

**Village of Buchanan
Board Meeting
January 3, 2012
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:

A MOTION to approve the minutes of the Regular meeting of December 6, 2011 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) PUBLIC HEARING: AUTHORIZING THE ADOPTION OF LOCAL LAW OVERRIDING THE NEWLY ENACTED PROPERTY TAX LEVY CAP ENACTED BY THE NEW YORK STATE LEGISLATURE.

Mayor Murray read the proposed law (copy attached).

At 7:32 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

The Mayor asked for any comments from the public. There were none.

Trustee Zachary commented that the important thing to point out at this time is that the budget process is just beginning. The Board does not have figures. They are not looking to raise the budget any particular amount and want to keep it as low as possible. This is a backup plan

because if they cannot make enough cuts to keep it at 2%, even if it comes out at 2.1%, this law has to be passed now. He commented that this is not an intention to go crazy with the budget. It is a safety valve. When they begin to review the numbers, they will see specifically what needs to be done.

Trustee Hitney wanted to point out that this has been recommended by the New York Conference of Mayors. Even if every municipality has every intention of trying to stay under the cap, which the Board is going to try to do, at least the legislation would be in place if we need go slightly over.

Mayor Murray said it is has also been recommended by the Westchester County Municipal Officials. Many local municipalities are doing this. Although the State says municipalities can only increase taxes 2%, they have increased our contributions to the retirement and medical by 10-12%. It makes it difficult which is why, the Mayor believes, they left this option open. We have a lot of mandates that we are required to pay for. Pension payments and medical contributions have increased along with the contractual pay raise increases for employees. This comes to a very large sum. We have two people who are going to be retiring and those payouts come to approximately \$85,000. Mayor Murray said the Board is working on the budget right now. We do not have all the numbers for all departments. We do not have all the requests from the departments. We only know what the State has told us we must pay. These are the reasons we have to enact this law and it must be enacted a certain time period before we have the budget hearings.

Trustee Funchion commented that the 2% tax cap puts local communities in a very difficult position because this tax cap did not come with the relief of State mandates on all local communities. Buchanan is going to be no different than all the other local communities in trying to keep within the 2% but possibly going over because of all the mandates given by the State.

Lauren Attinelly, 4 Pheasants Run, wanted to know if this was an on-going thing or will the Board have to do this annually. Mayor Murray advised that this law has to be revisited every year. She wanted to know if this was what we would also be seeing with the School District and Town of Cortlandt. The Mayor believed that the Town has already finished their budget. Towns are on a different time than villages. They already had their budget in place. The cities have to have their budgets in place in the beginning of January and villages in June. He did not know when the school district's budget has to be in place.

Ms. Attinelly wanted to know if there is a threshold of how far beyond the 2% they can go. Mayor Murray advised that this law allows us to go over 2% if necessary but there is no threshold.

Diane Tangen, Catherine Street, said that the School District has to have a vote of the public to go beyond the 2%.

At 7:37 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

b) 12-01 RESOLUTION: AUTHORIZING ADOPTION OF LOCAL LAW OVERRIDING THE NEWLY ENACTED PROPERTY TAX LEVY CAP ENACTED BY THE NEW YORK STATE LEGISLATURE.

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.

c) PUBLIC HEARING: AUTHORIZING THE INSTALLATION OF TRAFFIC CONTROL DEVICES.

At 7:39 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

Mayor Murray asked for comments from the public.

Lauren Attinelly commented as a resident of Buchanan and President of the B/V PTA. She said that she tried to solicit more information from people since the last Board meeting. She wanted to know if tonight's hearing was to come to a conclusion or a proposal. Mayor Murray advised that one of the main reasons for this Public Hearing and those in the past months has been to hear from members of the community on what they feel would be a viable solution. It is for the ones that are impacted the most, as well as people from the School District. The Board has had no written comments from the School Board or School Superintendent. The Mayor appreciated Ms. Attinelly being here representing the PTA. A letter was read last month from our Police Chief who had spoken to people who said they were in favor of some type of traffic control device. That letter was read at last month's Board meeting. There have been no reports of any near misses or speeding issues but there has been some speeding. Ms. Attinelly noted that an officer has been out on Westchester Avenue. Mayor Murray said that whenever they have issues like that, they try to increase enforcement.

