the pleasure of meeting former Police Chief Joe O'Toole. Trustee Jackson noted that he has been a Village resident for 26 years. He appreciates how when he first became a Trustee on this Board 6 years ago, Chief Tubbs took him in and showed him things. Recently Chief Tubbs dug out some old pictures from 1934. There was a receipt for a police car the Village purchased for \$640. Trustee Jackson commented that Chief Tubbs will be missed. He commented that knowing that he is a good friend and someone who has the best interest of the Village at heart, he is impressed with what Chief Tubbs is leaving us with. Trustee Jackson has been impressed with each of the officers whom he has gotten to know.

Trustee Zachary thinks it is a real talent to combine the professional policing with the warmth and compassion that is needed in a small community like ours. He gives credit to Chief Tubbs for finding good people. It is his legacy to leave us a great police force. Trustee Zachary commented that it is a great comfort to this Village and a very important part of it. He thanked Chief Tubbs and all of our police officers.

Trustee Pasquale commented that he was taken by surprise at Chief Tubbs' announcement. He is going to miss him. He welcomed Officer Tiernan and looks forward to getting to know him. He is going to be a big asset here. He agrees that Detective Loertscher's promotion is well deserved and he congratulated her.

Deputy Mayor Funchion commented that when Chief Tubbs mentioned how his family has stood by him, it is always forgotten in law enforcement because of the type of work they do, starting with the shift work. You do not know what time of day it is. It is a great stress on the body. He does not think that the general population realizes that. It is not like shift work in a factory.

Deputy Mayor Funchion announced that we would take a few minutes' recess.

RETIREMENT ANNOUNCEMENT:

Deputy Mayor Funchion resumed the meeting following a 15 minute recess.

Deputy Mayor Funchion announced that he had some sad news to announce. He finds it sad that Gabriel Di Rubbo is retiring after 26 years of service to the Village as Director of the Buchanan Seniors. The Deputy Mayor commented that you cannot find a nicer guy. He did a great job. If you talk to any of the Seniors, they will tell you. He arranged trips all over the place for them. He will be sorely missed after serving for an amazing 26 years. Trustee Jackson commented that Mr. DiRubbo was very knowledgeable of Senior issues and did a fantastic job over the years. It is a pleasure to know him and be in his presence.

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

None.

5. NEW BUSINESS:

a. 18-51 RESOLUTION ADOPTING A VILLAGE SEXUAL HARASSMENT POLICY.

Deputy Mayor Funchion read the Resolution (*copy attached*).

The Deputy Mayor commented that this was long over due in this time of so much about it being in the news. He commented that he read through this. It is pretty extensive. He thinks that it is difficult for an organization to enforce these with persons that are not under the direct employment of the Village and outside consultants. He assumed this is what the State has. Village Attorney Porteus advised that it is a model policy that most jurisdictions are adopting. There was a long period of comments in most jurisdictions. She recommended that to be safe the Board should pass what is suggested here. She noted that we do have a sexual harassment policy in our Handbook. The point was to make it more extensive. Trustee Zachary noted that New York State changed the legislation to now require that. The Village Attorney believes it just came out on October 9. She noted that there is a complaint form that someone would fill out. We are going to add a signature sheet and make sure that everyone who works for the Village gets a copy and signs off on it. Trustee Zachary asked if that includes things like the Beautification Committee or only people who are on the Village payroll, the Zoning and Planning Boards. The Village Attorney advised that is up to the Village Board but she recommends that it be given to everybody.

Trustee Zachary wanted to know if there is training requirement and if it must be done by January 1. The Village Attorney asked the Highway Foreman who does that training for the Highway Department. He advised that it is done by video on-line. Trustee Zachary asked if that meets the requirement here. The Village Attorney will check. She believes that the insurance company puts it out.

