

Village of Buchanan  
Board Meeting  
June 6, 2011  
7:30 PM

**PRESENT:**

Mayor Sean Murray  
Trustees Richard Funchion, Jane Hitney, Theresa Knickerbocker and Nicholas Zachary  
Village Administrator Kevin Hay  
Village Attorney 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.

**AMENDMENT TO AGENDA:**

Mayor Murray announced that the agenda would be amended to include and an additional Resolution as item (j).

A MOTION to add this Resolution was made by Trustee Hitney, seconded by Trustee Zachary with all in favor.

**2. APPROVE MINUTES:** Organizational Meeting, April 4, 2011.

Mayor Murray had a change on page 10, paragraph 3, line 10 and 11: take out "it was when", after initiated, and add "for buildings and storage facilities in existence...". Also page 11, paragraph 3, line 4: change "one" to "anyone".

A MOTION to approve these minutes as amended was made by Trustee Zachary, seconded by Trustee Hitney with all in favor.

**3. PRESENTATION:** CORTLANDT COMMUNITY VOLUNTEER AMBULANCE CORPS.  
PRESENTATION OF A DEFIBRILLATOR AND CORTLANDT REGIONAL PARAMEDICS  
PRESENTATION OF A FIRST AID KIT FOR THE VILLAGE COMMUNITY ROOM.

The captain of the Cortlandt Community Volunteer Ambulance Corps. introduced their members who were present. He thanked everyone for their support. He said they were present this evening to donate a defibrillator. Last year under their Chairperson Kathy Stewart, their mission statement expanded to include a community outreach program. He thanked her for its success. He described some of the program's accomplishments to date which included an Open House and sign up for CPR instruction. Two of their members have been acknowledged for their outstanding service. They give two scholarships to high school students going into the medical field and awards to Middle School students. They have conducted free training in CPR and free

CPR and first aid training for Little League coaches. He noted that there is a new hands-free CPR technique which he encouraged everyone to learn. The members of the Corps have met with the Seniors in each of the tri-village communities. They participated in the Stay-A-Wake-A-Thon. They donated a defibrillator to the Charles Cook Pool in the Town of Cortlandt and donated a swing to the Hendrick Hudson School District for handicapped children. They are always looking for new members. Anyone can contact them about this. They can also contact Trustee Jane Hitney. People can get free CPR training.

He said that this is the most current defibrillator. You only have to turn it on. They will service it for the Village. They will put it outside the Community Room. They also presented a new first aid package.

Mayor Murray thanked all the volunteers present and in the community. They respond to all types of calls, “24/7”, regardless of weather. They see the residents in the most difficult circumstances. The Mayor commented that it really helps out getting this defibrillator and first aid kit for the Village Hall. We have many community events here and the Senior Citizens are here every week. At times up to 100 people are in the building. He commented that hopefully we will never have to use it, but knowing it is here is added security. It is deeply appreciated.

Kathy Stewart announced that they also wanted to hand out a Life File which will be downstairs in the Village office for anyone who is interested. If anyone needs more, they can call the Ambulance Corps.

#### **4. COMMENTS FROM THE FLOOR: (agenda Items only)**

Angelo Iacomini, 6 Donahue Court, wanted more information on the proposed 1% tax on utilities being on the agenda tonight. Mayor Murray advised that it is just to set a Public Hearing. They are not voting on passing this proposal at this meeting.

#### **5. NEW BUSINESS:**

##### **a) 11-24 RESOLUTION REFERRING REQUEST FOR ZONING AMENDMENT TO PLANNING BOARD (Greentown Recycling Corp.)**

David Steinmetz, attorney for the applicant, commented on his previous informal presentation to the Board two months ago on a proposed recycling facility. He introduced Mario Velez of Greentown Recycling, project engineer Tim Cronin and attorney David Cooper. They would like to develop the property on Greentown Road for a recycling facility for a variety of types of solid waste. Trucks would bring material in. Portions would be recycled and sent to a distribution facility. The rest would go to a landfill. Mr. Steinmetz commented on how his would be processed. Currently, the area is in an M-1 use. There are some heavy industrial uses allowed which they feel are similar, but currently it does not allow for the processing and distribution of waste of this nature. They have drafted a proposed zoning text amendment. They are formally submitting it now as part of a re-zoning petition. The Village Board has to deal with this legislatively. They understand that under the Village Code, the Village Board cannot act until there has been a referral by the Planning Board. They have to go through the SEQR –

New York State Environmental Quality Review Act. They have met with Village Administrator Hay and Village Attorney Porteus to discuss some of the details. They presented a text draft. This represents their understanding. They need the Village Board's input and that of the Village's professionals.

