

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
February 4, 2013**

PRESENT:

Mayor Sean Murray
Trustees, Richard A. Funchion, Theresa Knickerbocker, Nicholas Zachary and
Duane M. Jackson
Village Administrator Kevin Hay
Village Attorney Stephanie V. 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) December 3, 2012 Regular Board Meeting:

A MOTION to accept these minutes as read was made by Trustee Funchion, seconded by Trustee Knickerbocker, with all in favor and Trustee Zachary abstaining as he was not present.

b) December 18, 2012 Workshop Meeting:

On a question by Trustee Funchion on page 12, Mayor Murray amended page 12, paragraph 2, line 2 to add “don’t” before “change it”. Trustee Funchion asked to delete from page 14, paragraph 4, line 2 from “He commented” through “he had a plan and a backer”. The spelling of Lupica was corrected. Trustee Zachary amended page 9, paragraph 2, line 12, to change “recycling plant” to “sewage treatment plant”; page 19, paragraph 1, line 4, change “kids” to “kid” and add, “i.e. shooter” at the end of the line for clarification.

A MOTION to accept these minutes as amended was made by Trustee Jackson, seconded by Trustee Funchion with all in favor.

c) January 7, 2013 Regular Board Meeting:

A MOTION to accept these minutes as read was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor and Trustee Knickerbocker abstaining as she was not present.

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

None.

4. NEW BUSINESS:

a) 13-02 RESOLUTION STATING DATE, PLACE AND HOURS FOR INSPECTORS TO MEET FOR VILLAGE REGISTRATION AND ELECTION.

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

Mayor Murray explained that this is something that has to be done every year. It is a general housekeeping issue for each year. Part of the New York State Election Law is that we have to have these policies set in place prior to the election. We have certain dates that we have to abide by which is why we are doing it now for the elections in March.

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

b) 13-03 RESOLUTION APPOINTING INSPECTORS OF REGISTRATION AND ELECTION

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

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

Trustee Funchion wanted to know if the alternates get paid if they do not work. Village Administrator Hay advised that they do. If they do work, they get the pay of an inspector.

Mayor Murray wanted to confirm that all of these people were contacted and will be available; The Village Administrator advised that they have been contacted and are available. The Mayor wanted to confirm that everyone who was appointed tonight held these positions last year. The Village Administrator advised that there were a couple of new additions.

All were in favor.

c) EXECUTIVE SESSION TO DISCUSS HIRING OF PART-TIME CARETAKER

At 7:42 PM a MOTION to enter into Executive Session was made by Trustee Knickerbocker, seconded by Trustee Jackson with all in favor.

At 8:05 PM a MOTION to exit Executive Session was made by Trustee Knickerbocker, seconded by Trustee Zachary with all in favor.

d) 13-04 RESOLUTION ACCEPTING RESIGNATION OF PART-TIME CARETAKER

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

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

Mayor Murray thanked Kevin Tandy for his years of service. He was employed by the Village as the part-time caretaker at the Village Hall for 9 or 10 years. The Mayor commented that he always acted professionally, was always on time and took care of whatever needed to be done while the Village building was open. He was always courteous to everyone he interacted with. The Mayor expressed appreciation for all that Kevin Tandy has done for the Village and commented that it was unfortunate that he had to leave us to take care of some family matters. The Mayor thanked him for his dedicated service to the residents of the Village.

e) 13-05 RESOLUTION AUTHORIZING THE EMPLOYMENT OF A PART-TIME CARETAKER

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

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

Mayor Murray reported that the reason the Board entered into Executive Session was to discuss this appointment. The Mayor commented that as has been the custom of the Board, he likes to discuss every facet of hiring and firing with the Board members before they enact anything.

Mayor Murray noted that Marion Cilento was previously employed in the building maintenance field with several companies. He has resided in the Village for 10 or so years. He is an active volunteer firefighter with the Buchanan Engine Company. The Mayor feels that Mr. Cilento will be an asset to the Village in this capacity. He has experience and has shown and demonstrated responsibility and dedication to the public.

