

Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
Monday, March 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

1. PLEDGE OF ALLEGIANCE:

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

Mayor Donahue announced that item 4(a) under New Business would be removed and would be addressed by Village Administrator Hay (see 4 a).

MOMENT OF SILENCE:

Mayor Donahue asked for a moment of silence to pray for the people in Haiti.

2. APPROVE MINUTES: Regular meeting of January 4, 2010

The minutes of the January 4, 2010 Village Board Meeting were amended by Trustee Murray on page 11, last paragraph, lines 9 and 13, to change 1378 to \$13.78. A MOTION to approve the minutes as amended was made by Trustee Richard, seconded by Trustee Murray with all in favor.

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

None

4. NEW BUSINESS:

a) RESOLUTION APPOINTING AN ALTERNATE INSPECTOR OF ELECTIONS.

As noted above, Mayor Donahue advised that this will be handled by Village Administrator Hay.

b) 10-18 RESOLUTION APPOINTING A VILLAGE AUDITOR

Mayor Donahue read the Resolution (copy attached).

Mayor Donahue noted that there was one other person who submitted who was from Hudson,

Trustee Murray wanted to let the residents know that both of the proposals were for the exact same amount. The Board wanted to use the person who was closer and who had already worked with certain municipalities in Westchester County. They felt that it was easier to use someone from this area.

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

6. INFORMATION FROM OFFICERS AND DEPARTMENTS.

- a. Justice Court Report – December 2009.

Received and filed.

b. Zoning Board Minutes – January 13, 2009.

Received and filed.

c. Attorney's Report:

Village Attorney Porteus reported that the Board had a Special Meeting regarding the Order on Consent the Village is signing with the DEC for failure to file a required form concerning storm sewers. The report is completed. The certification is signed. It has been forwarded on to the DEC. The Village did sign the Order On Consent however the fine was reduced from \$3,000 to \$1,000. Village Attorney Porteus tried to get it reduced to zero. Mayor Donahue commented that she did a great job in getting it reduced to one third. Village Attorney Porteus advised that it was forwarded and the next one is well on the way. The Village Engineer and Village Administrator are working on it. There is information on the web site. There are plans for a Public Hearing. It is being taken care of.

Concerning the auditor, Village Attorney Porteus commented that she knows that tonight's report was only for the 2009 year but she noted that in the report they are also giving the Board a proposal for auditing the Justice Court at a price of \$2500. It was not put on the Resolution this evening because Village Attorney Porteus did not know if the Board wanted it or may wish to think about it. If they do want it, they can advise the Village Administrator and it will be put on the next month's agenda. She advised that this would be for 2010 because the Comptroller's office audited it for last year.

c) Trustee's Reports:

Trustee Knickerbocker wanted to talk about the road bond and the sewage treatment bond and the importance of each. She feels that the most important that has to be passed is for the sewage treatment plant. It is an old facility. It needs serious upgrades. She commented that the Board is not doing this because they want a pretty new plant. They are aware of everyone's financial situation and the hardships in the Village. It is just one of the things that the plant has to be done. She hopes everyone votes to approve it. If the bond does not pass, the Village collects from the residents, tax-wise, approximately \$1.5 million. The upgrades have to be done regardless. It would mean a tax increase of over 100% to get the plant done. She feels that it is much more reasonable and less of a financial hardship if it is done over a time. Trustee Knickerbocker reported that she has information from the EFC. They were kind enough to break down the debt service for us over 10, 20 and 30 years. She will be leaving that information with the Village Administrator. Anyone interested in looking at them, they are welcome to at the Village office.

Trustee Knickerbocker reported that she was a little disappointed in the Village Newsletter. The Board had spoken about it several times and she was hoping that there would be a better breakdown of what it would cost the residents for each item, the sewage treatment plant and the roads. She felt the back part of the Newsletter could have been used to put the figures there. She asked Village Administrator Hay, noting that he had also worked up some numbers, if at all possible the residents could come in to the Village office and be advised of their assessment and for the roads and the sewage treatment plant, what it would cost them each year.

Trustee Knickerbocker commented that she needed to bring up another issue, at the risk of being personally attacked again, that really needs to be resolved. It goes back to when the Board was looking at the Village Administrator's computer. The Board decided to go into Executive Session to look at the Village computer. They had agreed on spending a certain dollar amount to look at the computer. That was done and another thing was done on the computer. Some of the Board had decided to go further and look further at the external hard drive. She knows the Board mentioned it before, but especially since they just went through the audit with New York State she did not want to see it happen. She did research. She talked to the New York Conference of

