

Village of Buchanan  
 Mayor & Board of Trustees  
 Regular Meeting  
 Monday, September 7, 2010

**PRESENT:**

Mayor Sean Murray  
 Trustees Richard A. Funchion, Theresa Knickerbocker, Brian Smith and Nicholas Zachary  
 Village Administrator Kevin Hay  
 Village Attorney Stephanie V. Porteus  
 Village 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:** April 5, 2010 Organizational Meeting; Regular Meeting of August 2, 2010

April 5, 2010:

A MOTION to approve the minutes of the Organizational Meeting of the Village Board was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

August 2, 2010:

A MOTION to approve the minutes of the August 2, 2010 Regular meeting of the Village Board was made by Trustee Knickerbocker, seconded by Trustee Zachary with all in favor and Trustee Funchion abstaining as he was not present at that meeting.

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

None

**4. OLD BUSINESS:**

**a) PUBLIC HEARING FOR THE PLACEMENT OF PROPRof proposed stop signs**

At 7:38 PM a MOTION to open the Public Hearing was made by Trustee Smith, seconded by Trustee Zachary with all in favor.

Maureen Chilton, 253 Coachlight Square, Montrose, spoke in favor of having Stop signs. Last November, she was hit on Tate Avenue by someone coming out of Third Street. Both insurance companies wanted to know if there was any traffic control on that intersection. They determined that both she and the person who hit her were each half at fault because there was no traffic control at that intersection. She talked about there being a double yellow line and Tate Avenue being a main thoroughfare. She felt it was scary not having any traffic control there. The insurance company told her to drive carefully. She felt it was odd that there are Stop signs down Tate Avenue, Henry Street, Westchester Avenue and certain end streets, such as at the top of Fourth Street at Henry Street and on First Street, but not on Third Street. She thought it was scary that there was no traffic control as there is now excessive traffic on Tate Avenue from people who live in Montrose and Verplanck. She commented on the Stop signs on Craft Lane and Gallagher Street. She commented that some may think they are a hassle but having been hit by someone coming out of a side street, she does not.

At 7:45 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Mayor Murray read a report from Police Chief Tubbs which was in favor of putting in Stop signs on both Second and Third Streets where they intersect Tate Avenue (copy attached).

Mayor Murray noted that there is no Resolution prepared yet. The Public Hearing was for all intersections on Tate Avenue. There have been no comments on them except for Second and Third Streets. Mayor Murray was in favor of making a Motion to install traffic signs on Second and Third Streets where they intersect Tate Avenue.

Trustee Zachary was in favor. He lives on Tate Avenue. When he was first moved there, he sat on his porch and would see a car go by every 15-20 minutes. With the addition of people moving in and added development, Tate Avenue now gets very busy. People from Verplanck and Montrose use it to cut out to Route 9A. He thinks at this point, people in the cul de sacs are not as pressured to put them in because most of the traffic is people who live in those cul de sacs. The other streets are through streets. He feels that it is only a matter of time before there is another accident. If the Stop signs can prevent one accident, it is worth doing.

Trustee Smith said that any time you have an intersection, you should have a control device. He was in favor of looking at the other roads also. Mayor Murray commented that they will have the Police Chief look at the other roads. He noted that the Stop signs on Gallagher Street were put there because of a recommendation letter from a couple of residents sent to the Board who asked them to have a Public Hearing about it a year or two ago. This proposal was drawn up because of a couple of other accidents. The Mayor asked the Police Chief to look at it. There was only one person who came out to the Public Hearing at the last meeting and they were against it.

Mayor Murray made a MOTION to install Stop signs on Second and Third Streets where they intersect Tate Avenue. The Motion was seconded by Trustee Zachary with all in favor. Mayor Murray asked Village Administrator Hay to write a letter to Highway Foremen Jeff Tiernan to take care of it.

## **5. NEW BUSINESS:**

### **a) 10-56 RESOLUTION AUTHORIZING THE VILLAGE OF BUCHANAN TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT FOR PARTICIPATION IN A SEPTEMBER 11<sup>th</sup> MEMORIAL PROJECT.**

Mayor Murray read the Resolution (copy attached).

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

Trustee Knickerbocker wanted to know if there was any further information such as cost estimates or where they are placing it. Mayor Murray advised that this is in the preliminary stages. One reason we have to enter into this agreement because the Village of Croton initiated talks with the Transit Authority. Since we are going to do the three municipalities together, the Transit Authority wanted verification and commitment that we could receive some World Trade Center steel. Everything will be done through donations and put into one bank account with a dedicated budget number and tax exempt Id code to be coordinated through the Town of Cortlandt. There will be a separate committee made up of architects, engineers, iron workers and anybody who will be required to build a memorial. They are looking for volunteers. We are going to put out a package. It is very preliminary and is necessary to obtain steel from the Transit Authority.

