

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
January 6, 2014**

**PRESENT:**

Mayor Sean Murray

Trustees Richard A. Funchion, Trustee Knickerbocker, 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:**

November 19, 2013 Workshop: Trustee Zachary amended Page 5, Paragraph 1, last line, add “to be” before “debated”; Page 18, paragraph 1, add “dependent on” before “where you get”. Trustee Funchion amended Page 13, Paragraph 1, line 1, add “or” before “oil”. A MOTION to accept these Minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

December 2, 2013 Regular Board Meeting: A MOTION to accept these Minutes as read was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

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

Don Zern, Westchester Avenue, commented that he would like the Board to vote on an issue of abolishing the Justice department. He feels that if it is abolished that is the beginning and the end of the Village of Buchanan. He remarked that within the next one to five years the outside of the Village Hall will say “Town of Cortlandt Annex”. He feels that if we lose the Justice, we go after the Police Department. They are taken over by the Town. The Town turns around and brings in the County. There goes our Police Department. He commented that then we go to Sanitation. It goes out to bid and the Highway Department is taken over by the Town of Cortlandt and the office at Village Hall is abolished. Mr. Zern wants each member of the Board to vote with their hearts and souls. He commented for them to think very carefully on the vote they take to abolish this position.

Mayor Murray said that this is more along the line of the Public Hearing.

Trustee Jackson noted that for the record, Mr. Zern did not state his name. Don Zern said he is a resident of 141 Westchester Avenue, Buchanan, New York.

Former Mayor Al Donahue, 156 Second Street, commented that he was here because he has never seen such action taken by the Board against an elected official. He presented the Board with papers (*copy attached*). He advised that in order to insure that we have an election in March that includes the Village Justice, today he filed a notice of the Republican caucus at the Board of Elections in White Plains. The paper he submitted states that there will be a caucus held in the Village of Buchanan on January 27 at 8 PM to nominate for Mayor, two Trustees and for Village Justice in the Village of Buchanan. He commented that he is sure that the Board members are familiar with Article 9, 9-902, Subdivision 1 of the Village law. Mayor Murray said that he does not have it in front of him. Trustee Zachary said he is not sure what that is. Mr. Donahue commented that tonight when the Board votes, if they should vote to eliminate the Village Justice position - in other words they are firing Judge Daly – under 9-902, Subdivision 1, the Village residents have a right to petition to put on the ballot in March a referendum that the people can decide, not the five Board members, whether we will keep the office of Village Justice and Village Court. Mr. Donahue commented that no matter what the Board does, the law reads that 20% of the registered voters in the Village and the resolution the Board may pass tonight, which he hopes does not, will be voted on. At that time, Judge Daley's name will be on there running for Village Justice. There will also be a ballot to keep that position. Mr. Donahue commented that he cannot understand why we are here tonight. He moved here in 1964. This is our 86<sup>th</sup> year as a village in the Town of Cortlandt. He has voted in elections since 1964. He commented that he does not know how the five people on the Board can decide what for generations supported a justice in the Village. He has no idea what the real intent is. He commented that the Mayor says it is money. Mr. Donahue remarked that is the biggest joke in the world. He commented that the Mayor has said that it will be a 2.5% increase in the budget if we keep that position. He noted that the judge receives \$12,600. She has served this community as a judge for 15 years and never received a raise. She is available 7 days a week, weekends and holidays. He commented that to say that it raises the budget 2.5%, what it actually comes to is less than .002%. If you take the \$35,000 that the Mayor says it takes to run the whole court, it comes to less than .005%. He hopes the Board comes to its senses and votes to keep the position of Village Justice.

Mayor Murray advised that we are going to have a Public Hearing on it.

Diane Tangen, 240 Catherine Street, wanted to commend the Mayor for eliminating the position of Village Justice and using the Town. She feels that it is not going to affect in any way the quality of life of the people of Buchanan; not in Sanitation or in the Highway Department. She

believes that most of the people who come to the court are probably not people from Buchanan. She feels that they can easily get themselves out to Heady Street (the Town Hall) in the Town of Cortlandt. We go out there to pay taxes and for many things. She thinks that if the Board can save some money by eliminating this position, she is not sure. She did not think about the Justice and if the \$12,000 was going to hurt her. Ms. Tangen would not like to see that. She knows that people who work for the Village earn their money very well. She is not for eliminating positions. She knows the Mayor tried very hard to make the court system viable. She knows that he hired something like a public defender. Mayor Murray advised that two years ago we hired a prosecutor. Ms. Tangen commented that it did not work out and cost a lot of money. If we can save money, she commends the Board and says that they should all vote for it.

Elizabeth Faiella, 212 Craft Lane, commented that she has lived in the Village for almost 9 years. She wants to keep the court. She wanted to know when you are going to be transporting prisoners who is going to be here protecting the Village. We will have no Police Department. The Call Waiting to wait for the State or County Police is going to be a long wait. She is a first responder. She believes that time is everything. She hopes that we can keep Judge Daly who works very hard for the Village seven days a week. She commented that you will not find somebody like that. She commented the nowadays everybody wants money. Judge Daly is not asking for a raise. Ms. Faiella is asking the Board to please keep her and most of all to keep the Buchanan cops in Buchanan and not be transporters.

Jean Ryan (*street address not given*) commented that she thinks that anyone who works for a village or municipality or any kind of civic position does so from their heart and a spirit of community; not for the money because the hours that you put in and the work that you do could not ever be comparably reimbursed to you in a pay check. She commented that she respectfully disagrees with Ms. Tangen. She does not think that the general public in this Village know of this decision of the action that is going to take place tonight. She commented that is her big beef. She sees it as an abuse of power. She sees it as people who are elected by the Village by registered citizens and taxpayers, do not know about this. She does not think a cost benefit analysis has been done. She does not think the Board has researched this with legal counsel or legal counsel that provides services to municipalities. She commented that what is going to happen is that when people get arrested and have to be transported that the policemen are thrilled with that because they are going to double their salaries in overtime. She does not believe it is going to save any money. Croton and Buchanan have a full time court system and Police Department. She does not believe that you can have one without the other. It does not make sense to her. You cannot have a Village Court that does not work hand in hand with its Police Department. That goes along with the expenses and revenues that are generated from the court and Police Department. She thinks that a ruling or an arrangement like this is very suspect. She commented that she does not know much about any of the Board members but she does know some of them. She is shocked very that this could take place when they are publically elected to

act on behalf of the people they serve. She thinks it is suspect that they want to eliminate one position. It is part of our Village services. It is not a' la carte menu where you can get rid of this but keep Sanitation; but next year it is, "I don't like my garbage man so I'm going to get rid of my garbage." You cannot do that. It is either get rid of everything or keep everything because that is what we pay for. She wanted to know if the Board is going to reduce our taxes because we are losing a service. She commented that it is going to cost the Town of Cortlandt more money. They have already said that. She commented that our taxes are going to go up somewhere and you are not going to get the local people like the Board members and Ms. Daly and Ms. Chopyak who are invested in this community. That is why people move to Buchanan and why we pay the Buchanan tax. She commented that the Board has to think long and hard about doing this because once the word gets out to the people and they come back and seek legal recourse to override whatever decision the Board might make irresponsibly, you are going to pay for that. Word is going to get out there. She commented that the Board is not serving the Village people by trying to sweep this decision under the rug. She commented that they are not doing this in a democratic or inclusive manner.

Walter Neurater, 182 Fourth Street, commented that he and his wife moved here about one and a half years ago. One of the key reasons was because of the court system and Police Department. They are very essential to them. He said that they grew up in small communities where they had their own judicial systems. They purchased their first home in Dutchess County. One day someone tried to break into their house. It took almost one hour for the police to get there because they did not have local police. He feels that \$12,000 a year is really insignificant to have seven day coverage and everything that we need here and have a quality of life where everybody can feel safe at home. He asked the Board to think about that.

Mayor Murray advised that we are going to have the Public Hearing phase of this resolution later on this agenda. We will allow everybody to come back up and speak on the issue again.

#### **4. NEW BUSINESS:**

##### **a) PUBLIC HEARING ON PROPOSED LOCAL LAW OVERRIDING THE PROPERTY TAX CAP OF THE NEW YORK STATE LEGISLATURE.**

At 7:46 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

Mayor Murray explained that this Public Hearing is on the 2% tax cap that New York State enacted. This year it is 1.7% because that is what the CPI is. If for some reason our budget requires us to raise the tax more than 2%, we have to have this in place. If we do not, we cannot raise the taxes. There would have to be some other budgetary means. We have done this every

year. It is a stop gap measure. No one intends to go over the 1.7% but there are unforeseen things that come up. The State Legislature had foreseen these types of incidences occurring so they gave us the ability to take this measure.

Trustee Funchion commented that this property tax thing was instituted by the Governor. It is instituted but he is not taking away our obligations for unfunded State mandates. It is not just Buchanan. It is every community including New York City that gets mandates from Albany but who gives us no money to carry the things out. It makes it very difficult to just work properly within the confines of government. If we have to go over, we have to have this done legally ahead of time. The Board strives to not go over and strives to only increase taxes when it is absolutely necessary.

Mayor Murray called for any comments from the public. There were none.

At 7:50 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor

**b) 14-01 RESOLUTION AUTHORIZING A LOCAL LAW OVERRIDING THE PROPERTY TAX CAP OF THE NEW YORK STATE LEGISLATURE.**

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

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

**c) PUBLIC HEARING ON A PROPOSED RESOLUTION ABOLISHING THE OFFICE OF VILLAGE JUSTICE**

At 8:56 PM a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

Sam Cherchia, Westchester Avenue, stated for the record that he wanted to inform the Board that he is a graduate of Syracuse University College of Law in 1961. He is admitted to practice in New Jersey and New York. He is retired but remains active. He files his registration as required so that he can go back to the practice of law at any time. He commented that he speaks from experience. He has tried cases from the lowest court, the most minor traffic incident, through all the courts including murder and rape. He has been active in New York and New Jersey and has never encountered any municipality that did not have its own Justice Court. It is not a convenience to lawyers. They do not like to come out at night and would rather do 9 to 5. Mr. Cherchia commented that the rationale for eliminating the Justice Court as expounded by the

Board last month was the cost. He commented that there is not a court system in this country that pays for itself. It is not expected to. It is not a private business. He commented that if you use those criteria, none of the Board has produced income for the Village so they should vote to abolish their office. That would be fair. He cannot believe that there is anybody who would consider eliminating a court that exists solely for the purpose and convenience of the residents of Buchanan. Every township and municipality in New York has a Justice. In New Jersey, they call it a Municipal Court. He commented that you do not eliminate the court. He considers this a petty action on the Board's part. He believes that finances have nothing to do with it. No court pays for itself including the Supreme Court. They cost money. Every agency of this Village costs money. It does not make money. He remarked that the Board's basis for eliminating the court is so bogus, it is insulting.

Jean Ryan wanted to know if there has been any cost analysis done for this. Mayor Murray advised that it was and that he would go over it. Ms. Ryan wanted to know if legal counsel has been consulted with respect to any resultant impact, any legal recourse that people would seek.

Mayor Murray advised that the resolution tonight is not to abolish the court. The resolution is to have a permissive referendum on abolishing the court.

Ms. Ryan remarked that the whole thing smells fishy to her. She remarked that if she was an elected official and the Board was going to publically lynch her and abolish her, and they were elected to act on behalf of these people, it would not end here; that just based on principle and on the fact that it is so unconscionable, it will not end here. She thinks that the Board had better think long and hard before they vote because the people of this Village are going to find out that this is not based on sound government, on proper business disclosure. She remarked that it reeks and it is wrong. She thinks that if the Board takes a good hard look at this they will realize that it does not make any logical sense.