All were in favor.

f) 13-06 RESOLUTION SUPPORTING NYS CONTACT INFORMATION FOR VACANT STRUCTURES

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

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

Mayor Murray said that we have a couple of these issues within the Village of Buchanan where there have been vacant structures where people have not been maintaining them. Some are in bank foreclosures and sometimes it is hard for us to get information from the banks as to whether it is in foreclosure or who actually owns it. In the past, we passed a Property Maintenance Law where if it becomes a hazard to the adjacent structures or to the adjacent properties, we will go in and mow the grass and cut down trees and then charge it to the property owner's taxes. This bill

is being sponsored by Assemblyman Michael Kerns of the 142nd District. It will make it easier for the municipalities to be able to obtain that information, to be able to get in touch with the owners and to make the banks who actually own the property more responsible to the rest of the residents. Mayor Murray thinks it is unfortunate if an institution or business comes and gets a property as an asset that they do not maintain it and it brings down the value of the adjacent structures and causes a lot of problems. We want to keep the Village as safe as possible and we want to be able to contact these people and be able to charge them and get reimbursed for any expense that comes from the tax payer. Hopefully this bill, if it is passed, will accomplish that goal. Assemblyman Kerns had sent us a letter requesting that all the municipalities within New York join with him to help pass this law. Mayor Murray felt it would be a good idea to help him out if he is going to be trying to help us out. The Mayor asked whether the Board had any questions or comments on this Resolution or the bill.

Trustee Zachary commented that the Mayor has summed it up. Trustee Zachary noted that in the letter from Assemblyman Michael Kerns, it pointed out that the bill was put forth in the State Senate, that it was languishing there and did not go to a vote, and that the more municipalities like us that give support to it, the more likely it is that it will get it moving through the Assembly. Trustee Zachary thinks it serves our purpose and that it is a good thing for us to support.

All were in favor.

g) 13-07 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW OVERRIDING THE PROPERTY TAX CAP ENACTED BY THE NEW YORK STATE LEGISLATION.

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

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

Trustee Funchion thinks it is an opportunity for the public to come out and, as Trustee Zachary said in one of the last meetings, to participate in the whole process of taxation and to understand the reasons taxes are increased or how much they are increased, and where services are either increased or decreased. Trustee Funchion urged the public to come out to the meeting, give their opinions and have a give and take with the Trustees.

Trustee Zachary wanted to clarify that the 2% tax cap is not a 2% cap on taxes. It is a 2% cap on the tax levy increase. Certain expenses that the Village and that the municipalities have are exempt from that 2%. It applies to the tax levy on the real property in the Village. Quite often a village, county or town can enact a tax increase of 2½%, 3% and 3½% and still be within the 2% tax levy increase. Last year, we went up about 2.8%, or something like that number, which was a little more than 2%, but we were still within the 2% tax cap last year. He commented that as he has said before, it is going to be harder and harder to stay within that limit. At the last meeting

he had pointed out that the amount of money we budgeted in this Village for the employees' medical and pension costs, the pension and medical costs that we pay to the State, went up 16% in one year. He commented that we cannot continue to pay those higher costs and be limited to a 2% tax increase without something having to give. That could mean taxes going up or services being cut. We do not know exactly what it means. Trustee Zachary commented that the Board does its utmost to make it all work on the most efficient budget possible. But something has to give at some point because year after year, it accumulates. He commented that the Board tries to get creative and find ways to save money. It is a difficult process. He feels that this just has to be passed right now as a backup. Whether we need to use it or not, it enables us to have that option at budget time.

Trustee Jackson hoped all the residents who are concerned will come out to the Public Hearing. Maybe the Board will get some ideas that we might not have thought about but at least it gives us an opportunity to look at some other remedies if we need to have them. He commented that this is our Village and your participation is greatly needed in coming out and giving suggestions that the Board might not have on the table themselves. Hopefully on March 4, the public will come out and weigh in on some of the things we need to do going forward.

Mayor Murray noted that last year we enacted the same law. This procedure is required by New York State if we were to go over the 2%. Many of the local communities have done the same safeguard measure. This is what it is, a safeguard. We do not get our contribution percentage to New York State for our employees during our budgetary process. It is in December when we find out what we have to pay extra. Village Administrator Hay advised that we get a projection. The Mayor advised that they only give us a projection for our budget. Our actual costs come in after we have already budgeted for it. Recently, it has been right on the money. But this past year, we had a dramatic increase that was above what the State had told us we were going to have to pay. We have asked the Village Administrator to put together some information, some statistics, on what we have encountered. We have a lot of data points going back to 2008 which we are putting together to see what our actual projected payments are going to be outside of what New York State tells us that we are going to have to pay. The Mayor commented that apparently, even though the State likes to say not to raise taxes more than 2%, they send us a bill which requires us to raise our taxes 15% or 20%. He commented that it is easy to dictate something when they are not the ones that have to pay for it. We are the ones that have to pay for it. That was a part of the law that he did not agree with. He has discussed his displeasure with some of the State Senators this past month. The Mayor encouraged the public to come out. We will be discussing how we are going to go about our budget this year. It will be the same as what we went through last year. We will do whatever we can to stay within the State regulations. The formulas for this tax cap are very complicated. Not everything that State makes us pay, we can pay. We have to charge for it. We have to pay for it.

