

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
Monday, November 7, 2011  
7:30 PM**

**PRESENT:**

Mayor Sean Murray

Trustees Theresa Knickerbocker, Richard Funchion, Jane Hitney and Nicholas Zachary

Village Administrator Kevin Hay

Village Attorney Stephanie 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:**

September 20, 2011 Workshop: a MOTION to adopt these minutes as presented was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.

October 3, 2011 Regular Board Meeting: Trustee Hitney, page 7, line 1, add "Historic" to title of Historic Hudson RiverTowns.

A MOTION to adopt these minutes as amended was made by Trustee Hitney, seconded by Trustee Funchion with all in favor and Trustee Zachary abstaining as he was not present at that meeting.

Trustee Funchion wanted to know if the Village Administrator had found out if the cable box from Cablevision necessary to receive the Buchanan Channel was only free for one year. Village Administrator Hay advised that he is still waiting to hear back from Cablevision with further clarification. Our franchise agreement only states that the Buchanan Channel comes with the basic service. The sticking point is that now you need a cable box whereas before, if you had a cable ready television, you did not. Trustee Zachary advised that beginning in January, you will not be able to receive Cablevision without a cable box. He went and got one. For the first 12 months, there is no charge; after that, there is a monthly fee. Mayor Murray commented that our franchise agreement stipulated that certain things would be at no charge. That interpretation needs to be looked into with Cablevision. Trustee Zachary said that currently, if you do not have a cable box you cannot receive the Buchanan Channel. Anyone who has Cablevision's basic service should be receiving it. He asked the Village Administrator to look into that also.

**3. COMMENTS FROM THE FLOOR: (Agenda items only).**

None

**4. OLD BUSINESS:**

**(a) PUBLIC HEARING: PROPOSED PLACEMENT OF STOP SIGNS ON  
WESTCHESTER AVENUE AT THE BUCHANAN-VERPLANCK SCHOOL  
ENTRANCE.**

At 7:34 a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

Mayor Murray announced that this was a continuation of the Public Hearing on the proposed placement of Stop signs on Westchester Avenue in front of the B/V School in lieu of having a traffic light.

The Mayor invited members of the public to comment. Trustee Hitney noted that there was no member of the public present to discuss this. She commented that it has lost a little bit of the impetus that started almost one year ago.

Mayor Murray explained that the traffic light came down in a blizzard in late December a year ago. A tree that was on school property took down the traffic light at the entrance to the B/V School. Some members of the School Board had wanted to reinstall the light or a traffic control device. Last May, the Mayor went to the School Board and discussed the kind of options there were. The Village has reached out to the School Board on several occasions and has not gotten any feedback about the light, Stop sign or any other options such as fixing it and deeding it over to the school. The Mayor commented that there are all kinds of options and he was hoping that we would have heard. He had hoped that since this is the second month that we have held open the Public Hearing on this matter that at least we would get some written response or that some residents in the area would come. He commented that it is apparently not as big a concern.

Currently, we have a police officer directing traffic there at the times of entry and when school lets out. The Mayor advised that it was not his intention to continue having the officer there. It is not financially responsible; sometimes he cannot be there because he is on a call; and the Village is providing this service without charge to the School District. No other school in the district has a traffic control device. The Mayor commented that he is having trouble justifying this. He asked for the comments from the Board members.

Trustee Funchion agreed. He thought that a Stop sign is sufficient. The other schools except for F. G. Lindsey do not have a traffic control device. A Stop sign would be better. He noted that at the last Board meeting it was brought up that when you have a light sometimes it works and sometimes it does not whereas a Stop sign is a constant. He feels that a Stop sign would be a better device to have. Mayor Murray wanted to know how Trustee Funchion would feel about

not installing a sign. The light came down in December and no one contacted us until April. So it was not an issue for those months. Trustee Funchion commented that he would be concerned about the possibility that somebody could indicate that the Village is not being absolutely diligent. Mayor Murray commented that we have been proactive in trying to put together a solution for several months. Trustee Funchion commented that somebody could make a case since there is traffic coming out. He would prefer to see a Stop sign rather than nothing.

