

**Village of Buchanan  
Mayor & Board of Trustees  
Village Board Meeting  
May 6, 2013**

**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

**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:** February 19, 2013 Workshop; March 12, 2013 Workshop; April 2013 Organizational Meeting

February 19, 2013 Workshop: Trustee Zachary amended page 12, under Leaf Pick Up, sentence 2, to insert the word “why” before “we”. A MOTION to approve these Minutes as amended was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

March 12, 2013 Workshop: A MOTION to approve these Minutes as read was made by Trustee Jackson, seconded by Trustee Funchion with all in favor.

April 2013 Organizational Meeting: A MOTION to approve these Minutes as read was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

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

There were no comments.

**4. NEW BUSINESS:**

- a) **13-11 RESOLUTION SETTING A PUBLIC HEARING REGARDING AN AMENDMENT OF THE FEE SCHEDULE TO REFLECT AN INCREASE IN WATER RATES.**

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

Mayor Murray commented that as was discussed during the last two Public Hearings for our budget, our water rates have not been increased since 2008. We have several different fees for water based on usage. The lowest usage fee is proposed to remain the same. The fees would be increased on those who use the most water. A year or so ago, we changed the Code so we could change the fee schedule by Resolution. But since we had discussed it in the public meeting and it was part of our budget, and because we said that we are going to have a Public Hearing, we are going to follow through with that even though our law allows us to do it by Resolution. The Mayor hopes that people will come out and discuss any issues they may have with raising the water rates. During the Public Hearing we will have all the different water rates - what they are now and what they are proposed to be - if anybody has any questions about that.

Trustee Zachary noted that also as discussed at the last couple of budget meetings, we have incurred a lot of expenses due to water main breaks and other water supply issues. This is primarily to recoup those expenses. At this point in our budget, we need to make up that money if we can.

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

**b) 13-12 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER SEASONAL HELP.**

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

Mayor Murray noted that as the Board can see on the Resolution, all of their applications and resumes have been supplied. It was one of the requests/questions we had when we were hiring seasonal and part-time employees. All of these people have worked for the Village before. The Mayor noted that it has been the custom of the Village that people who have been employed with us before and had a satisfactory work history with us would be hired back if they so desired.

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

**c) 13-13 RESOLUTION AUTHORIZING THE EMPLOYMENT OF RECREATION STAFF (POOL)**

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

Mayor Murray advised that there is a letter from the Recreation Supervisor recommending these people. She also supplied us with the schedule of the hours and dates for the pool operation, which the Mayor read. The pool will close any time the temperature drops below 70 degrees.

Trustee Funchion noted that all these people on the lifeguards are at different rates of pay. He wanted to know if that was because of the different experience they had. Village Administrator

Hay advised that was correct. Sometimes if they come back, they get a 50 cent increase. Trustee Funchion wanted to know why we pay lifeguards less than we pay the Highway Department employees. The Village Administrator advised that the Recreation Supervisor did a study on what other municipalities pay lifeguards and this is at the going rate and why we left them as they were. Village Administrator Hay commented that he had the same question. It is the competitive market rate. Mayor Murray wanted to know what the minimum wage is. Trustee Knickerbocker advised that it is \$7.25 per hour. The Village Administrator noted that he had asked that of the Recreation Supervisor. She advised that it is not for seasonal employees. The Mayor directed the Village Attorney to check that. He is not clear if we are allowed to pay people less than the minimum wage.

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

**d) 13-14 RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND INTER-MUNICIPAL AGREEMENT WITH THE TOWN OF CORTLANDT FOR THE USE OF THE NORTHERN TIER TRANSFER STATION**

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

Trustee Funchion asked the Mayor to explain for the benefit of the public what the transfer station is and its function. Village Administrator Hay advised that it is the spot where we drop off paper, glass and plastic recyclables. The Town hosts the spot for the County's transfer station. We dump there. The County picks it up from there and trucks it down to the materials recycling facility in Yonkers. It makes it easier for most places to have a central spot for the County to pick up from instead of from multiple municipalities.

