

**Village of Buchanan
Mayor & Board of Trustees
Regular Board Meeting
August 2, 2016**

PRESENT:

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

ABSENT:

Village Attorney Stephanie V. Porteus who is ill.

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.

2. APPROVE MINUTES:

April 6, 2016 Budget Workshop: A MOTION to approve these minutes as read was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

May 3, 2016 Regular Board Meeting: Trustee Zachary amended by page 11, paragraph 4, line 8, add “% demolished” after “50”. A MOTION to approve these minutes as amended was made by Trustee Zachary, seconded by Trustee Pasquale with all in favor.

June 7, 2016 Regular Board Meeting: A MOTION to approve these minutes as read 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) 16-35 RESOLUTION ACCEPTING A BID FOR THE 2016 ROADWAY PAVING PROJECT.

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

Mayor Knickerbocker noted that the winning bidder is Consorti Brothers. They have done work for us for the last three years. The total amount of their bid is \$241,990.00. The Mayor read all the bids received and noted that there were substantial differences and a range of prices in them. She commented that on the recommendation of the Village Engineer we did something a little different in this bid. Every year he, the Mayor and Village Administrator go through the Village and look at the roads and see what they think. He compiles a list of roads that need to be repaired. We had targeted other roads. The Mayor commented that as everyone knows Con Edison had gone down Tate Avenue and substantially dug up a long span of the road. They were just going to patch a certain area. But we have a new policy that we are going to adhere to with any of the utilities. We are asking for half the road to be paved instead of just that one strip. Village Administrator Hay negotiated with Con Ed and they gave us money to repave the road ourselves. The Mayor commented that we could have just gone down the one lane of Tate Avenue and just crack sealed it. But that did not make sense because if you are going to pave a road you do not do just one lane. In our budget we had budgeted \$250,000 to do road work in the Village this year. The bid came in less than what we had budgeted. The Mayor advised that with the money we have, this price if going from Fourth Street to Kings Ferry Road which is a substantial piece of road. We also had CHIPS money and other money. We are looking to potentially go from First Street to Kings Ferry Road, both sides of the road. She commented that we got a pretty good deal on that. We are looking at that and discussing it with the Village Engineer. We have other patching and crack sealing that we are also going to be doing. The Mayor commented that it is good that we are going to get that much road paved.

Trustee Zachary commented that we are going to be doing the contracting but Con Edison will be paying. He wanted to know how much they are paying and was there an agreed upon amount? The Administrator advised that it was about \$92,000. Trustee Zachary thinks that going to First Street is a good idea and makes sense. Mayor Knickerbocker commented that it is a heavy travelled road. Trustee Zachary commented that we are aware of a couple of other spots that are in bad shape. He wanted to know if we are looking to defer those to next year or are we looking to use some of that \$92,000. He commented that since we budgeted \$250,000 are we looking to spend some that \$92,000 as well. The Mayor advised that we can go either way. We can save it for next year and we will get CHIPS money back. We would have \$100,000 plus the CHIPS money. Or if we can get a good price, you are not going to do much with \$100,000 at this point. Trustee Zachary commented that Tate Avenue is the longest street in the Village and we are doing that for \$250,000. The Mayor advised that up to First Street would be about \$290,000. We would add on to the bid. Trustee Zachary commented that the other streets are at the west end of Henry Street where it comes into Tate Avenue. He wanted to know if the condition is all right to leave it to next year. The Mayor advised that roads that the Village Engineer has highlighted as being the most important to do are the road just coming out of the

Village Hall and the road that goes down to First Street, the whole strip. The other road was upper Fourth Street. Trustee Zachary wanted to know about Burke Court. He commented that he has not personally looked at it but we did have Mr. Tropiano saying that it was like a roller coaster because of where it was excavated. The Mayor commented that there are a lot of roads. Trustee Zachary would like to spread it out and not have to do all the road paving in one year. His preference budget-wise would be to carry those other roads over to next year. He wants to make sure that we are not leaving out something that will become a disaster by next year. The Mayor advised that those were the Village Engineer's focus roads this year. She noted that half of Henry Street was done. The other half needs to be done. There will be patch work done on that. The other road is Lindsey Avenue. To do that is \$400,000. Trustee Zachary wanted to know why Lindsey Avenue is more than Tate Avenue. The Administrator advised that it is a wider road. His estimate was about \$340,000. Trustee Funchion noted that Lindsey Avenue is shorter than Tate Avenue. Trustee Zachary does not think it is wider. He thinks that it might give that appearance because there is parking only on one side. He commented that it is not in a condition that cannot wait another year and that obviously, we have to do Tate Avenue because of Con Edison. The Mayor commented that if we paved only one side of the road it would not be even. Trustee Zachary commented that it is like buying one new shoe.

