

**Village of Buchanan  
Mayor & Board of Trustees  
Village Board Meeting  
July 2, 2012**

**PRESENT:**

Mayor Sean Murray

Trustees Theresa Knickerbocker, Richard A. Funchion, Nicholas Zachary and Duane Jackson

Village Administrator Kevin Hay

Village Board Secretary Susan F. Matthews

Village Attorney Stephanie V. 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. MOMENT OF SILENCE:**

A moment of silence was observed for the passing of long-time resident Gail Richard. She was a Trustee on the Village Board from 2008-2010 and had previously served on the Zoning Board. Mayor Murray said that she worked hard and contributed to the Village. It was unfortunate that she was unable to overcome the illness that she was working against in recent years.

**3. APPROVE MINUTES: May 1, 2012 Village Board Meeting**

Trustee Zachary amended page 15, second paragraph, to change “willing person” to “willing to serve”. A MOTION to accept these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

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

None

**5. NEW BUSINESS:**

**a) PUBLIC HEARING: TO DISCUSS REMOVAL OF BLINKING TRAFFIC CONTROL DEVICE AND INSTALLATION OF STOP SIGN.**

At 7:33 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

Mayor Murray reported that starting in March, we have gotten comments from the people on Westchester Avenue and the area streets. A couple of residents requested that the light be removed. They felt it would be a better traffic control device to have a Stop sign. There were some other suggestions. We asked the Police Chief and the Highway Foreman about this. The light serves no purpose. There are no internal controls. We cannot switch to a light to regulate traffic. Right now whenever the light goes out, we have to pay \$125 to fix the bulb. It is becoming a maintenance issue and a preservation issue. The paint is coming off of it. This Public Hearing is to hear from the public and the Board as to whether it would be better for the Village if we remove the light and install a Stop sign on Fourth Street going north. There would be no Stop or Yield sign on Westchester Avenue. Currently, it is a blinking yellow light on Westchester Avenue and a red light on Fourth Street. Because the red light currently requires traffic to stop, we would put a Stop sign on Fourth Street.

Trustee Funchion wanted to know if the whole structure will be removed. Mayor Murray advised that it would be.

Trustee Zachary agrees that a Stop sign would serve the same purpose, be a lot simpler and would be less costly.

Trustee Jackson wanted to know how long it would take to dismantle. Mayor Murray advised that we might have to contract it out or our Highway Department might be able to do it, so we do not know. In order to start the process, we have to set this Public Hearing and the local law. Then we can set the time frame.

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

At 7:35 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

**b) 12-26 RESOLUTION AUTHORIZING THE REMOVAL OF A BLINKING TRAFFIC CONTROL DEVICE AND PLACEMENT OF A STOP SIGN.**

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) 12-27 RESOLUTION ACCEPTING A PROPOSAL FOR AUDITING SERVICES.**

Mayor Murray read the Resolution (*copy attached*).

Trustee Funchion asked the Village Administrator if we know how the fee compares to other villages and towns. Village Administrator Hay advised that the cost was significantly more in Hastings but it was a bigger budget and a bigger job there. The cost is based on how big a job it will be to audit the books. Mayor Murray advised that we sent out bid proposals in recent years.

Last year, we received two responses. Both were for the same amount of money. We took the one that was more local. It is easier to contact them. The amount of money is exactly the same amount as we paid last year. It is a fixed rate for three years. We did not send out another bid proposal. Two years ago we tried to get more than two people but were not able to. Before that we had one company who was with us for many, many years. But they decided they could not do it anymore. Mayor Murray felt it was a good idea to lock in the rates. There was a little step increase in the original contract in 2010, but now it is fixed for the next three years.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Jackson abstaining, noting that he does not know the issue.

