

Village of Buchanan  
Mayor & Board of Trustees  
Village Board Meeting  
May 5, 2015

**PRESENT:**

Mayor Theresa Knickerbocker

Trustees Richard A. Funchion, Nicholas Zachary, Duane M. Jackson and Cesare Pasquale

Village Administrator Kevin Hay

Village Attorney Stephanie V. Porteus

Village Board Secretary Susan F. Matthews

**1. PLEDGE OF ALLEGIANCE:**

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

**MOMENT OF SILENCE:**

Mayor Knickerbocker asked for a moment of silence in memory of New York City Police Officer Brian Moore who was shot in the line of duty and died over the weekend. She asked that everyone pray for his family and fellow officers. They put their lives on the line for us every day in this chaotic world we live in.

**2. APPROVE MINUTES:**

February 17, 2015 Workshop Meeting; March 2, 2015 regular Board Meeting; March 17, 2015 Workshop Meeting; April 6, 2015: The Mayor noted that because the last meeting was the Organizational Meeting, no minutes were approved at that time. The Board decided and agreed to table the approval of these minutes to the next meeting as they did not all get a chance to review them due to attending the NYCOM Conference.

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

None

**4. NEW BUSINESS:**

**a. PUBLIC HEARING: PROPOSED ZONING CHANGE ALLOWING A SENIOR MULTI-FAMILY ZONE**

Mayor Knickerbocker advised that we did have a Public Hearing scheduled for this evening on the proposed Senior Multi-Family but the developer has asked for a one month adjournment. The Mayor advised that it will now be held at our Village Board meeting on June 2 at 7:30 PM. She said that because it is on this evening's agenda, anyone who wants to speak about this is welcome to do so.

John Mattis, Tate Avenue, wanted to know if the developer gave a reason for postponing the Public Hearing. Village Administrator Hay advised that it did not say in the letter. Mr. Mattis wanted to speak out against this for many reasons. He feels that this is a totally out of proportion contribution to the County's problem which is not Buchanan's problem. Buchanan has two tenths of one percent of the households in Westchester County and two tenths of one percent of its population. Mr. Mattis commented that using that ratio, Buchanan should have 1.5 affordable affirmative housing units. They already have one on Westchester Avenue that the person from the County noted 2 weeks ago at the Informational Meeting, and he understands that the County will soon be purchasing the house at White Street and Route 9A. The house is falling down and they are going to put an affordable affirmative house there. Therefore Mr. Mattis feels that Buchanan has met its quota.

Concerning the Senior multi-family housing, Mr. Mattis commented that the developer changes it all the time. The developer wants all 66 units to be affordable. Mr. Mattis noted that Somers Crossing has 80 units of which 12 are affordable. That is 15%. Harrison has 143 units; 7 affordable. That is 4.9%. Bedford Farms has 79 units; 9 affordable. That is 11.4%. Buchanan would have 66 units of which 66 would be affordable. That is 100%. Mr. Mattis noted that those 66 units represent almost 9% of the total quota of 750 for the County. Yet they always dump on this area. He commented that if it is not the Algonquin pipe line, if it is not something else, they are throwing everything here. Mr. Mattis questions why this should be born on the backs of the residents of Buchanan. He commented that the Police Chief has said that he would need another policeman. The cost with benefits, not including people covering shifts and vacations, longevity pay and uniform allowances would cost \$150,000 a year. We will get back \$40,000. Mr. Mattis noted that it is revenue negative for the Village. He commented that at the Informational Workshop two weeks ago Joe Ryan talked about emergency responders. They could be given another truck but that will not work. They do not have enough people. They are stretched now to cover the emergencies. This proposal is age 62 and over. Mr. Mattis commented that we know statistically that they are going to need ambulances and people to come out to assist them more often than the younger people. Mr. Mattis noted that Norma Drummond, Deputy Commissioner, Westchester Planning, mentioned in her presentation that Buchanan ranks in the top 10% of low to mid income communities in Westchester County. So we are way behind the 8 ball on that. We were part of the group in the 2000 census that did not have racial diversity. But in the 2010 census, we do. He commented that we are also behind the 8 ball in low to middle income people, so why should we increase that. He feels that is a County

problem, not a Village of Buchanan problem. We want to keep a good mix but to let it happen the way it happens.

Mr. Mattis commented that there is no site plan and no environmental study. That property has a big pond, wet lands, steep slopes and tons of trees. He commented that they have a sketch of kind of where they put this. The Town of Cortlandt is looking at doing a zoning change across from the Cortlandt Town Center. Before they will approve it, they are requesting a total site plan, which they have and which is being looked at by their Planning Board contingent upon the approval of the Town Board to change the zoning. But they also want a total environmental review. That takes about a year. They will not even consider voting on any changes until they see that. This is near the river. Mr. Mattis commented that two weeks ago he talked with the person who works for Bill Balter, the developer. Mr. Mattis asked him where this would be put and was shown. Mr. Mattis pointed out that it was on a hill and was told that they would get a steep slopes permit. Mr. Mattis commented once you say yes, you put the cart before the horse. He believes that the Planning Board is going to have a tough time saying no. They may have to find a way to accommodate him and that could have significant environmental impacts. Mr. Mattis thinks that they may have to give on wetlands and steep slopes and all these things.

Mr. Mattis commented that there is no plan. It keeps changing. It is going to be 10%, 6 units. People wanted 62 and over. The developer said that if it is 55 and older that he would not do it. Mr. Mattis commented that now it is 100%. Nobody in Westchester is doing that. And it is 62 and over. Mr. Mattis questions what he is going to come back with next month.

Mr. Mattis noted that Former Mayor Sean Murray spoke at the Informational Workshop. He looked at the rentals and at what someone would need to qualify. He concluded that only one or two Seniors in Buchanan would qualify. And they would need income of \$200-\$300 in addition to their Social Security. If it is more than that, they cannot do it. Mr. Mattis questioned who it is going to benefit; not the people in Buchanan. He commented that the developer advertises to the least likely applicant. Mr. Mattis commented that he has been to several seminars on this. The least likely applicant is the least likely person that you have here. They are not going to advertise here. At the seminars they said that they will advertise at community centers, for blacks and Hispanics in their local newspapers. Mr. Mattis commented that he has nothing against them. We are changing but we are changing normally. We have a higher concentration and we are more diverse which he thinks is wonderful. But do not artificially do it and put it way out of balance to solve a problem for the County. He commented that these people do not make that much money. Many of us have been in that situation. We hope things happen. But it is a County problem. He feels that what we need in this Village is moderate priced housing. He commented that Amberlands is moderate, not affordable affirmative. Springvale is also. Both of them are cheaper than Round Top and they would be cheaper than this. He noted in addition that they include heat and hot water. In this, you get everything thrown in extra. This builder will

put solar panels on the buildings. Mr. Mattis commented that looks great. But the solar savings will be to his common areas. He will not put solar up there for the unit owners.

