

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
June 3, 2013**

PRESENT:

Mayor Sean Murray

Trustees Theresa Knickerbocker, Nicholas Zachary and Duane M. Jackson

Village Administrator Kevin Hay

Village Attorney Stephanie V. Porteus

Village Board Secretary Susan F. Matthews

ABSENT:

Trustee Richard A. Funchion (vacation)

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.

Mayor Murray announced an addition to the agenda. There will be a presentation by CCVAC who are donating an AED for use at the pool. The Mayor commented that it is very important to have an AED and people who are trained to use them in case of emergencies. The pool is used by our Seniors and young children, especially during the summer camp. It gets hot. A lot of people can be under stress but not be aware that they have an underlying medical condition. These AEDs are very important. The Mayor noted that they are very expensive. We appreciate CCVAC donating this to us through their Community Outreach program. He introduced Kathy Stewart of CCVAC.

PRESENTATION BY CCVAC:

Kathy Stewart said that part of what they do at the CCVAC is a very robust Community Outreach program. She described their various programs. One is called Keeping The Beat where every year they donate two defibrillators to organizations in the community who have gatherings of groups of people. She noted that a few years ago they donated one to the Village for use in the Community Room here at Village Hall. They also donated one to the Charles Cook Pool in the Town of Cortlandt. This time they are donating to the Village of Buchanan pool, and to the Trinity Boscobel Methodist Church because there is a nursery school there. She explained that we will now become a public access defibrillation site. Ms. Stewart presented the unit to the Mayor. Mayor Murray expressed the appreciation of the Village. This equipment has saved many lives. He noted that we have had residents who have needed it and that we have

people who used it and learned CPR. He commented that we have an older population within our community and neighbors helping neighbors is what we are about in this community.

3. APPROVE MINUTES:

April 8, 2013 Budget Hearing: A MOTION to accept these minutes as read was made by Trustee Jackson seconded by Trustee Zachary with all in favor.

April 16, 2013 Workshop: Trustee Zachary had a question on the water rates on page 9. Village Administrator Hay confirmed that they were correct. Trustee Zachary added for clarification after each rate that it is “per 100 cubic feet”. Trustee Zachary amended page 10, last paragraph, to change “middle range” to “lowest range”. Trustee Knickerbocker amended page 11 to change “spend” to “save”. A MOTION to accept these minutes as amended was made by Trustee Zachary, seconded by Trustee Knickerbocker with all in favor.

April 29, 2013 Special Village Board meeting: Trustee Zachary amended page 5, last paragraph, add for clarification “per 100 cubic feet” to each water rate. Trustee Zachary questioned page 6, second paragraph, if it should be “three highest” instead of “two highest”. Mayor Murray advised that the Village Administrator clarified this to him subsequent to the meeting but that the minutes do accurately state what he said in the meeting. A MOTION to accept these minutes as amended was made by Trustee Zachary, seconded by Trustee Jackson with all in favor.

May 6, 2013 Regular Village Board meeting: Trustee Zachary amended page 2, paragraph 6, change “Trustee Zachary abstaining” to “Trustee Zachary recusing himself”. A MOTION to accept these minutes as amended was made by Trustee Jackson, seconded by Trustee Knickerbocker with all in favor.

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

None

5. NEW BUSINESS:

a) PUBLIC HEARING: AMENDING THE FEE SCHEDULE TO REFLECT AN INCREASE IN WATER RATES

At 7:42 PM a MOTION to open the Public Hearing was made by Trustee Knickerbocker, seconded by Trustee Zachary with all in favor.

Mayor Murray asked for any comments from the public. He noted that the Board has spoken about this at prior meetings and Workshops. We do not need to have a Public Hearing for this fee change because two years ago we passed a law that we could change our fees by Resolution. There was a misinterpretation of that when we were talking about the fee schedule. Because we had announced that we were going to hold a Public Hearing to increase the water rates, the Mayor felt it was in the best interest to continue with that even though it was not required. He asked if any member of the public or member of the Board would like to comment on this, they could speak at this time or if they liked, wait until the time of the Resolution.