Trustee Hitney noted that currently there is a Stop sign there as you exit the school. We are talking about having one for both directions on Westchester Avenue. She noted that Barbara Petterson from the School Board was present at the last Village Board Meeting with some members of the community. They expressed their concern for safety, which was their first concern. Trustee Hitney wanted to know how expensive a Stop sign was, how much trouble would it be to put it up, and if it became a problem if it could be easily removed. Mayor Murray advised that they are not expensive. He noted that drivers would have to stop every time if there is a Stop sign. When there was a traffic light, it was only activated for certain hours in the day. The rest of the time it was a flashing yellow and drivers did not have to stop. Some members of the public expressed a concern that when vehicles, especially trucks, have to stop during the night or early morning hours when they would otherwise go through, they would have to downshift to change speeds, rev their engines while waiting for the light and that it would be disruptive to the neighborhood.

Trustee Zachary felt that drivers quickly forget the rules of the road. He commented that nothing confuses drivers more than traffic circles and three-way Stop signs. There are basic rules as to the right-of-way but people have forgotten the manual and the rules, or are just too impatient. A three-way Stop sign would create more confusion. Since there is currently a visible Stop sign coming out of the school driveway, which he hopes is effective, in the absence of pressure or evidence at this point he would agree that we do not need to put it there. He would like to see the speed limits enforced on Westchester Avenue as much as we are able. The onus is on the person coming out of the school and turning when it is safe.

Trustee Knickerbocker commented that the light has been down since December and we have not had any issues. We have a number of Stop signs in the Village already. She was in favor of leaving it as it is. The other schools like Hendrick Hudson have traffic going out onto Route 9A which is a busy road and there is no traffic light, Stop sign or any traffic control there. This is one of our main roads in the Village but it is not a State highway. We have not had a problem there. It seems to be working okay as is. She was not going to vote in favor of putting a Stop sign there. If there is a problem, this can be revisited.

Mayor Murray thanked Trustee Hitney for noting that there were two School Board members at the last meeting when this was discussed.

Trustee Hitney commented that this is a school zone where the speed limit is 15 miles per hour. This is a problem because it is not adhered to even when a traffic light was there. She would be willing to try not having a Stop sign, leaving things as they are and not doing anything differently.

Mayor Murray commented that if we do not have any action taken, we can always put it back on the agenda if members of the public or the School Board have a request.

Trustee Hitney commented that she was at Furnace Woods School this past week and as she was leaving the school, noted that the sight distance there is far less than at the B/V School. You can see up and down Westchester Avenue much more easily than from there.

Trustee Zachary wanted to know if the Stop sign coming out of the school is on the Village roadway or school property. Mayor Murray advised that it is on the school's driveway. Trustee Hitney noted that the Stop sign is very visible.

There were no further comments.

At 7:45 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

**(b) RESOLUTION AUTHORIZING THE INSTALLATION OF STOP SIGNS.**

A MOTION to take no action on this Resolution was made by Trustee Hitney, seconded by Trustee Funchion with all in favor.

**5. NEW BUSINESS:**

**(a) 11-62 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR DISTRIBUTION OF SPECIALIZED EQUIPMENT.**

Mayor Murray read the Resolution (copy attached). He noted that when he read this, he put in “weapons of mass destruction”. The letter that came from the County only says “mass destruction”. That is why he put in the extra wording.

Trustee Knickerbocker commented that she hopes we never have to use this agreement.

On a question from Mayor Murray, Village Administrator Hay confirmed that this is at no cost to the Village. On a question from Trustee Hitney, Village Administrator Hay advised that he spoke to Police Chief Tubbs and that he has the equipment.

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

**(b) 11-63 RESOLUTION AUTHORIZING A STIPEND TO A MEMBER OF THE VILLAGE POLICE DEPARTMENT**

Mayor Murray read the Resolution (copy attached).

