

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
March 2, 2015**

PRESENT:

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Duane M. Jackson, Nicolas Zachary and Cesare Pasquale
Village Attorney Stephanie V. Porteus
Village Administrator Kevin Hay
Village Board Secretary Susan F. Matthews

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker opened the meeting at 7:30 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

2. APPROVE MINUTES:

December 16, 2014 Workshop Meeting: Trustee Zachary questioned page 5, the amount of \$800,000 given by Reed Outhouse. He recalled that it was \$200,000. The Village Board Secretary will check the tape from the meeting. The Village Attorney advised that the minutes could be approved and the amount corrected if necessary. Mayor Knickerbocker noted that the amount was for information only. She directed the Secretary to confirm or correct the amount and to advise the Administrator. A MOTION to approve these minutes as presented with a corrected dollar amount if necessary was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

[NOTE: The amount was confirmed as \$800,000.]

February 5, 2015 Board Meeting: Trustee Zachary had a correction on page 7, change “long” to “lawn”; and on page 12 delete the last two words on the page which are an incomplete sentence. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

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

None

4. NEW BUSINESS:

a. PUBLIC HEARING: PROPOSED LOCAL LAW OVERRIDING THE NYS PROPERTY TAX CAP ENABLED BY THE NYS LEGISLATURE.

At 7:38 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

Mayor Knickerbocker commented that this is basically a housekeeping item. We did this last year. This is a law that has to be in place in case we have to go over the tax cap. We met the tax cap last year. The Mayor commented that this is just precautionary.

The Mayor called for any comments. There were none.

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

b. 15-07 RESOLUTION ADOPTING A LOCAL LAW OVERRIDING THE NYS PROPERTY TAX CAP ENABLED BY THE NYS LEGISLATURE.

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

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

c. PUBLIC HEARING: PROPOSED LOCAL LAW AMENDING CHAPTER 181 OF THE CODE OF THE VILLAGE OF BUCHANAN.

At 7:42 PM a MOTION to open the Public Hearing was made by Trustee Jackson seconded by Trustee Zachary with all in favor.

Mayor Knickerbocker advised that this is another housekeeping issue. She commented that as people are aware, the Village has been in negotiations with Entergy for quite a while. We are very close to resolving that but there are some issues that we are still dealing with. What Chapter 181 allows the Village to do is in case we decide to do a PILOT, it allows us to use a PILOT to resolve the agreement with them. We must have this in place in case that is what we end up doing. We already have the law on our books but it is set to expire.

The Mayor invited any comments.

Trustee Funchion commented that this enables us to either keep Entergy on the tax rolls or put them on a PILOT [Payment In Lieu Of Taxes]. The contention with a PILOT is that it is difficult

to put an appraisal on a nuclear power plant like would be done on any of our properties and to come up with an appraised price because there are so few of them in the country. That is what would go on and on in court and that is why they signed a PILOT program in the past; because the expenses incurred by the municipalities would far exceed whatever monetary gains they would get by putting them on the tax rolls. He commented that it is like David and Goliath. That is the reality for all of us as tax payers. He commented that it does not occur just in this venue. It occurs many times in large government agencies. Trustee Funchion commented that he worked for the Department of Treasury. There were many times when large companies like General Electric owed the government \$35 or \$40 million and they would say, "We will give you \$10 million and if you do not like it, we will hold you up in court for years and years." He commented that they have the high priced lawyers, people who can win the court cases. It is difficult for the individual to say to just put them on the tax rolls because the reality is that we will lose money in the long run. He commented that this will give us the opportunity to negotiate for a deal to the best interest of the Village rather than the other way around. He commented that he is not saying that we could not still do that and people have the right to their opinions and to stand up and say what they feel.

Trustee Zachary commented that some people say to put them back on the tax rolls and that would instantly bring a whole lot of money to the Village. He commented that would lead to years of litigation, as Trustee Funchion said. The precedent from other municipalities who have challenged these things has not been good. Trustee Zachary commented that something he did not know until recently was that his thought had been that if we take all this money in, we could set it aside and if we were to lose the law suit we would give it back. You cannot do that because there are legal limits to how much money a municipality can set aside in escrow accounts as a percentage of your budget. We would be forced to spend a significant part of that money. So if we did lose those lawsuits, it would basically put the Village out of business. He commented that you cannot set that money aside in shoe boxes or in the bank and then have it if you need it.