Mayor Murray advised that what a permissive referendum is, and what this resolution is stating, is that the Village residents have 30 days to petition to put it on the ballot. The Board is not making the decision. The residents are going to make the decision. The residents have the right to come in for a 30 day period and put their name down saying that they want the court. If they do that, it will go on the ballot; or the Board can just say that we will not entertain it any more. If we were just to put it right on the ballot, the residents of the Village would only have one day to make that decision. The Board wants all the residents to have as much information, just as Ms. Ryan was saying, to go out and talk with their neighbors, to get all the paperwork together. We have the paperwork. You can come in to the Village Hall and find out what the cost analysis is. The Board is allowing everybody 30 days just by us passing this resolution. This resolution is for a permissive referendum. If after that 30 days people do not come in, it becomes law. The Mayor commented that is why he always likes permissive referendums more than just putting it

on the ballot. If there is a snow storm or anything else, people would not have the opportunity to voice their opinion. We have the petitions here. As long as you are a registered voter, you can sign it.

Mayor Murray advised that we have had a cost analysis, back to 2010. In 2010-2011, the court lost \$26,000. From 2011-2012, it lost \$30,000. From 2012-2013, it lost \$14,000. So far this year, we are at a 50% revenue to cost so we are at 50% of our budget right now.

Former Mayor Al Donahue commented that the Mayor was painting a pretty picture. If you check the Village law, the Village Board can abolish the position of Village Justice. He commented that this permissive referendum means that these people here have to go out and get 20% of the registered voters. That comes to almost 300 votes just to put it on the ballot. He remarked that the Board is not doing us any favor. He feels that it should not be brought up in the first place. He commented that if you read the Village law, the Village Board can abolish it, then we will put it on the ballot and it can be challenged again. He commented that it was the Board's intent to abolish it. He believes that what they are doing is wrong and that they are trying to make it look easy. He wanted to know if they are going to go out and get signatures to keep it on the ballot. He commented that tomorrow the temperature is going to be below zero. So people have 30 days to get at least 300 signatures to put it on the ballot. The Mayor advised it was 264. Mr. Donahue commented that he knows exactly what it was. There are supposed to be 1350 registered voters, so that is 270 but you have got to have extra votes. He commented that for the Board to sit here now and say that they did not have intention, they should remember that he was at the meeting when they passed the resolution to have a Public Hearing to abolish it. He noted that Mayor Murray proposed it. Trustee Funchion made a Motion to move on it. The Deputy Mayor jumped on it and the other two Trustees went along with it, which Mr. Donahue feels was a disgrace. He commented that to say that there is nothing to it, are they telling us that they are doing us a favor by letting us come up and speak. He commented that they are not. We have been here for 85 or 86 years and we had a judge. He commented that the five people on this Board are telling what is best for this Village. All the people who have served here, all the judges. Judge Daly has served here for 15 years. He wanted to know if that was not worth something. Mr. Donahue said that they have not said one good word about the judge. He noted that the Acting Judge is paid around \$6,000 per year. Ms. Chapyak has served even more time. Mr. Donahue remarked that what the Board is doing is a disgrace and they all should be ashamed of themselves. He read his points as to why they should keep the judge. He noted that these were in the Northern Westchester Examiner. He noted that Rick Pezzullo from that paper is present. Mr. Donahue quoted his Letter To The Editor that he submitted (*copy attached*).

Mr. Donahue commented that he can talk from experience. He was on the State Police for 29 years. He was a road Trooper for 20 years. He commented that he knows how important it is and how difficult it is to find a judge during the week when you have somebody under arrest and

on a holiday and weekends. We have two judges here. He noted that Judge Daly is present. He commented that she is available at all times. He feels that the Board is putting the Village in danger. We only have one policeman on duty which the Police Chief can attest to. Mr. Donahue remarked that there is no way in the world to say this is good for the Village. Concerning the cost, he commented that if you take \$35,000 and put that into over \$5 million, it is .005%. If you take the \$12,000 the Village Justice gets, you are now down to .002%. He commented that the Board is not going to save the money. It is only going to hurt the Village. He commented that if anybody tells them that we can go to the Town of Cortlandt and there is nothing to it, he has been in the Town of Cortlandt a lot of times and has worked there. He commented that if we go out there, we are on the back burner. You have the State and County Police. If we go out there, we would be last in line and could be sitting in that court for 6 or 8 hours. A police officer is entitled to get his overtime or double time. If a Village resident goes out there, he's tied up. He feels that this does not work and there is no reason that we should do it. The Board should vote no.

Mayor Murray commented that for clarification, the way the taxes are levied approximately \$15,000 is a 1% tax. That is the way the budget works because of the way our properties are taxed. Because we have the \$1.9 million coming from Entergy, it is totally different. When we sit through the budget hearings and try to cut as much as we can so that we stay below the 2% tax cap, we use that \$15,000 number as a 1% point because that is the way our taxes are levied. That is the way that our property taxes are set.

Mayor Murray said that when it comes to Mr. Cherchia's statement about abolishing elected officials, New York State passed a law several years ago that allows the public to do just that. If they want to abolish the elected officials and want to abolish the Village of Buchanan, they can do the same measures that we are doing today. If the Village were to be disbanded, the Town of Cortlandt would have to take them. So there are mechanisms in place for the public to do just that. The Mayor noted that another comment that was made was that getting rid of the court was irreversible. That is absolutely incorrect. You go through the same process of putting a court together as you do for abolishing it. So if this were not to work, we could go right back and have another court. It is the same process. We want the public to make this decision. That is why we said for 30 days. It is the public's money. Just this past year, the NY Power Authority raised our electric rates by 12.5%. We have to come up with money to pay that. The Mayor commented that if we continue to lose this amount of money, 1% or 2% of your taxes, we have come up with it some place.

Sam Cherchia commented that they keep talking about money. He commented that since the Mayor and the Board have been in office, you created the office of Village Planner who has received an amount of something like \$45,000 one year. He commented how much money has she made for the Village. He commented that you increased the Village Engineer's contract

from \$55,000 to \$80,000 and then allowed the bill up to \$130,000 without a capital project. He commented do not talk about money. This is not about money. He remarked, be a man and say that you want to get even with the court. You are forcing a public official to prove that she has got to maintain the job. She must go out and file a petition for a job that she already holds. But because the Mayor is angry with her. He remarked to make no bones, that everybody knows the Mayor wants to eliminate that position or make it inconvenient for her to hold. He remarked that the Mayor and the whole Board should be ashamed of themselves for even being here tonight and wasting the time of all these people. He commented that they do not mind wasting the money of the Village in other respects. He commented that he thinks that within a few minutes he could total up about \$200,000 that they are just giving away because they want to.

Mayor Murray said that when we talk about the Village Planner and Engineer, the Planner is on as a consultant for commercial projects. Commercial projects are paid by the applicant. The Village of Buchanan does not pay that. We accept the funds from the applicant and we disburse those funds to the Planner. When it comes to the Village Engineer, we raised that budget because in the entire time that the Mayor was on the Board, from 2008, and before, from reviewing the budgets we never met that \$55,000 because we never had the law that said that we could pass those costs on to the commercial applicant. Now we have that law. Now the budget is \$85,000. The Mayor advised that we are currently below that budget and are projecting to stay below that budget for the first time in several years because we have better accounting practices and because we passed those costs on to the commercial applicants. Although when you look at our disbursements it does show that we did pay that to him, it did not come from your taxes. It came from the applicants who put in for that work. The Board felt that commercial applicants should have to pay more because they would have a larger impact on the community. We did not feel that somebody, a taxpaying resident who has lived here all their lives, should be subsidizing somebody who is going to be creating a business within the Village. So that is why we pass that on. That is why we passed that law. That is why it does not come from your taxes.

Robert Lupica, 169 Cortlandt Street, complimented the Board for providing a civic duty that they were elected for. He commented that he is a resident plus an investor in the Village. He said that he wanted to find out the true facts about what we are talking about here and the relevance of it. He wanted to confirm that our budget for this year is \$1.5 million for the General. Mayor Murray advised that it is \$5.5 million. Mr. Lupica wanted to know if last year it was roughly the same budget. The Mayor advised that we had an increase of approximately 5.3% which was approximately \$70,000. Mr. Lupica commented that going off those statistics and doing a quick analysis, with last year's budget the Court expenses were approximately \$35,000. The revenues brought in were approximately \$27,000. It seems like we lost \$8,000. Mayor Murray advised that he had gone over that earlier. The reason that changed is because of the Court Clerk. Mr. Lupica said that he was okay with that. He commented that based on what he paid in 2012-2013,

\$1324.96, that comes out to \$8.55 off the expense of the court. Not the loss we had. He commented that if he just figured out the loss to operate the court, it would have cost \$1.96. He commented to have a court system for two dollars, do we want to abolish this. Trustee Zachary wanted to know what his calculation was based on. Mr. Lupica advised it was what he paid to the Village as a resident. Each individual resident pays an amount to this entity. His was \$2.00 to have this court system. He remarked what are we arguing about. He commented that he had heard a number of \$43,000 for this year. \$43,000 off of \$5.5 million. He said he is talking about his bill of \$1426.15. He paid \$11.12 to have a court. He remarked where can you go to have that. He commented that if you abolish the court, the next thing that goes is the Police Chief. He does not know his budget. He wanted to know if it was around \$1.2 million or \$2 million. Mayor Murray advised that it is approximately \$1.3 million. Mr. Lupica said that is basically about 25%. He commented that when he has talked to people about this, they said let's get rid of the police. Mr. Lupica said that he replied were they kidding. Going off his numbers of what he pays, it is \$300 to have the police driving past his house. He sees the police officer eight times a day. He wanted to know where can you pay for security for \$300 per year. Mayor Murray commented that nobody is talking about getting rid of the Police Department. Mr. Lupica commented that if you get rid of the court, the next thing that goes are the cops.

Trustee Zachary wanted to know if Mr. Lupica wanted to get rid of the cops. Mr. Lupica said he did not. He thinks we should give them a raise. Trustee Zachary wanted to know why everybody is making that extension. He commented that he has been on this Board for four years. He has never heard one person on this Board say about anything about abolishing the Police or the Highway Department. He commented that we are here because we believe in this Village and we want to keep it going. There is no logic to this extension.

Mr. Lupica said that Ossining got rid of their court. Then they got rid of their police. He wanted to know what is the next to go. The revenue generated by those guys now goes to the Town of Cortlandt, not to the Village of Buchanan. He commented that every year since he bought a home in this village, he came to drop off a basket as his thank you to the Police Department. He said that he heard a story from one of the officers. There was a person walking our streets at 2 o'clock in the morning. It was 20 degrees outside. Mr. Lupica commented what was this gentleman doing at 2 AM walking our streets. The officer followed him at 2 miles per hour. The guy kept on looking back, threw up his hands and finally walked to Peekskill and left. Mr. Lupica commented that the County Police are not doing that. The State Troopers are not doing that. He commented how many cars did that officer protect at 2 o'clock in the morning. It could have been the car of anyone in the room. He commented are we talking about \$11.00, \$300. He commented that if they want more money, he will give them more money. He wanted to know if that was what it is about. Mayor Murray commented that a lot of the residents do not feel that way.

