

**Village of Buchanan  
Village Board Meeting  
March 5, 2012  
7:30 PM**

**PRESENT:**

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

**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:**

January 17, 2012 Workshop Meeting: Trustee Funchion on page 5, paragraph 3, line 4, to add "s" to the word "line". A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Trustee Funchion referred to an item in these minutes. He wanted to know if we have begun receiving the break out from the Highway Department on the hours spent for each individual task for use in planning for the budget. Trustee Funchion commented on the format of the police report. He suggested that instead of having a delineation of particular incidences, to have an Excel spreadsheet with different tasks and the amount of time in fifteen minute or half hour increments. This was referred to the Village Administrator.

February 6, 2012 Village Board Meeting: Mayor Murray on page 2, paragraph 5, line 5, omit "through insurance"; and Trustee Funchion, page 8, paragraph 8, line 3, change "before" to "the previous Mayor's Board". A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

**3. PRESENTATION: WOMEN OF DISTINCTION HONORS FOR VIRGINIA REDERER FROM VILLAGE BOARD AND SENATOR GREG BALL**

Mayor Murray presented Virginia Rederer with a Proclamation and conveyed his personal congratulations to her for her many years of dedicated service to the Village. He noted that she is one of the first honorees of this recognition. She served with dedication and distinction.

Virginia Rederer said that she was delighted and proud. She commented that there are so many women of distinction in the Village, including some who were present this evening. She introduced all the members of her family who were present. She noted that all were raised in the Village and some went to school in what is now the Village Hall building. Her family has had a long history in the Village.

Jim Coleman, Senator Greg Ball's Chief of Staff, told Ms. Rederer that she reminded him of his mother who was beautiful, brilliant and a great speaker just like Ms. Rederer. Mr. Coleman gave Mrs. Rederer a presentation on behalf of Senator Ball and the New York State Senate. Mr. Coleman listed Ms. Rederer's accomplishments which included serving as Superintendent of Schools of the Hendrick Hudson School District and as a distinguished volunteer at the Hudson Valley Hospital and St. Christopher's Church. The proclamation announced March 5 as Virginia Rederer Day in the 40<sup>th</sup> Senate District. There will be a ceremony on March 30 at 6:00 PM at the Putnam Emergency Services Center. Ms. Rederer's name will be added to the Wall of Fame. Brittany Oat, Senator Ball's Director of Communications, accompanied Mr. Coleman and presented Ms. Rederer with flowers.

Mr. Coleman continued with a slide presentation on what was going on with the State and this year's budget. He explained that Senator Ball was in Albany this evening at an extended session and that the Senator would like to come back here sometime soon. Mr. Coleman gave an update on the legislative activity in Albany. Senator Ball is now in the second year of his first session. He commented that before Senator Ball was elected, the majority in the State Senate had a \$14 billion budget gap which they resolved by raising taxes. 124 new taxes and fees were initiated. Mr. Coleman commented that Senator Ball was elected and became part of a slim majority in the Senate. Another party is in the majority in the Assembly and the Governor is a member of that party. This year, there was a \$10 billion budget gap. Mr. Coleman commented that Senator Ball and his Senate colleagues closed that gap by cutting spending by 2% and reducing the overall cost of government. He noted that it is the first time in more than 50 years that the budget gap was closed without any back door borrowing or new taxes and fees. In previous years, that would have meant \$2400 in additional taxes for Westchester tax payers if that had been done through raising taxes.

Mr. Coleman showed a chart on budget reform. He commented that we have a new Governor who is working well with the Senate. He is looking to make it easier for families and businesses to be able to stay here in New York and prosper. For the first time in 60 years, taxes were reduced for working families in New York through \$3 billion in tax relief across the state. Senator Ball believes that the best way best way to create jobs is to give working families more of their own money which they can go out and spend which will stimulate the economy.