Trustee Zachary wanted to know if this still requires an IMA. Mayor Murray advised that it is preliminary to satisfy the needs of the Transit Authority. It is just the first step in the coordination efforts.

All were in favor of this.

b) **10-57 RESOLUTION DECLARING THE HIGHWAY BUCKET TRUCK(S) SURPLUS EQUIPMENT.**

Mayor Murray read the Resolution (copy attached).

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

Trustee Funchion wanted to know if it was the Highway Foreman who has determined these vehicles as no longer being sufficient. Mayor Murray advised that the 1983 bucket truck has not been able to be inspected or put in service for the past 2-3 years. It is one of the reasons the Village has been paying a contractor \$10,000 a year to replace the lights. The 2003 JLG lift was donated by Entergy last year but we cannot register it for use on the road and cannot be used near electrical equipment. The Village will try to sell it and use the proceeds to get a bucket truck that can be UL rated and used for our purposes.

c) **10-58 RESOLUTION WAIVING FACILITY FEE FOR THE BUCHANAN ENGINE CO. #1 FOR THE USE OF THE LENT'S COVE PARKING FACILITIES.**

Mayor Murray read the Resolution (copy attached).

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

Trustee Zachary wanted to know what a "wet down" was. Mayor Murray advised that Buchanan Engine Company recently purchased a rescue truck to replace a 1975 piece of equipment. This is a celebration of receiving a new piece of equipment. What they used to do was spray water all over the new fire engine. A "wet down" is an old term that is used. The Mayor noted that the date in the resolution was incorrect. It will be on September 18th.

Mayor Murray wanted to know if the bathrooms there are useable. He understood that the Town of Cortlandt used the Port-o-Sans. Village Administrator Hay is going to check with Highway Foreman Jeff Tiernan to see that the bathrooms are useable.

d) **10-59 RESOLUTION ADOPTING A REVISED PROCUREMENT POLICY FOR THE VILLAGE OF BUCHANAN.**

Mayor Murray read the Resolution (copy attached).

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

Trustee Smith wanted to know if this was part of the Comptroller's audit. Mayor Murray advised that this was submitted as part of that request and part of the Board's response. The goods and services limits and the amounts have changed. There is now a

standardized ways of procuring goods. The different types of bids are covered. They are all formalized in the one document.

e) **10-60 RESOLUTION ACCEPTING BID FOR BLEAKLEY AVENUE PAVING PROJECT.**

Mayor Murray read the Resolution (copy attached).

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

Trustee Funchion wanted to know about provisions for cost overruns. Mayor Murray advised that anything included in the contract is solid. There could be an increase for incidentals not known at the time of the bid. Trustee Funchion commented that the second closest bid is a lot less than the bidder; \$171,000 versus \$138,000. Mayor Murray commented that when he saw that the nearest bidder was 10% less, he asked the Village Engineer to see why. He checked the references and advised that it was a reasonable estimate. Trustee Knickerbocker thanked Village Administrator Hay for doing the spread sheet which broke everything down. Village Administrator Hay advised that it was the Village Engineer who did it. Mayor Murray noted that these are for known problems and engineering on the road. Once you find things that have to be added into it, it would be extra. This is the best estimate that the Village Engineer could come up with and that the bidder could come up with.

Trustee Zachary wanted to know if major projects like this are ever divided among more than one contractor. Where he worked for example, in commercial woodworking, they would have one contractor for pantries, one for moldings and doors, and so forth, so the general contractor could award bids for part of the work. He commented that maybe with the roads, it is different. Mayor Murray commented that it is his understanding that the contractor has everybody in house to do the work. The contractor would be responsible for the entire project. He is the one putting up the bond and the Village Engineer is going to be overseeing that it is done to specifications. Who the contractor hires and gets to do the work is his responsibility. Trustee Zachary commented that he did not want it set up where two contractors would be competing and fighting. If this contractor has everybody in place, it would explain his estimate of \$10,000 under "Maintenance & Protection Of Traffic" while some of the others go as high as \$70,000. Mayor Murray advised that he talked to the Highway Forman about that. He told him that the contractor has the resources to perform all these tasks. Trustee Zachary noted that dividing up the bids may not apply to this kind of work but might to other types of future projects. Mayor Murray commented that the Village Engineer will verify that the specifications are met for the whole project. The responsibility for the entire project plus the insurance and bonding will be with the contractor.

f) **10-61 RESOLUTION AUTHORIZING ADMINISTRATOR TO ISSUE LETTER OF COMMITMENT FOR JOINING PAVING PROJECT WITH TOWN OF CORTLANDT**

Mayor Murray read the Resolution (copy attached).