Trustee Jackson commented that within our review of what our options were, he and Trustee Funchion were ones who thought they best be put on the tax rolls, certainly as a bargaining chip. When they investigated further, as Trustee Zachary noted it was one of the incidents that came up. He commented that most commercial businesses are on the tax rolls of the jurisdictions. There is nothing unusual about that. We could re-litigate the whole idea of how they got to this PILOT program. It came after Con Edison. The idea that the Village being in a position to command the best package for Buchannan was something the Board considered and he hopes we will be able to end our contract with them on a positive note to get the best deal for everybody all around. It was something the Board looked at very hard and his one vote would be a little reluctant to not have pushed that as hard as we could. In the Board's discussions with the power

company, we did bring it up and did our due diligence. He is hopeful that we will be able to bring home the bacon for the Village.

There were no comments from the floor.

At 7:50 PM, a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

d. 15-08 RESOLUTION ADOPTING A LOCAL LAW AMENDING CHAPTER 181 OF THE CODE OF THE VILLAGE OF BUCHANAN.

Mayor Knickerbocker read the Resolution (*copy attached*). She noted that the Village Administrator would have copies of this amendment of this local law available in the Village office.

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

e. 15-09 RESOLUTION ACCEPTING A PROPOSAL FOR AUDITING SERVICES.

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

The Mayor noted that the Resolution includes the amount for each year and it includes the Justice Court. She advised that it is not going up very much each year. Trustee Zachary noted that it was about 2% per year. The Mayor commented that we were behind with this at one time and then we hired this firm. Village Administrator Hay advised that when he started here we were three years out of audit. We are now caught up and when this fiscal year ends, they will be here shortly after that to start this audit. He commented that they are very professional. The staff is easy to deal with and the partners are always available to answer questions throughout the whole year. The Mayor commented that we have a very good working relationship with them. She met them last week to review last year's audits. She was able to ask any questions. She noted that they gave us a good review.

Trustee Jackson wanted to know if the time period was the same. The Administrator advised that initially it was for 3 years. This is for 5 years. He noted that the rate increases were fairly minimal so he wanted to lock it in. Trustee Jackson wanted to know if it was the same company we were using. The Administrator advised that it was. Trustee Jackson wanted to know if it went out for bid. The Administrator advised that this was for professional services and is not required to be bid out every year. It is similar to getting a Village Engineer and Village Attorney. He commented that if you bid it out every year you could end up getting a different

auditor every year which would interrupt the continuity of doing the audit. He advised that at some point if the Board chooses, we could bid it out. Trustee Jackson commented that we do not know if there is a better price out there unless we put it out in the market place. The Administrator advised that when we first started, we had three bids. They were all in the same ball park. He noted that talking with other Administrators and City Managers, this firm does around 75% of the municipal audits in Westchester County including the County government itself, as well. Mayor Knickerbocker commented that they are respected. Trustee Jackson wanted to know if there was any discussion about going back to a 3 year deal versus a 5 year deal. The Administrator advised that was considered but when he saw the proposal come in with the 5 years, he felt that because the increases were low that this was a good opportunity for the Village to lock it in. Trustee Jackson commented that if he is here in 5 years, we will talk about it again.

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

f. 15-10 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.

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

The Mayor advised that the Board looked has looked this over already. The insurance certificate is here. This is something that the Saint Patrick's Day Committee does every year. The parade ends up at the pavilion. We waive the fee because it is really a Village event.

Trustee Funchion thought the application was incorrect in indicating no food or non-alcoholic beverages being served. He advised that they have cookies and water and juice. Technically, it should be answered "yes" and he wanted to know if that was a problem. The Administrator did not think that it would be. Mayor Knickerbocker advised that the thing we are really concerned with is the insurance and that is what we always look at. Village Attorney Porteus advised that the Mayor could change it and initial the change.

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) Justice Court Report – January 2015
Received and filed.
- b) Fire Inspector's Report – January & February 2015