Mr. Lupica commented that we are the cheapest taxes in the County. People move here because they are cheap. He commented why are they cheap. He said to raise the taxes. Let us get better services. He asked if they ever went to Harrison. They run it like a business. There are lines out the door. 300 people go through that court. There are a hundred people that stand outside to go to that court. We should be running our police like a business. They have scanners on the back of the car. They should have printers in the car. He commented that we should raise the Police Chief's budget. We should get another policeman instead of having these guys work overtime. He wanted to know if anybody has looked at the overtime analysis of what we are paying them over their salary. He wanted to know if we cannot get another cop to offset that. They have two guys on patrol on some Friday or Saturday nights instead of working one man shifts, sometimes double shifts because a man goes on vacation. They are there to protect us. Mr. Lupica said he would pay a little more money. That is why he stays here. He commented what direction are we going in. The Board has to consciously make that decision. He commented that \$11.00 for him without no revenue coming in. He commented how can you get a court system for \$11 a year. Who is paying for that. That is not even talking about what we bring in. He thinks that we are going to bring in some money this year. He hopes we make a better decision than we are talking about.

Mayor Murray commented that Harrison does have a lot more people than us. Just for the month of November, the current Court report shows that we had 20 defendants in court. For October, we had 37. For September, we had 25. For August, we had 27. For July, we had 29. We have court four times per month, so on average we had between 5 and 10 people per week. The Mayor commented that as elected officials we have to find every avenue to save money. He commented that many may have watched the Budget Hearing where we cut \$500 out of this line and \$250 out of that line so we can afford the \$15,000 to buy a salt spreader. If we did not do that, we would have had to raise the taxes just to pay for the salt spreader. He commented that the duty of an elected official is to make the tough decisions and to try to be as cost conscious as possible to keep the taxes down. A lot of people might not be able to afford that extra 1%. We have to find every place to save. He commented that if there was some law that said that you do not have to explore anything unless it saves \$10,000 then we would only focus on the \$10,000 instead of focusing on every single aspect of the budget. It is your money. That is why with a permissive referendum, if people feel the same way that the last speaker felt you have the opportunity for 30 days to say yes, we are going to keep it. The Mayor commented that perhaps he should not make that promise right now but if those signatures are made, legally we do not have to go through putting it on the ballot and will leave the court system in place. That is what he would propose. If the permissive referendum passes tonight and if we have the signatures, we will not even put it on the ballot. We will sit there and keep the court as it is.

In response to a question from the audience on if the Board was voting on this tonight or have they already voted on it, Mayor Murray advised that we have not voted. This is the Public

Hearing where we hear the residents' concerns. We then discuss the resolution. The resolution will be read and when the Mayor calls for "On the question", the Board members can discuss it. If it passes, the public will have 30 days. In response to a question from the audience on would we know who votes which way, the Mayor advised that the vote will be done right here.

Diane Tangen said that she wanted to refer to one of Mr. Cherchia's comments where he said that the Mayor is annoyed with Ms. Daly and that everybody knows it. She remarked that this "everybody" does not know it. She had great respect for Jennifer Daly and her family. It did not occur to Ms. Tangen that someone was out of a job. She thought that perhaps Ms. Daly knew this was coming up and that it was fine with her. Ms. Tangen thinks that this has nothing to do with the Police Department, nothing to do with Sanitation and nothing to do with the Highway Department. She feels that we got off the point. She would like to ask the Chief of Police how he feels about the police going to the Town of Cortlandt Court. Police Chief Tubbs advised that he was going to address that when everyone else had finished speaking.

Jean Ryan commented if the ultimate goal is to save money perhaps get people that are here like Mr. Cherchia to look at all the salaries of all the people that work for the Village; what they make; what they do; what the job market is; can they get someone else in there for cheaper than the people currently employed here. She commented to pick one person with the allusion that Mr. Cherchia made which sounds biased and reeks of harassment, to get rid of one person this way, does not seem to make sense to her. She commented that if your ultimate goal is to save money, let us get a task force together and look at all the ways we can save money. She commented that maybe everyone should go into the Town of Cortlandt. Get rid of everything and just be absorbed into the Town of Cortlandt. Maybe that is what makes sense. What does not make sense to her is to pick just one branch of government and get rid of it in this manner and fashion.

Mayor Murray commented that the Board has done that analysis as she has said and that part of our contract negotiations. We have gotten contracts from several municipalities. We have six contracts. Ms. Ryan feels that we should look at everybody's salaries, everybody who works for the Village. She commented that with respect to Trustee Zachary, she does not think that you have a court. She commented that they are pretty smart people in Harrison. She does not think that they are having a meeting like this. She does not think that you have a court without having a Police Department. They work hand in hand in two ways: on a government level and in a fiduciary manner. She does not think it makes sense. She thinks that is well known. You do not have a court without having police. You get rid of the court, you would also get rid of the police. That is the only thing that makes sense to her. She commented that a lot of Village residents said that they could not support this if they were not going to get rid of the police. It does not make any kind of sense to her.

Jennifer Daly, the Village Justice of the Village of Buchanan. She noted that we also have an Acting Village Justice Chapyak-Pernicone who grew up in the Village and moved to Croton. We also have a Court Clerk. She advised that the court has jurisdiction over a broad range of matters. They do vehicle and traffic, Small Claims, evictions and civil matters. They also have criminal matters. The Office of Court Administration in New York State provides us with our two desktops, our digital voice recorder, our laptop and our copier. Our new Court Clerk has been here for a year and a half. She recently filed for and was approved for a grant which the Village received almost \$15,000. We installed a security window which we were required to do. It had come up in a security audit that it would be necessary and we secured the grant money. There are also desks and filing cabinets. There was money for that as well but she commented that there was some talk that should the court or her position be discontinued that those would potentially be going back. So the Clerk is talking to the Office of Court Administration and that is why they are not unpacked.

Judge Daly advised that she is precluded from speaking in regard to the Court by her supervising judge. She disagrees with some of the points made by the Mayor in the last meeting, that there has not been a vehicle and traffic trial in the Village for six years. That is wrong. She does not know what numbers were looked at as to who comes here on a monthly basis. She advised that she has a criminal calendar tomorrow, which is held here in the Village every three weeks. She has 47 cases on tomorrow in the Criminal. There were 55 cases in the month of December. There were 57 criminal cases in the month of November. She noted that those might just be people who have paid fines that you are looking at. But those are not the people who come into the court for paperwork and dispositions and filing small claims. She commented that if you live here in the Village, if you have rental properties you would come here to get evictions. You get the paperwork to file that in the court. She advised that our cases in 2011 were 587. Our cases in 2012 were 693. In 2013, through November 13 there were 1,045. She does not have the December cases.

Judge Daly commented that that as to the Village law that you are speaking of in regards to a permissive referendum, right now this evening the Board could vote down the abolishment of the office of the Village Justice and then it goes no further. The permissive referendum is a last ditch effort on behalf of the residents to try. She commented that this is not a benefit. She commented that the Board is proposing it like they are doing us a favor. That this is some benefit and that we have 30 days. She commented that this is not a benefit at all. People are here tonight speaking about it. We have one or two people in support of abolishing the Village Justice position. She commented that this is not a benefit. The Board could end it this evening. She commented that this is a difficulty, a burden, to keep the court. That is not what the permissive referendum. She commented that the Mayor is not phrasing it in the right manner. Judge Daly commented on Ms. Tangen's comment. Judge Daly said that she had no idea about this. She was notified by someone on the Friday before in what she said was a very

unprofessional manner. She had no idea that her job was being eliminated. She never received any type of official notification or had any off the record discussion with anyone in the Village. She commented that she had someone walk by the elevator when the agenda was taped to the elevator door on the Friday before the Village Board meeting that was held on December 2. They called her up and asked if she knew that the Board wanted to eliminate her job. She commented that is how she found out about it and that is how things are done here in the Village as we are seeing here this evening.

Former Mayor Al Donahue commented that he wanted to correct the Mayor on a couple of his statements. He commented that the Mayor had stated that 2.5% is the cost of the court. The 2.5% would only come into play when you are doing a budget if you are adding things to it. 2.5% of a \$5 million budget is over \$125,000. The cost of the court is \$35,000. He commented that to say that if you kept the court here it is 2.5% of the budget is not true. Mr. Donahue commented that the Mayor said that if we get a petition signed by the electors of the Village, then the Board can just act on it. He commented that is not true. The section he previously cited, Article 9-902, says that if a petition is presented to the Board, you have to put it on the ballot. You cannot just go up there and say that they are going to move on it. Mr. Donahue commented that what the Mayor said is false. He remarked that the Mayor should be ashamed for saying it and should read the section himself. He commented that if we put a petition in, it goes on the ballot.

Village Attorney Porteus advised that what Mr. Donahue was talking about with the permissive referendum was correct as to if 20% of the people registered to vote sign the petition it goes on the ballot. However, he is incorrect in that at that point this Board could nullify this resolution that they pass tonight. Based on that, it would not go on the ballot. She commented that is the truth and that she has read the case law and pulled it. She commented that apparently the rationale behind it is that the Board itself decides that they have heard the people and seen the signatures. They do not need to vote on it because it is no longer up for eliminating the position.

Al Donahue commented that what the Village Attorney is doing is giving the Board a way out. By not putting it on the ballot, the people will not really know what is going on in this Village. If they are going to go out and get 300 signatures, we are not going to just let the Board sit there and say "Look at the signatures. This will hurt us. We don't want it." Mr. Donahue said that if we get the signatures, we want it on the ballot. He commented that they do not want the Board to say, "Gee, it was nice that you did it." Mr. Donahue commented that when we passed the bond for the Sewage Treatment Plant and the roads, you did not need a petition. It just went on the ballot and people voted. We did not go out and get 300 signatures. Village Attorney Porteus advised that was subject to a mandatory referendum. We had to put it on. Mr. Donahue said that he knew what it was subject to, but it is wrong. He commented that we are not going to get 300 signatures and then have the Board say that they are not going to put it on the ballot.

Jean Ryan wanted to know if the Trustees are aware of the motivation for this action tonight. She wanted to know if they are aware that it is really bias and harassment. She wanted to know if they are aware that this is the reason that has been stated publically by so many people here.

Trustee Funchion said that he does not know all the participants involved. Ms. Ryan said that it is really the Mayor and the Justice. Trustee Funchion advised that from his point of view, when we originally voted to have this Public Hearing it was for the purpose and strictly on the basis of trying to save the taxpayers' money. He wanted to know if Ms. Ryan is asking him personally. She confirmed that she was. Trustee Funchion advised that he did not know about what she referred to. Ms. Ryan commented that all these other people know and that if Trustee Funchion had had his ear to the Village she would think that he would know what is going on here. She remarked that it is so disappointing and unprofessional.

Trustee Zachary said that a lot of the comments he is hearing tonight are making valid points. He noted that he is always asking people to come to the meetings. He does not care whether or not they are all in agreement. He is thrilled to have everybody here. He commented that his position is to be objective, to consider these things objectively and to decide what he thinks is best for the Village. He commented that he does not get involved with personal stuff. He commented could he tell you that there is nobody on the Board with any personal issues. He cannot say that for sure. But he can tell you that there is nothing like that that has come up and nothing like that is affecting his decision personally. He is insulted that people are insinuating that the Board is on a witch hunt or anything like that. He goes out of his way to take and consider things objectively.

Al Donahue wanted to add to something Ms. Ryan said. He commented that the bottom line is the former Court Clerk. He commented that the Mayor ordered Judge Daly to get rid of that Court Clerk. Mr. Donahue feels that he had no right to do it. What happened was that she contacted the Chief Judge of the court system and told her that the Mayor could not tell you to replace somebody or to get rid of them. Mr. Donahue commented that because she did not take that action, the Mayor is getting his revenge against the judge.

