

**Mayor & Board of Trustees  
Village Board Meeting  
July 5, 2017**

**PRESENT:**

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

**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:**

Trustee Pasquale asked for a Moment of Silence in remembrance of the NYPD police officer who was shot today.

**2. APPROVE MINUTES:**

March 28, 2017 Workshop: Mayor Knickerbocker added that the last name of Angela is “Outhouse”. Trustee Zachary asked for clarification of “257” in the Village Administrator’s comments about a budget item on the bottom of page 6. Village Administrator Hay amended it to say that we placed money in the Equipment lines for the possible replacement of a vehicle. 257 is the van. A MOTION to adopt these minutes as amended was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

May 1, 2017 Regular Board Meeting: A MOTION to adopt these minutes as presented was made by Trustee Funchion, seconded by Trustee Pasquale.

June 6, 2017 Regular Board Meeting: A MOTION to adopt these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

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

None

**4. NEW BUSINESS:**

**a. 17-32 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 211 OF THE CODE OF THE VILLAGE**

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

Mayor Knickerbocker read the Resolution (*copy attached*). It is about mobile homes and mobile home parks.

Village Attorney Porteus explained that the change that is going to be made is only to one section, 21124-(B5). It changes from the minimum lot area of 8,000 square feet and minimum lot width of 80 to 10,000 and 100. Mayor Knickerbocker noted that this has to do with the Master Plan Committee. We had some discussions at the last meeting about looking at some of the properties and the uses of them. Trustee Zachary thought that we wanted to modify the Table of Use regulations to remove trailer parks. The Village Attorney advised that is not possible. You cannot outlaw all trailer parks. It is recent case law that has to do with the affordability of housing. You can put restrictions. Trustee Zachary wanted to confirm that you cannot take out special use permit. The Village Attorney advised that was correct. You can regulate the lot area so that you do not have a large number of them on 3, 4 or 5 acres. The Code currently says that you can put it on 5 acres or more. This will permit one mobile home on a lot; one mobile home per 10,000 square feet. In reply to Trustee Zachary's question, she noted that the wording is mobile home and mobile home parks. Trustee Zachary asked if we can modify the Table of Use regulations. The Village Attorney advised that you can modify it. You cannot outlaw it. If you were going to take it out then you would remove the entire section of our Zoning Code which you cannot do it. Trustee Zachary commented that is what he wants to do. The Village Attorney reiterated that you cannot do that. What you can do is regulate how many. Trustee Zachary wanted to know if that means that once you put something in your Table of Use regulations that you can never change it. The Village Attorney advised that if somebody wanted to do that they would have to ask for a zoning change like we did for the Senior multi-family. We have it already so you cannot outlaw it. It is fairly recent. The court rulings have been consistent. It is part of the affordable housing push. Trustee Zachary commented that means that we should do it and the burden would be on somebody else to challenge it. He thinks that most likely no one would. He asked if it was illegal to do that. The Village Attorney reiterated that you cannot outlaw it. She advised that if we have it in our Code and want to regulate it we can specify the setbacks and lot size. But we have to be careful so that we are not accused of spot zoning. Trustee Zachary wanted to confirm that this change would make the density per 10,000 square feet. The Village Attorney advised that our current Code sets aside a half acre for open space or parks and it has to have an administration building. She noted that we require 5 acres, so if you take away an acre for those requirements you have 4 acres. That means that you can have

16 on 5 acres. Trustee Zachary thinks that it is extremely unlikely. The Village Attorney advised that we can make it more than 10,000 square feet. She noted that there is only one property in the Village that this would apply to. Mayor Knickerbocker is not even sure it can be built on there because of the proximity of power lines. Trustee Zachary commented that if there is only one property that he is 99.9% sure that this is a moot point.

The Village Attorney noted that if you look at the rest of the Zoning Code on mobile homes, there are requirements about setbacks and use of the land. There are wetlands. Trustee Zachary commented that we do not want something like the one in Crugers near Luposello's. The Village Attorney commented that she was tempted to make it 6 acres but then it would be spot zoning which you cannot do. She thinks this is the way to regulate it. Trustee Jackson wanted to know if this was State case law. The Village Attorney advised that one was a Federal case and there were two State cases. [Mobile homes] are seen as a type of more affordable housing and they are pushing for that, not for people to get rid of it. She noted that it is one property [in the Village] and at most you can get 16, and that only if all that land is suitable. Mayor Knickerbocker commented that there are wet lands and rocks, plus you have power lines near by. The Village Attorney commented if you think of the value of that property and what someone would build there. You could put in other things.