Mayors (NYCOM). The Village belongs to it. As Trustees and officials, they can call them and ask different questions. They have lawyers on staff. When Trustee Knickerbocker spoke to them, they advised that what had been done was improper. Trustee Knickerbocker noted that she was not looking to hurt anybody. She just wanted to make sure that it does not happen again. What happened was that Trustee Smith was kind enough to use his credit card to pay to get this done. The problem is that the \$1300 when they went on to the external hard drive, was done without the public's knowledge and was not done at a Village Board meeting. She received a reply from NYCOM, a copy of which she has given to the Village Attorney. Trustee Knickerbocker commented that any expenditure of the public's money must be done in an open meeting unless it is considered an emergency, which would be a danger to the public or an employee. Trustee Knickerbocker quoted Village law, Section 44-12-12 (copy attached). She commented that because she does not want to see this happen in the future, she wants to forward this information on to the Comptroller's office and ask for an opinion on this. It gets into further situations. She will give the Village Administrator a copy of her findings. It put each Board member into a situation where they can be liable. She is just looking to protect the Board in the future.

Trustee Knickerbocker commented that she is a huge proponent of the members of the different boards going for training. Once a year, NYCOM has training which she especially recommends for new Trustees and officials. There is a lot of know about this job. It is a huge responsibility. We want to protect the assets of the Village and protect the residents, and do the right thing. For new Board members, she recommends that they go. She went last June. She did not ask the Village for any money and she went on her own time. It is important to be up to speed on different things that you need to know. Trustee Knickerbocker addressed Trustee Smith noting that that she was not looking to hurt him or have him lose that money. But they have to do things in a certain way to protect the Village and protect the Board members.

Trustee Knickerbocker reported that she is going to be sending the information off to the Comptroller to get his opinion on it.

Trustee Murray reported that the Board had a Special Meeting a couple of weeks ago. They went over several things. It was on the Buchanan Channel. He wanted to let the audience know that they had to hire a backup sewer plant operator. They come on an "as needed" basis for \$110 an hour. They estimate their time in the Village will be approximately four hours per day. We had this necessity because we were down to only one licensed operator, as the other operator was out. Our licensed operator was working 45 days straight and needed a break. In order to comply with the State and Westchester County regulations, the Board had to enter into this contract. There is no minimum amount that the Village has to use this firm. They come in on an "as needed" basis. It does help the Village out. Trustee Murray commented that our licensed operator has to get time off occasionally.

Trustee Murray reported that at the Special Meeting, the Board signed the contract for Village Administrator Hay for three years. Trustee Murray said that he was pretty happy that Village Administrator Hay did not run away yet. Some things have been somewhat contentious but he was willing to sign a three year contract with the Village. Trustee Murray feels that things are working out very well.

Trustee Murray reported that the Board authorized the execution of a grant application as a co-applicant with Westchester County which is at no cost to the Village.

Trustee Murray reported that as Village Attorney Porteus reported, she was able to get a fine reduced from \$3,000 to \$1,000. The Board had to have that Special Meeting to authorize that expenditure because of the deadline. The Village would have had incurred more fines if they did not have that meeting.

Trustee Murray reported on the bond issues. Residents are going to be receiving a letter in their Newsletter. It details that the sewage treatment plant will cost an approximately \$48 increase in

your taxes. On the roads, there is no approximate value on there. The way Trustee Murray figured it, it is \$65 per resident. A breakdown is: \$11.60 for the sewage treatment plant per \$1,000 assessed value of your home; and for the roads, \$13.78 per \$1,000 assessed value. The average assessed value in the Village is approximately \$4,500. The current assessed rate is \$198.47 per \$1,000. Those are the numbers the Board is looking at. Trustee Murray commented that everybody is different but per resident the average for both of the bonds is \$113 or \$114 per year to have the roads and sewage treatment plant redone.

Trustee Murray reported that in the Newsletter, the Highway Foreman talks about the importance of the roads. There are several roads that are being targeted. There are six or seven roads on his list. The most important is Bleakley Avenue. There has been some infrastructure problems on that road due to its deterioration. Some of the drainage pipes are collapsing. There have been water main breaks on that road. Trustee Murray advised that that road alone will cost \$450,000 to repair. The other ones are important also. Trustee Murray wanted to let the residents know that there is an increase to the taxes and that is how it breaks down.

Trustee Murray reported that the Board received a letter before the last Special Meeting from a resident. Trustee Murray read the letter (*copy attached*). It was from Elaine Gutches on Church Street. She described how Police Sergeant Guido responded to her late night call to 911 within one minute's time. She expressed her appreciation and how she felt comforted to have this type of police protection in the Village. Trustee Murray wanted to let the residents know that our police do a lot even if you do not see it in the newspaper.

