

Mayor & Board of Trustees

Village Board Meeting

October 3, 2017

PRESENT:

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

ABSENT:

Trustee Cesare Pasquale

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:30 PM. She led everyone in the Pledge of Allegiance and informed them of the fire regulations.

MOMENT OF SILENCE:

Mayor Knickerbocker asked for a moment of silence for the 59 people who were murdered in the recent Las Vegas shooting. She commented that it is a crazy world and there is a lot of anger.

Mayor Knickerbocker announced that Trustee Pasquale would not be present this evening. He had something come up.

2. APPROVE MINUTES:

None.

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

None.

4. OLD BUSINESS:

a. PUBLIC HEARING ON THE PROPOSED INSTALLATION OF “NO THRU TRUCK TRAFFIC” SIGNS.

At 7:35 PM a MOTION to open the Public Hearing was made by Trustee Jackson, seconded by Trustee Zachary with all in favor.

Mayor Knickerbocker noted that there is more work needed to be done on this. There might have to be a truck route. We are not in a position to vote on this yet. She advised that we will continue to work on this this evening. This Public Hearing will be kept open

Trustee Zachary commented that he missed the last Workshop and asked what the issues were. Mayor Knickerbocker advised that we have to speak to the Village Engineer and be specific about the roads we are looking at. One that she is looking at is Bleakley Avenue because we seem to have more and more truck traffic there. There are some businesses there near where our sewage treatment plant is and they should be taking a right turn out of there to go out to Louisa Street. But we are seeing more and more truck traffic coming through. Trustee Zachary commented that it is a different situation than on the other streets because trucks have to go there because of the businesses. The Mayor commented that they do not have to come in off Route 9. Trustee Zachary commented that on the other streets we were looking at trucks that do not have business in the Village. The Mayor advised that we are still researching it because we cannot shut down the roads and not have a truck route. There has to be some type of a route. We were hoping that it was not so complicated.

At 7:38 PM a MOTION to adjourn the Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

b. RESOLUTION AUTHORIZING THE INSTALLATION OF “NO THRU TRUCK TRAFFIC” SIGNS.

Held over.

c. PUBLIC HEARING ON PROPOSED LOCAL LAW AMENDING CHAPTER 211 OF THE CODE OF THE VILLAGE OF BUCHANAN.

At 7:39 PM a MOTION to open the Public Hearing was made by Trustee Jackson, seconded by Trustee Funchion with all in favor.

Trustee Zachary quoted 211-46A concerning the right of entry for the Building Inspector or his authorized agent (*copy attached*). He thinks that “reasonable hour” is vague and should be defined. Mayor Knickerbocker advised that it is assumed to be normal work hours but not for example three o’clock in the morning. Trustee Zachary commented that this could get a legal challenge. He thinks we should not leave it as “reasonable hour”. We should define it. He is not sure of the exact wording but suggested “during Village business hours except in a case of emergency involving the health and safety”. The Mayor commented that the Building Inspector has offered to come in on weekends or evenings if we have a situation. She does not want this to limit him. Trustee Zachary commented that normally he would be here during business hours. The Mayor commented that we are seeing a lot of things after business hours. Trustee Zachary asked if “reasonable hour” would mean that you can go to somebody’s door at 10 o’clock at night. The Mayor commented what about our noise ordinance. Village Attorney Porteus advised

that you can say “any reasonable hour which shall be defined as 8 AM to 7 PM.” Trustee Zachary wanted to know if that is the time that the Building Inspector normally starts. Village Administrator Hay advised that he is here at 8:30 AM. Trustee Zachary commented that if need be he could come in earlier and stay later. Trustee Zachary agreed with the Village Attorney’s recommendation. Trustee Jackson asked if that covers the weekends or is on the weekend for emergencies only. The Village Attorney quoted Section 211-46 A (2). That covers emergencies at any time. She wanted to confirm that the Board wanted to now define it as 8 AM through 7 PM. Trustee Zachary agreed. He commented that it could be 8 PM because people work and may not be home until later.

The Mayor explained that the reason for this law is to help the Building Inspector to do his job better. She read some of the highlights (*copy attached*). The Village Attorney noted that re-inspection is when there has been a violation and the Building Inspector goes in to see that the violation has been corrected. The Mayor commented that we have modeled this law after other communities who are doing the same thing. It specifies that if he cannot gain or is refused admission that the Building Inspector is authorized to obtain a search warrant. The Mayor advised that we are doing this more and more because we are hearing things and people are seeing things. We are trying to avoid overcrowding situations and people violating our Code. The Mayor advised that we are doing this for the safety and welfare of our residents.

The Mayor asked for comments from the floor:

Eileen Absenger, 183 Tate Avenue, wanted to know about residents’ rights and where can they locate them. She asked if they can see the Code on the Village web site. They can come to the Village Hall and see them and read them. The Administrator advised that it is on the Village web site or they can come to Village Hall.