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

b) 16-36 RESOLUTION APPOINTING VILLAGE PERSONNEL.

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

The Mayor reported that Todd Travis is leaving the Highway Department and going over to Wastewater. Salaries are in the Collective Bargaining Agreement between the Teamsters Union and the Village of Buchanan.

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

c) 16-37 RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS INSTALLATION OF A NO LEFT HAND TURN SIGN.

Mayor Knickerbocker read the Resolution (*copy attached*). She noted this is at the intersection of Greentown Road and Bleakley Avenue.

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

d) 16-38 RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED LOCAL LAW ESTABLISHING A TEMPORARY MORATORIUM ON DEVELOPMENT WITHIN THE VILLAGE.

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

Mayor Knickerbocker advised that this is a temporary moratorium for the Zoning and Planning Boards. She advised that we are preparing to start our Master Plan next month. It has been over 10 years. What this does, noting that a lot of municipalities do this, is to allow the Village to have time to look at our land use and different things. We are doing the Public Hearing. This allows the Village to step back and look at everything and then move forward when the moratorium is over. Trustee Funchion commented that this is not restricting anyone who wants to build a deck for example or anything like that. The Mayor advised that it will not affect residential. Trustee Zachary commented that for residential if somebody wants to do an improvement or a deck there is no moratorium on personal building and anyone coming in for a building permit. Those are not included. This is only on new developments. The Mayor advised that this is not site specific. This is all the properties. Trustee Zachary wanted to know if it put a moratorium on tearing something down. The Mayor advised it does not. Trustee Zachary noted that it does not include properties that already have applications in. He wanted to know if that would affect applications prior to the date of the Public Hearing of the passing of the Resolution. The Mayor advised that we will be voting on it on the date of the Public Hearing. Trustee Zachary commented that there is no moratorium right now. Somebody can come in right now.

Mayor Knickerbocker commented that a lot of municipalities do this because it gives them time to look at different land uses. Trustee Zachary thinks that it is a good idea. He commented that the Master Plan is definitely something to revise first. It is a great idea. He noted that the Resolution says that the Board has appointed a Master Plan Committee. He wanted to confirm that is a mayoral appointment. The Mayor commented that it can be formal or we can do the appointment in the beginning of September. Trustee Zachary wanted to know if between now and before the Public Hearing in September we can have a meeting with the people we have reached out to. The Mayor advised that we are trying to determine which day the Planner will be in this month because we want to bring her in, sit everyone down with a copy of the Master Plan and have her give an overview of what the process is. Trustee Zachary thinks that is good. The Mayor commented that what we are doing is not a bare bones Master Plan. We are going to be looking at things to update in the Master Plan. She commented that when you get into a Master Plan it can be \$80,000-\$90,000. She believes that the last one was \$80,000. This is going to be an update.

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

e) 16-39 RESOLUTION IN OPPOSITION OF THE PLAN TO ANCHOR BARGES ALONG THE SHORE OF THE HUDSON RIVER.

