

**Village of Buchanan
Mayor & Board of Trustees
Village Board Meeting
January 5, 2015**

PRESENT:

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Duane M. Jackson, Cesare Pasquale and Nicolas Zachary,
Village Attorney Stephanie V. Porteus
Village Board Secretary Susan F. Matthews
Village Administrator Kevin Hay

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker opened the meeting at 7:30 PM, welcomed everyone, informed them of the fire regulations and led the Pledge of Allegiance.

MOMENT OF SILENCE:

Mayor Knickerbocker asked for a moment of silence for the two New York City police officers who were shot and for former Governor Mario Cuomo.

2. APPROVE MINUTES:

September 16, 2014 Workshop Meeting: Trustee Zachary asked to amend these minutes by deleting the words “said that” on page 2, line 18 of his comments; and on page 4, line 7, insert “cannot” and omit “not can”. A MOTION to approve these as amended was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

October 6, 2014 Village Board Meeting: Trustee Zachary asked to amend these minutes by adding the word “sign” and deleting the word “tree” on page 32, paragraph 4, line 1. A MOTION to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

The Mayor noted that it was a lengthy Workshop that included a presentation from Spectra. Trustee Zachary noted the number of pages and thanked the Secretary.

November 3, 2014 Village Board Meeting: A MOTION to approve these minutes was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

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

None

4. NEW BUSINESS:

a) PUBLIC HEARING: ON A PROPOSED LOCAL LAW AMENDING CHAPTER 149 OF THE CODE OF THE VILLAGE OF BUCHANAN.

At 7:37 PM, a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

Mayor Knickerbocker advised that the Board has been reviewing our Code and found some things that need to be addressed. Trustee Zachary found that under Recreation Facilities in our Code, there is a line that basically says that beer and wine, and narcotics use on Village property would have to be by approval of the Village Board. "Narcotics" needs to be removed. The Mayor commented that as we know, narcotics are illegal substances and the Board cannot give approval for it. The Board is agreement and had no comments.

The Mayor called for any comments from the public. There were none. She commented that this was pretty straight forward.

At 7:39 PM, a MOTION to close this Public Hearing was made by Trustee Zachary, seconded by Trustee Funchion with all in favor.

b) 15-01 RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 1-2015 AMENDING CHAPTER 149 OF THE CODE OF THE VILLAGE OF BUCHANAN.

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

Mayor Knickerbocker noted that this is only amending Chapter 149. She read the law. The Mayor noted that the Board does allow wine and beer at the pavilion when people have parties there, with the approval of the Board and proper insurance.

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

c) 15-02 RESOLUTION AMENDING THE BUCHANAN ENGINE CO. #1 CONTRACT.

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

Reed Outhouse, 241 Westchester Avenue, representing Buchanan Engine Company was asked by the Mayor to speak about this request. He thanked the Village Attorney for her help with the language. He explained that the reason Buchanan Engine Company has asked for this is that their main attack truck is 24 years old. It has served them very well but is in need of repairs. The estimated cost to replace it is \$600,000-\$650,000. They thought that the more prudent thing would be to refurbish it because it is in very good condition. They estimate it to be between \$40,000 and \$70,000 to refurbish it and hopefully get another 5 to 10-plus years from it. He noted that the Capital Vehicle Fund money is there but the language basically had it only for new purchases. Buchanan Engine Company is asking that they be able to use the money to refurbish strictly the fire trucks, not any of the other vehicles or fire apparatus.

Mr. Outhouse had a question. He commented that the way it was read, it sounded like it was the \$25,000. They want to be sure that they are not limited to the \$25,000 because they are using what is in the whole fund which he believes is currently \$103,000 or \$104,000. Trustee Zachary wanted to know if it is referring to the \$25,000 per year. Mr. Outhouse said that they just want to be sure that the language is correct in that they are going to be using more than \$25,000 of it. Mayor Knickerbocker noted that the resolution says "in excess of \$10,000". Mr. Outhouse said that they were advised to put the \$10,000 amount in there. He commented that it is a place where if they have a major incident with a fire apparatus, like if it were to burn up or get into an accident, it would be covered by their insurance. But if it blows an engine or a transmission or a pump, it is not under insurance and would be a big expense. That is purpose for the \$10,000. Mr. Outhouse advised that they could probably cover up to that amount in their budget but they would need help from the fund with anything above and beyond that amount. Trustee Funchion asked the Village Attorney if the resolution needs to be rewritten. Village Attorney Porteus advised that we can do it on the record.

Mr. Outhouse noted that the number changes. They get it and put it into an interest bearing fund. Trustee Zachary noted that the resolution refers to a one time payment. He wanted to know if it should not be an annual payment. Village Attorney Porteus advised that one time refers to the length of the contract which is yearly. Trustee Zachary commented that it does not seem to mean that it is accumulated on a yearly basis. The Village Attorney advised that if that is everyone's understanding then Mr. Outhouse is saying that is what it will be used for. Mayor Knickerbocker commented that it does not specifically say the fund, the accumulation of the \$25,000. Village Attorney Porteus commented that her hesitation is that the Board is kind of retrofitting things pursuant to another topic. She advised that if we wanted to do that perhaps we could just tweak it. Trustee Zachary commented that it is probably intended that we retrofit the money that was stamped previous elsewhere because that is what you are going into. Trustee Jackson commented that it is a dedicated fund. Trustee Zachary suggested that the resolution say to use the \$25,000 or money accumulated from that annual payment. The Board agreed.

