

**Village of Buchanan
Board Meeting
December 6, 2011
7:30 PM**

PRESENT:

Mayor Sean Murray
Trustees Theresa Knickerbocker, Richard Funchion, Jane Hitney and Nicholas Zachary
Village Administrator Kevin Hay
Village Attorney Stephanie Porteus
Village Board 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:

October 18, 2011 Workshop: Trustee Funchion, page 13, paragraph 4, line 5, after “sympathy” change to “for people concerning noise.” A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney recusing herself [abstaining] since she was not present at that meeting.

November 7, 2011 Regular Board Meeting: Mayor Murray, page 3, paragraph 2, line 10, change “overnight” to “night”; Page 7, paragraph 6, take out “which”. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

3. COMMENTS FROM THE FLOOR: Agenda items only

None.

4. NEW BUSINESS:

a) 11-64 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that this was about Saint Patrick’s Day. He directed that an up to date insurance liability certificate with a correct date be provided.

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

b) 11-65 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 137 OF THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Murray read the Resolution (copy attached).

Trustee Funchion asked about the last sentence in Section (A). He wanted to know if there is any provision that if there is no sidewalk in front of person's property but at a later time one is put in, is the onus on the property owner, or on the one putting in the sidewalk which would probably be the Village or another municipality. Village Attorney Porteus advised that this speaks to the home owner. If a sidewalk comes in later and you redirect your water, you cannot do it over the Village property, the sidewalks. Trustee Funchion wanted to know if a pipe is already there going out into the street, then the Village or Town says that they are going to put in a sidewalk, is it the homeowner's financial responsibility to re-pipe their work or is it the municipality putting in the sidewalk. Village Attorney Porteus advised that she will look into that and advise the Board. Trustee Funchion commented that there are some houses in the Village where they have a retaining wall with piping coming out of it. If someone then puts in a sidewalk, it does not seem fair to him that this would be the responsibility of the homeowner. Mayor Murray directed the Village Attorney to include some words to cover any alterations not done by the owner.

Trustee Funchion commented on page 2, Section (F). He finds the word "unsightly" to be too subjective. He also noted that the reference to the owner should be "he or she". Mayor Murray directed to strike the word "unsightly". Village Attorney Porteus advised that the Board could define it and recommended doing that. Trustee Zachary wanted to know how they would do that while not being too subjective. Village Attorney Porteus advised that a good part of this comes from the State code where she is sure it is defined. She will put it in the Code and get a copy to the Board before the Workshop for their comments. Trustee Zachary agreed to that. He commented that while it seems obvious in general discussion, as a legal issue people will differ in what they feel is or is not unsightly.

Mayor Murray commented that they can cover most of it at the Public Hearing.

Trustee Zachary commented on page 2, Section (C) which requires that 12 hours after a snowfall, snow must be cleared from steps, etc. Mayor Murray advised that it is only for multi-family dwellings. Trustee Zachary commented that his concern is for working home owners. He noted that if, for example, it stops snowing overnight on a work day and he is not able to clear the snow until he gets home from work that evening, technically he could be given a ticket because more than 12 hours would have passed. He feels that makes the 12 hour criteria difficult to enforce. He recommended that the Board consider either ignoring it or extending the time. He feels that there are cases where complying with it would create a hardship. The Mayor commented that the goal is to see it cleared in a day so that the tenants are safe. He wanted to know where the 12 hour criteria came from. Village Attorney Porteus advised that it comes from the State code. The Mayor directed to keep it consistent with the State code. Village Attorney Porteus suggested that the homeowner could pay someone to shovel.

