

**Village of Buchanan  
Board Meeting  
February 6, 2012  
7:30 PM**

**PRESENT:**

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

**ABSENT:**

Trustee Jane A. Hitney

**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:**

November 16, 2011 Workshop: These minutes were approved as amended on a MOTION made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney absent, with the following amendments: Mayor Murray on page 7, line 5, change “NY Power Authority” to “Entergy”; and Trustee Zachary on page 13, line 12, change “increasing” to “decreasing”.

December 20, 2011 Workshop: These minutes were approved on a MOTION made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney absent.

January 3, 2012 Regular Meeting: These minutes were approved as amended on a MOTION made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney absent, with the following amendments by Mayor Murray on page 3, paragraph 8, line 5, change “never going to be” to “for”; and Trustee Zachary on page 8, paragraph 2, line 8, change “off” to “out of”.

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

None.

**4. OLD BUSINESS:**

a) **PUBLIC HEARING: AUTHORIZING THE INSTALLATION OF A TRAFFIC CONTROL DEVICE.**

At 7:34 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Hitney absent.

Mayor Murray reported the background and status of this issue. Last December, a tree on the property of B/V School came down during the snow storm and took out the traffic light on Westchester Avenue. Since then, we have been going back and forth with the School Board and have held several Public Hearings. The initial indication from the insurance company was that it was not covered. The Mayor spoke to the School Board last May. They advised that their insurance would not cover it because it was a municipal project, even though the tree belonged to B/V School. We have had several Public Hearings to determine the best type of control device, whether a straight Stop sign or blinking lights, or increased enforcement. A whole array of issues came up. Since then, we found a caveat in our insurance that since that light is within 1,000 feet of one of our buildings (the pool), our insurance will cover it. Village Administrator Hay is going to put in a claim to replace the light as soon as we get a couple more bids. The original bid was \$140,000. A much lower bid was received on Friday. We will confer with the Highway Foreman to determine exactly what is needed. The Mayor advised that we are going to replace the light and that the insurance is going to be covering it.

Don Zern, Westchester Avenue, commented that it was excellent idea that we are getting the light. In the mean time, he wants to see better enforcement. He commented that from 7:00 AM to 8:45 AM, the cars are flying up and down. He noted that the comment is not coming not from him. This comment is coming from his neighbors. They speak to him because they do not want to come and speak in public. Mayor Murray advised that when the light came down, they did have an officer there when school was getting in and letting out through last June when the Public Hearing process was started. Village Administrator Hay will speak to the Police Chief to increase the enforcement between those hours.

Diane Tangen, Catherine Street, commented that she has no children and does not live in the area of the B/V School but wanted to note that no other school except Frank G. Lindsey has a light. She commented that on Route 9A, there is more traffic coming in and out of Hendrick Hudson School than at the B/V School and there is no police coverage there. Like the B/V School, the Furnace Woods School is set way back, they do not have the visibility and they do not have coverage there either. She commented that every elementary school child has a bus assigned to them. There are no more walkers to elementary schools. There is a bus assigned even if they live next to the school. There is no issue with walkers. She is fine with or without the light. She wished that on weekends that the light could be a caution light.

Mayor Murray advised that when they closed the last Public Hearing in October when they decided to take no action, the Police Chief wrote a letter to the Board recommending that a control device be installed there for the safety of the public. During the Public Hearing, some residents of that area, members of the PTA, as well as two members of the School Board wanted to have some type of device put there. The only thing cheaper to be put there through insurance would have been Stop signs and he does not know if they would have worked out. Last month, they had comments where people wanted flashing lights and blinking lights but we do not have the electrical infrastructure for that so it would have been expensive. Mayor Murray wanted to get the insurance to pay for it. Once we got the confirmation, we wanted to make sure there was no statute that it would have had to be replaced within one year of the damage. Mayor Murray advised that we got the confirmation last month. During the last month's Board meeting and this

month, we got the confirmation. Mayor Murray feels it is the best way to go. It seems to be the least expensive way. We can program the light if we find that there are different times of the day where there is speeding and traffic enforcement required. It can be changed from a blinking light to an operational light all the time. He thinks that right now, it is our best option.

At 7:40 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Hitney absent.

5. **NEW BUSINESS:**

a) **12-04 RESOLUTION STATING DATE, TIME, PLACE & HOURS FOR INSPECTORS TO MEET FOR REGISTRATION AND ELECTION.**

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 Trustee Hitney absent.