Mayor Murray said that is not correct. He advised that he cannot order the Justice to do anything. He commented that as the Justice has stated, and as her supervising judge has stated, it is a co-equal branch of government. The Mayor cannot tell her who to hire. He and the Village Board do the budgeting for it and he does the appointing for it. If the Court Clerk were to be replaced, it has to be with the advice and consent of the Justice. The Mayor commented that he had felt at that time that there was a place where some improvements could be made as the result of some audits. They did not agree on that position. The Justice did not want to get rid of that Court Clerk. The Mayor unfunded the position. They met with the Supervising Judge and now

there is a Court Clerk. The Mayor commented that as he had stated before, that as Mr. Lupica had said there was \$8,000. There was actually a \$15,000 deficit for that fiscal year because of \$5,000 pay that we had negotiated. The Court Clerk currently makes \$11,200. When they sat down with the Supervising Judge, the Mayor agreed to budget \$5,000 for that position. Since then last year, we returned that budget back to \$11,200 to what was previously because the Court Clerk was performing satisfactorily and everything was going pretty well with it. The Mayor commented that is why he had done that. He commented that people can say what they want. There was a little bit of friction of there. But he has not talked to the Justice in almost a year and a half. He believes that the last time was in that meeting when they agreed to hire a Court Clerk.

Mayor Murray commented that when we talk about the Police Department or any type of emergency services, there has never been a word out of his mouth that he did not want the Police or Fire Departments. He commented that no matter what the budget was, no matter what campaign was being run, he has always said those are the core of this Village. He commented that Mr. Lupica was correct in saying that people come here because of that police coverage. The Mayor commented that there is no way he would ever be for getting rid of the Police Department. He knows that there are residents out there who want to get rid of it. There are people who campaigned on that many years ago to save the Village money. The Mayor commented that he would be more than happy to pay anything keep the police here. Part of the reason to save money and part of the reason to take these types of measures is to try to keep those services; to keep those garbage men; to keep those police officers; to be able to fund an Explorer program with the Fire Department; to keep the Fire Department here. Those are the things that we do. But in order to make it viable so we do not have to continually raise taxes, we have to find avenues. He commented that over the last four years that he has been mayor, we have cut so many things out of these budgets that there is nothing else to cut. That is why we want the public to make this decision. We want the public to say if they feel the same way as Mr. Lupica does, whether it is okay for \$11.00. The Mayor commented that when we talk about a tax increase, as he tried to explain before, if this \$35,000 were to go back to the General Fund and we needed \$35,000 some place else, we would not have to raise those taxes. He commented that as he has stated and many have seen at the Budget Hearings, \$15,000 equals 1%. If we have to raise \$15,000 for another spreader, or \$10,000 for a plow, or \$15,000 or \$20,000 for a police car, we have to have that money some place. We just cannot pull it out of thin air.

Jean Ryan commented that it sounded to her that there was a Court Clerk and that the Mayor wanted to get rid of her and the Village Justice did not. The Mayor said that was correct. Ms. Ryan said that he unfunded the position. The Mayor said that was correct. Ms. Ryan said so the person in that position does not get paid. The Mayor said that was correct. Ms. Ryan wanted to know if that was legal. The Mayor said that it was. Ms. Ryan wanted to know if the Mayor would say that was personal. Mayor Murray advised that it was based on performance after viewing the audits that were commissioned. Ms. Ryan said so this person was working for no

money. The Mayor advised that was not correct. We hired another person. Ms. Ryan wanted to know if that was the person currently in the position. The Mayor said that was correct. Ms. Ryan said that the Mayor said that he has not talked with the Village Justice in a year and a half. The Mayor advised that he believes it was at the last meeting with the supervising judge where they negotiated a \$5,000 salary and the supervising judge and the Justices found another Court Clerk who was willing to work for \$5,000. After the period of time up to the next budget, we went back to \$11,200 which is the current salary which was the salary previously. Ms. Ryan wanted to know if she reports to the supervising judge. The Mayor said that was correct. Ms. Ryan wanted to confirm that it was a meeting with the Mayor, the Village Justice and her supervisor. The Mayor advised that it also included Acting Village Justice Pernicone and the Village Administrator. Ms. Ryan commented that it seems to her that Mr. Cherchia was right on the money. She does not think that this is about money at all. She believes it is about something a little bit more personal. She thinks that the Board members now all know that and that everybody knows that now.

Kelly Ann Daly, 6 Valerie Court, commented that, going back to Fifth Grade Social Studies, she does not think that the Mayor is allowed to speak to the judge. He would have no reason. It is a separation of powers; Judicial, Legislative and Executive. So that is really not anything that he is supposed to do anyway. She commented that is not a tap on the shoulder. He is not entitled. She thinks we are all about being fiscally responsible. Much like Mr. Lupica, she moved to the Village 12 or 13 years ago for much the same reason, what the Village had to offer. The services, the police, garbage, sanitation, the pool, recreation and all those things. She made use of the pool for many years and her children went to the day camp. She commented that times change. Her kids are older. She wanted to know, if we are being fiscally responsible and it really is about saving the Village money – noting that she is not talking about the police or Sanitation or Highway - has the Board looked at the pool, the budget of the pool, the pool manager, the use, the chlorine and the Recreation. She noted that she does not know who that is right now. She commented that those were wonderful services that she thinks the Village residents are entitled to and it is a nicety. She commented that if the Board is really being fiscally responsible, have they done a cost analysis.

Mayor Murray advised that we have. Back in 2008, at that time the Board floated the idea of closing the pool and day camp. After 2008, we had hired a new Recreation Supervisor and we have been able to increase the revenue generated from the camp. The camp used to lose money. Last year, the Mayor believes it made \$16,000 or \$17,000. Ms. Daly wanted to know what about the pool, the pool manager and the chlorine. The Mayor advised that the pool had always lost money. Because of that, we raised the rates on the pool. We have since lowered the loss we had on the pool. The Mayor noted that a big part of the day camp is the pool. So we are taking the funds, the revenue, that we are now generating, which is the day camp, and using that to offset the losses at the pool. As well as the increase in our rates, we have decreased the losses at the

pool. We are currently changing some of the things at the pool. The Mayor advised that a couple of months ago we talked about putting barbecues in up there. We put in tables up there. The Recreation Supervisor started selling beverages there last year so that people would stay there. We are taking measures to cut those costs.

Ms. Daly thinks that the Board should look long and hard at that. They are going to cut \$12,500 from a position where a pool was losing money for many years. As long as they are looking at everything equally across the board and presenting those figures to the residents. Not just what the Village Court system is costing. She commented that she would hate to think that it is personal, so she is believing that it is not as long as the Mayor can provide the residents with the rest of the figures for all the services in the Village.

Mayor Murray commented that as an example for the day camp, he believes we had 60-70 people there in 2008. Now we have approximately 120 with a lower staff. So we have increased the participation, lowered the staff and increased the revenue. We have also decreased the number of people who work at the pool. The Recreation Supervisor has been very creative in the scheduling and we have not raised their pay. The Mayor commented that he is surprised that we are able to fill those slots because we pay just above minimum wage. For our temporary workers, we are having a problem filling those jobs during the summer because we only pay \$10 per hour. We had budgeted for 3 or 4 people. It is tough because that is all the applicants that we had. There are many facets that we are looking at to save this money. If we were not able to make back some of this money on the day camp, if the participation had continued to decline and the losses continued, we probably would have disbanded it. But it has been the exact opposite.

Ms. Daly said to look at objectively at all these departments.

Trustee Zachary commented that the criteria that he likes to use is how he perceives any of these budget issues to affect the average resident. When the pool did come up, he felt that it did operate at a loss, a lot of people did propose closing it but being that it is an integral part of the camp and Seniors and a lot of others do use the pool, to him the purpose of the Village is to provide a quality of life that enhances positive things for the residents. He commented that having our own police is a security factor, a comfort factor and enhances the appeal of living in Buchanan. Having our own Highway Department is very important to the average resident. They get services pretty quickly and a good level of service. Having a recreation program and a Seniors' program are important things to the quality of life and living here. Trustee Zachary commented that when this issue came up, his first thought was that he did not see how that would impact the average person in the Village. He noted that he is not indicating where he is going and he is absorbing a lot of information here. He commented that when he looks at the rolls of who is coming to the court, out of 39 names that he looked at he could only find two that are local residents. It seems to him that most of the people are not local residents. So his first

thought was that unlike the pool, this is not something that impacts the average resident. He commented that is the seed of how this came about and why it is being considered.

Jean Ryan commented that considering what Trustee Zachary just said, is not the Village Justice a service to the Village, a nicety and a quality of life. She wanted to know if that was not a part of what he just said. Trustee Zachary commented that he was absorbing it all.

Mayor Murray commented that when you talk about us trying to find different ways to generate revenue, if you recall back in 2010 the majority of the State Police and Westchester County Police tickets were dismissed because those departments would no longer plea bargain and we did not have a prosecutor. In order to try to get some of that revenue back we hired a prosecutor. He did not work out. Some people did not like him. So we ended up getting rid of him. Now we have our officers act as the prosecutor. We tried different measures in order to generate revenue, to change things and try to make it easier on the system. Things just have not come to fruition.

Sam Cherchia commented that he did not realize until tonight how small the amount of tax money each person pays in order to sustain the court. He commented that he did not even look at it that way because there are certain things in life that you cannot put a price on and the justice system happens to be one of them. Mr. Cherchia commented to Trustee Zachary that he was not insinuating that this was personal. He was flat out saying that. He believes this was strictly personal.

Brian Tubbs, Chief of Police, Village of Buchanan, commented that he was first approached on this matter by the Mayor in December who asked Chief Tubbs to put together a memo on how this would impact the Police Department. He noted that because the Board has read it he would just hit some of its high points at this time. First of all, it encouraged that the Board vote no on this referendum and his reasons why. First would be the overtime cost for the Police Department officers. There has not been a great deal of vehicle and traffic trials currently going on. As has been said, one of our police officers is doing the prosecuting and he is keeping it down to a minimum. Chief Tubbs commented that if laws change and things change and the court does go out to the Town of Cortlandt, probably every time an officer goes out there on a vehicle and traffic matter, he will be on overtime. That will have an impact. If he is scheduled to be working on that occasion and has to be out there, it has to be assumed that he will be there for several hours because it is a much busier court than ours and we will probably be on the back burner. So we will have to bring someone in to cover the Village. That person will be on overtime because we only run one man on at a time. So we are looking at some overtime impact should the laws change. Chief Tubbs commented that however, Judge Daly did state that we average 45 to 50 criminal defendants every three weeks. The vast majority of those defendants have been arrested by the Buchanan Police officers and a good number of those had to have been

arraigned by a judge. If someone has to be sent to the County jail, it has to be done by a judge's order. If you need a court order of protection in the event that is a domestic dispute for example, or a neighbor dispute where a court order of protection is required, it has to be done by a judge. Chief Tubbs commented that unfortunately his officers have told him that they are contacted by both the State and County Police probably several times a week asking if we can contact our judge because they cannot get they cannot get the Town of Cortlandt judges.