Mayor Murray advised that we have discussed raising our water rates at several of our meetings. We have incurred increased costs through our labor costs and some water main breaks that we had to offset. The fees have not been raised since 2008. We want to bring our fee schedule and the amount that we charge for our water rates up to 2008 rates. With this fee increase, we are only going half way from what our increased costs are. Trustee Zachary wanted to know if we know how much money this will now save us. The Mayor advised that it will be approximately \$50,000. Our costs have gone up over \$100,000 from 2008. We had increased maintenance costs. A lot of maintenance was not being done. We had increased labor costs from our Collective Bargaining Agreement, the amount of hours that are required. We had to purchase a lot more water meters because the water meter style is an old style. We do not have money to transfer over to the electronic type. The older style is going out of manufacture so we had to purchase a lot of water meters so when it comes up, we can replace them. He commented that hopefully we can plan the replacement of that type of meter in the future. But we did not have the money to do that. Those are a few of the increased costs we have had since 2008. There has not been an increase in water rates since 2008. The Mayor commented that everything goes up and we have to be able to recoup what we spend. Trustee Knickerbocker noted that this money was also used when we had the water main breaks. The Mayor advised that last year we incurred \$85,000 in increased costs just to repair the mains and that is when we discovered that a lot of maintenance was not being done. We found that some of our equipment had not been replaced as far back as 1974. Each valve costs \$3,000-\$4,000 to replace and there are a lot of things that go into it.

Mayor Murray asked for any comments. There were none.

At 7:35 PM, a MOTION to close the Public Hearing was made Trustee Knickerbocker, seconded by Trustee Zachary with all in favor.

**b) 13-16 RESOLUTION APPROVING AN AMENDMENT TO THE FEE SCHEDULE
TO REFLECT AN INCREASE IN WATER RATES**

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

Trustee Knickerbocker noted that they talked about this at the Workshops and at Board meetings.

Village Attorney Porteus noted that the Resolution states that the water rates have substantially increased and the usages. She wanted to confirm that was correct and was why we were amending the fee schedule. Mayor Murray advised that we have had an increased cost in water consumption. It is not as much as what it was because we negotiated with one of our suppliers to reduce some of the cost. But that was after 2008. We are still being charged more for one than the other but we have a minimum amount that we have to take from one of our suppliers. Village Administrator Hay advised that it is 60% from the Montrose Improvement District and 40% from Peekskill. The Mayor believes it is a minimum of 200 million from Peekskill at a difference of three cents per cubic foot. Originally, it was approximately 52 cents but we negotiated down as a result of entering into a longer term contract which got us a more favorable rate. But that occurred after 2008. The Mayor recalled signing a contract in 2010 or 2011. So we did have to pay the extra money from 2008 until that new contract was signed.

Mayor Murray commented that he had a couple of questions as we are talking about doing the maintenance on the valves. Last year, we sat down with the Village Engineer and wanted to get the next valve replaced. We had set aside the manpower and had all the measurements. The Mayor wanted to know the status. Village Administrator Hay advised that we put \$8600 into the Water Fund in the budget to do that valve. We had gotten three quotes and that was the lowest bid. He spoke with the Village Engineer today. We are waiting for the new budget year to start to get the process moving forward. It will be scheduled very soon.

Mayor Murray noted that this increase in fees will recover only half of what we have lost in revenue from 2008. We can discuss this again next year during the budget hearing and bring it up to the dollar value we had in 2008. Right now, this should bring in approximately \$50,000. As stated, the lowest usage is not going to be changed. The first 1,000 cubic feet will still be \$35.00. A lot of people do not use a lot of water so we did not want to change the lowest rate. This is geared toward more of our higher users. The highest charge will be for over 25,000 cubic feet which would be our heavy users.

Trustee Jackson wanted to know if we are looking at a schedule to replace the water mains. The Mayor advised that we are not looking to replace them. We are looking to replace the water maintenance valves. The majority of them were not maintained. What we are doing is equalization calibration on the regulator part of them. The seats inside the valves had deteriorated to such a point that they were no longer maintaining pressure. They were equalizing pressure. When a user would come on-line, they would create a water hammer which would damage our pipes. The problem is the regulating valves, not our pipes. What we did last year was that when we incurred these types of water main breaks, we investigated it. We classified

two of the main ones that we felt were the biggest problem causing most of our water main breaks. We classified them as emergency. We went out and repaired them immediately. By classifying them as emergency, we have a little different leeway than going out in the bidding process. We could sole source it. We had a vendor who was available to do the work so that we would not incur any more cost from another water main break. Each break cost us \$20,000-\$30,000. The bigger the pipe, the bigger the problem is and it impacts our residents. We then went through a process of elimination on which ones had to be done first. We had that list together with the Village Engineer and the consultant on the water main pressure maintenance valves. We have that list in order of priority to be worked on. We have an issue with the size of one of our vaults and the type of replacement valve that we have. It will require some of our manpower. We had to negotiate with the vendor. He wanted to have his people do the labor part of it. We wanted to keep the costs down. He has agreed to use our manpower. He will be there to replace them but our people will be the manpower, so we were able to keep the costs down on the replacement of these valves. In some of these vaults, it is very tight. That is one of the reasons that they were not maintained. They are very difficult to work on.

