

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
December 1, 2014**

PRESENT:

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

ABSENT:

Trustee Duane M. Jackson

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker opened the meeting at 7:30 PM, welcomed everyone, and informed them of the fire regulations. She called on the representatives of the U.S. Coast Guard Auxiliary to lead the Pledge of Allegiance.

Mayor Knickerbocker advised that Trustee Jackson is not present because he has a family event.

2. APPROVE MINUTES:

September 2, 2014 Village Board Meeting: A MOTION to adopt these minutes as read was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

3. PRESENTATION: U.S. Coast Guard Auxiliary Flotilla

A presentation was made by Vice Flotilla Commander Charles Fitzpatrick and Yolanda Robinson of the U.S. Coast Guard Auxiliary. They presented the Village with a Certificate of Appreciation from the United States Coast Guard Auxiliary signed by their Commander, which he read. They explained that the Auxiliary is the uniformed volunteer branch of the United States Coast Guard. They serve the community and the U.S. Coast Guard in missions ranging from education for boating safety, boating patrols, search and rescue and public affairs. They are engaged in every mission the Coast Guard performs except for law enforcement and interdiction. Their members are volunteers and members of the community. He said that because of the kindness of the Village of Buchanan, they have had a place to meet throughout the 2014 calendar

year. This was the 15th year of their Flotilla unit here in the area. They are very grateful for the use of the Village Hall meeting room and look forward to continuing to serve the area. Mayor Knickerbocker said that it was our honor. It is nothing for us to offer a meeting place for them because they do so much for the community. She noted that they patrol an area from the Bear Mountain Bridge to the George Washington Bridge. The Mayor commented that many people are not aware that we not only have the Coast Guard but its Auxiliary whose members volunteer their time to serve the communities up and down the Hudson River. Ms. Robinson noted that they also have an aerial division. They basically perform the same function. They patrol the waters of the Hudson and East Rivers. They take photographs for mapping and other purposes and report directly back to the Coast Guard. There are about 25 Auxiliary members in the Flotilla serving our area. (The Auxiliary representatives had a photo taken with the Mayor and the Board). Mayor Knickerbocker thanked them and said to keep up their good work. She wished them Happy Holidays.

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

Eileen Absenger, Tate Avenue, wanted to know what is Chapter 149 of the Code. Trustee Zachary advised that it is a slight revision to the wording of the Open Container Law. Ms. Absenger wanted to confirm that there was nothing in regards to the Planning Board. Mayor Knickerbocker advised that was correct.

5. NEW BUSINESS:

a) 14-42 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 149 OF THE CODE OF THE VILLAGE OF BUCHANAN.

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

Trustee Zachary commented that as currently worded, the Village's Open Container Law contains the word "narcotics". There is a sentence that basically said that no one can use narcotics or alcoholic beverages in a Village facility unless permission is given from the Village Board. Trustee Zachary has objected to this language that the Village Board could give its permission to use narcotics because we cannot. This Resolution is to correct the wording. Mayor Knickerbocker read the proposed new wording. She noted that this Motion is to set the Public Hearing for the January Village Board meeting.

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

b) 14-43 RESOLUTION AWARDING THE SLUDGE REMOVAL CONTRACT.

Mayor Knickerbocker read the Resolution (*copy attached*)

Mayor Knickerbocker advised that the winning bidder was Fred Cook Jr. Inc. for a total price, including televising, of \$313,200. This is a contract that we do every year to remove the sludge from our wastewater treatment plant. Trustee Funchion thinks that most people would not understand what it is meant by the televising reference. Village Administrator Hay advised that it is in the contract because sometimes we need lines to be televised if they are clogged or blocked up. We included a certain number of hours so that in an emergency we will have already had it bid out to get the best possible price.