Trustee Funchion wanted to know if this was something they voted on year to year and if it is voted in the positive, will it be a stipend given out every year. Mayor Murray advised that as defined in the Resolution, it is in effect until the position is filled and he no longer performs it. So it will be in perpetuity. The Mayor advised that we have a Detective position open in the Village which had been filled by Officer Benedetti who retired last year. The difference between the two salaries is \$2,570 which will be given to Det. Guida as a stipend instead of having it in his regular salary.

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

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

- a) Justice Court Report – September 2011

Received.

Trustee Funchion noted that the Justice Court figure was somewhat less than what we expected to get after hiring a prosecutor. Mayor Murray advised that the Court calendar was only five cases on one day and eight cases on the other. It is the smallest calendar we have had. He had discussed this with the Village Administrator. We have only had this for two months so we are going to accumulate more data. He believes that by December, we will know how we are doing. Since it was a very small calendar, it is difficult to make a decision. It will still be done for a six month trial period. Trustee Zachary commented that he found it refreshing to go through the list and see that in most cases they were not dismissed. Most were traffic infractions. Previously, 90% would have been dismissed. It is encouraging to see that they are being acted on. Mayor Murray noted that on one day there were only four cases and we were still able to take in \$635.

- b) Police Reports - September 2011

Received

- c) Wastewater Reports – June-August 2011

Received

- d) Attorney's Report:

Village Attorney Porteus reported that at the last Workshop, the Board heard from Greentown Recycling. She has subsequently not heard a word about whether or not it is going to move forward before the Board. No decisions have been made. She will let the Board know when she hears.

Village Attorney Porteus reported that last month, Mayor Murray requested that she draft a Local Law giving the Board the capability to charge for emergency repairs, which she has done. Village Attorney Porteus reported that she wants to put it in the Property Maintenance Section of the Village Code which needs a complete overhaul. She did not want to just put in an updated section without also updating the others. She expects to have that by next month. It will be comprehensive. She has reviewed it with the Building Inspector and Village Administrator. If the Board goes through it and sees sections that need tweaking, they should let her know. It has not been updated for several years and some of the State laws have changed. Trustee Funchion asked for the current Code so he could review it. Village Administrator Hay will print a copy of that section and put it in the Trustees' mailboxes. Village Attorney Porteus advised that we did not have any authority anywhere in the Code to perform these repairs. Mayor Murray explained that according to State laws, we can perform the repairs for the safety of the public but we have to take on the cost. We have to amend our Code to accept the State laws and notify the public that either they must fix the problem or we are going to fix it and charge them for it. That is what we will be working on.

Village Attorney Porteus reported that IMP and WIC are working their way through the Planning Board. The Zoning Board is quiet.

Trustee Funchion asked that an example be given of where a homeowner would be responsible if the Village fixed something. Mayor Murray advised that what highlighted the need to add the Local Law is that during the flooding, he was down at IMP with the Fire Department to mitigate an oil spill. The storm drain grate had been removed. If someone did not know that, they could have been killed. The Highway Department was directed to go there, reinstall the grate and weld it on. They were met with some resistance. The Building Inspector wrote a fine and they installed it. The Mayor wanted the Village to be able to install the grate safely, then back charge for the manpower. The Mayor commented that because we could not back charge them, we went a different route which took longer and left an outstanding safety issue longer than he liked.

Trustee Funchion wanted to confirm that a situation such as the trees coming down from the latest storm would not be covered by this. The Mayor confirmed that was correct. He explained that we are talking about flagrant violations. For example, one of the laws in the Comptroller's report concerns sewer leaks. If a sewer leak is contaminating anything, we could go there and fix it if the property owner will not but we would bear the cost. If we pass the law, we could take care of it and back charge the owner. If someone does illegal modifications to steep slopes, we could go down and put up a wall and back charge them. Now, we would have to go through a long and expensive litigation. Village Attorney Porteus advised that we would give notification

first. In the example at IMP, they said were not going to do it. Trustee Zachary commented that it is only for public safety or detriment to a person's property. The Mayor added that it would be worded to reflect an immediate hazard to health and/or safety.