Trustee Zachary commented that he has worked for many years in the construction industry where in his experience homophobic or sexual remarks were made as a standard part of the humor. He noted that the Village employs contractors for highway repair and other work. He wanted to know where the line is drawn with them and how do we monitor that. Trustee Jackson agrees with Deputy Mayor Funchion concerning people doing business with the Village. As for ad hoc committees like the Beautification and Buchanan Day Committees, he does not think that this applies. He suggested looking at how the Town of Cortlandt handles it. Village Attorney Porteus advised that you can tell a company being employed by the Village that there is an expectation that there will not be any of that. She commented that we do not supervise them. Deputy Mayor Funchion thinks that in order to cover our liability with contractors that at the point of hiring we have them sign on the dotted line. Trustee Zachary added that they should be given a copy of this policy. Trustee Jackson added that some wording to make them aware of it should be in the contract. The Village Attorney commented that if there were a problem you would talk to their supervisors.

Trustee Zachary noted that page 4 requires that all complaints of sexual harassment must be investigated. The Village Administrator would conduct it. Trustee Zachary thinks that if for example someone reports an inappropriate comment it could be investigated in house, while something physical like inappropriate touching are crimes and should be referred to the police. The Village Attorney advised that we would do the initial investigation and then pass it on. It may be inappropriate. Certain things fall under the jurisdiction of the police. Trustee Zachary asked if it might be better to have the investigation done by an outside party being that we are such a small community. Deputy Mayor Funchion thinks that would be adding a lot of expense. Trustee Zachary commented that it would be done case by case. Trustee Jackson agreed. It would be based on the severity and whether or not it would be handled by the police. He thinks that we should be prepared with the language in place. The Administrator commented that the investigation could start at his level and if he feels that it needs to, he can pass it on to the police or an outside agency. Deputy Mayor Funchion commented that in the Federal government they start at the lowest level supervisor. If it was satisfactorily resolved then it was done. If the recipient of the harassment wants to keep pushing it, it goes up the line. He thinks that we could follow that here in the Village. As needed it could go up to the Administrator, then the Mayor, then the Village Attorney or an EEO counselor.

A MOTION to adopt this Resolution as presented was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Mayor Knickerbocker absent.

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Court Report – September 2018.
Deputy Mayor Funchion noted that the report was \$5,190.00
- b. Zoning Board Minutes: June 2018, July 2018 & September 2018
Received and filed.
- c. Police Reports – September 2018
Received and filed.
- d. Fire Inspector’s Report – September 2018
Received and filed.
- e. Attorney’s Report:

Village Attorney Porteus reported that she and the Village Administrator are looking at the Employee Handbook and will be adding a few policies that they think are important. The Village Board should review it and let her and the Administrator know. They will bring it up for discussion. She noted that the last time it was updated was in 2010. Trustee Zachary asked if the Handbook includes required training. The Administrator advised that it is in the Code. The Village Attorney advised that they were looking at changes concerning sexual harassment, use of computers, etc. Everybody should be signing off on it to say that they received the Handbook.

- f. Administrator’s Report:

Village Administrator Hay reported that the paving project wrapped up. We did Fourth Street including curbs. We did curb work elsewhere in the Village. We did 11 catch basins. We need to do more. He contacted Jeff Goldman, head of Public Works. We will review their bid for catch basins to see if it would help us get more done. The Administrator reported on the water meter switch out. We have done 300 out of 750.

The annual Tree Lighting at the Circle will be held on December 2. At the Village Hall, events start at 6 PM. Buchanan will be hosting the Pearl Harbor Remembrance this year on December 7 at 4 PM in the Village Hall. It rotates from year to year between us, Peekskill, the Town of Cortlandt and Croton. More information will be in the next Newsletter.

The Administrator reported that because of the recent heavy rains, we are processing over one million gallons at the wastewater plant. Our system has a lot of water infiltration. He reminded residents that sump pumps should not be hooked up to the sewage system. We want to start some type of policy where we t.v. our lines each year to find areas where water is infiltrating our system because we are paying a lot of money to process water. Last month we did a million and a half gallons compared to our normal flow of

280,000 gallons. Trustee Zachary asked to put something in the Newsletter advising that sump pumps should not be pumped into your sink drain.

The Administrator reported that out on the Con Ed property where the transmission lines cut toward the wastewater plant there is a manhole that is in very poor condition and allowing a lot of water into the system. That is an emergency and we have received a quote for repair. We are working with Con Edison to gain access.

