

Mayor & Board of Trustees

Village Board Meeting

February 5, 2019

PRESENT:

Deputy Mayor Richard A. Funchion
Trustees Duane Jackson, Cesare Pasquale and Nicolas Zachary
Village Administrator Kevin Hay
Village Attorney Stephanie V. Porteus
Village Board Secretary Susan F. Matthews
Police Sergeant Shane Farrell

ABSENT:

Deputy Mayor Funchion announced that Mayor Knickerbocker's mother was taken to the hospital and asked that we all say a prayer for her recovery.

1. PLEDGE OF ALLEGIANCE:

Deputy Mayor Funchion called the meeting to order at 7:30 PM. He led the Pledge of Allegiance and informed everyone of the fire regulations.

2. APPROVE MINUTES:

November 27, 2018 Workshop: Trustee Zachary requested an addition on page 4, paragraph 4, line 2, insert the words "different from" before "an accessory apartment". A MOTION to approve these minutes as amended was made by Trustee Zachary, seconded by Trustee Pasquale with all in favor and Mayor Knickerbocker absent.

January 8, 2019 Board Meeting: Trustee Zachary corrected the spelling of his name under those present to remove the "h" from Nicolas. A MOTION to approve these minutes as amended was made by Trustee Pasquale, seconded by Trustee Zachary with all in favor and Mayor Knickerbocker absent.

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

Deputy Mayor Funchion gave a statement on behalf of the Board that the rumors about abolishing the Police Department are not true. The Board has never discussed that and are not going to abolish the Police Department. He did not know where these rumors came from and who is making them up. The Deputy Mayor noted that because of the short notice of Chief Tubb's retirement the Board has been discussing alternatives to save the taxpayers some money. We have discussed appointing a part-time Police Chief. We learned that would have to be approved by Civil Service. That approval was received in the last 48 hours. The Board has a fiduciary responsibility as Trustees. With the coming loss of millions of dollars, the Board is trying to save the Village money. We have spoken to our 5 police officers about the State Police

covering the midnight shift and they were against that. The Board listened to that. We decided that an experienced part-time Chief would benefit our community best. It would give our officers an opportunity to learn from an experienced Chief. This will save the Village \$140,000 per year which is the equivalent of a 6% or 7% tax increase. Or if the taxes increase after Entergy closed, we can deduct 6% or 7%. Pending Civil Service approval, if the need arises the Board will consider making a second sergeant. Deputy Mayor Funchion reiterated that we had talked about part-time jobs and other issues and emphasized that we are not eliminating our Police Department.

Deputy Mayor Funchion asked anyone who wished to speak to come up, write their name and address, and limit their comments to 3 minutes.

Todd Horgan, 105 Burke Court commented that he has lived in Buchanan for the last 35 years. He noted that the Deputy Mayor said that our police officers would have the benefit of an experienced Police Chief. He commented that they had that for the last 34 years with Chief Tubbs. He commented that it is a shame that Mayor Knickerbocker could not be present. He commented that at the last meeting the Mayor assured that the Board would not be sneaking a referendum into the next election. Shortly thereafter it was reported that the Mayor was in discussion with the County Executive about the possibility of a police merger with the County. Mr. Horgan commented that the same newspaper article quoted the Mayor as saying that we cannot get rid of our Police Department unless the people want to. He believes the people in the room tonight do not want that. He wanted to know if that was still the stance of the Village. Deputy Mayor Funchion replied that it is. He reiterated that we do not want to get rid of the Police Department. Mr. Horgan wanted to know if the only way that could be done would be through a referendum. The Deputy Mayor confirmed that it is correct. Mr. Horgan commented that the hiring of a part-time Police Chief was revealed today, the same day that the Board brought in our newly promoted sergeant to appoint as provisional chief. He wanted to know what is the future of our Police Department in the eyes of the Board and can they assure the residents that this is not the first step in a scheme to dismantle the Police Department without a referendum.