We have an order of priority put together. After these are put together, we are going to have a maintenance plan. We came up with a way to balance the loads between different mains. But we have to have them replaced and it takes some testing equipment. We have to put on pressure indicators in different areas of our system to be able to monitor and balance the pressure. It is an on-going process. It one reason why the Water Fund is depleted and it is one of the reasons why our costs have increased so much.

Village Administrator Hay noted that the average bill will increase by approximately \$17.00 every six months. The Mayor asked if there were any other questions for the Village Administrator. There were none.

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

c) 13-17 RESOLUTION AUTHORIZING END OF YEAR BUDGET TRANSFERS

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

Mayor Murray advised that this is a yearly event. We do the best we can to allocate the funds where we feel they are going to be spent. Sometimes we do not spend everything in a line. Sometimes situations arise where we have to spend more, such as the water mains or increased snow fall or storms. For certain disasters, we have to lay out the money before FEMA gets to us. We have received some funds to reimburse us for manpower needed during some of the storms.

The Mayor noted that as can be seen, a lot of the lines have small amounts taken out. They generally go to the larger line where we had an issue with an overrun.

Trustee Zachary commented that he understands that it is a standard procedure to do this with the budget at the end of the year. He has picked out a number of the larger transfers. One is for \$24,000-plus. It is in the Fire Department. It is money coming out of the Reserve Fund. He wanted to know how we do that. He thought that was the fund that goes toward vehicle purchases. Mayor Murray advised that we have a \$25,000 dedication for the Vehicle Replacement Fund. Trustee Zachary wanted to know where that money is and if it is in the overall Fire Department budget. The Village Administrator advised that it is a separate line. The Mayor asked for clarification of what reserve fund Trustee Zachary was referring to. Trustee Zachary noted that they are the two largest items on the list of the budget transfers, second page. In the budget, it is 3410 on page 5. The Mayor advised that the reserve fund is a vehicle replacement fund. Trustee Zachary wanted to know how we are going to transfer out of that. The Village Administrator advised that he will get an answer. He advised these are not final. These do not take revenue into effect. We have to move this money around before the auditors come. They are due to come for their preliminaries in June. Trustee Zachary wanted to know if this means that the Fire Department still got their \$25,000 for their Vehicle Replacement Fund. The Village Administrator is sure that they did. Trustee Zachary commented that was the main thing that he wanted to know. The Mayor advised that we do not give them a \$25,000 check. We give them monthly installments. It is why we reserve that. This is a line where we designate \$25,000 for this budget. We do not give them a check. We supplement their monthly payments with this as well as the NYPA bill. We send them the NYPA bill and deduct it from this other expense too. He directed the Village Administrator to verify that. Trustee Zachary said that it is paid out of the main budget line for the Fire Department, line 460. The Mayor noted that it is the main contract.

Trustee Zachary noted another large transfer: line 5110 in the amount of \$36,000. It is Unused Sick Pay. The Village Administrator advised that it was the pay out for when Jeff Tiernan left. We do not budget for that. Mayor Murray commented that he did not want to increase the tax burden for a one-time pay out. He felt that he had relayed to the Board that it would be wise for a one-time pay out to be taken from the Reserve Fund. Once the one-time payout is done, we can recoup it in other ways. But if we raised taxes, it is not being budgeted correctly. Trustee Zachary commented that he just wanted to verify what the Unused Sick Time was.

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

d) 13-18 RESOLUTION DIRECTING A COMMENCEMENT OF ACTION

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

Mayor Murray advised that this is a property where the original owner died and the property was never transferred. There is a question as to who actually owns it now. We have had complaints from nearby property owners that part of the structure is failing. The porch is failing. The structure is unsecured. There are trees growing out of the foundation. There are a lot of public safety issues. In order to either repair or demolish, we must first authorize the Village Attorney to go to court to obtain a court order to allow the Village to do that. The Mayor commented that this seems to be an on-going issue with several properties in the Village. We are starting to take action on that. We are going to incur the cost of this remediation. We are going to put a lien against their taxes. We are discussing whether to sell the liens or how to collect them. We do not have a policy to collect liens. The Mayor commented that previous administrations did not feel it necessary, for some reason, to go out to the property owners who were endangering the health and welfare of the majority of our residents. That is not the way Mayor Murray wants to proceed. The Board is going to do whatever it can to make these properties safe within the Village. As they become aware of these neglected properties and safety issues, they are going to address them.