All were in favor.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – December 2012

Received – Trustee Knickerbocker noted that there is a lot of activity.

b) Planning Board Minutes – October 2012

Received – no comments or questions

c) Attorney's Report

Village Attorney Porteus reported that this Thursday at 3:00 PM, we are going to be having a meeting with representatives from the counsels and engineers from Metro North, WIC and IMP. Village Attorney Porteus will be there along with George Pommer. Building Inspector Barbara Miller and Village Administrator Hay might join them. The counsel from Metro North advised that they are also bringing a track person. This meeting is concerning the issues that have been going on for years. Village Attorney Porteus commented that they are really hopeful. They have their fingers crossed for a real willingness to make this thing happen so that those two properties could finally get site plan approval to be operating within their site plan. It would be really a good thing. To date, we have not been able to get the two neighboring owners to speak to one another that they are on board, and Metro North. She will let the Board know how it goes. They are hopeful. Village Attorney Porteus spoke to counsel for all of them and everybody seems to have a willingness. Everybody's engineers are coming. Everybody's drainage studies are going to be put on the table.

Village Attorney Porteus reported that she has been in court a lot recently on property maintenance issues. She advised the Board that she will be writing a memo shortly. She has some other ideas on how to tweak the Code and perhaps give us some more bite behind our bark or alternative ways of taking care of properties before they become particularly horrible. She commented that with the bills that you put out tonight, part of that is real. If you read those, banks can choose right now whether to move ahead with foreclosure or not. They can sit on them for ten years. They are not the owners. The person who walks away is not the owner. Unless they go into foreclosure, the banks do not take back the property so they are not the owner. So the Village becomes the guardian over property which it can fix or rehab but does not own. She is working on this. There are several ways to do it. Village Attorney Porteus commented that she has come up with interesting thoughts and will let the Board know. She said that it has gotten frustrating going to court and having people not show up, so you adjourn it and set it for trial. It is useless. You get a \$100 fine. There are other ways to do it. She will talk more about this at the Workshop.

d) Trustee's Reports

Trustee Knickerbocker thanked Village Attorney Porteus for the work she has done with getting the parties together and getting this moving with Metro North. She reported that she and Mayor Murray have been there when the flooding occurred. It is horrendous. Those properties are under water. Village Attorney Porteus added that there is another gentleman who is a long-standing resident who will be attending. Trustee Knickerbocker noted that it is Mr. Bartnik. Village Attorney Porteus advised that he is not bringing any consultants but he was invited and would like to be there. He was affected. Mayor Murray noted that his building is right next to those other property owners. Trustee Knickerbocker noted that it is not the only building. It is also affecting the Village sewage pumping station where we were getting flooded too. It is an issue that has to get resolved.

Trustee Zachary reported that at the beginning of January, he and Trustee Knickerbocker went to a Westchester Municipal Officials meeting hosted by Bedford at the Post Inn. The speaker was a representative from a non-profit corporation called Energy Improvement Corporation. They work with municipalities to help people do energy improvements to their properties. They make reasonably low interest loans to building owners to do energy improvements. Quite often money spent for energy improvements can be recouped in 5 to 10 years. If you do not have to put out the money up front because you take the loan, as you are paying off the loan you are paying off the improvements. So it is a financial means for building owners to improve their buildings whether it is LED lighting or solar panels. They have consultants that work with you. Trustee Zachary did not know the particulars of the application process but if there are any building owners in the Village who would like to be put in touch with that corporation, they can reach out to Trustee Zachary at the Village Hall or by e-mail through the Village web site. He will get the contact information and try to connect you with that person.