Trustee Funchion noted a typo on the first page of the Fire Inspector's Report, bottom line. There is a typo with the word "maine". Trustee Zachary noted that the report references "Tate Avenue apartments". He wants a specific address included. The Administrator believes it is the one with 10 units. He will have the Fire Inspector amend the report. Trustee Zachary assumed that was the building. He does not believe that the owner has a legal permit to have 10 units over there. He commented that we have not been able to precisely determine what they do have C.O. for. He commented that the Board cannot go knocking on doors around the Village to inspect that, if the Fire Inspector and Building Inspector are there for any other business and observe something, they have the right to bring it to the Board's attention. He would like to make them aware of that. He commented if there is a way to bring this building into compliance then we need to do it. Mayor Knickerbocker directed the Village Administrator Hay to get that information for the Workshop. Village Attorney Porteus wanted to know if this was part of the "Prior To" zoning. Trustee Zachary advised that it is part of the whole multi-family discussion. He would like the Board to pick that subject up again, although not at this meeting. He commented that if the routine inspections are difficult, if the police or Fire or Building Inspector goes in for any other reason and observes something, it is one of our ways into these properties to see if they are being used in an illegal fashion. They could observe if it is 10 separate units and if some of those units are divided. Mayor Knickerbocker said that we would discuss this with Property Maintenance.

c) Wastewater Report – January 2015

Received and filed.

d) Attorney's Report

Village Attorney Porteus reported that the Planning and Zoning Boards are quiet. She and the Village Administrator have been working on the Employee Handbook. They are going to be working on an amended cover sheet with any changes that have taken place and will have each employee sign off on the new requirements to confirm their awareness and just to cover the employees and employer. That way everyone will be on the same page as to expectations and what is and is not permitted. She commented that they have been running into gray areas. It was last updated 3 or 4 years ago. Everybody signed off on it at that time. She recommended that the Board go through it soon and if we need something changed or something tweaked, then everyone can sign it. She feels that is important to do each year.

e) Administrator's Report

Village Administrator Hay commented that he has good news to report. The new phone system arrived today. We are going to schedule a time to do the install. They are going to do the internet first as it seems that the phones will be a lot more complicated and they want to be able to show us how to use the new phones. Mayor Knickerbocker wanted to know if it would be within 30 days. The Administrator thought that is a reasonable expectation. The Mayor wanted

to know if the whole building would be Wi-Fi because there are parts on the third floor that currently do not have a strong signal.

The Administrator reported that March 20 is the due date for the budget to be out. On February 17, we had our grievance process. There were 15 grievances. The assessment roll will be finalized on April 1.

The Administrator noted that enforcement had been talked about in the Workshops. He wanted to point out that the gas station banner signs along Albany Post Road are now down.

Mayor Knickerbocker thanked the Administrator and Village Attorney. She commented that this past year has been a very busy one. They have worked very hard. There is a lot more to do. They have been very busy and she thanked them very much.

f) Mayor's Report

Mayor Knickerbocker reported that on Saturday, February 28, she was at the Saint Patrick's Day Parade Committee party at the fire house. It was to honor the co-Marshals Sheri and Butch Jahoda. The Aides this year are Shawn Bugara and Steven Trend. She commented on how hard the committee worked. Every year the party is a great success. This year, there was a huge turnout, over 100 people. The parade is always very successful. We have a good group. The Mayor recognized the committee members by name. She commented that everyone had a good time. It was good company and good food. Proclamations were given by the Village of Buchanan and County Legislator John Testa. Our new State Senator Terrance Murphy showed up. Town Supervisor Linda Puglisi could not be present but sent a proclamation. The Mayor wanted to note that Butch and Sheri Jahoda have been very instrumental over the years with this parade. Unfortunately, we are going to lose them because they are moving to Wisconsin. She joked that they must like snow because they are moving into the Snow Belt. The Mayor wanted to thank them and wish them much happiness.

Mayor Knickerbocker reported that next month we are setting up an informational meeting regarding the proposed Senior multi-family housing at the corner of Broadway and Bleakley Avenue. The date is still being set up. We will be setting up a Public Hearing in May on that. A representative from the County housing, Norma Drummond, will be coming here in April to explain, discuss and answer questions on what affordable housing is and exactly how the lottery is done, who gets picked and how it is done. The Mayor said that a lot of people have questions about that. We will be able to ask questions. That informational meeting will be sometime after April 15 when Ms. Drummond is available. She offered to come when Mayor Knickerbocker went down to meet with the County. In May, we will set up a Public Hearing.

Mayor Knickerbocker gave an update on the proposed Spectra gas line. The last comments that could be made to the DEC was February 27. She has a letter that she sent to the DEC on the Village's Facebook page. No more comments will be accepted. She will let us know the status. She commented that a lot of people have fought very hard against that project. It is not over yet.

Mayor Knickerbocker reminded that our Election Day in March this year will not be Tuesday, March 17. The State has defined that if Saint Patrick's Day falls on Election Day as happens this year, then Election Day is on Wednesday, March 18. The Mayor noted that Trustees Jackson and Pasquale are running unopposed this year. Registration is on March 7. All the information regarding that is in the Newsletter.