Mr. Steinmetz advised that they have engaged as an outside consultant a solid waste engineer from Sterling Engineering. He is well known within the industry and by the New York State DEC.

They have also engaged a traffic consultant. Because it is the nature of a recycling facility that there will be vehicles coming in and going out, the goal is to have a minimal impact on the Village's roads. Mr. Steinmetz commented that one of the benefits in their proposal is the construction of the addition of Greentown Road out to Broadway. Their traffic consultant feels it will be a benefit to the Village because other industrial and commercial users on Greentown Road would then be able to exit right onto Broadway and not have to use Bleakley Avenue and pass through a residential area.

Mayor Murray wanted to know if it was a stipulation of the lawsuit that Greentown Road cannot be used; that if there is a certain amount of development, an access road has to be used. Mr. Steinmetz advised that the stipulation in the settlement in 1990 contemplates that the road might be developed. They understand that as part of this application it needs to be developed regardless of the stipulation. The final obligation rests entirely with Greentown Recycling.

Mayor Murray noted that they say they would not be involved with disposal of solid waste. Mr. Steinmetz advised that it was no hazardous waste. The Mayor noted that in the Environmental Assessment form presented to the Village Board, it indicates no solid waste. Tim Cronin advised that is because they are not considering themselves as a landfill. They are transferring the solid waste to another facility. They will ultimately dispose of it. There will be nothing disposed of on this property. Things will come in and things will leave. There will not be any accumulation of any recycling materials that will have to leave the property. Mayor Murray had a problem with the wording in their response on the form. Mr. Steinmetz advised that they are not going to be generating solid waste. They will be handling it. There will be no waste created on that site. Nothing remains on site. One of the things in order to operate this facility, in addition to input and ultimately site plan approval from the Village should we amend the Code, they need a New York State DEC Part 360 facility. This facility cannot operate without that. So there will be solid waste. There will be no medical waste or hazardous waste.

Mayor Murray commented on there being no significant traffic increase. He noted that they would be operating this facility 24 hours per day, 7 days per week with a projected 30 employees. Their traffic study notes 500 trucks per day. Mr. Steinmetz commented to be patient and allow their traffic consultant to work with the Village's traffic consultant. The 1990 settlement that the Village of Buchanan entered into was predicated on a traffic study done by and for the Village that shows much more traffic associated with this property than this facility would yield. They will work with the Village Board, the Planning Board and our professionals on this and know that it is their obligation to demonstrate to the Village that they can mitigate any potential adverse impact. Mayor Murray noted that in their brief, Mr. Steinmetz referenced that prior traffic study and its numbers but does not state that there is going to be a new study. The Mayor has a problem with that not being stated in the document. Mr. Steinmetz advised that

they will be investigating it. They will be submitting traffic data. The traffic consultant will be in the front of the Planning Board or Village Board, depending upon which is the lead agency. Their traffic consultant and solid waste consultant will be before the Planning Board and working with the Village Engineer and Village Attorney on all the SEQR related issues. Trustee Zachary wanted to know if 500 vehicles per day is an accurate figure. His impression from their initial presentation was that there was going to be minimal traffic. Mr. Steinmetz advised that it was not accurate. He was unclear where that number was coming from. Mayor Murray cited where it was stated in the document. Mr. Steinmetz noted that it referred to the entire industrial park, not just his client's property.

