

Village of Buchanan
Board Meeting
May 2, 2011
7:30 PM

PRESENT:

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

1. PLEDGE OF ALLEGIANCE:

Mayor Murray opened the meeting at 7:35 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

MOMENT OF SILENCE:

Mayor Murray called for a moment of silence for the passing of Wayne Moraitis Sr. He was a Zoning Board Chairman for many years and served the Village of Buchanan well.

2. APPROVE MINUTES: Workshop of December 15, 2010; Workshop of January 19, 2011; Regular Board meeting of February 7, 2011; Regular Board meeting of March 7, 2011

December 15, 2010 Workshop: Trustee Funchion had amendments on: page 5, paragraph 1, line 5, take out “the” and paragraph 4, line 9, add “to” in front of “change”; page 21, paragraph 1, line 8, take out “what” and ; 4th line from bottom, change “recover” to “cover”; page 23, 7 lines from bottom, take out “look at”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney abstaining as she was not on the Board at that time.

January 19, 2011 Workshop: Trustee Funchion had amendments on: page 5, paragraph 3, line 3, add “the way” before “to go”; page 8, paragraph 4, line 1 add “of” in front of “talk”; page 9, paragraph 2, line 1 add “should” and take out “to”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney and Mayor Murray abstaining as they were not present.

February 7, 2011 Board Meeting: Trustee Funchion had amendments on: page 3, paragraph 2, line 2, add “have” before “plans”; page 7, paragraph 6, line 1, change “commended” to “commented”; page 21, paragraph 1, line 8, take out “what”; paragraph 3, line 4 change “recover” to “cover”; and page 23, paragraph 2, line 24, take out “look at”. Mayor Murray had amendments on: page 6, paragraph 1, and line 9, change “they will be removed” to “we will be removing them”; and page 9, paragraph 1 under Comments from the Floor, line 5, change “there” to “they”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Hitney abstaining as she was not on the Board at that time.

February 16, 2011 Workshop: A MOTION to approve these minutes was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Hitney abstaining as she was not on the Board at that time.

March 7, 2011 Board Meeting: Trustee Funchion had amendments on: page 3, paragraph 4, line 4 add “from” in front of “this”. Mayor Murray had amendments on: page 7, paragraph 2 change “Comptroller” to “auditor”; and paragraph 4, line 2, change “sand back” to “sand bag”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney abstaining as she was not on the Board at that time.

PRESENTATION: Cortlandt Community Volunteer Ambulance Corps. Presentation of an Automatic External Defibrillator – taken off the agenda.

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

None

4. NEW BUSINESS:

a) 11-14 RESOLUTION ADOPTING 2011-2012 VILLAGE BUDGET.

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 Knickerbocker feels that on the whole, it is a very good budget. There was one item that she was not in agreement with. She is happy that we will be doing crack sealing and that they found money in the budget to purchase a new pick-up truck for the Highway Department. There are a lot of positive things in the budget and she is happy that a lot of things will be done.

Trustee Hitney concurred with Trustee Knickerbocker’s comments. She is very pleased that they were able to come up with this budget. There was a lot of work put into it. They were still able to set aside money to purchase needed items and to save for other equipment. She feared that they were going to have to be “absolutely bare bones”. This budget is conservative but they were able to include a lot of things. She is pleased to support this budget.

Trustee Funchion thanked Village Administrator Hay for all the work he did on the budget. It made it easy to sit down and discuss it and to hash out all the numbers.

Mayor Murray advised that there are several increases in costs that were incurred. The pay raises were 1.8% of the total budget. 1.2% was for the increased pension costs mandated by the State. 2% was for the increase in health care to be paid to the State. We also budgeted for the debt service. We are paying back the principal and the interest which accounts for an almost 5% budget increase. In total, the amount of money that we had to pay back for all these costs was almost 10%. The Board increased some fees, did not hire for the Highway Department position and left the position in the Clerk’s office open, to mitigate the tax increase. The proposed budget

at the beginning of the Public Hearing was approximately 6.7%. The goal was 5.0%. Because we reduced some of our costs and increased some fees, it is down to 5.3%. Entergy donated \$25,000 for the purchase of a new police vehicle, and getting a new dump truck is very much needed right now because the old truck is falling apart. The Mayor commented that residents who were at the Budget Hearing know that he proposed to not purchase the truck in order to bring the tax increase down to 5%. That proved not to be feasible because the current truck required too much major work. We incurred that cost and the Mayor feels that hopefully as was said, it will work out for the future. We have budgeted some money to rehab another major piece of equipment, our other snow plow. Next year, we can put that into a Vehicle Replacement Fund so we do not get into a situation where two or three pieces of equipment must be replaced all in one year. If we can save the money now, we can have less of a tax impact in the future.

