

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
November 5, 2012**

PRESENT:

Mayor Sean Murray

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

Village Administrator Kevin Hay

Village Attorney Stephanie V. Porteus

Village Board Secretary Susan F. Matthews

ABSENT:

Trustee Theresa Knickerbocker

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 4, 2012 Regular Board Meeting; September 18, 2012 Workshop

September 4, 2012 Regular Board Meeting:

Trustee Zachary had a question on page 10, under “Comments from the Floor”, where it says “copy attached”, where it referred to former Mayor Donahue’s comments being attached. Trustee Zachary noted that the Board had copies of the meeting but wanted to know if normally if somebody requested a copy of these minutes would it be attached. Village Administrator Hay confirmed that it would be.

A MOTION to approve these minutes was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Knickerbocker absent.

September 18, 2012 Workshop:

A MOTION to approve these minutes was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Knickerbocker absent.

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

None.

4. OLD BUSINESS:

a) PUBLIC HEARING: ON A PROPOSED LOCAL LAW AMENDING CHAPTER 137 OF THE VILLAGE CODE:

Mayor Murray noted that this Public Hearing was held open from the last meeting.

At 7:31 PM, a MOTION to open the Public Hearing was made by Trustee Zachary, seconded by Trustee Funchion with all in favor and Trustee Knickerbocker absent.

Mayor Murray welcomed any comments from the public. He advised that this is to amend the Property Maintenance Code to include the portable storage containers. Mayor Murray noted that there was a Public Hearing on this last month at the Village Board meeting. Nobody from the public came and spoke about it so the Mayor wanted to keep it open for another month in case anyone feels that they may be impacted by this Property Maintenance Law and if so, they would have an opportunity to speak on it. The Mayor called for comments from the public. There were none.

The Mayor called for comments from the Board members.

Trustee Funchion had a question. He commented that he may be reading it incorrectly. In Number 2 in the event of fire or hurricane, he wanted to know if there needs to be any indication in there that there would not be a charge, or is it just implicit since there is nothing in there about charging money. The Mayor Murray advised that the Board agreed that we did not want to impact any of our residents financially in their time of distress. Village Attorney Porteus advised that they could put it in there that there would be no charge for this. The Mayor directed to put in the bottom of the paragraph that there will be no charge in the event of fire, hurricane, natural disaster or other emergency causing substantial damage to the structure or property. Trustee Funchion wanted to know if they would they still have to have the insurance clause. The Mayor advised that they are still going to have to have insurance. Village Attorney Porteus will amend it. There were no other comments or corrections.

At 7:34 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Knickerbocker absent.

b) 12-49 RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 6 OF 2012 AMENDING CHAPTER 137 OF THE VILLAGE OF BUCHANAN CODE:

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

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

5. NEW BUSINESS:

a) 12-50 RESOLUTION SCHEDULING A PUBLIC HEARING TO AMEND CHAPTER 163 OF THE VILLAGE CODE.

Mayor Murray read the Resolution (*copy attached*)

Trustee Funchion had one question concerning on the placement and usage of the dumpster. It said all dumpsters should be placed on the property being serviced and not on the public or private street. Trustee Funchion wanted to know if there would be exceptions to that because sometimes people do not have a big enough piece of property or because of the nature of the construction being done, it might be temporarily in the street for an hour or two. He wanted to know if that should be considered. Mayor Murray felt that we should have the same rules for the dumpsters as we do for the portable storage units. That was going to be one of his recommendations when this was discussed at the next Workshop or during the Public Hearing. He does not think it is right that we have two separate types of rules. We currently allow residents to have dumpsters on the road next to their house as long as they abide by the parking regulations. He thinks if we have it the same way as we do for the portable storage units and have it at the Building Inspector's discretion for the placement, it will be a little more consistent. The Mayor explained that they are talking about the use of dumpsters. We have had several complaints about residents who have had dumpsters in the front of their house near the road for many months at a time. He commented that when the Board started discussing portable storage units, it was basically one issue that was coming up. They felt it would be better to put dumpsters in the Solid Waste Code instead of the Property Maintenance Code. That is what will be discussed in the Public Hearing.

Trustee Zachary commented that he wanted to specifically point out that unlike with the portable storage units, there are no fees associated with this. It is just an attempt to regulate it so that people are fair to their neighbors. We are not trying to inconvenience people or to make it impossible for people.

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

b) 12-51 RESOLUTION AUTHORIZING A PROPERTY TAX REDUCTION AND TAX REFUND.

Mayor Murray read the Resolution (*copy attached*). The Mayor noted that these people filed a petition in Small Claims Court alleging unequal assessment with respect to the Village property tax. He noted that the numbers he read are assessed value and not a property tax reduction.