Ms. Absenger commented that the Board mentioned at the Workshop that if there is a need to bring your house up to Code, which she commented could cost from \$100 to \$30,000, what happens to a homeowner who does not have that money but wants to sell their house. The Mayor advised that this covers people who over the years have done additions and were not caught, made single family houses into two family ones, done electrical work without a licensed electrician, added bathrooms and other things that they needed to get a permit for, as examples. Now that they are selling the house, we want to make sure that people are safe here. Ms. Absenger commented that she understands because she was at the Workshop. She wanted it stated for the audience that was not at the Workshop. She commented that the statement was made that the Village would let residents know that a new C.O. is needed and it must be brought up to Code before selling in order to raise the price. She commented that if it is going to cost you \$20,000 for example to bring the house up to Code and the new owner looks at it and says that they did not want that, that they would have done something else, then the Board is asking the resident to spend that money and possibly not recoup it because the Board is stating that you can raise the selling price to recover the cost. Ms. Absenger thinks that is a little “out of the

box”. The Village Attorney explained that what she was talking about is that she has seen people who do not know that their village or town has passed an ordinance like this and that they need a new C.O. and a permit for the things they have had done. She commented that she had a client who put his house for sale. He got an offer and it went to contract. He was then told that his village required this. It was between \$20,000-\$30,000 in repairs. She explained that her comment was that if our residents know ahead of time that they will need to do this before they put their house up for sale, it is a better idea to go to the Building Inspector and say that they need a new C.O. and ask that the Building Inspector come in and tell them what they may need to do. She commented that she had another client with a deck. He did not have to take down the deck. But he had to put up some railings. Ms. Absenger commented that she knew an owner with a new deck and what they opted to do was to take \$900 off the price. She is asking what the recourse is if the homeowner does not have the \$30,000 to upgrade to get the new C.O.

Trustee Zachary commented that he understands her question. He advised that certain non-conforming aspects of your house will be grandfathered and transferred with the sale. With certain electrical things if you decide to do an addition on your house, in order to get the C.O. they can go back and force you to do upgrades such as hard wired smoke alarms instead of battery powered. He does not think that everything that is grandfathered is lost when you transfer the house. He commented that they are talking about work done without a permit, or illegally as in the case of adding an apartment or living space. If you do work without a permit and do not conform to the C.O., it is “tough doody”. Then you have to pay the price at the point of transfer. That is why we are going to do this. We want people to conform to the Code. We do not want illegal apartments going up here and there. He wants to know what does have to get redone to get a C.O. that is not grandfathered. Do you lose your grandfathered status? He commented that when he got a new boiler the new Code required 1 inch sheet rock above the boiler so he had to redo it. He commented that there are certain things that you have to do in conjunction with new work. He does not think that everything is grandfathered in. It is more illegal work and certain upgrades on the electrical and fire. So you could get hit with some expense. Ms. Absenger wanted to know if there is any way to identify that to the homeowner. The Mayor commented that they should talk to the Building Inspector before they sell the house. She commented that we are not the only community doing this. Ms. Absenger asked if we can have the Building Inspector provide an outline of what someone would need to do so they can bring it up to Code.

Trustee Funchion thinks that what Ms. Absenger is outlining is that if the individual’s house is not up to Code, they are also nullifying their insurance on the house. He suggests that all homeowners should come into the Village, contact the Building Inspector, look at their folder and make sure that their premises are up to Code, that any permits that are outstanding have been closed out and that any illegal work that was done has to be fixed. He commented that it is to their advantage; otherwise if there is a fire and something was done against the Code, even if it had nothing to do with the fire, the insurance company is going to say that you are not covered.

Trustee Funchion does not think that there is an answer to Ms. Absenger's question of someone who does not have much money and owns a house, and needs \$50,000 for example to bring it up to Code. There is nothing we can do about it. Ms. Absenger explained that she is asking what recourse does the homeowner have. Can they sell the house as is? Does it require a new C.O. so that the new owner can negotiate that in the price? Trustee Zachary agreed that we should get an outline from the Building Inspector on the types of things that people need to be aware of. In conjunction with this resolution, we should do a mailing or separate insert with the Newsletter explaining what the new law is. He commented that people could have bought their house in the past and not even known that there was something done and with the stricter law regulating the passage of getting a C.O., something could come up on the next sale that did not on the sale a few years ago. Ms. Absenger agreed with getting that information out to the residents and also to put it on the Village web site. She commented that it is great that the Board passes these things but if the residents do not understand it, you do not need to know at the end.

The Mayor advised that the banks pick a lot of this up when they do a title search. The Village Attorney advised that title searches pick up an open permit that was never closed. That is a violation. This resolution is for people who did not pull a permit so there is no record for a title company to find. She commented that an appraiser might but in her experience not unless an attorney questions it. The Village Attorney commented in reference to Ms. Absenger's point that it hurts the home owner in some way but the buyer is buying a disaster with all this illegal work which is not fair either. The Mayor commented that is all "buyer beware!" The Village Attorney commented that if the buyer pulls the title and does everything that they should do, and does not know that some things were illegal, that is what we are trying to do here.