Trustee Zachary thought it is an amazing budget. There was about a 10% cost increase just with pension increases, medical cost and pay increases that are contractual and are not in the Board's control. There is the first payment for the road bond paid last year. The cost increases total 10% and the final tax increase will be 5.3%. So the Board had to find ways to reduce the budget by 4.7% in order to keep it at a 5.3% increase. They did it by going through each line carefully. He concurs that Village Administrator Hay did a lot of hard work on the budget. Trustee Zachary commented that the Board does not take lightly increasing taxes for the residents but he believes that Buchanan's are still better compared to other villages around us. Taking into consideration all the increased costs, he feels this was a very successful budget.

b) 11-15 RESOLUTION AUTHORIZING UNPAID WATER CHARGES TO BE INCLUDED IN THE VILLAGE TAX BILLS.

Mayor Murray read the Resolution (copy attached)

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

Trustee Funchion wanted to know if there is anything in place if people constantly abuse this and do not pay the fee. Mayor Murray advised that there are penalties for overdue bills. They are being attached to the water charges. He is not sure what the percentage is. These are the water charges from last year. Trustee Funchion wanted to know if when they are repetitively late paying their water bills does their fee go up. Village Administrator Hay advised that they did not go up. Mayor Murray advised that there these are yearly fines. Trustee Hitney wanted to know if these were the fees from the bills from last Fall or do they go back to last Spring. The Village Administrator advised that it was from last Spring. These are overdue. Trustee Zachary wanted to know what the due date was. Mayor Murray advised that the date is on each bill and also in the Newsletter. It is sent one month in advance. Trustee Zachary wanted to know how long after the due date is it added to the tax bills. The Village Administrator advised that it was a full year.

c) 11-16 RESOLUTION AUTHORIZING INTER-MUNICIPAL AGREEMENTS WITH THE TOWN OF CORTLANDT.

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 Zachary wanted to know about the agreement for sharing the vehicles. He wanted to know if this was a possible way for the Village to borrow a bucket truck from the Town, if they had one, to change street lights. Mayor Murray advised that they have a bucket truck but it cannot be used near electrical equipment because it is not UL rated. The Board can check into it further but that was the status as of last year. Trustee Zachary wanted to know if the Town also subcontracts out their light bulb replacement. This was not known.

d) 11-17 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER SEASONAL PERSONNEL.

Mayor Murray read the Resolution (copy attached)

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

Trustee Funchion wanted to know if this job was announced. Village Administrator Hay advised that they listed this job on the Buchanan Channel t.v. screen with the camp help and pool help. Trustee Funchion wanted to be sure everybody had an equal opportunity to apply. Mayor Murray advised that when it is time to hire summer seasonal personnel each year, any resident can put in for it. This year, they only received three applications for part-time employees. One was able to start immediately and two were not. This is the first year we have had so few applicants. Mr. LaFemina (*sp?*) worked for the Village last year. Mayor Murray noted that when the Board discussed part-time hiring, they had an issue with one of the individuals who was part-time for 3-4 years. They made it to be no more than 6 months employment as a summer part-time employee for a calendar year. This person meets that requirement. A letter of recommendation from Highway Foreman Jeff Tiernan is attached. The Mayor advised that as has been the custom, people who were previously employed by the Village at the day camp, pool or Highway Department get preferential consideration over applicants without that experience. Trustee Zachary wanted to confirm that the position was not part-time but was a temporary full-time one. He wanted to know if this was their only summer personnel need. The Mayor advised that this was the only one who was available to start now.

e) 11-18 RESOLUTION WAIVING FACILITY FEE FOR PACK 36 BOY SCOUTS OF AMERICA BARBECUE.

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.