Deputy Mayor Funchion reiterated that we will not and cannot dismantle the Police Department without the decision of the residents of Buchanan. The Village Board cannot unilaterally disband the Police Department. He commented that he understands that things may have been done differently in other communities but that cannot happen here because of the size of the Police Department. He reiterated that the Board has talked to each of our police officers. They were open and forthright. We were considering a part-time Chief but did not know if Civil Service would approve. They have now approved that. Deputy Mayor Funchion said that the Village Board has a fiduciary responsibility. If the part-time Chief does not work out there is nothing set in stone. We do not know what the amount of money is that will be taken away from the Village. That must be taken into consideration. He commented that there are some people who would not mind paying double the taxes and there are a lot of people who cannot afford that. Mr. Horgan responded that Buchanan is not a retirement community. He understands that a majority of the people living in the Village are retired people. Mr. Horgan commented that

Deputy Mayor Funchion raised his children in the Village and he wants the opportunity to raise his children here with the same benefits. He knows that the retired residents want to keep the taxes low and he does too. But he wants the same benefits for his children that they had. He wants the same small town feel he remembers from 25 years ago. He noted that it was said that \$140,000 could be saved on a Police Chief and asked what the tax burden would be per household. Trustee Zachary estimates that a 6%-7% increase would be about \$120-\$140 per year. A person in the audience commented on the cost per person per day. Mr. Horgan replied that we pay taxes per household not per person. Trustee Zachary commented that every single thing that we try to save money on sounds like that. Mr. Horgan asked if there was anywhere else the Board was looking at to trim the fat as it seems to him that they are only focusing on the Police Department for the past year. Deputy Mayor Funchion replied that is not the only thing. This came up because the Police Chief retired. Mr. Horgan commented that he had not retired or announced his retirement last year when he and others were here in support of the Police Department. The Deputy Mayor commented that people came here before to make the claim that the Village Board was trying to get rid of our Police Department. Not anything about a Police Chief. He reiterated and emphasized that we are not getting rid of our Police Department. We are trying to save money. He reiterated that the Board has talked to the 5 officers. Some things were proposed that they thought were bad ideas and the Board went along with that. We feel that this is a place to save money. He believes that there will be other places to find and save money. The Board constantly discussed that. He commented that if the public came to the budget meetings they will see that they have trimmed down everything. Mr. Horgan remarked that they cut corners on the paving and saved \$25,000 here and there.

Mr. Horgan wanted to confirm that the Board talked to the State Police about covering one shift. Deputy Mayor Funchion advised that was done about a month ago. Mr. Horgan wanted to know what was discussed by the Mayor and County Executive concerning merging the Police Department. The Deputy Mayor thinks that the initiation came from the Governor concerning shared services. County Executive Latimer has been speaking to everybody about shared services. The Deputy Mayor commented that it is unfortunate that Mr. Horgan mentions a word or two and the onus gets put on the Mayor. Mr. Horgan noted that he was referring to the headline in the article. The Deputy Mayor commented that we have no control over who writes the headlines. He advised that we never spoke to the State Police about covering a shift. It was just an idea and it was shot down. Mr. Horgan asked if there was any discussion about the County Police covering the Village. Trustee Pasquale reiterated that the Board never spoke to the State Police about covering a shift. It was discussed with other ideas because with the State Police we would not have to send them any funds. However, the Board never talked to anybody in the State Police. Mr. Horgan questioned whether the State Police would allocate a car for a location where they were not receiving any funds. He commented that when the Town of Cortlandt's police were absorbed by the County the Town paid \$2 million per year for 2 police cars; one car on each shift to cover the entire Town. He noted that our police budget is less than \$1.6 million for 5 officers for 24 hour/7 day coverage. He did not understand where we would be cutting corners to save money by paying someone else. Trustee Zachary commented that a lot of people are just talking about what they heard and blowing it out of proportion.

Mr. Horgan commented that at the last meeting that he was at it was said that there was never any discussion about not promoting to sergeant and not replacing the Chief. He commented that everybody on the Board denied that until the Police Chief stood up and said that the letter [which was read by a resident while laying on the desk in the Police Chief's office] was drafted by the Administrator. Deputy Mayor Funchion believes that that the Police Chief misread that letter at that particular time. Trustee Pasquale commented that he is a retired police officer. He knows how many police officers put in that they are going to retire and then do not do it. When Sergeant Guida put in for his retirement there was discussion about filling the position. It was decided to not do that at that time. Since then we have hired two new officers and promoted a sergeant and a detective. Trustee Pasquale commented how is that the Board not supporting our Police Department. He noted that the Deputy Mayor has said that we are just trying to save a little money and find an experienced person. Mr. Horgan feels that Shane Farrell could be Police Chief. Trustee Pasquale commented that he has the utmost respect for Sergeant Farrell. He wants him to take the Civil Service test and to get more experience with an experienced Police Chief. He commented that this is not etched in stone. Mr. Horgan commented that he does not want this to be a back door deal like Mt. Kisco did.

