

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
December 3, 2012**

PRESENT:

Mayor Sean Murray

Trustees Theresa Knickerbocker, Richard A. Funchion, and Duane M. Jackson

Village Administrator Kevin Hay

Village Attorney Stephanie V. Porteus

Village Board Secretary Susan F. Matthews

ABSENT:

Trustee Nicholas Zachary (ill)

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. APPROVAL OF MINUTES:

(a) October 1, 2012 Regular Board Meeting

Trustee Funchion made the following amendments on page 11: put a comma after the word “statement” on line 5; substitute “that” for “but” at the end of line 7; 4 sentences from the bottom down, insert “agree with them” after Channel 7 News; and following that, to start a new sentence and add an “s” to the word “know” on line 11. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary absent.

(b) October 16, 2012 Workshop

Trustee Funchion amended page 9, add “between Buchanan and Montrose” after “crosses over” on paragraph 2, line 2. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Knickerbocker with all in favor and Trustee Zachary absent.

(c) November 5, 2012 Regular Board Meeting

Trustee Funchion amended page 5, paragraph 5, line 5, to add “said” after Funchion. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary absent and Trustee Knickerbocker abstaining because she was not present at this meeting.

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

None

4. NEW BUSINESS:

- a) PUBLIC HEARING TO AMEND CHAPTER 163 ENTITLED "SOLID WASTE" OF THE CODE OF THE VILLAGE OF BUCHANAN.

At 7:34 PM a MOTION to open this Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary absent.

Mayor Murray explained that what we are doing is adding a Code for dumpsters, a policy for having dumpsters long-term storage. He advised that this came up several months ago through a letter from some residents about the storage of PODS and storage containers outside and dumpsters. We did pass the POD/Outdoor Storage Container law last month. We felt that the dumpster would be better addressed in the Solid Waste Code. This is why it is being done at a different time. We discussed this last month at the last Village Board meeting as well as at a couple of Workshop meetings.

The Mayor called for any comments from the floor. There were none.

Mayor Murray commented that what we are discussing with this resolution are dumpsters. Some of the complaints were that there were dumpsters out in front yards for 3, 4 or 5 months. What we wanted to do is not so much to regulate it, even though it does turn into a regulation, but we just wanted to help the residents to help the neighbors make sure that the Village stayed the way it should be. We do not want to have garbage piles every place. We do not want to have temporary structures every place. We tried to be as non-intrusive as possible. You can have dumpsters for a couple of months if you want to. We are going to be discussing enacting a regulation to regulate it. Right now, there is no regulation whatsoever for dumpsters. We thought we would put something on paper. A lot of communities have very strict provisions governing dumpsters. Ours is not that strict. It is more or less just to track it and let people know that you cannot have it there in perpetuity.

There were no other comments.

At 7:35 PM, a MOTION to close this Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary absent.

- b) 12-52 RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW 7 OF 2012 AMENDING CHAPTER 163 ENTITLED "SOLID WASTE".

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 and Trustee Zachary absent.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – October 2012

Received – There were no comments or questions.

b) Fire Inspector's Report – October 2012

Received – There were no comments or questions.

c) Attorney's Report

Village Attorney Porteus reported that it has been very quiet. She reported that they are continuing to work on the accessory apartment issue. Five letters per month are going out. People are complying. Building Inspector Barbara Miller is doing inspections. For people who do not reply, they are sending out a second letter and bringing them in. Village Attorney Porteus commented that it is good news. She thinks there were about 30 or more accessory apartments that we are getting compliance for.

Village Attorney Porteus reported that she had told the Village Board that she did not think AAA was coming back before the Planning Board but they are back on the agenda for this month. She is not entirely sure why but will let the Village Board know. Mayor Murray wanted to know if AAA has paid their escrow. Village Attorney Porteus advised that they have not. The Mayor wanted to know why they are going to be permitted to come before the Planning Board. Village Attorney Porteus advised that they are not. They will be permitted to come in but they would not be permitted to speak. She commented that we are between a rock and a hard place. We gave them a six-month time limit to come in and then we gave them one extra month, this month. She does not really want to go on record saying do not come in. She wants to get them in. The fault of them not complying within the 6 months plus 1 more month is theirs. We did write them. She and Village Administrator Hay spoke to their attorney. We sent them the bill. They are well aware of it. She spoke to the Planning Board Chairman. So she put it on record that they are in violation of the second site plan resolution which gave them 7 months to comply. If they do not comply, then we will comply for them. So that is the reason they are coming in. They are not going to be heard on whatever application that they think they are coming in on. We are just going to bring them in. The Mayor wanted it confirmed that they are aware of the rules and regulations and the fact that if they fail to comply we will act on it and put it on their taxes. Village Attorney Porteus advised that their counsel knows. Village Administrator Hay confirmed that he also put it in the letter. Trustee Knickerbocker noted that the next Planning

Board meeting is December 20, the third Thursday, so they can comply with the monies that they owe before that meeting. Village Attorney Porteus confirmed that they could do that. She noted that she did not have anything in writing about what their plan is for coming in.