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

Mayor Knickerbocker advised that this is something that just came up recently. The comment period is until September 7. She commented that she was fortunate today to be with State Senator Murphy and other officials. They had a press conference and rally in Verplanck at the boat launch. The Coast Guard has suggested that there be different anchorages from Yonkers to Kingston. The Mayor commented that unfortunately for the Town of Cortlandt they are planning on doing one in Montrose and one in Verplanck by Tompkins Cove. She commented that it is another thing. We have a sheet rock gypsum plant. We have the Entergy plant and you have a resource recovery plant. We have all this industrial on the river. We have just gone through the Spectra pipeline. She commented it makes you say "What next?" At the turn of the century, you had a lot of industry on the river. But things have changed over the years. You still have the commerce with the oil and tankers going up and down the river. But what has happened is the trend now is that people and municipalities have realized the beauty of the river. In Tarrytown they are re-developing the former GM site. All along the river we can talk about what is going on. The Town of Cortlandt has put money into doing the river front and making it beautiful. Down by Steamboat Dock they purchased for over \$2 million to do the river front all along there. You can look at the City of Peekskill. She commented that all along the river municipalities are refurbishing and making everything nice so that everyone can enjoy the river. We all enjoy the river. The Mayor sees a lot of Village residents down at Steamboat Dock. Everybody is doing this going all the way up to Kingston. We are still trying to get grants to help us do work at Lent's Cove. She commented that you have to shake your head because this is something else we have to fight. All the elected officials are banding together. They feel that September 7 is too short a time to make all comments heard. There will be different places where you can make your public comment including on-line. The Mayor commented that this is not a benefit to our area. It is an ugly thing. We are not even completely sure when they anchor these barges what exactly will be in them. The Mayor has heard different things like oil and hazardous materials. She commented that it is crazy and remarked who thinks this stuff up? She is not sure how many acres it would be in Montrose. She believes that it is 97 acres in Verplanck. As you are sitting on the river front what you would see instead of the other shore would be these big barges. Mayor Knickerbocker urges everyone to come out when these Public Hearings are held. The Village Board is doing this Resolution tonight so that we can send it to the Coast Guard. She commented that once again we are dealing with the Federal government. We will do our best to try to fight this. She commented that it seems like every year there are a couple of things that we

are fighting. As Mayor Knickerbocker gets more information, she will let everyone know. We will put it on Facebook.

Trustee Pasquale commented that he saw today that if you go to State Senator Terrance Murphy's web site on NewYorkState.gov, he has a petition. You can do it right on-line. They will deliver it to the Coast Guard. The Mayor advised that the Senator spearheaded this effort today.

Trustee Funchion asked if the Coast Guard gave any reason for this. He wanted to know if it has anything to do with the Tappan Zee Bridge. Is it temporary or permanent? The Mayor advised that it would be permanent. Trustee Funchion wanted to know if they said what the reason is for it. He commented that we have not had any barge sites up and down the river before. He wanted to know if there are a massive amount of barges coming in. The Mayor advised that what she understands from what she heard today is that there is such a jam in the Albany area so instead of a bottle neck there they are trying to stack it up.

Trustee Jackson wanted to know if there has been any kind of environmental impact assessment done. The Mayor commented that we are dealing with the Federal government and we saw how that worked with the Spectra pipeline. She commented that environmentally if there is a problem with the barges, some people are saying that if the barges leak it is a problem in the river. These are the same barges that go up and down the river every day. Somebody talked today about security. What is in these barges? It is close to Entergy and close to people. These barges are coming in from the Atlantic. Who is monitoring it? Are they going to be secure? Who is going to monitor them? Is there going to be security? There are a lot of questions.

Trustee Zachary commented that as a kid he remembers the "mothball fleet" of WWII vessels stored in the Hudson for more than 20. It was kind of a novelty. As a kid, he thought that was enjoyable. But he does not think there is anything enjoyable about having these barges stored here. He remarked that we should suggest a couple of "beautiful" sites to put those barges like Dobbs Ferry and Irvington. He commented that they did not attempt to put anything across from those municipalities. The Mayor commented that up here we seem to be the melting pot for everything. It is not a good thing.

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

f) 16-40 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.

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

This is for use of the Village pool by the Seniors.

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 – June 2016

Received and filed. The amount brought in was \$2277.00.

b) Wastewater Report – June 2016

Received and filed.

c) Fire Inspector's Report – July 2016

Received and filed.

Trustee Zachary asked about the Police Report. The Administrator advised that the Police Chief had a dog bite on his hand and was unable to do the report. Trustee Zachary wanted to know if it was while he was on duty. The Administrator advised that it was not.

d) Attorney's Report

Mayor Knickerbocker advised that Village Attorney Porteus is ill and unable to be with us this evening.

e) Administrator's Report

Village Administrator Hay reported that he spoke to the paver. We have now adopted the Resolution. He expects the paving to begin shortly after Labor Day.