Ms. Absenger commented on item A-(2) concerning entry without a search warrant in case of emergency. She commented that the Mayor had mentioned a fire or a gas leak. Ms. Absenger commented that if there is a gas leak you call the Fire Department or Con Edison. You would not call the Building Inspector. The Mayor advised that our Fire Department does respond to a gas leak. She commented that what if there was an explosion in the house and it is not structurally sound? Trustee Zachary explained that the Building Inspector is not the first responder. Ms. Absenger asked would it not be the Fire Inspector who would go in and determine that, not the Building Inspector. The Mayor advised that the Building Inspector has to check for structural integrity to determine if the house is safe.

Ms. Absenger commented that she does not understand the portion of the proposed law giving the Building Inspector right of entry in case of emergency without a search warrant. She wanted to know what are your rights as a Village resident when the Building Inspector shows up at your door? The Village Attorney advised that as a resident you can always say, "You cannot come in". The Building Inspector then has to get a warrant. Ms. Absenger wanted to know what if he comes with the police. The Village Attorney advised that if they think that it is a danger then the police will probably get in. The Building Inspector cannot. If it is an emergency like a fire or if

someone has made a complaint that we hear screaming and he is accompanied, she commented that in that situation you do not need the Building Inspector. You need the police to go in. Ms. Absenger wanted to confirm that the resident has the right to decline entry to the Building Inspector. The Village Attorney advised that was in this even before it was amended tonight. The Building Inspector's limited as always. He is not going to break down doors. He is not going to cause people to be arrested. He can get a warrant. He must have probable cause. Trustee Funchion commented that if a tree falls on a house, he would consider that an emergency for the Building Inspector to determine how much damage was done to the house and whether it is structurally sound for the safety of the people who live there. He would think that to be a case where a person does not have the right to say that the Building Inspector cannot come into their house. The Mayor commented that we are not trying to hurt anyone. We are trying to keep it safer for people. Ms. Absenger commented that she does not like "Big Brother" and that people need to know their rights.

Mayor Knickerbocker asked what the other communities who passed similar legislation were doing. The Village Attorney advised that would be Dobbs Ferry, the Town of Cortlandt has something similar and Peekskill is all over it. She commented that our Building Inspector has had a tough time. He has called her several times to say that he has asked if he can come in to a house and been told no. She commented that this is not all that much different. It allows the Village at the very least to bring everything up to Code before a sale. In an emergency it gives the Building Inspector some authority to say that there is a dangerous situation and that you have to get out. He cannot come and knock down your door and say for example, that he believes you have illegal apartments in there. He has to have probable cause or else a judge will not issue a search warrant. To show that probable cause he would have to have pictures and complaints. Trustee Zachary reiterated that the Building Inspector cannot just knock on a door, say that he thinks there is an illegal apartment inside and come in to look around. However if there is a call to that house by the police or by the Fire Department and they see what appears to be an illegal housing situation such as rooms that are curtained off for example, that police officer can support that which gives the Building Inspector a reason to go in. Trustee Zachary thinks that illegal units are the biggest thing we are looking to deal with in this change. The Mayor commented that gets into the safety of our firefighters. You see in other communities where the rooms have been boarded up [to create illegal apartments]. The house becomes a maze and a danger to firefighters. Ms. Absenger agreed that she does not want the firefighters in danger.

Ms. Absenger noted a house going around the curve on Tate Avenue is for sale with HUD through a realtor. She commented that supposedly it has some issues. It is in foreclosure so she assumes that the bank has it. She wanted to know if the bank has to come in to bring it up to Code. The Village Attorney advised that they should be subject to our laws. She commented that the banks have "zombie" properties everywhere and do nothing about them all the time. That is why the State legislature is trying to pass more stringent laws about that. But to answer Ms. Absenger's question, they should be. Trustee Zachary advised that there was legislation in

New York State to require banks to do maintenance on “zombie” properties that they hold papers on. He wanted to know if that law was passed. The Village Attorney thinks it was. She commented who is going to enforce it? They own thousands and thousands of properties all across the United States. She advised that there is some recourse if someone takes the property. She commented is our Building Inspector going to spend hours and hours reaching out to a bank to make sure that they are doing something about that foreclosed property.

Ms. Absenger commented that on that memo it is important to advise any new homeowners that there may be a C.O. on their house but that unfortunately it may not be up to Code. She asked what is going to happen with cash sales where you are not going through a bank. She cited the little house on Fourth and Center Streets. It has been fixed up and brought up to Code. She does not know how that was bought or if it was a cash sale. The Village Attorney commented that she has no idea with a cash sale. She commented that if someone wants to sneak around it, they are going to. She noted that as an attorney who does real estate, she always advises her cash buyers to pull the title. That gives notice to the community. That alerts the Building Inspector who can then step in.