**d) 12-28 RESOLUTION DIRECTING A COMMENCEMENT OF ACTION.**

Mayor Murray read the Resolution (*copy attached*). Village Attorney Porteus noted that the Resolution says Craft Lane but it should be White Street

Trustee Jackson wanted to know if they were behind on paying their taxes. Mayor Murray advised that there are several liens from several different taxing entities. The largest is from Westchester County Department of Social Services. They have the liens against the possible sale of the property. The Mayor advised that over the last year or so, we have explored what we can do. Even if we were to take the property, bulldoze it and sell it, we would not be able to get the proceeds because there are so many liens against it. Six months ago we had some preliminary discussions with the County. We have to take these steps to take title to the property and to do any remediation. We did a title search. The people who own it are dead but it never went to probate. We have to go to the next step to move the process forward. We did have squatters in there for a long time. We shut the water main off last year. Somebody was paying the water bill and Con Edison. As long as they paid the bill, Con Ed kept it on. We got the squatters out of there. It is a public nuisance.

Trustee Zachary fully supports this. It is an eyesore. It does not do anything for the neighborhood or home values. He feels that anything the Village can do, we should. He is pleased to see the process beginning.

Village Attorney Porteus advised that it will cost \$210 for the filing fee. She is hoping to get Westchester County interested. She is going to have to notice them because they have a lien.

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

**e) 12-29 RESOLUTION APPROVING ELECTRICAL INSPECTORS AUTHORIZED TO CONDUCT ELECTRIC INSPECTIONS IN THE VILLAGE OF BUCHANAN.**

Mayor Murray read the Resolution (*copy attached*).

Trustee Zachary quoted the current Code which states that the Village Board shall from time to time adopt a Resolution to designate inspection agencies that are authorized to conduct inspections in the Village. We have now designated two companies that can do these inspections. He wanted to know if we should want to modify this list, do we have to have another Resolution, or can the Code be written to let the Village Administrator, in consultation with the Building Inspector, add someone to the list. Mayor Murray advised that if the Code does not allow us to do that, we need a Resolution. Right now this is a Resolution to comply with our current Code to put these names on there. Village Attorney Porteus feels that doing it by Resolution makes sense because it lets the public know who are the licensed people who can do inspections since they cannot just get a copy of the Code to read it. She has talked to the Village Administrator about putting up a link. She advised that unless the Board is going to change the Code, we have to do it by Resolution.

Mayor Murray commented that as everyone knows, we have been discussing this for several months. Last month, we discussed either accepting all the people the Town has authorized or adding our own names to the Code. Our Building Inspector had spoken to adjoining municipalities and contacted some of these agencies. These are the two firms that she recommended. The Mayor believes that they are also accepted by the Town of Cortlandt. Our Code requires us to list electrical inspectors.

Trustee Funchion commented on the third paragraph which states that electricians who are licensed by the County must have their work inspected by one of the listed agencies and that seems to him to be a conflict. He does not think that is true here in Buchanan. This is indicating to him that you are talking about a certificate for the purpose of a Certificate of Occupancy. But this opens the door to any kind of electrical work having to be inspected.

Mayor Murray advised that this is already the law. We are not changing the law. We are just adding a list of people who can do inspections. All the electricians have to be licensed by the County. Everybody who does work in the County has to have their work inspected. The municipalities tell the contractors whom they will accept inspections from. We are just giving the list of whom the Village will accept inspections from. Trustee Jackson wanted to confirm that it does not matter what type of work it is. The Mayor advised that was correct.

Village Attorney Porteus noted that the last time the Board discussed this, they were going to add the need to have an inspection for any electrical work you did. This is more to the point if you are putting on an addition, for example, where you hire a licensed electrician. That work has to be inspected. The Mayor commented that at that time, they also discussed making all of the contractors come in and file a permit. This Resolution has nothing to do with that. This is just saying who we will accept the inspections from.