Trustee Zachary commented that this came up in conversation about putting a moratorium on C1 and C2 areas. He wanted to know if the Chairperson of the Comprehensive Plan Committee had sent a letter to the Village Attorney. The Village Attorney advised that no letter was sent and that she was told that the vote was against the recommendation. Trustee Zachary said that was not correct. The Village Attorney advised that the Board needs a letter. Trustee Zachary commented that there are a couple of people on the committee who are vocally against it but that it seems to be generally supported. The Village Attorney noted that she has had a draft moratorium prepared for months now but she cannot do much with it. Trustee Zachary wanted to know whom on the committee she talked to. The Village Attorney advised that she talked to the committee members after the last meeting. Trustee Zachary said that there were 4 people. The Village Attorney advised that their Chairperson cannot vote if it creates a tie. So if he were taken out that might have made the vote 2-1 against. Trustee Zachary wanted to know if the Village Board was supposed to proceed with that moratorium. Mayor Knickerbocker advised that is something the committee can discuss the next time they meet. Each month there is a Master Plan Committee meeting. The Village Attorney wanted to know if this is still a topic of discussion. Trustee Zachary commented that it is moving frustrating slowly. There are a lot of issues.

Mayor Knickerbocker advised that we do not have to close the Public Hearing so if they are not satisfied it can be continued in August.

A MOTION to have this Public Hearing remain open until the August Village Board meeting was made by Trustee Jackson, seconded by Trustee Zachary with all in favor.

**b. 17-33 RESOLUTION SCHEDULING A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING CHAPTER 53 OF THE CODE OF THE VILLAGE**

Mayor Knickerbocker read the Resolution (*copy attached*). She advised that there are copies of this available in the Village Hall.

The Mayor advised that this concerns complaint enforcement penalties for offences. Speaking with the Police Department there seems to be a need to raise the penalties. There are repeat offenders and the current fees are low. The first fine is increased from \$25 to not to exceed \$50; second offence from \$50 or 2 days in prison to not exceed \$100; and the third offence from \$75 or 10 days in prison to \$150. Trustee Funchion asked if it always includes jail time. The Mayor advised that it is at the discretion of the judge. Trustee Zachary commented that this is showing the part on complaints and enforcement. It is not showing the part on the violations. He wanted to know what they are. Village Administrator Hay advised that there is a whole section in the Code on nuisances. The police use it when they answer a complaint. They felt that as a deterrent these fees were too low and outdated. Trustee Zachary wanted to know if this refers to a dog that gets off a leash or a dog that gets off a leash and gets onto someone else's property or one that gets off the leash and bites somebody. The Administrator advised that there is a whole list of nuisances that would be considered violations. Trustee Zachary asked if we can attach it to the resolution. The Mayor advised that this is just setting up a Public Hearing. All the Board members have a Code book.

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

**c. 17-34 RESOLUTION AUTHORIZING THE ENGINEER TO PREPARE SPECIFICATIONS AND FOR THE CLERK TO ADVERTISE FOR BIDS FOR SLUDGE REMOVAL**

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

The Mayor advised that this is something we do every year. It is to authorize the Village Engineer to prepare the specs.

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

**d. 17-35 RESOLUTION AUTHORIZING A GRANT APPLICATION**

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

Mayor Knickerbocker advised that this is a grant we got from State Senator Murphy. It is money to rehab our highway garage. The roof needs repair. She commented that we are fortunate to get this. They want to make sure we are definitely interested in receiving it. The estimated cost for repairs is approximately \$100,000. They want a guarantee that if it goes over that that the Village can cover it. Trustee Zachary thinks it is great. He appreciates Senator Murphy's and the Mayor's efforts on this. He thinks that if the Village has to spend \$20,000-\$30,000 to do over \$100,000 worth of work, this is work that has to get done. Trustee Jackson wanted to know if we have scoped out what needs to be done. The Administrator advised that we have. We have prices for the garage and roof. It is somewhere in that \$100,000 ball park. He has a whole stack of paperwork for the grant. It requires 2 authorized signers. The Mayor is the only one who can sign for the Village which is why we need this resolution. They are also looking for our commitment that we will put money toward the project if it goes over that amount. We are hoping it is around that number. Trustee Jackson commented that once this is done, we will be in better shape. Trustee Zachary wanted to know what if it comes in under \$100,000. The Administrator advised that they will only fund what it actually costs. The Mayor advised that we will be able to budget that in our budget next year.

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

**e. 17-36 RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE INSTALLATION OF "NO THRU TRUCK TRAFFIC" SIGNS**

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

Mayor Knickerbocker advised that we are setting a Public Hearing next month to discuss putting up signs on certain roads in the Village. We are seeing a lot of increased truck traffic. Village Attorney Porteus advised that she will look at the Code to define what a truck is because we are not looking to include pickup trucks. She advised that "through traffic" means from one end to another so local deliveries have to be accounted for. The Board needs to advise her and she will add the definition of "truck". Trustee Zachary wanted to know if this is meant to apply to tractor trailers. Trustee Jackson asked if it was by tonnage or axles. The Village Attorney advised that it is whatever the Board defines. Trustee Zachary commented that Village vehicles and local deliveries are exempt. He thinks that the size criteria have to apply to tractor-trailers. There are also box trucks like a moving truck that can be 26 feet long. Trustee Pasquale commented that most of the signs he has seen are by weight. Trustee Funchion noted 6,000 pounds. Trustee

Zachary commented that a pickup truck loaded with gravel is over 6,000 pounds. The Mayor commented that it has to be worked on to be more specific.