Mr. Mattis commented that the Board members were elected to represent Buchanan and its residents. He cannot see any benefit to Buchanan and its residents. He commented that if you are going to build affordable affirmative housing, we are going to be stuck with a decision for 50 years and there is no “do over”. He commented that they kept citing Jacobs Hill which was not part of the affordable affirmative housing. That was open to almost everybody and still, only one person from Buchanan went there. Mr. Mattis feels that this is solely to meet a requirement of a settlement between the County and HUD. This Board does not represent the County. They do not represent the builder. Mr. Mattis commented that he could be a good guy. He could be a bad guy. But the Board does not represent him. They represent the citizens of Buchanan and they were firmly against this two weeks ago at the Informational Workshop. He does not understand why the Board is giving the developer another month when he does not even have a site plan. Mr. Mattis thinks that he is blowing smoke. He feels that it is very clear that this project should not go through. He commented for the Board to save some time and save the developer some time and vote “no” for this tonight and let him come back with a real proposal if he wants to do that.

Mayor Knickerbocker commented that some people had arrived later so she again announced that the Public Hearing has been postponed until June.

Eileen Absenger, Tate Ave, feels that this Board is a kaleidoscope for Bill Balter. Every time they blink, he turns his kaleidoscope for a new picture. Two weeks ago he did it with 55 to 62. She commented that if the Board wants to see what the next kaleidoscope picture will be then give him the opportunity to come in to the next Board meeting. If they feel that there is no other picture then they should vote “no” on this project and let him come forth with a new project because we do not have anything solid here and we do not have environmental projects that should be here before the Board before they do even vote before the Planning Board gets it. The one thing she said that she remembers Former Mayor Murray saying at the end of his term is that if it sounds too good to be true, buyer beware, seller beware, Village Board beware. She commented that this sounded too good to be true and that the mix will change naturally just like everything else changes naturally.

Mayor Knickerbocker wanted to be clear that she has been against this project for reasons she has stated many times. She noted that Trustee Jackson has mentioned that because of the housing stock that we do not have that structure of multi-family in a tight space. We have individual residential. She was concerned about how this would affect our services, our police and ambulance. She continues to be against this project. She does not see any benefit to the Village. She commented that you know that there is no one in the Village guaranteed to get a

place there. The Mayor commented that about 10 years ago, noting that she was not on the Board at the time, there was a planning report done. That location was one of the locations suggested for a potential Senior multi-family. But not, she noted, with all these other caveats. The thought from the group who prepared that report was that it would be nice to have a place where our Seniors could go when they retire. Some are single and have a big house. They could sell their homes when their families were grown. So the original intent was to have a place for our Buchanan residents to have a place to allow them to stay within the Village and be able to live here comfortably while being able to downsize to an apartment. The Mayor commented that she understood that and thought it was a great idea that they had. That was the original intent but what has happened is that it has taken on a different life. It is gone a different way. She does not think that this proposed project is a benefit for the Village. It does not guarantee that any of our residents will get an apartment.

Trustee Funchion advised that he would not be at the June meeting so he wanted to make a few comments at this time. Concerning the individuals who came from the County for the Informational Workshop, he commented that it was enlightening to say the least. He does not think it was the developer who changed anything but we as a Board were as aware of some of the restrictions; definitely the salary restriction. It eliminated anybody in the Village. It sounded like an extremely low salary range. Trustee Funchion commented that some of the things that Mr. Mattis mentioned are very true. Listening to them, he agrees with this whole concept that we would be doing the County such a big favor. Trustee Funchion also agrees with the part about our being dumped on, because we do not see the fair distribution of affordable housing in and around the County. He commented that what he has seen in his lifetime is that it seems to go on all over the place. There is not a fair distribution of people in positions where they do not have that much money. Some people call it “affordable housing”. Some people call it “low income housing”. Concerning the 66 units, Trustee Funchion wanted to make clear that he, and he thinks the Board as well, would not be against something that included 66 units if it included 10% or 11% or some number of affordable housing and the rest at market rate that would be marketed to Seniors. He recalled from the statistics that they showed that 6,700 people already have their name in on a list. He commented that if for example, even 20 people in Buchanan were eligible to do that you would have better odds of winning the lottery.

Trustee Funchion said that he has gone back and forth on this particular issue. When he heard from the people who came from the County, they were both very professional in their presentation to us about what all of this meant. They did not take any sides. They just gave the facts and those facts had an effect on him. He commented that there were supposed to be impact fees. The dollar amounts were anywhere from \$300,000-\$500,000. Trustee Funchion commented that if we received the impact fee that we really deserved from the County government, it would probably be about 7 or 8 million dollars for what the percentage of what we would be taking off the hands of the County problem that they did nothing about for years.

He thinks that it is unfair that Buchanan should have to suffer when they did not do anything. Trustee Funchion commented that they are not going to bring this affordable housing to the proper levels in communities that are socio-economically much higher than all other places in Westchester. They are not getting this percentage of the housing.

Trustee Funchion commented that at this particular juncture unless the developer is going to change things around, he does not see any great advantage to the Village at this time. He thinks that Mr. Balter is honest and up front. He is a business man. He is here to make money. Trustee Funchion did not know that the County was going to buy the land and sell it to the developer for \$1. He did not know that the County was going to build the roads going in from and out to the public streets. He did not know that they were going to pay for the sewer connections and the water connections. Trustee Funchion feels that there is not much advantage for the Village but a big advantage for the developer. He understands that and said that if he were in a similar position he would want to make money. He does not see this as being advantageous to the citizens of Buchanan unless we were guaranteed that a certain amount of our people could get this housing or that a smaller amount, perhaps 5% or 10% which would be 6 and 8 units.

Trustee Funchion said that he is sorry that he cannot be here for the June Board meeting. He does not have a problem putting it off for one month. If the developer is going to come back with something, we would not want to take a chance of any legal issues that might be prejudicial to the developer because we do not want to wait one month. That would seem unreasonable to Trustee Funchion.

Mayor Knickerbocker commented that when Norma Drummond, Deputy Commissioner, Westchester County Department of Planning, was here, she mentioned that the County will buy the property for whatever its value is and the County will sell it to the developer for \$1.00. The Mayor told her that the Village would like that same opportunity to buy the property from them for \$1.00. The Mayor commented that she does not know what might happen but she did put that out there.

Trustee Zachary commented that everyone has their concerns. Obviously, it is not a perfect project. He does not want to pass judgment on anyone's concerns. He commented that he still happens to think it is the best use for that parcel from a number of standpoints. One thing that is very appealing to him is that the old clay pond would be turned into public space. He thinks that environmentally, compared to the industrial use that it currently zoned for, this is a use he would like to see there. He agrees that there is an issue as far as satisfying any housing needs for Buchanan residents. He commented again that it is not a perfect project. Trustee Zachary wanted to set the record straight on a couple of things. He does not think that we should look at this as doing the County a favor. He thinks that we should look at it as milking it for everything we can get for this because the County has a need for this. He commented that he does not care

what the County's needs are. But he does feel that we should exploit that to get everything we can. We are talking about an addition on the fire house, improvement to sidewalks, money that would go into other Village departments. He commented that they started at a lower number. As the Board negotiated with them a little bit, they were able to go higher and higher. It was up well over \$500,000 and he does not think we should have rested at that. Trustee Zachary wanted to point out on behalf of the developer that when he came into the project, before he was involved it was proposed as 10% affordable. Trustee Zachary commented that this guy has done enough projects that he knows what he can sell in this area. Trustee Zachary commented that this is Buchanan. This is across from the nuclear plant. You cannot sell apartments here the same way you would sell apartments across from a horse farm. After doing 30 or so developments, in his judgment Mr. Balter does not think he could sell it unless it was more affordable. Trustee Zachary thinks that evolved over time. It was not something that he just changed or flip-flopped on. Once he became involved and assessed it that was his determination. Other changes were in response to comments from Board members. He was not dreaming up anything different. Trustee Zachary disagreed with Ms. Absenger's kaleidoscope analogy. He believes it was the developer's attempt to tailor it to what the Board would approve. Some Board members had expressed making the age 62 which is what he came in with the last time. Trustee Zachary commented that he does not know exactly what he will come back with now but he thinks that we should wait and see what it is because Trustee Zachary believes that if the developer can do something to make this work better for the Village, he will; otherwise if cannot then he will walk away.