Mayor Murray noted that for non-profit organizations, the Board usually waives the fees as long as they submit a certificate of insurance. He noted that the one attached to this application was not completed. Trustee Knickerbocker noted that their letter states that the certificate is on file in the Village office. Village Administrator Hay advised that both the Boy Scouts and Girl Scouts

have a copy of their certificates of insurance on file with the Village. Mayor Murray said to have the Recreation Supervisor submit it when she signs the applications and to verify that they have not expired so that the Village does not incur liability. He noted that the field is not available. The Village Administrator advised that they have been notified.

f) 11-19 RESOLUTION WAIVING FACILITY FEE FOR GIRL SCOUTS SPIRIT DAY.

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.

Mayor Murray advised that the date was two weeks ago. The Board received this request a week before the last Village Board Meeting which was the Public Hearing for the Budget. They try not to do too much Village business in the budget meeting because many residents have input at that hearing. That is why this Resolution is being adopted at this time.

g) 11-20 RESOLUTION AUTHORIZING THE USE OF THE VILLAGE PAVILION.

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 Hitney commented that under "Other", they have a request for a use of the ball field which she assumes is the Westchester Avenue field. She wanted to know if it is available that day. Village Administrator Hay advised that the Recreation Supervisor would have written on the application if it was not. Mayor Murray advised that Recreation Supervisor Nancy Bayer does the scheduling of the fields. All the applications have to go to her for the use of the facilities.

Trustee Zachary noted that the application included a note indicating receipt of a \$50 deposit but the application form does not state the fee. He wanted to know what it is. Mayor Murray advised that it is in the fee schedule. Trustee Zachary noted that the event is a confirmation party but the certificate of insurance is from a dry wall company. Village Attorney Porteus advised that the application is from the owner of the company who is renting the pavilion for his daughter. They named the Village as the additional insured. She advised you can get a rider for the day from your homeowners insurance.

h) 11-21 RESOLUTION AUTHORIZING THE EMPLOYMENT OF RECREATION PERSONNEL.

Mayor Murray read the Resolution (copy attached)

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

Trustee Hitney wanted to know if it is the Board's intention to have the pool open on weekends starting on Memorial Day. Village Administrator Hay advised that the plan is to start the pool opening on June 11 for weekends only and on June 27 to switch over to all week from 11:00 AM to 7:00 PM. After camp ends, there is another hour added in the morning. Trustee Hitney noted that the memo from the Recreation Supervisor to the Board gave the dates as from May 21 to September 5. Trustee Hitney wanted to know if we employ them to get the pool ready. Village Administrator Hay advised that it is only the Director who gets there earlier to start getting it ready. Mayor Murray said the Board cannot vote on this if the dates are wrong. Trustee Zachary believes the Director does start earlier to do preparatory things like ordering materials. The lifeguards do not start at that time. Mayor Murray asked the Village Attorney about amending this Resolution. Village Attorney Porteus advised to have this Resolution reflect that just the Director and the Water Safety Instructor are working starting on May 21 and then prepare another Resolution for the next Board meeting for the other employees with their start date.

i) 11-22 RESOLUTION AUTHORIZING MAYOR TO SIGN CONTRACT WITH BUCHANAN ENGINE COMPANY NO. 1.

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 Hitney felt that it was great that the officers of the Fire Department were present for the Budget Hearing to answer questions. They appreciate the support of the Village as well as the Village appreciating them. Mayor Murray said they were also present at the Workshop meeting and explained some of the issues that came up. We are glad to still maintain the Vehicle Replacement Fund in the budget. Saving for the future is very important.

5. EXECUTIVE SESSION:

At 8:10 PM a MOTION to go into Executive Session to discuss personnel issues was made by Trustee Zachary, seconded by Trustee Hitney with all in favor.

At 9:00 PM a MOTION to return from Executive Session was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor. Mayor Murray advised that no action was taken and no public funds were expended.

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Reports – February 2011 & March 2011

Received.

b) Attorney's Report.

Village Attorney Porteus reported that the Board got an application that will be coming up shortly. She invited the Board members to call her with any questions and concerns they may have since it is a new experience.

