

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
August 6, 2012**

PRESENT:

Mayor Sean Murray

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

Village Administrator Kevin Hay

Village Board Secretary Susan F. Matthews

Village Attorney Stephanie V. Porteus

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:

May 15, 2012 Workshop: A MOTION to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

June 4, 2012 Regular Board Meeting: Trustee Zachary commented on page 5 on the bottom paragraph concerning locking in prices for two years. The dates in the Resolution are for just one year. Mayor Murray advised that it is for two years. The Mayor directed that the Resolution should read from 2012 until 2014. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

June 19, 2012 Workshop: Trustee Knickerbocker added the word “taxpayer” before money on Page 2, paragraph 2, line 5. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

July 2, 2012 Regular Board Meeting: A MOTION to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Mayor Murray thanked the Village Board Secretary for her hard work and effort. There were many minutes and they all came out well.

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

None

4. NEW BUSINESS:

a) 12-32 RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS AND FOR THE CLERK TO ADVERTISE BIDS FOR SLUDGE REMOVAL

Mayor Murray read the Resolution (copy attached).

Mayor Murray advised that this is something we do every year. We put out for approximately 2.2 million gallons. We have to bid it out because it is over the \$35,000 minimum. Last year we were at \$178,000.

Trustee Funchion wanted to know how the bids are put out. Village Administrator Hay advised that it is advertised in the local newspapers. Mayor Murray advised that last year there were multiple responses. We accepted the lowest bidder. They have been the lowest bidder for the last few years.

Trustee Zachary wanted to know about the specifications and if they are rolled over year over year. He assumes that we would not have to pay the Village Engineer for his time to do this every year. Village Administrator Hay advised that it is pretty much the same every year.

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

b) 12-33 RESOLUTION APPOINTING A PART-TIME JUSTICE COURT CLERK

Mayor Murray read the Resolution (copy attached).

Trustee Zachary asked about the implementation of that part of the Resolution where it talks about the training of the new Clerk by the existing Clerk. Village Administrator Hay advised that they wrote the Resolution to allow for training. The new Clerk was in court with one of the Justices. On the question of training, the Village Administrator confirmed that there has already been some training.

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

c) 12-34 RESOLUTION AUTHORIZING THE TOWN OF CORTLANDT TO AWARD ROAD IMPROVEMENTS ON WESTCHESTER AVENUE

Mayor Murray read the Resolution (copy attached).

Mayor Murray commented that as has been discussed for the last couple of years and at Village Board and Workshop meetings, the Village entered into a joint bidding project with the Town of Cortlandt for the last three years. We received six bids in response to our request. The Mayor read the bids (*attached*). Bilotta Construction Corp. was the lowest. The first section will be from the Circle to First Street. The other section will be from Fourth Street to the Village line

going toward Verplanck. Bilotta Construction is the lowest bidder and that is why we wanted to award this contract. On a question by Trustee Zachary, Mayor Murray confirmed that Alternate 2 does not include Alternate 1. The combined figures are \$292,000. On the question by Trustee Zachary of whether we still have \$292,000 left, Mayor Murray noted that we have a little less than that left. We will have to take approximately \$11,000 from the Contingency Fund. The Mayor advised that each time we put out the bids and had the work done, they have come in under what the bid price was. Although he is not anticipating that it is going to happen again, he did not think we would get cheaper prices next year. He felt that since we were close to \$11,000, he did not want to take the chance of bidding this out again next year and coming in way over. Trustee Zachary commented that he thought the concern was expressed in the past that possibly by combining bidding with the Town of Cortlandt, they may get a better price while our portion may not necessarily be. But he can say, since the bids are broken down, that for the Buchanan components, we did get the lowest prices from Bilotta. Some of the individual items from the Town are actually higher with Bilotta than some of the others. The total package of repaving for the Town of Cortlandt and Village of Buchanan is lower with Bilotta. He feels that we have done pretty well with this. Mayor Murray agreed.

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

d) 12-35 RESOLUTION AUTHORIZING BUDGET TRANSFERS

Mayor Murray read the Resolution (copy attached).

Trustee Zachary wanted to know if you can basically transfer from any line in the budget to any other line. Village Administrator Hay advised that you want to transfer from the same classifications but sometimes you do have to do it from others.