Trustee Jackson wanted to know how the repairs are made, once we get to that point. Mayor Murray advised that they are contracted out. We incur all the costs. Then we put a lien against the property owner. We have to go through the whole bidding process. We have a whole schedule that we have to abide by. If it becomes a large amount of money, we can sell the lien if we have a policy in place. A lot of municipalities auction their liens to private owners. The municipality receives what it laid out. People who own the property already or want to purchase it must then negotiate with whoever purchased the lien. The tax rates are extremely high as are the interest rates. We charge 17% the first year. After that, it is 1% per month. The Mayor commented that it is in the property owner's best interest to fix it themselves.

Trustee Zachary feels that we should be moving as aggressively as we legally can on properties like this. It affects the property values in general in the Village. He commented that when you go through the Village, almost completely you will find street after street of pleasant and well maintained properties. When you have something like this, it casts an impression on the Village as a whole and affects the property values. We should do everything we can to correct the situation with properties like this one. He commented that if you ask any real estate agent selling a house in Buchanan which way they are coming into the Village the answer is that they are coming in on Kings Ferry Road. They are coming in on that end because they do not want to drive past those buildings when they are showing properties in the center of the Village. So it does have an impact.

Mayor Murray commented that in previous housing markets, those houses were able to be turned over rapidly. Now it is not that easy to get a house and financing. A lot of these properties have gone into disrepair. We do not have a law on the books. The previous administration did not want to address it for one reason or another. Mayor Murray does not feel that is the best way to proceed. He commented that this is uncharted territory. The Village Attorney is doing a lot of research on it. We are communicating with other municipalities to see how they deal with it; who collects their properties; who auctions their liens; what process they go through. This is a new process for us. Hopefully in the next six months to a year, we will have everything down and it will be easy for us to take care of this. We are not the only municipality that has this issue. Several months ago, we passed a Resolution to endorse legislation put before the New York State Senate to make the lien holders or the mortgage companies who had foreclosed on properties responsible for their maintenance. There were certain statutes that the banks did not have to tell the municipality who owned the property. They did not have to give us very much information. It is not just Buchanan. It is all over. Trustee Zachary wanted to know if there was any progress with that legislation on the State level. Village Attorney Porteus will check on it.

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

**e) 13-19 RESOLUTION AUTHORIZING THE EMPLOYMENT OF RECREATION
STAFF (Camp)**

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

Mayor Murray advised that all these people were recommended by the Recreation Supervisor. He commented that some of our pay scales are not that generous but everybody is willing to work together to keep the cost down for our residents. The Mayor was glad to be able to obtain this many people.

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

**f) 13-210 RESOLUTION AUTHORIZING MAYOR TO SIGN CONTRACT WITH
BUCHANAN ENGINE CO. #1**

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

Mayor Murray noted that this is a \$10,000 reduction from last year's budget. As part of starting up the Explorers last year, there were some questions during the Budget Hearing and when we authorized last year's contract as to whether the Explorers would continue to cost \$10,000 per

year. Representatives from the Fire Department came and let us know that it was a one-time start up fee. It was mostly for gear and training material. They have followed through with that by reducing their budget by \$10,000 this year. The actual Operations budget remains the same as it was last year. The Mayor advised that the Buchanan Engine Company has agreed to the terms and conditions of this contract.

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

g) 13-21 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY

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

Trustee Zachary noted that the request includes “use of the municipal pool”. He wanted to know if the pool will be open to the public. Village Administrator Hay advised that the pool will still be open to the public. Trustee Zachary commented that there will be a lot of people and the pool has a maximum capacity. Mayor Murray commented that not all of them go swimming. He commented that it is always great to help out our volunteer organizations. The Peekskill Volunteer Ambulance Corps. responds to mutual aid calls in the Village. CCVAC is a very busy department. During the day time it is hard with a lot of people at work. The Peekskill Volunteer Ambulance Corps. does come down and helps transfer some of our patients. We have paramedic services with them. It is great to be able to help out those who help our community out.

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

h) 13-22 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY

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

Mayor Murray advised that every year the Town of Cortlandt Veterans come and we offer the use of our pavilion for their annual picnic. It is always good to be under the pavilion because it is a rain or shine event and there have been times when it is raining. Any Veteran who lives in the Village or Town of Cortlandt is invited to come out. It is great that we give them the pavilion for no fee. Everyone who attends there has volunteered to serve our country. There are a lot of good stories. The Mayor encourages Veterans in the area to come out and participate. Trustee Jackson commented that for the population of young Veterans returning, as demonstrated by the intake at the VA in Montrose, this is a good thing to have, in the Town and especially in the Village. He encouraged all veterans to come out, be supportive and have a good time. The Mayor commented that for veterans who never come or who have never

registered, if and when you do come you will be around a lot of people who have had the same type of experiences and issues. It is a great place to learn the type of resources available to you. You will be with veterans from WWII, through every conflict and peace time, up till the current deployments in Iraq and Afghanistan. The Mayor commented that he knows that a lot of people do not like to come out. They do not like to socialize with people they are not familiar with. But it is a place where you can get resources. It is very non-intrusive. You can just sit around, have something to eat and talk to people. You may find it to be very beneficial for you even if you just know somebody who might need services.