The Administrator reported that the auditors will be here on September 12. They did the preliminary audit in July. They will be here for a week for the rest of the audit. It takes them about a month to a month and a half to compile the report so we should probably receive it around November.

f) Mayor's Report

Mayor Knickerbocker said that there was a lot of talk around about our last Workshop. We had a pretty active Workshop this past month and we will be having another. What had happened in the Village is that there have been complaints about boats, trailers and RVs. It came to our Building Inspector. Because of the complaints, we have to address that. That is how it all

started. It did not start with any Board member. It started with these complaints to our Building Inspector. The Mayor advised that in our Code it currently says that no trailers are allowed. We had a pretty large group at that meeting. We had lively conversations, back and forth. There will be another Workshop meeting on August 23 to discuss this more. There will be a survey sent out next week to see where people are. It is illegal to have trailers in Buchanan and in the Town of Cortlandt. It is allowed only in the M1 Light Industrial zone. In the City of Peekskill and in Croton trailers are not allowed. The Mayor commented that with the complaints that have come in and what the Board has heard is that because these other municipalities do not allow trailers to be stored that some people are taking their friends' or relatives' trailers and storing it here. We are trying to work through this. Any comments will be appreciated. A survey will be sent out. Anybody with any concerns or comments should come to the Workshop meeting on August 23. We will be going into a Public Hearing hopefully in September. The Mayor wanted everyone to know that this did not start from any Board member. It was because of complaints that have been received.

g) Trustees' Reports

Trustee Jackson referred to the Mayor's comment about the Workshop. He commented that when he moved here to the Village 22 years ago, the hallmark private property is so important. Trying to store a boat or trailer on your side or back yards is aesthetically in the eyes of the beholder. He does not want to over-legislate what people can and cannot have on their personal properties. He commented that the ban on trailers was preexisting. He hopes that we can reach some sort of agreement that takes into account the fact that although it has been there but not enforced there will be accommodations for that. He commented to keep it in mind that private property is one's "piece of the rock". He wants to make sure that the guidelines that the Board comes up with takes into account what is happening in the Village. He commented that we are not going to be able to please all the people but certainly come to a consensus that is agreeable at least for the Board. He asked residents to come out on August 23 and voice their opinions. He said that the Board will try and do the best we can to reach a balance between homeowners' and neighbors' concerns while keeping in mind that aesthetically how one stores a boat or trailer is particular to the lot size, where the lot is located and the viewpoint of your neighbors. He commented that hopefully we will come up with suggestions that make sense and keep in mind that private property is a cherished right.

Trustee Funchion reported that hopefully we are coming to near the end of negotiations on the Police contract. At their last meeting they got a lot accomplished and he thinks the Board is going to have an Executive Session on that.

Trustee Funchion reported that there are two things he wanted to say. One was to those who own motorcycles. He thinks they should have more consideration for the people in the Village.

He feels that the amount of revving up of these vehicles going through the Village at all hours of the day is getting outrageous. He does not understand why motorcycles do not have to adhere to the law. The law says they need mufflers. He commented that it has gotten to the point where you are sitting at home, watching a movie for example, and you cannot concentrate because somebody goes by your house with their motorcycle all revved up like they are out in the desert somewhere. He said to have consideration for your neighbors.

Trustee Funchion wanted to advise residents on something he learned after talking to the Building Inspector concerning building permits. He commented that you have to go to the get a building permit before you do something on your house. He wanted to point out that it should be closed out. If it is not closed out and something happens with your house, the Building Inspector is the first person the insurance companies call. If the permit is not closed out, they will tell you the insurance does not cover it. Trustee Funchion commented that not everyone knows about that. You could get in a lot of trouble because of that.

Trustee Funchion wished everyone a nice Labor Day and to enjoy the rest of the summer. Drive safely and stay cool. The Mayor added and drive quietly.

Trustee Zachary reported that everyone should have gotten a “Save The Date” notice in the mail for Buchanan Day. There are 4 people who are putting it together. They will need more volunteers. The committee will meet on Monday, August 8 at 7 PM at the Highway Department building on Westchester Avenue. Buchanan Day will be on Saturday, September 24 from 11 AM to 4 PM. There will be fun, music, food, things for kids to do, pony rides and train rides. Macaroni the Clown will be there. He said to make a note on your calendar.

