

**VILLAGE OF BUCHANAN
RESOLUTION DIRECTING COMMENCEMENT OF ACTION**

Introduced by: _____
Seconded by: _____
Dated: _____

WHEREAS, Chapters 171 and 211 of the Code of the Village of Buchanan specifically provide that an applicant before the Planning Board for preliminary and final site plan approval shall reimburse the Village for the cost of consultant services upon submission of copies of vouchers to said applicant; and

WHEREAS, Mario Velez was before both the Village Board of Trustees and the Planning Board of the Village of Buchanan seeking a change in Zoning as well as preliminary site plan approval for a proposed project on Greentown Road; and

WHEREAS, said applications required extensive consultant review by Village consultants; and

WHEREAS, Mr. Velez has been provided with monthly statements and vouchers detailing the expenses due and owing the Village of Buchanan for its consultant review; and

WHEREAS, it appears that the Village of Buchanan has a valid claim against Mario Velez for failure to pay outstanding invoices representing charges for consultant review of his application before the Planning Board of the Village of Buchanan despite monthly submission of all vouchers to him, and despite repeated requests for payment;

NOW BE IT THEREFORE RESOLVED, that the Village of Buchanan commence litigation against Mario Velez by filing a Summons and Verified Complaint in Supreme Court, Westchester County, seeking a judgment in the amount of the unpaid balance due and owing the Village of Buchanan for the cost of consultant review of Mr. Velez's application for a change of zoning and preliminary site plan review.

Upon Roll Call Vote:

Mayor Sean Murray _____

Trustee Richard Funchion _____

Trustee Duane Jackson _____

Trustee Theresa Knickerbocker _____

Trustee Nicolas Zachary _____

Vote: Resolution carried by a vote of _____ to _____ .

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

I, Kevin Hay, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held August 6, 2012.

KEVIN HAY- Village Administrator/Clerk