Ms. Attinelly commented that everyone is concerned for the safety of the children, families, staff, visitors, etc. She knows there is a Stop sign at the end of the parking lot entrance but today she forgot and thought the traffic light was still there. She commented that people get used to expecting things. The concern is that if Stop signs are put on Westchester Avenue, people might just blow through them. Ideally people would like to see the traffic light back. She did not know if the Village is saying that they absolutely cannot do it, will not do it, or that it is too expensive or not financially feasible. She does not know why it was put up to begin with. She did hear of a person getting hit. She wanted to know if the Village is willing to take the risk if something happens. She wants to know if they will do the right thing for the Village. She proposed a

couple of signs that have the flashing lights and show the speed. The light on Fourth Street is a flasher. She feels there are things that are there that maybe would slow up the traffic. Mayor Murray advised that one of the reasons that light is a flashing light is because the internal workings are not functioning. Parts were taken off of it years ago to replace other lights. They do not make those parts any more. We would have to replace the entire switching system which is expensive also. We only received one quote from one contractor. The Mayor advised that he has asked the Village Administrator to reach out to the Town to find out who they use and have them look at it. He has also asked the Village Administrator to get prices for the flashing lights similar to the one between Fourth Street and the B/V School, on the telephone pole. It does not flash either. The Mayor commented that for some reason, the contractors have not been forthcoming to want to do these jobs. Ms. Attinelly wanted to know if we are bound to only certain contractors. The Mayor advised that it was put out to everyone who does traffic control. We are not limited to any contractors. We only got back one price of \$140,000 for the installation of the traffic device. Ms. Attinelly suggested reaching out to BOCES to see if they could do it as a project. She commented that she understands the issues of whose property it is on and that it was an “act of God”, but did this mean that any time a piece of functionality comes down and it is old and decrepit, does it mean it will not be fixed.

Mayor Murray advised that the light was installed in the early 1970s when the school was put in. Talking to people on the Planning Board, the light was put in as part of the site plan. It is the Village’s traffic control device and it is the school’s tree. Fixing the light is the Village’s problem. When he talked to the School Board back in May, he said the device could be fixed and possibly deeded to the School and any future costs with this light would be with the School District. Mayor Murray did not hear anything back from them. The Mayor is willing to keep this Public Hearing open until we get the information back from the Town of Cortlandt’s contractors.

Ms. Attinelly wanted to know if the Board has a cost for the flashers. She assumes that would also be expensive. The Mayor advised that they did not have a cost but that it is assumed while not cheap, they will be cheaper than \$140,000 which was the only estimate the Board received for the light.

Ms. Attinelly believes that six of the eight bus drivers want the Stop signs. She does not know if that is the right answer. It might give them some protection by thinking that people have stopped before coming out of the school drive. She does not think having a full time police officer there during school hours is feasible. Mayor Murray advised that in October, the Police Chief was told not to have someone there anymore. In response to that, he requested more research into it.

Charles Thompson, a Trustee of the Hendrick Hudson School District Board, said that he was speaking as an individual Trustee, not for the entire School Board. They cannot make decisions unless there is a quorum. He advised that unfortunately, the Assistant Superintendent of Business hurt his back in December and the Facilities Manager was covering for him. Mr.

Thompson will pass the concerns back to the Superintendent and try to get some information back to the Village. Their main concern is how we can protect the kids on that street. You see people going quickly down that street at different times. There is an issue of visibility. You do not know there is a school there. There are signs but they are small. If you are not aware that there are children there, you do not know to look for them. He will try to see that the Village gets some information. Mayor Murray said the more information we get, the easier it will be for the Board to make a decision. The people directly affected by it could tell us what they need so that we do not do something that does not meet the needs of the people that are affected by it. Mr. Thompson suggested that the Town of Ossining may have some resources. The Mayor advised that they can check.