Trustee Zachary commented that the total price that is given is more than we budgeted. He wanted to know if the de-watering or concentrating the sludge to reduce the gallons is something that we have always done and if that could be explained. The Administrator advised that we bid out 2.9 million gallons which far exceeds what we have used in the last 3 years. The average is 2.1 million. We bid more in case we have a higher year or a catastrophic failure where one of the pump stations is not working and we need to have it pumped out. We do bid out more than we generally use. The higher price is for the whole 2.9 million gallons. Normally the solids fall to the bottom leaving a clear "supernate" on the top. To save our gallons, we have been thickening up the sludge. We run the water from the top back into the plant which thickens up the sludge. The water can be processed again through the aeration and flushed out of the plant. This gives us thicker sludge instead of someone taking out thinner sludge and saving money by potentially de-watering it themselves. Trustee Zachary wanted to confirm that the price per gallon in the contract is not affected by the density or concentration of the sludge that they pick up. The Administrator advised that this year we made some changes to the contract to try to help the processing at the plant. We also made it that our sludge cannot be taken away and reprocessed and given back to us. We wanted to create a level playing field for all the bidders. Another issue in the processing that we are trying to work on is that if the tank becomes 75% full, they have a certain amount of time to reduce it to 50% so that we are at an operational level that is good for the plant because we are based off a certain number of thousands of gallons per day.

Mayor Knickerbocker noted that Village Administrator Hay's monthly newsletter to the Board was very detailed. It clarified any questions the Board might have. She advised that for this year's current contract we have only used 1.8 million gallons and we have a month left, so there is quite a difference. The Administrator advised that part of the reason we did not reduce it this year was because the Village Engineer was a little more conservative. He wanted to make sure since the process always works better at the beginning. You are running more water off. But as you go on, you might not get as much of a gain as in the beginning. So instead of cutting the

contract down too short, we left the number where it is. Trustee Zachary said he had asked for the general public's information.

Village Attorney Porteus did not know if they had the packet that was with the bid. For the record, she wanted to put it out there that there are some changes. She talked to the Village Engineer this morning. They made some changes which did not go to the heart of it because they have bid and we have accepted their bid. But she wants the Board to be aware of them. She advised that we were more specific about the hours of operation and the hours when we expect the sludge to be removed. What we have experienced is that the contractor will show up with two huge trucks at 3:15 and we close the gate at 3:30 PM. That means that our employees are either leaving or have to be paid overtime. Either way, it does not work. We made it very clear in this one that they have to come in plenty of time to load the trucks, do their paperwork and be out by 3:30 PM. That is a change. Another thing is that the Administrator mentioned that we are doing trip tickets. Where is the sludge going since it is not going back. We want those tickets submitted once a month rather than once a year so that the operator can keep track of that paperwork as well. This has been a problem. The final thing is we have defined what excess sludge is. It was not in the original language. It is now. Excess is defined as 50% or more. If there is excess sludge more than three times in one contract period, the Village can terminate the contract. The Village Attorney thinks it gives more protection to the Village and the residents, which was needed. The Mayor said we appreciate that.

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

Mayor Knickerbocker asked for the status of the roof on the sludge tank holding tank. The Administrator advised that we are still working with the insurance company. Bids came in higher than the insurance company feels is appropriate. They are still working with their engineer and the Village Engineer to find an appropriate solution. It will be replaced. It is just a question of what roof. There are different options like floating roofs. They make them out of different materials now. So we are still working on that. Mayor Knickerbocker said the roof on the holding tank was not in good shape. We are working on replacing that.

c) 14-44 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN IMA BETWEEN THREE MUNICIPALITIES FOR THE MAINTENANCE OF THE 9/11 MEMORIAL.