Village Attorney Porteus reported that she was working on several local laws. She was not sure where they left off with the 1% utility tax. Trustee Zachary did not think he could get any more information from Con Ed. The person who was his contact there could not get any more information. It is hard to go customer by customer and break down the figures as to the gross receipts. The Board needs to know the procedure now. He wanted to know if doing this requires a Public Hearing. Village Attorney Porteus advised that it did. It would require passing a local law. She would draft it and give it to the Board. They would hold a Public Hearing. Trustee Zachary wanted to know if the Board just enacts the law and then informs Con Edison. Village Attorney Porteus advised that was correct. She has looked at 30 municipalities. Buchanan is the only one in Westchester that does not do this. Trustee Zachary said that Con Ed also advised him of that. Village Attorney Porteus advised that when the local law is enacted, it becomes effective on the date of the filing. Trustee Zachary confirmed that we would provide Con Ed with a copy of our local law and they would then add it onto their bills. Village Attorney Porteus wanted to know if the Board wanted her to prepare this. Trustee Zachary wanted to know if we are ready to proceed. Mayor Murray said to schedule a Public Hearing. If more information is needed, the Public hearing can be kept open. Village Attorney Porteus advised that she can get a draft to the Board at the next meeting, if they would like. Mayor Murray said to do that and to schedule the Public Hearing for July

Village Attorney Porteus advised that she is working on a local law for professional fees or escrow funds. In the past, we have passed a local law which enables the Board to charge commercial applicants, specifically Planning Board applicants, with the fees for the engineer or planner. We will be enacting a local law getting escrow funds in advance rather than afterward. She will give this to the Board at the Workshop. It goes hand in hand with the local law already passed. It will require an escrow payment being made in advance from which the fees will be taken. Currently, applicants come before the Planning Board and the engineer or the planner is billing and you are chasing the applicant to get paid. By receiving the escrow in advance, the Village will never take a loss.

c) Trustee's Reports.

Trustee Zachary reported that they are continuing the planning for Buchanan Day on September 24. They still welcome anyone who wants to come and help out. They are starting to speak to local businesses, food vendors and the Fire Department. The meetings are on the first and third Thursdays of the month at 7 PM at the Village Hall. They are looking to do some improvements to the pavilion including some paving and more access to electricity for use at events. We are using the pavilion a lot and it is a great resource. Trustee Zachary feels that a little money spent fixing it up is money well spent.

Trustee Zachary reported that at the last meeting for the 911 Remembrance Memorial task force, a consensus was reached on the design. It was in the local newspapers; most recently in the Croton Gazette and the Journal News. The design uses a piece of steel from the World Trade towers as a sundial. We will be seeing more of this. They will be incorporating fund raising for the memorial at the Buchanan Day. There will be a tax ID and they will have something about this on our web site. This September will be the tenth anniversary of the events of 9/11. At the Tri-Villages Memorial Day Parade in Verplanck this year, the piece of steel that being used in our memorial will be on display.

Trustee Hitney thanked Buchanan Engine Company. The Board attended the Remembrance Day yesterday. It is a very moving tradition which they have had for a number of years. They honor all their deceased members. This year unfortunately, they had six members die. The day was well attended.

Trustee Hitney reminded everyone that Tuesday, May 17, from 7 AM-9 PM, at the F. G. Lindsey School in Montrose is the Hendrick Hudson School District budget vote.

Trustee Hitney reported that the Hen Hud Leos, the high school branch of the Lion's Club, is sponsoring the Stay Awake-A-thon. They have worked very hard and raised a lot of money for local and other charities. It begins at 6:00 PM on Saturday. Whether you know a team or not, it would be great if you could donate some funds to help them. Trustee Hitney commented that you have to admire them for the tremendous amount of work that they put into this. She congratulated them ahead of time and hopes that it is successful.

Trustee Hitney wished a Happy Mother's Day to all the mothers in the Village.

Trustee Funchion reported that on May 19 the inaugural meeting of the Buchanan Business Association will be held in the Village Hall at 7:00 PM. He encouraged all the business people in the Village to attend to help make the association and get it off the ground before the summer.

Trustee Funchion wished all the mothers in the Village a Happy Mother's Day.

Trustee Funchion noted that Memorial Day is this month. It is especially significant in light of the discovery and dispatching of Osama Bin Laden yesterday. Trustee Funchion commented that we are thankful to the President and members of the Armed Forces who brought the justice that we all needed.