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

i) 13-23 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY

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

Trustee Zachary feels that the pavilion is a great resource and he is glad that we can make it available to people. He knows that we generally waive the fee for non-profits. He noted that the application from the Peekskill Volunteer Ambulance Corps. showed that a deposit was included. He wanted to know if it would be returned to them. Village Administrator Hay advised that it is a deposit. The agreement they made is that anybody who wants to use the pool will pay a minimal fee.

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

j) 13-24 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY

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

Mayor Murray commented that the Cortlandt Little League is open to all residents of the Village of Buchanan. By being able to give them the use of this facility for free, it helps keep down the costs of the operation of the Cortlandt National Little League. By not charging them, we can keep down the fees that Village residents would have to pay through the league's application fee or incidentals.

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

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – April 2013
Received

b) Wastewater Reports – January-April 2013
Received

c) Zoning Board Minutes – April 10, 2013
Received

d) Fire Inspector Reports – May 2013
Received

e) Mayor Murray thanked the Village Board Secretary for all the Board and Workshop minutes.

f) Attorney's Report

Village Attorney Porteus reported on the improper practices charges filed by Local 456. She previously advised the Board that a hearing has been set for Wednesday, June 5 in Brooklyn. A settlement agreement has been drafted which Village Attorney Porteus gave to the Board today. She and the Mayor had some discussions earlier today. She thinks the agreement is satisfactory, if the Board has no questions. Village Attorney Porteus advised that they had tried to work out an agreement prior to the volunteer day but were not successful. The volunteer day took place. Two union members were brought in but there was still a disagreement. Mayor Murray advised that the main disagreement was in a couple of terms that were used in the stipulations that the union wanted him to sign. One stipulation was that the union members would direct the volunteers. The Mayor did not think that was appropriate. Another term that the Mayor did not feel was correct was that the union was allowing us to do this at the sufferance of its members. He did not feel that the members were adversely impacted. We had brought in some Highway Department employees at the rate of pay set forth in the contract. When we offered that to the union prior to the commencement of the volunteer day at Lent's Cove, it was rejected by the union's Business Agent. The Mayor advised that he therefore did not sign it. We tried to negotiate with them but they would not communicate with us. They gave an ultimatum that the Mayor either signed it or they would take the Village to court. The Mayor did not sign. The union has since put forth an agreement that the Mayor feels we would have negotiated anyway. Basically, it gives us the terms and conditions that we wanted. The Mayor commented that we agree with some of things the union said. We agree that the general upkeep of Lent's Cove is a union position. The Mayor believes that is right and he never fought that. He did not like the two terms and conditions and feels that it is unfortunate that they could not have been negotiated out. They are no longer in the agreement. The Mayor commented that he had said that he would

not sign anything if those two terms were in there, which they are not. He did not want to go into Executive Session on this. Even though they have only had a few minutes to review it, the Mayor asked for the comments of the Board members.

Trustee Zachary noted that it says that the Village reserves all legal rights to host future volunteer activities. He wanted to know if that means they would follow the same criteria. Mayor Murray advised that we would approach the union like he did. He had approached the union and wanted to set something up. It was just the terms and conditions they wanted. Each day, if we were going to do something, would have different circumstances. The Mayor commented that this is not precedent setting. He asked the Village Attorney if she felt it was precedent setting. Trustee Zachary wanted to know if we do this again next year, do we follow the same criteria of having two contracted, covered employees at the volunteer efforts. Or if we do this at a future Lent's Cove Clean up Day, would it have to be renegotiated every year. Village Attorney Porteus advised that you could renegotiate it. She noted that however this is not doing it. We paid them and agreed to it. This is settling some other issues. Trustee Zachary commented that this was more a retroactive agreement to a previous event as opposed to a guideline for future events which would have to be discussed as they come up. The Mayor agreed. He commented that we do not have a cookie cutter for each situation. Each situation is different. This is outside the Collective Bargaining Agreement. As part of the contract negotiations, we may want to have some language put in to cover this. This is not a covered event per our Collective Bargaining Agreement. The union's position was that it was something that goes on as a past practice that they have been able to negotiate with other municipalities. They felt that it was a protected right not to allow us, or to force us to their terms and conditions. The Mayor did not agree. We felt that we had case law on both sides. We were willing to go to bat for it. Because we have basically come to agreement on what the terms and conditions were, the Mayor did not want to waste our resources or the union's to have a judge tell us what we already asked for. The Mayor noted that he does have a little bit of an issue of a retroactive. He has directed the Village Attorney to contact their attorney if they can switch those words around a little. The Mayor commented that if the Board does not feel it is feasible, if it is too much of a conflict to change it, he will capitulate and allow it to be retroactive. If the Village Attorney can get that sentence changed a little bit, it will be more palatable. If not, he will sign it unless any Board member feels otherwise. Trustee Zachary wanted to know where it says retroactive. The Mayor advised that it is not retroactive. But if you look at the date, it says April 20.