Trustee Jackson commented that we have gone through before about a referendum. Each Board member has their own opinion. He commented that he was fortunate enough to move to this village 26 years ago. He raised 2 children in Buchanan who went to Hendrick Hudson High School. His belief and his support has always been for local policing. He commented that no matter what the State or the County offers, we as taxpayers are going to pay. The question is, do we pay for what we have now as opposed to something that we do not know how it will turn out. He is for keeping what we have got; as a Trustee and as a tax payer here for 26 years. Whatever the letter someone may have gotten, he has not seen it and does not know who may have signed it. As a Trustee of this Village he believes that home rule by having our own is the way forward.

Walter Neurauter, 182 Fourth Street, would like the Board to reconsider not promoting Sergeant Farrell and bringing in an outside person for a part-time position. He thinks that Sergeant Farrell has put a lot of effort into this community, not just since taking over as Acting Chief. Mr. Neurauter thinks that he is a great fit who has made this community better and stronger and has built a wonderful relationship with the community. He thinks that if the Board is bringing someone from outside that will weaken the morale of the police and community.

Elizabeth Faiella, 212 Craft Lane, commented that it disappoints her that the Board wants to hire a part-time Police Chief with experience. She commented that Chief Tubbs did not start here with experience and worked up to Chief. She commented that Sergeant Farrell started in Mount Vernon and is an outstanding police officer. The kids in the community know who he is and he knows them. She thinks that it is wrong to hire a stranger to come into our community to be Police Chief. Ms. Faiella commented that Sergeant Farrell has been working hard since Chief Tubbs left and has done a lot for the Village. She asked why the Board does not give him a chance. She grew up with Shane Farrell in Ossining where their fathers worked together. Trustee Zachary commented that this is not a treatise on Shane Farrell. This is the Board looking for ways to save money. He commented that this is a small group here tonight and the Board is

very happy to hear their opinions. He commented that it is the 2300 people in the Village who should be deciding this. His feeling is that we put all the figures together and then put it to a public vote. He emphasized not a referendum to disband the Police Department. The Board wants their input and more input. He is personally in favor of hearing from all the residents. Ms. Faiella commented that she understands that they want to save money. She asked why the Board does not cut their salaries to help the Village. Deputy Mayor Funchion commented that everything is on the table. Trustee Zachary thinks that he should be getting more than he gets and anyone can run against him.

Jeremy Basso, 119 Bannon Avenue, confirmed with the Administrator that the budget is \$6.3 million and \$140,000 is nowhere near 6% or 7%. Deputy Mayor Funchion explained that if we were going to raise taxes to pay for that we would have to raise them 6% or 7%. The Administrator explained that if you add \$20,000 to the budget it is usually a 1% tax increase. Trustee Zachary commented that there is money that comes in from other things. That 1% is based upon the taxable portion of the total. Mr. Basso commented that if the average resident pays \$1200 a year, 6% is \$84 per year. He mentioned the memo that was denied across the board that the Village Administrator wrote the letter. He commented that it was about the Village's intention to not hire or promote. He does not think that the residents of the community who are in support of the police have anything to do with rumors. He thinks it has to do with ideas that have been brought up and denied by the Board in some capacity. He commented that the Board members have spoken in support of our Police Department. He commented that the Board is tasked with an unenviable job that is not easy. But he feels that the Board's job is not to save money. It is to come up with ideas for savings so that people can decide. He feels that it is not the Board's job to choose a part-time Police Chief without giving the community the opportunity to vote or discuss. He thinks their job is to explore the different options available so that the residents can decide how we would like our leaders to make decisions on our behalf. He does not think it is appropriate based on historical support of the police to simply state that we are going to hire a part-time Police Chief because we owe you the right to save money. That is not what he is looking for. He thinks that creating a full time Police Chief is in support of every person he has heard from in the Village. He commented that he applauds the exploration of cost savings if we were to join the County and if they were to come in, he applauds understanding what his options are. He is okay with it if his taxes were doubled. He wants the Village to be exactly what it is today. He thinks that there may be tremendous benefit to our Village if we had a higher tax base because he thinks that we have a tremendous amount of absentee landlords who are running businesses based on having no incentives to improve their real estate because they do not want to pay additional taxes and are getting guaranteed money from another source that does not have anything to do with market based rates and creates an opportunity to run a business with an artificially low tax base. He commented that he is not saying that everyone should have their taxes raised but the quality of the Village is based on the level of services. The Board has a difficult job determining where we can and cannot save and letting the residents make the decision. He sees no indication that a part-time Police Chief for what amounts to a handful of dollars is an appropriate decision for the entire Village.

Mr. Basso asked if the Board decided to hire a part-time Police Chief, is that reversible and what is the Village's obligation to honor that choice. What is the term of that contract. Village Attorney Porteus advised that presumably it would be a contract for one year.