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

Trustee Funchion wanted to know how much money are we going to have to put into this and what will we get out of it. Mayor Murray advised that it is bulk purchasing with the Village of Croton and the Town of Cortlandt. Because the Board is not sure how much Bleakley Avenue is going cost, they only have \$78,000. \$100,000 to \$150,000 was projected. Henry Street came out to around \$78,000. The Village is only paying for our services. The only reason we are entering into this with the Town is that we wanted to buy material in bulk because it is cheaper. Right now, Henry Street is the only one bid by the Town of Cortlandt. Village Administrator Hay advised that it was \$93,000. Trustee Zachary understands it to be that the Town is bidding Henry Street on the Village's behalf with some other streets. The Mayor did not know if Croton had their engineering project together to do the joint bidding. The Town is doing projects for half a million dollars. Right now, we are going to have some more money left over. The Board will be discussing other possible projects with the Village Engineer. We are waiting to see how much Bleakley Avenue actually comes out to be. The Engineer's estimate is \$800,000 so we only gave the Town \$150,000 to put in their bidding. Each contract we have with the contractor doing Bleakley Avenue and through the Town can be expanded, according to the Village Engineer, so additional work can be done without going to bid again.

Trustee Zachary wanted to know if the Town is going to provide supervision on the Henry Street project. Trustee Knickerbocker noted that they are only doing paving on Henry Street. Mayor Murray commented that he did not have a copy of the specs. Trustee Knickerbocker advised that the area from Second Street on Henry Street, to Church Street will be paved.

Trustee Smith wanted to know how we can have bond money set aside for road paving and then come to an agreement with the Town. He wanted to know what if the Town of Cortlandt comes out to be more per ton than the bid price from the contractor for Bleakley Avenue. The money that we used to pay for this paving is from money already set aside, not from the bond. Mayor Murray advised that the money is coming from the road project bond. The Town of Cortlandt bids a lot of things for us. We have IMAs for office supplies and other projects, agreements for equipment. He did not see why we cannot use their services for bulk purchasing which is always cheaper. Trustee Smith commented that then we are locked into that. Mayor Murray commented that it would be for one road. Trustee Smith wanted to know if the bids from the Town turn out to be higher than what we are getting already, we would be locked into our bids and not the vendor's bids. Trustee Zachary commented that it is not that the Town is going to go to bid, so they are also going to go with the lowest bid. A lot of people that bid on the Bleakley Avenue project will be bidding on those same projects. Trustee Funchion commented regarding the cost, that if you look at the bids the one that we are getting, their part of the bid covering the asphalt is one of the higher parts. He feels it would be more than likely that another bid for the Town would come in with a lower bid.

Trustee Smith commented that we have a bond on one side and this on the other. He wanted to know from the Village Attorney how they would know. Village Attorney Porteus advised that the Board bid out Bleakley Avenue and that is from the bond. This is through the Town, and is just a bid. It is a piece of the bond as well. Trustee Smith wanted to know if we are obligated to buy. If it turns out that our bidder on the next road job comes in lower than this bid, is the Village still obligated to stick with the Town. Village Attorney Porteus wanted to know if Trustee Smith was saying that we should go out to bid ourselves and not go through the Town. Trustee Smith commented that we can still do that. The Village Attorney advised that the Town of Cortlandt wants to award the bid next week. They are asking the Board to commit. So the Board cannot go out and bid Henry Street themselves as well. If they want to see about the remaining funds the Mayor was referring to, he could. But this is a letter of commitment. Once the Board does it, we are obligated to do it for Henry Street. Bleakley Avenue is done separately. If there is extra money left over, the contract with the Town says that the Village can utilize them, or if the Board does not want to jointly bid that, they can do something else. The

Mayor noted that Hahn Engineering has that same caveat with the contractor doing Bleakley Avenue. So the Board could talk between the two contractors to get the best value for the extra \$200,000. The Mayor commented that as Trustee Funchion noted, the tonnage was more from the Bleakley Avenue contractor. Trustee Funchion commented that it appears to be that going with the Town of Cortlandt gives the Village the most bang for our buck. Mayor Murray commented that is because we would be able to do more bulk purchase. We are not going to ask for a just couple of tons of asphalt.

Trustee Knickerbocker commented that after Bleakley Avenue, there would be about \$435,000 left to do road work. It will be about \$93,000 to cover Henry Street. She wanted to know if the Village Engineer had given any others. Mayor Murray commented that he was thinking about Westchester Avenue. We did not engineer any other roads. We already have the estimates from last year.