One area of Senator Ball's focus was repealing the MTA tax. It cost both small and large businesses thousands of dollars each year. Before this tax repeal, we were all paying for the MTA. Mr. Coleman commented that it was ridiculous for Westchester and other neighboring counties to be carrying the load for a dysfunctional MTA and that Senator Ball worked very hard on having this tax repealed. The impact in Westchester County is that 25,000 businesses were relieved of this tax. This is putting money back into the economy and helping businesses to grow again.

Mr. Coleman noted that Senator Ball talked about a property tax cap in his campaign which he then delivered on. It is the first step. Mr. Coleman commented that they know that municipalities are having a tough time making ends meet but that it has created more of a conversation. The focus has to be on how to help working families to stay in their own homes. He quoted his own property tax increases in recent years and contrasted it to the significantly lower amount paid by his brother in Kentucky. He commented that this is one of the biggest drivers causing families to leave the area and never come back. He was very happy to work with

the governor and Senator Ball to cap property taxes. Now they have to find ways to relieve municipalities and school districts of this mandate. The next phase for the MTA tax for Senator Ball and the Senate majority is to relieve municipalities and libraries of it. Taxing a municipality is double taxation which we do not need.

Senator Ball does not want to break his promise on pensions but he does want to look at the future to find ways that work best for future New Yorkers getting into the work force as well as to make it a win/win for municipalities. They found \$126 million but it is a drop in the bucket. Senator Ball has worked with the Governor on economic development. \$67 million has been put into the Hudson region with \$13.7 million being put into Westchester for economic development. That is above and beyond the grant he was able to get.

Mr. Coleman commented that many politicians will say that they are for or against “fracking” but have not gone to where this is currently being done to see for themselves if this might work here in New York. Senator Ball traveled to Pennsylvania for three days to evaluate if it was safe and how the companies who do it treat the citizens there. They went to one rig that looked to be clean and where everything gave a positive impression. Then they went to a farm that had been in the same family for over 200 years. The owners told Senator Ball about the number of calves that had died from drinking the fluid waste from the chemicals used in “fracking”. The company doing the “fracking” claims that the chemicals were already there in the ground. The family had not done a preliminary test before the drilling was begun, so they could not fight that claim. They did not understand at the time. They needed the money and thought that it would be a way to subsidize their farm and increase its revenue. Senator Ball met with many other families there whose water was also contaminated by “fracking”. He is in favor of “fracking” if it can create more jobs here and move America further toward energy independence. But he wants to be sure that anyone who signs a lease for this knows exactly what they are getting into and that compensatory damages are defined if the company doing the “fracking” process destroys the value of the property. Mr. Coleman noted that Senator Ball grew up in a rural area of Putnam County.

Senator Ball has obtained \$50,000 for My Sister’s Place, an organization that works with battered women and children. He got \$500,000 for schools. One of his current priorities is the health insurance companies. Mr. Coleman commented that most insurance companies do not want to offer New Yorkers out-of-network coverage.

Senator Ball awarded 27 veterans in the district to be on his Veterans Hall of Fame. He will continue that as an annual event. He is a veteran himself. He held a Thanksgiving Day dinner at which 600 veterans and their spouses were present. He is focusing on a bill for a Veterans’ cemetery. There are 99,000 veterans in our immediate area who should have access to a State and federally funded cemetery. The Federal government provides the full financing. The State has to come up with just 10%. New York is the only state that has not done this.

Senator Ball is an animal advocate and working on a bill concerning puppy mills.

Mr. Coleman showed an agenda of Senator Ball’s upcoming events. He thanked the Mayor and Board for the opportunity to make this presentation.

Mayor Murray thanked Mr. Coleman and through him, Senator Ball. He said that last week we received applications for information for grants and that anything the Village Board felt the Village might need, he would support. The Mayor noted that the Board has a couple of ideas they want to put together that are in line with the types of issues the Senator is involved with.