Mayor Knickerbocker announced that our first meeting of April is the Organizational Meeting where the Trustees will be sworn in. March 28 at 11 AM will be the Easter Egg Scramble on the Village Hall lawn. If snows, it will be held in the pavilion.

Trustee Funchion asked for an update on West Point Partners. Mayor Knickerbocker advised that as of now their preferred route is coming through the property that the Town of Cortlandt is buying. The Town has not yet bought it. They are contract vending. It is in process. The Public Service Commission has approved the purchase. West Point Partner's preferred route was to come in through Verplanck and have their converter station there. That is now stopped because West Point Partners cannot do eminent domain. The problem with the proposed Spectra gas line is that they can do eminent domain. It puts us in a different position. Hopefully we can either slow it down or have a lot of safeguards put in for monitoring through the DEC. Trustee Funchion wanted to know if West Point Partners is giving up entirely or looking somewhere else. The Mayor advised that they have not made any announcements as to what else they are doing. She commented that there are other electric lines going on in the State. West Point Partners has not come back with any other ideas.

Mayor Knickerbocker reported that on Thursday night at 7 PM at the Town Hall our Village Board will have an Executive Session with the Town Board and the Hendrick Hudson District School Board. We are going to be discussing different matters including legal issues, tax certioaries, contracts and some things about the Entergy settlement.

g) Trustee's Reports

Trustee Jackson gave a "hats off" compliment to our Highway Department people for the job they have been doing in this bad February weather thus far. He commented that as always being biased to the volunteer Fire Department, he thanks them for the work they continue to do in the Village and how we should all be supportive of that. There was a call the other day at midnight. It was 5 degrees outside. They were pumping out a basement. He commented to all the

volunteers to keep up the good work. It is a beautiful thing that people volunteering in the Village.

Trustee Jackson commented that when you see a Senior who has a problem with the snow, especially around the mailboxes, to be a good neighbor and make sure that the mail boxes and fire hydrants are clear.

Trustee Jackson reported that the Historical Society met and they are really uncovering a lot of great history within the Village. They are continuing the program of videotaping not only the more senior residents but also those who have grown up here and attended high school and middle school here. They are putting together a collage of stories and history. They hope to present it at an open house. They will have school kids come in and hear from the residents and see some of the things that have gone on in the Village in the past and see some of the fine work that our former Historian, the late Fran Stein, did in terms of the history of the Village. Trustee Jackson thanked everyone in the Historical Society for their effort.

Trustee Jackson reminded everyone to vote on Election Day.

Mayor Knickerbocker wanted to know if Trustee Jackson and the Historical Society had interviewed anyone who went to school in the Village Hall building since it was originally a school. There was Kindergarten to Fourth Grade here. Trustee Jackson advised that they interviewed Joe O'Toole. They interviewed Betty Travis but that was before her time. Eileen Absenger, Tate Avenue, said that she went here for one year just before Frank G. Lindsey School opened up. The Mayor noted that she went here from Kindergarten to Fourth Grade. Ms. Absenger commented that they took them from the McKinley School where she went to kindergarten and brought them here. She noted that they had full day Kindergarten in the 1950s. Trustee Jackson said that anybody willing to come to be interviewed should contact him at the Village Hall.

Trustee Funchion followed up on what Mayor Knickerbocker said about the Saint Patrick's Day Parade Committee. He commented that she mentioned his name but everybody else does ten times more than he does so he is way at the bottom of the list. He commented that they really do an awful lot of work. He commented that just with the journal he knows that several people went out selling it to all the different people getting advertisements and donations. It takes a lot of work. He wants to emphasize Sheri Jahoda's moving to Wisconsin. It is where her family is from. After the Village stopped having a parade, she is one who formed this committee to start it up again. It is all done with donations. They do not get anything from the Village. They put on a nice party. The Saint Patrick's Day Parade will be on March 15 at 2 PM. Trustee Funchion advised that for all our residents, especially those in Burke Court and one of two of the side streets, by 1:30 PM you will not be able to get in and out of the houses. He noted that we will

have groups of young children who will be running around. We cannot afford to have people driving out at that time. The parade committee goes door to door around there to let people know and appreciate their cooperation. Trustee Funchion reminded to be very careful for the little children especially little kids, especially people driving the SUVs. We are very well stocked with police officers from the County and local police. Tate Avenue will be blocked off by 1:30 PM. He advised that if you have any business to do that day to get it done before then. The parade is only about 45 minutes in total. It should not be that big of an inconvenience.