Trustee Zachary wanted to know if any road paving in the past was done through IMAs. Mayor Murray advised that he was not aware of any. Trustee Zachary wanted to know how we know for sure without comparing the prices that we are getting a better deal with the IMA. The Mayor commented that we did not do individual bid packages for each road. Trustee Zachary commented that you buy in bulk and assume that you must be getting a better price. But every once in a while, you look and compare just so you know. It would be prudent to compare so we know. Mayor Murray noted that the Board had all the asphalt and other costs from each one of the contractors. They were looked at. Mayor Murray noted that on the Town bids, he was the third bidder. Trustee Zachary noted that he is lower on the asphalt. Trustee Knickerbocker commented that Henry Street has not been engineered since as we are just paving. Trustee Zachary noted that they had the lowest per unit paving costs on the list for the Town bids. Mayor Murray commented that it appears that they are doing a half million dollars of work in the Town. He is not sure what kind of infrastructure they are changing. Village Administrator Hay advised that the Town asked him for the letter as soon as possible. He will send a copy of the resolution as well. It is due one week from now.

g) **10-62 RESOLUTION AUTHORIZING VILLAGE ENGINEER TO PREPARE SPECIFICATIONS AND FOR CLERK TO ADVERTISE BIDS FOR SLUDGE COLLECTION EQUIPMENT AT SEWER TREATMENT PLANT.**

Mayor Murray read the Resolution (copy attached).

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

Trustee Smith wanted to know if this came from the meeting earlier this week. Mayor Murray advised that the Village Engineer had concerns about the train that is in service right now because while he was reviewing the maintenance records for the plant, he observed that there have not been any adjustments on the train in many years. According to the manufacturer's specs, it is supposed to be adjusted every six months or each year. Because it has not been adjusted and has been operating in such a manner, he is concerned that it might be failing. He asked the Mayor and Village Administrator what they thought. They felt it was a good idea to replace the equipment. He had the specifications already prepared from some time in the past. It was just never sent out to bid. He suggested to put the train that is no longer in operation now into full operation to find out the specifications and to have the replacement equipment in place if the other train fails. Trustee Smith commented that it is his understanding that the new equipment will be placed in the left side; transfer from tank 2 to tank 1; drain them; and survey it until the contract is put together for the bond. He gets the feeling that is being done piecemeal. In six months, they have got things moving on the roads but nothing is going on with the Sewage Treatment Plant.

Mayor Murray commented that we are not purchasing this until we get the bond money. It is part of the specifications. It is part of the engineering package being put together for the rehabilitation. The Village Engineer has advised that if we bid this right now, we would still not be able to get the parts until December or January. If we have a failure right now, we would have a problem trying to get it. He is just trying to be proactive. We are not going to be awarding the bid or spending the money. This is a proactive means in case of a failure of a piece of equipment that has not been maintained for 15 years. Trustee Smith does not think we are moving fast enough on the bond and the sewage treatment project and feels frustrated.

Trustee Knickerbocker commented that she was at the meeting last week with Village Engineer Hahn who asked for a meeting. Also in that meeting were Trustee Smith, George Smith, someone from Camo Pollution, the company we are using when George Smith is not available and KOVAC, the company that is doing the work. The main concern is that there are two sides to the STP. To the right is the side that we currently use. There is a tray or bin to the side where after everything is processed it goes into another bin which is the sludge collection equipment. That has not been maintained in the last 15 years. It is our only sludge collection area. The other one, which they are estimating at \$50,000 to repair, is the one that was damaged by the UV damage because there was no water and the sun hit it all the time and damaged it. It is not in use at all. We are in a touchy situation on the side that is currently in use because there is no back-up. What will done by the end of the week is that Camo and KOVAC are coming in. George Smith is very involved in this. We are renting pumps. It will be lowered. Everything will be diverted. They have a plan. They want to break down the tray so they can see if there are problems or potential problems. This will happen within a 24 hour span. They will drain it, inspect it, repair anything that has to be repaired and get it back on-line very quickly. It is a preventive measure so that we do not have any other problems. The bidding process takes so long that we will not be able to get the other side up and running for many months. We want to make sure that the side that is working continues to work so we do not have any problems.

Trustee Knickerbocker comments that the Board is going to have a meeting on September 15. She hopes everyone will come out. The Village Engineer will be here. He will be discussing the different technologies. It is going to come back to the Board. They want input from the public. They need to make a decision so it can go forward and the Village Engineer can do the specs. It is a big decision as to what technology to use. We want something that is not high maintenance and is going to last. Village Engineer Hahn is coming in and will bring all the information.