Mayor Murray advised that originally after that law suit, there were seven lots. Two were developed. Lot number 7 was granted a permanent "no development" after Timco was done. The Mayor has an issue in that the prints here do not show the conservation easement granted by Timco on the print Mr. Steinmetz submitted from 1989 and the other from 2000. The 2011 one only shows the westerly portion of the property. This whole lot was settled by a lawsuit. All the stipulations should be included on the prints. There is no prohibition for lot number 7, half of which has already been built.

Mayor Murray again cited the traffic estimates and times. Mr. Steinmetz advised that the projection in 1990 was predicated on 244,000 square feet of which their site is a small percentage. They are going to rely on a professional opinion. Their consultant has done a preliminary analysis. He has concluded that the number of vehicles going through this site for the recycling facility would be fewer than the number projected for a commercial office building as otherwise approved in 1990. Mayor Murray noted that their document cites 155,000 square feet. Mr. Steinmetz advised that the 155,000 is not referencing all seven properties.

Mayor Murray commented on their reference to changing the whole M-1 district. The Board is not familiar with changing the entire law and what pieces of property would be affected. When this occurred in the past, it was done by Special Use Permit. A project would be site specific. That is something that the Planning Board would look at. Mr. Steinmetz advised that they are recommending an amendment to the M1 district but it would not enable or facilitate every single parcel in it to avail itself of this potential use. They drafted certain limiting factors into the law after consultation with the Village's professionals. There is a distance limitation from any residential property which would rule out the overwhelming majority of M1 properties from availing themselves of this. Mayor Murray wanted to know why the applicant is opposed to a Special Use Permit. Mr. Steinmetz advised that the applicant would be willing to listen to the Village on that. He was asked by his client to present this as an "as of right" use. If the Board felt that there should be special use or special permit authority vested in the Village Board or Planning Board, that is the Village Board's prerogative. Mayor Murray commented that he is bringing up issues that he believes will come up when they go before the Planning Board, so that they are aware of them. Mr. Steinmetz commented that when they met, Village Administrator Hay and Village Attorney Porteus made it clear that it was not likely to have a lot of traction as an "as of right" use but that it was potentially more palatable to the Board as a Special Use Permit. They had already submitted their application as an "as of right" use.

Trustee Zachary felt that the main issues had been touched on. Whether it goes as a Special Use Permit or a change to the zoning law, this has to be drafted carefully so that people do not just pick a property and then say that they can do whatever they want. He commented that we do not

want to become known as the recycling capital of the East. We must do things carefully so it does not give carte blanche to other people who may want to come in and do the same thing. Mr. Steinmetz commented that they also want to do that and await the Board's input.

Trustee Zachary commented on the road being discussed. As a Village, we must protect the people living in that area. He commented that late at night, 500 feet is not that big a buffer if there are loud noises. He understands we are talking about a building that contains a lot of the operation but the Board has to be aware of noise, odor and traffic impact, and safety for the residents. It will go to the Planning Board for their study and recommendation; then back to the Village Board where there will be a Public Hearing.

Trustee Zachary wanted to know if the solid waste, as opposed to recycling such as plastic, will just be brought in, dropped off, then picked up and taken out. Mr. Steinmetz advised that the municipal solid waste would usually leave within 24 hours maximum. The DEC sets limitations on how long a particular type of waste can remain inside the building. Here we are talking about construction and demolition debris, plastics, recyclables and metals. Trustee Zachary wanted to confirm that there would be no processing of the recyclables involving chemicals. Mr. Steinmetz advised that there is no chemical treatment. Trustee Zachary wanted to know if there was anything done on the solid waste. Mr. Steinmetz advised that it was compacted. Under State law, the word "processing" is used when describing the compacting of solid waste. Trustee Zachary wanted to know if that also applied to the crushing of rock and construction debris. Mr. Steinmetz advised that he will get Trustee Zachary a precise answer. It is not a rock crushing operation and they did not draft it for that. Mayor Murray commented that if they are taking construction debris, they will end up getting some rock. Or they could, for example, get a load of asphalt from someone who has dug up their driveway. Mr. Steinmetz responded that they will have to answer question that for the Board.