Trustee Zachary commented that he believes that contractors know that if they are coming to hook up a new clothes dryer, for example, that they do not need an inspection. The Mayor

commented that he would not say that. Trustee Zachary commented that they would know that when there is a CO involved, they do have to get an inspection. You do not need a CO for a clothes dryer. He wanted to know if County law required an inspection for hooking up an appliance. The Mayor commented that he did not know what the law says and he does not know if that is an accurate comment. Trustee Zachary commented that it was his understanding and that maybe he was wrong.

A MOTION to adopt this Resolution as presented was made by Trustee Knickerbocker, seconded by Trustee Zachary and approved by a vote of 4-1 with Mayor Murray, Trustee Knickerbocker, Trustee Zachary and Trustee Jackson in favor, and Trustee Funchion opposed.

**f) 12-30 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTER-MUNICIPAL AGREEMENT FOR THE BCC-9/11 MEMORIAL.**

Mayor Murray read the Resolution (*copy attached*).

The cost to the Village would be \$1,100.

Trustee Knickerbocker commented that she needed to understand whether this is the only time that they will be asking the Village for money for the memorial. She knows this is Phase 1. Mayor Murray referred to the IMA which itemizes each municipality's contribution. The Town of Cortlandt agrees to give \$15,000; Croton to give \$3,900; and Buchanan to give \$1,100. The terms and conditions basically state that is all the money they are going to request. There is no caveat that allows for an increase in fees.

Trustee Jackson wanted to know if it is a done deal on the part of the other municipalities. Village Attorney Porteus advised that Croton did. Trustee Zachary advised that the Town of Cortlandt did. Trustee Funchion commented that the Journal News quoted today that we had voted on it. Mayor Murray remarked that is why he does not buy it any more. Trustee Jackson wanted to confirm that the amounts were firmly set so that there would be no increases. He commented that he would hate to put our money in there and then find that there is a "snafu". The Mayor commented that it started as a more grandiose scheme with an estimate of \$180,000. They thought the fund raising would be a little more. They raised approximately \$20,000 and have changed the scale of the project. The total cost is now around \$70,000. They have a lot of donated manpower and equipment which totals around \$30,000. They are going to be taking \$15,000 from the Remembrance Memorial at Croton Landing, \$15,000 from the Town, and the \$5,000 from between Croton and Buchanan and put it all together to have it finished by September 11. There is no caveat for an increase in funds In the IMA from the Town. If there are any funds left over once the project is done, they will be returned to the municipalities in accordance with the percentages of their deposits. The Mayor does not believe there will be any other requests. If there was, it would have to go through another Public Hearing and Resolution.

Trustee Knickerbocker noted that she is not against the memorial. She has said this before. She has a problem using taxpayer dollars to fund this in a different municipality. She commented that we can go back to the first Buchanan Day. She suggested that we do a 50/50 raffle and use the proceeds for a 9/11 Memorial. She does not think it is appropriate to put our taxpayer dollars for this. She is not against the memorial but she has a problem voting for this.

Trustee Zachary commented that this agreement was entered into by Buchanan, the Town of Cortlandt and Croton a little over a year ago. Our name is part of the agreement. After the agreement, there was a site review. Sites in Verplanck and at the Cortlandt train station were considered. This site along the river in Croton was selected. He feels that to be part of that agreement and now say that we are not because they have selected a site in Croton, is sour grapes. He thinks it is a beautiful site. He feels that Buchanan should be part of this joint effort. He does not feel that it is very costly. He does not take the money lightly but if you break it down, it only comes to 50 cents per resident. He thinks this memorial is important. Not only does it honor the five Cortlandt residents and the people who were lost that day, it is a tribute to current emergency services workers, firemen, police and EMS. He did not think it is a great expense.

Trustee Knickerbocker agrees that \$1,100 is not a lot of money. She is looking at the principal of it. She commented that when this all was discussed originally, there was no discussion of any money coming from the municipalities. The money was to come solely through fund raising. She again said that she has no problem with the memorial itself. She advised that they have discussed that we will do a 50/50 raffle at the next Buchanan Day and the proceeds can go to the 9/11 Memorial. It is the principal for her. Mayor Murray commented that he understood.