Trustee Jackson wanted to know if in the enforcement of this by the police the fines are set forth by the State. Trustee Zachary thinks that we have to establish that. The Village Attorney will look that up because it is under the Vehicle & Traffic Law, Section 39.

Trustee Zachary wanted to know what is the purpose of this. Trustee Funchion advised that it is to stop trucks from digging up our roads. He feels that we should not have trucks or tractor-trailers and big dump trucks using Tate Avenue. He thinks we should set it at 6,000 pounds because you have to cut it off at some particular point. He does not think that the police are going to stop someone with top soil in the back of their pickup truck but these tractor-trailers or big dumps with thousands of pounds in them should be. Trustee Zachary reiterated that some pick up trucks are 6,000 pounds. Trustee Funchion commented that the Village Engineer should be contacted about what weight affects the road beds. Trustee Zachary agrees that we have to figure out the weight of those vehicles. He does not think that 6,000 pounds is correct. The Mayor commented that she is seeing a lot of tractor-trailers and stuff from companies going on Bleakley Avenue. The Administrator will reach out to the Village Engineer. Trustee Zachary thinks it should include all dump trucks, tractor-trailers and tanker trucks.

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

**f. 17-37 RESOLUTION AUTHORIZING THE ADVERTISING OF A REQUEST FOR QUALIFICATIONS FOR ENERGY EFFICIENCY PROPOSALS.**

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

Village Administrator Hay advised that we had Siemens here who talked with us about ways to finance different projects through the guaranteed savings we could get. He put together an RFQ. He wanted to confirm that the Board wants to proceed. There is no monetary requirement for us at this point. It says in the RFQ that if we are not happy with any of the proposals that we can reject them. Mayor Knickerbocker commented that we will see what comes back and make decisions based on that information. She noted that Siemens talked to us earlier this year.

Trustee Zachary thinks that in philosophy efficiency is great. That is why we changed to LED street lights. But in terms of practicality, he thinks that the important thing is that whatever information we receive from them includes verifiable recuperation times. If we invest a certain amount to change thermostats for example, and the estimated recoup time is 50 years, we have to question how worthwhile it is. If the recoup time is 5 or 10 years, it is probably worthwhile.

Trustee Pasquale asked if they are going to look at the traffic lights. The Administrator noted that we have very few. They could look into it.

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

**g. 17-38 RESOLUTION AMENDING THE MASTER FEE SCHEDULE OF THE VILLAGE OF BUCHANAN**

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

Mayor Knickerbocker advised that this is with recommendations from our Building Inspector who looked at some of our fees and recommended changes. Trustee Zachary commented that the Board discussed this at a Workshop and he assumes it reflects what we discussed.

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

**h. PUBLIC HEARING: PROPOSED LOCAL LAW AMENDING CHAPTER 119 ENTITLED “NOISE” OF THE CODE OF THE VILLAGE OF BUCHANAN**

At 8:13 PM, a MOTION to open the Public Hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

Trustee Funchion read the proposed new Code (*copy attached*).

Mayor Knickerbocker advised that the change we are discussing is changing and coordinating some of the times. Currently, the times for lawn mowers, leaf blowers, etc. is from 8 PM to 8 AM. This proposed law will take it back one hour to 7 PM. Another will be no noise allowed from construction demolition, lawn mowers, etc. on Sunday changing from 8 AM to 10 AM. The Mayor noted no mini-bikes, motorcycles and things like that, either on or off road use on private property no closer than 200 feet to any residence. Trustee Zachary commented that is not referring to road use. It is referring to people using them in the back yards. He does not think that happens too much. The Mayor wanted to know if we want to leave in the term “raucous noises”. Trustee Zachary commented that it does not matter because people can always call and complain about loud or raucous noises that are disturbing them. He does not think it is an issue having it in the Code. The Mayor advised that she asked the Police Chief if there were any noise complaints within the hours referred to and he advised that there were not. The only noise complaint he gets are if people have a party or loud music.

Trustee Zachary noted that the current Code does not allow chain saws, lawn mowers and leaf blowers after 7 PM. The only significant change here is on Sunday mornings. He commented that you cannot kick up the engines until 10 AM instead of 8 AM. The second one is from 7 PM to 8 PM for mini-bikes, sno-mobiles and motorcycles operated on your property. It does not apply to vehicles on the road. He commented that maybe this was more relevant in the past when there were more open spaces in the Village.

The Mayor asked for comments from the floor.