Mayor Murray wanted to know, from reading the agreement, what else we drop there in addition to our recyclables. The Village Administrator advised that we drop only paper, glass and plastic. That fee is from the County but it also says that there is no tipping fee from the County for paper, glass, metal and plastic. The Village Administrator advised that there is a tipping fee for yard waste materials. We do not dump that there. The Mayor wanted to know what this tipping fee is that we are paying. The Village Administrator advised that it is for the cost of the Town maintaining the station there. The Mayor wanted to know if the amount we are paying per this agreement is called a tipping fee or a usage fee. Trustee Zachary wanted to confirm that it was a monthly rate. The Village Administrator confirmed that it was. Trustee Zachary noted that the fourth "Whereas" in the Resolution gives specific dates for when the fee is in effect but is worded in a way that gives the impression of it being an annual fee. Mayor Murray wanted to know how much we currently pay. The Village Administrator did not have the information present. The Mayor directed that in the future whenever the Board at a public meeting will be discussing entering into a contract or the payment of fees, all the information must be available for anybody who may have a question. Trustee Zachary wanted to confirm that we are currently

paying a monthly fee even if it will be increased in this agreement, and that we are coming out of our current agreement which has expired. The Village Administrator advised that was correct. Trustee Zachary noted that he just signed a voucher for this today and he recalled that it was this amount or close to it. Mayor Murray noted that this agreement started in March. Mayor Murray directed the Village Administrator to supply him with the information tomorrow before he signs this.

Trustee Zachary wanted to know if we are confident that we will be able to deal with our own organic waste. The Village Administrator advised that we reuse the compost in various projects like the ball field and other projects.

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

**e) 13-15 RESOLUTION AUTHORIZING UNPAID WATER CHARGES TO BE INCLUDED IN THE TAX BILLS**

Mayor Murray read the Resolution (copy attached).

Mayor Murray noted that this is a yearly event for us. A lot of the names that are on this list are the same names as last year, the year before and the year before that. These are not for the recent water bills which are due this week. These are for last year's charges. The people on this list have had ample time. The Mayor wanted to assure residents that if you are a couple of weeks late, you can still come in and pay. These are not for this recently past water billing period.

Trustee Jackson wanted to know where we get the penalties from. The Village Administrator advised that those are set. They are a percentage of what is due. Trustee Jackson wanted to know if that fee has increased, or if not, how long it has been the same. The Village Administrator advised that it has been the same for probably as long as we have had it. It is usually 5% for the first month and 1% for each month thereafter. Mayor Murray advised that there is a maximum of 12% per annual fee. He advised that we can look at changing any penalty that we want but we have to change our Code. We cannot arbitrarily do that. We also have to check with the State because there may be a maximum that we can charge. For the property taxes, we cannot change that to 1% per month. We are not even allowed to waive that. So if we wanted to change this penalty, we would have to do more research on it. Trustee Jackson wanted to confirm that this is the penalty for being late. The Mayor advised that was correct.

Trustee Zachary noted that he knows that one person on this list is deceased. He wanted to know how that gets dealt with. Mayor Murray advised that it goes to the person who pays the property taxes. Village Administrator Hay advised that they pay it when it is sold

Trustee Zachary wanted to know if there is any way to do this automatically on a yearly basis or does it have to be done this way every year. The Mayor advised that we do it every year. He

does not really see a reason to change it. We would have to review what our law says. We would have to pass a Resolution to have any type of penalty. The Mayor commented that as with any of our laws or Code, if any Board member thinks of a better way to do it, we can review the Code, change it and change the fee. Trustee Zachary commented that he was thinking in the future a rewording of that part of our law would let it take effect automatically. The Mayor commented that it is always good to review all the information before we start billing the tax payers.

Trustee Jackson wanted to know what our notification process is in terms of letting people know they are late and in arrears. Mayor Murray advised that all the residents receive a bill. The Village Administrator advised that we do not send out second notices. The Mayor commented that to send out extra notices and keep track of that would use up a lot of person hours in the Village office. We do not have a process other than billing. The Village Administrator advised that they do get a second bill. After that it goes onto this list. So you would have gotten two bills. The Mayor noted that technically, it is three; two of which are past due. He advised that these are for last year. We are billed every six months. We just recently received the bulk bills. They would have received at least three bills prior to this notification. Trustee Jackson commented that there is ample notification. The Mayor commented that he would hate to use Village resources to send out another bill to tell people that they did not pay the other bills. He believes that some people just allow it to be put onto their tax bills because a lot of the names are the same ones since he became a Trustee in 2008.