Mayor Murray commented that when he read that in the Police Chief's memo, he went through many of the court records. He was able to find only one instance in the court records where it said an arraignment was done for another jurisdiction. He wanted to know if there were parts of the report that we are missing that would reflect that. Chief Tubbs advised that he did not know what the Judge's report states. He could only tell him what our officers had told him. He commented that he could not tell the Board that Judge Daly and Judge Pernicone were that responsive to the Town and the State Troopers. He commented that if they have something else going on, they may not be responsive to them. He said that when our officers call, normally when they cannot get one, they could get the other. He commented that they seem to have set up a system. The vast majority of the time his officers can get one of them. Chief Tubbs commented that if the Board takes that away from them, they would then be scratching around for a judge which means that we would not have a police officer out there patrolling the Village. He would then be searching for a judge. If the judge was not available, the prisoner would have to be put in the Peekskill city jail overnight. Chief Tubbs commented that they have a creative billing system for the jail in Peekskill. They bill for the calendar day. For example, if someone were arrested at 9 PM and brought to the Peekskill city jail, they would bill us \$60 for today and as soon as the clock clicks over to midnight, they bill us another \$60 for tomorrow. Chief Tubbs commented that whenever he has tried to discuss with them that it is not even 24 hours, they do not want to hear it. They bill per calendar day. He commented that they are the only game in town so if they raise the rates, we pay what they charge. Then we still have to send one or two officers to Peekskill, noting that it would have to be two for officer safety, to pick up the prisoner and bring him to Town Court to be arraigned. There is overtime there.

Mayor Murray wanted to know do we not have to send our prisoners to the Peekskill jail already because it is the only jail in our area. Chief Tubbs advised that we would not send all of them because we have our judges available for arraignment. The Mayor wanted to know where they go after they are arraigned. Chief Tubbs advised that sometimes the judge releases them on bail. Sometimes they are released on their own recognizance. Sometimes they go to the County jail. It depends on the charges; how the judge views the severity of the charges; whether or not we can get a rap sheet. There are a number of variables that affect what happens to that person at the time of arraignment. Chief Tubbs commented that we would be using the Peekskill city jail more and doing a lot more trips if the Board disbanded the court.

Chief Tubbs said that he also put in his memo that every time somebody someone comes into the Peekskill city jail they do a required suicide screen. If that person fails the suicide screen, they will not hold them there. You cannot send them to the County jail because we do not have a judge for arraignment. That means that the Chief has to bring in an officer on overtime to sit with that person until the court opens. The Mayor wanted to know who does the suicide screening for us now. Chief Tubbs advised it is the City of Peekskill. If you put anybody in the City of Peekskill jail, they do the suicide screening. The Mayor wanted to know if we do not do it already how does whether we have the court or not impact our officers with that. Chief Tubbs advised that in order for Peekskill to hold somebody in their jail cell, they do a suicide screen because the last thing they want is to go back and find that somebody has committed suicide. That would be a tragedy. If the person does not pass that suicide screen, they will tell you flat out that they are not taking them. Then we have to babysit them. Chief Tubbs said that if we could not get one of our judges, it would happen anyway. But if we do away with our judges it makes getting an arraignment that much more difficult, which means that we would have to use the Peekskill city jail more and if they do not pass the screen, then we are babysitting them here. Mayor Murray wanted know if we keep the Justices, how does that impact the suicide screen. He commented that whether a person says that they want to kill themselves here or in Peekskill, a police officer still has to babysit them. Chief Tubbs advised that if we have them arraigned, we send them down to the County Jail and it becomes their problem. If we cannot have them arraigned then somebody must sit and watch them. Once they are in the custody of the Westchester County Department of Corrections, it is not our problem anymore. We do not have to worry if they pass the screen or not. The Correction Officers down there watch them.

Chief Tubbs commented that another of his concerns is that a lot of the criminal defendants are arrested by our officers, which means that we would be going out to Town Court more. If you just use the officer on duty, every time he is out there, he is not here. So we would be doing less patrols in the Village. Chief Tubbs commented that it probably would not be an astronomical amount of hours. But we cannot pick and choose when things happen in the Village. He commented that the more time that we can keep the police officers on the streets in Buchanan, the better and safer it is for the residents. Mayor Murray wanted to know if currently when they have a prisoner they cannot go out on patrol. Chief Tubbs said that was correct. But he can get the judge to arraign them and then put the officer back out on patrol. The Mayor wanted to know where they would put the prisoner. Chief Tubbs advised it would depend on what the judge does. She could release them on their own recognizance. They would then no longer be the Police Department's responsibility. She could set bail and someone could post it. He advised that the Police Department can set pre-arraignment bail but there are certain restrictions. The Police Department cannot set bail for the vast majority of felony arrests. Only the judge can. He advised that even if someone has committed a non-violent crime but a felony, by law they have to be arraigned. He commented that if we cannot get a judge, we are stuck. If they call Judge Daly and she comes in and releases the person on their own recognizance, the police are done

and the person is back out on the road. He commented that it makes the police officers' lives so much easier and enables them to do their jobs so much better if the court stays in place. Chief Tubbs commented that he and the Mayor have had several discussions on this and the Mayor said to flat out write his opinion on this. He remarked that to Mayor Murray's credit, he said to give him both barrels if he wanted to. Mayor Murray confirmed that was correct. He commented that the only way to make a decision is to get as many people involved as possible and to be as open and honest as possible. He said that is what he has tried to do for any situation or issue. He appreciates Chief Tubbs' honesty and straightforwardness.

Chief Tubbs wanted to know if there were any questions on anything he said. Mayor Murray noted that there was one thing that the Police Chief had written in his memo concerning scheduling trials. The Mayor wanted to know if Chief Tubbs was aware that the supervising judge has stated that is not allowed. Chief Tubbs advised that he is aware of that.

Don Zern commented that he wanted to commend Trustee Zachary over and over again on the issue that he brought up tonight which Mr. Zern commented he hit right on the head. Mr. Zern commented that the quality of life is why these people here tonight all moved here. He commented that he has been here only 10 years. He lived in the Town of Cortlandt for 40 years. But it is the quality of life that he has right here. He wishes that all the people present, the entire audience including those watching on t.v., came in here to a Workshop session and we could have discussed a lot of this. He commented that the problem was that he was the only one here at the Workshop. Mayor Murray noted that this was discussed at several Workshop sessions. Mr. Zern commented that he brought up two solutions. He said that he would not talk about one but that he would about the second. He commented that here we have a golden opportunity for this Board to step forward in 2014 to say we want to save the court, that we want to keep the quality of the Village, the quality of living here in the Village. Mr. Zern commented that the point he brought up at the Workshop session, saying to not quote him because he is not quite sure and did not have a chance to research it, is that in the Village of Briarcliff which is a small hamlet, the Board does not take a stipend. He commented that if this Buchanan Village Board would step forward for 2014-2015 there would be \$25,000 or \$28,000 saved with which we would be able to keep the justice system for one more year and allow it for only one more year, then decide again. If we have the money by 2015, then everybody gets their salary back. He commented that it is just a little food for thought. He thanked and commended Trustee Zachary.

Diane Tangen commented that this has been a very informative meeting. She is glad that she came. She feels that Police Chief Tubbs gave a wonderful report. She was amazed that we have 45 criminal cases which she understood to mean were not traffic cases. She commented that brings her to ask about this. There is a Justice Court report. There is a Police Report. There is never anything in the newspaper. She commented that she has lived here for her entire life and she never knows what the Police Department does. She has never heard that we have that many

cases in our court. It is astounding to her and very informative. She thinks it is time that the people knew what is happening in the Village. Mayor Murray advised that in the past two months, he did state how many arrests there were. He believes that 2 months ago there were 14 arrests. Ms. Tangen wanted to know what kinds of things are happening in our village. We do not know. She wanted to know if they are drug related; if we have murders or rapes. The Mayor advised that the Village Board receives a monthly report from the Chief of Police. Mayor Murray read the most recent report. Ms. Tangen feels that we need to be better informed. Mayor Murray asked how she would suggest this information be disseminated to the public. Ms. Tangen commented that they could do as the Mayor is doing now. If we watch television, we would hear some of these things. She is really shocked that we had 45 criminal cases. She does not know to what extent. We never have anything in the newspaper. She noted that you sometimes do read that for other communities. She commented that we seem to make sure that we do not get anything in the paper, which she said is fine. She likes that our village has a very good reputation. She loves living here. That is why she stays here. Mayor Murray advised that several months ago Trustee Zachary had that same question and we changed how some of these are reported. We had some issues with some drug complaints and did not know how many were arrested. That is why there were a couple of changes there. Ms. Tangen commented that if we watch t.v., the Mayor could mention some of the things from the Justice Court Report. She noted that he would not identify anyone but certainly give the types of cases.

Trustee Zachary commented that this is something that was a little off the topic and he thinks it is a good topic but if anyone wanted to discuss it further, they should come to the next Workshop.

Al Donahue commented that he can answer that question about the information. He said that the Editor of the Northern Westchester Examiner, which he had with him, has a police blotter. He calls police headquarters. Mr. Donahue gave examples from the newspaper. He noted that it tells every arrest that is made, the person arrested and the crime. He commented that it is not very difficult and the people can read what is going on. The Editor of the Northern Westchester Examiner can explain how it is done. He is sitting here tonight.

Robert Lupica commented that he does not believe Mr. Zern. He feels that the Board members should get a little raise instead of giving up their money because they are doing a fine job and are giving up their time. He wanted to let them know that he has talked to quite a few people who did not even know that this is going on tonight. He asked them about their opinion and what they thought and they did not know about it. He commented that people are not even here because they did not know about this.

Trustee Zachary wanted to know if Mr. Lupica could come to the Workshop. He said Mr. Lupica is the first person in the Village to come and say raise that, raise that. Mr. Lupica said that he thinks that people deserve a living and if you do a fine job, you should be compensated

for that. He pointed to Mr. Zern and said that he took a pay cut to take his job. He commented that the last guy was getting paid a lot more and we paid him less. He wanted to know why.

Mayor Murray commented that when you talk about public notification, the Board had discussed this matter for several months. We discussed it last month. Mr. Lupica commented that nobody listens to that public notification. He wanted to let the Board know that a lot of people in this room did not know a lot about this. He brought his friend who did not know about it and he only lives across the street. Mayor Murray commented that the gentleman did know about it because the Mayor had spoken to him a couple of weeks ago. Mr. Lupica wanted the Board to know that people did not know about this and commented not to take what we are looking at as the Village attendance. Mayor Murray said that is another reason why he feels that a permissive referendum works better. Mr. Lupica commented that they can all stop that tonight by voting. He commented that the Village Attorney made it sound like the vote was already made.

Village Attorney Porteus commented that she thinks this is a little confusing too. She advised that if this Board passes that resolution tonight abolishing the position of Village Justice, if there is no petition signed by 20%, 30 days from today's date, it is a done deal.

Mr. Lupica said that her comment was that this was already a done deal; that they are already going to that phase. He commented that they can vote right now. Village Attorney Porteus advised that that they have not voted. Mr. Lupica said that her comment before made the insinuation that it was already a done deal and then we had 30 days to work it out. That was the impression he got. Village Attorney Porteus apologized if that was what he understood.

Mayor Murray advised that last month we passed a resolution to have a Public Hearing on a permissive referendum. Last month is when we discussed that we were going to have a Public Hearing. The only way we can have a Public Hearing is by a resolution.

Mr. Lupica commented that the Board can resolve all this tonight. He commented that we have already gone through this due diligence. He wants the Board to vote with their hearts; that it is only \$11.00.

Trustee Funchion commented that he appreciates that everybody has come here and given all the information that we have. No decision has been made yet. He values the information from all the taxpayers in the Village. He has heard from both sides. He very much values Chief Tubbs who has come and given very good information to the Board. He commented that nothing has been decided as of yet. The Board still has to vote and that is the reason we have Public Hearings on issues. It could be something small. He remembers seeing something before his time as a Trustee. There was something about a right turn on red on Bleakley Avenue. It was proposed to get rid of it. Then enough people who lived in the area came and said we have a lot

of handicapped people there and that it is going to make it more dangerous in that corner. The Board let it go and they did not vote on it.