Don Zern, Westchester Avenue, commented about the speed limit signs. He feels they could be straightened up, cleaned up or made larger. He was in favor of having the flashing lights fixed or larger ones installed. He urged enforcement of the 15 miles per hour speed limit. They could set the time around the school opening, closing and activities. He was trying to get the light reinstated for a year but it did not happen. The situation is now enforcement. The police are there in the morning and doing an excellent job. He feels that more attention to this road would be appreciated. Mayor Murray advised that he asked the Village Administrator to have Chief Tubbs have police officers on duty there at alternating times so people would not know exactly when they were there. Don Zern commented on making sure that the bus drivers know that the speed limit is 15 MPH. He would like to see this issue revisited in 6 months and discussed again. In the meantime, he feels that if they can correct the situation with the lights and keep up the enforcement, there would be no need for Stop signs.

Trustee Funchion commented that the letter from the Chief of Police mentioned Stop signs only. Trustee Funchion wanted to know whether it meant that the Chief recommended only Stop signs or was he going beyond that. Mayor Murray said that he interpreted it to say that the Chief wanted something put in place - anything to help increase the safety in the intersections but not limited to Stop signs.

Trustee Hitney has had discussions with people in the community who regularly drive that road. There are many vehicles that exceed the speed limit. Most people are not in favor of a Stop sign but would like to see the Board get prices on flashing signs as Ms. Attinelly suggested and a focus on what the speed limit is and the fact that you are in a school zone. Trustee Hitney believes these signs should be a more reasonable cost than a regular traffic signal.

Angelo Iacomini, 6 Donahue Court, asked whether the Village carried insurance for situations like this and why have they not gone through insurance to get another light. Mayor Murray advised that he has spoken with our insurance company and the School District has spoken with theirs. It was not our tree and we have been told it was an "act of God". We are trying to work with the insurance company. The first information we received was that we could not use it. We have not gotten confirmation. Mr. Iacomini wanted to know if the Village could use litigation

against the School District to repair the light and then let the insurance companies duke it out. The Mayor commented that we are trying to find a solution to the problem. He does not believe that litigation should be one of the first steps. We are working with the insurance company. We have a caveat in our policy that was found that we are trying to work with.

Mayor Murray made a MOTION to keep the Public Hearing open to the February 2012 Village Board meeting. The MOTION was seconded by Trustee Hitney with all in favor.

d) RESOLUTION AUTHORIZING THE INSTALLATION OF TRAFFIC CONTROL DEVICES.

Mayor Murray said that this will be held over because we are leaving the Public Hearing open.

e) PUBLIC HEARING AUTHORIZING THE ADOPTION OF LOCAL LAW AMENDING CHAPTER 137 ENTITLED "PROPERTY MAINTNENACE" TO THE CODE OF THE VILLAGE OF BUCHANAN.

At 7:56 PM a MOTION to open this Public Hearing was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

Mayor Murray advised that this concerns the Property Maintenance Code. It was at the suggestion of the Village Attorney that we amend the entire Code at once. We discussed it at Workshops and at the last public meeting.

Mayor Murray asked Village Attorney Porteus about something that came up at the last meeting when they discussed the removal of snow from sidewalks. The proposed amendment only talks about the removal of snow within 12 hours for multi-family and commercial properties. It does not talk about single family residences. Village Attorney Porteus advised that snow removal is in two different parts of the Code. For commercial properties, because you are responsible for someone other than yourself, it is within 12 hours. It was not in the other portion of the Code. Mayor Murray wanted to be sure it was not getting deleted.

Village Attorney Porteous advised that a question had been raised on Section 137-2.1 Exterior Maintenance. Trustee Funchion wanted to know if people who already have retaining walls but no sidewalk, if the Village subsequently builds a sidewalk there, whose responsibility is it to deal with the drainage. Village Attorney Porteous proposed adding that "in no case shall the water from any rain leader be caused or allowed." She noted that Trustee Funchion is describing a situation where someone does not have a sidewalk and no water is going over; then a sidewalk is built and it is going over. The Village would then be able to enforce this against the ones causing it or the one allowing it. Trustee Funchion said that he is talking about someone who has already put in a retaining wall and spent a lot of money and the water is coming out on the grass a few feet above the curb where nobody walks. Then if the Village puts in a sidewalk, the water is now going to fall onto the sidewalk. He wanted to know if that becomes the financial

responsibility of the homeowner. Village Attorney Porteous advised that it would be with the one who caused that to occur, in this case the Village.

Village Attorney Porteous advised that she has cleaned up copies. She will insert the words “caused” and give it to Village Administrator Hay.