Village Attorney Porteus advised that is how the resolution would be worded. She will look at the contract again concerning any limitations because we redid the contract as well.

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – December 2014

Received and filed.

b) Wastewater Reports – December 2014

Received and filed.

c) Fire Inspector's Report – October to December 2014

Received and filed.

d) Attorney's Report

Village Attorney Porteus reported that she had nothing additional to report. Mayor Knickerbocker noted that there are a lot of things that are going on and that our Village Attorney has been very busy.

e) Administrator's Report

Village Administrator Hay advised that we signed up for NYPA's LED project. He reported that there is another municipality group project looking to get LED lights. It is being put together by the Administrator in the Village of Ardsley. Village Administrator Hay went there. It would allow us to piggy back on the bid out by the City of New Rochelle which was about 13,000 lights. The company does the financing and the whole thing. The estimate is \$384 per light. For the Village, that would be \$113,000 for the whole project installed. They asked for our lighting inventory at the meeting because they work up the savings. So we are also examining another project to LED lights. He will keep the Board updated as more information comes in.

Village Administrator Hay reported that the contractor was running internet lines and new phone lines at the Village Hall today. The second and third floors were done and the first floor will be done tomorrow. Then we will just be waiting for Light Path to schedule our install. We should have all the equipment here for the new phone service. Mayor Knickerbocker commented that one of the things we are hoping this will solve are the transmission problems we have been

having. People's voices cut out. We are hoping that problem will be eliminated when the new phone system is installed because it is a dedicated line. If not, we are aware that the voices cut out and we are trying to get that problem resolved.

Village Administrator Hay reported that last month, he attended the NYCOM property tax fee seminar with Mayor Knickerbocker and Trustee Pasquale. They got a lot of good information. The Administrator will be attending the NYCOM Elections Workshop this month.

Trustee Jackson wanted to know if the Town of Cortlandt is doing anything in terms of lighting conversions. The Administrator advised that he did not know if they joined with NYPA. He will contact Town Supervisor Puglisi. At the meeting he attended, he talked with the Village Manager from Croton. They are doing the same as we are, looking at NYPA and at this other joint municipality option. Mayor Knickerbocker thanked him for working on this. She is glad that we are looking into this to try to save some money. She reported that we recently got notification from the NY Power Authority from whom we buy the electricity for our street lights that there will be an 8% increase. She noted that over the amount of the electricity we use that is a \$10,000 increase in one year.

f) Mayor's Report

Mayor Knickerbocker reported that December was a busy month. We had the Christmas Tree Lighting which was very well attended. It was a very nice community event. She attended the Senior's luncheon. They had a great time. They are always a fun group. The Mayor and the Board enjoy being invited.

Mayor Knickerbocker reported that she will have a Beautification Committee meeting on January 15 at 7 PM in the Mayor's office at the Village Hall. She is looking to get people together to do an "Adopt a Barrel" program. Anyone who is interested who wants to have a plant barrel that they would be responsible for should come to the meeting. They will discuss other things for out at the Circle possibly including new barrels and trees. If we get a lot of people the meeting will be moved into the Board's meeting room.

Mayor Knickerbocker reported that Town Supervisor Linda Puglisi has signed the contract for \$2.75 million to purchase the Con Ed property in Verplanck where West Point Partners was looking to put their converter station. She commented that the buzz has stopped, so anyone who has Stop The Buzz signs up can now take them down. The Mayor remarked that thankfully we all worked together and that thankfully the Town Board has that kind of money. In response to a question from Trustee Zachary, the Mayor advised that the Public Service Commission approved it and now that the contracts are signed it is moving forward.

At the Village Board meetings, the Mayor is going to let people know ahead of time what we will be discussing at the next Workshop. On January 20, we will be discussing the Senior multi-family project and the fee schedules. She has asked the Village Administrator for the budget control report so that we can begin discussing the budget. Because we have so much going on and want to deal with the signs and other things, there will be a special meeting on January 27 at 7 PM to discuss the sign ordinance and property maintenance. The Mayor advised that if any of the Trustees want to put something on the agenda to let her know. For the January 20th Workshop she asked that the Board members look at the fee schedules from other municipalities and bring in any thoughts they might have on that so that we can go through that and address it quickly. We can do comparisons and see what we would like in that fee schedule.

g) Trustee's Reports

Trustee Jackson reported that the Christmas Tree Lighting was a smashing success. It was very cold but a lot of residents came out and many brought their kids. He applauds those who were there. The Historical Society has been recording some of our Village events including the Christmas party where they also did some interviews.

Trustee Jackson attended the Pearl Harbor Day Remembrance which was hosted by the Village. It was well attended by local residents and people from Peekskill, Ossining and other municipalities. He was pleased to see them show up to give support to those service men and women who lost their lives on December 7, 1941. As a veteran, he said it was good to see the support that was shown.

Trustee Jackson put out an appeal. He commented that The Historical Society has been doing a lot of great interviews with older residents in the Village for their film project. He is now putting out a request for those in their 30s and 40s who grew up in the Village and are still here to please contact him. The Historical Society would like to get their stories for a different perspective. Trustee Jackson noted that residents may have read in our last Newsletter that Russell Linder who was a Buchanan resident and served for 28 years in the U.S. Navy was buried in Arlington National Cemetery. We will be putting a special plaque in the Historical Room at Village Hall in remembrance of him. It was a great honor for his family. His sisters and brother, former Fire Chief Joe Linder, were there to see him buried. We are very proud to have that recognition of him for his service to his country.