Trustee Zachary noted Mr. Mattis' comments concerning the Environmental Impact Statement [EIS]. He commented that this Board always viewed that as being part of the Planning process. We did not feel that we needed a full environmental review for the zoning change. It is done when the Planning Board reviews the site plan if it gets to that point. He commented that everyone comes in with their concerns. But he thinks that given where that parcel is across from our only park, given that the public would have access to the clay pond and given what the possible alternatives there could be, if we could find a way that this would work to the Board's satisfaction he would put his support behind this project.

Mayor Knickerbocker advised that when she went down County, she was told that the 66 units were already counted into what the County needed to comply with the court order. She agrees that the Village could use money to do different projects. Fortunately we do have more money now coming from Entergy. Her big concern was the impact on the Village. The money was only going to be a one-time fee. We were not going to get more each year. Her understanding was that each year it was going to be \$10,000 for the Seniors for the impact on the Seniors club. The Mayor commented with a housing project there, whether it is affordable housing or market rate, if it is not good for one then she would rather not see it for anybody. It is good for one group of people to have a housing project there but for other people it would not be. She noted

that she has been against this project from the beginning and that Trustee Zachary has been for it from the beginning. The Mayor commented that the Board has its disagreements on things but this is a good Board. We all look at things differently. Trustee Zachary commented that if they always agreed on everything we would only need a one member Board. The Mayor agreed.

Trustee Pasquale commented that personally he favors giving them to next month. He said let us listen to what the rest of our residents say and make our decision based on how we feel after listening to them. He commented that unless he is getting it wrong, he agrees with Mr. Mattis in that we are elected to support and speak for the residents. That is important to him. Trustee Pasquale said that he is retired. He walks around a lot. A lot of people talk to him and ask him questions. The quality of life in Buchanan is always important to him. Looking at the Senior housing project, if a lot of our residents are not going to benefit from this, it is not going to improve our quality of life here. We are going to get 66 units of affordable housing. He is all for finding housing for people. But he does not see how the Village of Buchanan can benefit from this. He commented that Trustee Funchion and Mayor Knickerbocker said it beautifully and Trustee Zachary had some excellent points as well. Trustee Pasquale said let us wait until next month and then he will make a decision. If they do not come back with a different proposal, he is not for this.

Mayor Knickerbocker noted that the Board was in favor of continuing this to June 2.

Eileen Absenger commented that when the Board throws around amounts like \$250,000 or \$500,000, that Trustee Zachary would like more than that and to exploit this or exploit that, she says to ask where does that money come from. We pay County taxes. So isn't that money coming from our pocketbooks that we are putting back into this project? The Mayor commented that it is your tax dollars. Trustee Zachary advised that the County has set aside several million dollars at some point specifically to help people develop affordable housing. Some of that money, probably about half, has been spent on affordable housing that has been developed already. There is still a fairly decent pool of money. It has been budgeted specifically for this purpose to help communities with impacts. In North Salem, they built a police building. Wherever they have done this they have helped with impacts and infrastructure. Trustee Zachary commented that they have made it more appealing to the communities as well as to the developers. He commented that concerning the police issue, the Police Chief has been requesting an additional officer for 5 or 10 years so this is not the first time he has taken something as an opportunity. Trustee Zachary thinks that if we could afford it, it would be a good thing because half of the salary and benefits could be paid for just by the savings of overtime because with 5 people stretched out over every shift, we pay a lot of money for overtime. A study that the Police Chief did showed a significant savings. Trustee Zachary commented that maybe we could negotiate that the County pays a percentage of the policeman's

salary. He thinks that the only thing that makes sense to us is to use this to our advantage, not because it is what the County needs.

Eileen Absenger commented that hypothetically, suppose that happens. She wanted to know if we are guaranteed this money prior to approval and how do you know if we would get anything. Mayor Knickerbocker advised that everything would be documented and it would be a signed agreement. She commented that you can promise her the sun, moon and the stars and then say, "Oh, I thought I could do this. I can't." This would be a documented agreement. Trustee Zachary commented that the Board would be foolish not to have all that in writing.

Ms. Absenger commented that when she hears Trustee Zachary talk about how nice Bill Balter is, he seems very nice. She commented that she has a person who is living in Round Top and it is put together by spit. Supposedly, it is sinking. They do not repair quickly at all. All that solar is used for management purposes, not for the residents. They pay a high price for those apartments even though they are affordable. She commented that she would have to document that from this person. This is what she has been told. This person was in the lottery. She was lucky. Ms. Absenger commented that it all sounds good. They throw this money around but we are still the taxpayers for the County and for the Village. It seems that we are just putting our money back into something that is not truly a benefit. She commented that Peekskill took County money for the baseball field. That had to open it up to the entire County. She commented that with Bill Balter taking money from the County to do this project, he knows what he is doing. He is a business man. She commented that Trustee Funchion said it right. If she was a business person, she would look to get the best benefit from her bucks and Mr. Balter gets something in the end too. She commented that if he can get all those steep slopes and environmental impacts, she would like to know who he knows in higher places. She commented that the Village has had problems with AAA Carting and the Planning Board has done their best. Maybe the Building Inspector was not able to get through to that. She commented that Mayor Knickerbocker recently had an altercation with him verbally. There are a lot of things that do not suit that piece of property for anything, especially if the County ends up having it because you will have all the County people coming up to picnic all around the clay hole. Once the County brings the money in, it is not ours. It is everybody's.

Mayor Knickerbocker wanted to clarify the altercation. It was verbal. Most of the Board was on the property. They were looking at the proposed Senior multi-family project. There was something in place for AAA not to be tearing down the mountain. The Mayor saw it and went up there. She said that they had a very loud conversation and they stopped.