Reed Outhouse, 241 Westchester Avenue, wanted to know if agenda item (c) is not being done. He commented that Board talked about credibility. He came to the meeting last month when there was an agenda item to appoint a temporary Police Chief. Sergeant Farrell was present, Mr. Outhouse presumes, ready to be sworn in. Mr. Outhouse commented that 10 minutes prior to the meeting the Mayor came in, asked Sergeant Farrell to go outside and the item was removed from the agenda. He commented that it was on the agenda for this meeting and suddenly there was some last minute thing and now it is not on the agenda. He feels that this conveys to the residents a lack of transparency. He wanted to know why these decisions are made on the day of the meeting. Deputy Mayor Funchion explained that the first time, there was confusion about the Civil Service rules that nobody on the Board understood. He commented that he worked in the Federal government which was a lot less bureaucratic. We have to go by the rules of the Civil Service of Westchester County who go by the rules from Albany. The Deputy Mayor commented that in his profession in Federal law enforcement they were allowed to promote a person to a temporary position. We were not allowed to do that in Civil Service in Westchester County. He apologized if it seems to Mr. Outhouse that the Board was not transparent. The Board got tangled up with what we can or cannot do. We want to be as transparent as possible. We have to keep out names if we are discussing something concerning an individual employee of the Village. Our intention is to look for a part-time Police Chief who is experienced. Nobody in the Village has taken that test. We do not know if anybody who takes the test gets the job. It has to be cleared by Civil Service. He commented that the Board members are not experts on the Civil Service.

Mr. Outhouse commented that was the previous meeting. The goal tonight was to appoint Sergeant Farrell as a provisional Police Chief and now that is not going to be done. He asked what happened to cause this decision. Deputy Mayor Funchion advised that all along the Board had discussed a part-time Police Chief whenever the time came that Chief Tubbs retired. He decided to retire at the end of the year. That brought up the issue at that time. At that particular time, we did not have any person who was qualified because you have to take the Police Chief's exam. The Board was caught in a situation where none of us knew about how to go forward. The decision made today is that the Board wanted to be more transparent. Today, we found out that Civil Service is permitting us to hire a part-time Police Chief. In order to have a meeting with the public, it has to be advertised. Mr. Outhouse commented that his problem is that there were two times in a row where decisions were made on the day of the meeting. If that happens on the day of the meeting, it is harder to get to the meeting. He commented that thankfully we have social media.

Mr. Outhouse supports what he thinks is a good idea that was brought up by the Board at the Workshop. As soon as they should get out a fact sheet to the Village residents showing how much it will cost each home and property owner when Entergy fully closes and we lose all that tax revenue but if we keep all our services exactly the same. He knows that the Entergy closing

will be in phases but the projection could be based on when it is completely closed. He commented that you may get a room full of people who may or may not agree to the increases. The Board can then decide if things should be put up for a referendum.

Trustee Jackson commended Mr. Outhouse for his participation and understanding. He commented that at that Workshop there was a lot of discussion of ideas on what we should do going forward. The idea of changing what is on the agenda is troubling to him. We need someone to act as acting Police Chief. He feels that whether or not the Civil Service was going to permit us to have a part-time Chief or not is irrelevant to the situation right now. It is troubling to him that we cannot get past that. He thinks that Sergeant Farrell is the most senior person with the experience necessary. Trustee Jackson commented that he would be voting in favor of that tonight. The last minute change was somewhat of a surprise to him.

Diane Tangen, 240 Catherine Street, commented that she came for a different issue. She came expecting to see only a half dozen people as is usually so. She commented that she has listened objectively and is for the Police Department too. She thinks that that there has been a lot of disrespect in this room tonight, which bothers her. The Board has worked hard and it is very difficult task they have. She thanked them for all they do. She feels that the Board does have to look at everything and at ways to cut the budget. She equated it to the necessary decisions when changes have to be made in a person's household budget. She is also in favor of Sergeant Farrell but it has nothing to do with that. She commented that the Board has a lot of responsibility. She has lived here her entire life and wants to stay here. She is more worried about the school budget. She commended and thanked the Village Board for what they do.

Trustee Zachary commented that he is not looking for more money as a Trustee but the Trustees do work hard and get involved. Each Trustee gets \$6,000 per year. If they all gave up their stipends it is \$24,000 per year. That is not a huge amount. He did not mean to imply that he wanted more. The Trustees here put in a lot of time and devotion. Half of the Trustees work at jobs. He knows people on both sides of this. As a resident he would rather pay more taxes and keep our Police Department. But as a Trustee, he has to listen to everybody. He has heard from residents who have told him that if their taxes double they might have to sell their houses and get an apartment. He commented that we are not Chappaqua and not a ghetto. We have people who are pretty comfortable and also those who just get by and this Board has to pay attention to that.