Trustee Jackson advised that with the snow coming to be aware of street debris in the drainage system. He commended the Highway Department for the job they are doing. We have to pitch in to make sure that things do not get into the catch basins. He asked residents to be conscious of that.

Mayor Knickerbocker thanked Trustee Jackson for his work with the Historical Society. She knows that Mr. Linder was buried at Arlington National Cemetery. She wondered if we had any other residents buried there. Trustee Jackson will talk with Lillian Stein to see if she knows. He commented that as we continue this project, we constantly find things that went on in the Village. They had a great interview with our former Saint Patrick's Day Parade honoree, Joe O'Toole. Trustee Jackson commented that it was a great experience and we will definitely enjoy the interview with Mr. O'Toole. The Mayor commented that he has a lot of history and is a good guy.

Trustee Funchion reported that he was at the Pearl Harbor Day Remembrance. It was nicely done. It was nice to hear some of the people who were in Pearl Harbor at the time. He thinks that it is very important that we do not let it fade into history because 9/11 could also fade into history and we want our children to realize all the sacrifices that were made, especially at Pearl Harbor, and not to let our defenses down. It was very well done. He thanked the Mayor for organizing it.

Trustee Funchion reported that the Christmas Tree Lighting was very nice as always. It was very cold. Mother Nature did not cooperate. Trustee Funchion attended the Village Christmas party. He thanked Village Administrator Hay who sponsored it. It was a very nice event.

Trustee Funchion announced that the party for the Saint Patrick's Day Parade will be on February 28 at 7 PM at the Buchanan Fire House. It is a great event. The parade will be on Sunday, March 15.

Trustee Funchion reported that he continues to work with the contracts and will be starting with the police contract. He commented that we should always keep the police in our prayers, especially our local police officers. [Referring to the recent shooting of two NYPD police officers] he commented that you never know. When on a calm day two people are eating their lunch and somebody gets out of their car and starts shooting, it is a scary situation no matter how big the city or how small the town.

Trustee Funchion gave a shout out and a thank you to Town Supervisor Linda Puglisi for the great amount of work she did in purchasing this land from Con Ed. He commented that it saved our community, our property values and our sanity in that we do not have to listen to the buzz 24 hours a day. He commented that she is a great example of a public servant and she does her job very well.

Trustee Zachary thanked Mayor Knickerbocker for setting up the additional Workshop. He commented that we have a lot of stuff that we are going to do right now. Things carry over too long. That helps a lot.

Trustee Zachary reported that it sounds a little premature but he will talk to the people on the Buchanan Day Committee this month to set up for next month. They are going to start early because a lot of people who participate, including some of the vendors, have their calendars set. In order to keep in contact with the people whom we want to hold our date, they will start early. He advised the Administrator that he will get a date to be included in the February Newsletter.

Trustee Zachary reported on a news item from this past week. An Entergy owned power plant on the Connecticut River in Vermont was shut down this week. There was an article in today's NY Times. Trustee Zachary commented that it seems to be a very similar situation to here. Those closest to the plant are most supportive because they do not feel endangered and they understand the effect on the economy. Trustee Zachary commented that it perturbs him that for decades they will now have a radioactive site that is not productive. He does not think that the economics are the same for the Indian Point plant but it is an interesting thing to be aware of. He thinks that we support that plant because it does so much for the local economy and because we would have a radioactive site that would do nothing and give nothing to the community anyway, so it might as well be productive.

Trustee Zachary thanked the Mayor for mentioning the topics for the next Workshop because they are not televised. He commented that often people do not know what they are discussing. He likes to mention that in his Trustee's report. He noted that the discussion at the next Workshop pertains to free standing signs, the ones that people just stick in the ground like at the Shell gas station and on their lawns. It does not refer to the marquee in front of the Shell station. It is the free standing, movable signs that they are primarily discussing. He asked residents to come out if they have opinions. The other topics are the fee schedule and the Senior multi-family housing on the lot opposite Lent's Cove Park. This has been something that has been discussed for a year and a half. Different Board members have different reservations. There are things to consider here. The Board needs to make sure that our Sewage Treatment Plant can handle it and to make sure it is not going to cost us anything in taxes. There are concerns and there are also positives. Trustee Zachary thinks that it would be a more positive thing to have the Senior housing rather than having a commercial warehouse or lumber yard opposite Lent's Cove Park. Under the current zoning he thinks it would be an improvement to that neighborhood. He invited residents to come out and express your opinions.

Mayor Knickerbocker said that what they set the meetings up for Buchanan Day to be aware that we have the very big anniversary coming up with the Fire Department. It will be on September 19. Trustee Zachary advised that they knew that and they have already set the date for Buchanan Day as September 26. He said that they worked around the dates of the Fire Department's anniversary and the Peekskill Rotary Horse Show. They took all that into account. The Mayor

noted that he mentioned the Entergy plant in Vermont and how it benefits the local community. She added that over 1,000 are employed at that plant.

Trustee Pasquale wished everyone a Happy New Year. He attended the Senior's Holiday Lunch. He thanked Gabe DiRubbo and Ben Martinelli who did a wonderful job. He commented that it is always it is a pleasure to go and spend time with our Seniors.