Trustee Zachary commented that we are not here to come up with the final determination tonight but to begin the process. They have to look at all the factors. He feels this has the potential to be something good for the Village and the potential not to be. He wanted to know, if this project goes ahead, would Greentown Road be built or cleared initially so that it could be used during the construction period. Mr. Steinmetz advised that is a detail that has to be discussed with the Planning Board in terms of phasing. Their concept is that before the facility would become operational, Greentown Road would need to be extended. He felt that Trustee Zachary's question had two parts: one related to the operation and one related to the construction. Mayor Murray commented that the Planning Board might say they have to build a road prior. That would be an issue they would discuss.

Mr. Steinmetz commented that in terms of financial benefit to the Village and construction of the road, there would be employment opportunities and financial benefits. The recycling would also be an incidental benefit.

In terms of what they need tonight, they are looking for a referral from the Village Board to the Planning Board under Section 211-54 of the Code. They also ask that the General Municipal Law process begin with a GML referral to the County Planning to the extent that they are asking the Village Board for a zoning text amendment. Mayor Murray wanted to know how they could start a zoning text amendment if the Board has not had the recommendation as to a Special Use Permit or an M1 zoning amendment. Mr. Steinmetz advised that they are asking the Village

Board to start the “review of”. The Mayor advised that would be the Planning Board. Under Section 211-54, no matter what the Planning Board recommends the Village Board can amend it. Village Attorney Porteus advised that the Village Board must recommend to the County Planning Board any time there is a request like this. Mayor Murray noted that they were not setting a Public Hearing for a zoning change prior to receiving the information from the Planning Board unless otherwise mutually agreed upon. Village Attorney Porteus advised that was correct.

Mayor Murray called for any other questions from the Board. There were none.

Mayor Murray read the Resolution (copy attached).

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

Mr. Steinmetz wanted to confirm, based on Mayor Murray’s comments, that the Village Board does not wish to intend to serve as lead agency on the SEQR. The Mayor advised that the Planning Board will serve as lead agency. They have the resources of the planner, the Village Engineer and the Village Attorney. As he advised, the Village Board can amend their findings. It is not the Village Board’s intention to do so but they do have that authority.

**b) 11-25 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY FOR PRISONER TRANSPORTATION.**

Mayor Murray read the Resolution (copy attached).

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

Mayor Murray advised that this is a yearly IMA that we have to have in place. We are reimbursed for some of the expenses. It is a requirement for them to hold our prisoners.

**c) 11-26 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 181 OF THE CODE OF THE VILLAGE OF BUCHANAN ESTABLISHING A TAX ON UTILITY SERVICES BY THE VILLAGE OF BUCHANAN.**

Mayor Murray read the Resolution (copy attached).

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

Mayor Murray directed this to be sent out in the Newsletter and put on the Buchanan Channel t.v. scroll.

Trustee Funchion commented that before we have a public meeting, it should be clear that he is not very happy with what he is seeing concerning this tax. Based on how he reads it and what is defined legally as a utility, those who heat with gas will be paying twice the amount of tax because the tax will be taken on the utility. Con Edison is the utility in this area and the main

supplier of gas and electricity. So those who use Con Edison for their electricity but heat their houses with oil will experience half the tax increase of anybody who heats their house with gas. He wanted to be sure that this tax, if it were to be, would be instituted fairly. He feels that must be clear before it gets to a Public Hearing. Mayor Murray noted that there are people who heat their houses with electric. A lot of people have electric hot water heaters. These are issues that can be discussed during the Public Hearing. He wanted to know if Trustee Funchion was suggesting that we change the law prior to the Public Hearing. During the hearing, they can amend the law and keep the hearing open until they work everything out. Trustee Funchion commented that he wanted it to be clear before the Public Hearing. He commented that anybody who heats their house with electricity will be paying more than those who use gas or oil. He believes the majority of the people in Buchanan heat with gas or oil. It seems to him to be somewhat onerous to people who heat with gas. He looked at his own bills and it is about 2-1. If you heat with oil, you will probably pay somewhere between \$15-\$25. If you heat with gas, it will be \$40-\$50.