Trustee Jackson thanked Mayor Murray for his position on this and for sitting down with the union and doing something that goes on in many areas of our region where we do volunteer work and it involves the Sanitation people who are employed by the Village. He is also glad to see that the [union] Local has come back and made appropriate changes in this. It is a joint effort in not only keeping our community clean but it brings community spirit. He is glad to see that the

union has taken a different position. He applauds Mayor Murray in his efforts to see that the Village gets a square deal.

Trustee Knickerbocker commented that we are talking about this here but she does not know if the public understands what transpired here. She explained that we had a volunteer day at Lent's Cove. We had people come in on the Earth Day who were willing to come in to a community event and clean and pick up garbage. We had two of our Highway Department employees come in. They wanted two employees. There was an agreement that they would be paid double time for the day. It was not that we were taking work away from our employees. We know that it is their job and that they clean up the Lents' Cove area. What happened after that was even though we had our employees there and they were paid, there was a charge against the Village of improper practices even though all the payments had been done.

Mayor Murray advised that was not exactly correct. He advised that he had approached the union. They got back to him on a stipulation that they wanted him to sign. We gave them a counter offer. They did not want to change any of the terms and conditions for the reasons he gave; just those two stipulations that he wanted taken out. He noted that obviously you cannot file charges before the event or before the perceived violations had taken place. They contacted us again on the Monday or Tuesday. They told the Mayor to sign the same agreement or they would take it to court. The Mayor advised that he would not sign it retroactively and that he wanted those two words changed or taken out. They told the Mayor that if he did not sign, they would take us to court. That is why the charges were filed after the event. The pay scale was not an arbitrary number. It is a negotiated pay scale stipulated in the contract. We did not have any say over what that was. It is governed by the Collective Bargaining Agreement. Where we had an issue was that the Mayor did not feel that this was a covered activity in accordance with our CBA. They feel that it is. There is case law both ways. It is why the Mayor was willing to negotiate. Part of that was getting paid. The Mayor commented that he has stated why he wanted he wanted them there. It was to operate the equipment. We had people there who were in their teens and younger. They needed some help doing some things such as pulling out tires. They could go through the bushes and identify stuff but we had our employees doing a lot of the heavy work. They were operating the vehicles. If people spent three or four hours there, we would have two or three dump truck loads of stuff. He did not want it scattered all over the parking lot. He wanted it removed immediately. In order to do that, we needed our people to drive the trucks. When the event was over, we stopped paying them. We did not say that we were going to pay for a fixed number of hours and only have them there for fewer than that. The Mayor commented that there were reasons why he felt it necessary to have our employees there. We supplied the gloves and the bags. We needed somebody with access to the Highway Department. The Mayor did not want to have that pre-staged down there on the Friday because they could have been stolen. There were some logistical issues. We did not have them all day. That was one of the things the Mayor had agreed to in the beginning. When we sat down and

talked to the union, they gave us the reasons why they thought they should have some people there. The Mayor thought that they were valid reasons which is why he agreed to them. He did not agree to the other terms and conditions. He remarked that was the hard part.

Trustee Knickerbocker commented that there was a lot there. That is why she felt some clarification was needed. Mayor Murray commented that there are a lot of day to day things that go on. He remarked that he knows he is not always the best communicator. There are a lot of things that go on in our day to day business. There are things that require immediate decisions or authorizations. He commented that it would be much too cumbersome to try to contact each Board member. He noted that it is actually unethical. If he were to contact each Board member when something came up to spend our money, it would be a violation of the Open Meetings Law. If this were to come up on a Thursday, we could not have a public meeting and sit down in Executive Session to hammer out an MOA to the contract. When someone says that he does not communicate all the ins and outs of all the daily activity of the Village, it is not because he does not want to or is trying to keep things secret. It is one of the reasons we did not enter into Executive Session to discuss this. It is why we discuss these things at public meetings or in the Workshop; so that it is open and above board and communicating with all the elected officials, staying within the conditions of the Open Meetings Law. Trustee Knickerbocker is glad it has been resolved.