Eileen Absenger, 138 Tate Avenue, is not in favor of the change from 8 PM to 7 PM. She thinks that it should be 8 PM in the summer time. She commented that she understands “quality of life”. She mowed her lawn on Monday night as a courtesy so there would not be any noise coming from her lawn mower in case there were any parties going on around her. She commented that she has big piece of front lawn that she keeps nicely cut according to the Code. She commented that working with the weather, the rain and a wet front lawn she has to challenge this proposed change for herself and for the people who do not get home until later in the evening. She commented that if they have something going on on a weekend, now they would not be able to do that before 10 AM. She feels that could be an imposition. She strongly suggests leaving this to be from 8 AM to 8 PM for her and others in the Village who need to be able to get their lawns cut and do not have a lawn service that can come in during the hours that would be allowed. She thinks that there are enough people who commute and do shift work.

Ms. Absenger commented that there are people in the Village who say that this Board is very self-serving. There are other residents who asked the library to abate the noise and change the lawn service. There are other people in the Village who complain about yapping dogs. She has a dog across the street that consistently barks when the deer are on her front lawn. She noted that could be up to 11 PM, at dusk or almost any time. It can be when someone walks by with their dog. It does not make a difference. Ms. Absenger commented that it is a beautiful German shepherd and she would not report him. He quiets down once the distraction passes. He is a great watch dog. She thinks that the Board has to take into consideration the entire Village and where people might work at least from Monday through Friday. She is not going to fight what the Board wants to do concerning the weekends.

Mayor Knickerbocker commented that personally she does not have a problem leaving it until 8 PM. She commented that she recalls when she was working and did not get home until 6 PM. Her neighbors always joked that she should get headlights on her lawn mower because she had to cut her grass at night because that was when she could do it. The Mayor reiterated that speaking to the Police Chief he had not seen any problem with this. She commented that everybody has a right to their opinions.

Trustee Zachary noted that the Code refers to construction demolition and chain saws, lawn mowers, leaf blowers and landscaping equipment. Lawn mowers are just one part of it. This Code which was 7 PM and still is 7 PM is referring to a lot of other equipment that is quite noisy. The Mayor understands and agrees with the construction demolition. Trustee Zachary commented that he does not want to be sitting on his deck at 6 PM listening to lawn mowers. The Mayor understands Ms. Absenger's comments. She thinks that maybe it should not have to all be bunched together. The Village Attorney advised that we do not have to bunch it together if the Board wants to change it. The Mayor would not have a problem of leaving out the lawn mowers. It is up to the Board. Ms. Absenger agreed that they do not have to bunch it together. She agrees that she does not want to hear demolition. She commented that she had guys come in today to do azalea bushes and the weeds out in the front. She heard the leaf blower which she understands. She commented that someone may sweep their curb but most people do not. Whether it is a landscaper or a home owner, they will have to get out that leaf blower to get that grass. She commented that is not done every day. She cited residents who were very conscientious and mowed their lawns 3 times per week and used a leaf blower. She agrees that leaf blowers do make noise but commented that as the day light starts to get less that people are not going to be able to go out as long. She commented that it is usually only once per week that the leaf blowers come out.

Trustee Funchion commented that we are talking about noise. He commented that he found that leaf blowers are the highest pollutants that we use to do anything. Yonkers has basically banned them for 4 months. He does not understand why but the exhaust from leaf blowers are high pollutants. They push up into the air all the chemicals that have been put down by gardeners and individuals. He commented that there are people with asthma and lung deficiencies who have to breathe this stuff. He noted that they give the pollen counts on t.v. He commented that Ms. Absenger's property is too big for an electric leaf blower but all the people who hire a gardener to do the work have property the size of this room. He remarked that it is easier to live next to an airport than to listen to all those leaf blowers. Ms. Absenger commented that she is not disputing that. She commented that she watched someone near Trustee Funchion's house coming down toward hers whose grass gets mowed right into the street. Then it gets blown off most of the time. She commented that the landscapers are also blowing into the street. They have to blow it back onto the yard or somehow take it off. She agrees that those are heavy duty leaf blowers. Her leaf blower does not do half that. But she does need one for where she lives. She commented that most people want to keep the leaves off the blacktop and their sidewalks. Concerning electric blowers, she bought a battery operated weed whacker. She gets 1 hour of use and has to get more batteries to continue. She commented that landscapers are doing this for a living. She commented that Yonkers is very condensed. She commented that we are condensed enough here. This village was founded on small properties that lived next door to one another. We had those rotary lawn mowers. People raked their leaves. They had compost or they burned them. You do not allow people

to burn leaves any more so you cannot go 4 months without leaf blowers in the Village. She noted that Croton does not ban them. They have an 8 AM to 8 PM, Monday through Friday. She wanted to know what the Town of Cortlandt has.