Trustee Funchion wished everybody a Happy Saint Patrick's Day. He commented that it was very near and dear to him because his whole family is from Ireland and he lived and went to school there.

Trustee Zachary reported that the Buchanan Day Committee is now meeting once a month for the Buchanan Day planning. They are tying in that planning with planning for the lawn concerts. We had one last summer and are planning to do more this year. Anybody who wants to work with the committee is invited. The next meeting will be on Tuesday, March 10 at 7 PM at the Highway Department building.

Trustee Zachary wanted to emphasize that voter registration day is very important. He commented that there must be some people who turned 18 this past year. He encouraged everyone to get them out this Saturday to register to vote because do not always think of that on their own. It is a civic responsibility. Registration is Saturday, March 7 from Noon to 9 PM at the Village Hall.

Trustee Zachary was at the Saint Patrick's Day Kick-Off Dinner. It was a lot of fun. It is a great cause. The parade will be on Sunday, March 15. He joked to get out your hair dryer on Saturday, March 14 and melt the snow! He hoped we will get a warm day.

Trustee Zachary reminded that there is a Public Hearing on May 4 for the proposed Senior multi-family. A resolution is required to set that up.

MOTION TO SET PUBLIC HEARING:

Because our next meeting is the Organizational Meeting, Trustee Zachary made a MOTION to set the Public Hearing on May 4, 2015 to consider the application to amend the zoning for the Senior multi-family project. Mayor Knickerbocker advised that we could do the resolution at this meeting or, even though we do not usually do it, at the Organizational Meeting. Trustee Zachary wished to propose the Motion at this time. The Motion was seconded by Trustee Funchion with all in favor.

Mayor Knickerbocker advised that the informational meeting would be held either on May 20 or May 27. Trustee Funchion wanted to confirm that the Board does not have to vote on the proposal on the night of the Public Hearing. The Mayor advised that was correct.

Trustee's Reports (cont.):

Trustee Funchion reported that a couple of people asked him if they have a question about what kind of garbage can go out if they should they call the Highway Department. Mayor Knickerbocker advised that they should speak to the Highway Department or call the Village Clerk's office. Trustee Funchion asked about batteries. Trustee Zachary advised that regular batteries can be put in the garbage. The rechargeable ones cannot, such as button cells and lithium batteries.

Trustee Pasquale reported that he attended the Saint Patrick's Day Committee dinner. He thanked the members of the committee. It was a wonderful event. He commented that he has been living in this Village for 15 years and it is the first time he attended it. They did a wonderful job. He met a lot of new people.

Trustee Pasquale reminded to be careful driving with the weather the way it is. He reminded that at the Circle there are four Stop signs. They are there for a reason. People need to slow down and be aware of their surroundings. He commented let us get through this winter calmly and with no problems.

6. COMMENTS FROM THE FLOOR:

Eileen Absenger, 138 Tate Avenue, commented that concerning the lawn concerts, the Town of Cortlandt has movies and concerts planned for the Town Park in Verplanck. In case of rain, the concerts will be held at the park next to the State Police and the movies at Hendrick Hudson High School. They just came out with their announcement on the internet this afternoon. She recommended that Trustee Zachary check it out. He wanted to know if it was the first time they did this. Ms. Absenger commented that they have been pushing the river front. She thinks that they want to utilize it.

Trustee Zachary commented that a wonderful thing we have in this area which not everyone is aware of is the amount of eagles that take up winter residence in our area. If you go over to the Cortlandt Town Park in Verplanck, in a half hour last Sunday he saw 10 eagles. A lot will soon take off to the north. They come down here in the winter because everything is frozen further north. He also saw a seal that was bobbing its head in the water off shore there. It is a wonderful resource.

7. BOARD MEMBER REBUTTALS:

None

8. EXECUTIVE SESSION: (PILOT Agreement & Teamsters 456 Contract)

At 8:26 PM a MOTION to enter into Executive Session was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

At 10:00 PM a MOTION to exit Executive Session was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor. Mayor Knickerbocker advised that no monies were spent and no decisions were made.

9. ADJOURNMENT:

At 10:01 PM a MOTION to adjourn this meeting was made by Trustee Zachary, seconded by Trustee Pasquale with all in favor.