John Mattis commented that he find it interesting that two weeks ago at the Informational Meeting nothing was mentioned about any impact fees. Trustee Zachary commented that if he had been there, he would have. Mr. Mattis commented that nobody else did. Not the people

from the County. They came to explain the whole thing but nobody explained that piece of it. Trustee Zachary commented that it was set up as an information session to explain how the list worked. Mr. Mattis commented that it was disingenuous that they did not mention that. He commented that he spoke with someone at the highest level of County government. When Mr. Mattis said that he had heard that the County was giving \$500,000 to the Village of Buchanan to build that project, the person laughed and told Mr. Mattis that it was nothing anywhere close to that. Mr. Mattis commented that for Trustee Zachary to say let us squeeze them and squeeze them, this is not "Let's Make a Deal". This is whether or not this is a good project. He said to think of 66 housing units. He then asked how many housing units have been built in Buchanan in the last 50 years. It is about 50. You would increase the housing units in Buchanan by 8% or 9%. He questioned if that can be assimilated that quickly. Trustee Zachary commented that is an incorrect figure. Don Zern commented that it is correct. Mr. Mattis said that he can show Trustee Zachary the numbers. He commented that it is plus or minus 50 and it does not approach 66. He commented that to say that you could not get people to come here because it is next to an atomic power plant but that you will bring in low income people is insulting to them. Everybody has the same value as a person. To have one person living next to an atomic power plant has nothing to do with their socio-economic status. He commented that if it is not good for one, it is not good for another. Trustee Zachary commented that it is a choice they make. It is the same reason that people live here. They like the community but as Mr. Mattis might have noticed, the houses are a little less expensive here. He commented that there is nothing insinuating as Mr. Mattis is suggesting. There is a difference in the prices in our area compared to other parts of Westchester. That is true. Mr. Mattis commented that people still live here but they make the choice. To make a statement that people will not pay more to live around here is not correct. Trustee Zachary commented that Mr. Mattis is inflaming things. The cost of the unit is a factor the same way that it is a factor when people move to this community. Mr. Mattis commented that the cost of the unit is higher than Springvale and Amberlands and they are not on top of Indian Point. So something is wrong with the logic there. He commented that if it is good for the Village, it is good for the Village. If it is not, it is not. It is not "Let's Make a Deal" with the County. That has nothing to do with whether or not it is good. You get a one-time infusion of money. He commented that there is no upward mobility. We like to see upward mobility in our community and the people who live here. There is no upward mobility with this because once they reach a certain income level they are gone. We want people to have pride in this community and stay here. Mr. Mattis hopes that everybody who comes in there can afford very quickly to move out. But are we going to have this turn over for 50 years.

Don Zern, Westchester Avenue, commented that he is not going to get out here and preach that with the 66 units that we are not getting 20%, 30%, 40% or 50% of the units for our people on the volunteer ambulance corps, Fire Department, Highway Department and our own Villagers. He said that he is not going to say that. He wanted each Board member in each one of their hearts to look and soul search tonight and make the correct decision for this Village, not for what

we might get from a wonderful salesman. He could be the Wizard of Oz or the greatest salesman in the world. Mr. Zern commented that he lives here. He has children and grandchildren here. He wants them to be able to stay here. He commented that as everybody said, the Board members all have valid points. But is it good for the Village? Mr. Zern commented for the Board to go back to the people who elected them. Get on the phone and call them. Pick up the phone and say, "Listen, this is what is going on. What do you feel about that?" He feels that if they do that and soul search themselves, he knows that this Board will vote the right way.

Trustee Jackson commented that when we started this process over two years ago, it has been mentioned that he was concerned about the housing mix of just apartments as opposed to single family houses. When he moved up here 22 year ago he came into the Velardo development which was single family houses. Burke Court was single family houses. Donahue Court was single family houses. He thought of this project as a pink elephant. He commented that one of the more distressing things to him is that we have a system, not just in this County but in our country, where we are taking taxpayers' dollars and using them against their wishes. Trustee Jackson commented that he had asked Mr. Balter if there was any thought given to making those town houses like the Santucci places at the top of the hill. They are in the community and they make sense. He commented that one of the things that has been distressful is that this project has not made sense. Trustee Jackson said that he expressed that to Mr. Balter. Trustee Jackson said whether or not Mr. Balter can change that scope or bring something to the table that makes sense, we do not know. Trustee Jackson is willing to give him the 30 days to bring that forward and it will be up to each and every member of this Board to vote their conscience. They have to do the homework to make an intelligent decision. But if it does not make sense to our residents, of which Trustee Jackson is one, it does not make sense. Trustee Jackson thanked everyone who came to this meeting and spoke tonight about this project. He commented that as former Speaker of the House Tip O'Neill always said, "All politics is local". Trustee Jackson commented that this is where we live. We all know each other. He has two children who graduated from Hendrick Hudson High School. This is a big decision. As for the future land use of that property, this may not be the deal that brings that home. He commented that Trustee Zachary insinuated that we may get an application for an industrial use if this does not go forward. We do not know what is in the cards down the road. But Trustee Jackson thinks that it is obvious that at this particular stage in the current scope that there is no tangible benefit for the population we are trying to reach. If that is 55 to 62 and nobody in this Village is a beneficiary of it, he asked if it really makes any difference. If Mr. Balter brings back something that makes sense, Trustee Jackson hopes to do the right thing.

Mayor Knickerbocker believes that the general consensus from the Board is that they will continue this at our June meeting. Trustee Zachary wanted to know if a vote was needed. Village Attorney Porteus advised that we will re-advertise the Public Hearing. In fairness, you have to give people an opportunity and she will re-advertise.

Mayor Knickerbocker announced that she would read the first two resolutions and each of the other Board members would read the other resolutions.

**b. 15-16 RESOLUTION AUTHORIZING BUDGET TRANSFERS**

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

The Mayor noted that we do this every year. There were some overages such as police overtime, salt and other items. We make transfers to those lines from lines that are below budget. We try to carefully budget all the time but we did not know that we would have such a winter as we did.

Trustee Jackson had a question about the way the numbers are presented. It shows the budget line and the amounts but not a description of what that budget line is for. So you have to go back. He asked that next year there be more descriptions for transparency. That way everyone will know if it is for roads or overtime for example, or whatever as opposed to going back through the budget line by line. Mayor Knickerbocker noted that there are many transfers. Trustee Zachary commented that he looked at the larger ones, the key ones. A lot have to do with police overtime and Highway Department overtime, the snowplowing and Sewer Treatment Plant work. Village Administrator Hay advised that these are all areas that we increased in our current budget to compensate the issue going forward. The Mayor noted that we can see the trending of the weather. We increased those lines for the June budget. This is just within. It will not touch the fund balance.

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

**c. 15-17 RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO ISSUE CERTIFICATES OF OCCUPANCY AND BUILDING PERMITS UNTIL A FULL-TIME BUILDING INSPECTOR IS HIRED.**

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

The Mayor advised that the Board will be voting to hire a full-time Building Inspector this evening. Trustee Jackson wanted to know if we have a payment to the Town of Cortlandt for their services. The Administrator advised that we had an IMA in place 2 years ago. It is in place that it will be the cost of their employees. They will bill us. It is an hourly rate. Trustee Jackson wanted to know if we need to have a ball park figure before that. He noted that IMA was from two years ago. He wanted to know if there has been any increase and what is the number today. The Administrator advised that we left it general and somewhat open depending on who was

going to do the work. The IMA was for any shared personnel. We start with the Village Engineer and his rate. We pay the Building Inspectors the rate that they are being paid at the Town of Cortlandt. Trustee Jackson wanted to make sure for transparency that we knew what that number was before we enter into the agreement. He commented that we do not have any choice but he would like to know that number. Mayor Knickerbocker directed to put out a memo and the Administrator advised that we would.