In response to a question from the audience on whether they would vote now, Mayor Murray advised that when the Public Hearing is closed, we then have a Resolution to propose abolishing the court by permissive referendum. He will read it.

Judge Daly commented that they are not abolishing the court. They are abolishing the position of Village Justice. It is not by permissive referendum. You are just abolishing the court. She asked the Village Attorney to please set the Board straight.

Village Attorney Porteus advised that she thinks there is some confusion. They would be abolishing the position of Village Justice. It does not take effect for 30 days. If no petition is signed, it is done. 30 days from now Judge Daly's position would be over.

Judy Daly commented that this is not a benefit to the people that we get to have a permissive referendum. She feels that it is a detriment. This is a burden on the people. The Board can vote this down tonight. She commented that the Board is not passing a resolution for permissive referendum. They are passing a resolution not to abolish the court but the office of Village Justice. She commented that she did not know how the Board did not know that is what they are voting on. Mayor Murray and Village Attorney Porteus advised that it is subject to permissive referendum.

Jeremy Basso, said he will soon be a resident. He is building a house on 119 Bannon Avenue. He commented that he grew up here. He was born in Croton and raised in Montrose. He has a business on Albany Post Road in Montrose. He commented that his wife and he were fortunate enough to be in a position to pick a place to live, not because they had a house to inherit but because they worked really hard and had an opportunity to choose the community in which they want to raise a family. There are several different factors that they weighed. One that was very important to them was the services of the community. They did not want to be in a hamlet, part of a giant town. He commented that while this is an introduction to step one, which is to eliminate a position in the court, it sounds to him that it is step one to turn the Village of Buchanan into the hamlet of Buchanan where all services will end up becoming one more budgetary item that we can start to eliminate in an effort to save money. He commented that at the end of the day he thinks there are a tremendous number of different avenues that we could pursue in a public forum to enable us to make an intelligent decision where money is really being spent and where money can be saved. He thinks it is important to understand what the real cost/benefit was to the elimination of the court and bringing up many of the points that the Police Chief had mentioned. He said as a quick question, a small aside, the pool loses money, the camp makes money. Mayor Murray said that was correct. Mr. Basso wanted to know, net/net, is the

determination that the pool makes, loses, less money than the camp makes or are we still at a net loss. Mayor Murray advised that it is still at a net loss. Mr. Basso wanted to know by how much. The Mayor advised that he did not have the figures from this year and asked the Village Administrator about last year. Village Administrator Hay believed it was about \$5,000 or much closer. The Mayor advised that we probably lost \$5,000 or \$10,000. Mr. Basso commented that it was the net cost of the court. He said that he came late because he had a family emergency. He commented that he does not have personal ties. He has an interest in an area that he has chosen to invest his life savings in so that he could build a family here and hopefully raise them with the same qualities that he was fortunate to grow up in. He chose the Village of Buchanan because he likes the additional levels of services that are offered. He is concerned that, what is the adage stepping over dollars to pick up dimes. He wants to get a better understanding. He apologized for being late to the meeting.

Mayor Murray advised that he would read again what he read before. In fiscal year 2010-2011, the court lost \$26,000. In fiscal year 2011-2012, it lost \$30,000. In fiscal year 2012-2013, it lost \$14,000. Currently this year we are at 50%. We are down a negative \$8,000 for the first 5 months of the year. We have 50% expenses versus revenue. Mr. Basso said it is roughly an \$18,000 anticipated loss. The Mayor commented that he sees it as roughly \$20,000. Mr. Basso commented that is not much difference than the cost of the pool but that is not on the docket. The Mayor advised that it is on the docket at every budget. That is why we have changed things at the pool. We have tried to make it more user friendly. We have changed the cost structure. It is more expensive for individuals to go there by themselves but it is cheaper to buy a family plan. We have been able to increase the revenue in that aspect. We have taken some of the Recreation Fund money to purchase more amenities, more tables and chairs. We started selling things up there to lower the cost more. Because the pool is such a big part of the camp, we have increased the number of people at the camp and therefore increased the revenue. We have lowered the number of people that have to work there. We have been looking at that and changing things for three years to try to make it better. Mr. Basso commented that he understands. He commented that he appreciates and respects it and is happy that it exists. His question is that when the call came up before, we are making money on the camp to offset the loss at the pool but there was no understanding of what we were talking about as far as dollars and cents. He commented that helps put a price tag on it. He commented that is a substantial loss but it is not the end of the world if it is moving in the right direction. That is a good thing. The Mayor commented that to give a comparison, in 2008 he believes we lost \$35,000 on it, plus we lost money on the camp and we had 50% participation. But through measures, through our Recreation Supervisor and through creative ideas, we have changed policies and procedures. We have changed the hiring. We have changed a lot of things. We have lowered that gap where it is more of a benefit to our residents and has a better cost structure.

Mr. Basso wanted to know what the cost of the court is per household in the Village. Mayor Murray advised that he did not have that cost. Mr. Lupica advised that it cost him \$2 last year but he did not factor in the extra five. He commented that adding in an extra dollar, it cost him \$3. So he calculates that it cost \$3.00-\$4.00 to operate our justice system. Mr. Lupica commented that this year it is costing him \$11 to say that we are not going to make any money. If we made a little money, it might be \$5.00 or \$6.00. He commented if it is worth \$7.00 to have a functioning court. He commented that if you own real estate, you have got to go. He commented that it is what Trustee Zachary said, integrity.

Trustee Zachary remarked that when Mr. Lupica puts it like that it sounds humorous but the Board goes to great lengths to save every little bit that they can in the budget. They look at every single line to save a nickel or a dollar or \$1,000, whatever we can save. He commented that if you look at it, and people squawk if we break the 2% tax cap, the average resident pays \$1,100. That is about \$22 per week. He noted that gets a Police Department, a Highway Department, a Recreation program, Village administration. He commented to not forget planning and zoning which he feels are two of the biggest conveniences being a Village resident here and not having to go to a larger municipality. He commented that he gets all that for less than he spends at Starbucks every week.

Mr. Lupica wanted to know if we are trying to make it cheap for people to afford it or are we trying to provide services. He commented that our taxes are cheap. He has a friend who is paying \$11,000 in the Town of Cortlandt.

Trustee Funchion commented that we have a community that includes a lot of older people who are on fixed incomes. He commented that \$11 or any of these things sound like little bits of money but to some older person living on Social Security that is a lot of money. Mr. Lupica agreed. He commented that his grandparents bought a house here in 1964. They retired. They used to have a place in Florida. His grandmother saw the money going. Mr. Lupica commented that he was supposed to buy that house from her. Two years into it, she told him that she did not want to sell it to him. His contract said that she could only get out of it if he said she could. He commented that he had other uncle and aunts who were in her ear. He told her that if she really wanted to get out of it, he would let her. He was going to buy the house and let her live there upstairs and live downstairs himself and give her the same opportunity of the rent that she was paying him. He commented that she would have had all that cash in the bank and could have kept on going to Florida. She stopped doing it. He moved out and bought a house. She then stopped going to Florida. She could not afford it. He commented that one of his smart uncles and aunts talked her into getting a reverse mortgage. Mr. Lupica commented that it was a good thing that she passed away, as did his grandfather not long after, because they would have had no money. His grandfather had no money when he went into the VA. Mr. Lupica commented that as for trying to make this community affordable for those who cannot afford it, his

recommendation is to sell now and get yourself into a smaller house. Do not have a three bedroom house, a 2,000 square foot house. He commented to move yourself into a one or two bedroom to make it affordable for yourself so that you can enjoy your golden years. He commented do not try to live in the house that you cannot afford. He commented that what the Board is telling him is that they are trying to make this community affordable for people who cannot afford it.

Trustee Funchion commented that we are trying to make a community that involves a lot of different economic levels. He commented that he understands what Mr. Lupica is saying. He is telling the older person that he wants them to move out of Buchanan. Trustee Funchion does not agree with that.

Mr. Lupica commented that the economics behind it are to figure out what you can afford and then move out. Then you can have money for your golden years. He goes into communities on his job every day and sees how they are living. The first thing he says to the board president is that their common charges are too low. When he is asked why he said that, he replied because he has looked around and seen the way it looks. It looks like they are not putting money back into their community because they have no money because they do not raise their common charges. He commented that it is all about the “net net”. You raise some taxes. You have a little bit more money. You spend it and you raise the level of services. He commented for the few people who cannot afford it, downsize their living. Move into the one bedroom. He commented that you do not need a big house for one person, a widow. He commented that he sympathizes with them but you have got to realize economics. You do not keep living on nothing. He commented to take the money out of the house. His grandparents would have been with no money, a reverse mortgage and no house. They would have had to rely on someone in Mr. Lupica’s family to take them in. He wanted to know if that was what Trustee Funchion wanted. He commented that it was what Trustee Funchion is saying to him now.

Mayor Murray commented that our duty as elected officials is to the entire population. Mr. Lupica commented it is to the general population. He commented that unfortunately, they cannot make it for everybody. They have to do what is best for the community. He commented that you have to have a functioning community that thrives, that is prosperous and develop the people that live here and not to make it cheap. Mayor Murray commented that it has always been his goal to spend the money as wisely as possible because that is what the tax payer does. He is not going to tell some 80 year old resident who has lived here for 60 years and raised their family and built this community that he is going to raise taxes just to have them downsize. He commented that is ludicrous. Mr. Lupica commented so does the \$20 or \$30 chase them away. It is a matter of economics. The Mayor commented that he does care if it is 2 cents. We are going to make it economical for the residents who have built this community their entire lives. Mr. Lupica commented that unfortunately people cannot afford it. They have got to move and he

understands that. The Mayor commented that we are going to do everything that we can to keep all of our residents with the standard of living and the services with which they have become accustomed. Mr. Lupica commented then the other people have to suffer. The Mayor wanted to know what other people. Mr. Lupica said the people who want...and then we start losing the police force, we start losing the courts, the Highway Department and we start losing things.

Trustee Zachary respectfully requested that we move the process along. He feels that we are pretty much off topic now. He encouraged anyone who wants to continue these conversations to come back to the Workshops and the Public Hearing for the budget.

Jean Ryan commented that she thinks that the money we are going to spend in overtime will be significantly more than \$12,000. She feels that Board has to look at that cost and to examine the nature of how this whole resolution came to be.

At 9:21 PM a MOTION to close the Public Hearing was made by Trustee Zachary, seconded by Trustee Knickerbocker with all in favor.

#### **d. RESOLUTION ABOLISHING THE OFFICE OF VILLAGE JUSTICE.**

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

Trustee Knickerbocker commented that first and foremost, she is very appreciative that so many people came out tonight. She commented that this is your Village and your community. She noted that normally we do not have this attendance. She appreciates and respects all the comments. She addressed the Village Justice and said that to her knowledge, it is not personal. She has no knowledge of it being personal. She commented that this Board has been very fiscally responsible. The Board has to provide services to this community and we have been very fortunate. Our services are phenomenal here. All of the Board members want to keep these services. She noted that as was discussed, some people are still working and making a good income. We also have residents who have lived here all their lives and raised their families. Some people in this community actually were born in the homes they are in. We are trying to be fair to everybody. We have gone through everything and the reason this came up was because the Board is going to be looking at everything. She commented that times are changing. We want to still provide the services but fiscally, how can we do it. How can we be responsible to the residents?