Village Attorney Porteus advised that the deal was that they asked for an additional 7 spots. We went through 6 months of hearings on that. Then they gave the impression that they were probably not going to pursue that and that because of the steep slopes, they could not comply. They still needed to come in because they took down part of the mountain, the steep slopes, and it was no longer safe. The Village's position is that it is fine that they did not have to continue their application for 7 additional spots but that they have to make it safe. They still have to remediate the site. That is when they got quiet. She is now being told that they are coming in. She is not sure if they are coming to pursue the original 7 additional spots or if it is to present their safety plan. In any event, they need to pay the escrow. Mayor Murray advised that they had to pay the escrow and put forward more escrow. Village Attorney Porteus advised that is what Village Administrator Hay asked for and it went to counsel. She has not heard from them. The Mayor noted that the original site plan violation occurred sometime in October 2011. It is more than a year because he recalled that we discussed this before the last Christmas tree lighting. Village Attorney Porteus did not have the date but advised that it took a year to get the original approval. The day after the approval was given and the site plan was approved, they went out and took it down then. We went out and Building Inspector Barbara Miller issued a stop work order. They came back with a second application and said okay but that they wanted 7 more spots. This has been going on for 7 months since the Planning Board put the time period on. The Mayor commented that the steep slopes were taken down well over a year ago.

d) Trustee's Reports

Trustee Funchion reported that even though it is just December 3rd, he has already had the pleasure of attending two Christmas events. Last night, a good time was had by all at the Christmas tree lighting. It was very nice. Mother Nature cooperated with us this time. This afternoon he had the pleasure of being in the company of the Seniors in the Village at their Christmas luncheon which was very nice. He commented that it is always a joy to be around everyone at the Christmas season.

Trustee Funchion reminded everyone that this Friday at 5:00 PM is the Pearl Harbor commemoration at the Village Hall in Croton.

Trustee Funchion said that he always passes along this advice about the Christmas lights to his friends and neighbors at Christmas time. Unfortunately, most of the lights are counterfeit. Even though on the television they say to buy from a reputable store, he knows that the reputable stores do not even know what they are buying and a lot of the UL's on the lights are counterfeit

if they are coming from China. If they are not coming from China, they are probably 99% okay. Unfortunately, most of them are from China. Trustee Funchion commented that he would never leave his house with those lights on. He wants to be in the house and around when they are on and turns them off when he goes to bed.

Trustee Funchion reported that last Sunday night, he had two people from Family Services knock on his door at 9:45 PM. He commented that it was kind of disturbing because they had the wrong address. Trustee Funchion called the Buchanan Police right away because they had an address that does not exist, 85 Tate Avenue. His house faces Kings Ferry Road. Trustee Funchion commented that our police were very good. They advised him that they had seen them in the Village and that they had seen the official car. They informed Trustee Funchion that these people make unscheduled stops to check up on people who have been put on record by Family Court. He wanted residents to be aware that this could happen to them. It was disturbing that someone came knocking at his door at that time of night. However, they backed off because he has 4 dogs.

Trustee Funchion wished everyone a Happy Christmas, a great New Year, Happy Holidays and Happy Hanukkah.

Trustee Jackson reported that he wanted to talk about our Fire Department and the great program with the Explorers. Last week, they were out on a drill with them. It was bitterly cold. He urged all our residents and youth in the Village to get involved in the Explorer program. It is very well meaning. The kids come out and really learn what it takes to be a fire person. This was their first opportunity to come out for the year. They were very professional. They had a lot of good fun. It brings a smile to his face to see them out there and see them learning how to conduct themselves in a professional manner. He encouraged any and all the youth in Buchanan to get involved in that.

Trustee Jackson commented that in conjunction with what Trustee Funchion said about the Christmas tree lights, he has a live tree and reminded everyone who also has one to make sure to keep watering it. He does not want the Fire Department to show up at anyone's door for a fire. He wished everyone Happy Holidays and to be safe.