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

**d. 15-18 RESOLUTION AUTHORIZING UNPAID WATER CHARGES TO BE ADDED TO THE TAX BILLS.**

Trustee Jackson read the Resolution (*copy attached*).

Mayor Knickerbocker noted that we do this every year. These are the unpaid water charges for 2014. We put this on the taxes of the property owner.

Trustee Funchion noted that we do this every year. He commented that for such a small Village we seem to have a lot of people who are delinquent in paying their water bills. He was curious about the reason for it and noted that a lot of these bills are pretty high. He noted that one is for \$656 and the penalty is \$32. He wanted to know if we can raise the penalty. Mayor Knickerbocker commented that her thought is that she understands what he is saying. We are putting it on their property taxes. Trustee Funchion commented that he smells a rat. He commented that he has said in the past that he knows it is not our duty and he is not pointing a finger but it puts it nicely on their tax bill and the Federal government looks at their taxes, these people are showing that they are paying more taxes when they are really paying their water bill. He feels that we are supporting possible tax fraud. Village Attorney Porteus advised that this is statutory. It is the law. This is how we go about it. We are authorized to put it on the tax bill because it insures collection. The penalty is also statutory. The Administrator advised that it is 5% for the first month and 1% for every month thereafter. Trustee Funchion commented that does not explain why we have so many in such a small village. Mayor Knickerbocker commented that a lot of people are struggling. Since 2008, she has not seen the economy come back. She has not spoken to any of these people and none have come forward but she assumes that is what is happening. She commented that she looked at this list and noted that some people either no longer live there, are moving or are in foreclosure. Not all but some. Trustee Zachary commented that some people are sloppy with their bill paying. Some people having a hard time with their money. There are probably a variety of reasons. Trustee Jackson commented that it is not carried over to the next year so it is paid with the taxes. If they do not pay their taxes, it brings in a whole other set of circumstances. Trustee Zachary commented that some people

probably say, “Just put it on my taxes and I will pay it with them.” Trustee Jackson commented that we are doing what we can legally do to make sure they are paid.

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

**e. 15-19 RESOLUTION AUTHORIZING THE HIRING OF SUMMER SEASONAL EMPLOYEES.**

Trustee Jackson read the Resolution (*copy attached*).

Trustee Jackson noted that we do this every year. Mayor Knickerbocker noted that 3 out of 4 of these people have worked for us and are coming back. There is one new person.

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

**f. 15-20 RESOLUTION HIRING A FULL-TIME BUILDING INSPECTOR.**

Trustee Funchion read the Resolution (*copy attached*).

Mayor Knickerbocker advised that the Village Board has decided that it would be in its best interest to go from a part-time to a full-time Building Inspector. Village Administrator Hay was part of the interview process. She has asked that the new Building Inspector come to the next Board meeting to be introduced and so that everyone can get his background.

The Administrator advised that this is the first hiring off the Civil Service list that we have done in a while. It is an extensive process. We must get the list of eligible persons from the County. We must canvass that list and send them all letters to determine whether they are interested or not. They have 10 business days to reply. After that he and the Village Engineer then went to interviewing process. They interviewed the top 6 candidates on the list in case someone was not interested. He and the Engineer were both in agreement on the candidate of choice. He is currently the Assistant Building Inspector in the Village of Irvington. Prior to that he held the same position in the Village of Ossining. He has good experience. They asked various questions that the Board had brought up in various Workshops and wanted addressed. They both felt that he had the best knowledge and a “go get ‘em” attitude. After narrowing it down to him, they called his references. Our Village Engineer has worked in the Village of Irvington before and knew and respected the Building Inspector there. They had a conference call. The Irvington Building Inspector had nothing but good reviews for the person we would like to hire. Mayor

Knickerbocker thanked Village Administrator Hay for doing a thorough look into that with this potential new person.

Trustee Funchion wanted to add that hiring a full-time Building Inspector goes along with the whole idea of getting the Village back to where it was, a beautiful village and to clean up the places that really need cleaning up and to deal with some of the illegal apartments so that everything is done on the up and up so that we can all live in a safe, clean and beautiful community. Trustee Funchion thinks that having a full-time Building Inspector is a necessity. He commented that the Administrator has noted in the past that we are one of the few communities of this size in Westchester that did not have a full-time Building Inspector. Trustee Funchion is looking forward to having one. He commented we have all seen some of the things that we have had to live with such as putting garbage out on the street before time. We will be able to enforce these things better with a full time Building Inspector.

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

**g. 15-21 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.**

Trustee Zachary read the Resolution (*copy attached*).

Trustee Zachary noted that this is an annual event. We are happy to make our facility available for good causes.

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

**h. 15-22 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.**

Trustee Zachary read the Resolution (*copy attached*).

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

**i. 15-23 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.**

Trustee Pasquale read the Resolution (*copy attached*)

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

**j. 15-24 RESOLUTION AMENDING LOCAL LAW 2-2015 AMENDING CHAPTER 181 OF THE CODE OF BUCHANAN.**

Trustee Pasquale read the Resolution (*copy attached*).

Village Attorney Porteus advised that this Resolution is necessary because at the time we amended the Local Law, we did not include dry cask storage. That is now being added in because it is now in the PILOT agreement with Entergy. That is the only change. In reply to a question from Trustee Zachary, Village Attorney Porteus advised that when we did the original PILOT the dry cask storage was not included.

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

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

- a) Justice Court Report – February & March 2015  
Received and filed.

Mayor Knickerbocker noted that the amount of \$7,734.00 was received by the Village.

- b) Fire Inspector's Report – March 2015  
Received and filed.

- c) Wastewater Report – February & March 2015  
Received and filed.

- d) Attorney's Report  
Village Attorney Porteus had nothing further to report.

- e) Administrator's Report

Village Administrator Hay reported on the phone system. We are set for phone installation on Thursday, May 7. The phones have all been tested and they will be put in their locations. There will be a cut over date where the company will have someone here all day to make sure that there are no problems. The Administrator will forward the information to everyone as soon as the switch over is completed. Mayor Knickerbocker advised that some of the Trustees were having problems with SPAM.

Mayor Knickerbocker commented that some people might not have heard what we are doing with Con Edison. People are seeing the Circle being dug up and construction going on. They wanted to know if it was a water leak. The Administrator advised that it is a Con Edison project for storm handling. They are running a new underground feed to the Village Hall for storm strikes and other things. They have run the wires through. They are waiting for the transformers and transfer switch. We will be less likely to lose power in this building. He commented that it is possible that someone did see water because there is water under the streets and they did run into that. It was not a leak, just ground water. The Mayor advised that this is in case of emergency. The Village Hall is Command Central in case of emergency. We have the capability to open the second floor for emergencies for people to come in to warm up. It is not a place to shelter. The Fire Department will open their doors to bring people in.

Trustee Pasquale noted that while this is going on, driving down Tate Avenue the metal plates rise up so be careful and slow down. They could do a lot of damage to your tires. The Administrator is looking to have Con Ed smooth it out for the upcoming Memorial Day Parade. Trustee Funchion commented that people are driving down and are moving over to the other side of the road. He cautioned people to be careful. He wanted to know if they are going to totally repave it. The Administrator advised that they would do half of the lane. He has asked for a time frame for the paving. Mayor Knickerbocker commented that the right answer is that they will do the other side too or we will have to have another meeting.