Trustee Zachary wanted to know if by the Workshop meeting, they could get a break down of what we have spent so far in this process from April until now, and what of those expenditures are going to eventually come from the bond. He did not want to see that whatever we are doing now, advancing money for this now, is going to be part of the solution and not an extra expenditure. Mayor Murray advised that this conveyor system is going to be permanently installed. We do not have any replacement if it fails now and it has been under water for 15 years. Trustee Zachary wanted to know if the draining of the tank has been scheduled. Mayor Murray advised that it is going to be diverted to the other tank. Trustee Knickerbocker advised that this is scheduled for Thursday or Friday.

Trustee Smith commented that he felt he was being kept in the dark. He was not aware of the referenced meeting until it was halfway through. He had requested of the Village Engineer early on to copy him on anything that takes place so that he is in the loop going forward. He wants to be made aware of things like this when they come up. It is just frustrating to hear through the grapevine. Mayor Murray commented that the Village Engineer had gone to the STP and looked at the equipment. He called the Village Administrator and they had a conference call with the Mayor. The Village Engineer wanted to set up another conference call and go down to speak to them. Trustee Smith commented that the Village Engineer said that he called that meeting and invited the Board members. Trustee Smith did not receive notice. This was after the fact. He

wanted to be kept in the loop because he wants to get information first-hand and not by way of others where it may not be complete. Trustee Knickerbocker commented that she knew about the meeting on the Thursday before and knew he would be there. The Thursday before, the Village Engineer, Fred Testa EFC, and the engineer from EFC, at that time he mentioned that he would be having this meeting. Trustee Knickerbocker advised that she would very much like to be there.

h) **10-63 RESOLUTION AUTHORIZING PROPERTY TAX REDUCTION AND TAX REFUND**

Mayor Murray read the Resolution (copy attached).

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

i) **10-64 RESOLUTION RATIFYING TRUSTEES ATTENDANCE AT NYCOM CONFERENCE**

Mayor Murray read the Resolution (copy attached).

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

Trustee Zachary noted that this was something none of the Board realized needed a resolution for. Village Attorney Porteus advised that it was budgeted for. The Board can ratify a legal act that could have been done in the first place. It is as if they had approved it ahead of time. Mayor Murray advised that the budget line was increased for attending training conferences for this specific purpose. Trustee Zachary commented that it falls out of the category of bidding levels but because of what it is, it requires a resolution.

j) **10-65 RESOLUTION RATIFYING TRUSTEES ATTENDANCE AT NYCOM CONFERENCE**

Mayor Murray read the Resolution (copy attached).

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

k) **10-66 RESOLUTION RATIFYING TRUSTEES ATTENDANCE AT NYCOM CONFERENCE**

Mayor Murray read the Resolution (copy attached).

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

Mayor Murray noted that the reason there had to be separate resolutions was because if it was all together none of the Trustees could vote for it.

**6. INFORMATION FROM OFFICERS AND DEPARTMENTS.**

- a) Fire Inspector's Report: May 2010 – July 2010

Received.

b) Police Department Monthly Reports: January 2010 – August 2010

Received. Mayor Murray noted the 100-150 complaints and thousands of miles per month the Police Department patrols. Our police are always out there.

c) Wastewater Treatment Monthly Reports: February 2010 – June 2010

Received.

Trustee Knickerbocker noted that in February, we had a total of ten days where we had Camo Pollution come in, whom we pay \$110 per hour to because we do not have another licensed operator. The total for the ten days was \$4400. Tonight, the Board signed another voucher for ten days in July and August, which is another \$4,000. She wanted to note that there are expenses on top of everything using Camo Pollution. He has a license and the Village made an agreement with the Department of Health.

d) Planning Board Minutes: June 17, 2010

Received.

e) Zoning Board Minutes: June 9, 2010

Received.

f) Attorney's Report

Village Attorney Porteus advised that the official response to the Comptrollers audit was sent out. There are two new procedures: one for accepting donation and grants and one for claims processing. They are in file in the Village Hall for anyone who wants to look at them. The response to the Comptroller's audit will be published.

Village Attorney Porteus reported that the Mayor had some revisions to the employee handbook. No one else on the Board submitted any changes. They hope to have it completed by the October Village Board meeting. Any comments or corrections are requested before then. They can then get a draft and get it implemented. Mayor Murray commented that he would first like to give a copy to the union and to the PBA to see if there are any questions or concerns about it.

g) Trustee's Reports:

Trustee Knickerbocker commented that she knows people were seeing Con Edison doing construction at the Circle. There was a significant gas leak. They replaced some of the pipe and repaired a leak on the main. They will be finishing tomorrow and will resurface it then. The Fire Department was out there one night because of the strong smell of the gas.