The Mayor advised that this Resolution is just to set a Public Hearing. The law can be amended prior to its passage. There is no set time that a Public Hearing must stay open or close. He recommended instead of changing the law right now, to keep what we have and amend it during the Public Hearing process.

Village Attorney Porteus advised that she will look into it but that she believes that we cannot pick and choose which utilities we are going to tax or not. You could not say that for those who heat with gas, gas is not a utility. If you are going to tax a utility, you are taxing a utility. If it can be amended that way, she will prepare a second version that the Board can compare.

Trustee Zachary commented that he understands the sentiment. It was brought up at a meeting when he was first looking into this. While it would be equitable around the Village to tax the electric bill since everybody has one, he did question the heating of the home. Oil done by private delivery is not a utility and would not be taxed.

Mayor Murray advised that Village Attorney Porteus will look into it and if it is feasible, they will discuss it at a Public Hearing. This Resolution is just to set a Public Hearing, not to work out the details at this time.

Trustee Zachary commented on Mr. Iacomini's request earlier in the meeting for background. Basically by law, the Village has no way other than property taxes to collect revenue. We are limited in the ways we can raise revenue. Unlike the County, we cannot impose a sales tax. We are the only village in Westchester that does not impose this tax. It is a 1% tax. But he feels it is not a huge amount of money. If your average electric bill is \$200 a month - \$2400 per year - you are talking about \$24 a year. It is not intended as a sort of revenue to do something new with. It will be used to slightly offset the property taxes. One of the main appeals to the Board is that it would be put a little bit more of the tax onto the commercial properties and take a little bit off the residential.

**d) 11-27 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ADDING CHAPTER \_\_\_\_ ENTITLED "ESCROW DEPOSITS" TO THE CODE OF THE VILLAGE OF BUCHANAN.**

Mayor Murray read the Resolution (copy attached).

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

Mayor Murray directed that this also be posted in the Newsletter and on the Buchanan Channel t.v. screen.

Mayor Murray advised that this law is being considered because with certain issues, the Village would rather have the money paid up front as a deposit to do certain work such as the planning consultant. He noted that sometimes it is difficult sending and collecting bills. By having escrow deposited prior to the start of the permit being issued, it makes it easier to collect the funds and shortens the time span of getting the billing straight. We do not want to chase people around who are supposed to pay us for services. This Resolution is just to set a Public Hearing. The proposed local law can be discussed at that time.

**e) 11-27 RESOLUTION WAIVING FACILITY FEE FOR TOWN OF CORTLANDT ANNUAL VETERANS PICNIC.**

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.

Mayor Murray commented that every year the Town of Cortlandt veterans have their annual picnic and as we do for all the non-profit organizations, the Board always waives the fees. It is always great to have them celebrate their commitment within the Village.

**f) 11-28 RESOLUTION WAIVING FACILITY FEE FOR THE BUCHANAN-VERPLANCK ELEMENTARY SCHOOL PICNIC.**

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.

Trustee Zachary noted that it says the date was Friday, June 3. He wanted to know when it is being held. Village Administrator Hay advised that it was held but that they did not get the date to us until May 18, subsequent to the May Village Board meeting. It did not qualify as a Special meeting. They usually get it in much earlier. Trustee Zachary wanted to know if the bathrooms were being renovated at that time. The Village Administrator advised that they were. The bathrooms in the adjacent offices were made available.

**g) 11-29 RESOLUTION AUTHORIZING THE EMPLOYMENT OF SUMMER SEASONAL HELP.**

Mayor Murray read the Resolution (copy attached).

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



**h) 11-30 RESOLUTION AUTHORIZING THE EMPLOYMENT OF RECREATION PERSONNEL.**

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.

Mayor Murray wanted to know the total number of people listed here. Village Administrator Hay believed there were 38. The Mayor noted that most had worked for the Village last year.

Trustee Zachary noted slight variations in the pay of the Senior Counselors and wanted to know if that was based on experience or differences in responsibilities. Trustee Funchion noted the same with the Junior Counselors. Trustee Hitney advised that it is based on whether it was their first or second year as a Senior Counselor. She commented that a lot, if not all of them, started out as campers in the program and later became counselors. She feels it is a great job for a student.