Trustee Funchion noted that the right of entry requires “showing of proper credentials”. He asked if the Village has ID cards. The Administrator advised that we just got the machine last week and put together a template. Mayor Knickerbocker advised that if anybody ever has any questions they should call the Village Hall to verify that the person is a Village employee. The Village Attorney advised that he should have an ID.

The Village Attorney wanted to confirm that we are going to do a mailing. Trustee Jackson noted that we will post it on the Village web site. Trustee Zachary commented that the mailing is not just for this. It is to explain in layperson’s terms what the change is and what people might need to address if they were buying and selling property in the Village. The Village Attorney agreed and commented that is very important. Trustee Zachary noted that with some input from the Building Inspector it will list what things are not simply grandfathered in but would have to be updated by law. The Mayor noted that it will be in a bullet point form. Trustee Jackson commented that once the Building Inspector prepares a draft, the Board can review it and decide on the best ways to deliver it. The Village Attorney commented that people in the community do not know but that it is very important that they do. The Mayor reiterated that we are not doing this to hurt people.

Ms. Absenger asked if the Board is going to hold this Public Hearing over until the draft is received from the Building Inspector. Trustee Zachary does not think that affects the Board’s vote. It is just a communication and is nothing that alters this Resolution. The Mayor advised that what the Building Inspector will do is to follow up and put into bullet points what it means.

At 8:10 PM a MOTION to close this Public Hearing was made by Trustee Funchion seconded by Trustee Zachary with all in favor.

d. 17-47 RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 5 OF 2017 AMENDING CHAPTER 211 OF THE CODE OF THE VILLAGE OF BUCHANAN.

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.

5. NEW BUSINESS:

a. 17-48 RESOLUTION AUTHORIZING THE ENGINEER TO CREATE SPECIFICATION AND FOR THE CLERK TO ADVERTISE FOR BIDS FOR WATER METER REPLACEMENT PROJECT.

Village Administrator Hay explained that these water meters have been in the houses for decades. He explained that we got to a point where these meters are being phased out. We had bought so many so that we had them on hand to do repairs. At this point there are so many that are having problems that it takes a lot of time twice a year for a Village employee to go house to house. There is human error. The new meters would have a remote. We have had a few companies come in. There are radio frequency ones that would require a lot of equipment upgrades and the need to have a truck drive up and down the streets. The one we liked better had a cellular attachment that sends out a reading from the meter every hour. It goes over any carrier's cell phone towers to a place where it is read into the Cloud and loaded into our computer. It will help detect leaks. He noted that currently a leak could go undetected for over 6 months and a resident could receive a bill for over \$1,000. This system will help us with that and to more accurately bill for water in the Village. It is multi-purpose. They gave us a three part pricing system. The meter was a little over \$100. The cellular part was around \$100 and the install was about the same price. We estimate that it will be \$300 plus per household. It would be about \$250,000 in total. We have a Special Water Fund with \$340,000 which was set up for these large infrastructure updates that we need from time to time.

Trustee Zachary asked if that upgrade is billed to each household. The Administrator advised that it comes out of the Special Water Fund. The meters are the property of the Village. We would be installing them in the businesses and households. He commented that it will help us to move forward for decades. Most places do not read house to house any more. It ties up a lot of time. Trustee Zachary asked if in addition to the initial outlay if there is an on-going cellular charge. The Administrator advised that there is a minimal monthly fee. It is a technology fee. He noted that many places are doing that. It is \$1.00-\$2.00. The Administrator advised that we went and saw a similar system in Cold Spring. They were very happy with theirs. It is something that would work well here with the small staff that we have. He will put the specs together and get the bid back and hope that it comes in within our price range and budgeted amount. We will then decide to move forward with the lowest responsible bidder.

Mayor Knickerbocker commented that she has a property in Peekskill where they just replaced the water meter. They put something on the outside. It took them 20 minutes and it was done. The Administrator advised that they replaced the water meter at his house. It took 30 minutes. The Mayor commented that sometimes it is hard for our meter reader because people are not home or there is no outside meter. It is almost impossible to get replacement parts now.

Trustee Zachary asked if they work on a cellular signal and when they are in the house will they transmit. The Administrator advised that when they install they test to make sure that it is getting the proper signal. They said that in most cases they would be able to have it inside the house. They have a tablet that shows the strength of the signal. If necessary they could mount them outside but they said that in most cases they do not run into that problem.

Trustee Jackson 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.

b. 17-49 RESOLUTION AUTHORIZING THE HIRING OF SEASONAL PERSONNEL.

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

Mayor Knickerbocker said that before the vote she wanted to note that the Board talked about this. We had extra money left from the summer and also this person is going to mostly be working on the catch basins. The Administrator advised that we have a lot to catch up on. We want to repair as many as we can. Two of the people will be on the back of the truck starting on October 15.