Trustee Jackson wanted to know when was the payment to be made. Mayor Murray advised that we have the terms and conditions. They have to be reviewed by the Village Attorney. Once the Resolution is passed - noting that the Village being the last to do so - all the municipal attorneys will meet to review all the wording. So in response to Trustee Jackson's question, the Mayor advised that it is not until all the attorneys agree.

Village Attorney Porteus advised that the Town Attorney drafted this and then sent it to the Village Attorney for Croton and to her. Croton has passed theirs subject to review by their attorney. Village Attorney Porteus does not want the Board to authorize having the Mayor sign this "as is" without knowing if there will be changes that they are making. If the Board wanted to do it tonight, she has followed suit and made it subject to final review. She assumes the Town Attorney has no changes because he drafted it. Village Attorney Porteus noted that she has a change or two that she would like to make. The three attorneys will sit together and that is why the Resolution is written like it is.

Trustee Jackson commented that once that is done, it will not come back before the Village Board. He wanted to confirm that what they are voting on here is the money. Mayor Murray

advised that was correct but that the money will not be transferred until three Trustees sign the voucher. The final review will be with the Trustees prior to the issuance of the check. This IMA is to allow the use of public funds and to transfer the funds to Croton from the 9/11 tax-free one and to start a trust and agency fund.

Trustee Jackson wanted to know if the final wording on the memorial has been decided and if we have any say on things like that. Mayor Murray advised that the design has already been approved. He does not think that those details have been determined. He was unsure of a plaque being a part of the reduced construction. There was a Resolution authorizing the concept and drawings last year when we entered into the first IMA. Village Attorney Porteus read the description of the memorial. The Mayor advised that it was all one phase to begin with. It was all going to be taken care of all at once. There was going to be a bronze plaque and landscaping. They had to scale down the project because the funds did not come in. The original concept is still the same. What the 9/11 fund raising committee was expressing to the Executive Committee was that there are agencies out there willing to donate money but because there was such a lull in the project and funds were not coming in, they were hesitant to give more money. The Mayor commented that he had spoken to a couple of organizations that felt that way. There is a two-fold reason for this IMA. One is to get it off the ground and get the steel in its final destination so that it does not have to be moved around to different areas. It is also to show some of these larger corporations along with smaller volunteer organizations who were willing to give the money but were hesitant because they thought the project was stalled. They had started off well. They raised \$15,000-\$20,000 right away. Then they had the lull.

Trustee Knickerbocker commented on whether this is the final IMA. Mayor Murray advised that it is the final IMA. He noted that concerning the exact wording, the Village Attorney wants to verify with the Village of Croton because as she advised, they authorized the IMA subject to the review of their attorney. The Mayor noted that if that wording was not in the Village of Croton's, it would not be in ours. In order to protect ourselves, our Village Attorney is going to consult with them to make sure that nothing was changed. Village Attorney Porteus advised that if they change the terms and conditions or money, then she will bring it back to the Board. She advised that the only change she wanted included was some wording about an accounting of money spent on request of the Village Board. She believes that it is not a major thing and will not be objected to.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary and approved by a vote of 4-1 with Mayor Murray and Trustees Funchion, Zachary and Jackson in favor, and Trustee Knickerbocker opposed.

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

- a) Justice Court Reports: May 2012

Received.

b) Police Reports: February 2012 – May 2012

Received.

c) Attorney's Report:

Village Attorney Porteus reported that as requested by the Board, she has checked on the cost for charging for FOIL requests when put onto CDs, DVDs and the like. For paper copies, it is 25 cents per printed page. For other media, it is the actual cost of reproduction. Village Administrator Hay knows this and that is what we are charging.