Trustee Pasquale talked about the two police officers who were murdered two weeks ago. He said that it strikes him hard. We are in the Village of Buchanan but we do know people who travel into Manhattan, that work in Manhattan and people who live there. He said that if anyone sees or hears anything to please let the right people know. He cannot say how much it has affected him [as a retired NYPD police officer]. It is horrible

Trustee Pasquale reported that he had the opportunity to go to NYCOM in Fishkill with the Mayor and the Village Administrator. It was about tax caps and what local governments need to do to comply. He commented that a lot of this is still a learning process for him so he attends as many of these as he can. They were given time lines and examples on how to use shared services to save money. Shared services are part of the tax cap. The Village and the Town of Cortlandt have worked together well over the years to make use of the shared services. He thanked the Mayor and Village Administrator for bringing him along.

Mayor Knickerbocker advised that for the Board members who could not attend NYCOM, there will be a webinar on February 4 from 1:30 to 2:30 PM. The Village Administrator has the information. The Mayor commented that it was an interesting meeting. They got a lot out of it.

6. COMMENTS FROM THE FLOOR:

Bob Outhouse, President of Buchanan Engine Company, thanked the Board for all their hard work this past year. He hopes they can get another good year because they need them. He said that the Fire Department did inform the Village last year that they were setting up their 75th Anniversary Parade here in the Village for September 19, 2015 at 2 PM. He noted that two Trustees of Buchanan Engine Company sat in the Workshop and advised that in January they would be making this public announcement to keep the residents apprised. Fund raising will continue through early summer. They will have four boot drives through the Spring and early summer. He commented that fund raising is an on-going issue when you put on an event of this size. It is both their 75th Anniversary and is being done in conjunction with the Westchester County Volunteer Fireman's Association's annual convention. It will bring a lot more people to the Village. He hopes the businesses stay open that Saturday because they will do a good shot for them that day. The Fire Department will be sending out raffle chances to each resident as the dates get closer. They will be putting together a commemorative journal. He wants the residents

to take part and get a shot at history by being a part of this journal. The businesses in the Village and surrounding municipalities have already received the request for journal ads. Mr. Outhouse commented that the most important thing that he and co-chairman Mike Scott will stress, and which he asks the Board to help circulate to the residents, is that September 17 is their convention meeting at the Cortlandt Colonial restaurant. He commented that however, things will start to gear up for the parade. There will be an event at the Buchanan Fire Department on the Friday night. Things will start to move to the parade route. They have filed their permits and are awaiting approval. They will be sitting down in the next two weeks with the Police Department and EMS to discuss that route. They know that for the 12 hours that day there will be some inconvenience with traffic. Mr. Outhouse hopes that the Village residents bear with them. They will coordinate with the police. Hopefully we can have a good time. They will keep the Village Board apprised with the numbers as they come in. Parade invitations went on in the second week of December and 10 departments have already answered yes. Over 150 invitations were sent out. Mr. Outhouse advised that they expect to see between 40 and 50 accept. It is a substantial number.

Trustee Jackson asked Mr. Outhouse to explain to the new residents what the boot drive entails. Mr. Outhouse explained that the boot drive is a way to raise money. He noted that you see it all over the State of New York. Buchanan Engine Company has done it here 5 or 6 times. Usually on a Saturday morning, the Fire Department will stand out here in the Village, usually on Tate Avenue. They hold out a boot and anybody who wants to throw in a dollar, or as some people do to pick up their loose change, they can put it into the boot. He emphasized that every penny counts because that is how they are pulling this off; by donations. It is very expensive but he commented that people want them to do it. They have shown that because they are raising money. He commented that they will continue to raise the money to make sure they have a successful parade for the invitees and for the residents to come out and enjoy.

Trustee Funchion wanted to know if they were having anything after the parade. Mr. Outhouse advised that there will be an "end parade" area. He commented that the last time that Buchanan Engine Company ran an anniversary parade, it was not as big. It ended at the pavilion where they anticipate ending this year's. There will be some refreshments for the fire fighters and the bands. Trophies will be awarded and then everybody goes home.

Trustee Zachary wanted to know how long the parade would last. Mr. Outhouse said as they get a better idea the Village Board and residents will be informed. He guesses it will be a 2 hour parade. If it steps off on time, it will finish around 4 PM. By the time the judges' results come in it will be around 5:30 PM. The trophies would then be awarded between 6 PM and 7 PM. After that everybody goes home. Mayor Knickerbocker advised that maybe the week before, we will put the parade route in the Newsletter to let people know so that they are not inconvenienced. She suggested that maybe we could have a letter dropped at each person's

home along the parade route advising that the road will be closed between 2 PM to 4:00 PM. It limits the inconvenience for the residents and allows them to plan accordingly. She hopes they would stay to see the parade. Mr. Outhouse advised that they have anticipated that. They are geared up so that once the parade route is set, probably in August, a letter will be hand delivered to the residents along the parade route and the line up locations to advise them of the times. He also advised that in whatever approval will be necessary in the areas they feel are comfortable for the residents, they will put a few Port-a-Johns. They will be on the Village's right of way and not close to people's property. They have found that the best way to run one of these events is to get them out there. He noted that that is probably the only thing that needs to be picked up by the vendors. They will be picked up on Sunday or by Monday morning at the latest. The Mayor advised that they will talk about all the logistics. She thinks it is going to be a great event. It spotlights our Village and our Fire Department that has been serving us for 75 years. It is a very nice event.