Ms. Oat announced that on Friday, from 10:00 AM to 3:00 PM they will have a big bus offering free legal help at the Senator's district office in Brewster. They will offer free legal help on any matters including wills.

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

None

**5. NEW BUSINESS:**

**a) PUBLIC HEARING: LOCAL LAW AMENDING CHAPTER 67 ENTITLED "BUILDING CONSTRUCTION" OF THE CODE OF THE VILLAGE OF BUCHANAN**

At 8:00 PM, a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

Mayor Murray noted that the Board has spoken about this at last month's meeting and in the Workshops. Village Attorney Porteus reported that she went through these Codes with Village Administrator Hay and with Building Inspector Barbara Miller who highlighted what she was having difficulty with. The first section had fees that were 20 years old. They repealed those fees and made it in line with the master fee schedule being established by the Board. The Board can amend it over time as they find something that needs to be adjusted. References to "he" and "him" were changed to "he" and "her". They added several definitions taken from the State code which will add clarifications. Other sections were amended where the Building Inspector was having difficulty enforcing due to changes in the State code. Barbara Miller has reviewed the draft and advised that the amended Code is one she can work with.

Trustee Zachary wanted to know if that was the State Energy Conservation Construction Code which is new since we last updated our Code. Village Attorney Porteus advised that it is one of the relatively new codes that we are adopting. Trustee Zachary also wanted to confirm that the fees would be referenced in the Code and contained in the Master Fee Schedule. The Village Attorney advised that was correct. In that way, whenever it needs to be amended, the Board only has to amend the schedule, not the Code. She recommended that the Board should set the fees at the next Board meeting. She and the Village Administrator will contact the Building Inspector for input.

Trustee Zachary felt that these are nice clarifications. He thanked the Village Attorney, Village Administrator and Building Inspector.

On the question by Trustee Funchion, Village Attorney Porteus confirmed that the fees referred to were the fees for the permit.

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

At 8:02 PM a MOTION to close the Public Hearing was made by Trustee Zachary, seconded by Trustee Funchion with all in favor.

**b) 12-12 RESOLUTION AUTHORIZING LOCAL LAW AMENDING CHAPTER 67 ENTITLED “BUILDING CONSTRUCTION” 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.

**c) PUBLIC HEARING: LOCAL LAW AMENDING CHAPTER 78 ENTITLED “ELECTRICAL INSPECTIONS” OF THE CODE OF THE VILLAGE OF BUCHANAN**

At 8:05 PM a MOTION to open this Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Village Attorney Porteus explained that Building Inspector Barbara Miller felt it was important to require that a permit be pulled for any electrical inspection and work being done in the Village. The fees will be part of the Master Fee Schedule. The Building Inspector will have input on the fees.

Mayor Murray commented that they wanted the Building Inspector to verify that there were licensed electricians who were bonded and insured doing the work to the homes in the Village.

Trustee Funchion wanted to know if this included repairs like replacing an outlet or rewiring for having a kitchen redone. Village Attorney Porteus believed it did. She advised that they could read the Code. Trustee Funchion noted that he did not find it. He felt this is an unnecessary fee and needed to be looked at more closely. He noted that most homeowner’s insurance will not cover in the case of a fire if the electrical work was not done by a licensed electrician. He feels that lowers the necessity for this requirement by the Village because most people are going to get a licensed electrician. He feels that we are adding an unnecessary fee for a permit and adding to the bureaucracy. Every time you want to replace an outlet, which you could do on your own, you would have to go to the Village Hall to get a permit.

Mayor Murray commented that there is a level of work that would be required and that they should look further into the law. He felt certain that the State would not require a licensed electrician for things that like changing a socket. There has to be a threshold. He suggested holding this over until we get more information. It will be discussed at the next Workshop and net Board meeting.

Trustee Knickerbocker thinks this pertains to new construction but not to replacement.