Trustee Zachary would be in favor of allowing the lawn mowers to go until 8 PM if we stop chain saws and leaf blowers at 6 PM. That would take 1 hour off the leaf blowers and chain saws and add 1 hour onto the lawn mowers to accommodate people who come home late from work. He commented that he would like to see restrictions on the noise but he does not want to hear the bigger culprits, the leaf blowers and chain saws. He does not want to hear them when he is having dinner on his deck. He is not concerned with leaf clippings on his driveway. He commented that when we stopped doing lawn clipping pick ups and everything went to mulching mowers, it is light stuff that washes away with the rain and the wind and dissolves into his lawn. He might occasionally use an electric blower to clean the driveway or sidewalk. Trustee Funchion agreed with Trustee Zachary's suggestion. Ms. Absenger does not agree because a home owner does not have an industrial leaf blower. She commented that if they want to stop the landscapers from using that it would be up to the Board. She commented that the regular leaf blowers are not as loud as the industrial ones. Her neighbor has one which is loud but she was glad he does when her leaves piled up and she could not figure out how to move them. Trustee Funchion commented that she is talking about the Fall. The debris in the summer time is pollutants. Ms. Absenger referred to Trustee Zachary's remarks and commented that the grass on his driveway is his grass but someone else may not want to leave the grass on theirs waiting for the wind and rain. She remarked where is the rain going to put that. Not on your lawn but into the road and into the storm drain with the herbicides and pesticides and all that. Trustee Zachary commented that was a moot point. Ms. Absenger disagreed. She commented that a landscaper was caught putting clippings in the middle of Tate Avenue. She told him he was not allowed to blow clippings into the sewer. Trustee Zachary commented that he has had the same experience. Mayor Knickerbocker advised that if anybody sees anything like that to call the Building Inspector or the Police Department because that goes right into the lake. Trustee Jackson commented that in terms of enforcement whether we change the time or not that begs the question of who is going to enforce it. Trustee Zachary advised that people have the right to make a noise complaint if they are disturbed by something. If nobody calls in a noise complaint, it is not bothering anybody. Trustee Jackson wanted to confirm that it is up to the police to come out and investigate. Trustee Zachary advised that is correct. He has made noise complaints and the police have come and dealt with it.

Trustee Jackson commented that concerning leaf blowers, we might want to take a look at it as a winter time thing as opposed to summer time with the later sunset. We might want to finesse the time for the leaf blowers to have different hours for Spring and summer. Trustee Funchion does not have a problem in the Fall and Spring. He commented that like Ms.

Absenger described, it is great to have a leaf blower for the leaves. He commented that it seems to him that the summer time is when all the chemicals are put in the lawns and that stuff is blowing up in the air. He agrees that there is a difference between the blowers used by the professionals versus home owners. He is sure that the industry is trying to contend with the issue of pollution. He commented that the pollution is real and it is very bad. He feels that leaf blowers are the highest polluting mechanisms made in this country. It is blowing stuff into the air including all the pet feces left around. He commented that many more people are out in the summer time than in the Fall or Spring. More kids are out in the summer. So he agrees with Trustee Jackson's suggestion. Trustee Zachary commented that except for the summer, you do not have the day light after 7 PM. Trustee Funchion commented that he has seen people use them in the dark.

Trustee Pasquale commented that when people use lawn mowers the leaf blowers follow. He thinks that you could cut the lawn until 8 PM but not use a leaf blower after 6 PM. He understands Trustee Funchion's point but he does not have a problem with people using leaf blowers. He commented that was one of the first pieces of machinery he bought when he moved here. It has been invaluable to him in getting rid of his leaves and cleaning his driveway.

Trustee Zachary noted that Ms. Absenger had mentioned about being courteous. He commented that the law is one thing but in general people have to be considerate of their neighbors. He commented that there are times when he was stuck and had to get the mowing done and so was out there late. Generally most people in the Village are the same. They try to be courteous about that. He commented that when the Board was considering this change, he asked the lawn service guy working next door how it might impact him. The man replied that it would not at all because he would never come out at those hours and bother people with all that noise. Trustee Zachary commented that for other people who are working for someone else probably the more they get done the more they get paid so they are under pressure and a schedule to get to the houses of all their clients. He commented that we must remember that no matter what the law is that we must practice as much courtesy as we can regarding noise and our neighbors.

Trustee Pasquale commented concerning enforcement that if you are using your leaf blower and nobody calls, then you are going to continue to use it. He wanted to know if whomever we give the enforcement responsibility to is driving by while you are using the leaf blower will you be issued a summons even though no one was complaining about it. The Mayor commented that if they are enforcing the law then they will issue a summons. Mostly they are generated by a complaint. Trustee Zachary commented that they could just tell the person to stop. He noted that the Code originally said 7 PM. We did not change that. The only significant change we made was to leave that quiet time on Sunday mornings. He commented

that if the Board wants to start playing with the times and breaking down the equipment and breaking down the seasons, that is fine with him but someone has to come up with something concrete. Trustee Funchion noted that the current Code says 7 PM and the intent here is to make Sunday morning an extra 2 hours. Trustee Zachary commented that because other things in the Code, like mini-bikes in your back yard, said 8 o'clock that it has generally been assumed by people that it is 8 o'clock because the Code is confusing. But for leaf blowers, lawn mowers, chain saws and construction equipment the current Code says 7 PM in and they are not being changed.