Mr. Outhouse advised that they will send out a parade packet probably in July when the invited departments have answered back. They will each get a packet that gives them strict rules and regulations. It will include which way to come into the parade route and where to line up. He advised that garbage will be under control. Every department will have a large garbage bag that will be put out that morning which our Fire Department will pick up sometime in the afternoon. That is how they do a parade. Mayor Knickerbocker commented that in the past there have been issues, although not with Buchanan Engine Company. Mr. Outhouse advised that in Fire Department parades, the standard is that the Fire Department puts out garbage bags and picks them up when the parade is over and they pick up the signs that are put up to identify the locations for the parade line up. He commented that it is going to be a fun time and they hope that everyone enjoys themselves. It is a lot of work for them in the next 9 months. He thinks that the Village and the Fire Department deserves the celebration.

Trustee Funchion wanted to know if this will affect Montrose and the exits on the highway. Mr. Outhouse said that it should not. He commented that if they get the line up they are anticipating, the only possibility is that they may be requesting a parade permit for line up purposes in the ABC courts of Kings Ferry Road across from Bannon Avenue. That is the only possibility he could see affecting another municipality. Trustee Funchion wanted to know if Kings Ferry Road would be closed. Mr. Outhouse advised that if the parade route intends to go down there, it would be closed for 2 hours. They will advise the police and the Bee-line busses.

Mayor Knickerbocker commented that she wants the boot drive to be successful. She noted that it will be done on Tate Avenue but that people go out of the Village by different ways but still might want to contribute. She wanted to know if there is a way they can advertise when they will be doing it. Mr. Outhouse advised that they could. He noted that it is dependent on the weather at the end of March. They are not going to stand in the rain because it is a traffic hazard

with wet roads. So it will be weather permitting. They are well marked. He commented that they can only control so much of the intersections, so they only want to be at one: Tate Avenue and Albany Post Road. It is a wide open intersection where it is well visible for everybody. The Mayor commented that residents like Trustee Funchion who live on that side of the Village come in and out from the other end of Tate Avenue or off Kings Ferry Road. Others may come in out a different way. She is only looking to have the Fire Department reach all the residents who may want to contribute. Mr. Outhouse joked that they could look at cordoning off the Village and not letting anyone out that day. He said that they will look to see if there are other avenues to do the drive that day.

Mr. Outhouse advised that if the Board or anyone has any questions to contact him or Mike Scott. They will be glad to take their input. This event is not only for the Fire Department. It is for the Village. Mayor Knickerbocker advised that Trustee Pasquale is the Board's liaison with the Fire Department. He will be involved. The Mayor thanked Mr. Outhouse.

Diane Tangen, Catherine Street, commented that she was here for the 50th Anniversary of the Fire Department and it was a lot of fun. She commented that she lives on Catherine Street. The parade came up her street that year. It was a lot of fun. She commented that it is good that they are going to be sending raffle chances to the residents. Mr. Outhouse noted that Ms. Tangen's husband is a 50 year member of Buchanan Engine this year.

Ms. Tangen is interested in the proposed Senior housing. She is glad that it will be discussed at the Workshop. She does have some ideas. She was very impressed with the presentation they gave and with the people. She thinks that they would be very good at being the real estate management company because they are the same people who built Jacobs Hill in Cortlandt Manor. Ms. Tangen knows people who live there. They all like it. One is an owner and two are renters. One is from Buchanan, one from Montrose and one from the Town of Cortlandt. She understands that there is a waiting list for Jacobs Hill. She thinks that this proposal would be a good thing for Buchanan. She cannot see anything that would hurt Buchanan in any way. She thinks that as people get older, there are not enough opportunities when people want to or need to leave their homes. She commented that it is harder to maintain your home. It would be desirable to rent. It would be nice to just call the super when you have problems. She thinks that as you get older you can be isolated. This would provide an opportunity for people to be together. She noted that there would be a social area for people to get together. She commented that as you get older you find that you are not as physically able and therefore have to make changes in your home. It can be very expensive to retrofit your home to accommodate your physical disabilities. She assumes that if this is 55-plus housing that it would be built with that in mind. She thinks that \$1200 to \$1400 per month is reasonable in Westchester. She commented that she has a small home and does not think that she can manage anything close to that. She assumes that the \$50,000 to \$60,000 income is taxable income. Trustee Zachary was not sure. He assumes it is

adjusted gross income. Ms. Tangen wants to find out how large the units are and what is the square footage. She also assumes that there would be elevators. She noted that Jacobs Hill has them. Trustee Funchion believes that the one and two bedrooms are fairly large. They are not like New York City apartments. Mrs. Tangen wanted to know whether there were washers and dryers in each unit or on each floor. Village Administrator Hay advised that there were hook ups in each unit and also a laundry room for those who do not get them. Mrs. Tangen commented that she owned a 55-plus garden apartment in Florida. They had no elevator and the laundry was at the end of the hall. It was not a problem. She thinks that we need to have more opportunities for Senior housing other than their own homes.