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

c. 17-50 RESOLUTION AUTHORIZING THE ENGINEER TO CREATE SPECIFICATION AND FOR THE CLERK TO ADVERTISE FOR BIDS FOR THE BANNON AVENUE WATER PIT PROJECT.

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

The Administrator explained that we bid this out in September 2016. Two bids were received. They came in for \$146,000 and \$160,000. The Village Engineer advised that it would cost half of that so our budget was less than the bids. The Village Engineer recommended that we not accept the bids at that point. He met with the Department of Health's engineers on ways to reduce the cost. He met with a consultant. One of the big issues is that there is only one entry point so it is a confined space. That drives up the cost of the project. Part of the bid spec creates another opening so that it is not a confined space. The Village Engineer thought that a few of them would be somewhat closer to the budget that we established so he suggested that we try to re-bid it at this time. The Bannon Avenue pit is one of the two main entry points for the

Montrose Improvement District water. There were a lot of concerns about that pit so it is important that we get back to this. We received the necessary extension from the Department of Health for this project for another full year.

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

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

a) Justice Court Report – August 2017

Received and filed. Mayor Knickerbocker noted that fees received were \$3,571 and \$1,050.

b) Police Reports – August 2017

Mayor Knickerbocker read the report. Received and filed.

Trustee Funchion noted that this report represents 93 shifts and that 42 tickets were written. He commented that we have serious problems on Tate and Westchester Avenues and Kings Ferry Road. He does not know about other streets in the Village as to their complaints but he thinks that between Westchester and Tate Avenues this figure should be higher, more like 180 tickets. He remarked that it is disgraceful. He does not know what is going on. He commented 93 shifts and you only have 42 tickets. He commented that they are out there for 8 hours in a shift and this is for the month of August where there is more hectic traffic going up and down, especially between 5 and 7 PM. He commented that there are all the people running without mufflers on their motor bikes speeding up and down the streets. The same with automobiles. He thinks that only 42 tickets in 93 shifts is a disgrace. He feels that we need a report from the Police Chief as to why this is so low with all the complaints that we keep getting.

Mayor Knickerbocker directed to ask the Police Chief to come in and have a conversation with the Board.

Trustee Zachary agreed. He commented that we have to remember that there is only one officer on duty at a time. He suggested to have the Police Chief sit outside with a radar gun.

Trustee Jackson commented that in the past he had brought up wanting to know what we would have to go through to get an electric radar system set up in the Village by camera to take a picture of a speeder and see if that would diffuse it. He knows that other municipalities like New York City use it. He does not know what we would have to go through to get this in the Village. Village Attorney Porteus commented that she got a speeding ticket that way in Delaware. You

get the ticket in the mail and you pay it. Mayor Knickerbocker commented that it depends on the cost.

Trustee Jackson wanted to know what was under the item "Suspicious Incidents" on the report. The Mayor advised that we will get clarification when we speak to the Police Chief.

Received and filed.

c) Fire Inspector Reports – September 2017

Received and filed.

d) Wastewater Reports – May 2017

Received and filed.

e) Attorney's Report

Village Attorney Porteus distributed to the Board something for their review. She advised that it came up recently. Our Village does not have a prior written notice requirement. If for example you are driving down the road and go into a pothole and have a blow out and you make a claim against the Village. She advised that most if not all communities have the requirement that the Village would have to be put on notice before being sued for things that we did not know about in order to be held responsible for that. She advised that if for example you see a sidewalk that is defective you have to let the Village know so that the Village has the opportunity to go and correct it. She commented that she was quite surprised that we do not have that. It is critical that we do. Mayor Knickerbocker agreed. Trustee Zachary wanted to know if there is time to remedy this. The Village Attorney advised that there is. Trustee Jackson wanted to know if we have been sued. The Village Attorney advised that there is current litigation which prompted her to bring this before the Board.

The Village Attorney reported that we are going to be busy on the Planning Board. There are a couple of projects coming in. She will keep the Village Board advised.

f) Administrator's Report

Village Administrator Hay reported that the paving is wrapped up. He commented that they were good to work with. We have a curb and sidewalk bid currently out. We want to do a few sections of sidewalk and drop curbs that were damaged. The bid requires work to be completed by November 1. The Administrator noted that next year the Paleen bid that we piggyback on with the Town of Cortlandt is open again until September 2018. Because some of the roads we want to do have concrete curbs we may find a way to put the bid out first, put the curbs in place and then have Paleen Construction pave because that is more than just a mill and pave contract.

The Administrator reported that some of the Board asked about credit card payments and on-line payments for tax and water bills. In the Village Clerk's office, we met with a few companies. We are seeing what other municipalities have used and what we like.

The Administrator reported that the audit is completed. The final will be in January. He commented that it went well.

The Administrator reported that the window treatments at Village Hall will be here shortly and installed in a couple of days.