Mayor Knickerbocker asked if the Board was ready to vote. The Board indicated that they were. The Mayor asked if there were any further comments before the Public Hearing was closed.

John Mattis, Tate Avenue, wanted to know why the Board does not want to wait because there have been so many different comments. Trustee Zachary commented that he would not mind putting this off if somebody wants to make specific suggestions and needs a little time, but personally he is not going to do that. Mayor Knickerbocker commented that there are different things going on here, like different seasons. She asked how the other Board members feel. Trustee Funchion thinks that the intention was to have some more quiet. First we said Saturday and Sunday morning. Then we split the difference and just changed Sunday morning. He commented that now to have some quiet time on Sunday we are opening it up to noise at other times. Trustee Pasquale wanted to confirm that Sunday morning is still the only thing that we are changing.

Ms. Absenger asked if noise concerns were in the responses to the recent quality of life survey, and if so was it in the top 5. Trustee Zachary advised that quietness and quaintness in that sense were a top issue. He thinks there were few specific comments about leaf blowers, not a lot. He would have to check. Trustee Funchion advised that it was not specifically mentioned.

Ms. Absenger wanted to keep this Public Hearing open. She has no problem with the change to Sundays. But she thinks that because of everything else that was brought up that people watching this on t.v. may have more comments. She hopes that people will see it and agree that we do not need this summer time ban. Trustee Zachary commented that the Board talked about this at Public Hearings. He commented that people have access to these meetings, the minutes and access to t.v. Personally he thinks that we let things drag out, on and on waiting for new opinions. Mayor Knickerbocker commented that she wants feedback from our residents. Trustee Zachary commented that they had that opportunity. That is the purpose of Public Hearings. Mr. Mattis noted that this is the first Public Hearing [on this]. Ms. Absenger commented that that was done at a Workshop, not at a Public Hearing. Trustee

Zachary commented that was a public meeting. The Mayor said that we did just open the Public Hearing tonight. She commented that in hindsight maybe we should put something about Public Hearings like this in our Newsletter because not everyone watches these meetings on t.v.

The Village Attorney asked for clarification from the Board. She noted that we made one change, to 10 AM on Sunday mornings. She advised that if that was voted on tonight, that is the only change. If people in the community want to ask the Board to amend this to have later hours at other times, they can do that. That is not what the Board was doing here. Trustee Funchion agreed. We were only doing 2 extra hours on Sunday morning. He commented that people can come forward if they want to but that basically this is a Public Hearing on the change on Sunday mornings. He commented that if enough people want to come and talk about it again that is fine. He does not think that any other member of the Board has a problem with that. If we get a whole bunch of people asking to change from 7 PM to 8 PM that is something we should talk about. At this particular point, all we are talking about are 2 hours on Sunday morning. The Village Attorney advised that the way that this is now written it does not address those people who want the Board to allow lawn mowing until a later hour in the summer. This change is specifically addressing the other issue. She thinks that unless the Board is going to turn it into that they should re-advertise the Public Hearing and the draft of the proposed change would look very different. Trustee Zachary commented that there is only one intention of this, the change for Sunday morning. He commented that if it is an issue for people, if something else comes up pertaining to seasonal stuff or types of equipment and it needs to be revisited, we can do that. He thinks that the intent of more quiet on Sunday mornings was the result of the Board's conversations. He remarked that personally he is tired of things that drag on forever. The Mayor agreed. The Village Attorney commented that her advice is that if the Board is going to keep the Public Hearing open to let people know that the only change is not just to Sundays; that they are now opening it up to some kind of survey on what people want.

Mayor Knickerbocker polled the Board on if they were ready to go forward with the change to 10 AM on Sundays. Each Board member indicated that they were. The Mayor advised that we will close the Public Hearing. If people come forward, the Board will revisit it and re-open a Public Hearing.

At 8:48 PM, a MOTION to close this Public Hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

- i. 17-39 RESOLUTION AUTHORIZING THE ADOPTION OF LOCAL LAW NO. 2 OF 2017 AMENDING CHAPTER 119 ENTITLED "NOISE" OF THE CODE OF THE VILLAGE OF BUCHANAN**

Trustee Jackson read the Draft Local Law (*copy attached*).