Mr. Robert Lupica, Cortlandt Street, wished the Mayor and the Board a Happy New Year. He commented that they last met at the Village Board meeting on November 3. He appreciates that there was some action at the house but he still has concerns with the footing that was non-compliance, no variance. Mr. Lupica said that it has been taken down but that it did not come down as quickly as he thought. He commented that he had to see the Village Administrator after the house burned on Catherine Street. He commented that the Administrator thought that it had already come down. Mr. Lupica advised that it has come down but the problem is that they are adding on to it. Now he has a pad. He said that there is no variance for that. He wanted to know if anybody has looked in to what the Code is on this. He commented that the Mayor had said that we were going to get this right. Mayor Knickerbocker said that we are going to get it right.

Trustee Zachary wanted to know if he was talking about where the little porch was where they originally put a foundation. Mayor Knickerbocker advised it is to the right of the house toward the back. Mr. Lupica said that is the illegal footing that went down. That is the pad that they created. Then they added on to the pad. He commented that we now have a pad that he can see where there is no variance. He wanted to know technically what happens when you have an illegal structure that is built when there is no variance. Trustee Zachary wanted to know what he is saying is illegal there. The Mayor noted that there is just a cement pad. They are not going to be building on it. Mr. Lupica said that there is a footing that goes all the way down. It does not matter that they are not going to be building on it. He has talked to an architect. He advised Mr. Lupica to talk to the regional architect for the department of New York State, who is located in Peekskill. Mr. Lupica was advised that it should be going right down to the footing. Mr. Lupica commented that he is relying on the architect. He thought that the Board might have done some research into this. The Mayor advised that we have done quite a bit of work on this. She has been there. The Village Administrator has been there twice. Mr. Lupica wanted to know if this was the acceptable outcome. The Mayor advised that we are not done yet. Mr. Lupica advised that they just did this in December in the same location. He remarked that the builder has no concern. Mayor Knickerbocker noted that it is a pad that nothing will be constructed upon. Mr. Lupica commented but he can see it. Their building is 5 feet from his property line. The Mayor thought it was further than that. Mr. Lupica advised that it is 4 feet 11 inches to be exact. The

Mayor said that this is an item that still has to be addressed. She noted that they talked in November. This is not something that the Village Board deals with. She advised that she let Mr. Lupica speak that night because she knows that he has concerns and that he was very upset. She knows that the pad is one of his concerns. She has seen the plans. She noted that they had talked about drainage and many things. Mr. Lupica commented that they did the drainage. That was good. It was done in 2 days. The Mayor advised that she saw the engineer. He signed off on that. He said they have Cultecs and a dry well. So they are addressing the run off from the house and the garage. They have 15 of them underground. Mr. Lupica advised that they drained it off over to the back. They put a couple of those black containers but they did not put 15. The Mayor advised that on their plans, it shows 15.

Mayor Knickerbocker advised that she would like to sit with Mr. Lupica, the Village Administrator, the Building Inspector and whomever Mr. Lupica has whether it is an engineer or whomever. Mr. Lupica commented that he will talk to the architect from the State. The Mayor noted that she met her years ago and knows that she is part of the State. She is pretty good.

Mr. Lupica commented that during the meetings it was said that it was the contractor going down. He said that her statement here at the meeting was that the contractor inadvertently dug down and took away the footing, so that is why they had to create a new footing. He said that as he showed Trustee Zachary, the back of the house had a 6 inch diversion in. When he met with the Administrator and the Building Inspector, the plan did not show that 6 inch. He commented so this would be new construction right from the get go. He commented that Jeremy Basso had the same issue when his house fell in. He had to go to new construction when his house fell. Mr. Lupica believes that if we go by she says, that it was inadvertently taken away, right there that should have been new construction. She did not go in that direction. Mr. Lupica commented that is why he has a little problem getting answers from the Building Inspector. He commented that every time he says something he is told no, it is not.

Mr. Lupica still has a concern about the grading. There are puddles and water collecting on his property line running off. He commented that technically what he was told was that this should all have been stopped and piled at the back of the property. He said that she gave him the excuse that they had to drive on it. Mr. Lupica commented that he could see that if there was a legitimate excuse. The Mayor advised that everything is going to be graded at the time. She said that the most important thing to remember is that if everything is not done according to Code or done properly then no Certificate of Occupancy [CO] is issued.

Mr. Lupica has a concern about the garage. He showed pictures. He showed the footing to the garage. He noted that the dirt is down about one and a half feet in some sections. He said that the garage went up. He noted the back end of the garage. He said that the footing is probably about 2 feet. The Code is 42 inches. He noted that it is 26 inches from the back corner down.

The retention wall that they put up is 22 inches down. Mayor Knickerbocker asked him to do a summary of all these things. Mr. Lupica noted that the dirt on the other side is 10 inches from the top of that wall. That leaves him 12 inches on the other side. He commented that this footing is not in compliance. He commented that he said that to her at this juncture with Laurie next door. She was on his neighbor Laurie's property. Mr. Lupica commented that his neighbor Laurie asked her if it was 42 inches and she said it was. He said that if you look at what they are doing, you can see how high it is up there with the dirt down to here in comparison.