The Administrator reported that the Halloween parade and party will be on October 28. It will start at the pavilion at 10:30 AM and then move to the Village Hall.

The Administrator reported that the leaf vac will start on October 16. He reminded people not to rake leaves into the street. The last wood chipper will be on October 9 and 10.

The Administrator reported that we have reached out to Cablevision and Verizon FIOS and had technicians come in. The t.v. signals are now working nicely on both. He commented that it is nice to have a good signal again.

The Administrator reported that the Board has received for their review the RFQ we received for Audit & Energy Services. We will discuss it at the next Workshop and decide if we will have a resolution for the November Village Board meeting if we decide to move forward.

The Administrator reminded that the first Tuesday of November is Election Day. The Board must decide on an alternate date for the Village Board meeting. He needs input for the calendar. It was agreed to hold it on Monday, November 6.

The Administrator reported that the Village Board meetings are on-line on the Village web site. People can watch us any time. It is a nice feed. We can keep a certain number of months on the web site so that people can look at it.

In reply to a question from the Mayor on the status of crack sealing, the Administrator advised that he has reached out to the company on the State bid and is waiting for them to advise when they can come down. The Mayor advised it will be about a month. She noted that especially on Broadway in front of Indian Point that the road is starting to open in the middle. She commented that we can again go through with Village Engineer the streets that still need to be done. The Administrator advised that the Engineer has an on-going spread sheet.

Trustee Funchion wanted to know when Con Edison will be done on Route 9A. The Administrator advised that he has reached out to them but not yet gotten confirmation back. Mayor Knickerbocker commented that Con Ed is taking a lot of heat from Peekskill and Yorktown. They have done the road work and left it in shambles. She noted that we have a small section, one lane on Tate Avenue from Trustee Zachary's house down to Kings Ferry Road. Next year the other side will be done. Trustee Zachary noted that cars are driving over the center

line because no one wants to drive over that side. The Mayor commented that the blacktop plants start to close when it begins to get cold so we are looking at probably just one more month. She would like to get it done because people walk on that road. The Administrator advised that he advised them that we had somebody trip and fall there and that they are on notice. Trustee Funchion commented that maybe we should sue Con Edison. Trustee Zachary advised that it was after the work was done. The Administrator commented that there was another fall recently.

g) Mayor's Reports

Mayor Knickerbocker thanked the Beautification Committee. They cleaned out the center of the Circle where the clock is. They also replaced the barrels with new ones and planted beautiful mums. She commented that they are a good group of people who did a lot of good work for the Village.

Mayor Knickerbocker reported that our Buchanan 2021 committee will meet this Thursday evening at 7 PM on the second floor of Village Hall. She commented that it is an interesting group of people with both long time and new residents. What they are going to talk about is looking forward from when Indian Point closes. We are looking to reinvent ourselves and what their thoughts are on that. They will also be looking at the way we do things here in the Village and a lot of things including thoughts on the re-use of the Entergy property and what the residents would like to see there and other pieces of property available. She is looking forward to that. They will meet once a month. At this first meeting they will determine what is the best night and time for future meetings.

Mayor Knickerbocker reported that she was at the State task force meeting last week. She will begin putting on our Village web site and Facebook the different things that get talked about at this meeting. She commented that the biggest take away and most important thing for the Village from this meeting is that the State has hired a consultant for the re-use of the property. They have talked to the Town about different parcels of available land. What the drawback is to the Town to develop the space and bring in business is that they do not have a sewer system such as we have. It gives us a little bit of an edge. There are 240 acres. There are sections of the Entergy property that could be used before they decommission. The acreage in the middle where the plant is operating now cannot be used. The plant has to be decommissioned. All those structures will be coming down and they need spaces to pile it. But there are a few spaces. There are approximately 60 acres by our Lent's Field ball field that has never been used. The State will now come in and look at these parcels. There is a parcel going toward Verplanck and also about 10 or 15 acres that Entergy owns next to the cemetery on that side of the road. The Mayor commented that she and the Administrator spoke to another company that has substantial property in the Village to see if they would be willing. We are not looking to have this property given to us. She firmly believes that government should not own property or be in the business of real estate. She commented that we are looking to bring a developer or business to Entergy to

purchase the land. We are doing this because we are losing a lot of tax base. We are not going to replace \$3 million. The push is to look at the re-use of the property for our tax base.

The Mayor commented that this is not just a single approach to this but a multi-faceted one. We are looking to replace our tax base and looking at the way we do business. Can we do things more efficiently? Trustees Zachary and Funchion will get into that more with the survey. There are other opportunities. She commented that most people know that New York State has a cessation fund. When the nuclear plant closes they will compensate us almost 80% of our loss for the first year, then down 10% each year for 7 years. We are looking at different ways to mitigate the loss of revenue from Indian Point.