As a point of information, Trustee Funchion wanted to know where we came up with these reduction numbers and who does them. Village Administrator Hay advised that we reach out to them and they usually have an appraisal. We use our equalization rate to come up with the number from their appraisal. There is a little negotiation. He commented that usually if they go down County, they will get a 25% reduction so we try to settle for less than that. Mayor Murray noted that a few years back, we authorized the Village Attorney do the negotiating. If we were to go to court, it probably would be a 25% reduction. The Mayor said that what he has asked the

Village Administrator to do when these petitions come in is to look at the school tax assessment. The school tax assessment is different than the Village tax assessment. If they are due reductions and if the school tax assessment is lower, we would bring it down to that so that the assessments would all be the same. We receive a lot of these each year and we do offer them reductions to help to not only save us costs in the litigation process but also the applicant litigation costs. The applicants do have to have a current property assessment, a current appraisal to go by and that is generally what we use.

Trustee Zachary noted that the current value for our tax per thousand dollars of assessment is around \$200. Village Administrator Hay advised that it is \$224.95. Trustee Zachary noted that for every thousand dollars of assessed value that is what you are paying. So if someone got a reduction in assessed value of \$1000, they are saving a little over \$224. Mayor Murray said that would be reflected in the refund. With the refund, that is how much that actual tax bill was lowered and how low it will be going forward.

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

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) Justice Court Report – September 2012

Received

- b) Fire Inspector Reports – August-September 2012

Received

- c) Zoning Board Minutes – September 2012

Received

Mayor Murray asked for comments or questions on the above reports. There were none.

- d) Attorney's Report

Village Attorney Porteus reported that other than the on-going WIC issue, she wanted the Board to know that as they are aware, there are some flooding issues going on at some of the White Street properties. She will be in court about this on November 13 with Building Inspector Barbara Miller and will report next month. They are hoping to get it moving faster than it has been and to get it resolved.

- e) Trustee's Reports

Trustee Zachary encouraged people to come out to vote tomorrow. He commented that the same way the Board tries to encourage people to come here and voice their opinions and be part of the process, tomorrow is the way to do it all around the country.

Trustee Funchion attended the monthly Saint Patrick's Day Parade Committee meeting. Everything is going forward at a good pace. This year the committee is basically taking on a lot more of the monetary part of the parade. They are independently going to be doing their own journal. They hope to solidify the economic base of the parade.

Trustee Funchion reported that he attended the atomic energy hearing in Tarrytown for one day. He commented that he hoped Mayor Murray's experience was a little better than his because you needed a doctorate in some sort of science to understand most of what was discussed while he was there. They were speaking about exposure to radiation and how much it would take to cost it. Trustee Funchion said that significantly what he wants to bring back to the people of Buchanan is that we were there so this that it was known to all the parties interested that we are a player in this. New York State and Entergy were there. They were very much at odds in their different figures. Riverkeeper and Clearwater were there. Trustee Funchion wanted the people in Buchanan to know that this administration, led by the mayor, is keeping a close watch on these hearings and we are not going to let Buchanan get lost in this whole shuffle.

Trustee Funchion encouraged everybody to go out to vote.

Trustee Funchion said he would like everyone to remember in their prayers all our Veterans on this Veterans' Day. He also would like everyone to remember in their prayers all the people who are suffering out there due to the hurricane. He commented that he was talking to Mayor Murray before the meeting about we here being fairly lucky because we are here sitting in our heated houses watching all this unfold on the television. It is heart breaking. Trustee Funchion said "whatever you can do as a volunteer or to give money to the Red Cross, to please do that." At the very least to please keep all those people in your prayers.

Trustee Jackson commended the Buchanan Fire Department for their readiness before and during the storm. He was over at the firehouse for several hours on Monday and Tuesday. He commented that a lot of us take what these volunteers do for granted. They were prepared. They were sharp and they were there in earnest. He commended them again. Trustee Jackson reported that he had an opportunity to sit in on one of the preparedness calls by Con Ed with Village Administrator Hay and Police Chief Tubbs making sure that we in the Village are aware of what is going on around us, and in cooperation with not only the Town but the County to make sure that we were right there knowing what we needed to do if any emergency arose. Trustee Jackson commented that fortunately, as Trustee Funchion said, many of us here in the Village were blessed. The Buchanan Fire Department was sharp and on point. He appreciated Police Chief Tubbs and Village Administrator Hay for being there.