Trustee Pasquale congratulated Sergeant Mike Guida. Last week he celebrated his 25 year anniversary with the Buchanan Police Department. Trustee Pasquale thanked him for everything he does. Everyone is very appreciative of it.

6. COMMENTS FROM THE FLOOR:

Former mayor Sean Murray, 205 Gallagher Street, commented that recently he went around the parking lot next to the Post Office. He noticed a lot of signs that limited parking. Also one of the residents who has a business there inquired as to why those signs were put up. Former mayor Murray advised that in 2005 when he was on the Planning Board and that area was developed, it was developed for the maximum uses of the restaurant which required 38 parking spaces. In 2005 the Zoning Board granted a variance from 38 down to 19 spaces. That was to use all the parking spaces in that area for the use of those 3 businesses, the Post Office, the professional office in what was the former liquor store and the restaurant. In reply to a question from Trustee Zachary, former mayor Murray advised that he was talking about the lot next to the Post Office.

W. G. Holdings was the company at the time. He noted that Trustee Zachary signed the variances in July of 2005. He commented that if you go back there now you will see signs that say "No Parking, Private Property" and only 5 slots designated for the restaurant where it should have been 19. The original variances and resolution were to allow development on that site. Former mayor Murray does not see how you could operate a restaurant with only 4 slots. He noted that also in the meeting minutes of, he believes, May 2005, the owner of the building stated that he was only going to allow one parking spot for residents. He was going to have one of those residents sign that condition so that the rest of those slots could be used for the restaurant, the Post Office and the future development of the former liquor store which is now the insurance agent's office.

Former mayor Murray does not see how the Village can put up those signs restricting the parking. To him, you need a variance because you are no longer operating that site in the way that it was originally planned for development. To him, all those signs are illegal. He commented how could you have a restaurant operating with only 5 slots when our Code says 32 and we gave them permission to go down to 19. He noted that originally there were only 13 slots there. Mayor Knickerbocker noted that it was existing non-conforming. Former mayor Murray advised that originally it was a business and only 2 apartments. The owner wanted to go to 2 bedrooms and 8 apartments. There was a whole process that was gone through. He commented that the base of the argument he is bringing up now is that there should be no restrictions on the parking there because that is what the intent was when it was passed by the Planning Board in 2005, what was stated in the Resolution of the Zoning Board and he believes, what was stated in the CO when that entire parcel was developed. He advised that they had told us that they wanted certain slots allocated for the Post Office. Everybody wanted slots allocated. Nobody was going to get individual spots allocated for their individual purposes. He commented that they asked the Planning Board to grant them permission to park in the municipal lot as a permit parking but because it was a public property they were not allowed to grant that.

Former mayor Murray commented that he would appreciate the Village Board looking into this with either the Building Department or the Village Attorney. He noted that Stephanie Porteus was not the Village Attorney at the time. It was John Klarl and Tom Wood and he believes that Mr. Wood wrote that Resolution. Former mayor Murray does not think that the restrictions on the parking back there should be allowed. If it is to be allowed, the site plan must be changed. The variances have to be changed and the occupancy of those buildings have to be changed, restricted or taken away. He does not know if anyone has spoken to the Village Board about this before. He commented that it just does not seem right to him.

Trustee Zachary wanted to know if the owner of the building put up those signs. Former mayor Murray commented that somebody put them up. He advised that the Post Office put them up also. There are 2 signs that say "Postal Parking Only" for employees. He has also been told that

one of the people who came to patronize the insurance company was ticketed. He commented how can you ask people to come to a business on the Circle and sell them insurance in only 15 minutes, and if you go half an hour you are going to get a ticket. No one is going to do business there. Everybody is going to leave and there will not be any businesses there. He believes that there should not be any restrictions on the parking there, especially with a restaurant there. He remarked how can you operate a restaurant with only 15 minute parking?