Angelo Iacomini, 6 Donahue Court, wanted to get more detail on just what property maintenance is. Village Attorney Porteous advised that in our Village Code we have “Streets & Sidewalks”. We still have the Property Maintenance Code. What the Board has done now is looked at a couple of sections because people have been causing some problems and dangerous situations. We have a Building Inspector who tries to go out there and take some action. But she must go by what is in our Code. So the Board is tweaking some sections. There is also the State Property Maintenance Code for those things our Code does not specifically touch on. Our Building Inspector goes to our Property Maintenance Code and if she does not find something, she goes to the State Code. Mr. Iacomini wanted to know if these amendments can be put onto the Village web site. The Village Attorney advised that they would be. It was discussed at a Workshop. Mayor Murray advised that previously we did not have that ability. We have now upgraded our computer capabilities. Anybody who has any issues or questions about the Codes can come to the Village Hall and look at the book. Parts of our Code are being rewritten. We are going to make it as accessible to the public as possible. Mr. Iacomini commented that he had looked at the web sites of other municipalities. He noted that Ossining has a lot of detail about what is happening and what is changing.

Village Attorney Porteous advised that we have sent the 11 or 12 Local Laws that have been passed to the publisher. We are being told that it will be published by this Spring. Once the Code is together, it will be on-line in its entirety. She noted that she also looks at Ossining’s and other municipalities’ web sites. They are working on it. Mayor Murray noted that this can all be done now because our computer system has been upgraded. We did not have that capability before.

Diane Tangen, Catherine Street, commented that she has no problems with the Property Maintenance Code except for enforcement. She thinks there is a problem with that. The biggest is sidewalk maintenance when there is snow. If you walk anywhere in the Village including on the Albany Post Road and Lindsey Avenue, you need the sidewalks to be clear. Very often they are not cleared for days. She said that when one of the businesses plows the driveway, it goes on the sidewalk and creates a mound so you have to walk out onto the road. She feels that we have Codes but do not enforce them. She wanted to know if people have to call the Building Inspector when there are problems and wanted to know how these things are enforced. She wanted to know if it is only the Building Inspector who can enforce it or can the Police and Highway Departments. Village Attorney Porteous advised that you have to call the Building Inspector. She noted that the Building Inspector has said that no one is calling about this. You can also call the Highway Department. The Mayor advised that our Code defines who the

enforcement officers are. Ms. Tangen commented that she knows there is a sidewalk maintenance Code and that it is not enforced all the time.

Bob Ingenito, 253 Westchester Avenue, wanted to know if the Code was going to include abandoned vehicles, vespers and broken lawn mowers and other material left laying in the yard. Mayor Murray advised that there is a separate section of our Code that addresses unregistered vehicles. New York State's Code allows two vehicles. He could not find a number for that in our Code. Mr. Ingenito noted that they may have license plates but they are expired. The Mayor advised that there are specific instances where you can call the Building Inspector. We have different sections of the Code that cover vehicles. There are other sections that do not really talk about it. The Board is trying to put things together so you do not have to jump all over the Code. The Mayor commented that we are trying to do that in small bites. Village Attorney Porteus advised that we are asking the General Code to do something with our indexes as well. The Mayor commented that when you look for issues like this, the way our Codes are indexed is not representative of the way the Code is written. So as the Code is being rewritten, they are also rewriting the index. It will be done but it will be done over time. Village Administrator Hay advised that when it is available on-line, it will be searchable by keyword.