Trustee Funchion commented that if you are moving an outlet when your kitchen is getting done, you are going to want to have a licensed electrician, otherwise you are not covered. If you have homeowners’ insurance, which over 90% of people do, you are not going to be covered if the work is done by someone who does not have a license.

Trustee Zachary commented that you can legally do electrical work on your own but it is a very tedious process to get the underwriter inspector to come. They are more responsive to electrical contractors because they know the kind of work they do. That is not a reason to not require permits. He agrees with the comments from the other Board members concerning the need for clarification. He noted that in an emergency, like a light switch that is sparking, you do not have time to get a permit. There has to be some kind of exclusion or clarification.

A MOTION to hold this Public Hearing over to the next regularly scheduled Village Board meeting was made by Mayor Murray, seconded by Trustee Funchion with all in favor.

**d) RESOLUTION FOR AGENDA ITEM “c” TO BE HELD OVER.**

This will be held over to the May 2012 Village Board meeting.

**e) 12-13 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN IMA WITH THE TOWN OF CORTLANDT FOR A BACK UP FIRE INSPECTOR.**

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that they are entering into this IMA because in the case where our Fire Inspector is unavailable, we want to be able to go to the Town on an emergency basis and to define reimbursement of the inspector any time they have to go to court to testify regarding any type of violation they may have issued. The Mayor commented that just like our Building Inspector being unavailable this week and our Fire Inspector having had a recent injury, we would now have a back up. If we do not use the person, we will not incur any cost.

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

**f) 12-14 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY – CORTLANDT NATIONAL LITTLE LEAGUE.**

Mayor Murray read the Resolution (copy attached).

Trustee Funchion wanted to know if this was new, and if they did not do it last year. Mayor Murray advised that they do it every year. They are usually put on the Westchester Avenue field because it has less use. The Men’s League for the Town of Cortlandt usually uses Lent’s Cove. Trustee Funchion wanted to know if they had their own insurance. Mayor Murray advised that it is attached to the application. The insurance expires in January 2013.

Trustee Zachary commented that these are youth activities that he very much wants to support. He noted that between the Little League and the Youth Soccer League, they will be using the field every single day of the week for two months. He wanted to know if there is a conflict. It closes out everyone else from using that field. Mayor Murray advised that Recreation Supervisor Nancy Bayer does the scheduling. There was an issue two years ago where another softball league wanted to use it but they did not give us the ability to schedule it properly. They were offered different dates. Otherwise, the Mayor was not aware of any issues with this. Trustee Zachary noted that it is before any of the summer programs so the field is likely not being used in general. Mayor Murray commented that the field is used very little.

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

**g) 12-15 RESOLUTION AUTHORIZING USE OF A VILLAGE FACILITY – CORTLANDT YOUTH SOCCER PROGRAM.**

Mayor Murray read the Resolution (copy attached).

Trustee Zachary did not think the Resolution accurately reflected the application. The application lists Sunday games. The Resolution only lists games on Tuesdays, Wednesdays and Saturdays. The application also requests practices on Saturdays and weekday evenings and games on Sundays. Mayor Murray advised that on the application, Recreation Supervisor Nancy Bayer has the scheduling. He directed the Village Administrator to verify the dates. He directed that the Resolution be amended to reflect the dates as specified on the request, from April 15 to June 17 as well as the Sundays listed on the application.

Trustee Knickerbocker asked about the insurance certificate. Village Administrator Hay advised that the Town of Cortlandt provides one blanket certificate. We have the insurance certificate. Mayor Murray directed that this Resolution is to be approved contingent upon the verification of their insurance.

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

**EXECUTIVE SESSION TO DISCUSS EMPLOYMENT ISSUES:**

At 8:18 PM a MOTION to enter into Executive Session was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

At 8:34 PM a MOTION to return to the Board Meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Mayor Murray announced that no action was taken and no public funds were expended.