Mayor Murray noted that this is just for the Village election and not for the national election. You only have to be a resident of the Village for 30 days to register. The Mayor urged any new residents to come in to register to vote in the Village election.

b) **12-05 RESOLUTION APPOINTING INSPECTORS OF REGISTRATION AND OF ELECTION.**

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 Trustee Hitney absent.

**SCHOOL BOARD MEMBERS ADVISED OF TRAFFIC CONTROL DEVICE:**

At this time, members of the School Board entered the meeting. They explained that they had just come from another meeting. Mayor Murray advised them of the outcome of the Public Hearing, that a traffic device would be installed and that we got confirmation that our insurance would cover it. He noted that Village Administrator Hay filed the claim and as soon as we get two more estimates, the light will be installed in its original configuration. The School Board members thanked Mayor Murray.

c) **12-06 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY.**

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 Trustee Hitney absent.

Trustee Knickerbocker wanted to know if we received an insurance certificate which is required when someone uses a Village facility. Village Administrator Hay advised that we had. Mayor Murray advised that the 9/11 Committee has yearly insurance that they take out and we got a copy of it.

The Mayor wanted to make sure that the bathrooms would be ready. The Village Administrator advised that they will be. Trustee Funchion wanted to know if they pay for the clean up when they use the facility. The Mayor advised that they clean it up and our departments take the garbage out.

Mayor Murray noted that this is a fund raising event for the 9/11 Memorial that the three communities are putting together – Buchanan, Town of Cortlandt and Croton. The memorial is going to be put up near the river in Croton. It is very hard to raise money. The Mayor encouraged all businesses and the public to attend these fund raising events. They had a wine tasting event at Monteverdi. They are trying to plan events to raise money. They will break the project up into different phases. It is the custom of the Village to offer the use of our facilities without charge for fund raising activities by non-profit organizations such as the Boy Scouts and this is why we will be doing it for the 9/11 Memorial Committee.

**d) 12-06 RESOLUTION AUTHORIZING THE RELEASE OF A BOND.**

Mayor Murray read the Resolution (copy attached).

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

**e) 12-08 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN IMA WITH WESTCHESTER COUNTY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP).**

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 Trustee Hitney absent.

Trustee Funchion wanted to know what the intention was for the money and whether it would be for traffic control or violations. Mayor Murray advised that it is to be used if we wanted to have another officer come in to do selective traffic enforcement. If we know there is an area where there is speeding, we would not have to take the on-shift person to be there and pay them overtime. They would reimburse us for costs up to \$1,000. Trustee Knickerbocker wanted to know if this could be used on Westchester Avenue if we wanted to do speed enforcement there. The Mayor advised that we could do that. We could also use it to pay the overtime cost if we want to set up a check point for registrations or inspections where we needed an officer for that and still have somebody patrol. It could be used on a weekend or an off-shift when we have less people. Trustee Zachary noted that it could be used for a New Year's Eve sobriety checkpoint. He commented that although it sounds like a great idea, he wanted to know how many hours that amount really covers. Village Administrator Hay advised that it depends on the person. Mayor Murray advised that each one of our officers is paid at a different rate based on rank and seniority. This is in the Police Chief's budget and he would be the one who would delegate this in the most economical fashion. Trustee Zachary noted that in the information on this program, there is a certain amount of paperwork and processing to be done. He wanted to know if that would be so cumbersome that we would end up spending a large portion of the money for time spent doing that. Mayor Murray advised that we have taken part in this program in the past. Chief Tubbs is familiar with it.

**f) 12-09 RESOLUTION SCHEDULING A PUBLIC HEARING ON A LOCAL LAW AMENDING CHAPTER 67 OF THE CODE OF THE VILLAGE OF BUCHANAN.**

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 Trustee Hitney absent.