Trustee Knickerbocker reported on Buchanan Day. They are looking for old pictures from the early years of the Village. They would like to do a display. She asked that a copy be given to her or Trustee Zachary. They will be returned.

Trustee Knickerbocker wished all the mothers in the Village a Happy Mother's Day.

Trustee Knickerbocker wished Village Attorney Porteus good luck at the Stay Awake-A-Thon. The Board will be rooting for her.

d) Mayor's Report.

Mayor Murray reported that all of the Trustees got a letter about picking up after your dogs. People are not doing it. The Board does not want to be policemen for someone walking their pet. The Mayor asked everyone to respect your neighbors and be courteous. There will be signs put out about curbing your dog and the fines for not doing so. Mayor Murray encouraged everyone to not to find themselves ending up in court because they did not want to carry around a bag.

Mayor Murray reported that people are putting garbage out in bags not in cans. In the warmer weather, animals tear everything apart. Some residents may be blaming the Sanitation men. It is because the garbage is not in a can. There is a Code requiring this. The Board does not want to be fining people for everything they do. The Mayor said to realize your actions have impact on the people around and the esthetic value of our Village. Having garbage around the street is not only unsightly but it is hazardous. You do not want to have rats and animals crawling in the houses. Use garbage cans and pick up after your dogs.

Mayor Murray reported that the billboards came down on the 14th. Clear Channel had been told that they had to come down by the 15th. The Village was never receiving any revenue from having the billboards. We went into litigation almost 10 years ago to have them removed. The Mayor tried to get compensation for the Village for having billboards up but they were not very cooperative. We had already acquired bids for their removal and we were going to pass along those costs to Clear Channel. Village Attorney Porteus was right on the phone with the lawyers. Mayor Murray thanked her for her hard work on this. The two billboards up on the railroad bridge are on railroad property. They were not included in the original lawsuit and they legally remain.

Mayor Murray reported that the Tri-Village Memorial Day Parade will be held this year in Verplanck on May 30 at 11:00 AM. It is held in each of the municipalities on alternating years. The World Trade Center steel that will be used in the memorial will be on display. Hopefully everybody will be able to celebrate the commitment that those men and women made.

Mayor Murray reported that a couple of months ago, he asked for an IMA for an animal control officer. We have to take over the State's duty. He asked Village Attorney Porteus to find out for the next Board meeting if we have to enter into an IMA with the Town to use their animal control officer.

Mayor Murray thanked Buchanan Engine Company for inviting the elected officials to their Remembrance Day and awards ceremony. It was well attended. They do a lot for the community. The Mayor commented that if there is a fire or flood, they meet the people of the

Village at the worst time. To have a positive influence on their lives is very satisfying. He thanked them for being there and for their successes.

Mayor Murray noted that the Executive Session lasted longer than they thought it would.

7. COMMENTS FROM THE FLOOR:

Eileen Absenger, 138 Tate Avenue, commented that at the Workshop the Board said they were going to be in a meeting about low income housing. Mayor Murray advised that the Village Administrator, Village Attorney and himself attended a meeting with the County where they discussed the Fair Housing Settlement. It was a briefing on what is going on with the County. The Mayor had a question as to whether or not the number of housing units was being mandated for each community. They only wanted to talk to the municipalities. There were no conclusions reached. As part of the Fair Housing Settlement, they have to go to each community and explain what the settlement is. We did not give away any land nor did they buy anything. We told them that there are properties that might be available if they wanted to do research on them. We have not heard anything back. The Mayor advised that we are not mandated to have any set number of this type of housing. He wanted to know if there would be any incentives added to the Community Development Block Grants. The Mayor noted that he asked several questions but got answers to only a few. They wanted to meet the Village Administrator, Village Attorney and anyone who might be involved in any zoning changes. They had a sample zoning change for fair housing that included income requirements and a suggested draft if we wanted to cooperate with the County. They are going to be in contact with the Village Administrator and Village Attorney to see if there is anything further required.

8. SIGNING OF VOUCHERS:

Mayor Murray added this to the agenda on a MOTION made by Mayor Murray, seconded by Trustee Hitney with all in favor. The Board signed vouchers.

9. ADJOURNMENT:

At 9:24 PM, a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Hitney, with all in favor.