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

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

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

- a) Justice Court Report – June 2017  
Received and filed. Mayor Knickerbocker commented that the court has been busy. They reported receiving almost \$9,000.00.
- b) Police Reports – May 2017  
Received and filed. Mayor Knickerbocker read the list of complaints (*copy attached*).
- c) Planning Board Minutes – April 20, 2017  
Received and filed.
- d) Attorney's Report:

Village Attorney Porteus reported on the White Street property. A letter was sent to the owner by Certified Mail. It was returned as uncollected by the addressee. Pursuant to the Village Code, the Village Administrator will place an ad in 2 newspapers for 4 weeks. There are very specific Code instructions on its content. We are assuming that no one will respond to that. 10 days after the last day of publication, it will come back to the Village Board to authorize the Village Attorney to make application to the New York State Supreme Court to deem this a public nuisance and direct that it be taken down. Mayor Knickerbocker advised that the owner is deceased. She noted that this is the White Street house we have been trying to take down. We are still in the process of trying to do that. It will now probably be a couple of months. The Village Attorney advised that it is a special application that is straightforward and should be fairly quick with the exception of the lien. The Mayor commented that the lien holders can come and do what they need to do and take it down if they are that concerned.

The Village Attorney reported that the AAA application for the second lot has been in the Planning Board for a few months. The Planning Board directed that a letter be written to them dismissing the application because they did not show up to move forward for 4 months. The Mayor asked if that means that they are no longer interested in developing that property. The Village Attorney advised that she did not know. Only that they are not before the Planning Board any more.

The Village Attorney reported on WIC. She spoke to the attorney a couple of times. WIC is also before the Justice Court. We are trying to get the Village Attorney, the Village Engineer, the Building Inspector, the owner of WIC and their engineer to sit down and finally put together a full site plan. The site plan is 15 years old and there were things that needed to be done. In the last 5 years a lot of other additional things have been done there. The Village Attorney commented that we have been trying to do that and she does not know how much luck we will have. The Building Inspector has been advised that we are either going to cite the owner weekly or get them in before the Planning Board to get it legal. The Village Attorney commented that this has been going on for a very long time but we are doing what we can. Other avenues opened up when the Planning Board said after 4 months that they were done.

e) Administrator's Report

Village Administrator Hay reported that in addition to what has already been reported on the White Street property, we are still waiting for the roof samples. They were taken about a week ago. The Building Inspector asked for samples because of the asbestos.

The Administrator reported that the sludge roof was installed at the Sewage Treatment Plant. It had collapsed 2 winters ago. We had to go through the insurance process and the bidding process. The Department of Health wanted changes to the roof and once we had the roof done they wanted the inside of the tank lined. The Administrator advised that the good news is that it is finished. Mayor Knickerbocker advised that the insurance covered it. The Administrator noted that the cost would have been over \$120,000.

The Administrator Hay announced that on July 14 the Village will be hosting the movie "Sing" at the pavilion. There will be free water and popcorn.

The Administrator asked that any information for the Village calendar or Newsletter is due by the 20<sup>th</sup> of the month to make sure that the Newsletter goes out on time. The Mayor noted that is to allow for the process of printing, folding and mailing. This month's Newsletter did go out on time and was received on July 1.

f) Mayor's Reports

Mayor Knickerbocker again asked residents to be considerate of their neighbors. She has had a lot of complaints about people walking their dogs on people's lawns and letting them do their business there and in the shrubs and flowers. When it says to curb your dog, keep your dog on the street side of the curb. People try to maintain their lawns and keep their properties nice. She asked people to be considerate and not have their pets do their business on other people's lawns.

Mayor Knickerbocker thanked the Peekskill Fire Department for the wonderful fireworks display on July 4. She was at Lent's Cove where we have a pretty good view of it. There was a nice group of people. A lot of families were there. You can see the fireworks pretty well from the parking lot. It is beautiful there on the water. It cost them \$45,000 between the fireworks and parade. They work hard. The City of Peekskill is talking about next year's funding and would like to keep the tradition alive. It is a benefit for all our local communities.

g) Trustee's Reports

Trustee Pasquale hoped everyone had a Happy 4<sup>th</sup> of July. He reported on something he noticed lately up and down Tate Avenue. There is a man who walks from Kings Ferry Road toward the Village Hall 2 or 3 times a week. He takes time to pick up the litter on the street. Trustee Pasquale thanks him for doing that. He commented that this man should not have to do that. Trustee Pasquale asked everyone to take their litter and throw it in the garbage.

Trustee Pasquale had the pleasure of attending the Veteran's barbecue at the pavilion. Town Supervisor Linda Puglisi did a great job. He is always happy to get to hang out with the veterans and listen to their stories. It is always a thrill. Trustee Pasquale attended the Seniors' Luncheon and swearing in ceremony for their officers. He enjoys hanging out with the Seniors. He has never missed it since he has been on the Village Board.

Trustee Pasquale commented that it is summer time and there are more people outdoors. He asked everyone to obey the speed limit. It is 30 miles per hour in the Village. Tailgating and crossing a double yellow line is reckless and dangerous. He commented that one of the good things about being retired is that he can sit in front of his house and observe a lot of things. He sees more of that on Tate Avenue and driving through the Village.