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

Mayor Knickerbocker advised that this is something the Village Administrator has been working with. The Mayor explained that when we are talking about maintenance, there is a special wax that must go on the sculptures every two years. The Administrator commented that he knew

there was going to be an IMA but it just appeared a week or so ago. The Town of Cortlandt offered to pay the cost of the wax, \$750 every two years. The Croton DPW, who will be doing all the maintenance at the site, will do the waxing of the statue. The Mayor advised that other than that, there is no maintenance needed. It is just their upkeep. The Administrator noted that it is in their park. Trustee Zachary commented that it does not seem that there is any commitment on our part. It is like we are signing an IMA to let them to the work. The Administrator agreed. He advised that he had forwarded it to the Village Attorney to see if there was something he might have missed. The Mayor thinks that \$750 every two years for the wax is not too much, and they are going to use their manpower. She cannot think of any other maintenance. Trustee Zachary commented that there is landscaping. He was under the impression when he was first informed that the non-profit would be dissolved and the funds, however much that was, would be turned over to the Village of Croton for maintenance, that there would be some small annual contribution proportionate to population. The Administrator advised that was originally talked about. Trustee Zachary said that did not happen. The Mayor believed they ended up with a good amount of money. Trustee Zachary commented that maybe in the future that would have to change if this money gets used up and if they want some shared funding for landscaping.

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

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) Justice Court Report – November 2014:
Received and filed.

Mayor Knickerbocker noted that the amount that was collected was \$6,095 and \$4,000 last month.

- b) Wastewater Report – November 2014:
Received and filed.

- c) Attorney's Report:

Village Attorney Porteus reported that as the Board knows, the Planning Board sent a recommendation to the Village Board concerning the Griffin/Bill Balter age targeted Senior housing petition in front of the Board. As directed by the Village Code, it was referred back to Planning. The Planning Board heard it and has sent back a recommendation. She advised that what should happen tonight is that the Village Board, who will in all likelihood be lead agent, should direct that the Planner send out a notice of intent to be lead agent. That is according to the law. It goes to affected jurisdictions down County. It basically says that we have received

this petition to change our zoning and that we intend to be lead agent. We then have to wait 30 days before we can be in case someone claims to have a greater interest in or jurisdiction over this. Our Planner, Marilyn Timpone-Mohamed, will send that out. The Village Attorney noted that 30 days will bring us into the next Village Board meeting. At that time, we should be better prepared to move forward with that application. Trustee Zachary wanted to know when the Public Hearing would be. The Village Attorney advised that she was not sure at this time because we need a memo from the Planner concerning the SEQR and the environmental assessment. We asked the applicant to prepare a full form assessment which he did. The Planning Board saw it and the Planner was in attendance. But for purposes of just a recommendation back, it was not a thorough review from the Planner. The Village Attorney said that the Planner is very cautious to make sure that she has all the information she needs before she can refer it to schedule a Public Hearing. She will refer it down to the County Planning 10 days before so they can comment back if they choose. Village Attorney Porteus would say in response to Trustee Zachary's question, probably not at the next Village Board meeting. She advised that if the Board and the Planner are comfortable, and the Planner has written memos, and the Board is comfortable with scheduling a Public Hearing for the following month, we can always continue it if more information was necessary. But the Planner is very cautious with that. She is sure that the Board will have everything we need to fully hear it. She is writing a memo.

The Village Attorney said that if the Board agrees tonight, she will advise the Planner to send out the notice of intent. Mayor Knickerbocker agreed.

Trustee Zachary wanted to confirm that the Village Board being the lead agency for the SEQR is only for the initial zoning change which requires the Board to come out with a positive or negative declaration. Village Attorney Porteus advised that is correct. She commented that that is confusing and should be clarified because it happened with another application. Trustee Zachary said that this is not a full review. The Village Attorney said that was correct. She advised that if the Board changes the zoning the way we are being asked to make this project potentially do-able or legal - because right now he cannot build or ask to build because he cannot put a site plan before the Planning Board - if the Board was to change that and say that we think that is good and do the SEQR review, it does not mean that he is building what he asked to build. It means that he then has permission to put together a full site plan, to go with it before the Planning Board and go through the SEQR review for what he is proposing. Trustee Zachary wanted to confirm that if it proceeds to that level then the Planning Board will be lead agent for the full SEQR review. Village Attorney Porteus advised it would be for the site plan. She said that the last applicant that came through did a parallel. So because there was a full site plan, the Village Board at that point asked the Planning Board to be the lead agent in both because they were paralleling each other. Trustee Zachary commented that there are special questions and guidelines for this SEQR review. He wanted to know if we can review them at the next Workshop. The Village Attorney advised that she asked the Planner if she was available. The

Planner asked her to ask the Village Board if they would like just a memo. The Village Attorney advised that the Planner should be at the next Village Board meeting provided that she gets the Board the memo. She is available at the Board's leisure. The Village Attorney noted that the Planner does not usually come to the Village Board; that she is always before the Planning Board but because the Village Board will be the lead agent, we should have her.