Trustee Zachary noted that a lot of the transfers are to the line 81220, Sewer Plant Equipment. We are transferring a lot of smaller amounts to that from a lot of different locations. He knows that we have done a lot of work at the plant so there are expenses to be covered. He wanted to know if that means we have paid for the work done so far and that we will not have to pursue the bond for that work. Mayor Murray advised that was correct. Trustee Zachary said that was excellent. The Mayor noted that a large majority of the budget transfers were for the health insurance increases for the employees and for the Sewage Treatment Plant.

Trustee Knickerbocker noted that there are a lot of line numbers. She requested that when Village Administrator Hay is running these reports, would it be possible for him to write next to the line what it is for. The Village Administrator advised that this is just a budget. The next time, he could put the budget name on it to make it easier.

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

e) 12-36 RESOLUTION AUTHORIZING A USE OF A VILLAGE FACILITY

Mayor Murray read the Resolution (copy attached).

Trustee Funchion commented that this Resolution included the use of the pool. He wanted to know if it would be closed to everyone else or would they just have access to it. Village Administrator Hay advised that they would just have access to it. Trustee Knickerbocker said they would be paying for children and adults. Mayor Murray advised that they agreed to pay \$5 for children and \$8 for adults. As is the custom of the Village, we waive the fee to volunteer emergency services and non-profits. Peekskill Volunteer Ambulance Corps responds to us when we need them on an emergency basis. It is great to be able to help out people who help us out in our time of need.

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

f) 12-37 RESOLUTION AUTHORIZING A USE OF A VILLAGE FACILITY

Mayor Murray read the Resolution (copy attached).

Trustee Funchion commented about the use of the field for football. He wanted to know who would pay for damage that could be done to the field. Mayor Murray commented that there was a concern last year when it was rented out for soccer but that it did not get damaged. The Mayor advised that this Resolution was not for actual games but for practices. There was a question about whether there was a scheduling conflict. Village Administrator Hay advised that there was no conflict. The Mayor wanted to know if we are still giving the use of the field to the Town of Cortlandt for soccer. The Village Administrator advised that we are, for soccer, in the Spring.

Trustee Jackson wanted to know that although it was not damaged last year, if it would be prudent to have a clause in the document that if damage does occur, it would be the responsibility of the people renting it. Mayor Murray commented that he did not think of it because all the Buchanan residents are eligible to participate in Town of Cortlandt sports. We try to keep the cost down for all recreation activities. Trustee Jackson commented that what if the field is flooded out, ground up or needs extra sod or seed. The Mayor agreed that it was a good question. He wanted to know if we have any clauses when we rent to the Town for softball. Village Attorney Porteus was not aware of any. The Mayor noted that we receive money from the Town for rental for the adult leagues. Trustee Jackson commented that as a resident of the Town, we pay fees to them. The Mayor advised that they pay us for the use of the fields for the adults but not for the children. He thinks it is a good idea and commented that he never thought of it. Trustee Zachary wanted to know if we ever had a problem with that. They have been using the field for years. The Mayor advised that we have not had that problem. Trustee Funchion wanted to know if there would be a problem with this legally. Village Attorney Porteus advised that she thinks we should contact them and let them know. Mayor

Murray advised that they want to start this next week. They only notified us on Thursday. We could add it going forward. Trustee Jackson commented that he would be comfortable looking at it from the liability point of view as it is a different entity and since the subject of liability was brought up. The Mayor advised that we have the liability insurance from the Town if somebody gets injured. He directed the Village Attorney to contact the Town Recreation Department about considering damage liability in the future. Mayor Murray does not want to hold up the football league right now.

On the question by Trustee Knickerbocker about the insurance certificate, the Village Administrator advised that we have it on file. Trustee Knickerbocker wanted to know if that meant it was a general one on file to cover any of their activities. The Village Administrator confirmed that was correct.

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

g) 12-38 RESOLUTION AUTHORIZING A COMMENCEMENT OF ACTION

Mayor Murray read the Resolution (copy attached).

On the question by Trustee Funchion concerning the references to the various boards, Village Attorney Porteus advised that it went before the Village Board for a change in the Zoning law, which is how the Zoning laws get changed. Then the Planning Board were tracking it in parallel, hoping that the Village Board would watch it and consider it as it went through Planning as well. Mayor Murray explained that the Village Board would have to authorize it and the Planning Board would give us an interpretation and send it to Zoning.