Mayor Knickerbocker commented that she is glad that former mayor Murray is here because the Board is trying to figure this out. She wanted to tell him what happened. There were a series of unintended consequences. She was getting a lot of complaints about the parking there. The Seniors were not able to park to go to the Post Office. The Mayor commented that you would go there in the afternoon and there was not one open space. The whole thing was filled. What was happening was the residents that were around there were parking there, and not for just 15 minutes but for quite some time. We had someone really abusing the handicap area parking. They had a handicapped sticker but they would park there all day. There were a lot of complaints that there was no place to park. It was determined that the simple solution was to put 15 minute parking on the handicap slot so that if you are going to the Post Office, you are in and out and can take care of business. That is what it is mostly used for. The thought was to do 15 minute parking all the way down. That is how it all started. It was an unintended consequence, not realizing how it would affect the insurance company. It was a reaction to the problem. The Mayor advised that she has spoken to the insurance person and we are changing the 4 spaces down to the left to be 1 hour parking. That will help him and the restaurant. So we took care of the municipal area. Former mayor Murray commented that down the street, across from Fat Sal's, is a municipal parking area. The other one is not a municipal area. The Mayor asked even though the Village maintains it? Former mayor Murray advised that we are not supposed to maintain that. The Village's lot is down the street from that. He advised that the parking in back of the Post Office is all part of the one lot. He advised that you have to look at the site plan map approved in 2005. Those minutes specifically state that those parking lots will be considered overflow for the restaurant. When they talked about having permit parking down the street from that, you could not have that because it was a municipal parking lot. With a municipal lot everybody has the right to use it.

Mayor Knickerbocker advised that the Board will look at it tomorrow. She commented that we do not want to hurt the businesses because there are vacancies there now and we want to have a vibrant business area. But it was affecting the Post Office and different things. She is glad that former mayor Murray came in to explain all the site plan. Former mayor Murray commented that there was never any discussion to allocate 2 slots for postal employees in the back next to the residents' parking. No one should have put up a sign saying "No Parking, Private Property". He commented that you cannot have private parking in back of a restaurant that is supposed to have 19 parking spaces.

Mayor Knickerbocker wanted to know how many apartments are in that building. Former mayor Murray thinks it is 6 or maybe 4. The Mayor wanted to confirm that assuming there are 6, the agreement with the owner was for 6 spaces for the tenants and the rest are supposed to be for the businesses. Former mayor Murray advised that was correct because there was no way to approve a site plan for 19 parking spots when it was supposed to have 32. There were only 13 original spots there. So the Planning Board had to increase it somehow because the owner wanted the maximum uses. If he was going to go to office spaces, he could have had a lot less parking. He would not have needed the restrictions. But for a restaurant, he needed 32 or 38 spots. Former mayor Murray said that he could not find his maps but he is sure that the Building Inspector has the map and approved plan for the location of the spots. He commented that if it is municipal space, it would be demarcated on the site plan.

Trustee Zachary commented that there is a lot to the right of the Post Office that is a lot owned by the Village. Former mayor Murray commented that you have to look at what the final Resolution stated because there were supposed to be allocations for overflow out those lots to allow the restaurant to operate. He advised that even if it is municipal, you cannot restrict the public from using it. You can restrict it from 4:00 to 6:00. He commented that if that was part of the discussion the restaurateur would have said that is fine because he is not going to be open at 4:00 so he would not mind having the overflow. So that is why we would have granted the variance. You have to look at the final Resolution. The Mayor advised that we will get that tomorrow so we can get that resolved. She thanked him for clarifying that. She noted that former mayor Murray would know because he was on the Planning Board. Trustee Zachary commented that there is a lot to the right of the Post Office. Former Mayor Murray commented that these were contingencies in the minutes that we had discussed that allowed them to use those so that he could get the maximum occupancy of the restaurant. If he did not have those extra lots he could not use it as a restaurant. He would have to use it as a commercial space, for office buildings or whatever. The parking restrictions would have inhibited his ability to use it as office space also. He wanted to get foot traffic going in and out who were going to be there for a few hours. Former mayor Murray recalled that the Post Office was going to be closed at that time. So the Planning Board said that he could use this as overflow because it would not interfere with the operation of the Post Office. He commented that now when you put 15 minutes on it, it is outside of the intent. He advised to look at the final site plan to see how the calculations were done. He commented that just to have 5 parking spots for a restaurant is something he does not think you could get done anywhere in the United States. He noted that in the back is a sign that says "Restaurant Parking Only" and there are only 5 spots. There is no way you can run a restaurant with 5 spots even if you have to turn it over in 10 minutes. He commented that if you break it up as private property and just use it for the restaurant, it is a violation of the site plan. The Mayor advised that we will have the Building Inspector look at

that. She commented that some of those signs might come out so that there is more parking for the restaurant and other businesses there.