Village Attorney Porteus reported that she, Village Administrator Hay and Building Inspector Barbara Miller went through the Building Construction chapter of the Code. The Village Administrator had given the Board a copy of the current Code. She advised to look at them side by side. Permit fees were taken out and a fee schedule will be set by Resolution just as they do with other fees. On the license fees, they went through and picked and chose them. One of the most important things the Building Inspector wanted to do was to adopt the State Code. Some municipalities take the whole State Code and make it their local law. We are not doing that. The Building Inspector felt it would be too cumbersome. Village Attorney Porteus noted that when it is put onto the Village web site, links to the State Code can be added. They added definitions which the Village Attorney thought might be helpful. There were a couple of areas where the Building Inspector had concerns with language which she felt was no longer appropriate with the new Code and that was cleaned up. They adopted the State Code and use it for anything that is outdated or missing. Our Code has been made more concise and user friendly. It will be put on our web site which will be helpful. There will be links to the State Code. Village Attorney Porteus commented that it was important to Barbara Miller and it was time to do this.

Trustee Zachary wanted to know if this portion is on-line now. Village Attorney Porteus advised that it was not. The Code is going to be on-line. When we adopt the State Code, it will be linked to our Code and it will be helpful. You can get the State Code by going onto other municipalities' web sites.

Trustee Knickerbocker wanted to know if the last time some of the fees were looked at was in 1971. Mayor Murray advised that we have reviewed the fees over the last couple of years and some were changed for the building permits. We have changed some of the codes. He commented that the problem is, if you change the fee and the fee is in the Code, you also have to change the Code. This is why last year, we started pulling all the fees out of the Codes so that we have a fee schedule. It is easier to look at and easier to amend.

Trustee Knickerbocker noted that the last time the Adoption of Standards was looked at was in 1990. Village Attorney Porteus confirmed that was correct. They learn as they go. They sit down, work it out and look at a way to make it user friendly and able to be linked on the web. Also, it is so that they do not have to go back two years from now and say: "Let's do it again". They are sticking to the areas that they think would stay and linking the fees in the areas in the State Code which change.

**g) 12-10 RESOLUTION SCHEDULING A PUBLIC HEARING ON A LOCAL LAW AMENDING CHAPTER 78 OF THE CODE OF 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 Knickerbocker with all in favor and Trustee Hitney absent.

Mayor Murray advised that this was similar to the last Code amendment. This is for the Electrical Code. He advised that we are going to be doing the same thing to a lot of our Codes because some of them have not been amended in quite a long time. Our Village Attorney and Building Inspector have been working hard trying to update our Codes. Hopefully, they will be on-line in the near future.

Village Attorney Porteus advised that on this one, the only changes were that Barbara Miller wanted permits, which have been added. Fees will be by the schedule of fees. She commented that this one was easier to clean up. There are others coming up that will not be as easy. They are alternating in taking a difficult one and then an easier one so as to keep it moving along.

Trustee Zachary wanted to confirm that this proposal was to add two sections and not change any of the others. Village Attorney Porteus confirmed that was correct.

#### **h) 12-11 RESOLUTION ACCEPTING RESIGNATION OF VILLAGE TRUSTEE.**

Mayor Murray read the Resolution (copy attached).

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

Mayor Murray advised that this was due to her relocation.

Trustee Funchion commented that Jane Hitney was a valuable member of our community. We hate to see her go because she was a very good trustee. He thanked her for all her work here and wished her well in her new endeavors.

Mayor Murray commented that Jane Hitney was a long-time resident of the Village and a trustee for many years. When we needed her last year, she was more than willing to put her name on the ballot. It was great that she helped the Board and the community. Even when she campaigned, she said she was trying to sell her house. She recently did and we had to accept her resignation. He was glad that she was able to help the Board and all the residents of the Village.

Trustee Knickerbocker commented that she got to know Jane Hitney during the election when they ran for office together last year. She said that it was a pleasure working with Jane. Trustee Knickerbocker got to know her a lot better and said that she is a good person and had the best interests of the Village at heart. Trustee Knickerbocker wished her and her family the best in their new home which they will be moving to this year. She thanked Jane for all her services to the Village and the residents.

Trustee Zachary commented that the rest of the Board said it all. He commented that Jane Hitney cared for the people whom she was serving and he was sorry to see her go. He wishes her and her husband well.

