

Mayor & Board of Trustees
Village Board Meeting
January 8, 2019

PRESENT:

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

1. **EXECUTIVE SESSION:** (*Employee Issues*)

At 6:30 PM a MOTION to open an Executive Session was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Trustee Zachary absent.

At 7:25 PM a MOTION to exit the Executive Session was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary absent.

2. **PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:30 PM and informed everyone of the fire regulations. Police Chief Brian Tubbs led the Pledge of Allegiance

3. **APPROVE MINUTES:**

November 7, 2018 Regular Board meeting: A MOTION to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

December 4, 2018 Regular Board meeting: Trustee Zachary amended page 7, paragraph 5: line 4 delete “single”; line 5 change “coming up in Canada” to “legal nationwide in Canada”. A MOTION to approve these minutes as amended was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Trustee Funchion abstaining as he was not at that meeting.

PRESENTATION:

The Board presented Police Chief Brian Tubbs with a plaque. He retired on Friday after 36 years with the Buchanan Police Department. He started on March 1, 1982. Mayor Knickerbocker remembered when he started as a police officer. He served as a Patrolman, then Sergeant and then Police Chief. She wished him best wishes, much happiness and good health in his retirement. His picture will be in the History Room at Village Hall. The Mayor noted that there have only been 7 Police Chiefs in the history of the Village.

Chief Tubbs said that it has been his honor to have been a part of the Village of Buchanan and to serve such wonderful residents. He thanked everyone for this tribute. He has no intention of

being a stranger. He lives locally. He is the president of the Cortlandt Community Volunteer Ambulance Corps. He plans on remaining watchful and when given the opportunity, involved with this wonderful Village. He said, "God bless the Police Department and the Village of Buchanan."

Trustee Pasquale thanked him for his service. He commented that 37 years is a long time. As a retired police officer himself, he welcomed Chief Tubbs to the retirement club. He commented that there is a life beyond police work and to enjoy his retirement. Chief Tubbs will be missed. Trustee Zachary said to stay active and healthy. Mayor Knickerbocker said that he will be busy at the Ambulance Corps still doing public service. Trustee Funchion told Chief Tubbs that the biggest thing in retirement is that you do not *have to* do anything anymore, not today or tomorrow. Trustee Jackson thanked Chief Tubbs for his service and for sharing and recording his sense of history of the Village which will be included in our History Room at Village Hall.

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

None

5. **NEW BUINESS:**

a. **PUBLIC HEARING ON A PROPOSED LOCAL LAW OVERRIDING THE PROPERTY TAX CAP.**

Mayor Knickerbocker advised that this is something we do every year. The tax cap is 2%. In doing the Village Budget, we will be able to see if we need to override the tax cap. Indian Point Unit 2 will be shut down starting in April of 2020. That will affect one month of our upcoming budget which runs from June 1, 2019 to May 31, 2020. The Board is working on a few things and are trying to get ahead of it.

At 7:43 PM a MOTION to open the Public Hearing was made by Trustee Funchion seconded by Trustee Jackson with all in favor.

There were no comments from the Board or the public.

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

b. **1-19 RESOLUTION AUTHORIZING A LOCAL LAW OVERRIDING THE PROPERTY TAX CAP.**

Trustee Funchion read the Resolution (*copy attached*).

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

c. **2-19 RESOLUTION STATING POLLING PLACES AND HOURS FOR THE NEXT VILLAGE ELECTION.**

Trustee Jackson read the Resolution (*copy attached*).

Mayor Knickerbocker noted that this year there are two Trustee positions open: Trustee Pasquale's and Trustee Jackson's.

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

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

This resolution was tabled because of Civil Service questions.

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – November 2018

Received and filed.

b) Police Reports – November 2018

Received and filed.

c) Attorney's Report:

Village Attorney Porteus had nothing other than what was discussed in Executive Session.

d) Administrator's Reports:

Village Administrator Hay reported on improvement projects. There are only 100 replacement water meters left to do. It is going well and moving along. They started in November. Paving work wrapped up last week and they finished up the catch basins. The paving came in under budget. We made the first payment for the LED lighting. They are getting that wrapped up. It is 5 years and \$125,000. The project came in under budget. Trustee Zachary wanted to know if we know how much we are savings in electricity. The Administrator will get that and distribute it to the Board.

The Administrator has sent the Budget Request memo to the department heads to start the process going. They will discuss the needs of the departments in the Workshop when he gets the requests back.

Mayor Knickerbocker asked for an update on the project with the infiltration. The Administrator reported on the manhole on the Con Edison property which was bleeding a significant amount of water into our sewer system. We finally got the authorization to go over the Algonquin easement to get to the access point that we needed to reach. Mayor Knickerbocker explained that it was behind Route 9A and Bleakley Avenue in that area that is all wooded and swampy. We got access and repaired it. It caused 80,000 gallons of flow into our sewage treatment plant. We checked the other manhole in that area and it was in better condition. Trustee Zachary asked why there are manholes in that area. The Administrator advised it is because the line cuts through the Con Ed property to get to the sewage treatment plant. The Mayor wanted to know if the beginning of that is on the

Entergy property. The Administrator advised that it flows from the Westchester Avenue area. The Mayor commented that we are going to look at other ones. Having to process 80,000 gallons is an expense for us so fixing this was a huge savings.

e) Mayor's Report

Mayor Knickerbocker remarked that the rumor mill is apparently alive and well. We will not be seeing a referendum in March to dissolve the Police Department. She wanted to emphasize that because that is not happening. The Mayor commented that any time there are rumors, especially now with changes coming about, people should come to her and ask. She will tell the truth. If it is confidential and in Executive Session, she cannot answer that right now. The Mayor does not want people running around in panic based on rumors.