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

##### **5. INFORMATION FROM OFFICERS AND DEPARTMENTS:**

a) Justice Court Report – February & March 2013

Received

b) Wastewater Reports – June to December 2012

Received

c) Zoning Board Minutes – December 12, 2012

Received

d) Planning Board Minutes – January 17, 2013; February 21, 2013

Received

e) Fire Inspector Report – December 2012 to April 2013

Received

f) Police Reports – January 2013 to April 2013

Received

Mayor Murray asked for comments on all the reports. He noted that some of the minutes were very old. Some go back as far as June 2012. It is titled “Monthly Reports” so we should be receiving them monthly. He understands that sometimes there are issues with the Zoning or Planning Boards and that sometimes they do not have a meeting. We should be getting the Wastewater, Fire Inspector and Police Reports every month. He directed the Village Administrator to remind the department heads that we should be getting these reports monthly unless they want to change the title to quarterly reports, in which case we could work something out.

g) Attorney’s Report

Village Attorney Porteus advised that she had nothing to report at this meeting. She does have a couple of things to discuss that she feels are better suited to the Workshop meeting. She will discuss them there. She reported that there was one applicant before the Planning Board and one before the Zoning Board.

**h) Trustee’s Reports**

Trustee Zachary thanked everybody for their participation in the Clean Up Day that we had a couple of weeks ago. It is the first time we did it and he was not sure what the turnout would be and how it would go. He felt that it went better than expected. We had 24 people including Mayor Murray and Trustees Funchion and Knickerbocker. Some people who responded did not come and others just showed up that day. He noted that we actually pulled two dump trucks full of garbage from Lent’s Cove Park including a lot of stuff that had washed up in storms, truck tires and pieces of dock. Trustee Zachary could not believe some of what was carried out along with the bottles, cans and plastic bags. He was very pleased. Afterward, it was like a litter free trail and park. He especially thanked the Fire Department Explorers who came and helped out. They contributed some “muscle power”. He thanked the Highway Department. There were a lot of large objects and it would have been too much without their being there with the dump trucks and all their help. Trustee Zachary thanked everyone involved.

Trustee Jackson reported that as we are going into the spring and summer, he wanted to remind everyone as he did last year that kids need to wear their helmets when riding around the Village streets. He did not know if we put it in the Newsletter. Mayor Murray noted that we had asked the Police Chief to put it in last year. We did not remind him this year. Trustee Jackson wanted to remind all the residents that as we are going into the summer again, to make sure they get the

helmets on. Not only because it is a State law but because we want them to be safe in the Village and it is a concern to all of us.

Trustee Funchion thanked Trustee Zachary for creating the idea of the park Clean Up Day at Lent's Cove. He thinks it went off very well and that it was a very good idea. He hopes that the community will use Lent's Cove now that it is cleaned up. It has been used by a lot of people who do not live in Buchanan. He commented that it is remote but it is a very pretty place to go. It was not only cleaned up but it brought community involvement which Trustee Funchion feels is very important.

Trustee Funchion reported that the third annual Buchanan Day is coming up. The committee has had one meeting already. The next meeting will be on May 29 at 7 PM at the Highway Department building. Trustee Funchion encouraged everybody to come out. They are trying to make it better every year. They hope to have a really nice one this year. It is tentatively scheduled for September 28 with a rain date of September 29. He would like to see everybody come out.

Trustee Funchion reported that the Town of Cortlandt will have their Memorial Day ceremony on Friday, May 24 at Noon. He would like to see as many people come out as possible. Town Supervisor Linda Puglisi has a very nice day there. He hopes the weather will be nice.

Trustee Knickerbocker reported that on April 12 she attended a meeting in White Plains concerning the New York State funding seminar. It was information on securing grants through the New York State funding process. It was more about streamlining the grant process. We got an e-mail from Representative Nita Lowey. She will be sending out a monthly grants newsletter. She had two web sites where we can look to see what grants are available. Trustee Knickerbocker is going to be watching that and looking to see what will fit in the Village. She will keep everybody up to speed on what kind of money may be out there for us.

Trustee Jackson reported that last week, he and the Mayor attended a briefing where we had the opportunity to brief Representative Nita Lowey's staff on some of our concerns relating to the Veterans Nursing Home at the VA in Montrose. Trustee Jackson wanted to make sure that all our residents who are veterans get a Veterans Medical Card. We need all veterans in the Village to register even if they have their own medical insurance because a lot of the funding that goes to the facility in Montrose is based on the amount of veterans in the Hudson Valley. That was one of our major concerns at the meeting. Trustee Jackson wants to make sure that everybody who is a veteran gets a medical card so we can make sure that those facilities stay open for those veterans coming home from Afghanistan and Iraq. It was a good meeting. He said that we established a liaison with Representative Lowey's staff and he hopes to continue that relationship to get support for not only the veterans in the Hudson Valley but across the nation.