Mayor Knickerbocker explained that what is now happening is that this is coming back to the Village Board. We are basically looking at whether the zoning should be changed. That is all that we are doing right now. The Village Attorney said that was correct and that we need the Planner here. The Mayor commented that she is very good, very thorough and that we are fortunate to have her. The Village Attorney advised that the Planner is willing to come to the Workshop if the Board thinks that would be helpful. She will do the memo and come to the next Village Board meeting. We can let either the Administrator or the Village Attorney know. Trustee Zachary thinks that we will need her but also that the Board members should take the initiative to review the information before that point so that we are not coming in cold and blind with the expectation that she will be our SEQR "first grade teacher". He wanted to know where the Board members can look for this information. The Village Attorney advised that there is a SEQR review handbook on-line. Trustee Zachary thinks that he might have it and if so could make copies. The Administrator advised that he can go on-line and print it. The Mayor thinks that we need to have more training, not only for this Board but also the Planning Board. She noted that NYCOM has different training. She directed the Administrator to let the Board know when different training comes up, including for the Planning and Zoning Boards.

Mayor Knickerbocker directed to have the Planner at the Workshop for questions that may come up. The Administrator will download the SEQR review handbook. Trustee Zachary noted that we will not be doing a full review. It is a "determination of significance". The Village Attorney commented that it is pretty thorough and has to be followed step by step. It will give us a good education.

d) Administrator's Report:

Village Administrator Hay reported on the LED project. NYPA has contacted him. We will be scheduling a date to move forward with the next step and how the whole project will progress.

Village Administrator Hay reported that with LightPath, the installation of the phones is continuing. We are giving them all the information they need for the auto-attendance set up. We need some cabling in the building. It is VOIP [Voice Over Internet Protocol] so everywhere there is a phone, there has to be an internet connection. We had two people come in. One of the people is on a State bid. We have to get another quote. As soon as we get it in, the Administrator will report back.

Village Administrator Hay will be going to two NYCOM training sessions this month. One is on the property tax cap freeze. He does not know if anyone else is interested. It will be in Fishkill. Mayor Knickerbocker advised that she will be going. The other is an election training seminar. The Mayor advised that NYCOM is doing free training on the property tax cap, if the whole Board is able to go.

Mayor Knickerbocker wanted to know if we have an expected completion date for the phone system. The Administrator advised that we have to get the cabling done. Most of the hardware is in the copy room. Most of the lines are run through the building, so it is moving along.

e) Mayor's Report:

Mayor Knickerbocker reported that on November 20 she was at Senator Greg Balls Veterans' Hall of Fame. Philip Perugini was among those honored. He was a paratrooper in WWII and our nominee from the Village this year. It was a great event. It was so nice to see all the veterans there. The Mayor commented that when she walked in, Mr. Perugini was in the front row seated next to State Senator Ball. It was a pretty proud moment for the Village and for the Mayor that we could recognize this WWII veteran who is one of the last surviving members of the "Band of Brothers".

Mayor Knickerbocker announced that on December 5, the Village will host the Pearl Harbor Day Remembrance on the second floor of Village Hall at 7:30 PM.

Mayor Knickerbocker announced that Sunday, December 7 at 6:00 PM will be our annual Christmas Tree lighting. It is always fun and everyone is encouraged to come out. She joked that hopefully this year our Board members will do some caroling and singing. Trustee Funchion joked that if she wants him to sing there won't be anybody there. Trustee Pasquale wanted to know if they could dress up like elves.