Robert Lupica, 169 Cortlandt Street, commended the Board for doing the tough job they do and thinks that they should get paid more money. They put time and effort into this job beyond just coming here once per month. He asked what we are doing to go forward. He asked if we are looking to cut the Police Department, what are we saving? Deputy Mayor Funchion reiterated that we are not cutting the Police Department. Mr. Lupica commented that people are saying that we want to get rid of them. He commented that Mt. Kisco brought in a part-time Chief and disbanded the entire Police Department. Village Attorney Porteus advised that is not exactly what they did. They kept the court officers and that is part of the Police Department. They did not have to go to referendum. That is completely different than here. Mr. Lupica commented that he is saying what [he maintains] the whole town is saying. Trustee Jackson commented that is not true. There is no change in the Police Department unless a referendum is put on the ballot.

He reiterated that he is against that. He commented that what happened in Mt. Kisco is not comparing apples to apples. Mr. Lupica thinks that it could be. The Deputy Mayor commented that if we got rid of our police force there would be no police force here. Trustee Zachary commented that Mt. Kisco kept a certain part of their police force. The Deputy Mayor reiterated again that everybody on this Board wants to keep our Police Department.

Mr. Lupica questioned why going forward we are looking to cut and not develop. He commented that at the Master Plan meetings he attended nobody talked about creating. They talked about taking down and reducing. He had a friend who wanted to buy the property across from the church. Mr. Lupica told him to not do it and another person told him that it would not get passed. Mr. Lupica thinks that we do not allow people to develop. Trustee Jackson commented that Mr. Lupica was giving hearsay. Trustee Jackson commented that any application coming before the Planning Board or the Village Board is going to be given serious consideration. Mr. Lupica commented that if former Mayor Donahue had not allowed Dunkin' Donuts to go in and Santucci to build houses, what development would we have? He cited specific properties in the Village that he thinks should be developed. Deputy Mayor Funchion noted that we are not here tonight to discuss development. Trustee Zachary commented that development was a good point that he brings up quite often but we should stick to the subject being discussed. He commented that even 10 lots being developed might only replace a quarter of what we now get from Entergy. Mr. Lupica thinks that Entergy leaving will not hurt the Village so much. It will hurt us in the school tax. So he thinks that what is really needed is for the Town of Cortlandt to figure it out, not the Village. Trustee Zachary commented that Mr. Lupica did not help by telling that person not to buy the property. Mr. Lupica commented that he told him that if he was willing to wait 10 years or so then he could develop it. He commented that in the Town of Cortlandt it took 10 years for the new Shop Rite to go through Planning. The Deputy Mayor said that we are discussing the police force, not development.

Brian Calabro, 226 Travis Avenue, spoke in support of Sergeant Farrell and our local police. He described a time last year when he got a call from Sergeant Farrell to see if an unfamiliar car was supposed to be parked at his place of business. He noted that Sergeant Farrell knew Mr. Calabro's car, his family's and employees' cars and who belongs on his property. There was a car that was not supposed to be on his property. He commented on the Village bringing in a part-time Police Chief because Sergeant Farrell did not take the exam. He wanted to know if he did take the exam would he be hired as our Police Chief. He wanted to know where the Board is going with this. Deputy Mayor Funchion advised that if the part-time Police Chief is successful then we will keep a part-time Chief. It would be an experienced part-timer from the general area of Westchester County. It would probably be a retired Police Chief. Mr. Calabro commented that there is big difference between a Chappaqua and a Buchanan. He commented that for the nickels and dimes a year that would be saved that the residents should have the ability to choose if they want a part-time chief or a full-time one.

Deputy Mayor Funchion commented that as Trustee Zachary commented, there are people who do not realize that for a lot of people in the Village \$84 would make an impact on what they can eat. Mr. Calabro commented that he is standing here now and others in the room tonight share

his opinion. Deputy Mayor Funchion commented that a lot of people are watching this on t.v. Mr. Calabro remarked that instead of spending \$200 per month on a cable t.v. bill they should come out to this meeting which is free. Trustee Jackson commented that what he just described you cannot put a price on Sergeant Farrell knowing your cell phone number, your residents and businesses; that is what small town America is and what we are going to hold onto here. He commented that the way Mr. Calabro described it is not only for our residents here but those outside in t.v. land and if we have to pay more for it, it is what we are going to have to do. He would like to go forward with the item on the agenda tonight.