Mayor Knickerbocker reported that we received the Regional Economic Development grant that we applied for at the end of July. We put in for a grant for a feasibility study for the sewage treatment plant. We have been awarded \$40,000 to look at the plant for upgrades and its future use. Our wastewater plant is a huge asset to us as we go forward. When the Entergy property gets developed in the future we will have to look at expanding our wastewater plant because we will need the extra capacity. We are looking at doing the newest and best technology so that we can process whatever water we get in. We are also considering taking in other communities and other things. First we have to start with a feasibility study. This is our second grant. Last year we received a grant for \$100,000 through State Senator Murphy's office for our Highway Department roof. We will work more and more on getting grants. Today we found that we possibly have someone who will help us apply for grants as we go forward. The negotiations with that person are not yet finalized. The Mayor commented that we see other municipalities getting grants and we are behind in that.

Mayor Knickerbocker thanked Village Administrator Hay for his work putting the grants in. It is an extensive process involving a lot of work. There is a lot of tedious work and it is labor intensive. She thanked him for his hard work, diligence and perseverance in following through with obtaining the grant. Trustee Zachary wanted to confirm that this grant is for the purposes of doing the study and hopefully down the road when we determine what we have to do there will be further and bigger grants. The Administrator confirmed that was what we were going for this time. They want you to do research and have a plan or study. The Mayor noted that in the State budget there is a substantial amount for the upgrade of sewage treatment plants throughout the state. When you go into other communities, the infrastructure of the wastewater plant's technology gets upgraded every year and it is not cheap. We are on the first phase.

Mayor Knickerbocker reported that Gabe DiRubbo is retiring after 26 years as our Seniors Director. We thank him for all his service and wish him well. We are looking for a part-time Senior Director. Anyone who is interested should come in for an application or send their resume' to the Village Hall.

f) Trustee's Reports:

Trustee Pasquale wished everyone a Happy New Year. He wished Chief Tubbs all the best in his retirement.

Trustee Pasquale gave selected updates from the police blotter: On December 4, Sergeant Farrell responded to a call about someone menacing with a knife. He determined that a verbal argument between two tenants escalated into menacing with a knife. The victim declined to press charges. On December 11, Buchanan P.D. was advised by the Assistant D.A. that there was a resident at Village Court with an active warrant out of the City of Peekskill. The person was taken into custody and turned over to the Peekskill P.D. On December 12, Officer Palmetto responded to call about an unconscious man in a vehicle. Officer Palmetto observed drug paraphernalia in the car. He was able to awaken the driver and offer medical attention which was refused. The driver was arrested for unlawful possession of marijuana and issued an appearance ticket. On December 20, Officer Tiernan made traffic stop on Albany Post Road. The driver had a suspended license and was arrested. On December 29 Officer Loertscher responded to a report of a man lying in the roadway on Albany Post Road near Bleakley Avenue. It was a hit and run accident resulting in a fatality. Officer Loertscher set up a crime scene and started an investigation. An arrest was quickly made after a joint investigation with the Westchester County Police who commended Officer Loertscher for her quick response.

Trustee Zachary reported that on January 24 from 7 PM to 8:30 PM, the Fire Department in the Village of Croton is having a session on the administration of fire departments. It is open to village officials as well as fire department officials. They will have an attorney from New York State. If you are interested, call the Village and put your name down. The Administrator has the flyer. He will be attending.

Trustee Zachary said that at the next Workshop the Board will have a preliminary discussion of the budget. He has some things that he will address. He is hoping that there will be a “silver bullet” in a few years and that our finances will be balanced out by some other sources of income. But realistically he expects budget increases in the next few years. He commented that hopefully they will be as small as possible but personally he thinks that they will be significant. It will be harder to spend money going forward so we should do anything we can to bring the Village into top condition now. Trustee Zachary thinks that we are shorthanded at the Highway Department. He proposes hiring a part-time person in the Village Hall for the Building Inspector and the Administrator for research and special projects. He commented that there is the garbage truck situation. If anyone is interested, they should come to the next Workshop and listen.

Trustee Zachary announced that he read that there is a new requirement for the registration for the Enhanced STAR Program. It is open to Seniors and is income-based. Anybody is entitled to be part of the regular STAR Program and get a reduction of their property tax through the State. It saves him \$800-\$1,000 per year in taxes. Seniors with income below a certain level are eligible for the Enhanced STAR Program. He would like it put on the Village web site or Facebook, in our Newsletter and announced at the Senior’s Club. Mayor Knickerbocker thinks it has to be done by May 1. Trustee Funchion wanted to know what is the income level criterion. Trustee Pasquale looked it up and advised that for the Enhanced STAR Program the income

criteria for 2019 is \$86,300 or less. The Mayor did not think that most of our Seniors are on Facebook. She would like it distributed at the Seniors club meeting.