#### f) Mayor's Report

Mayor Knickerbocker reported that she is just getting back from the New York Conference of Mayors (NYCOM) training for mayors and trustees. Trustees Funchion and Zachary also attended. Village Administrator Hay will be going to the Administrators of New York meeting. The Mayor commented that she always likes our people to go to these training meetings because they learn a lot of things. The biggest things you learn are from other Trustees and municipalities and how they deal with things.

Mayor Knickerbocker received a thank you note last month from one of our residents, Gail McIntyre on Ketchum Avenue. The Mayor read the letter (*copy attached*) which thanked the Highway Department for the work they did this past winter.

Mayor Knickerbocker announced that that on Thursday, May 7 at 7 PM there will be a solar energy meeting at the Village Hall. Anyone who is interested in getting a solar energy system should come. This is the same company that the Town of Cortlandt and Croton have vetted out and are using to do their solar within the Town. There is a very short span of time before the credits expire. The Mayor advised that we are looking at the Village Hall, the wastewater treatment plant and the Highway Department to see if it is something that would benefit the

Village. Trustee Funchion wants to know if the solar people maintain ownership of the panel and that they are not selling them to you. Trustee Zachary advised that you are buying the panels. Trustee Funchion commented that some people in the Village had a company where they own the solar panel. They tell you that over 15 years you will get back the money you would have spent with Con Edison. The Mayor advised that there are companies that do lease it.

Mayor Knickerbocker reminded that Buchanan is sponsoring this year's Tri-Village Memorial Day Parade on May 25 at 11 AM. There will be a ceremony at the pavilion. The Mayor commented that Memorial Day is not about barbeques or shopping. It is about paying respect to the service men and women who made the ultimate sacrifice for our country. She feels that it is important to take the time to go to a parade or a service. The line up will be at Craft Lane. The parade will come down Lindsey Avenue and along Westchester Avenue to the pavilion. The Town of Cortlandt's Memorial Day ceremony will be on May 22 at 12:30 PM at the Muriel Morabito Center.

Mayor Knickerbocker reported that last week she attended an NRC meeting called "Government To Government". They talked about various things with the power plant including their renewal license. The Mayor commented that what she found most interesting was that they talked about the SPECTRA pipeline and FERC, and why they felt that where the line was would not cause any issues with the power plant. They recommended putting it down 4 feet instead of 3 feet and the additional concrete slabs. The NRC did all their analysis and feels that where they are potentially putting the line will not have an impact on the plant. If some of their backup equipment is damaged, they can bring some of the equipment in by helicopter. They have a storage area there with backup generators and equipment in case there is a problem. The Mayor was glad that they talked about this a lot because no one was talking about how this was affecting the power plant. There was a lot of talk about an independent analysis being done but the NRC has done that. The Mayor has a booklet that she will leave at the Village office if anybody is interested.

Mayor Knickerbocker commented that since we could not have our Earth Day, we are scheduling a Village Planting Day for planting in the barrels at the entrances of the Village. It will be on Saturday, May 16 at 10 AM. Everyone is asked to RSVP so that we will have enough gloves and drinking water. We have a way to water everything but we want to have enough for the people who would like to come. The Mayor said to bring your green thumb. We have several people whom the Mayor has been meeting with who are interested in continuing to do the containers. She has been in contact with a landscaper about doing where the clock is. The shrubs have been there for 10 years and are in need of replacement. We will be looking at re-landscaping that area around the clock.

g) Trustee's Reports

Trustee Jackson reported on the Memorial Day celebrations. He commented that as many have heard him say, freedom is not free. There are those who are in harm's way today protecting our way of life around the globe. He said to keep that in mind as we approach this Memorial Day. Sales and barbeques are fine but we should not forget the true meaning of Memorial Day. We should be proud that we celebrate that in our Village. There are communities around the country that have let that go by the wayside. One of the things that gives pride to Buchanan is the way that we come together as a community, as the Tri-Villages. He said to make sure that everybody comes out and participates in that.

Trustee Jackson reported that the Historical Committee is continuing with their historical review. Going forward, they are looking to have a civics lesson, a "Bring Your Child to a Village Board Meeting" in the Fall to encourage residents to bring their children to a Village Board meeting where we will be previewing our Historical Room and talking about our history and showing pictures of Buchanan's past.

Trustee Jackson reminded that school will be out soon. Let us be aware of our children out there on their bikes. They should be wearing helmets as we enter into the Spring and summer season.

Trustee Jackson said that on a heavy note, this is the 50<sup>th</sup> anniversary of the Viet Nam War. He is a Vietnam War veteran. He was in the Navy. There were people a year older and younger than him, people from his block where he grew up in California, who did not return. He commented that it is a mixed bag. The powers that be at that particular time did what they thought was best. War is never easy. He commented that as the Mayor said, Memorial Day is for remembering those who gave their ultimate for their country. 58,000 died. Let us not forget those people.

Mayor Knickerbocker commented on Trustee Jackson's reference to the civics lesson. She likes that the children will do this. They are the future of our country and our Village. The children who may come here are future Board members and mayors. She thinks it would be great.

Trustee Funchion reported that he attended the Fireman's Memorial at the Buchanan Fire House. It was well done. It was in memory of all who served in the Village and passed on. It also showed all the people who were there that there are so many volunteers in our community. He feels that says a lot. He quoted Town Supervisor Linda Puglisi who said that when that alarm goes off in the middle of the night, a lot of us do not get out of bed and into a cold car to respond. Trustee Funchion thanked them for their service.

Trustee Funchion reported that hopefully we are nearing the end of our contract negotiations with the Teamsters Union. They are supposed to be voting and hopefully it will be to the

satisfaction of everyone on the Board and in the community. He commented that they did a lot of work on it and came to an amicable middle ground on many issues. He is sure that the community is going to be satisfied. Trustee Funchion reported that the police contract is still out there. They are going back and forth. It is a long process. Trustee Funchion commented that in all these negotiations between management and unions the best way they come out is when everyone feels like they have lost. Everybody gets a little bit of everything. You cannot get everything and you cannot give up everything either.

Trustee Funchion attended the NYCOM Conference in Saratoga. He went up for the one day. He was amazed at how many towns and villages are in New York State. He noted that he worked for the Federal government for 36 years and that local and State government makes the Federal government look like the most smoothly run thing in the history of the world. He commented that the bureaucracy at the lower levels is unbelievable. Laws are written that you cannot understand. Many are antiquated. He commented that at NYCOM you do get to speak to other people in similar situations and you learn a lot. He attended conferences that were run by labor attorneys and learned a lot. New York is very unique in the way they handle a lot of their labor-management relations. He commented that he is still trying to make heads or tails of the 2% tax cap, who gets it and who does not. But he still got to learn a lot about that. He jokingly noted, "And that was at 7:30 in the morning." Trustee Funchion agreed with the Mayor's comment that training is essential especially when you start into this job because you really do not know what you are doing. He referred to the budget transfers. He said that the Board is sitting here and you are sitting here and we are looking at budgetary things like a husband and wife would at home in their kitchen. You are looking at where you are going to spend your money and whether it will be for a new car or a new kitchen. Even though you can come to an amicable decision with everybody else, the accountants want it put down in a certain way so that it follows general accounting principles. That makes it look like it is not very transparent. It almost looks like you are trying to hide things by moving numbers around. He commented that so much of that is done for the accountants and that is more bureaucracy in the whole system. He said that is something he learned in that conference listening to all the different aspects of that in all different size villages and cities.