The Mayor directed the Village Attorney to give the Board members a copy of the State code including the definition of the 12 hours for snow removal. Village Attorney Porteous advised that the Building Inspector feels strongly that rather than going through any of this, to simply have a section saying that we adopt the State code. Village Attorney Porteous favors leaving this and mimicking the State code. She feels that there are residents and owners who will go to the State Property Code and it gives them some notice. It is a minimum standard that is not easily changed. The Building Inspector favors this. The Village Attorney advised that she added things as the Board sees fit. Other jurisdictions simply say that they adopt the State code. When they need to make a change, they repeal the whole thing and it is done with a one line change. They put a copy of the State code on their web site. If we are going to use the State Code, it would include the 12 hour criteria.

The Mayor directed that copies of the State Code be put in the Trustees' mail boxes so they can compare it to the proposed change.

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

c) 11-66 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW OVERRIDING THE NEWLY ENACTED PROPERTY TAX CAP OF THE NEW YORK STATE LEGISLATURE.

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that this has been recommended by NYCOM and other organizations in New York State. He emphasized that it does not say we are going to raise taxes beyond the 2% cap. There is a certain time line that has to take place prior to our budget. Allowing the Board to have this Public Hearing and law now avoids having it become a crunch at budget time. Passing this law does not say that the Board will exceed the 2% cap enacted by the State. The Mayor noted that there are several State mandates. One which just came in is a \$45,000 increase in our contributions to the retirement system. We have not received the amount of our increase for medical contributions but anticipate that it will be about that same amount. The Mayor noted that a 1% increase for us is approximately \$16,000. So just by paying the mandate for the State retirement fund, which he noted we have no say over, would be a tax increase of 3%. The Board is putting the numbers together. With the anticipated amount for the State mandate for medical expenses added to the mandate for the retirement, we are looking at a \$90,000 increase which we do not have anything to say about. The Board wants to set this Public Hearing to be in compliance with New York State time lines in case we do have to exceed the 2% cap.

Trustee Zachary commented that in the last two years in the budget process the Board was very careful to go through everything and trim what they could. He feels that this Board did a pretty good job of not having wasteful things in the budget and trimming whatever they could. The last budget was a 4.3% tax increase. It took 6% in cuts to keep it at a 4% increase because of expenses that we were tied into: mandatory payments, pay increases, pension and medical costs. He commented that all around the state, municipalities are saying that at a certain point they could be faced with service cuts if they have to stick to the 2% cap. The Board is going to do its best to stick to that but this is a precaution because there are a lot of mandated payments that we are locked into.

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court report – November 2011

Received.

b) Planning Board – October 20, 2011

Received.

c) Attorney's Report

Village Attorney Porteus gave an update on Greentown Recycling. They came to the Workshop meeting with a proposal and had some questions they wished to be answered. Village Attorney Porteus called their attorney a couple of times. He got back to her on Friday. She wanted to know about keeping them on the Planning Board agenda every month. She was told on Friday that the applicant has not yet decided to withdraw. They are considering moving forward with a substantially changed plan. Village Attorney Porteus requested them to advise her by next month because we do not want to hold it over on the Planning Board's agenda indefinitely.

Village Attorney Porteus gave an update on AAA Carting. They have a site plan pending approval by the Planning Board. They had several conditions that had to be met. There is a stop work order that has been issued at the site. The owner decided to take out part of the back parking lot into the hill side which caused a violation of the Steep Slopes ordinance. They will be in front of the Planning Board next Thursday. They are now asking for an amended site plan which is before the Planning Board.

Village Attorney Porteus reported that both WIC and IMP will be before the Planning Board at the next meeting. IMP is pushing for site plan approval despite the drainage issues.

e) TRUSTEE'S REPORTS

Trustee Zachary had nothing to report at this time.

Trustee Funchion reported that he attended the Veterans' Day celebrations at the Town of Cortlandt. It was nicely put together by Supervisor Linda Puglisi and her staff. It is great to honor all our Veterans because they have done so much for us and for our country.

Trustee Funchion said to keep in mind that the date for the Saint Patrick's Day Parade Kick-off party will be March 3, 2012. It will be at 7 PM, at the Buchanan Fire House. The parade will be on March 11 at 2 PM.