Trustee Knickerbocker commented that another reason that this came up is because this is an issue that we will not be able to look at for another four years. It is here now. We are talking about it. We have a Public Hearing. She has listened to what the Police Chief said, his memo. The Board gets all the feedback. They ask questions. She has had people call her and e-mail

her. She has listened to everyone this evening. She appreciates their comments. She understands what they are saying and respects their opinions. She is considering everything. She understands all about the services. She will not be voting to abolish the court.

Trustee Jackson appreciates everyone here who has taken time out to come and make their opinions known. He commented that it is unfortunate that we do not have this type of turnout at our more regular meetings. He noted that he moved here 20 years ago. He moved here, as Trustee Zachary and Mr. Zern commented, for the quality of life. He calls Buchanan the hidden pearl in Westchester. He commented that when you go down what he would describe as a slippery slope of losing your autonomy for some of the things that your citizenry are on favor of, it is indeed a slippery slope. We do not know where that would take us from. He commented that he does not know of any personal politics that might have gone on. He took the time to have several meetings with the Police Chief to get a feeling for how this would affect us long before he sent this memo to get an informed idea of whether it made sense. He said that he came to the conclusion that it did not. He said for that reason, he will be voting against the resolution.

Trustee Funchion commented that like Trustee Knickerbocker said, he thinks it is great that everybody came out. He commented that the Board is trying to doing the right thing by and for the people of Buchanan. It is what this Board has always done. He never heard anything about personal things between individual people. He commented that it should be noted that if this is voted down, there will still be an election for a judge. So someone could run against the individual who could then be put out of a job. It is an elected position so technically Mayor Bloomberg, for example, could decide to run for judge in Buchanan and spend \$1 million on a campaign to get the job. Trustee Funchion commented that he took into account in his decision purely the money part because the Board is trying to save. He is concerned about that 65 year old person who is living on a fixed income. He also took into account what the Police Chief said. Trustee Funchion noted that he worked his whole life in law enforcement. He worked with law enforcement people all his life. He commented that he understands that the expenditures can spiral out of control, especially the overtime expenditures. He commented that to him, at this point he is willing to go for another four years with it to see if the economic viability of it becomes more positive and does not go in the opposite direction. Trustee Funchion said at this juncture, he will vote against it.

Trustee Zachary commented that we usually have two or three people here, noting that they are here now along with a lot more. He commented that he was trying to see how we could boost the attendance. He asked that those people here tonight come once or twice a year. He would like to see more people get involved. He commented that obviously if there is a hot button issue that is going to affect people, they are going to turn out. The Board always encourages involvement. He thanked everyone for coming.

Trustee Zachary feels that there is not enough money to be saved in this. He commented that his biggest reason is in respect to the Police Chief's comments that it would have a negative effect on the operation of the Police Department in the Village. Trustee Zachary said that he will not be voting to support the elimination of the position.

Mayor Murray appreciated everyone coming out. He commented that it is great to be able to talk to the public, especially when it is not election time, at least not for him. He commented that he echoes everybody's thoughts that it would be great if people came out. He noted that, as he said, the Board has been discussing this for several months. He commented that right now, one of the reasons why we have low taxes is because of the taxation of Indian Point. That program expires next year. There is no way to estimate whether that license is going to be renewed; whether we are going to be able to enter into a PILOT agreement; whether it is going to come on to the tax rolls. The Mayor advised that is \$1.9 million. That is 37% of our budget. He noted that if that does not happen and the Village is not aligned with cost saving measures, we are going to see a 170% tax increase in one year just to maintain what we have. The Mayor commented that it is important that the elected officials represent everybody within the Village. There are 2400 people in the Village. We have to think about everybody, no matter what their situation is, whether it is a Senior Citizen or a family that just came here. He commented that the one thing that echoes throughout all of society is save money. Save money is all this Board ever tries to do. We try to combine services within our own departments. The Mayor commented concerning pay raises for the elected officials they have not had one since he has been on the Board. He noted that it may be recalled that in 2008 and 2009, he voted to get rid of the medical benefits for the Board members which saved the Village a lot of money. He voted in favor of getting rid of it. The Mayor commented that when you talk about the pay of our employees that is up to negotiation. He noted that the Board has looked at other municipalities to see what they pay their employees. That is part of our fact finding during contract negotiations which are set to commence in the next couple of weeks. But in order to insure that the Village has the essential services – the Fire, water, sanitation and sewer – we have to find other ways to keep them affordable. In his opinion, this is one of the ways to keep them affordable. The Mayor advised that currently we pay about \$1.00 per person per year for court services for the Town of Cortlandt. We pay that now but we are not receiving anything. He advised that we have a separate tax rate with the Town of Cortlandt for the services that we provide to our residents. Mayor Murray said that the Board knows how he feels about it.

On the MOTION, the resolution was not adopted by a vote of 4-1 with Mayor Murray in favor and Trustees Knickerbocker, Funchion, Zachary and Jackson opposed.

**e. PUBLIC HEARING ON A PROPOSED LAW AMENDING CHAPTER 167 OF THE CODE OF THE VILLAGE OF BUCHANAN.**

At 9:37 PM a MOTION to open the Public Hearing was made by Trustee Knickerbocker, seconded by Trustee Jackson with all in favor.

Eileen Absenger, 138 Tate Avenue, agrees with the road opening permit because she thinks that it was horrible that these people were held captive in their homes because this was not on our books. She is in favor of this and she thinks that this was long overdue.

Mayor Murray advised that this is about road opening permits. Our Code had previously stated that we had to coordinate certain things when it comes to road opening permits. An incident occurred to some of our residents on Bleakley Avenue where the contractor had opened up the road and the residents were not allowed to egress their property. We had no recourse to force the contractor to move the equipment to allow these people to leave their property. Also amended in the Code were the fines. The fines were only \$25.00. One of the things that we are proposing is a minimum fine of not less than \$500 per offense and not more than \$2,000 per offense. Also in this Code, it talks about the Police Department's increased suggestion of having the person move the blockage so that residents can egress and enter their property.

Trustee Zachary asked about the wording on the Resolution. In reading it, it does make it clear that the applicant has to notify the properties that are involved but he asked about the way it is worded in Local Law, Section D. He paraphrased it, noting that it says that they have to notify impacted properties and when they get to the list of people that are involved from the Village that they have to notify the affected property owners and/or tenants of the proposed work, date and time that said work will be done. Trustee Zachary thinks the issue was whether or not people have the ability to get in and out of their properties. Trustee Zachary thought that there should be some specific wording that they notify them when the work will be done and whether or not they will have free egress from their property. Mayor Murray advised that it does say that they have to be notified of the work 24 hours beforehand. Trustee Zachary commented that specifically you could be notified of the work but not realize that you will not be able to get in and out. He said that is a big part of this that specifically you will not be able to get in and out. The Mayor commented that the big part was that the property owners were not notified that they could not get in and out. We have to allow the contractor to do the work. Trustee Zachary said that he understood and agrees that they should be notified. He commented that it is one thing that the contractor can send a letter saying that on a certain date they will be working on the road you live on. He thinks there should be specific phrasing indicating that you may need to make alternate plans for egress; that you may have to park your car somewhere else. The Mayor advised that we issue that permit. Trustee Zachary wanted to know if there was a chance that when they get their letter, the person impacted can just look at it and take note that they are going to be working on the street but not realize that they cannot get in and out. He thinks there should be some specific wording regarding egress. Village Administrator Hay advised that usually it is Con Edison opening the street and they usually do put on the permit the address of the closest

property that they will be working on. When they come to the Village, we would give them the properties surrounding the area and they would notify them.

Village Attorney Porteus commented that what Trustee Zachary is saying is why do we not notify them that at this day and at this time and that between certain hours, you will not be able to get into your property.

Trustee Zachary commented that he understands that they are going to get notified and that the onus is on the applicant, the contractor. But he wants there to be nothing fuzzy about the wording. People have to know if they are not going to be able to get in or out. He wants them to be told specifically. Mayor Murray advised that it says that the owners will be told in a manner set forth of the owners of such facilities of the proposed work. So you are going to tell them what the proposed work is. Trustee Zachary said that they are going to have to infer that they will not be able to get in and out. They should be told specifically. Mayor Murray asked how Trustee Zachary would suggest amending the text. Trustee Zachary said that where it says “upon receipt of said list, the applicant shall notify the property owners/and or tenants of the proposed work, date and time that said work will be done”, to continue the sentence with: “and whether alternate egress plans need to be made.” Mayor Murray commented that it sounded reasonable.

Trustee Jackson wanted to know if physical signs are going to be put up. Village Administrator Hay advised that they are hand delivered or by mail depending on if it is short notice. Mayor Murray advised that in the past they put it on everybody’s door. For our road openings and our curbs, they put a date of a week’s time that “No Parking Will Be Permitted Here”. The Police Chief also has the police officers put up “No Parking” signs on the road at certain times. The Mayor advised that it is according to the extent of the work and the type of work it is. He commented that it is hard to make a cookie cutter for everything.

Mayor Murray commented that Trustee Zachary’s text is a good amendment. The Board members were all in favor.

The Mayor asked for any comments from the public. There were none.

At 9:40 PM a MOTION to close the Public Hearing was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

**f. 14-02 RESOLUTION ADOPTING LOCAL LAW 2 OF 2014 AMENDING CHAPTER 167 OF THE CODE OF THE VILLAGE OF BUCHANAN**

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

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

**g. 14-03 RESOLUTION STATING POLLING PLACES AND TIME FOR THE NEXT VILLAGE ELECTION.**

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

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

**h. 14-04 RESOLUTION APPOINTING REGISTRAR AND DEPUTY REGISTRAR OF VITAL STATISTICS.**

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

Trustee Funchion wanted to know if there was an additional salary involved. Village Administrator Hay advised there was not. It is just a responsibility. They have to file the vital statistics. On a question by Trustee Knickerbocker, Village Administrator Hay advised that they do not do birth certificates in the Village. We do death certificates.

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

**i. 14-05 RESOLUTION GRANTING A VENDING PERMIT.**

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

Trustee Zachary commented that in the letter from the vendor's application, it says "Our canvassers knock only on doors that qualify for a \$0 out-of-pocket solar energy program that gives homeowners control and predictability on their energy spending". He wanted to know how they know who qualifies for this. He commented are they going to have people's credit scores ahead of time. Trustee Funchion commented that it means that you have to have a southern facing house and have to have no trees blocking the sun. Trustee Zachary commented that it is not like they have people researching the residents' personal information before they come around. Trustee Funchion said no. Village Administrator Hay commented that they had something similar at Home Depot. They brought up your house on Google, or whatever it was, to see if you had either the square footage or as Trustee Funchion said, a certain amount of access to the roof.

Trustee Knickerbocker commented that going back to last year when Verizon came in front of the Board on going door to door, we denied them. She wanted to mention that. Mayor Murray advised that we denied them because we felt their hours of operation would inconvenience the residents. We did not want somebody knocking on your door at 9 AM on the weekend or during dinner time at 5:00 or 6:00 in the evening. We thought that if somebody would be there too late or too early after dusk, it would create more of a problem and more of a cost to the Police Department. These vendors are not allowed to go after sundown, and on the weekends they can start 11 AM. On Mondays to Fridays, they can start at 10 AM. We narrowed the range. He did not believe that when we suggested these types of measures to Verizon that they were very receptive and that is why we denied them.