Trustee Zachary commented that on the subject of energy efficiency, one of the things he would like the Village to look at is LED lighting to replace our current street lighting. We have discussed this a few times. He commented that the incandescent light bulb is as old as Thomas Alva Edison. It has been the norm but it is fading out. It is not going to be long before you will not have any incandescent bulbs in the stores and LEDs will be the only source of lighting. Inevitably all lighting will be LED. He does not know if it will be 5 or 20 years but that is where it is going. A lot of municipalities around the country go on-line and look this up. A lot of people have done it already. It is expensive at the outset and the recoup time, because you save so much in electricity and other costs, from what he has read and the studies he has looked up on-line, is 5 to 7 years. He feels it is a good investment. He thinks that along with our financial and budgeting efforts here, we have to have a long range plan. He thinks LED lighting should be part of our long-range plan. In the last two months he has been signing vouchers, which are Village expenses that the Trustees have to authorize. There were \$10,000 in payments between December and now for changing light bulbs. LEDs last so much longer than incandescent light bulbs that you are not just saving electricity but you are also saving a lot in maintenance costs. He thinks it is the way to go.

Trustee Zachary wanted to remind people that in one of the Resolutions the Board just voted on; there is Village registration day on March 9. All the people who are veterans of voting do not have to think about that. They come on Election Day. Trustee Zachary said that if you know young people, you should encourage them to register on March 9 at the Village Hall from Noon to 9:00 PM. Anyone who just turned 18 - get them there to register. You can register for the Village elections. You have to register for national elections separately to be able to vote nationally. If you register nationally, you are covered through the Village. But you can register just for the Village election as a starting point. Trustee Zachary said to encourage any young people in your families and people you know in the Village to start becoming conscious of voting. He commented that it has to be started at a young age. It has to be part of what you feel is your responsibility to do.

Trustee Jackson commented that in the past, we had previously touched on having something where people could bring in old pills and do what other communities have. He wanted to pick up on that and see where we can get involved. Mayor Murray did not remember where we left off with that. Trustee Jackson advised that they talked about all the pills that are in medicine cabinets, about ways to bring them in, how they were disposed of and seeing what other villages and towns are doing as it relates to that type of program. Trustee Jackson thinks it is something we would want to do. The Mayor commented that whoever was going to the next Municipal Official meeting could talk about it there. It is the perfect place to find out that type of information. Trustee Zachary commented that they do this once or twice a year in Croton. The police set up a pop-up tent at The Commons. He suggested that they could contact Croton and see how they do it and then discuss it at the next Workshop. He thinks it is a good idea. Trustee Knickerbocker commented that the Board also talked about something with the Highway Department. The Mayor said that whoever is going to the next Municipals Officials meeting could talk about it with other representatives from adjoining municipalities and ask them what they think about it, bring it back and we can discuss it at a Board meeting or Workshop and put it in the Newsletter.

Trustee Jackson reported that what is going on in other parts of the metropolitan area is the collection of old electronic material. This is being done by a private company and you get a tax deduction for those items that you turn in to them. He believes this is something else we can look into. Mayor Murray advised that we already have a recycling day for electronics. Trustee Jackson commented that the incentive is that the private company is doing it to be able to offer a tax deduction. The Mayor wanted to confirm that this is a separate company and we would have to allow them to come in to pick up our electronics. Trustee Jackson confirmed that was correct. He felt that the incentive would be for people to be able to get a tax deduction from the company. It is like with the Salvation Army. Mayor Murray said to get the information, something in writing, which Trustee Jackson said he would do.

Trustee Jackson agreed about encouraging people to come out to register to vote on March 9. He added that they have a couple of new residents down around Lake Meahagh. He commented that

a lot of times people forget about registering for Village elections which are so important at the local level. He encouraged anyone who is not registered to come out. That includes new people who just moved into the Village. It is important at the grass roots level. Hopefully our young people who just turned 18, who do not have to wait for the next presidential election, will come out and get involved and vote at the local level.