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

a) Wastewater Treatment Reports

Received.

b) Justice Court Report – January 2012

Trustee Funchion wanted to know why, since we now have a prosecutor, from pages 2 through 5 on the report there were all dismissals. Mayor Murray advised that he has directed the Village Administrator to contact the prosecutor and Court Clerk to find out why that occurred. There were different dates. He has no confirmation on what occurred.

c) Planning Board Minutes – December 15, 2012

Received.

d) Fire Inspector's Report

Received.

e) Police Reports: October 2011 – January 2012

Received.

f) Attorney's Report

Village Attorney Porteus reported that she did not know if the Board received a memo from the Secretary of the Planning Board advising that Greentown Recycling is formally withdrawing their application. They should also be withdrawing it from the Village Board. They had filed a petition to change the zoning law to allow a waste transfer station in the Village either as by "as-of-right" or special permit. This Board sent it to the Planning Board for an advisory opinion. It is now formally withdrawn. The Village Board will not be getting an advisory opinion.

Mayor Murray wanted to know about the escrow process with these types of applicants. The Village Attorney advised that any applicant before the Planning Board is notified by the Village Administrator, who along with the input from the Village Engineer sets the fee for the escrow. We may have one applicant who is behind but all the fees have been reimbursed. The Village residents have not paid a dime for the planner. Village residents only pay for that part of the engineering that does not pertain to the applicants who are before the Planning Board. If an applicant is not up to date with these fees then they are not heard before the Planning or Zoning Boards that month. It is working well.

g) Trustee's Reports

Trustee Funchion reported that he attended the fund raiser for the Saint Patrick's Day Parade Committee. It was a great success. He thanked Karen Park and Sherry Jahoda who put a lot into it. The parade will be this Sunday at 2 PM. The weather should be nice and Trustee Funchion hopes that everyone will come out and participate.

Trustee Funchion commented on Mr. Coleman's "State of the State" presentation. A lot of State officials on all sides are taking credit for a lot of cutbacks. But what the State is doing is passing a lot along to the local communities. Trustee Funchion commented that it is going on all over the country with the Federal government passing it on to the states and the states to other people. Trustee Funchion commented that he appreciates Senator Ball's "State of the State" message, however it sounded to him more like a campaign speech. As a Village, we should not get into who is running for this and that. The information is good but we do not want to be put under the gun where if one person gives a speech like that, we then have to give time to somebody else. Trustee Funchion said that he appreciates the "State of the State" and the work that Senator Ball is doing.

Mayor Murray commented that he was not anticipating him doing that. We had set up last month for a presentation but Senator Ball could not come. We wanted it to be a question and answer format. The Mayor did not want to take up a lot of time during a Board meeting. He can come back for more of a Q&A presentation.



Trustee Zachary reminded everyone that Registration Day will be on Saturday, March 10 at the Village Hall from Noon to 9:00 PM. He encouraged everyone to register and to vote. Election Day is Tuesday, March 20. The polls open from 6:00 AM to 9:00 PM. Trustee Zachary noted that there were a couple of misprints in the Village Newsletter about the election dates.

Trustee Zachary reported that they had the first meeting for planning for this year's Buchanan Day. At this point, they are trying to get the ball rolling. They have not yet contacted the vendors. They have selected September 29 for Buchanan Day this year. They had to work around the Town of Cortlandt's Family Day and the Rotary Club Horse Show in Peekskill. The next committee meeting will be on March 15 at 7:00 PM at the Highway Department building. Anyone who wants to join is encouraged to attend.

Trustee Zachary reported that on February 7, along other Board members he attended a luncheon for Village resident Evelyn Green who celebrated her 100<sup>th</sup> birthday. It was a lot of fun. He is proud that our Village has such a nice program. Trustee Zachary congratulated her.

Trustee Zachary reported that he attended a fund raiser for the Croton/Cortlandt/Buchanan 9/11 Memorial. They are struggling financially. They had a dinner-dance at the Cove Restaurant which raised a couple of thousand dollars. The fund raising continues along. It will be a great thing for the community when they get to where they can build it.