Village Attorney Porteus reported that at the Workshop meeting, there had been discussion about use of the Recreation Fund. The issue was that substantial sums have been contributed by people into the fund via the Planning Board and sub-divisions and the money sits there. There is some confusion as to what the Board can use it for. It does not have to only be used for the acquisition of new land. Village Attorney Porteus advised that she went to the intent of the Village Law that authorizes the Planning Board to do what this Village has done. She explained the intent of the Village law. What occurs is that eventually there is no more land. Money has been deposited in the fund. The thought behind it is that as you sub-divide and bring more residents in, you need more recreation facilities. She advised that what the money can be used for is a new playground or a new recreation. You can also expand existing facilities. You cannot use the funds for regular maintenance and repairs. There had been a question about that in the past concerning the liner at the pool. That would come under repair and maintenance. But if you have a playground and you wanted to put in more swings, you could use it for that. Technically, it really should not just be sitting there unless we do not find a need for it. If you are looking to expand the facilities you have or for new facilities, that is what it is there for.

Trustee Zachary wanted to confirm that we can buy new playground equipment from this fund but we cannot repair old equipment from this fund. Village Attorney Porteus advised that is correct. You can only use this fund to expand, not replace. Repairs to existing facilities come out of the General Fund. Mayor Murray commented that the way our Code is currently written, it does not reflect that. It says that we have to acquire new land. She advised that she will be working on that to make it clearer. She wanted to find the intent behind it before we started to rewrite it. She commented that it made sense to her.

Village Attorney Porteus reported that Trustee Knickerbocker had asked about IMP and WIC. The Village Attorney advised that it is the owner of WIC. He was given a violation about a year ago. It went back and forth. The Building Inspector issued a ticket. They were in court. The Village Attorney believes he was been given thirty days to come up with a drainage study. If he does not do that study, then our Code provides for fines which she believes would be imposed. We are hopeful that he will come up with it. He says that he will come up with the study. Once the drainage study is completed, then we have the two properties both with what they say we are looking for. We have been at a kind of a stand still. Neither one wants to make a move and

everyone is blaming the other. But, it is moving. Trustee Knickerbocker noted that there were questions about that and in the past we have had some severe flooding in that area. She is glad to see that it is moving forward. The Village Attorney sees that the final piece is that the drainage has to be done because of the fill. The owner of IMP has already done a drainage study which shows that the fill does negatively impact his property. If that is so, it should be changed.

#### d) Trustee's Reports

Trustee Jackson had nothing to report.

Trustee Zachary expressed his condolences to the Richard family. He served with her on the Zoning Board for 10 years. He learned from her and always appreciated her integrity as a Board member.

Trustee Zachary reported that the Buchanan Day Committee is meeting monthly. It will soon be changed to every two weeks. The next meeting will be on July 19 at 7:00 PM at the Highway Department building. Trustee Zachary commented that this year's Buchanan Day will have a lot of what we had last year and more. It is shaping up and he is excited about it. Residents should have gotten the flyer on this and he hopes that everyone saves that date. Anyone who wants to join is invited to the next committee meeting.

Trustee Funchion reported that he attended the protest at the VA Hospital on June 14. It was very well attended, mainly by veterans. He would like to see more people come out. He reported that he did some research on the Defense and Veterans budget. New York State, in comparison to the rest of this country, especially the South, gets a very, very small slice of that Defense and Veterans budget. Trustee Funchion feels that when we contact our Congressional Representatives and Senators, people should point out to them that it is about time that New York State and the surrounding states in the Northeast get more of the contract work going out. He commented that this belies the fact that the hospital is so important now because so many people are coming back surviving their injuries, but the traumatic events experienced in those war zones have left an effect on their lives that will always be there. So there is even more of a need for this veterans' hospital. Trustee Funchion urged everyone to call up and leave a message or e-mail them. You can Google the e-mail addresses for all your Congressional representatives' offices.

Trustee Funchion reported that he is involved with the Buchanan Day Committee. Buchanan Day is going forward and he thinks that it will be even better than last year. Trustee Funchion reported that he also is involved with the St. Patrick's Day Parade Committee. He urged residents to get their nominations in for the parades. It comes in the Newsletter at the bottom.