Trustee Knickerbocker said that at the next Workshop she would like to look at this law again because it says in the law from 9 AM to 9 PM. She would like to look at that again because she thinks that 9 PM is very late for people to be knocking on doors. Mayor Murray noted that they have to do it by our approval. We can set any terms and conditions on it that we want. It is more restrictive than our Code but they can do what they want if they do not want to follow what we feel is best for our residents. Trustee Knickerbocker said she wanted to look at it again. Trustee Zachary also felt that was a good idea.

Trustee Zachary wanted to know if the hours in their letter based on a discussion that was had or did they just put that in. Village Administrator Hay advised that it was based on the letter they submitted. Trustee Zachary commented that he noted that because they limit themselves to sundown and that might be a start. He noted that in the summer it is bright outside at 8 PM but in the winter it is dark and he does not think people want people coming to their door then.

Trustee Jackson thinks we are being bombarded so much in general from marketing across the board that he does not like the idea of allowing our residents to be seized by outside entities whether it is these people or Verizon. He said he just cannot support this.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Knickerbocker and adopted by a vote of 4-1 with Mayor Murray and Trustees Knickerbocker, Funchion and Zachary in favor and Trustee Jackson opposed.

#### **EXECUTIVE SESSION TO DISCUSS POLICE CHIEF'S CONTRACT:**

At 9:45 PM a MOTION to enter into Executive Session was made by Trustee Zachary, seconded by Trustee Knickerbocker with all in favor.

At 10:05 PM a MOTION to come out of Executive Session and return to the Board meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor.

Mayor Murray commented that as announced, they discussed the proposition of signing the Police Chief's contract. They discussed some different terms and conditions. The Board would like to present the Chief with a proposal before they vote on the extension of the Police Chief's contract. No action was taken. Mayor Murray advised that they are going to have a counter-proposal. The Mayor advised that we will not have the resolution on the agenda as item "J".

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

a) Justice Court Report – November 2013

Received

b) Wastewater Reports – December 2013

Received

c) Zoning Board Minutes – November 13, 2013

Received

d) Police Reports – November 2013

Received

e) Fire Inspector Report – November 2013

Received

Mayor Murray asked if there were any questions or comments on the above reports. There were none.

f) Attorney's Report:

Village Attorney Porteus reported on the West Point Partners transmission. It is now official that we have intervener status.

g) Trustees' Reports:

Trustee Knickerbocker commented that this evening was a switch. She likes change. Change is good. She thanked the Cortlandt Community Volunteer Ambulance Corps and Eric Singer for having them for training in the beginning of December. She, Mayor Murray and Michelle Murray are now certified with the Heart Saver Program. If anyone is interested in ever doing that again and would like to set up a program and a date, they should let Village Administrator Hay or the Village office know. It was very interesting. It is the first time Trustee

Knickerbocker has done this. She is glad that she is now certified so if someone needs help, she can help them.

Trustee Zachary reported that there was a meeting at the Hendrick Hudson Free Library on December 11, a few days after our last Board meeting, about Spectra Energy's proposal to expand the Algonquin Gas lines. The Board brought it up at the last meeting. Trustee Zachary commented that people should start to become aware of this. One of the aspects of this gas line is that there will be a compressor station in Rocky Point which is right across the river from us. This forum was basically a conglomerate of environmental groups. Trustee Zachary commented that he always feels that you have to look at all sides. But they did state that these compressor stations are very inefficient. This gas is compressed into liquid form in these pipelines. You need compressor stations to reinforce that compression like boosters along the way. They said that something like 12% of the gas escapes at these compression stations. With our area being generally downwind and with the prevailing winds coming from the west, it is something that people should be aware of. The Board will stay aware of this and express our concerns as things develop.

Trustee Funchion thanked Recreation Supervisor Nancy Bayer for the job she did so well on the Christmas Tree lighting. Everybody had a nice time. He would like to discuss at the next Workshop, because there were not as many people, that maybe we should move it back from 6 PM to 5 PM.

Trustee Funchion reported that he attended the Pearl Harbor Day commemoration at the Town of Cortlandt. It was well attended by our veterans. There were 10-12 WWII veterans around. It was nice to see them there. He commented that Supervisor Linda Puglisi always does a great job.

Trustee Funchion reported that he attended the Christmas lunch here at the Village Hall with the Village workers. It was a nice, festive affair.

Trustee Funchion commented that for the purposes of the television audience, that he has worked with our Mayor for four years now and he has never known him to have ever done or proposed anything that he did not feel was for the good of this Village. He has never done anything that was spiteful or hateful to people. He always acted on behalf of the people in Buchanan and has always acted to try to save them money and to do the right thing. Trustee Funchion said it has been a privilege working with him and he thanked the Mayor. Mayor Murray thanked Trustee Funchion.

Trustee Jackson reported that like Trustee Funchion he wants to thank all of the residents who came out to the Christmas Tree lighting party. The spirit of community and sharing in the

holidays is one of the things that make Buchanan so unique in his 20 years of living here. He thanked the Recreation Supervisor who did a very good job and all the residents who showed up and brought the kids out in the cold. We got a little snow and it was fun. Trustee Jackson encouraged everyone to come out next year and be part of Buchanan Day which will be coming up and to our Saint Patrick's Day Parade. He commented that as he always says, he takes his hat off to all our volunteer fire people. He commented that some people may not know that we had a bad fire over at the Cook Pool area in the Town of Cortlandt last week. He commented that those guys and gals were out there for five hours helping to make sure that the fire was put under control. He commented that you do not know the appreciation that he feels just being connected with the Buchanan Fire Department and the great work that our volunteers do and our Explorer Program. He wanted them to all know that he is very supportive of them and for them to continue to do the good work that they do. He thanked them.

#### h) Mayor's Report

Mayor Murray thanked the Trinity Boscobel Church for coming out and doing the caroling during our Christmas Tree Lighting as well as Through the Looking Glass Nursery School. Both of his children went there and one is still there. It is great to see them come out with their friends and be able to sing and put them on t.v. They get a kick out of all that. He thanked those two organizations for helping them out as well as the volunteer Fire Department and everybody who participated. The Mayor said that Recreation Supervisor Nancy Bayer does a great job. The place was packed as usual.

Mayor Murray thanked everybody who was at the meeting tonight. He commented that sometimes these types of discussions get a little exciting and sometimes things get a little volatile. This one was relatively calm. He commented that we used to have some really volatile ones. The Mayor wants to thank everyone who came out. He said he has always encouraged people to voice their opinions whether they are elected officials or not. He has always wanted to have a free flow of information. He thinks that is what makes it the easiest to make decisions. As elected officials, there comes a time when you have to make hard decisions. You are never going to be able to please everybody, but to be able to throw a topic out there and have an open and free flow of communication where everybody's thoughts and needs are discussed is important. Mayor Murray commented that that one of the things that he wanted to do when he was elected is to create the type of environment where people were not retaliated against for any kind of comments, whether it was an elected official or people from the floor. That was his main goal and he was glad that he was able to accomplish it. Because everybody knows that they can come up and say whatever they want and nothing will come back to them. That is not the way it was back in 2008. Mayor Murray hoped people would remember that and remember that it is great to be able to talk about things even though they are hot topics. He commented that we have 2500 people in the Village. It is great that we had 30 or 40 people here today. But a lot of times

we cannot just make the decision on 30 or 40 people. We have to go out and talk to the residents. There are 2500 people here. The Mayor said that it is important that you come out to vote and important that you come out and voice your opinions. He thanked everybody for voicing their opinions.

Trustee Knickerbocker wanted to know whether Algonquin Gas would be here at our Workshop. Village Administrator Hay advised that that they will be. Mayor Murray noted that Spectra Energy is the one that runs the Algonquin Gas pipe line. There is going to be another task force meeting about the Spectra Energy project, as well as West Point Partners, which will be in the Town of Cortlandt at the end of January. There will be 8 or 10 members who will give an update on progress of the intervener status as well as any other groups that will be coming out for it. He believes that there will be a representative from Athens because Athens is becoming more vocal against the West Point Partners DC Project. The Mayor advised that Con Edison is going to be forced to pay \$433 million for this line and it is going to be paid for by the taxpayers. He commented that if anything can get the hair up on the back of your neck, it is when the Governor says you are going to pay a half-billion dollars and get rid of 2,000 jobs.

## **6. COMMENTS FROM THE FLOOR:**

Eileen Absenger, Tate Avenue, commended Mayor Murray on following through on his thoughts and his truth regarding the court. She also commended the other four Trustees for where they came from and how they decided to vote on it. She felt that there were a lot of degrading statements made here tonight towards the Board with vehemently strong feelings. She felt that there was a lot of emotion rather than a lot of fact. Although there was fact presented, there was a lot of emotion.

Ms. Absenger commented that she remembered one of the lawyers when they were building on Lake Drive, Al Pirro. Mr. Gallagher lived across the street and they wanted to take away a certain percentage of his property. Ms. Absenger said she sat in back of Al Pirro because it was impacting her property also. She said that Mr. Pirro turned around to one of his cohorts and said to let him go. That it was all emotion, not fact. She said that when she heard that, she went back, looked at all the property lines on the map, came to the Village Planning Board and said that they needed to go back to the drawing boards. She said they needed to look at this and she guaranteed them that they can move a piece of property. She walked with the Planning Board at that time, in the 1980s when it was being developed. Ms. Absenger commented that there are ways of saying things and ways of not saying things. She commented that she has been to enough of the Village Board Workshops and meetings. It was great that all these people came out here to the meeting tonight but she commented that it really does not mean anything if they do not come out to the Workshops and to other meetings and voice their opinions and participate

and know what everybody is being paid, what contracts are up and what Algonquin Gas is doing and Con Ed too.

Ms. Absenger really appreciates the fact that the Mayor mentioned that this PILOT is up in another year. She commented that we are buried with our heads in the sand, whether the school district is, but we are. She commented that we are living high off the hog even though we do not think we are and it going to come crashing down if we are not careful.

Mayor Murray commented that there have been several measures over the last three years that have been trying to work with adjoining municipalities to try and set the Village up to where we would be able to survive without the PILOT Program. He said he has run into roadblocks in a lot of areas but it is not for the lack of effort. He said that he has always wanted to explore every avenue that he can to set us up for this event. The plant is going to be gone one day whether it gets licensed or not. You have either a 20 year life or a 2 year life. You cannot just kick the can down the road. It is important to at least be willing to investigate things to save money to make the services available to the people who have built this Village. That is what he has tried to do. It is one of the reasons why he brought up this court system today. He truly believes it would have been a way to save some money. The Mayor commented that he respects everybody's decision. He will never stop trying to do things as long as he is here, whether it is a popular decision or whether it is an unpopular decision, if he thinks it is right for the residents because he is going to be a resident for his entire life and he hopes his kids are too. We have to set up the future. We cannot just dwell on today. We have to dwell on tomorrow and that is the hardest part about planning and the hardest part about making decisions.

Ms. Absenger commented that she appreciates all the Mayor's decision making. She has watched him and listened to him. She has been here at the meetings and will continue to come to the Workshops as long as they are still in existence. She hopes he will keep mentioning about the PILOT after every meeting and as the budget hearings start to come up. To her, it is imperative. Ms. Absenger commented that she was also at the Algonquin Gas pipeline meeting. She is not real thrilled with that. We are right across the river from that. She commented that she thinks of the Resco Plant and the McKinley Street residents that always complained about this little, fine black stuff on their cars. Everyone would say to them that it is nothing. She commented that it is something for somebody. Ms. Absenger thanked the Board.

#### **7. BOARD MEMBER REBUTTALS:**

None

#### **8. ADJOURNMENT:**

At 10:30 PM, a MOTION to adjourn this meeting was made by Trustee Knickerbocker, seconded by Trustee Zachary with all in favor.