Mayor Murray advised that the Village Attorney is going to try and change it. If we cannot, he will authorize it. He had stated at the couple of other meetings he wanted to go to court and get a judge's decision. But sometimes it is better not to waste resources to do that. He commented that costs are so high because some people do not negotiate.

g) Trustee's Reports

Trustee Zachary reported that he is happy that Lent's Cove Park is clean. It looked so much better when he walked out there afterward. He commented that our Highway Department does a lot of work there, landscaping, maintaining the ball field, picking up garbage; a lot. You cannot expect them to go out every time there is a storm and sweep the beach. It is just not practical. It is a good community event. Trustee Zachary was thankful to everybody that it got done. He thanked Village Administrator Hay and the Highway Department for promptly putting up a sign asking people to carry out their own garbage. He feels that may help a little. It will make people more aware that other people use the park.

Trustee Zachary wanted to reach out to the public concerning the budget. He commented that having completed the budget process, at the last Workshop he brought up the issue of the Village and long range planning. It is not always convenient or easy. He feels that it is something we need to do and something the he will try to keep as a topic of discussion all the year long. He

believes that most of the Board is in agreement with the need to do various aspects of that. He wants to ask the public to share their opinions. If they have any thoughts about what the Village should be doing as far as long range planning, recreation, budget, and services, the Board would like to get the feedback of what the residents think, other than the few people who show up at the meetings at times. You can send an e-mail, make a phone call or put a note in the Board's boxes at Village Hall. The Board would love to hear those comments.

Trustee Jackson thanked all the participants in the Tri-Village Memorial Day parade. They had perfect weather. There was a nice crowd. Everybody was very festive. Memorial Day is for those who did not come home. We keep their honor and their sacrifices on our behalf, up front. Freedom is not free. Trustee Jackson commented that it was great for the participation for not only the citizens of Buchanan but of Verplanck and Montrose to come out. He supports and thanks everybody who participated.

Trustee Jackson was glad we did not make changes to the pool schedule because it got very hot.

The Town of Cortlandt Veterans Picnic will be on June 20. Trustee Jackson said to please come out, not only to support the veterans but as the Mayor said, the veterans themselves can spend some time getting to know some of the people and reach out. Trustee Jackson noted that he is a Viet Nam veteran. He sees a lot of veterans over at the VA in Montrose. He wants everybody in the Village to come out and enjoy, and meet some of the veterans.

Trustee Knickerbocker announced that the date for Buchanan Day will be September 28. The rain date will be September 29. The committee had a meeting last week. There are new things they are talking about doing. The next meeting will be June 26. Everyone is welcome. Any input or ideas are greatly appreciated.

Trustee Knickerbocker reported that she was out and about driving in the Village and saw Don Zern planting the petunias around the Circle. She thanked him for the great job. She also wants to thank his helper, although she did not know her name.

Trustee Knickerbocker reported that on May 23 she accompanied the Seniors when they did a tour of Entergy. It was very interesting for them to go into the plant. One of the people who went on the tour was someone who had a part in building the plant. That was interesting. Everyone enjoyed it.

h) Mayor's Report

Mayor Murray reported that we had a couple of complaints about speeding on Westchester Avenue by the Bee Line bus and U.S. Mail trucks. At the Workshop, the Village Administrator

was directed to speak to the Police Chief about it and to have a letter sent to those two organizations requesting that they control their drivers a little better. The letter has been sent. The Village Administrator will get copies to the Board. We will follow up with the Police Chief in a week or two to see if there has been any correspondence from them.

Mayor Murray reported that about two and a half months ago, he got an e-mail from a resident concerning what he perceived to be suspicious activity on Tate Avenue. The Mayor relayed that information to the Police Chief. Through the cooperation of the Westchester County Police and the Buchanan Police Department, an operation was undertaken and an illegal business was shut down. The Mayor commented that for some reason, it did not get any press. It got one little blurb in The Cortlandt Patch. The Mayor encourages residents to contact the Village when they feel that suspicious activity may be going on. You can call or send an e-mail. The Mayor commented that because the investigation was on-going, he did not get back to this resident before. It has now been completed so the Mayor will get back to him. Let us know if you think something is happening. We will contact the Police Chief, decide on a course of action and take care of the issue. The Mayor wanted to thank that one resident whom he believes would not want his name used. The Mayor advised that you can contact him anonymously if you wish. He noted that if we do not get back to you immediately, it does not mean that your concerns are not being addressed.