Warren Bonds, 220 Westchester Avenue, commented that his problem is that this has been on the agenda for 2 months. He wanted to know if the Board does their homework before putting items on the agenda and did anyone do the homework on this item. Deputy Mayor Funchion replied that he has explained about the Civil Service and everything. Mr. Bonds commented that Civil Service was not asked about that before it was put on the agenda. He commented that the Board has a retired law enforcement officer who should know something about Civil Service. He noted that he also works in Civil Service. He knows that if there is no one on the list, that you can appoint someone in that position until they take the test or someone else does and can be hired off the list. The Deputy Mayor advised that that is what the Board decided to do when Civil Service gave us the go ahead for a part-time Police Chief. Mr. Bonds commented that last month it was on the agenda to appoint Sergeant Farrell as Acting Police Chief. He wanted to know why no one did the homework prior to putting it on the agenda. Trustee Zachary explained that these were things that the Board was looking into and the information did not come in time. Mr. Bonds wanted to know why then did the Board not just say that it is not on the agenda that month and that they were waiting for the information. Trustee Zachary explained that it got put on the agenda and then other information came in. If Civil Service had approved it, then the Board would have to review and vote on it. He commented that it would not have been fair to Sergeant Farrell to make him a provisional Police Chief and then tell him 2 months later that we were doing something different. He reiterated that this is not a treatise on Sergeant Farrell. It is what the Board is looking at in consideration of the whole Village.

Trustee Jackson commented that Mr. Bonds' comment was well taken. The person who orchestrated that [is not present] cannot at answer that [at this meeting]. Mr. Bonds commented on people having cell phones and that the Board could have contacted each other to say that this is what they are talking about. He commented that the Administrator should be able to contact everyone on the Board including the Mayor. He thinks that there has to be better communication.

RECESS:

At 8:30 PM Deputy Mayor Funchion called for a 10 minute recess. The meeting resumed at 8:45 PM.

4. NEW BUSINESS:

a. 3-19 RESOLUTION APPOINTING INSPECTORS OF ELECTION

Deputy Mayor Funchion read the Resolution (*copy attached*).

A MOTION to adopt this Resolution as read was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Mayor Knickerbocker absent.

b. 4-19 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN IMA WITH THE CITY OF PEEKEKILL.

Deputy Mayor Funchion read the Resolution (*copy attached*).

Deputy Mayor Funchion advised that the Building Inspector for the City of Peekskill suffered an injury. Peekskill is requesting the temporary assistance of our Building Inspector on a part-time basis. Trustee Jackson asked what would be the duration, what days of the week and can we afford to let him do this at this time. Village Administrator Hay advised that it would be for two and a half days per week, Friday and Monday. It can be terminated by either side with 30 days notice. Our Building Department is generally slower in the winter so he can do this. Trustee Zachary asked if the compensation is pro-rated on the Building Inspector's salary. The Administrator advised that it is and they will cover all the liabilities while he is working there.

A MOTION to adopt this Resolution as read was made by Trustee Jackson, seconded by Trustee Zachary with all in favor and Mayor Knickerbocker absent.

c. RESOLUTION APPOINTING A PROVISIONAL POLICE CHIEF TO THE VILLAGE POLICE DEPARTMENT.

This resolution was taken off the agenda.

5. INFORMATION FROM OFFICERS AND DEPARTMENTS:

a) Justice Court Report – December 2018:
Received and filed.

b) Police Reports – December 2018:
Received and filed.

c) Attorney's Report:
Village Attorney Porteus had nothing to report.

d) Administrator's Reports:

Village Administrator Hay reported that we are down to a little over 100 new water meters left to install. A letter has been sent out to those who have not made an appointment.

e) Mayor's Report

Deputy Mayor Funchion reiterated that Mayor Knickerbocker is not here because she had to take her mother to the hospital. The Board hopes that she is getting better. He commented that Mayor Knickerbocker is doing a lot of work for this Village and he thanked her for that. Every day she goes to meetings that benefit this Village and has spent a lot of time doing that.

Deputy Mayor Funchion reported that we have had a lot of different meetings this past month discussing the budget.

Deputy Mayor Funchion noted that today is Village Board Secretary Susan Matthews' birthday and wished her a Happy Birthday on behalf of the Board.

f) Trustee's Reports:

Trustee Pasquale wished all the ladies in the Village a Happy Valentine's Day.