#### **6. INFORMATION FROM OFFICERS & DEPARTMENTS:**

a) Justice Court Report – December 2011

Trustee Funchion wanted to know how it was working out with the prosecutor. Mayor Murray advised that there are very few dismissals now. Before we had a prosecutor, we had quite a number of dismissals. Now everything is being prosecuted whether it is the State, County or Village Police. We entered into this on a six-month trial basis. We do not have the final numbers. Mayor Murray has asked the Village Administrator to break it down on a cost per case basis, last year versus now. Village Administrator Hay advised that he is just completing that. With the assessment due at this time, it gets very busy in the office, but he will have it for the Mayor next week. Mayor Murray commented that our goal was to break even on the amount of money we received from the increased prosecutions. Even if we do not, it is important that we show the Police Department and the public that their efforts are not in vain. The Mayor commented that we cannot ask a policeman to go out and stop somebody and then dismiss the tickets because we do not want to prosecute. This also applies to the State and County police. The Mayor said that many years ago the State Police and County Police decided to only prosecute serious infractions such as DWIs. They would not prosecute speeding tickets and things like that. Now that we have a prosecutor, we can do that. Once we get the final numbers, we will make the decision whether to keep him on or not. He was hired in August and we wanted to wait six to eight months to make that determination. In December and November, there was a very mild case load of only four or five cases. The Mayor advised that is why he wanted to break it out per case. It was not representative because some months you have more cases than others. The prosecutor gets paid by a monthly salary, not by the case. The Village Administrator will have the numbers next month. Mayor Murray said they will have the numbers in time for the budget hearing next month and will decide whether or not to fill that position.

b) Planning Board Minutes – November 2011

Received.

c) Attorney's Report

Village Attorney Porteus reported that it was a quiet month. We did not have a Zoning or Planning Board meeting. There is no Zoning Board meeting this month. The Planning Board meeting is back on because there are some applicants coming in.

Village Attorney Porteus reported that she has been spending most of her time, rather than wading through the Planning Board applicants, going through the Village Code. She commented that it was really nice to be able to do that because she feels like they are making progress. She noted that Village Administrator Hay has been very helpful with that.

d) Trustee's Reports:

Trustee Zachary reported on the Buchanan-Croton-Cortlandt 9/11 Remembrance Memorial Committee. He commented that it is a tough time to raise money these days. The 9/11 Memorial Committee is having two events at our pavilion; one on April 28 and one on May 12. Every bit of support they can get is appreciated. There will be a fund raiser at the Cove Restaurant next Sunday, with a Valentine's Day concert by Tommy Sullivan, one of the lead singers from the Brooklyn Bridge. Tickets should still be available through the web site for the 9/11 Remembrance Memorial. If you contact Trustee Zachary in the next day or so, he can still

add people into it. It is supporting a worthwhile cause. 9/11 was an event that affected all of our lives and is something we all remember. Our Fire Department supported this at the last Buchanan Day. It is a good cause and he urged people to support it.

Trustee Zachary reported that the Buchanan Day committee will be meeting once a month to start pooling ideas for the next one. The first Buchanan Day went off quite well and they hope the next one is even better. The first meeting will be on February 16 at 7:00 PM at the Highway Department building. Anyone who is interested can contact him or Trustee Knickerbocker.

Trustee Zachary reported on the e-mail list. An insert was sent out in the Village Newsletter. There was a good response. He was glad to see that people were enthused about it. It is not yet up and running. A lot of e-mails came in which will be compiled and set up. If people want to add their names to that list, they can continue to send in their names. He suggested that this could be noted on a continuing basis on the Buchanan Channel T.V. screen and in our Newsletter. Anyone who wishes to have their e-mail address added can still do so. This e-mail will be used only for emergency notifications. Trustee Zachary thought it might also be used to coordinate with the police if there is an Amber or Silver Alert. He wanted to know if the Town of Cortlandt uses a Reverse 911 for that. Mayor Murray advised that we have to research that.

Trustee Zachary reminded everyone that the Registration Day for Village elections is Saturday, March 10 from Noon to 9:00 PM. He urged everyone to be part of the process and vote for the candidate of their choice on Election Day.

Trustee Zachary thanked the Highway Department. We had a lot of water leaks this month. He commented that we have a hard-working Highway Department that was able to respond quickly. He thanked them for all their work.

Trustee Funchion reminded everyone that on March 3, there will be a Saint Patrick's Day fund raising party at the Buchanan Firehouse. He urged everyone to attend. It is a good time and well put together. It is a lot of fun. The parade will be on the following Sunday, March 11 at 2:00 PM.