Mayor Murray advised that during the Budget Hearing, one thing that we eliminated was the laundry of the employees' work clothes. We had directed the Village Administrator to set up a uniform program. The Mayor wanted to know the status of that. Village Administrator Hay advised that he is waiting for the new budget year. He contacted the Town of Cortlandt and we are included in their bid for uniforms. ABC Awards is the one that won the bid, and Cintas as well will provide us uniforms. He does not believe they will charge us full price for used uniforms. He will get clarification on that. The Mayor commented that we are now into a new budget and he did not want a one or two month lag on that where we do not have anything. Village Administrator Hay advised that when the new budget year starts, he can contact ABC Awards right away. They will come out and get the sizes and other information.

Mayor Murray remarked that last month he was a little tough on the Trustees. In watching the meeting on t.v., he feels his comments were uncalled for. The Trustees do go to a lot of events and take part in a lot of different things. He wants the Board members to know that he is sorry that he was a little more aggressive than usual about that. He said that the Trustees do a lot of work and do take a lot of time out of their personal lives. Mayor Murray commented that he felt his actions were uncalled for. He wants them to know that he is sorry.

Mayor Murray wished everyone a Happy Father's Day.

7. COMMENTS FROM THE FLOOR:

Don Zern had a comment on a quality of life issue in the Village. He said that in the next six to eight months, he wants to touch on different scenarios that are going on here in the Village that we can approve, the public can approve and the Village can approve – not only the employees but also the Board. He commented that tonight he wanted to speak about the quality of life and Lake Meahagh. He would like everybody in the Village who has a storm drain on their street with a curb to pick up the paper, coffee containers, soda cans and empty bottles laying there. It is something that is not going to go into the lake. He realizes that all the drains do not go into the Lake. But they go into some type of water way. He is asking the public to do that.

Mr. Zern would like something done about signs in the Village, like tag sale signs. He commented that if the tag sale is over, 48 or 72 hour notice, if you put it up to please take it down. If not and the Village does it, we will find out who put the signs up. We can give that to either the Police or Highway Department – whomever the Board sees fit to do it - and issue a summons or ask them to please take it down. Mayor Murray advised that back in 2008 and 2009 we had proposed legislation just for that. We had a lot of complaints that people were leaving signs up on telephone and other poles. We found that it was not enforceable because the municipality does not own those poles. The only things we can enforce are the signs that are on Village property. Our Code allows for one day events to be advertised on that person's property. The Mayor believes that there is a time frame for when it has to be removed. We did try to enact that type of law several years ago but it is unenforceable and illegal. Mr. Zern commented to just walk around the Circle and look at the different signs there. Look at the gas stations with the flags and signage advertising things. The Mayor advised that those types of signs on businesses are governed by an appendix in our Code. It specifically states the art of the signs, their location and the number that can be up. We had incidents where businesses were putting up signs inside their picture windows that were basically the same type of advertising signs that were supposed to be on the exterior. Our Code has been interpreted as forbidding that type of signage. Our Code addresses that. If there are specific areas that we would have to look at where some people feel it is not being addressed, then we can look at our Code and enforce it. But we cannot create a fine for a sign on a pole or a structure that is not owned by the municipality. Mr. Zern commented that he understands that, but you have one sign; you have two; you have seven; you have eight. He feels that the Board has to do something. Something has to be done in the Village. This is the gateway coming into the Village. Mayor Murray advised that we can look at what our sign Code says and what the permits are for different businesses. He advised Mr. Zern that if he had a list of businesses that he felt were violating them, we can go see what was approved by the Planning Board. During the Site Plan approval of any business, the signage and lighting are involved in their final resolution for the authorization for the construction or modification of that business. So if Mr. Zern can get together a list, we can compare what the Code says they are allowed to do and what the terms and conditions are for the usage of their

property. Mr. Zern commented that he is well aware of the Code. The Mayor commented that a lot of the residents are not. He is sure that Mr. Zern is, as a member of the Planning Board; that his explanation was more for the public. He advised Mr. Zern to let the Board know when he had the list ready. They will have the Village Administrator and Building Inspector look at it. Mr. Zern said that he is asking the people of the Village to call the Village and speak to Building Inspector Barbara Miller or Betty Travis who can send it to the proper department. But we have to start somewhere in the Village.

Trustee Jackson thanked Don Zern for his community activism. A couple of weeks ago, they had a conversation. Trustee Jackson has lived down by the lake for almost 20 years. He wanted to contact some of the newer neighbors about the environment on the lake. Trustee Jackson looks forward to working with Mr. Zern as well as other citizens of the Village as they look at some of the pollution down there on the shore. Trustee Jackson applauds him for his efforts.

8. BOARD MEMBER REBUTTALS:

None.

9. ADJOURNMENT:

At 8:50 PM a MOTION to adjourn was made by Trustee Jackson, seconded by Trustee Knickerbocker with all in favor.