He reported excerpts from the police blotter that Sergeant Farrell gave to him:

On January 1, 1:40 AM, Officer Tiernan responded to a report of a noise complaint and fight. Officer Tiernan was advised on arrival that the party was ending and he assisted in clearing the area. January 9, 2:15 PM, Sergeant Farrell arrested a suspect on an active arrest warrant. He was processed and arraigned in Village Court. On January 15, 11:50 AM, Sergeant Farrell made a vehicle and traffic stop on Albany Post Road. The driver had a suspended license and was arrested. On January 15, 6:27 PM, Officer Loertscher got a call about a missing child. She investigated assisted by Officer Budde. The child was located and returned to the parent. On January 19, 9:10AM, Officer Palmietto responded to a report of an overdose and person not breathing. He administered NARCAN. Officer Palmietto's quick response saved the person's life. The Buchanan Police Department would like to congratulate Stewart Bayer on the completion of his term as Fire Chief of Buchanan Engine Company and thanks him for his professionalism and dedication. They welcome and congratulate the new Fire Chief, Jeffrey Faiella, Assistant Chief Andrew Rousch and 2nd Assistant Chief Al Park.

Trustee Zachary reported on the eagles seen all over the area by the frozen Hudson River. They are also seen sitting in the trees at Lent's Cove Park.

Trustee Zachary reported that the Village Board meetings are on the Village web site. At the next Workshop we will be looking at some potential parking restrictions on Route 9A. The Board needs a specific plan to submit to the State DOT for their approval. He is asking the Board members to have it on the agenda and to look at that area. He thinks that the Board agrees that there are too many commercial vehicles there. Trustee Zachary advised that there will be some aspects to discuss on the Montrose Sewer Improvement District.

Trustee Zachary feels that enforcement is needed to protect the quality of life in the Village. He reminded people that if they believe there is an illegal apartment in their neighborhood to

let us know. If they do not want to be named, they should contact the Village Administrator, Building Inspector or send an email to him at nzachary@villageofbuchanan.com.

Deputy Mayor Funchion said that people should contact the Building Inspector about dangerous situations with outside fires too close to the houses. Most of our houses are wood frame. It is for safety.

Trustee Zachary reminded people to be careful about littering. Cigarette filters wind up in the storm drains and in the rivers and oceans. He read a couple of studies that stated that cigarette filters are the largest components of the plastic sludge in the oceans now. 20% are consumed by the fish that you are eating.

Trustee Jackson commented that as a Trustee and a Village resident, he personally apologized to Sergeant Farrell. He commented that he had very little knowledge about this item being taken off the agenda which he would have opposed if he had an opportunity to vote. He commented that you cannot put a price on having local control of our own jurisdiction. He commented that as a Village resident, he has always talked about what brought him here was that this was small town America. He apologizes to Sergeant Farrell. He will do all that he can do to make sure we smooth out this road and move forward under the leadership of Sergeant Farrell who has his support.

Trustee Jackson reported that they are moving forward with the time capsule this Spring. It is an exciting time. The kids at B/V School are filling out forms about what are their favorite movies and things done at school. The capsule will be put on the Village Hall lawn and they will also be planting a tree. It will be a 25 year time capsule. This is a great thing for the community and to get the school kids involved in history about things done here in Buchanan and the Hudson Valley.

Trustee Jackson thanked all our Village workers, from the office staff to the Highway Department and sewage treatment plant. He wanted them to know that they have his continued support because you are not going to find this in too many places in New York. He will do all he can as a Trustee and as a 26 year Village resident to hold on to that so that the next generation has the services that he has enjoyed over those years.

Trustee Jackson noted that baseball Spring training begins in 2 weeks. He thanked everyone for coming out to this meeting.

6. COMMENTS FROM THE FLOOR:

Diane Tangen commented that she watched the January Village Board meeting when Trustee Zachary gave an opinion on legalized marijuana. She wanted it on record that she is vehemently opposed. There is a rampant opiate epidemic in our state and country. She noted that in the police report given tonight it showed how dangerous a chemical agent it is. She commented that saying that a person cannot become a drug addict through marijuana is like saying you cannot become drunk on beer. She commented that law enforcement has no measure like a breathalyzer to determine if a person is on marijuana when driving a car. They can only go by what they see. She believes that we would see more and more people

driving under the influence of marijuana. She thinks that the only reason we want to legalize it is for money through taxes. She feels that putting an age limit on it will not work and cited cigarettes as an example. She believes that we need more money for education against drug use. That has worked for cigarette smoking.

Trustee Zachary commented that he also realizes that there are potential problems. His main reason for saying that is because the government is allowing and banning certain things arbitrarily. He believes that more people's health is being destroyed by alcohol and cigarettes. He commented should the government therefore ban alcohol and cigarettes? He commented that having a glass of wine is not harmful. He does not think that recreational use of marijuana is. The risk is that there are always going to be people who become over-users. For him it is where do you draw the line on what the government regulates. How do you justify allowing certain things and not others? Ms. Tangen commented that she will put her thoughts in writing to all the government officials who represent her. She asked that as public servants the Board put in writing how they feel about it.