**e) Trustee's Reports:**

**Trustee Hitney** thanked Recreation Supervisor Nancy Bayer and all those who helped set up the Halloween Parade and party. The attendance was down because it was just prior to the big snow storm. The kids who marched had a lot of fun. A magician provided entertainment. They had cookies and juice. Trustee Hitney said it was a nice tradition.

Trustee Hitney commented that it was nice to see things gradually being cleaned up after the storm.

Trustee Hitney wished everyone a Happy Thanksgiving.

**Trustee Funchion** thanked the Highway, Fire and Police Departments for their efforts in the storm and Mayor Murray who headed up the Village's efforts. He commented that compared to a lot of others, we really have a great community that gets together. People were only out of power for a day. He extended a pat on the back to all our employees.

Trustee Funchion reported that he attended a wrap up of the Buchanan Day Committee. They hope to go forward next year. They have some great ideas.

Trustee Funchion reported that he attended the Saint Patrick's Day Parade Committee meeting. Tentatively, it will be on March 11 at 2:00 PM. There will be a Saint Patrick's Day Dinner Dance on Saturday, March 3 at 7:00 PM. Trustee Funchion encouraged everybody to get involved with the parade committee and dinner dance.

Trustee Funchion reported that he will be attending the Veteran's Day ceremony this Friday at the Town Of Cortlandt.

**Trustee Zachary** reported that he did some reviewing of the web site with Village Administrator Hay who has worked with the webmaster. He thanked the Village Administrator. Trustee Zachary commented on the improvement. There are some new pictures from Buchanan Day. He noted that it was in a better format with a better viewing size and was made wider to allow for the addition of more items. If anyone was at Buchanan Day, there are some pictures on there where you might even see yourself.

Trustee Zachary thanked Trustee Knickerbocker for reading his letter at the last Board meeting when he could not be present. The Buchanan Day Committee will resume after the New Year. They will be making it an annual event. They welcome any comments or suggestions, which can be e-mailed or sent to the committee.

Trustee Zachary passed on kudos to Tim Donahue, our Village Hall caretaker. He commented that every time he comes to the Village Hall, something is painted, planted, cleaned up or organized. Tim is doing a great job.

**Trustee Knickerbocker** reported that they will be putting out the container to collect food for the veterans at the Montrose VA Hospital. It will be in the lobby of Village Hall. Any contributions are greatly appreciated.

Trustee Knickerbocker wished everyone a Happy Thanksgiving. We have much to be thankful for in this Village. We have a great Village here. She commented that when things like the recent storms occur, we see how everybody pulls together and takes care of things. We are thankful for our employees, and our Highway, Police and Fire Departments.

Trustee Knickerbocker reported that she asked Village Administrator Hay about the crack sealing. They started crack sealing and it is currently only in front of the Village Hall. They have done a pretty good and neat job. Mayor Murray advised noted that the storm put us behind schedule a little. One of their concerns is if we put too much salt on the road. They should be able to complete the crack sealing. We might be a little behind on the striping. The big thing is crack sealing to stop the frost damage.

**f) Mayor's Report:**

Mayor Murray thanked the Fire Department, Police Department and all the Village workers. Prior to the storm, some of the guys put snow plows on some of the smaller trucks. They were set up to collect leaves but prior to the storm they put together the wood chipper and are now out there doing a lot of work. It is a very high workload because of the amount of trees that came down. On Center Street, a very large tree came down and some residents there were out longer because Con Edison had a lot of places where they had to make sure that the power was shut off. We needed to insure that, before we could cut the fallen tree. The Mayor commented that we always consider the wires to be energized unless told otherwise. All the residents came out and helped each other. The Fire Department was out a lot. They went to a fire in Croton until midnight.