Trustee Knickerbocker commented that fortunately we have not had any major snow storms. When she has been talking to people, they noticed that the salt has been laid very heavily. She asked Village Administrator Hay to look into this. She wanted to be able to go back and talk to those people and tell them if there is something going on with the spreader since it is a very thick coat. Village Administrator Hay advised that he briefly talked to the Highway Foreman this afternoon. There was a problem with a spreader. It was throwing out a little too much but sometimes in a storm, if you have a small coating of snow it does not break down all the way and does leave a residue. There was one spreader that they worked on. Mayor Murray advised that for a couple of recent snow storms they were not sure if we were going to get 1 inch or 3 or 4 inches. The salt we use is not really effective below 17 degrees. If we get the majority of the snow off the road when there is only one or two inches of snow on the road, we will not have to plow. A lot of the communities do not use the same technique but they pre-treat their roads with a salt solution. Purchasing that equipment is very expensive. There is no difference in price if you purchase this pre-treating equipment if you do 100 miles of road or 20 miles of road. We are caught in the middle of how to remove an inch or two of snow without having to plow and still be able to remove the salt off the road. We only had an inch or snow or dusting in this last snow storm, so when it melted a lot of the salt was not removed. If we had more snow and if a lot of the salt had gone into solution for melting the snow, we would have been able to get more off the road and you would not be seeing it on the road. Also, when you go out and do the first inch and then there is four inches and then you plow it, you do not see the salt on the road. You are caught between when you have a little bit of snow and a lot of snow. He always thinks it is better to get the first bit of snow off the road and hope that it does not snow the rest of the way. You do not want to have to wait until there are two or three inches on the road and then you are plowing and you are really not plowing anything. You are damaging the road and the equipment. Snow plows costs over \$10,000 plus the manpower. The salt is relatively inexpensive. It is only the manpower who gets paid to put it down. If we can take care of these light snow storms using just salt without having to plow, it is the best way to go. There are some technical difficulties when you are trying to adjust for the amount of snow you have. If we would have gotten 6 inches, you would not have noticed the salt on the road. It is a preventive measure. It is a more cost effective way and saves on our equipment.

Trustee Knickerbocker has read that New York State is trying something different. Instead of salt, they are using beet juice or some type of a juice. She will look for the article. It was something new that they tried. It seems to be pretty successful. Mayor Murray said we would have to go for the cost benefit. In order to purchase that type of equipment, we would need a

different type of application, a liquid application. We would have to purchase tanks and build a storage facility for the tanks. If we were doing hundreds of miles of roads, it might be more cost effective. It might save on some of the infrastructure. But laying that money out, the payback is pretty tough. The Mayor asked Trustee Knickerbocker to get the information. The Town of Yorktown pre-treats their roads with a brine solution. Trustee Knickerbocker said it is something new they have come out with. It is natural and organic. Mayor Murray asked her to forward the information to the Highway Superintendent.

Trustee Funchion reported that before our next public meeting, the Saint Patrick's Day fund raiser will be held at the Fire House is on March 2. He urged everyone to come out. It is a nice time. The food is great. There is music. It is a good get together for everybody in the Village and surrounding areas. They are finalizing the last things for the Saint Patrick's Day Parade which will be held on March 10 at 2 PM. They will have a new format for the journal this year. It is not a newspaper but they created their own journal. Hopefully it will come out better this year.

Trustee Funchion wanted to know the status of the shipping container on Seward Street. Village Administrator Hay advised that he spoke to Building Inspector Barbara Miller last week about that. We are coming up on the deadline of the filing. She is aware of that and will go out at that point. Copies of the local law have also been dropped off there. The Village Administrator was advised by the Building Inspector that there is also a container on Cortlandt Street. Mayor Murray advised that at that location, they are undergoing renovations on the entire house and the container is there for a temporary situation. It is unlike the original situation.

e) Mayor's Report

Mayor Murray wanted to remind the Seniors about Operation Snowflake. It was spoken about last month and was put in last month's Newsletter. It is a program set up by the Town of Cortlandt for Seniors to help Seniors who cannot shovel their sidewalks in the event of a snowstorm. You can call Nora Hogan at (914) 528-8377 to talk to her about the program. They are the ones who are administering it. If anyone feels that they needs help, especially the Seniors, they should give her a call.

Mayor Murray thanked the new Court Clerk Michelle Sclafani who was successful in obtaining grants from New York State for approximately \$15,000 for equipment for the Court. It includes new filing cabinets. Unfortunately, right now the filing cabinets we have are not legal size so nothing really fits in them. We got some furniture and other infrastructure items including a metal detector, a pay window and other miscellaneous equipment that our court needs. She is very active with the court right now. He is glad that she was willing to come on board to help us out as our new Court Clerk. She is very efficient. Mayor Murray was very happy when she told him that she was able to get all this money for us. We have not put a lot of money into this building, furniture or equipment because we really cannot afford it. For the State to be able to

give us this money through her efforts is really very admirable. Mayor Murray thanked her for that.

6. COMMENTS FROM THE FLOOR:

None

7. BOARD MEMBER REBUTTALS:

None

8. ADJOURNMENT:

At 8:39 PM, a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.