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Reports – June 2012

Received.

b) Planning Board Minutes – May 2012

Received.

c) Attorney's Report

Village Attorney Porteus reported that it was a quiet month. There has been nothing in the Zoning Board for two months. She did not think there was anything on for tomorrow or

Wednesday. For the Planning Board, AAA and Iris Building are both moving along making their submissions.

Mayor Murray asked about the property on White Street. Village Attorney Porteus advised that it was prepared and ready to file. She called Town Attorney Wood to speak with him. She spoke to the Court Clerk in Supreme Court who suggested that she contact Social Services and talk to them before we start, in order to show cause, noticing them in, because it might work to our benefit to reduce attorney's fees. It is ready to go. It is a last ditch effort before we go full force. Both of them have an interest in the property and both will benefit from our actions.

d) Trustee's Reports

Trustee Zachary reported that the ground breaking occurred for the 9/11 Memorial at last. We approved our \$1100 coverage of some of their expenses. They have broken ground. They have moved the large boulder into place. Trustee Zachary was very happy to see it going forward. They are planning a ceremony on September 11 this year to commemorate it. They intend to place the steel beam from the World Trade Center prior to that. He will have a more definite time and date at the next Board meeting.

Trustee Zachary reported that Buchanan Day is coming along great. They are extending the hours this year. It will be from 11 AM to 6 PM. There is going to be a band at 4 PM. You might think of it as the Buchanan Day "After Hours Party", from 4 PM to 6 PM. They are adding some things that should make it a lot of fun.

Trustee Zachary reported that he would like to mention to the Board about bringing up some questions about the Recreation Fund. It is more restrictive. He would like to know what people thought about how they would like to see it used or not used. Mayor Murray noted that Village Attorney Porteus gave us the interpretation of the legislative intent of that law. Trustee Zachary commented that it is currently for new facilities. The Mayor noted that it also included expansion of existing facilities. Trustee Zachary commented that they could rewrite how it is spent. He does not want to see it used for things like fixing a broken gate. He wants it to be used wisely and for something to benefit the residents of the Village. It is not to ease our budget. He is looking to see what things would enrich the community for our residents and how to use it wisely. He wanted to put this out to be discussed at the next Workshop meeting.

Trustee Jackson had nothing to report.

Trustee Funchion reported that he has been away so he had a matter that he did not know whether or not it had been taken care of. The Mayor advised that it was not. Trustee Funchion brought a letter from Gary and Karen Ritel (*sp?*) stating that somebody on Seward Street has left two dumpsters there for quite some time. It is going to be an issue that is going to be discussed. Trustee Funchion commented that on the surface, it does not look good. It is an abuse by the land owner. Trustee Funchion was not sure if it is in the Village Code. There was a picture

enclosed in the letter but anyone can take a ride up to Seward Street to see it. He commented that it sticks out like a sore eye. It is like many things that have been discussed about keeping the Village looking good and getting things that make it look bad, like garbage and debris, and dealing with it right away. He hoped they could answer the concerns of these residents. Mayor Murray advised that currently we have no prohibition on dumpsters or prohibition of temporary structures on your property. The letter mentioned one dumpster and one of the temporary pods that have been there for over one year. Our Code does not allow us to force anybody to take it away. The issue would be the definition of a temporary structure. It would be to determine whether a pod is a temporary structure or not.

Trustee Zachary noted that our Code does not allow accessory structures in front yards. Mayor Murray advised that it was not classified as an accessory. It is classified as temporary. Trustee Zachary believes that there are State codes covering this. Mayor Murray wanted to have the Village Attorney research the law a little more and have the Building Inspector speak to the property owner and possibly come to an agreement before we change laws. The Mayor feels that we have plenty of laws. Instead of writing a law for each individual occurrence, it would be better to reach out to the property owners. We received this letter on July 27. Trustee Zachary commented that he drove by there the other day. The dumpster is gone but the pod is still there. The Village Attorney is going to get the legal interpretation, what the permanent and temporary structure would be, and how that would be classified. The Mayor directed the Village Administrator to have the Building Inspector speak with the property owner to see if we can remedy this before we have to start writing new codes.

Trustee Knickerbocker noted that the Board had a discussion about pods a while ago. The Mayor commented that this came up last month concerning a dumpster on Route 9. We had the Building Inspector talk to the property owner about it and they removed it. We just do not want to write laws for everything. Trustee Knickerbocker commented about having a pod. She commented that we can understand if somebody's basement flooded, for example, and they need to use the pod. If we are going to allow pods in the Village, she wanted to know what would be the time frame they would be allowed. You can have them but you cannot keep them year after year. She would like to discuss this at a Workshop.