Trustee Knickerbocker reported that the Village Board did a tour of Entergy which was very educational. She was there with Mayor Murray, Trustees Smith and Funchion, Don Zern, Cheryl Murray and Village Administrator Hay. One of the things she wanted to see was the storage cask. When she was a Trustee previously, in the 1990s, they were talking about a nuclear waste storage facility at Yucca Mountain. That is not happening after they spent billions of dollars. She wanted to see what the storage casks were at Indian point. It was a very in depth tour. They showed the Board a lot.

Trustee Smith commented that he would like to be kept in the loop about everything regarding the roads and the sewage treatment plant. He wanted to know if Trustee Knickerbocker had a contact list and phone numbers for the people she has been dealing with, and minutes of the

meetings she has had with them. Trustee Knickerbocker advised that the only meeting she had was last Thursday with Fred Testa and the EFC. Village Engineer Hahn was on the conference call they had. At that time, he mentioned that he was going to have that meeting the following week. Trustee Knickerbocker requested to be present. She commented that if she had not been on that conference call, she probably would not have known about that subsequent meeting. She requested the Village Administrator in the future send an e-mail notifying the Board members for any meetings, noting that according to Public Meeting law there could not be three of the Board members present. Trustee Smith commented that if something comes from the Village Engineer, the Board members should automatically be copied and that he does want to be contacted. The Mayor wanted to know if the Village Engineer had e-mailed him on the other thing. Trustee Knickerbocker commented that she did ask him to do an overview of the meeting that happened on that day to that so that everyone who was not present would also have the information. She also advised him that she is the Trustee for infrastructure and that she wants to know what is going on and be kept updated. He did send the Board an overview in layman's terms of what happened at that meeting.

Trustee Funchion reported that he was part of the tour at Indian Point and Entergy plant. He came away very impressed with the security level. He talked about there being a secure area from the air to the river to the road. It alleviated his fears about terrorist threats. It was very interesting. They explained the difference with the two major accidents – Three Mile Island and Chernobyl – with incidents at Indian Point. He feels that they are a very safe company and that their security is “A-1”.

Trustee Zachary commented that August was a quiet month but that he wanted to look ahead.

Trustee Zachary reported on getting volunteers for an event planning committee together. They are looking to have a meeting in September. Anyone who is interested in that should contact him or Trustee Knickerbocker. A couple of people have shown an interest. They will try to find an evening for everybody to meet and look forward to next year and events that can be planned.

Trustee Zachary would like to look forward to when the Board can plan a mid-year discussion on the budget process. He does not know if it is usually done. He noted that when they went through the budget process, a couple of the Board members were new and there was a lot to be absorbed. There were things they noted at the time that could not be done then but would be looked at during the year. He does not want them to be forgotten until they go through the budget process again. He would like to look at the budget mid-year, possibly at a Workshop in October or November, to pool ideas of what they might want to try to enact or change that cannot be done on the spur of the moment when they get to the review and approval of the budget. The next Workshop meeting will be filled with the Indian Point and Village Engineer's presentations. He would like to plan on people pooling ideas mid-year. Mayor Murray advised that one of the road blocks is that we are having difficulty getting the audit signed, for a number of reasons. Our auditor has to go to a second plan. We are trying to get the audit done so we know what our liabilities are. Certain people will not sign for the liabilities. Trustee Zachary commented as examples, making improvements to the recreation facilities, change in fees for dumpsters and different things that come up which might be put aside when the budget comes up. Mayor Murray wanted to know if it was feasible to get everything together for October 20. Village Administrator Hay can give everybody a budget report at that time. He can give the Board a current status or snapshot at that time. Trustee Zachary commented that November is the mid-year on the budget. At the next meeting, the Board can assess if they have a lot to do at the October Workshop. The Mayor asked that this be targeted for November 17. By that time, they hope to have more information on the audit.

#### h) Mayor's Report:

Mayor Murray reported that at the September 15<sup>th</sup> Workshop, there will be two presentations: one on wedge wire versus cooling towers, and one by Hahn Engineering concerning the final

draft of the status of the Sewage Treatment Plant. The main reason for the latter is that the Board has to decide what type of engineering for the aerators. It is a major expense. It is going to tell us how much we are going to spend on the plant. The cooling tower and wedge wire presentation is going to be televised. Mayor Murray hoped that as many residents as possible come out and ask questions, as these are two of the biggest issues the Village is facing in the very near future.