The Mayor commented that something else that is fairly new is legislation proposed by the mayor of Zion, Illinois. Mayor Knickerbocker spoke with him last week. This past Sunday his Senator and Assemblyperson introduced the bill which is going to Congress. All of us who have nuclear power plants in our communities have to work together to go after this money. It is money that the Department of Energy has collected from the rate payers. For Indian Point, \$500 million of their money was given to the Department of Energy to look for a permanent place to store the spent fuel rods. Last week Congress again opened up looking at Yucca Mountain. The Mayor noted that this has been going on for 30 years and there is still no repository for the spent nuclear waste. She feels that if you have not figured it out in 30 years then obviously Yucca Mountain is not the place. She commented that there is a lot of political push back and geological and environmental problems. There is a problem with the site. She emphasized that if we are able to get this money from the Department of Energy that does not mean that we want this nuclear waste here permanently. But if we have to have it here because the Department of Energy, the Federal government, has not found a place for it then we should be compensated for storing it because we are going to be an interim storage facility whether we like it or not. The Mayor commented that she took a lot of heat a couple of meetings ago when she talked about if and when the waste gets moved that it goes on a barge down the Hudson River to a port in New Jersey. It is not going on the roads. That is the route from where it will go from here to New Jersey. She commented that she does not know where it goes from there. She commented that once they shift the waste out of the pool, there is a piece of equipment that goes at a snail's pace. It slowly putts along to go over to the pad. She commented that the most important thing is that we want to make sure that the storage is safe.

The Mayor commented that there are a lot of balls in the air. She wants people to know that things are being worked on and looked at. The Cortlandt Task Force meetings have been basically informational. They have speakers every month. Next month the NRC will be talking about the decommissioning process. It is a very difficult process. We are going through it slowly, making sure to dot our "i's" and cross our "t's" and make sure that we are mitigating the loss of that revenue. The company that the State hired is the E. L. English Consulting (?). They were hired by NYSERTA. They are going to conduct a site review study. The good thing is that

we have a sewage treatment plant. It helps us with the development of anything we want to do if we want to bring in business. Trustee Zachary thinks that when Indian Point closes the usage of the sewage treatment plant that would no longer be taking place would allow for a lot more capacity. The Mayor agreed. She noted that approximately 1,000 people work there every day. That frees up a lot of capacity. Trustee Zachary wanted to know if the consultant has a time table to study the land re-use. The Mayor advised that they have to have the report done by April 2018. Trustee Zachary wanted to know if the Mayor would be involved or in communication with them while they were doing this. The Mayor advised that they will be coming to the Village next to speak to us. We will be outlining the properties that we think have the potential to be developed. She and the Administrator have been working on that.

h) Trustees' Reports

Trustee Jackson thanked the Mayor for all the work that she does with the task force and keeping the Village apprised of what is going on.

Trustee Jackson spoke to all the owners of dogs in the Village of Buchanan saying that if you take them out to make sure that you pick up the poop. Do not put it in the drains or throw it in the street or in the catch basins.

Trustee Jackson reminded everyone that kids are back in school and on their bikes. He reminded everyone to be aware of the children in the street.

Trustee Jackson reported that there will be an Open House at the Historical Society for the students at the B/V School. The date is to be posted.

Trustee Jackson commented on a sober note with the things happening in the world and most recently in Las Vegas that if you see something, say something. He commented that we are one little part of this county but we do have a nuclear power plant which could be a target. He said, to our young people if you are at school and you see something that does not look right, tell your teacher, Principal or guidance counselor. He commented that his father used to say to him, "Four eyes are better than two and a thousand eyes are better than a hundred." Trustee Jackson said to be safe and have a great Buchanan day.

Trustee Funchion reported that he attended the dedication ceremony of the 9/11 Memorial site. It was very moving and he thanked all that contributed to it, especially Trustee Zachary who was part of the group that put the memorial together. Trustee Funchion commented that if you have not been down there to do so. It really is heart rendering if you think of what happened that day. It was well put together by the Town of Cortlandt.

Trustee Funchion reported on Buchanan Day. He congratulated Colleen, Norma and Beth. They did such a fantastic job. Colleen Lonergan did most of the work. She did so much for that day and the Village. Also for the Saint Patrick's Day Parade Committee. He gave kudos to her.

Trustee Funchion reported that he and Trustee Zachary have put together a survey. They will get it out in November. They will also have it on-line. This is the opportunity for everybody in the Village to give the Board their thoughts on how we should approach the challenges of the Entergy closing. We want to get an idea of what the people in the Village want to do; if they want to continue everything and pay for taxes or what they would be willing to give up. He commented that it is a personal thing. He commented that the more we hear from the residents the better decisions can be made on what we have to do in the future.

Trustee Funchion wished all of his Italian-American friends a happy Columbus Day.