Trustee Funchion commented that his main concern was that he wanted to let these individuals know that we are looking at it. If you look at the picture of the pod, it is just an international shipping container. He asked, "What if everyone in the Village starts putting these on their property?" The Mayor agreed. He wants to get the interpretation back from the Village Attorney and have the Building Inspector speak to them before he responded to the people. He wanted to put it in writing because they put it in writing but did not put their phone number on the letter. The Mayor wanted to get the information from them before he replied to them. Trustee Funchion advised that he was away for ten days and wanted to know that it is being worked on. That was the important thing.

Trustee Funchion reported that he is working with the committee on Buchanan Day. It is going forward. This year he is specializing in bringing the Ambassador Wolves over. It will be a good time. He thinks the kids will really enjoy it. It is also for a good cause because they raise wolves and return them back into their natural environment.

Trustee Knickerbocker reported on Buchanan Day. She wanted everyone to understand that it is not just for a certain group of people. It is our community day. It is day to get together as a community. It has been dubbed “Buchanan Family Day” but it is for everyone. Later in the afternoon, there will be a band that plays music from different eras. The name of the band is “Over the Top”. They are pretty well known in the area and have a good following. She is looking forward to doing the different things they have planned this year.

Trustee Knickerbocker reported that she had the pleasure of spending the day with the Buchanan Seniors. They went to the 9/11 Memorial in Manhattan. It is the first time she has seen it. It was quite an emotional day. It is hard to fathom what had happened at that spot. It touched her and all of the Seniors. It is a beautiful tribute to all the people who perished that day. She encouraged anyone who ever gets the opportunity to go there to do so. It is a beautiful, peaceful place. It was so powerful to be there and also to see the rebuilding of that area. Trustee Knickerbocker commented that as always, she enjoyed spending the day with the Seniors. They went on to the South Street Seaport and the Vietnam Memorial after that.

e) Mayor’s Report

Mayor Murray reported that he attended the dedication of the Town of Cortlandt Veteran’s Memorial in the area of Steamboat Dock. It was in conjunction with the American Legion Post 1030 at 6th Street. It is a great memorial. Right next to it, they are putting in a park for kids. The money was donated by the State. If anyone gets a chance, they should go there and see it. It is dedicated to everybody who put on a uniform, not just an individual war or conflict. It is for everybody who helped defend our country.

Mayor Murray reported that he went to the VA and spoke to representatives. For many years, they have been trying to have programs to help the homeless Veterans and their families to get housing. They have a program called the HUD VASH Program. It is subsidized through HUD and sponsored through the VA to get people back on their feet and help families. It is money that comes from the government. The people who occupy them have to have income so it is not a giveaway. It is for people coming back to a normal life. The Mayor advised if people have spaces or apartments to rent, they can contact the Village, his office or the VA. He is going to leave some pamphlets downstairs if people want more information on it.

6. COMMENTS FROM THE FLOOR:

Jennifer Daily, Village Justice, noted that that Mary Chapyak Pernicone, the Acting Village Justice, was also present with her. Ms. Daily wanted to fill in some of the blanks regarding

Michele Sclafani who will be our new Court Clerk. She wanted to thank Gail Gmeiner who was the Court Clerk in the Village of Buchanan for 15 years. She did a fine job for us and they wish her much luck in the future. Michele Sclafani is coming to us from the Town of Kent in Putnam County where she is the Senior Court Clerk. She has many years of experience. She was in on Friday and met Chief Tubbs, Village Administrator Hay and Officer Guida who will be the new Village Prosecutor prosecuting the cases starting in September. Michele will be working with him. There was no overlap with the outgoing Court Clerk because it did not work out budget-wise. Michele comes to us at a much reduced salary from the previous salary that Gail was working under. We were able to secure her through Judge Apotheker's office. He is our Supervising Judge for the 9th Judicial District for the Town and Village Justices. He oversees all the courts in Dutchess, Putnam and Westchester Counties. He sent out an e-mail. We only had two applicants for the position and she was the better applicant. We are lucky to have her. She starts officially tomorrow night. It will be a seamless transition. It seems like the court system that she uses in Kent is the same that we use here. All the filings are the same. It is mandated by the State and it should be no problem.

7. BOARD MEMBER REBUTTALS:

None

8. ADJOURNMENT:

At 8:10 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.