#### **i) Mayor's Report**

Mayor Murray commented that he was not sure if the Trustees get the same e-mails he does. He advised that there is an upcoming conference called The Green Infrastructure being held on May 15 in White Plains. It concerns cost comparisons on conventional and green maintenance, storm water management and a whole host of things. The Mayor noted that the Board had talked about the different technologies like LED lights. He believes the conference is free. You must RSVP by May 8. The Mayor advised that the Village Administrator has access to his e-mail. If anybody wants to go, they should ask Village Administrator Hay for the information.

Mayor Murray reported that the Board received a letter from the Police Chief requesting that he be allowed to send Patrolman Shane Farrell to the Juvenile Officer's Conference in Geneva, New York. We have not had a Juvenile Officer in the Village for a long time. Some of the State laws have changed concerning how you have to deal with juveniles. The Mayor commented that it is no longer just take them in and talk to them. There are a lot of laws and you have to treat juveniles differently than adults. The Mayor wanted to let the Trustees and the residents know that he approved the Police Chief's request. The cost is \$1,000. The Mayor feels that it is money well spent to help safeguard the Village from any repercussions, such as legal repercussions in having cases thrown out. It is valuable training. You have to deal with people certain ways. The Mayor feels that it is best for Patrolman Farrell to go to be briefed on what the new laws are and how to take care of things. It is in the training budget.

Mayor Murray reported that he spoke to Town Council people in the Town of Cortlandt. The Cortlandt Youth Center is available to all residents of Buchanan. They feel it is underutilized. Any of the residents in the Village of Buchanan should feel free to go down there. Call the Town office for the hours it is open. It is right down by the Cortlandt train station. There is a climbing wall and a lot of activities. The Mayor would like to see residents be able to use it. It is a resource that is available to us. Any resource we can use to help our youth is valuable. Trustee Knickerbocker wanted to know if we can put it in the Newsletter and on the Buchanan Channel. The Mayor directed to have that done.

Mayor Murray reported that he attended Remembrance Day at Buchanan Engine Company on April 28. It was in our Newsletter. Buchanan Engine Company puts together this event to honor the memory of all the residents who had volunteered their time on behalf of the residents of Buchanan. There was one line of duty death in 1961. They always read the names and tell some stories about them. The Mayor commented that it was not well attended this year. Only three members of the public were present. The Mayor was very disappointed that none of the elected officials showed up. He had announced it at a Workshop and it was in the Newsletter. He does not think that it is right that the elected officials not spend an hour every year to say thanks for the people who volunteer their time for the community. The Mayor commented that in the future, he would appreciate it if the elected officials would attend these types of events. Trustee Knickerbocker noted that she has attended every one of them but this time she had to work. She likes to support the community and the Fire Department. Unfortunately, she missed this one.

Mayor Murray reported that the Ladies of Mount Carmel will have their second annual Veterans Picnic. It is open to any veterans and their families at no charge. It will be on May 19 from 1-5 PM at the Lady of Mount Carmel Society on 8<sup>th</sup> Street and Highland Avenue in Verplanck. Last year, 400-500 people attended. The 42<sup>nd</sup> District Veterans Hall of Fame has had two classes inducted. The travelling wall has been there. Any veteran or active duty personnel and their families are welcome to come down and eat all they want. It will be the day after Armed Forces Day. Come down and see veterans from all different periods from World War II up to having just been discharged.

Trustee Knickerbocker wanted to know if they are looking for any food donations. The Mayor advised that not as yet. They received a lot of donated food. They will be meeting next week to determine what they will need from the vendors. The Mayor knows that Trustee Knickerbocker has always asked to participate in that and he will get the information to her as soon as he has it.

Mayor Murray wished everybody a Happy Mothers' Day.

The Mayor announced that the Town of Cortlandt will have their Memorial Day service at the Town Hall on Friday, May 24 at Noon. It is usually well attended.

**6. COMMENTS FROM THE FLOOR:**

There were none.

**7. BOARD MEMBER REBUTTALS:**

There were none.

**8. ADJOURNMENT:**

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