Trustee Knickerbocker reported that she has started to contact vendors for Buchanan Day. They are in gear. If anyone wants to see something different, they can come to a meeting or contact her or Trustee Zachary.

Trustee Knickerbocker reported that we are still collecting food for the Veterans food bank at the VA Hospital. The container is downstairs. It is much appreciated and goes to a good cause.

#### h) Mayor's Report

Mayor Murray reported that this week, we received notification from Con Edison that starting this week and for the entire month of March they are going to be doing repair work to the high lines that cross the river. All the maintenance work will be by helicopters. It will be from 8:00 AM to 6:00 PM for the month of March, starting tomorrow. The Mayor noted that the last time this was done, residents were calling with concern about why there were so many helicopters flying around Indian Point.

Mayor Murray reported that residents might have seen along our pumping stations for the sewage treatment plants that we have almost completed the installation of the generator work that was taken out of the bond. It was very difficult getting the parts. It is what we contracted for over the summer and the work is now almost completed. The Mayor also reported that at the Sewage Treatment Plant, the second operator is ready to take his certification. It will save us \$12,000 to \$15,000 per year in costs. Mayor Murray reported that our plans are moving forward and we are starting to see benefits of the work.

Mayor Murray reported that after the St. Patrick's Day Parade on March 11, there will be a protest at Indian Point. They have a valid permit. There will be increased traffic starting at 3:30 PM. Although he and the Board members and many residents will continue to support the safe and continued operation of the plant, even though we have the ability to block the public's access

to it because it is public property, and even though we may not agree, we should not limit their ability to be on public land. The Mayor commented that he and the Board continue to support the operation of the plant.

Mayor Murray thanked Sherry Jahoda and Karen Park for all their work on the St. Patrick's Day Parade Committee. He thanked all the committee members and everyone who helped out. It is very difficult to start these projects and keep them going. It is very difficult to try to raise funds. They had a great turn out for the Kick-off dinner. He hopes everybody comes out and participates in the parade.

Mayor Murray reported that last week, we received another quote for the traffic light on Westchester Avenue for \$85,000. We received three quotes but the amounts are varying from \$15,000 to \$80,000 to \$140,000. The Mayor Murray has asked Village Administrator Hay to get a specifications list and get back to each of the contractors so that we can see exactly what they are providing us. The Mayor noted that, as he reported last month, the light is being replaced at no cost to the taxpayers. Through extra research, we have determined that it will be covered by our insurance. It is now a matter of getting the contractors in line. The Mayor commented that because the quotes were from \$15,000 to \$140,000, somebody is not doing the same thing. We are going to have total specifications put together and given to the contractors. We can then bid it out and it will be done through the insurance.

Mayor Murray encouraged everyone to come out to vote. We have 40%-50% of the eligible voters who come out to vote. We have around 1400 eligible people who can come out to vote. The Mayor encouraged everybody to come out. It is their right. It is what people of our nation have fought for. Many people elsewhere in the world cannot do that. Come out and have your say. Mayor Murray said that no matter what happens, it has been his pride, his privilege and his honor to serve the public for the last two years.

Trustee Funchion wanted to know if the Con Ed activity with the helicopters was publicized anywhere else in the media. Mayor Murray advised that they sent a letter this week notifying him. Trustee Funchion commented that after 9/11, they should give people more lead time information just like Entergy did with the testing of the sirens. It is in the newspaper and on the radio. If they had given us more lead time, it could have been put on the Buchanan Channel screen. Trustee Zachary wanted to know if this was something that they could send notice of on our e-mail system. The Mayor noted that it is not quite an emergency. Trustee Knickerbocker wanted to know where the work will be concentrated. The Mayor advised that all the work is right where the transmission lines cross the river. Trustee Zachary said they work from hovering helicopters.

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

None

#### **8. ADJOURNMENT:**

At 8:50 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.