**i) 11-31 RESOLUTION AUTHORIZING THE EMPLOYMENT OF RECREATION PERSONNEL (POOL).**

Mayor Murray read the Resolution (copy attached).

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

**j) 11-32 RESOLUTION REGARDING THE WASTEWATER TREATMENT PLANT.**

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.

Trustee Zachary asked for an explanation of a weir. Mayor Murray explained its function. In each one of the Village Engineer's reports and specifications, it stated that they were to be repaired or reprocessed. They have been somewhat repaired. It is going to be over the \$35,000 criteria so it has to be bid out.

**6. INFORMATION FROM OFFICERS & DEPARTMENTS:**

a) Justice Court Reports: April 2011

Trustee Funchion wanted to know if there is a way it indicates whether it is the Buchanan Police Department or the State Police.

Mayor Murray advised that if it indicates "VP", it is the Village of Buchanan Police and "SP" indicates State Police.

b) Zoning Board Minutes: April 2011

Received

c) Fire Inspector's Report: February 2011–April 2011

Received

d) Attorney's Report:

Village Attorney Porteus reported that she got the memo from Village Engineer Jim Hahn advising that the Board of Health's date of June 1 for compliance at Sewage Treatment Plant (STP) has been extended to November 1. Mr. Hahn and George Pommer got an extension for the last two things that need to be done. We got it in writing from the County. She got it from the County's engineer. She wrote a letter back to the hearing examiner just to confirm November 1. The Resolution the Board just passed concerning the weirs and the Comminutor had to be done which is why the agenda was amended for this meeting.

Village Attorney Porteus reported that the Planning Board is calling in several applicants, so there will be much activity there.

The Village Attorney advised the Board that if they have any questions about the proposed zoning change amendment to contact her because it is a different kind of procedure than they may be used to. She advised that the Village Board has jurisdiction now, is sending it back to the Planning Board, and then will decide based on their report back to the Village Board whether to hold a Public Hearing to amend the law "as of right" or by Special Permit. Only when they do that can it go to the Planning Board as a formal application. Then they take over and do the formal review and required studies. The Village Board's role will be to change the law following a Public Hearing. But they also should stay on top of what is coming out of the Planning Board's process. She encouraged the Board members to contact her with any questions.

Trustee Knickerbocker wanted to know if 45 days would be enough without a formal application. Mayor Murray advised that now it is a formal application. 45 days is just the recommendation from the Planning Board whether to change the zoning law. It is not the final site plan approval. In order for the Planning Board to consider the application to the final stages, it would need the zoning changes. Village Attorney Porteus advised that the planner and Village Engineer will be at the next Planning Board meeting in two weeks. They are ready to help the Planning Board with its report back to the Village Board. Trustee Zachary noted that gives the Planning Board two meetings plus 1½ weeks after that to draft their report. Village Attorney Porteus advised they have a right to ask for additional time and the Village Board has the right to agree to that. That is why they got the planner on board right away. She will confirm it in the Code but she believes that if the Planning Board cites their reasons and tells the Village Board that they do not recommend this, in order for the Village Board to go against that they would need something very solid. Mayor Murray advised that in order to amend any part of that recommendation, it would have to be in writing stating the rationale behind it. Village Attorney Porteus advised that they contact her, the planner or the Village Engineer with any questions. Trustee Zachary commented that if the Planning Board recommended in favor, the Village Board would have to have concrete reasons to not follow that recommendation as well. Mayor Murray advised that when they send to us after 45 days, we cannot make the determination of a zoning change without a Public Hearing. So there will be 30 days after that for anyone to come up with any issues.

Trustee Zachary commented that if we were to go for any kind of zoning change, we could list that as one of the allowable uses in the M1 zone or under a Special Use permit. He wanted to know if another option would be to make that industrial park into an M3 zone to limit the areas in the Village where it would be allowed. Right now, we have M1 Heavy Industrial and M2 Light Industrial. Mayor Murray felt that somebody would have a problem with site zoning. This can be discussed. He commented that we have plenty of time to talk about this.