The Mayor reported that at the last Workshop, they had some people talk about garbage. People are violating the Code by putting bulk pickups out days and as far as a week in advance. We had this issue two years ago and thought we had it solved. The Mayor would hate to have everybody get tickets for this. He wanted everyone to be aware that in the monthly Newsletter it tells when you should put out the bulk items. No neighbor wants to see the debris lying out there for two weeks. Mayor Murray would like all residents to follow the rules. Do not put the garbage out a week in advance.

The Mayor reported that they have had some e-mails on issues about the Wheelabrator garbage incinerating plant and the excess let down of steam. He spoke with the City of Peekskill. They advised that there are certain schedules that they have agreed to and which are necessary for the operation of the plant. The dates can be found on the City of Peekskill's web site. There will be blow downs. If you hear something, consult that web site to see if it is normal or abnormal.

Mayor Murray commented on the Comptroller's report. The Board will await their review and hopes they satisfied their requests over the last couple of months. The Board changed the policies and voucher system. Hopefully that will take care of everything.

## **7. COMMENTS FROM THE FLOOR:**

Diane Tangen, 240 Catherine Street, commented that she felt it was important that the Mayor clarified why there were so many dismissals in the Village Court. She noted that the Mayor had explained that the County and State Police do not come to prosecute their citations and that the Board had discussed possibly hiring a prosecutor to see that the cases are satisfied. She wanted to know if the Village could use the Town of Cortlandt court. The State and County police do go there. She wanted to know why the Buchanan Police do not go there also. Mayor Murray advised that he did look into that. We cannot do that because the Village has its own police force with its own jurisdiction. We cannot send cases to the Town of Cortlandt to be prosecuted by them. Ms. Tangen commented that it says on the Town's web site that the police officers prosecute traffic cases in their court. She feels that it would save the Village some money and possibly provide more revenue if we could use their court. Mayor Murray advised that a couple of months ago, he tried to do that. The Village of Croton was also having some issues. He offered them the use of our facilities. You must be prosecuted in the jurisdiction that you are ticketed in. Ms. Tangen noted that we are in the Town of Cortlandt, as is Croton. She wanted to know if there was any way to consolidate the courts. Mayor Murray advised that cannot be done as long as we have a sitting judge. We have an elected judge. We cannot move her jurisdiction out of here. Ms. Tangen commented that we would be using their judge. Ms. Tangen wanted to know if this is something that cannot be done easily or not ever. Mayor Murray advised that as long as we have a publicly elected judge, we cannot have her go to another court.

Ms. Tangen commented that it was good to hear the Trustees' reports on Entergy. She noted Trustee Knickerbocker's reference to the Yucca Mountain storage facility. Ms. Tangen commented that Indian Point is storing all the nuclear waste from there going back to 1961. She wanted to know if they pay taxes on having to keep that there. The PILOT program gives us less money yet we are much more in danger than we ever were. She does not live in fear of the plant. She feels safe and secure. But we have all of that waste that was supposed to go to Yucca Mountain. It seems to her that we should be benefiting from that.

Sam Cherchia, Westchester Avenue, commented that faces change but everything else stays the same. More than a year ago, there was a problem with the sewer plant. The County Health

Department was leaning heavily on the Village. Due to Trustee Brian Smith, who pushed everything along, all of a sudden it became an urgent matter for the Village to address this serious problems. For over a year, concise reports were made at Board meetings and the public knew the risks and danger of not doing something. There were meetings with the Health Department on a regular basis. The threats were real and the Village faced fines if no action was taken. He commented that the people of the Village were educated for over a year until March of 2010. People were ready to increase their taxes to solve the problem. In March, the bond issue was overwhelmingly approved. Nothing more was heard since. He commented that Trustee Smith was left out of the loop. He feels it was purely intentional. He commented that which Board member was responsible or how many is open to speculation. Since the Board prefers not to tell us what is going on, Mr. Cherchia feels we can speculate about anything the Board does or does not do. It is his experience that when elected officials do not tell you what they are doing, they have an ulterior motive. He feels this is what we are experiencing now.