Trustee Funchion reported that he attended the annual Village Tree Lighting ceremony yesterday. It was very well put together and was a nice event. The weather cooperated.

Trustee Funchion encouraged everybody to come out to the Public Hearings in January. It is good to hear from the public and they should be involved in the Village.

Trustee Funchion wished to share something from his own professional background in the U.S. Customs Service pertaining to the Christmas season - the counterfeiting of Christmas lights with the Underwriter's Lab (UL) safety approval for the electrical and wiring. He cited the amount of fires caused by these counterfeit lights. Trustee Funchion cautioned to not leave Christmas lights on when not at home. He commented that half of them are counterfeits. He commented that it is the fault of the manufacturer, not the fault of where you buy them from.

Trustee Funchion wished everyone a Happy Christmas and an abundant New Year.

Trustee Hitney wanted to know if Trustee Funchion advised whether or not to keep the lights on if it is an artificial tree. Trustee Funchion advised that the problem is with the lights. He commented that most people think of counterfeiting as things like buying a fake copy of a designer item like a pocketbook. This is counterfeiting of manufactured goods. He noted that they had counterfeiting of helicopter parts which led to crashes and heart pumps being sold to hospitals. Counterfeiting can get dangerous as with counterfeit Christmas lights. He cautioned everyone to just keep it in mind in addition to the following the Fire Department's instructions on various precautions to take.

Trustee Hitney reported that they had a Veterans' Day Ceremony at the B/V School on November 9. Russ Harrison brought together a number of local Veterans who were honored at a flag raising ceremony. Some very nice words were spoken by people at the school. She thanked the school and the students for putting together a nice and meaningful ceremony.

Trustee Hitney reported that the Hudson Valley Hospital Center had a Grand Opening of their Cancer Center on November 17. Trustee Hitney, who is a nurse, commented that she was very impressed. It is a state of the art facility and they have attracted some highly renowned physicians who will be seeing patients there. She noted that for residents in our area, it makes it very easy in terms of transportation and time away from home. It is located on the hospital complex opposite the new parking garage.

Trustee Hitney reported that today a new law went into effect in New York. You are not allowed to throw out in the garbage rechargeable batteries. They are the kind found in laptops, cameras and cell phones. Big retailers and any store that sells them now have to have a recycling bin, so you may take them there. This will help keep our environment safe.

Trustee Hitney wished all the residents a very Merry Christmas and Happy Holiday season.

Trustee Knickerbocker thanked all the people who donated the food baskets for the raffle on Election Day for the Veterans Pantry. The food was dropped off and it was appreciated.

Trustee Knickerbocker reported that there was a good attendance at the Christmas Tree Lighting last night. The feedback she received from some residents was to make it an hour later since it interfered with people's dinner times.

Trustee Knickerbocker thanked the Beautification Committee, Laurie Pyrrch and those who worked with her for decorating the Circle with the beautiful containers. She thanked Don Zern, the "Commander of the Clock", for decorating the area around the clock. Everything looked beautiful for the Tree Lighting ceremony.

Trustee Knickerbocker wished everyone Happy Holidays and a Happy and Healthy New Year.

f) MAYOR'S REPORT

Mayor Murray reported that they have finished the crack sealing for the season. They were not able to complete the entire Village. \$15,000 was budgeted. We spent approximately \$12,000. We did most of the longest roads. Next year, we will hopefully finish all the roads. After that, they will do road striping of our larger roads. They did not want to do that then put sealant on top of it. It is all on the State bid. It is a fixed bid. We did not have to engineer it or buy any extra equipment. They use their own manpower. The Mayor advised that we have some more money in the budget left over in the road bond.

Mayor Murray reported that we had an audit of our storm water management program last month. A couple of years ago we were fined for not complying with New York State requirements. The Village Administrator has been on top of it. The inspector said we met all of our requirements. The Mayor thanked Village Administrator Hay for staying on top of it and seeing that there were no fines.