Former Mayor Murray wanted to talk about signs on Broadway. He drives down that road every day. He recalls that a few years ago during his time as mayor some people from Entergy had wanted No Parking signs on Broadway. Then Mayor Murray asked them to send a letter and they would not. So no signs were put up there. Now when he drives there, he notices that there are No Parking signs hammered onto the utility poles and stuck into the ground. He went through the minutes of the Village Board meetings for a year or two and did not see any Public Hearings about putting up No Parking signs on Broadway. Mayor Knickerbocker advised that the Village did that but thinks it was at the request of the Police Chief. Former mayor Murray commented that the signs say "No Parking" on both sides of the street. You cannot put up No Parking signs without first having a Public Hearing. He commented that someone went down there and hammered them from Bleakley Avenue all the way to the entrance to Indian Point. He advised that if there was no Public Hearing then those signs cannot be enforced and should be removed. It specifically says both sides of the street but they are only on one side of the road. He wanted to know if we had a Public Hearing on that. The Mayor advised that there was not. Former mayor Murray commented that what caught his interest was that they were on the utility poles. You are not allowed to put anything on those poles because the Village does not own them. The Mayor agreed. He thought that might be a little wrong.

Former mayor Murray said that his comments on the parking spaces were coming from memory. He commented that sometimes what is translated on the final site plan or plots is not always reflected in the minutes. But he remembers that was the intent. The Resolution for the variances was at the July 13, 2005 meeting of the Zoning Board. The recommendations of the Planning Board started in May 2005 up until the Zoning Board approved it. He recalled that there was a lot of back and forth with this applicant because he wanted 8 apartments, 2 bedrooms each and we knocked him down to 1 two-bedroom. It was a long process. He advised that if you look at the final plan you will get more clarification. Mayor Knickerbocker apologized to anyone inconvenienced by the unintended consequences.

Don Zern, Westchester Avenue, referred to former mayor Murray's comments. He said that for the last 6 to 8 months as you leave that parking lot onto Westchester Avenue, there has been a large hole there. It was brought to his attention by two of the Seniors. He is there himself once or twice each week to go to the Post Office. The hole is 10 to 12 feet long and almost 1 foot deep. It is getting larger and larger. He commented that it should be filled before someone falls in it and gets hurt and possibly brings a law suit against the Village. Mayor Knickerbocker noted that it is right behind the restaurant. The Administrator advised that a complaint was brought to the owner and it is going to be repaired next week.

Don Zern commented about the trees in the Village. He wants to know if we can enact a tree ordinance. He commented that it has been worked on for the last 6-8 months. He asked about the Village adopting the one from the Town of Cortlandt and then tweaking it here on the Board itself. He thinks that the Town has probably one of the best within all of the municipalities around here. He commented to let us please keep our lake clean. We are getting a tremendous amount of plastic bottles and bags in there. People are fertilizing and anyone who is and lives around the area, storm drains go into the lake. It is starting to turn green. That is coming from the fertilizer. He asked everyone to pay a little bit of attention. If you see a cup, a plastic bag or a bottle on the street, even if you do not get along with your neighbor, pick it up and put it in your garbage.

EXECUTIVE SESSION:

Mayor Knickerbocker asked for a Motion to go into Executive Session to discuss the Police contract and where we are with that. She advised that the Board would go into the Executive Session and when they come out they will close the meeting.

Mayor Knickerbocker again thanked former mayor Murray for his comments and wished everyone a great Buchanan Day.

7. BOARD MEMBER REBUTTALS

None

8. EXECUTIVE SESSSION

At 8:30 PM a MOTION to enter Executive Session was made by Trustee Funchion seconded by Trustee Zachary with all in favor.

At 9:05 PM a MOTION to return from Executive Session was made by Trustee Zachary, seconded by Trustee Funchion with all in favor. No monies were spent and no decisions were made.

9. ADJOURNMENT:

At 9:06 PM a MOTION to adjourn this meeting was made by Trustee Zachary, seconded by Trustee Jackson with all in favor.