Mayor Knickerbocker directed to set up dates in November for the survey so that if people want they can come in to Village Hall and fill it out and talk about it. Trustee Zachary suggested to put it on the agenda for a Workshop. Trustee Funchion agreed. The Mayor advised that it has got to be separate. Have it on the second floor of Village Hall for questions or if anyone wants to say something. She advised that she will do it at a "Coffee with the Mayor". Any of the Board members can join. Trustee Funchion commented that it will be exclusively for the survey. The Mayor commented that people have a lot of questions.

Trustee Zachary commented that there are a lot of ideas on the survey. We are at the point of raising every possible idea. Residents will be asked if they would prefer "(a) or (b), etc." He commented that if it is on the survey, it does not mean that it is going to happen. He commented that the Board would be negligent if we did not look at every option and examine every cost and every savings. He referred to the Mayor's comments about re-development to help restore some of the tax base that will be lost. He commented that is not going to happen overnight. The survey is to get the sentiment of the Village residents to help the Board in making our decisions.

Trustee Zachary commented that Buchanan Day was a great day. A lot of work was put in by Colleen, Norma and Beth. He commented that Trustee Funchion tied it together. Colleen Lonergan is the work horse in that group. She was what made a lot of it happen.

Trustee Zachary reported that he was also at the 9/11 Remembrance. Trustee Funchion gave the most stirring speech of the day. It was a personal and emotional speech. Trustee Funchion was there during that time and worked in that area. Trustee Zachary commented that Trustee Funchion's speech was so incredible. It was all spontaneous from the heart. It was a moving speech.

Trustee Zachary commented that he is noticing now a lot of what the Mayor is involved with as far as the Village and the closing of Indian Point, and the Buchanan 2021 Committee which will intersect and overlap with the Comprehensive Plan Committee that he is involved with. Their next meeting is on Tuesday, October 17 at 6:30 PM on the second floor of Village Hall. The committee is a small but dedicated group. They have been discussing a lot of things that have relevance to redeveloping land not only at Indian Point but other properties in the Village. Trustee Zachary commented that at this point he would like to have a specific Workshop meeting

just for the purpose of discussing the Comprehensive Plan and what they are talking about in their meetings. He commented that one of the things, which might be premature, is that we recognize that currently that 60 or 70 acres on the north end of Indian Point is zoned M2 and our Code says that the only allowed use is the peaceful use of nuclear energy. The Comprehensive Plan Committee believes that parcel probably needs to be re-zoned. Trustee Zachary thinks that it would be well done in conjunction with the findings of the State group that the Mayor reported on. The committee is also looking at changing some of the things allowed by our Zoning Code's Schedule of Use regulations. Section 211-10 defines what is allowed by right and what is allowed by special use permit. He commented that in making up this Schedule of Use the Village has the ability to steer development. The committee is looking at areas that would benefit from re-development or new development, including the Route 9A corridor, the Circle and White Street. Some of the things they are discussing include allowing town houses. He noted that most of Route 9A is C2 zone. Buildings are allowed there that are commercial with housing above and behind. Trustee Zachary does not know if we want housing behind in that zone. They are discussing a lot of things. Trustee Zachary feels that it is important at this point for the Village Board to weigh in and he would like to share with them in more detail some of the things that the committee is discussing. He would like a date for a separate Workshop for this. Mayor Knickerbocker asked for the Board's recommendation. She wants to advertise it to let people know. Trustee Funchion recommended November. It was agreed to do it on Tuesday, November 14 at 7:30 PM.

Trustee Zachary reported that another thing the committee talked about in the C2 Zone is the property next to the hardware store. We do not know what is going to happen there. He thinks that it might benefit us to encourage town houses or small apartment buildings. That might require allowing a taller height. Our current maximum is 35 feet. H reiterated that there are a lot of things that he would like to have the Board's input on and to review. He asked that the Board members review the current Master Plan and specifically the Schedule of Use regulations. Village Attorney Porteus advised that the general Code is on-line. Trustee Zachary showed a map of the different zones.

Trustee Zachary thanked Village Administrator Hay for getting the video on the Village web site and our videographer. He thinks that it is very useful. He commented that if you have watched our Village Board meetings on t.v. what is great having them on the web site is that it is basically a YouTube link. You can drag the cursor and it shows you the still of where you are and you can pull the cursor across to go back or to access a particular discussion. You can do at your convenience. Go to www.VillageofBuchanan.com.

7. COMMENTS FROM THE FLOOR:

Eileen Absenger, 138 Tate Avenue, thanked the Mayor for all her work. She agrees that the Beautification Committee did a wonderful job with the barrels. They look great. Mayor Knickerbocker advised that they raised the money to get new barrels.

Ms. Absenger referred to the Resolution concerning the Building Inspector that was passed tonight. She wanted to know what the fee is for a new C.O. The Administrator thinks that it was \$150. He will check the fee schedule. Ms. Absenger thinks that it should be in the web site.

8. ADJOURNMENT:

At 9:07 PM a MOTION to adjourn this meeting was made by Trustee Jackson, seconded by Trustee Zachary with all in favor.