Mayor Knickerbocker said that there were different things that we are going to address. There is a wall that goes in. That is why she is asking Mr. Lupica to have everything listed so that we can just sit right down, and if that woman would like to come to meeting that would be okay. Mr. Lupica commented that his real question is if we are going to take this dirt down, he has already established by his pictures that it is still 12 inches high. Right now it is 6 inches to get into that garage. He wanted to know if they are taking it 12 inches down, how they are going to get into that garage. He commented that is why he thinks that there is an end game here; that the grading is going to stay and somehow we are going to go to a grading permit at the end of all this, and then who gets screwed. He commented that he goes back to this water that is puddling on his property. He said that he has never had that before. The Mayor advised that she will be at the next meeting with the engineers and whomever we need to sit down with, because neither she nor Mr. Lupica are engineers. She advised Mr. Lupica to invite whatever consultants he might have. Mr. Lupica commented that if he has to pay an architect to come up, he will. He remarked that he is already paying a lawyer. The Mayor commented not only an architect but he is talking about two different things. He is talking about construction. He is talking about puddling. Mr. Lupica commented that it is the architect who draws up the plans. The Mayor commented that you are getting into the engineering of it with the grounding which is not necessarily the architect. Mr. Lupica commented that he would then get an engineer. But talking to him, he just leads him in a direction to say that our girl is not paying attention. Mr. Lupica commented that he said to him that she allowed somebody to build a 6 foot footing without an architectural drawing. He noted a picture that he said they talked about on October 24 and she allowed it. He commented that he talked to the architect who said that he had never had that. The Mayor commented that she is not a Building Inspector. Mr. Lupica commented that he is not either but that he is getting well versed in it. He remarked that he should not have to be. He just wants to pay his taxes. The Mayor again said that we need to have our experts there to resolve the questions there because, as she said, this is not a Village Board issue. Mr. Lupica agreed. The Mayor commented that she knows his concern. Mr. Lupica wanted to know how we are going to figure this out and if we have talked to anybody to get the right answer. The Village Administrator advised that we have talked to the Building Inspector about it. Mr. Lupica commented how do we rely on a person who has already given false information? Who else do we utilize? The Mayor advised that she has an engineer that we will bring in.

Village Attorney Porteus commented that it is time that Mr. Lupica stopped this and that he gets somebody besides himself and his pictures to present some kind of evidence to our engineer because he is writing a memo right now saying that he does not have the same concerns that Mr. Lupica does. Mr. Lupica advised that he sent a letter by Certified Mail on October 27. He still has not gotten an answer back. The Village Attorney wanted to know if that was the one that talked about site plans and other things that were not applicable to this. Mr. Lupica advised that it talked about the footing that was installed. It talked about the footing that was there. He said that he still has not gotten an answer back. He did the storm drain work. Mr. Lupica wanted to know what will be done about the grading. He commented that he has 5,000 square feet of property over there that is graded. Nobody is acknowledging that it is graded. He commented that the definition of grading is taking material and spreading it out over ground. Village Attorney Porteus said that she is not sure what his concern is if it is graded. Mr. Lupica said it is how are we going to get back down to the grass? That is why they do not allow you to grade it. They tell you to stock it and pile it. He commented that we are not even here discussing all of this. We would not even be discussing this whole topic about the grade and they would not even have been doing what they are doing. He commented that unfortunately the Building Inspector is not enforcing that Code. The Village Attorney said that she disagrees that the Building Inspector is not enforcing our Code. She commented that Mr. Lupica might not like that our Code is silent on some of the issues that he is discussing and he might not like it that the Building Inspector is saying that that pad, the definition of a structure is not that. She advised that if the Building Inspector's determination is that that is not a structure and that you do not need a variance, and Mr. Lupica does not like that, then Mr. Lupica should bring somebody and file that complaint in this Village and say that he believes it needs a variance. Mr. Lupica said that he did say that in his [October 27] letter. He wanted to know if that not good. The Village Attorney commented that he is making all these accusations and he is not an engineer; he is not an architect; and he does not read our Code correctly. She cited page 2 of his letter. Mr. Lupica commented that the only thing wrong in his letter was about the single structure to a multi-structure. The Village Attorney advised that we did not need a site plan. Mr. Lupica commented that was the site plan, the single structure to a multi-structure. The Village Attorney commented that he is picking and choosing within our Code. If he goes to the site plan issue and the zoning issue and you go to site plan. Then under that, he goes to drainage. She advised that our Code does not even ask for drainage for a one-family, less than one acre, or whatever the definition. She commented the Mr. Lupica picks and chooses. She advised that in our Village, if you do not need a drainage study it is up to our Building Inspector when she issues the building permits to decide what grading you can and cannot do; how much of it; whether there is going to be danger. She said that we certainly cannot allow our Building Inspector to permit something that would be a danger or a hazard to Mr. Lupica's property or cause him any damage. Mr. Lupica said that he is being impacted. The Village Attorney commented they are still under construction. We have asked the Building Inspector multiple times. She advised that the Village Engineer has also been out there. He is writing us a memo now because he is very clear on the fact that Mr. Lupica's

property cannot be impacted and neither can his neighbor's property. Mr. Lupica commented after he complained all this time, they finally put a wall up. That was a month and a half after he complained about her being impacted. He believes that the Building Inspector should have known that right from the start. The Village Attorney wanted to know if Mr. Lupica was suggesting that before they went to build that they should have put up a wall. Mr. Lupica said that before they started putting that grade, they should have said that they were impacting him and put the wall up, which they now have done. They did not put the silt fence up. They put that up late too. He believes that should have been out once they started doing the grading. He commented that they finally put up the brick wall. It took them months before they put that up and only after they had graded the property 18 inches. It was after Mr. Lupica got a Stop Work order on them. He commented that he had to do that.