Trustee Murray reported that while he has been talking to people on the street, there have been concerns about traffic on Tate Avenue. There was an accident on Third Street and Tate Avenue. Some of the residents there are thinking that maybe there should be a Stop sign there going north at the intersection of Third and Tate. There is no traffic control device. The person who drove down Third Street ended up having a collision on Tate Avenue. Some of the residents called the insurance company to find out who was liable. It turned out that it was 50/50 since there was no traffic control device. Trustee Murray wanted to know if the Board could get a letter from the Police Chief with his opinion. Some of the residents said that they had spoken to him about it but Trustee Murray wanted to hear from the Police Chief first hand. It is at the area of Third Street and Tate Avenue going north.

Trustee Murray thanked Village Administrator Hay who has given the Board a monthly report. It was something Trustee Murray was not accustomed to getting. It is a monthly letter to the Board about what the Village Administrator is working on and some of the things that he would like to have.

Trustee Murray thanked Sherri Jahoda and Karen Park for organizing the Installation dinner for the St. Patrick's Day Parade. It was a great event and well attended. He hopes many more people attend the parade this year. He thanked all the volunteers for their hard work.

Trustee Smith reported that he talked to Highway Foreman Jeff Tiernan today. Our Highway Department did a bang up job with the roads in the recent snowstorms. Trustee Smith thanked Bobby Wheeler who was present in the audience. The whole team deserves a pat on the back. The new salt shed made it through the heavy snow loads. That was a concern early on. It was very encouraging. Trustee Smith commented that was probably because the Highway Department installed it and they were very vigilant in seeing it installed properly.

Trustee Smith reported that he spoke to George Smith who was thrilled with the work that the contractor did on the pollution control. He did the good job.

Trustee Smith commented that no news is good news. He hopes that everybody will vote for the bond for the sewage treatment plant and strongly considers the bond for the roads also. He commented that if we do not get the bond, it will be coming out of our own pockets immediately

versus over a 30 year period. He asked everyone to vote for or against the bond as they may feel, but to please vote.

Trustee Richard thanked Village Administrator Hay for his monthly letter. The Board is not used to getting it.

Trustee Richard reported on a petition on the internet to save the Montrose V.A. The web site is <http://www.petitiononline.com/montrose>. Trustee Richard read the petition (copy attached). It is a petition to General Erik K. Shinseki, Secretary of Veterans Affairs against taking over the property at the VA in Montrose. Trustee Richard urged everyone to go on the web site and sign this petition. When she signed the petition, she was number 539. As of today, there are now 1040 signatures. She encouraged everyone to sign it.

Trustee Richard reported that last night she sent an e-mail to Mr. Ellis in the State Comptroller's Department asking for information on the most recent audit they have done for the Village. He responded that the report is currently in the editing mode and they expect to be contacting the Village officials in the next few weeks to schedule an exit conference. The report will be released 30 days after the exit conference.

Mayor's Report

Mayor Donahue shared the views referred to in Trustee Richard's remarks about keeping the VA Hospital open in Montrose. He was down there three or four hours today with a couple of Veterans who live in the Village. He commented that if you have a problem, at least you can go to Castle Point which is not too bad to travel to. But if they have to go to New York City, in the Bronx, it is more difficult. We have to do everything to keep Montrose open. It is a great hospital. They have great facilities.

Mayor Donahue referred to the letter from Elaine Gutches. When he received the letter, he immediately contacted Sergeant Guida and commended him for his quick response. The Mayor contacted Chief Tubbs who will put a copy of the letter into Sgt. Guida's personnel file. Mayor Donahue contacted Ms. Gutches whom he knows as they both went to Peekskill High School. It was nice that she sent the letter to the attention of the Board and residents.

Mayor Donahue reported that last month he attended the CCVAC Awards Breakfast. This is when they honor their members for all their service. He presented them with a certificate on behalf of the Village of Buchanan. He cannot thank them enough for all the service they provide for our Village. The Master of Ceremonies was Police Chief Brian Tubbs. The newly elected president is Village resident Kathy Stewart. They gave awards to five local residents: Joe Fichter of Buchanan Hardware, Debbie Fay, William Durr and Al Chapyak. The award that really stood out was for Village resident Mary Chapyak. Regarding her service to CCVAC, the people of the Town of Cortlandt and the Village of Buchanan, she went on over 7,500 calls. She has given a lot of time and everything she can to our community.

Mayor Donahue reported on the bond issue which he described as essential. Referring to Trustee Knickerbocker's reference to the \$1.5 million that would have be raised in taxes, the Mayor commented to bear in mind that because of the PILOT program, Entergy's taxes will not increase. The burden lies on the Village residents and small businesses to make up the \$1.5 million. Regarding the roads, Mayor Donahue commented that almost every day he speaks with the Highway Foreman who cannot say enough how important it is to do the roads. It is not just what we see on the surface. It affects the water lines, and everything that is connected to the roads. He hopes that the residents vote for both of the bonds. The Board is in agreement and supports both of these bond issues. Mayor Donahue urged residents to vote for these bonds on Election Day on March 16.