Trustee Knickerbocker reported that our road crack sealing is done for this year. She knows it does not look pretty but she wanted to let residents know that we are doing it for a reason which is to prolong the life of the roads until we can get to getting them all paved. She commented that there is nothing like a fresh paved road. But until that can be done, she wanted everyone to know that this is the best way to keep them in the best shape they can be.

Trustee Knickerbocker thanked the Buchanan Seniors for inviting her to their Holiday Party. The Board members always have a great time with them. They are a fun group. She enjoyed being with the Seniors today.

Trustee Knickerbocker wanted to touch on something that Trustee Funchion said last night at the Tree Lighting concerning the season of giving. She knows that we are all living in difficult times. We are all affected by this economy. There are many people out there who are worse off than we are. What comes to her mind are the food banks and the people affected by Hurricane Sandy. These are very difficult times. We are very fortunate and have been blessed. We are a great community and have good people. We did not get affected by the storm. She said to remember in this season of giving to give to those less fortunate than us. We have our VA Food Pantry food bank downstairs in the Village Hall. Every time she goes down to deliver the food to the VA, Duke Searles and his team and the Veterans are very grateful. They really appreciate what we do for them. If we can keep up filling up that basket, they appreciate it. It is good for our entire Village to help our Veterans because they gave so much to us. There should be no one who goes hungry in this country.

Trustee Knickerbocker wished everyone a Merry Christmas, Happy Holidays and a Happy and healthy New Year.

e) Mayor's Report

Mayor Murray reported that the last couple of weeks, he had some questions about our road striping. He commented that as everyone knows, we had planned on striping the roads after they had done the crack sealing. Because we had some issues with scheduling due to the sudden storms and because it got colder a lot quicker than we hoped, we are going to put it off until the Spring. We are going to do more crack sealing next year. He believes we will be able to do most of the striping when the weather gets warmer. He advised that the thing with working on the roads is that if the asphalt is 45 degrees or lower, nothing will adhere. Also you cannot pave it if gets below 45 degrees. We put it off because it got so much colder. A lot of residents had concerns about the Stop bars and yellow stripes, especially on our newly paved roads. We could have put them down but there was no guarantee that they would have lasted. The Mayor felt that it was not a good idea to spend that money and then have to do it again in two or three years. By having the roads warmer in the Spring, we will be assured that it will last a lot longer and get better value for our money.

Mayor Murray thanked Recreation Supervisor Nancy Bayer, the Buchanan Police Department, the Highway Department and Buchanan Engine Company for helping us out during the Christmas Tree Lighting last night. Several hundred people were there. It was very well attended. We made it out in the nick of time since it started raining just as we started coming in. The Mayor commented that it was good that we did it at 6 o'clock instead of 7 o'clock like they

did last year. He thanked everyone for the effort they put forth. It was a great time and everybody enjoyed themselves.

Mayor Murray reported that we had a couple of letters from the public. He read a letter from Westchester County (*copy attached*) concerning the 2012 Rosemarie Siragusa Memorial Youth Service Award. The Mayor thanked Village resident Mr. John Hunt Jr. who will receive the award. Mayor Murray commented that we have a lot of members of our community who volunteer their time who do not get recognized. It is great that somebody from our area can get recognized for volunteering and for helping our youth in this area. The Mayor commented that a lot of times the awards from Westchester County go to areas with larger and denser populations such as White Plains, New Rochelle and Mount Vernon. The people up here volunteer their time and it is great that Westchester County will be recognizing Mr. Hunt on December 19 for his services to our youth.

Mayor Murray read a letter from Virginia Rederer (*copy attached*). She thanked our Village Highway and Sanitation Departments for their hard work after Super Storm Sandy. She was impressed with their immediate responses. The Mayor commented that we know that we fared a lot better than a lot of communities that surround us. We did not have the flooding issues but we did have a lot of downed trees. The guys from the Highway Department and everybody banded together and worked expeditiously. The only trees that could not be taken immediately were the ones that were involved with the power lines. Con Edison was very busy. We did have some residents out of power for a couple of days but nowhere near the effect that other communities had. As soon as the lines were deemed safe, our guys went out and cut up and removed the trees. Mayor Murray really appreciated all the efforts put forth by all the people involved.

Mayor Murray wished everyone a Merry Christmas and a Happy New Year. He hopes everything works out well.

6. COMMENTS FROM THE FLOOR:

None

7. BOARD MEMBER REBUTTALS:

None

8. ADJOURNMENT:

Mayor Murray noted that he did not think there has been another 25 minute Village Board meeting in the history of Village of Buchanan.

At 7:55 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Knickerbocker, with all in favor and Trustee Zachary absent.