Trustee Zachary attended the NYCOM Conference and training. He thinks it is extremely important because none of the Board members come from legal backgrounds. They do not come with that knowledge. You gain it as you go on the Board and do your own research and reading. These conferences are very useful for learning about things that we need to know. It may be capital planning or the ins and outs of Open Meeting laws. It was very useful. He noted that the State requires annual training by the Zoning and Planning Board members but there is no requirement for the Village Boards. He thinks that is probably because in the larger municipalities you have people who do come from these legal backgrounds. We do not. We

have various backgrounds unrelated to budgets. He urged everyone on the Board to attend these conferences. They are very useful.

Trustee Zachary announced that he has now set up the four Concerts On The Lawn for this summer. They will be on the second Sundays of June, July, August and September at 5 PM. You can listen to some music, and if you want pack a picnic, on the lawn of the Village Hall. A flyer will be sent with the Newsletter in June. He announced the musical line up:

June 14: The Acquaintances. They are older fellows from the Kingston area. They are very talented musicians. They will be playing at the Bean Runner Café in Peekskill on May 17.

July 12: Evan Watson, blues and southern rock whose voice sounds like Joe Cocker. Trustee Zachary saw him perform at the Newburgh Brewery where he plays once a month. Evan Watson is also a brewery owner. He does not play music as much anymore but plays once a month at his friend's brewery in Newburgh.

August 9: Apostrophe. They are the group who played at our concert last year. Everyone enjoyed them.

September 13: The Big Easies, a New Orleans Dixieland jazz band.

If it is raining, we will use the pavilion. Mayor Knickerbocker thanked him for setting this up. She commented that it should be fun. We will have a good time.

Trustee Pasquale, who is a retired NYPD police officer, thanked Mayor Knickerbocker for leading everyone in the moment of silence for the police officer, one of his police brothers, who was killed in the line of duty. He really feels it. It is very emotional.

Trustee Pasquale attended the Fire House Memorial. It is the second one he has attended. He salutes the first responders. It was very nice and very moving ceremony. It was very well done. He took a lot out of it.

Trustee Pasquale reported that over the last few weeks, he had a few people come up to him and ask about the White Street property. He does not know much about it. He asked the Village Attorney to give an update.

Village Attorney Porteous advised that a few years ago the White Street property came to the Board's attention. We attempted to take it down. It was owned by a woman who was sick and unable to take care of herself. She went down County to a County funded nursing home. Back then, they had her sign an agreement that they would provide her care but upon the sale of that

home the proceeds would go toward the lien that they filed against the property for her care in the nursing home. She died. The family never sold the house. The house was abandoned. We attempted to take it down because we could not make it safe. We found that it was layered in asbestos and the cost at that point to remove the property was \$135,000 which would have been funded by the taxpayers. At that point the Mayor and the Trustees decided to hold on. We reached out to the Town of Cortlandt. Village Attorney Porteus has had several discussions with Town Attorney Tom Wood. The Town has the tax lien. Taxes had not been paid for 20 years. We were told that we were on a list; that they would foreclose on the tax lien and work out with the County to take over the lien. She noted that is the property former Mayor Murray was referring to when he spoke at the Informational Meeting when the County representative was here. What the County did not do was to say that they would contact the County Department of Social Services and extinguish the lien. There was some talk about their taking it over and building affordable housing. That did not go forward. Village Attorney Porteus and Village Administrator Hay spoke with the Town Attorney in terms of the tax lien. She advised that you need someone to buy the lien. It has its own set of circumstances. To take it down would be extraordinarily expensive. The Mayor noted that is because of the hazardous material. The Village Attorney advised that we got three different bids and they were all around that same amount. Mayor Knickerbocker advised that we are waiting for the Town to foreclose so that the County takes it. The Mayor advised that after they take everything down, she will ask them if that is another property they are willing to sell for one dollar. The Village Attorney advised that the Village Engineer helped to see it boarded it up. We did whatever we could. The Mayor advised that it is secure. We check it occasionally. We do not want anyone in there. The Village Attorney advised that we had the previous Building Inspector make sure that there was no one in there. Trustee Pasquale commented that squatters can hide. The Mayor commented that it has been a problem for quite some time. The Board did look into it. We are hoping it gets resolved soon. The Village Attorney and the Administrator will stay on top of this and will give an update on it next month.

Trustee Jackson reported that they are still doing the video interviewing of our residents who have stories about growing up in Buchanan. Anyone who would like to be interviewed can contact him at the Village Hall.

Trustee Jackson reported that also this past month we had a high number of calls to the Fire Department. He goes out to them in supporting them in the work they continue to do. He did not know what caused that bump up. There were a lot of calls in April. Our Village residents who are volunteers answered those calls.

Trustee Jackson said that Village Administrator Hay and Village Attorney Porteus did a yeoman's job in the negotiations with Entergy in putting our ideas forward. He takes his hat off to the work they put together in making sure that the Village residents got the best deal possible.

He thanked them. Mayor Knickerbocker thanked Trustee Jackson for the part he plays in the Fire Department as part of the Fire Police.

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

Walter Neurauter, Fourth Street, thanked the Board for all they do. He said they are doing a fantastic job. He thinks that the PILOT agreement is a home run. He appreciates that the Board members have different views because you do not want everybody to always be on the same side because you do not get anything done that way. He thinks that the Police Department is doing a fantastic job. They give 100%. It is a thankless job. They do not get too much gratitude. His neighbor feels the same way. He wants to give a shout out to them. They work very hard. Mayor Knickerbocker commented that as former New York City mayor Ed Koch used to say, "How am I doing?"

Pete Guiliano, 173 Cortlandt Street, thanked the Mayor and the Board for hiring a full time Building Inspector. He thinks that it is good for the Village. He thinks that we can reap all kinds of rewards for it. He commented on the property at 171 Cortlandt Street. He commented that they had one issue and concern, with the grading and what it would be. The way it is now, it goes from street level to the back yard which is parallel to Mr. Guiliano's back yard. He said it was up over 20 inches. He asked the former Building Inspector what the grade would be. He has a letter from her saying that would not be the case. It would be approximately as it was before. There are no plans to change the grade. The dirt in the back which was supposed to be just to backfill was used to raise the foundation. Mr. Guiliano is trying to find out what the grade is supposed to be. There has been a retaining wall put up on their side of the property, which he thinks is very good. He had no issue with the building and the home. He feels that everybody has the right to do what they think that they need to do. He wants to get an answer from the new Building Inspector or the Village Board on what the grade would be. He commented that if you come and stand in his yard, it is up above his knee where you stand. In the Fall, they had a lot of runoff. He talked to Mr. Leon, the property owner, about it. Mr. Guiliano was assured that some water run off study would be done. When Mr. Guiliano asked when that would happen, who would see those results and who would approve those, he could not get an answer. He cannot get an answer to anything. He commented that is their only concern. He wants to know what the Village's requirements are. He commented that it is not a complaint. It is just a concern. He commented that there has been a big discussion about that property but not with them. His concern is to not have any bad runoff onto his property.