Mayor Murray reported that Village Administrator Hay met with FEMA representatives. We put in a claim to recover our costs incurred in the October snow storm. There were costs since we had people come in on overtime to clear the roads and chip trees. The Mayor commented that we are pretty optimistic that we will receive reimbursement. We should be getting a big amount of money. He does not know when that will be.

Mayor Murray read a letter (copy attached) from the City of Peekskill announcing a Pearl Harbor Day Remembrance ceremony on December 7 at 4 PM in the Common Council chambers in Peekskill. Last year, it was held in Buchanan. It is shared and rotated between Croton, Peekskill, the Town of Cortlandt and the Village of Buchanan.

Mayor Murray thanked Buchanan Recreation Supervisor Nancy Bayer and the Police, Fire and Highway Departments. They all came together to make the Christmas Tree Lighting a success. We have new lights on the Christmas tree. The Mayor thanked all those who came out to help for a common cause.

Mayor Murray wished everyone a Merry Christmas and Happy New Year.

6. COMMENTS FROM THE FLOOR:

Angelo Iacomini, 6 Donahue Court, commented on the new One-Way signs that are going up on Craft Lane. He has noticed that they have been put up but are still covered. He wanted to know if they are to cover the flow of traffic from Lindsey Avenue down to Albany Post Road or the opposite direction. Mayor Murray advised that it will be from the Albany Post Road up to Lindsey Avenue. Mr. Iacomini felt that was good because it is less of a blind side at the top versus entering the Albany Post Road. He wanted to know if there should also be a sign at the bottom. Mayor Murray advised that there are two signs at the top. He noted that back last November and December, we had Public Hearings for enacting one-way signs on Craft Lane. The resolution to place those signs was passed last January. Village Administrator Hay advised that we did our signs. The Albany Post Road is a State road. We have had a hard time getting

them to put in their signs. We have put ours up. The only thing we have to do is paint over the double yellow line.

Mr. Iacomini commented that there is a street sign that is down on Lake Street and Albany Post Road where the busses are. It was right by the Village of Buchanan sign. It is laid down behind the three yellow boulders on the Lake Street side. He believes it is a State road. Mayor Murray believes that Lake Street is in Montrose. Mr. Iacomini commented that further down, across from the church, some limbs appear to have fallen down in the storm. The other No Parking sign is obscured from vision and should be cleared up.

Mr. Iacomini wanted to know if the Village got our numbers on the money that we receive from Entergy for the sewage treatment plant. Mayor Murray advised that there is a calculation on the amount of sewage that they put in. Village Administrator Hay advised that he will get the numbers for Mr. Iacomini. Mr. Iacomini wanted to know if the Board has the numbers from the Cook money. The Village Administrator advised that he can get him a yearly total. Mr. Iacomini commented that he keeps it on a chart.

Laura Attinelly, 43 Pheasants Run, advised that she is the president of the B/V School P.T.A. She was present concerning the Public Hearing on the traffic light at the B/V School. She said they had some correspondence at Buchanan Day. She noted that their meetings are on the same date as the Village Board meetings. She reported that the parents and the school had mixed opinions. They have heard about the Stop signs. She sent a couple of alternatives to be explored, utilizing blinking lights or the things that tell the speed. They wanted to say that it has been down since Christmas night last December. She does not know how many near misses there have been involving people coming in and out of the school. They tried to get information from the bus department. She commented that it should not be tucked away because of apathy. She wanted to know what is the right way to work with the Board and to assess what is happening.