Brian Calabro commented that the Board said that they were not around today to make a vote on changing the Chief of Police. He wanted to know how many Trustees need to be present for a quorum. Village Attorney Porteus advised that it is three. Mr. Calabro noted that the Mayor is not here and wanted to know which Trustees made that decision to not make that appointment tonight. Deputy Mayor Funchion thinks that the Mayor's intentions were that we wanted to be transparent. She did not want to go ahead and say that we are going to do this and then later talk about a part-time Police Chief. He advised that Trustee Jackson was informed, that he was called and they left a message. Village Attorney Porteus advised that the Mayor sets the agenda and does not need anyone else. She can therefore take it off the agenda. Village Attorney Porteus thinks that the Mayor was going to amend the agenda when she came in.

Mr. Calabro commented concerning the Building Inspector that it was noted that this is a quiet time of year. He is trying to obtain a building permit to build on to his home. He commented that the Village has not attempted to work with him. Village Attorney Porteus asked Mr. Calabro if he is waiting on the Building Inspector. Mr. Calabro said that he is waiting on the Village. Deputy Mayor Funchion asked if Mr. Calabro was asking for a variance. Mr. Calabro advised that he has been to the Planning Board and Workshop meetings. He has sent e-mails but has not received a reply. The Deputy Mayor will talk with Mayor Knickerbocker. Village Attorney Porteus advised that she was involved with the zoning issue and that it will take a Zone Text Amendment. She advised that she and Mr. Calabro's attorney have spoken a couple of times. Until Mr. Calabro brings a petition or the Village Board amends the Zoning, there is nothing else that is going to happen. She did not want him to feel ignored. The Administrator advised that this has nothing to do with the Building Department. Trustee Zachary explained it not the Building Inspector. If Mr. Calabro went to the Zoning Board and they look at, if it is not allowed by our Zoning Code then their hands are tied. He thinks that it is a bad practice to spot zone because there is zoning that applies to the whole Village. Trustee Zachary commented that when Mr. Calabro

came before the Village Board that he suggested that they could review the Code in general to see if there is something that is not fair and would affect the whole Village. That is what is referred to as a Zoning Text Amendment. But it cannot be based on a single property. It is not in the Building Inspector's court. Mr. Calabro commented that the Board is talking about budget and here he is, a person trying to invest in the Village. The Deputy Mayor reiterated that he will ask the Mayor for the status of Mr. Calabro's request.

Trustee Jackson commented that having 2 hours notice that the appointment of an acting Police Chief was being removed from the agenda was quite disturbing to him. Deputy Mayor Funchion advised that that needs to be addressed to the Mayor. Trustee Jackson commented that he would then address the citizens of the Village. He reiterated his apology to Sergeant Farrell. He feels that this should not have been taken off the agenda and reiterated that he would have voted on this tonight.

Jeremy Basso wanted to know is the part-time Police Chief a decision that has been made, and that it is firm that that is the route that the Village is going once the Board puts out an ad and chooses someone to hire. Or is it exploratory? Deputy Mayor Funchion advised that it has not been voted on yet. We want to be transparent and tell the residents where we are going. Mr. Basso commented that we are going to ask Sergeant Farrell to act as Police Chief for another month without knowing if he will be given the opportunity to become Chief. Deputy Mayor Funchion commented that in the Federal government if the chief of your branch retires and you are the most senior supervisor, you are the acting chief but you do not get paid any more money. Trustee Pasquale, who is retired from the NYPD, commented that Sergeant Farrell has to be formally appointed as an interim Police Chief. He is expected to perform the job. Mr. Basso commented on if it is normal to tell someone that they are going to be given that appointment and then in the 11th hour remove it. Village Attorney Porteus advised that when you are appointed provisional, it is not a guarantee that you will get the position even if you pass the test. A provisional appointment can be taken back any time. She explained that even if the Board had appointed him tonight and 30 days from now they started looking at part-time Police Chiefs and hire one. In notifications they say provisional and they have a probationary period. It is not a guarantee. The Police Chief's test could be a year or two years from now. The Administrator advised that the County calls for the test. The next test is in March.

ADJOURNMENT:

At 9:16 PM a MOTION to adjourn this meeting was made by Trustee Jackson, seconded by Trustee Zachary with all in favor and Mayor Knickerbocker absent.