Trustee Zachary said that generally he thinks this is an important part of the Code and he is in support of it. There are a couple of things that he finds to be vague and hard to imagine as to how they can be enforced. He cited Section 1372.2A, "Control of Infestation". Trustee Zachary read the portion concerning insect, vermin and rodent infestation. In the State Code, they define that as "the presence within or contiguous to a structure." He noted that in the past couple of years, he and some of his neighbors have been overrun with stink bugs. These bugs have no natural predators. He described them and their characteristics. They do not hurt anybody. They might eat some of your plants. They are pervasive. You try to keep them off the house. Trustee Zachary described how on some days, the whole side of his house is covered with them. When you find them in the house, they may be looking for places to nest. They die over the winter but they have been slowly spreading north. He commented that in their peak season, if you look at the back of his house it is an infestation. When they land on your house, you are not going to spray if you have children or pets. So he feels that certain parts of this Code are unenforceable. Mayor Murray asked him how he would like to amend the code. Trustee Zachary commented that in the State Code there are definitions for things such as weeds versus cultivated flowers and gardens. He feels that we do need some form of property maintenance that we can enforce, but he does not have a solution for that. He does support it in general but wanted to express that he feels there are some flaws in enforcing the details. He does not have an answer. People are talking about enforcing abandoned cars. He agrees that the big safety issues have to be enforced. The little things are not realistically going to get enforced. He equated it to being a little like a jaywalking law. It does not get enforced.

At 8:14 PM a MOTION to close this Public Hearing was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

f) 12-02 RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW AMENDING CHAPTER 137 ENTITLED “PROPERTY MAINTENANCE” TO THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Murray read the Resolution (copy attached).

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

G) 12-03 RESOLUTION STATING POLLING PLACES AND HOURS FOR THE NEXT VILLAGE ELECTION.

Mayor Murray read the Resolution (copy attached).

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – November 2011

Received

b) Zoning Board Minutes – November 9, 2011

Received

c) Attorney’s Report

Village Attorney Porteus reported that she and Building Inspector Barbara Miller have been discussing another area of the Code which is “Building Construction”. They are setting their sights on this part of the Code which is really a disaster. Most of it is going to be taken out. She will be giving the Code to the Board at the Workshop or the next Village Board meeting. Village Attorney Porteus said this has been of great concern to Barbara Miller for a year. The Village Attorney asked the Board to look at it. Village Attorney Porteus, Village Administrator Hay and George Pommer will sit with the Building Inspector.

Village Attorney Porteus reported that the Planning and Zoning Boards are busy. AAA and IMP are both moving along. Iris Building Corp. is back on the agenda. They are looking to move forward with the traffic study after lying dormant for several years.

Village Attorney Porteus reported that Village Administrator Hay has been great about getting in escrow funds. We are no longer behind and are ahead of most of our applicants at this point. It will cover a lot of the costs with the applicants paying instead of the Village.

d) Trustee's Reports

Trustee Hitney had nothing to report at this time. She wished everyone a Happy New Year.

Trustee Funchion wished everybody a Happy New Year. He looks forward to working with the Saint Patrick's Day Committee for the dance and the parade.

Trustee Zachary wished everyone a Happy New Year. He thanked the Seniors for inviting him to their Christmas lunch. He apologized for being unable to accept the invitation and attend because of his work.

Trustee Zachary reported that the committee will be planning Buchanan Day and are going to begin monthly meetings in February. They will pool the ideas from last year and start the process for next September's Buchanan Day. Anyone interested in participating should contact him or Trustee Knickerbocker.

Trustee Zachary commented that regarding the budget, they had the vote to override the tax cap. The process is beginning and the Board will be discussing it at the upcoming Workshop. He encouraged people to be part of the process.

Trustee Knickerbocker reported that she and Trustee Zachary talked about the second week in February for planning Buchanan Day. More information will be in the next Village Newsletter. Trustee Knickerbocker thanked the Seniors for a great holiday party. She and Mayor Murray attended and a good time was had by all. Trustee Knickerbocker wished everyone a very happy and healthy New Year.

e) Mayor's Report

Mayor Murray thanked Buchanan Engine Company who held their annual Christmas party for the kids. It was well attended. Everybody got a present. Everything given out by the Fire Department is entirely through donations from businesses and residents. It is great that they give back.

Mayor Murray reported on the oil co-op with the Town of Cortlandt. The weather has been pretty good over the last couple of weeks but it is getting colder. You only need to call the Town of Cortlandt and ask to be enrolled in the oil co-op. You can get a discount on your oil prices. They have a list of people they use and they help out with the bill. This was discussed last year. There is still time to enroll. You can get the list of companies participating once you are enrolled. It costs \$5 to enroll and it is good for the entire season.

7. COMMENTS FROM THE FLOOR:

None

8. ADJOURNMENT:

At 8:22 PM a MOTION to close this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor. Mayor Murray thanked everyone for being at this meeting.