Village Attorney Porteus noted that she was away last weekend and was unable to get back to Trustees Knickerbocker and Zachary concerning their questions about Buchanan Day.

e) Trustee's Reports:

Trustee Zachary reported that Buchanan Day is in the works. They are meeting twice a month. They have questions for Village Attorney Porteus concerning fund raising. There are very strict guidelines as far as proper ways to raise money. In general, the Village cannot sell things or raise money. Buchanan Day will be on September 24 with a rain date of September 25. They have two vendors and the Buchanan Fire Department who will be providing food. They are planning a lot of things for kids, such as inflatables. There will be a deejay and a lot of good stuff. It is shaping up well. At that point, they will need volunteers who would like to join them. They meet on the first and third Wednesdays of the month at 7 PM at the Highway Department building. Anyone who is interested can contact Trustee Zachary or just come to the meetings.

Trustee Zachary reported that because of his work schedule, he was not able to attend the 9/11 Remembrance Memorial meeting. Mayor Murray reported that they changed the fund raising date. They are not going to have the big fund raiser originally planned for September 17. They are negotiating with the owner of Monteverde Restaurant to do a smaller fund raiser in the Fall and a larger one in the Spring. It is still in the initial stages. The big issue is fund raising. They only have \$1200 in seed money. Trustee Zachary advised that at Buchanan Day, there will be some fund raising events for the 9/11 Remembrance Memorial. Part of the profits from the Fire Department's selling of food will go to that and they are looking at other possibilities. Each of the communities is looking to raise money for this.

Trustee Hitney thanked the Cortlandt Volunteer Ambulance Corps and the paramedics for the donation of the defibrillator and first aid kit. While she hopes we would not have to use it, it is proven to save lives and she thinks it is great that we will now have one at the Village Hall.

Trustee Hitney thanked Village Administrator Hay for including his monthly newsletter in the Trustees' package. It explains some of the items on the agenda and updates them on things that have taken place. She finds it very helpful.

Trustee Hitney congratulated all the recent graduates and wished them well. She wished all the fathers a Happy Father's Day.

Trustee Knickerbocker reported that she went to a meeting on Long Island on May 19. State Comptroller Thomas DiNapoli spoke about grants and funding sources available to municipalities. It was a very interesting meeting. She brought back a packet with all the information which she has given to all the Board members. They will be discussing getting other grant monies that are available. Last week, they met concerning the Community Development

Block Grants (CDBG). We are going forward to request money for different projects. It does not mean that we will get it. It is very competitive right now.

Trustee Knickerbocker reported on Buchanan Day. She did get some really old pictures that are very interesting. She requested that if anyone comes across older pictures of the Village, they can contact her, Trustee Zachary or someone at the Village Hall. They will get copies of the pictures and return the originals. There are plenty of pictures in the Historical Room including pictures of people who have been living here all of their lives.

Trustee Funchion reported that they had their first Business Association meeting, which was not successful. They did not get many people to come out. The group that were there all agreed to put it off to the Fall and then go door to door to see if people are really interested. He does not know if they get the Newsletter. He had got an initial response but not for the first meeting. He commented that he has to do a little more foot work.

Trustee Funchion reported that he had the privilege of speaking at the Tri-Village Memorial Day Parade on Monday. It was very hot. He congratulated all the firemen who marched in all the heat in uniform.

Trustee Funchion attended the NRC meeting on Thursday. He commented that it was an eye opener because what he saw there, from the perspective of one who had worked for the government, is that the people from the NRC are the people who are doing the work at the plant and the inspections. They do not set policy. But probably 95% of the people there were there to argue policy. So the people in the front of the room could not answer the questions of the people in the audience. He did not feel that it was that productive of a meeting. Representatives Engel and Lowey were represented. Our Representative, Nan Hayworth, was not. Trustee Funchion noted two things that came up which he felt were of interest to our residents. One that was mentioned several times was why there is different set of regulations for old plants versus new plants in the U.S. The people bringing forth this argument felt that Indian Point should be subjected to the same regulations as a new plant starting up. He commented that at times it was almost like a comedy. There were "Raging Grannies" from Rockland County singing protest songs. It reminded him of the peace protests of the 1960s. There were 400 people there. He felt it could have gotten hostile at some times. The NRC representatives had to cancel their statements and let people get up and make their statements and speeches.