The Administrator noted that our December Workshop is scheduled for Christmas. We are looking for a different date. Mayor Knickerbocker has suggested that we do it on the Tuesday before, December 18.

The Administrator reported that because of the grant from State Senator Murphy, we completed the roof repair at the Highway Department garage.

g. Mayor's Report:

Deputy Mayor Funchion reported that everything is going well for Mayor Knickerbocker following her surgery and she will be back for the next meeting.

Deputy Mayor Funchion reported that he, the Mayor and Village Administrator attended the November 1 meeting of the Entergy shareholders. There was not too much of anything new. They had not given any information about whether or not they would sell the plant to a company that specializes in closing down nuclear power plants. He commented that they went through a lot of the mechanics of what is going on and the safety issues. There were very few questions. He felt that it was a meeting that they are required to do periodically by the NRC.

Deputy Mayor Funchion reported that there will be a ceremony for Veteran's Day on November 8 at 10 AM at the VA. He commented that it is always good to see the Veterans and get their spirits up. On November 11 at 12:30 PM, the Town of Cortlandt will have a Veterans' Day ceremony at the Muriel Morabito Center.

Deputy Mayor Funchion wished everyone a Happy Thanksgiving.

h. Trustees' Reports:

Trustee Pasquale reported that he and the Mayor attended the Inspection Ceremony for the Buchanan Engine Company. He commented that it is always an honor to be part of an event that includes First Responders. He helped give out the certificates. It was a thrill for him.

Trustee Pasquale wished everyone a Happy Thanksgiving and Happy Veterans Day. He reminded all to give thanks and remember all who served. He congratulated all the men and women who made their first Confirmations two weeks ago at St. Christopher's

Church. He thanked Sergeant Farrell of the Buchanan P.D. who took time to direct traffic in and out of the church in the bad weather.

Trustee Pasquale gave highlights from the Buchanan Police Department's Monthly Activity Report. There were 7 or 8 arrests. On October 10, Officer Loertscher arrested a 30 year old Putnam Valley person for multiple violations including driving with a suspended license. On October 25 Officer Budde arrested a 28 year old Burke Court resident who was threatening and menacing his neighbor with a sword. On November 1 Officer Loertscher arrested a 25 year old Poughkeepsie man for multiple violations including driving with a suspended license. The Police Department received a call of an elderly female who fell into a sink hole. Officer Loertscher and Chief Tubbs responded. Along with Randy Hesselgrave from the Highway Department they were able to get her out of the hole which was a collapsed water storage tank on her property. She was taken by ambulance to the hospital.

Trustee Zachary reported that at the next Workshop he would like to have a proposal to put in as a resolution or in the Code that new Trustees are required to get certain training. It was discussed in the past. He went to a Westchester Municipal Official's meeting with Mayor Knickerbocker where they discussed with people from Ossining what they do. Trustee Zachary would like to follow through with that. He feels that it would be a good thing. This would be the basics of zoning and planning, SEQR review, passing legislation and a couple of other things, not too dissimilar from what is in the NYCOM handbook. He will write something up for the next Workshop.

Trustee Jackson reported that as a veteran this Sunday, Veterans Day, is a very important day. He commented that as he always says freedom is not free, never has been free and is not free today. He said to give support to the celebration at the VA or at the Muriel Morabito Center.

Trustee Jackson thanked everyone who voted in record numbers yesterday. He commented that democracy is alive and well in Buchanan. Throughout Westchester everyone did their civic duty by voting. He commented that we do not require it in this country. It is doing the right thing and being involved at all levels of government. It is exercising your right that so many people, veterans and non-veterans have given us. He commented that it is sacred and we should always take it seriously.

Trustee Jackson wished everyone a great Thanksgiving and to eat a lot of turkey. And as Mayor Knickerbocker always says, "Have a great Buchanan day!"

7. COMMENTS FROM THE FLOOR:

None

8. ADJOURNMENT:

At 8:30 PM a MOTION to adjourn this meeting was made by Trustee Jackson, seconded by Trustee Zachary with all in favor and Mayor Knickerbocker absent.