Mayor Murray reported on Halloween in the Village. The Police and Fire Departments were out patrolling. The children were out and there were no reported incidents. It is great to have a lot of uniformed officers out there. They have the apparatus on the road and it deters any incidents. Mayor Murray said that his wife told him that when she was out with the kids, they saw a speeder but by the time they got to the corner, the police already had them already pulled over.

Mayor Murray reported that the Buchanan Engine Company's Fire Prevention Day was one of the best attended in many years. Hopefully, the residents learned something. The Mayor commented that it is great that the Fire Department is able to give back to the community. Hopefully people learned something they can use in a time of need.

Mayor Murray reported that last month, State Senator Ball asked if he had anybody to nominate for the Veterans' Hall of Fame. The Mayor nominated Russ Harrison. The induction ceremony will be on November 10 at 6:00 PM at the Putnam County Emergency Services Building, 112 Old Route 6, in Carmel. Twenty Seven veterans are going to be inducted on that day. It will take two hours. Russ Harrison is a World War II veteran. He was in the Navy Seabees. He did some recovery efforts at Pearl Harbor and served in Japan. He served for an additional 8 years in the Reserves following his discharge. He talks to school kids, organizes the veterans in our area to march in parades and has been a speaker at Veterans' ceremonies. The Mayor commented that Russ Harrison has always stuck up for Veterans' rights and concerns and works to educate the public. It is a life time commitment to not only our community but to all the Veterans in our area. Mayor Murray looks forward to being with Russ Harrison for the ceremony. During the summer, they are going to have a moving Wall of Fame that will be going through the County and the 40<sup>th</sup> State Senatorial District.

The Town of Cortlandt will have a Veterans Day Ceremony on Friday, November 11 at 12:30 PM at the Community Center on Westbrook Drive. The Veterans have made a great commitment to our country. The Mayor encouraged everyone to attend.

Mayor Murray referred to Trustee Funchion's report that the Saint Patrick's Day Parade Committee has requested to hold the parade on March 11 at 2:00 PM. They requested a notification by letter from the Village. The Mayor has discussed this with the Police Chief. There are no issues. He directed the Village Administrator to have a letter sent to the parade committee.

Mayor Murray reported that the Board discussed the Christmas tree lighting ceremony. It will be held on Sunday, December 4 at 5:00 PM. It is usually at 7:00 PM but always runs a late. The last Newsletter incorrectly gave the time as 4:45 PM. That was an error. It will be at 5:00 PM. The announcement is on the Buchanan Channel screen. The Mayor hopes that it will be as well attended as always. It is always great to have so many people from our community coming together for a community event.

Mayor Murray wished everyone a Happy Thanksgiving. He appreciated Trustee Hitney reminding him that the holiday is approaching.

Trustee Funchion wanted to know how long the wood chipper will continue and when will they stop and turn to leaf collection. Mayor Murray advised that it will be determined by the work load. The main concern is the branches and limbs which need to get picked up. The Mayor commented that it was a good thing that the temporary employees in the Highway Department were kept on. They have been putting forth a lot of effort. Trustee Zachary said to put an announcement on the Buchanan Channel that the wood chipper is still coming around.

Trustee Zachary commented that at the next Workshop he wants to discuss starting an e-mail list of people in order to send out announcements to residents about any kind of sudden change or

emergency. This can be sent out to whoever wants to be on the e-mail list. Mayor Murray commented that it is difficult. They try to work as the events unfold. The trees have to be picked up.

Mayor Murray reported that he was contacted by the Peekskill Garden Club. They had taken note of the beautification work done in the Circle by Don Zern and have submitted it for an award. The Mayor thanked Don Zern. It was noticed not only by our community but by people from outside our community as well.

**7. COMMENTS FROM THE FLOOR:**

None

**8. ADJOURNMENT:**

At 8:20 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Hitney with all in favor.