Trustee Funchion commented that nobody on either side talked about what is going to happen if the plant is forced to close down. The two issues are where are you going to get the energy from and what are you going to do about the employment of all the people who are employed by Entergy right now. Trustee Funchion commented that none of the questions raised ventured into those areas at all. The more he sees of this issue as a resident of Buchanan, he wants to assure our residents that they are not going to get lost in this shuffle. We have been good neighbors. Our concerns should be taken into account as well as any other groups of people and maybe even more so than a lot who were protesting, for or against. Trustee Funchion assured the residents that the Board and especially the Mayor are looking out for the interests of Buchanan and our residents. We do not hear that talked about but he wanted the residents to know.

f) Mayor's Report:

Mayor Murray reported that the day before the one reported on by Trustee Funchion, he was at the NRC meeting with the elected officials. There were 50 officials present including representatives from the County and area Congressional Representatives. It was a productive meeting that lasted five hours. It was a lot better meeting. He commented that the information that came out was factual. The information we saw on t.v. from the meeting Trustee Funchion attended was not factual. It was emotional. He commented that the decisions being made at our level and above are based on facts, not fear. The Board will do what it can to make sure the correct information is disseminated to our residents.

Mayor Murray wished everybody a happy Father's Day.

Regarding the IMA for the dogs, Mayor Murray wanted to know if we need an animal control officer. Village Administrator Hay advised that we have no formal IMA. We have never had one. The Mayor wanted to know if we need an IMA for the use of their animal control officer now that we had to take over certain dog licensing duties from the State. Also if any tickets are issued, would violators be tried in the Town or Village; and would we have to pay for the warden to come and testify.

Mayor Murray asked Village Attorney Porteus about the status of property on White Street that the Village is looking to condemn. Village Attorney Porteus advised that that the survey was done by the Village Engineer. She does not believe the Building Inspector has written one. Village Attorney Porteus can now petition the court and we can get an order saying that you can take the building down and level it. But it does not clear up the issue of ownership, so we cannot sell it. Mayor Murray commented that we are not going to invest in demolishing it if the Village cannot take ownership of the land. The Village Attorney advised that we would have to if it is a hazard. The problem is we do not sell our tax liens. The Town of Cortlandt is not interested in it. They have had a tax lien on the property for many years. So they can take the property back because they have a lien on it. But they do not have any interest in doing that because of the state of the property. They could become the owner and then gift it back to the Village. That would solve the ownership issue. For the Village to get rid of the hazard, we need to post it, serve it, have a survey done and give the owner the right to get their own person. We petition the court, show that it is a hazard, get an order from the court and get rid of the hazard. She talked to the Village Engineer about some other ways. It makes it more difficult because of the lien that Social Services has on it. The Town of Cortlandt is not interested in foreclosing on their tax lien and taking over the property. Mayor Murray wanted to know if they need to have a tax lien auction or if they can just take over the property. The Village Attorney advised that they do not have to have a tax lien auction. She noted that even if the Town took ownership, the other problem is that the proceeds of the sale would go to Social Services. So you would be left with a property that you could not sell. Anybody who would take ownership of it, the lien goes with it. That is why nobody wants anything to do with it. Mayor Murray wanted to know how much of a lien the Department of Social Services has on it. Village Attorney Porteus advised that the way it is written, it is the proceeds of the sale.

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

There were none.

## **8. AUDITING OF VOUCHERS:**

At 8:55 PM the Board audited and signed vouchers.

**9. ADJOURNMENT:**

At 9:09 PM, a MOTION to adjourn this meeting was made by Trustee Knickerbocker, seconded by Trustee Hitney with all in favor.