Mayor Murray advised that this issue started back in December and that he addressed the School Board last May. He spoke with Ms. Attinelli at Buchanan Day. He asked the School Superintendent for permission to talk to the School Board members. We had the Public Hearing on the agenda for two months and discussed it at three Workshops. Last month, the Board decided not to take any action because we had not gotten any information, and to take it off the agenda. It can always be explored again if the Board gets any concrete information. We have had no reports of near misses. Some people who are in favor a light or Stop sign, since it has been going on for so long, saw that it was easier not to have anything there. Mayor Murray commented that he could understand where her fear of apathy comes into play. The Board can put it back on the agenda. He did not know the feeling of the other Board members.

Ms. Attinelli commented that the only thing people had concerns about was the speed on the road. She noted that personally, she does not like two Stop signs on Westchester Avenue. She feels that will be a more dangerous situation. People will not be planning for it and will fly through them. She feels that we do have some existing infrastructure there, like the flashers that do not flash. They could say, "School Zone Ahead". This might be less of a price issue. It is more about alerting people that someone is going to be coming and going. The Stop sign at the bottom of the school driveway is important. There are concerns that sometimes the sun is in the way or that there could be a backlog of buses. She does not know personally if that is true or

not. They wanted to find a way to figure it out together with the Board. Mayor Murray favors the flashing light. He directed the Village Attorney to schedule a Public Hearing.

Trustee Zachary wanted to know if “rumble strips” might work. Mayor Murray advised that the snow plow would rip them up.

Ms. Attinelli wanted to confirm that the light was not on at all hours. Mayor Murray advised that the light was on a timer where it flashed on the off hours. A Stop Sign would be there 7 days per week even in the summer. Some people did contact the Police Chief who advised the Board last week that some bus drivers and some people had spoken to him but did not offer any recommendations. The Mayor commented that everyone understanding that there is an issue is one thing but finding a resolution that everyone can live with is another. He is not in favor of installing the light, because of the cost. He welcomes any other suggestions. Ms. Attinelli said that is the one they have come up with at this point. She would like it to be explored.

Village Attorney Porteus advised the Board to pass a Motion and she will advertise for the Public Hearing.

Ms. Attinelli commented that she knows the first Public Hearing was in October because she was given a copy of the letter sent to Dr. McCann and the School Board. She commented that as a resident of Buchanan, she looked at the Village calendar but did not see it posted there. Mayor Murray advised that it was on the front page of the calendar. It has notices of Public Hearings. The Public Hearing in October was left open to the following month because no one from the public appeared. It was talked about in the meetings. The Mayor commented that the last time he and Ms. Attinelli spoke, she said that she had not heard anything from the School Board. They had told the Mayor that they were getting in touch with the P.T.A. He asked Ms. Attinelli for a contact address where the Village could directly reach the P.T.A. Ms. Attinelli requested that it be sent to her e-mail address which she gave.

Mayor Murray made a MOTION to set a Public Hearing on Tuesday, January 3, 2012 for the proposed installation of a traffic control device in the area of the B/V School entrance on Westchester Avenue. The Motion was seconded by Trustee Zachary with all in favor.

Trustee Hitney wanted to know if the P.T.A. will be meeting that night. Ms. Attinelli advised that it would not.

Mayor Murray noted that due to the legal holiday, the January Village Board meeting and Public Hearing would be on Tuesday, January 3. He directed that the notice of the Public Hearing is in bold face type on the back of the Village calendar.

Don Zern, Westchester Avenue, had a question for Ms. Attinelli concerning the speed limit. It is 15 miles per hour. He feels the cure for the situation is enforcement during school hours. He feels that putting in a speed bump or the other proposals maybe would cure the situation but the problem is enforcement. We have the police officers there from 7:30 in the morning. They are stopping cars and he presumes are issuing summonses. If the Police Chief can bring overtime money in, take grant money, it can be expedited and put into enforcement there. We also have the Town of Cortlandt and we can use their electronic sign to tell people how fast they are going. The third factor is the commercial traffic. Mr. Zern wants to put a weight limit on the road. We should determine the hours when the school is open and when it closes.

7. ADJOURNMENT

At 8:15 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker, with all in favor.