Trustee Zachary commented that at the next Workshop he would like the Board to follow up on training for Trustees. He talked to Ossining and Croton. They do not have an exact requirement but they deal with it in their own way, generally through on-the-job training. Planning and Zoning have State required hours which the Village of Ossining increased from 4 to 6. Trustee Zachary commented that they are going out of their way to update new people. Mayor Knickerbocker advised that NYCOM has a 3 day conference in the beginning of May. The program is excellent. They have different courses you can take. She has gone a couple of times for one day. She encourages the whole Board to go if they need more training. Trustee Zachary agreed that they are good. He spoke more about the training possibilities NYCOM offers.

Mayor Knickerbocker thanked the Administrator for planning to attend the fire department administration seminar. She will be at the Town of Cortlandt's meeting on Entergy at the Cortlandt Town Hall on that date. There will be a representative from Representative Nita Lowey's office. Assemblywoman Sandy Galef is always there. There will be someone from Senator Kirsten Gillibrand's office.

Mayor Knickerbocker advised that concerning a part-time administrative assistant in the Village Hall for the Building Inspector, she is currently working on a possible shared service arrangement.

Trustee Funchion wished everyone a Happy New Year. He said to keep safe for the winter.

Trustee Jackson commented that we have gotten through another year. He congratulated all the employees of the Village for their hard work in all the departments: the Highway Department, Cindy and Sharon in the Village office and to the volunteer Fire Department. This is how we are keeping Buchanan safe and beautiful and up-to-date. He commended the Police Department for the work done concerning the recent hit and run accident with the evidence that was in place that the County used to find the person who did it.

Trustee Jackson, the Mayor and Trustee Zachary attended the Senior's luncheon. They had a lot of fun. Gabe DiRubbo was the Senior coordinator for many years. Trustee Jackson wished him an enjoyable retirement going forward.

Trustee Jackson reminded that school is back in session after the holidays and to be aware of kids on the roads. He reminded everyone to not throw things in the sewers and to curb their animals. He wished everyone a great New Year.

7. COMMENTS FROM THE FLOOR:

Reed Outhouse, 241 Westchester Avenue, congratulated Police Chief Brian Tubbs on his retirement. He is a great guy and long time friend. Mr. Outhouse commented that he joined the Fire Department 32 years ago when Brian Tubbs was a Patrolman. They each worked their way up the ranks. Chief Tubbs did a great job keeping a good relationship with the Fire Department and the police officers. They always worked well together during all that time. Mr. Outhouse

commented that he noted the item that was tabled tonight. He asked about the ramifications of the Police Department not having a chief. He commented that in the Fire Department, and he believes in the Police Department as well, it is critical to have a chain of command. He wanted to know what time frame we are looking at for filling that need.

Mayor Knickerbocker commented that we were in this position before years ago. Usually the next ranking officer would take the position but there are different things going on. The chief's test was called for in March. The Village Board is going to continue to resolve this. Tonight was in regards to a Civil Service issue. Mr. Outhouse understands that it is a personnel issue. He commented that coming from that line of business, chain of command and having someone calling the shots from the top is extremely important so he hopes that it is resolved quickly. He commented that only last week, we had a very high profile case. Somebody has to be there as the face of the department. The Mayor commented that when we get things resolved we can call a special meeting.

Eileen Absenger, 138 Tate Avenue, would like to have the Mayor and Board enlighten or dispel any questions about the Newburgh gas powered plant being started up. She commented that it started with some men deciding that we did not need Entergy any more. She asked if the Newburgh plant is on-line to start up but could not be done in a timely fashion, does it mean Entergy will not close in 2020 and that date would be moved out. Mayor Knickerbocker commented that we cannot go under any assumptions at all. We were told that Unit 2 is closing in April 2020 so that has to be the complete focus. There are a few ways that the plant can remain open. It has been relicensed for a few more years. The Mayor thinks it goes to 2025. The NRC relicensed it to give the flexibility. But if that plant is to stay open, they would have to order the fuel by the end of April this year. That decision will have to be made within the next couple of months. It takes a full year for the fuel to be ordered and sent here. That cannot be something that this Board is concerned with. The Mayor is concerned if we do have enough power. The Public Service Commission has assured that this power is not needed. But they were counting on certain gas powered plants being fired up. Another of their assumptions was that people would conserve. The Mayor commented that we are losing over 2,000 megawatts when Entergy closes. Indian Point would stay open if they find that there is not enough power. The other reason, which we do not want to see, is if there is war.

8. EXECUTIVE SESSION:

At 8:22 PM a MOTION to enter into Executive Session to discuss personnel issues was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

9. ADJOURNMENT:

At 8:50 PM a MOTION to exit Executive Session and adjourn the meeting was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.