Mayor Knickerbocker wished everyone a Merry Christmas, a Happy Hanukkah, a happy holiday season and a Happy and healthy New Year.

f) Trustee's Reports:

Trustee Funchion reported that he has been working on the contract negotiations with the unions. He noted that this was the first year that he missed the Veteran's Day ceremony put on by the Town of Cortlandt. The veterans need to be recognized and supported by everybody. He hopes everybody will come out for the Christmas Tree lighting. He wished everyone a Happy Christmas, a Happy Hanukkah and a Happy New Year.

Trustee Funchion noted that he wants to remind everyone, as he does every year, that unfortunately most of the tree lights are made in China and are counterfeit, so do not leave the house with the holiday lights on. He has seen so many of them go up in flames. He wants everyone to keep Christmas safe and enjoy.

Trustee Zachary reported that as people who are watching the meetings know, we are looking at different parts of the Code. The Board welcomes people's input. At the next Workshop we will be discussing the sign ordinance and trying to wrap up that, our fee schedule and now obviously the report that we got back from the Planning Board on the proposed Senior multi-family housing. He thinks that we have brought up some other concerns and that people who have concerns about our ordinances, enforcement, noise or property maintenance are welcome to come to the Workshops as the Board discusses these things. He urged everyone to get involved.

Trustee Zachary wished everyone a Happy Holidays.

Trustee Pasquale wished everyone a Merry Christmas and Seasons Greetings, a happy and safe New Year, and his hope that we have a good 2015.

7. COMMENTS FROM THE FLOOR:

Eileen Absenger, 148 Tate Avenue, asked Village Attorney Porteus if the Board should request the minutes from the last Planning Board meeting before their next Workshop so they would hear what transpired. The Village Attorney agreed. Ms. Absenger noted that Trustee Zachary was at that meeting. She did not know if he left before Bill Balter was finished. Trustee Zachary commented that Mr. Balter was answering questions for quite a while. Ms. Absenger thinks that it would behoove the Board to have those minutes.

Ms. Absenger wanted to know if there is any way that the training of the Planning Board is tracked because Michele O'Neill was the last one put on that board. She feels that if this plan does go to them, everybody should be up to date on whatever procedures they will have to go through. The Administrator advised that he notifies all the Planning Board members whenever any information on training comes in and that when they attend the certificate is sent to us. Ms. Absenger wanted to know who oversees whether everyone is up to date. The Administrator advised that Cindy Kempter maintains all the personnel files. Ms. Absenger commented that this is a big project compared to what they are accustomed to. She commented that although Mr. Balter was very nice and informative, he has been around the block a long time while the members of our boards have not, so everyone has to be on their toes. She is sure that our Planner will be very cautious and conservative.

Ms Absenger commented that she was disabled at one point in time. She said that this past Saturday when she was at the Post Office, there were several inches of ice and snow where the sidewalk and parking lot are. She felt that it made it difficult for people with disabilities and was dangerous. Trustee Zachary wanted to know if this was the sidewalk in front of the Post Office going to the front door. Ms. Absenger said no, that it is right at the junction of the parking lot and the sidewalk. It is where the plow would have gone up, not where someone would have shoveled. It was the length of the building to the road. Ms. Absenger spoke to the Postmaster who said that it is the Village parking lot but that she would try to get out there to chop it up. Mayor Knickerbocker said that normally we do not have a problem there. It is something we have to be very careful about. The Administrator will look into it. The Mayor thanked Ms. Absenger for her comments.

8. BOARD MEMBER REBUTTALS:

None.

9. EXECUTIVE SESSION (to discuss Contract negotiations)

At 8:15 PM, a MOTION to enter into Executive Session to discuss contract negotiations was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

At 8:58 PM, a MOTION to exit Executive Session and return to the meeting was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

Mayor Knickerbocker announced that no monies were expended and no actions were taken.

10. ADJOURNMENT:

At 9:00 PM, a MOTION to adjourn this meeting was made by Trustee Pasquale, seconded by Trustee Funchion with all in favor and Trustee Jackson absent.