He commented that this bond issue was passed in March. This is September. All of a sudden, the most critical item in the Village is the paving of Bleakley Avenue. If you have a big pot hole or many pot holes on Bleakley Avenue, they can be patched and Bleakley Avenue will be there next year when they can address it. The urgency was the sewage treatment plant and he feels that nobody wants to talk about it. Next year if the plant fails, you can pull the lever on your toilet and you are not going to get any service. We are talking about Mr. Hahn's going to present his assessment of the plant. It was Mr. Cherchia's understanding that last year the Village Attorney, the Mayor and the Village Engineer appeared before the County Board of Health and everything was put in place. Plans and recommendations of the engineer were approved and put in place. They were pleased with the efforts to get the financing to put the plan through and in completion in reasonable time. Now we are going to get new recommendations. Mr. Cherchia wanted to know if the Village Attorney makes any changes made from what was presented last March, did the County have to review everything all over again. Village Attorney Porteus advised that they would have to be submitted to the County. She has not had any communications with the County but she believes that Village Engineer Hahn has had continuing communication with them as he has been evaluating which way to go with this. Mr. Cherchia wanted to know if they still had to get final approval from the County. The Village Attorney advised that was correct. He commented that at the December 7, 2010 Board meeting, Trustee Knickerbocker reported that she made inquiry about the time frame. He quoted from the minutes of that meeting. Mr. Cherchia understood from that, that the Board has a minimum of six months before even starting construction; six months from September 15 when they would hear new proposals from the Village Engineer. Everything was done and the County had approved the plan. Financing was approved by the residents. He wanted to know why this was not put into effect instead of concentrating on the Bleakley Avenue blacktop. He commented that a new engineer was picked which was the Board's right. But they had an engineer who was familiar and who had been to the County board on a regular basis. They were ready to go and chose not to. He commented that former Village Engineer Cronin's recommendation was for \$1.5 million allowing around \$90,000 for overruns. Originally he said \$1.4 million, then increased it to \$1.5 million, to effect all the work that was necessary to be done to update the plant to a status where it would be good for another 50-60 years. That comment was made at the same meeting as Trustee Knickerbocker's about the 6 months. Mr. Cherchia commented that the Board is just dragging their feet.

Mr. Cherchia commented that another item which he believes the Board does not care to disclose to the people is that the Village has been fined twice for a total of \$500. He is not saying it was anybody's fault on this Board. He wants to know why they do not tell the people that the Village was fined. That is \$500 down the tube.

Mr. Cherchia wanted to know from the Village Attorney what the status is of the bond. Mayor Murray commented that as Mr. Cherchia commented to him the last time the Board tried to

address him, this is “Comments From The Floor”, not “Questions From The Floor”. Mr. Cherchia commented that he is asking the Village Attorney because her client is the Village of Buchanan and he is a Village resident. According to the canons, she cannot lie to him otherwise it is an ethics violation. Village Attorney Porteus advised that as Mr. Cherchia knows, the bond was voted for and approved. Since then, there have been several meetings with the EFC for funding. What they need and what we are waiting for right now is essentially for the Village Engineer to finish the plans so we can go for the financing and finish the project. We cannot do that because we have not gotten his final recommendation. Mr. Cherchia wanted to know if the plans done by Mr. Cronin have been scrapped. The Village Attorney advised that they have not been scrapped. They are being looked at. Mayor Murray advised that the Village Attorney could only make responses on the legal aspects. Mr. Cherchia wanted to know if she would be processing the applications for the bonds and other necessary permits. The Village Attorney advised that was correct. Mr. Cherchia commented that Mr. Cronin also reported at another meeting that in discussion with Mr. Testa, he indicated that before construction can start and financing is finalized, the Village Board has to go through SEQR. Mr. Cherchia wanted to know if the plans are changed, does the Board have to back through SEQR. Village Attorney Porteus did not believe they would but does not know what his recommendation will be, so cannot say that for sure. We are not changing the foot print. If we are not making significant changes to that, it would not require another resolution to reclassify it. It has already been classified. She is not sure what we are changing. Mr. Cherchia commented that there are two different methods. Mr. Cronin has his preference. Mr. Hahn has his, which Mr. Cherchia described as old technology. Aeration was something at the turn of the last century. Mr. Cherchia feels that no progress has been made. They cannot do anything until they get the proposed changes, at which point they will start the process for the funding and possibly go back to the County Board of Health. Village Attorney Porteus advised that the latter might be able to be done in writing. Mr. Cherchia commented that you have to go through the whole process again which might take a matter of months. Village Attorney Porteus commented that it did take a matter of months.

#### 8. **AUDITING OF VOUCHERS:**

The Board audited vouchers for 20 minutes.

Trustee Smith suggested that at the upcoming Workshop meeting, the Village Engineer would speak first and then Entergy second, so we do not have to pay him for the added time. Mayor Murray noted that they will discuss it, since at this point in the meeting they are not supposed to discuss any further business.

#### 9. **ADJOURNMENT:**

At 9:35 PM a MOTION to adjourn this meeting was made by Trustee Knickerbocker, seconded by Trustee Zachary with all in favor.

General Fund: \_\_\_\_\_ Water Fund: \_\_\_\_\_

Capital Fund: \_\_\_\_\_ T&A Fund: \_\_\_\_\_

See Abstract of Audited Claim Vouchers for details.

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Kevin Hay