Mayor Knickerbocker again advised that we are all going to get our experts and our engineers, and sit down and have the plans and pictures in front of us, and have the Village Code and everything, and we are going to hash it out. She asked Mr. Lupica to contact the Village Administrator tomorrow to set something up. Mr. Lupica noted that he will not be able to reach one of the consultants he will bring until January 9. He commented about having to pay to bring in an architect but that he will do what he has to do. The Mayor commented that he has specific concerns. Village Attorney Porteus commented that regarding his specific concerns, it is not yet a completed project. She said that if for example, he was concerned that water is pooling right now, which we know it should not be, if in the end it will not be because it was fixed. Mr. Lupica commented how does he trust? The Village Attorney commented how does any neighbor trust when their neighbor is doing a grading issue? Mr. Lupica commented that right from the start, she should have had the silt fence on his neighbor Laurie's side. The silt fence with 18 inches of dirt that is falling into her property should have been put up. It was not. Mr. Lupica commented that he had to bring that to her attention. Finally that went up. Then the rock wall came in because he brought that up. He commented that there are a lot of deficiencies and oversights. Now he is being impacted. He wanted to know if there is anything coming to him to block that water coming to his property. The Village Attorney wanted to know if the Building Inspector is aware that Mr. Lupica is being impacted. Mr. Lupica said that she is well aware; that she told him that was not a new footing, that it is not graded. He commented that every time he asks her, he gets a different answer. He commented that they sat here and he told her that the property is graded and she said it is not graded. The Mayor again said that we will get together, that the Village Engineer has been out to the site several times and that if we have to, we will go to the site. Mr. Lupica again said that there is no variance for the pad. The Village Attorney said that she has not spoken with the Building Inspector about that. Trustee Zachary wanted to know if it is raised or not raised. Mr. Lupica said that it is above the grade. He commented that technically what he was told by a building inspector was that if you put it below the grade then everybody is happy. No one cares that there is a footing down there. He said but they are not doing that. They are 8 inches more above the grade. He wanted to know if this is going to be the

true grade and that they are going to put dirt over top of it and not even care. He wanted to know where the true grade is. He believes that if we had an elevation study then we would know where the true grade is but now we have to rely on the Building Inspector saying that maybe we will get it to an inch. He commented that another neighbor was told that he could not spread any kind of dirt; that the Building Inspector was on him every day driving by his house. The Mayor again said that when they meet that Mr. Lupica should have his concerns all listed.

Mr. Lupica commented that right now there is not any footing on that garage. He was told by the architect that the Village takes responsibility once it signs off on the CO. Mayor Knickerbocker commented that is the key. Nothing is signed off. Mr. Lupica commented that his guess is 28 inches and that is on the high side. It is supposed to be 42. The Village Attorney commented that the Administrator knows more about that. Mr. Lupica commented that he knows more about it than he ever knew; that he got a crash course in the last two months, not that he wanted this. He said that he will talk to the architect from the State. He commented that right now he is relying on the engineers, architects and other building inspectors that he has talked to. Each one has a little nuance to what goes on. The Mayor advised that they will have to know our Building Code as well. Mr. Lupica commented that he was told by our Building Inspector that you can supersede New York State Code but that you cannot reduce it. Trustee Zachary commented that it has to be figured out as to what that is and if it is a deck. Mr. Lupica believes that they are trying to keep it above ground because they do not have a footing on that pad that is down below. So that is why they put a pad and raised it up. He commented that technically they should have taken it down and put in a new footing. He believes that they did not do that because they would have to remove that whole thing. The Mayor believes that they put in a whole new wall. Mr. Lupica said that there is a new wall. There is not new footing in that wall. Technically you would have had to go down, bore a hole through if you did not remove that and then put a new footing. They never did that. He commented that he has watched it every day and that he has so many pictures of that house that he knows what their problem is. He commented that he should not have to be impacted by that right from the start. The Mayor commented that she understands. Mr. Lupica commented that he just wants it to be right. He commented that when you are going to move in, you are going to move in but do not try to “bull rush” him. He commented that a little “bull rush” is what he feels that he is getting here. He commented that if he was not on top of this, it all would have gone according to plan. He commented that that plan changed 3 times now. Now they have changed the deck. Originally it was smaller. Now it is bigger. They footed out the bottom to get into the basement. He commented if you look at the windows in the basement, they are not symmetrical. He wanted to know why it is that 2 windows are all the way on one side and 1 window is all the way down the other side. It is just a basement. The Mayor commented that she is not an engineer and that is why we are going to get together and address his concerns. Mr. Lupica thanked the Board.

Eileen Absenger, 138 Tate Avenue, commented that concerning drainage, the first house on the left as you go into Valerie Court impacted 144 Tate Avenue. The resident came to Ms. Absenger because he needed the easement onto her property to the easement to the brook, which the Village has, and they took care of all the drainage. She commented that those people were in those houses for a few years before it came to pass. It was a matter of height and where the water ran. She commented that nobody knew that this would be impacted. It was easily solved and they had no problems. She thinks that in Mr. Lupica's case that it will be resolved and that everybody will be happy.

7. BOARD MEMBER REBUTTALS:

None.

8. ADJOURNMENT:

At 8:55 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.