Trustee Zachary asked about the grade being over 20 inches. He wanted to know if that was how much it was raised and how they got that number. Mr. Guiliano advised that he measured it. Trustee Zachary wanted to know if that was new dirt. Mr. Guiliano advised that it was. He commented that for 7 or 8 years he cut half of that lawn so he knows that the grade was flat.

Trustee Zachary commented that they are not anywhere near completion. Mayor Knickerbocker advised that they are doing the driveway. Laura Guiliano advised that cedar shakes have been delivered and it looks like they are doing the outside of the house. It looks like fencing was delivered. Trustee Zachary wanted to know if we have addressed that dirt that was added in the back. The Mayor advised that every time the Village Engineer has been here in the Village, which is almost every week, she has directed him to go over there to see what is happening. She understands about all the grading and the runoff.

Mr. Guiliano commented that he is not trying to tell people how to build their home. He commented that he does not pretend to understand the Codes. He would just like an answer to their question. If the Village and the Building Inspector says that this is what it is and this is what they are allowed to do, that is all he asked for in October and that is still his only question. Mayor Knickerbocker commented that she knows they are not connected yet but she knows that they put in their 13 dry wells. Ms. Guiliano commented that the whole garage is sitting 18-20 inches above where it was. The garage is built on raised grade. The property was raised and they positioned the garage. The garage is up and they are not going to change. They increased the property in the back and made it all level. Before they put that wall up, the water was being funneled onto the Guiliano's property. If the property is allowed to be raised, she said that is okay but they were told in the beginning that would not occur. But in fact, it has occurred and it is permanent because the garage is up and is not changing. She said that she is trying to find out why were they told no change when in fact it changed. From the beginning, it can change. She commented that it has been aggravating and upsetting to her. Her family has been in that home for 50 years. Trustee Zachary asked why she is saying that it is permanent. The water from the garage will be fed into gutters and dry wells. Trustee Zachary said that he is concerned with what is behind the garage. If that is a violation, he does not know why that should be permanent. Ms. Guiliano commented that she is sure that those big tanks and the wall that they have built will help with the runoff because it is a significant little wall. Mr. Guiliano commented that initially there was no plan for the wall. He spoke with the construction guy more than once. He said that they are very thankful for that and that he thinks it is the correct thing to do. He noted that property goes up and down as all properties there do. Those houses have not been touched in 50 or 60 years. He understands that. He said he is just trying to get an answer if it is legal. If that is what the Village says that they can do, that is fine. It is what it is. He commented that the challenge is that he is going to have to do a lot of landscaping. It is going to cost quite a bit of money to fill in and put in trees because they are sitting there looking at a garage and a wall because it has been raised up so high that there is no way you can camouflage it. Ms. Guiliano commented that it had been a beautiful piece of property. Mr. Guiliano said he understands having to do this because he has a couple of homes. But he does not like to be forced to do this. You want to choose to do it because it would make his place look nicer. This has been imposed on him. He noted that the garage is a 4 car garage. He commented that it is bigger than some houses that he has lived in. It is a big structure that is raised way up and there is no way that you

can camouflage it. He said that his original question is the grade which they were told that there is no grade and that it was not going happen but did happen.

Mayor Knickerbocker is not sure if the dry wells are hooked up yet. Mr. Guiliano advised that in the last few months there was a lot of action putting things in and taking things out. There is a lot of action there. He wanted to know if they were allowed to go up as high as they did.

Village Attorney Porteus thinks that part of what went on is that other people came in insisting that parts of the Code, that they needed drainage. She thinks that it got muddled. When they asked for a building permit, they did not need a site plan or a variance because it was a single family. What they needed was to go to the Building Inspector and pull the building permit. As part of that permit, she would do the grading and the drainage. Village Attorney Porteus did not know why the Building Inspector said that the grading would not change. If the Building Inspector had allowed that in the beginning, as to whether or not that was legal the Village Attorney advised that it would not be if it was an impact to Mr. Guiliano. If the Building Inspector allowed the grade to go up and they were getting flooded with water then we have to address that. The Village Attorney advised that we spoke to the Engineer and Building Inspector many times. She believes that is when they talked about the dry wells along with the retaining wall. She wanted to know if Mr. Guiliano would be interested in talking with the Village Engineer and walk him through it. Mr. Guiliano said that he would. The Village Attorney commented that the Engineer is a very reasonable person. She does not think that they will find that what the Building Inspector did is illegal. She may have made a mistake in telling them that the grade would not change. She could very well have said that the grade would change and that they are allowed to change it but that she would make sure that there was no negative impact to Mr. Guiliano.

Mr. Guiliano commented that he did speak to the Leons more than once. He also spoke to Tom's Construction Company multiple times. Every time he asked him a question everything changed. There was going to be a wall. There was not going to be a wall. There was going to be a fence around the whole scope of the property. He looked at the plans. It is not around the whole property. It is on the right hand side from the wall back. Mr. Guiliano commented that is fine. It is his home. He has a right to do whatever he wants that is legal. Mr. Guiliano said they are just trying to get reasons so he can plan their future about he wants to do. He is frustrated to have to re-landscape because it is going to cost him. It is being imposed on him. It is nothing he is doing because he wants to improve his property. Village Attorney Porteus asked if he meant visually or did he feel that he was going to have run off onto his property. Mr. Guiliano said he did not know about the run off yet because the wall has only been up for a week. Ms. Guiliano wanted to know if they are allowed to put in all that dirt and raise it up because maybe she will now have to do that because they are that much more higher than her now. She is hoping the wall there will do the trick. But if it does not, she said they may have to consider putting a ton of

dirt back there and redo everything. So she wanted to know what they are allowed to do. Mr. Guiliano commented that they put a stone wall in the front and then the garage. He calls it cinderblock although it is not. It is nice. But they are talking about putting a fence up. He does not know where they are going to put it. He wanted to know if they are going to put it on their side of the property so that the wall is on Mr. Guiliano's side because they abut right up to his property. He commented that there is enough room to put a fence between the wall and the Guiliano's property. But he cannot get an answer. He does not want to have an antagonistic relationship with his neighbors. He wants to live together with everybody. He said that they are very quiet and very easy to get along with. He is just trying to find out what is going on. He is pleased that the wall was put up. He commented that he is arrogant enough to think that their moaning and groaning helped to make that happen because when he looked the plan originally, he did not see one. That is their only issue.

Village Attorney Porteus thinks that what might help is to meet with the Administrator, or perhaps both of them, and the Village Engineer who can get the plans. She commented that she had heard herself that there would be a fence around the property. She advised that Mr. Guiliano had a right to know that because he is a neighbor. Mr. Guiliano said that now he has to ask what kind of fence. He thanked the Board for their time.

Mayor Knickerbocker advised that the new Building Inspector will start in two weeks. The Administrator advised Mr. Guiliano to contact him at the Village Hall and they will proceed from there.

**7. BOARD MEMBER REBUTTALS:**

None

**8. ADJOURNMENT:**

At 9:34 PM, a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.