f) Mayor's Report

Mayor Murray reminded residents that the Christmas Tree lighting will be on December 2 at 6:00 PM at the Village Circle. Residents will notice that the tree is down right now. We will be replacing the tree and it is going to be put up on Wednesday. Part of the tree was starting to die. The back and some of the lower parts were dying. We had to trim back some of the other trees around there. We are hoping that the tree that we are putting in there is more conducive to that type of environment. It is going to look like a regular Christmas tree. It is a different type of tree and is more suitable to that location. Hopefully it will be put in if we do not get a rain or snow storm on Wednesday or Thursday. The tree lighting will be on Sunday, December 2nd at 6:00 PM. Afterward everyone is coming back to the Community Room in the Village Hall and we will have things for the kids like we always do. Santa will be here and they will get candy canes and things like that.

Mayor Murray reported that beginning on November 15 at midnight, there will be no more parking on the streets until April 15. This is to help out during the winter time with the snow removal. The first day or two, the Police Department usually puts warnings on cars. After that, people will start getting ticketed. Mayor Murray said that we are not trying to generate revenue. We are just looking for compliance and trying to help the neighbors out during inclement weather. This is to help remove snow and help the Highway Department get around. It is definitely an asset to get the vehicles off the road.

Mayor Murray reported that on Thursday, November 8 at 10:00 AM at the Montrose VA, they will have a Veteran's Day ceremony. The Town of Cortlandt is having their ceremony on Veteran's Day, November 12, at 12:30 PM at Muriel Morabito Center on Westbrook Drive, Cortlandt Manor. He encouraged anyone who is able to come out and celebrate the commitment the Veterans have made for us and our country. It is always well attended, especially the ones at the VA and the Town of Cortlandt. The Mayor said to come out and show your support.

Mayor Murray thanked the Highway and Fire Departments for their storm preps. There was a lot of preparation that went into this between Con Edison and Westchester County. We had a lot of resources available to us. We had the bus from the Fire Department available to us. We could have had shelters at the Buchanan Engine Company or the Muriel Morabito Community Center. The Town of Cortlandt handed out sandbags on Sunday. On Monday the preparations really paid off. We used the first e-mail alert systems that we had to the people who registered to notify them about the types of resources available to them. The Mayor thought it worked out well. We did have one issue sending out the e-mails. Apparently a lot of computers identified our mass e-mail as SPAM so Village Administrator Hay had to go through them and send them 10 at a time. The Mayor was sure there is a way to get around it. If anybody else wants to sign up for these e-mails, this is what we want it to be used for, not just to give information about events that are going on. We want to notify people in the case of an emergency about the resources that are available since we do not have that many media outlets that can get to people immediately. The Mayor advised to give or send your e-mail address to the Village Hall. That is

what we are using it for and was what it was used for. He felt that it was a definitely an asset to the residents.

Mayor Murray reported that the Highway Department was out there cutting up the trees as soon as they came down. He reported that they did receive calls about wires being down. Mayor Murray said that people who have lived here for a long time know that the road beneath the Iron Bridge floods in a storm. People drove into it and got their cars stuck. He wanted people to know that they should not drive through it when the water is like that. They could get trapped. Nobody got injured but there was a lot of damage. He urged people not to drive through the water when it is flooded under the Iron Bridge because they will get stuck.

Mayor Murray reported that last month there were some comments from some members of the public about a complaint filed against him and the Village of Buchanan. On June 25 the Village of Buchanan had received a complaint from a resident about alleged discrimination that had occurred.

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

Mayor Murray reported that the complaint was filed by Mr. Sam Cherchia. The individual people in his complaint who discriminated against him were himself (Mayor Murray) and George Pommer, the Village Engineer. Mayor Murray reported that after he received this, he gave a response. It is dated July 5, 2012. The Mayor advised that subsequent to his response, he received offers of settlement from Mr. Cherchia which Mayor Murray did not consider. The Mayor said that he denied that request because he felt and still does feel that the Village of Buchanan did not and does not discriminate against anyone. The Mayor noted that at the last Village Board meeting he reported that he was expecting a response from the New York State Human Rights Commission in the October time frame. On October 4, the Village of Buchanan received a determination and order for dismissal for lack of jurisdiction. New York State dismissed the charges against the Village of Buchanan. The Mayor noted that last month, there was also part of a response that was read from Mr. Angelo Iacomini. At that time, Mayor Murray said that he would read his own response in full instead of just the two sentences that were stated.

Mayor Murray read his response (*copy attached*).

7. COMMENTS FROM THE FLOOR:

None

8. BOARD MEMBER REBUTTALS:

None

9. ADJOURNMENT:

At 8:00 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Knickerbocker absent.