Trustee Funchion thanked the Seniors for inviting him to their luncheon. It was very nice and well run. The place was excellent. He enjoyed sitting down and talking with all the Seniors in the Village. He commented that in some ways, they make him feel a little bit younger too.

Trustee Knickerbocker said that everything has been covered this evening so she had nothing else.

e) Mayor's Report

Mayor Murray reported that the traffic light on Westchester Avenue and B/V School was turned over to the insurance company within the past two months. They are taking care of all the finances and are currently negotiating with the contractor. When they come to an equitable solution, they will be replacing that light at no cost to the Village. We wanted the insurance company to take care of it instead of us. The Mayor commented that there is no reason to have three parties involved with the replacement. The money was coming from the insurance to the contractor, so we are letting them take care of this. It is moving forward.

Mayor Murray reported on our pressure regulating valves. A couple of months ago, we were having trouble with water main breaks. After research, we found that a lot of our valves have not been rebuilt. We have starting rebuilding them on an emergency basis. The amount of the entire project would be above what the New York State bidding allowed us to do. So we broke down three of the most problem areas and classified them as emergency. Two of them have been replaced. Once the remaining ones are taken care of, then we will have the contract put together. Currently, we are within all of our laws and State regulations. We received the written quotes. Mayor Murray wanted everyone to know that we are working on our water valves right now. The parts that are coming out show that no one has worked on them for many, many years. It is money well spent. We spent a lot of money on water main breaks this past winter because our valves had not been maintained. We are not going to let that happen again. We are going to replace those valves and not just calibrate them.

Mayor Murray wanted to remind people that if you see anything strange going on to call the police. They will be there any time of day. He reported that he had an incident at his house where people were looking through the cars and dragging garbage down the street. He called the police. They were there within a couple of minutes. Guys were taking junk out of people's yards on a Thursday night. People are not allowed to take your recycling material. If you see that type of activity, let the police know. They will be there in a couple of minutes and will take care of the situation. The Mayor cautioned that if you have people looking in cars at 4 o'clock in the morning, they have a reason and it is not to see what type of car you have or if you have an inspection.

Mayor Murray thanked the Seniors for their invitation to him and his wife to attend their installation dinner. They had a great time. The Mayor noted that he tries to get to as many Seniors' events as he can. He enjoys talking with them. He commented that like Trustee Funchion said, it makes you feel young but he noted that they also have a lot of knowledge and information. The Mayor said that he told them that things that we can do to support the Seniors today will help the Seniors of tomorrow. The Mayor commented that he planned on being here

in the Village for a very long time. Whatever programs we can develop and whatever we can do is going to help everybody in the future.

Mayor Murray wished everyone a happy and safe 4<sup>th</sup> of July. If you every need anything, call the Police or Fire Department and they will be there in minutes. He encouraged everyone to be careful and to not get hurt this week.

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

Eileen Absenger, 130 Tate Avenue, wanted to reiterate what the Mayor said about calling the police. She called them today. She went out to take out the garbage and had another garbage can in the middle of her lawn. Although her house is far back from the street, she can hear and see the kids walking around at all times at night because they are out of school. She has lost three newspapers three days in a row. She implores parents to ask where their kids may be going and to ask them to respect other people's property. This was a full can of garbage. She was happy that it was not overturned and open. She did call the police. She commented that if anyone is walking and steals her newspaper, she wanted them to know that they can go to the Hendrick Hudson Free Library where you can read a free copy of the newspaper in air conditioning. They do not have to steal someone's private property. She suggested that anyone should call the police if there is anything they need to report. The police will also be cruising around in the early morning.

#### **8. BOARD MEMBER REBUTTALS:**

Mayor Murray noted that this was a new addition to the agenda.

There were none.

#### **9. ADJOURNMENT:**

At 8:18 PM, a MOTION to close this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.