7. COMMENTS FROM THE FLOOR:

Angelo Iacomini, 6 Donahue Court, commented that he is running for a Trustee position. He commented that he was going to have an informational presentation. He showed a display of photos of the Sewage Treatment Plant which he had taken, enlarged and mounted into a display. He pointed out the pictures of the parts of the plant in need of repair, highlighting specific area of deterioration. He commented that he wanted the residents to see how critical it is to repair this plant. In speaking with George Smith, he learned that there was constant vibration in some of the pumps where there should not be. Mr. Iacomini commented that it is critical that this all be taken care of now because the Village is not in compliance with the County. He feels that the bond is the best way to go and that the people of the community need to vote for it. Mr. Iacomini went through an itemized list of the needed areas of repair. He felt that if people could see this, especially people who cannot attend the Board meetings, they would understand the urgency in the bonds. He referred to Trustee Knickerbocker's report and commented that it is not just something that you want to replace. It has gone on too long.

Mr. Iacomini showed a photo display of the new salt shed which he noted Entergy provided the funds for. These are the same sheds that are used in New York City. He commented that along the Hudson, they have had some of these up for 10 years or so. He commented that the salt shed is behind the Recreation building and you can look at it there. It is impressive. It holds 30% more salt or material than the old one. That possibly allows the Village to purchase at a lower rate. He noted that this photo display was also informational, to let the residents know.

Trustee Knickerbocker addressed Mr. Iacomini. She advised that she had also spoken with George Smith. He advised that any resident who goes over to the Sewage Treatment Plant during their regular hours, he would be happy to meet with them and show them the plant. Mr. Iacomini concurred. Trustee Murray advised to call first since they occasionally have to go out to check pump stations and may not be there.

Trustee Knickerbocker commented that regarding one of the two bays at the plant, it has been quite a few years since it was used. What happened was over the years, parts were stripped from it to be used for the bay that is currently being used. Now we have two bays that are not in great shape.

Trustee Knickerbocker wanted to know if Mr. Iacomini got the engineering report that was passed out at one of the meetings. Mr. Iacomini did not. He advised that he just went down to the plant and shot some pictures. That was it.

Henry Hrdlicka, Bannon Avenue, wished to congratulate the Highway Department on the fine job they did in the last snow storm. He commented that residents always come before the Board to complain about things going wrong. The Highway Department did one heck of a job in the last storm. He commended Highway Foreman Jeff Tiernan and the Highway Department personnel. The audience added their applause to Mr. Hrdlicka's comments.

Eileen Absenger, 138 Tate Avenue, addressed the Village Administrator concerning Absentee Ballots. She was advised by the Village office that the last day to mail them out was March 10. But there was no indication when they would be mailing them out. She noted that March 10 has one weekend between it and Election Day on March 16. Her uncle is in Florida and would like to vote. Last year, his ballot did not get there promptly and he was concerned that it may not have arrived back here in time to be counted. She would like to have the Absentee Ballots sent out a week before the last allowable day. She did not know if that was contingent on printing the ballots. Village Administrator Hay advised that he will check. He believes that the Village may have the ballots and they may be able to start mailing them out as soon as they get them. They will be mailed out as soon as possible.

Ms. Absenger commented that for the upcoming hearings on the budget, she would like to see a pie chart of the expenses. She feels that other residents interested in the budget hearings may also find it helpful. She knows that the Board goes through it line by line. But a pie chart brings it down to an elementary level. It should have the mandated funds the Village has to pay and

also break down whatever else into categories to give the residents an idea of what we can do. She would like to see that if it is not too much of a problem.

Ms. Absenger commented that in January, there was a water main break on Rockledge Avenue. They called in a contractor at night and they were digging up. They filled it but as the snow and salt and everything came, it has sunk. She indicated the approximate dimensions of the hole. It is liable to damage someone's car. She commented that she hit a pot hole in Peekskill and the contractor paid for it because he did not mark it. She does not know if it is the Village's responsibility or who has to put traffic cones up. Village Administrator Hay advised that he will talk with the Highway Foreman tomorrow to see if it can be filled with something. Ms. Absenger commented that even if it just marked off. She almost hit it at night time because it is not marked.

EXECUTIVE SESSION:

At 8:15 PM a MOTION to enter into Executive Session to discuss a voucher was made by Trustee Murray, seconded by Trustee Knickerbocker with all in favor.

At 8:22 PM a MOTION to return to the regular meeting from Executive Session was made by Trustee Murray, seconded by Trustee Richard with all in favor.

Trustee Murray reported that no action was taken in Executive Session. No funds were spent. The Board is going to research a voucher a little more.

8. ADJOURNMENT:

At 8:24 PM a MOTION to adjourn this meeting was made by Trustee Murray, seconded by Trustee Richard 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.

Kevin Hay