Trustee Funchion reported that he wanted to clear up something about taxes that he found confusing. He saw it in the Croton Gazette. He wanted everyone in the Village to clearly know what goes on with taxes because we are a transparent Board. One thing was utility tax. No utility tax is going to be put into effect. It was something that the Board looked at that might have added revenue to the Village. After discussion and a Public Hearing, the Board decided they would not go forward with it because it could not have been done equitably. Trustee Funchion noted that if you read the article, it makes it seem that there is a utility tax. He emphasized that there is no utility tax in the Village of Buchanan.

Trustee Funchion commented that regarding the 2% tax cap, there was a Public Hearing to vote on it. This would enable the Board to go beyond the 2% if they had to do so because this Board inherited budget obligations from before that really jeopardized balancing the budget. So they had to adopt it from a legal standpoint so that services would not stop because of a gap between having the money to pay for and perform them. He commented that people saw what happened in the Federal Government. This Board is doing everything they can to keep the service



excellent and the tax rate very, very low. Any increases they have to do, they will do at the least cost. If anyone has any questions, anyone on the Board or the Mayor can answer them.

Trustee Knickerbocker reported that she wanted to continue discussion on Reverse 911 in the Village, which Trustee Zachary had brought up in his report. At a Workshop meeting, the Board discussed trying to get Reverse 911 in the Village. It is something they are working on. She thought of it because of the storms we had this past year. We had Hurricane Irene where there was extensive flooding in the Village and roads closed and trees down. We had our Halloween weekend snow storm with trees down. There were two really tough weather situations in the Village. There was no way to effectively communicate with the public to tell them to stay inside because there are wires down. Trustee Knickerbocker said they are looking into Reverse 911 and are working on it now. We may never use it, but the one time we really need to use it, it will be good to have. On the Halloween weekend, there was no power and it was very cold outside. She noted that we have a lot of people in the Village who are ill, who are elderly and who have infants. If the Reverse 911 can be done, people would have to opt in and let us know their phone numbers. Trustee Knickerbocker said they are also looking to find a place to serve as a warming place to use if that kind of weather situation does happen. We will hopefully get it resolved soon.

e) Mayor's Report:

Mayor Murray reported that last month he talked about the oil co-op with the Town of Cortlandt. He wanted to remind people about it. He knows we have had a somewhat mild winter and people might not be using a lot of energy. But, if you enroll through the Town of Cortlandt into the oil co-op, you will receive a discount in the price of oil. This was started a few years ago. They have a list of companies. Mayor Murray encouraged everyone who uses oil to sign up at their first opportunity.

Mayor Murray reported that this month we received a fine from Westchester County for recycling. There was a lot of cardboard in one of our garbage trucks. We do have to separate our garbage and recycle. If there is too much of one item in a garbage truck that is not supposed to be there, they are going to fine us. The Mayor urged everyone to follow the recycling rules that the County has set forth.

**6. COMMENTS FROM THE FLOOR:**

Mary Ingenito commented that the Board always encourages residents to come to meetings. If you are young and have children, you have no time. If you are older and have the time, you can come. However, she did not like the behavior that goes on in the corner of the room with people snickering and mocking. She finds it very distracting. She commented that she told the gentleman he was rude and he told her that she was ugly. She responded by telling him that he was not so good to look at either. This happened after the meeting. She was sitting in the audience. After her husband had spoken, the man came up behind her and said the next time he will have his wife run over her with her car. Mrs. Ingenito commented that she was surprised and entertained. She looked around behind her and saw that former Mayor Donahue was also entertained and smiling. Mrs. Ingenito commented that she did not think they should be allowed into the meeting if they are not going to behave since it is very distracting. Mayor Murray advised that last year the Board set up Rules of Order. Mrs. Ingenito commented that they

should be followed. The Mayor advised that the Board members cannot always hear what is going on out in the audience. The Board set up a 10 minute time limit because sometimes there were 45 minute dissertations on certain issues which were somewhat disruptive. The Mayor said he was sorry her experience at the Village Board meeting was not as they would wish it to be but they appreciated her coming and giving her comments. Mrs. Ingenito commented that it was almost comical to have a grown man do this. She commented that usually when men threaten you, they do not ask their wives to run over you. She found that quite comical. If anyone threatens her, she will be calling the police next time. Trustee Funchion encouraged everyone to come to the meetings and urged them to not feel intimidated by any individual or people at the meeting. People have a right as citizens to come to the meetings and make their comments without any sarcastic comments coming from the floor.

#### **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.