He wished everyone a nice July.

Trustee Jackson thanked the Town of Cortlandt for the ceremony and the placement of the Viet Nam Veterans' plaque several weeks ago. He encouraged everyone to go to the Town Hall and look at the plaque for those veterans and the 50<sup>th</sup> Anniversary of the Vietnam War. The keynote speaker was a Purple Heart veteran from Rockland County. His story was very inspirational.

Trustee Jackson reminded everyone to watch for the kids now that school is out. There are helmet laws and it is for their own protection and safety.

Trustee Jackson reported that the Historical Society will be doing their full Open House. No date has been set yet. They will be inviting the Fourth and Fifth Graders from the B/V School to the Historical Room at Village Hall for a tour and to get involved in the history of the Village.

Trustee Jackson thanked everybody for cutting their lawns adding with a smile, “whatever time you do it”. The Village looks great. Everybody takes great pride in their upkeep and he asked that they continue in that spirit. He reminded everyone to curb your dog and do not throw their dog poop in the storm drains. If you see trash lying around, pick it up. Everything that goes into the storm drains goes into the lake.

Trustee Jackson commented that anything you see in the Village, feel free to contact the Trustees, the Mayor or the Police Department. We are all in this together. It is a beautiful community and we will continue to keep it that way.

Trustee Funchion was at the ceremony for the Vietnam veterans memorial. The keynote speaker had a really big impact on the crowd after the man described what he went through in Vietnam where he lost his leg and his arm was badly damaged. It was a time frame of many people here on the Board. We lost 58,000 people. It had a big impact. It was a very nice ceremony that the Town Supervisor put together.

Trustee Funchion attended the Seniors’ Luncheon with the Village Board. The Seniors are a great group of people.

Trustee Funchion he attended the Cortlandt committee dealing with the Entergy crisis. State Senator Murphy’s aide, Mr. Finnegan was there. He was very good. Senator Murphy wanted to be an observer on the State task force. He feels that too much emphasis was placed on replacing power and not in talking about the jobs and tax problems for the affected communities. Trustee Funchion commented that one speaker, Tim Carey, got up and started talking about replacement and that we do not have the energy to replace this or that. Trustee Funchion commented that in combination with what several other people said, the problem is going to be New York City. He commented that they can take that burden upon themselves. We have a problem with taxation and loss of jobs. Our committee should be talking about that, not where the energy is going to come from. He commented that if all the lights go out Buchanan is very small compared to the rest of the metropolitan area. George Oros represented County Executive Rob Astorino. Trustee Funchion commented that he went off on a political diversion talking about how the County Executive was suing the State and if this had been done the right way. Trustee Funchion commented that he got disgusted because it became a political forum. He feels that this should not be political. This is our livelihood, our homes and our jobs. He did not want to be with people who want to make it into some political forum because they are running for this or that office. He thinks that Senator Murphy said it right when he said let us stop talking about all that stuff and talk about the reality of the jobs. These meetings will be on a hiatus until September. There are various subcommittees. He noted that Mayor Knickerbocker established our own committee. He feels that based on what we have seen with the PILOT program, we as a small community are much more successful going along with that. He thinks that we have to look out for ourselves first. He commented that it is nice to be on these committees to hear what they have to say but if the last meeting is any indication, it is a waste of time because it was a political

session. He thinks that the members on it are great. They are community people. He wishes that the politicians would stay away so work can get done.

Mayor Knickerbocker commented that is why we are establishing Buchanan 2021. We have specific needs and goals which need to be addressed. She thanked Trustee Funchion for going to the meeting.

Trustee Zachary thanked the Board members for going to the meetings. He commented that sometimes it is thankless. Everyone puts in the time that they can. He thanked them for their efforts. We have a lot of work to do. We have done a lot. A lot of things keep getting discussed and dragged out. It slows down in the summer because of vacations and personal things that need to be done. There will be no Workshop in July. We will have the meeting in August. He commented that hopefully we can start tackling some of these things. We have many things that have been brought up. He commented that the noise issue was discussed for a few months. We have the trailer law that we have been discussing for a year. He is hopeful that we can decide what we are going to do with that and get that going.

Trustee Zachary wished everybody a happy summer. Hopefully it is a positive time. He encouraged people to get outdoors. Get out and hike the trail at Lent's Cove Park. We have a great park there. We have Blue Mountain, George's Island and Croton Point Park, a richness of places around us to get to the outdoors. It is beautiful. He encouraged people to do some active stuff like kayaking.

Trustee Zachary thanked the Seniors. He was at their luncheon. It was a lot of fun. It is a great group of residents. They are great people.

Trustee Zachary announced that the Comprehensive Plan Committee Meeting will be held on July 18 at 6:30 PM at the Village Hall. They lost a few members. If anybody is interested in getting involved they should reach out to Mayor Knickerbocker or the Village Administrator. Contact the Village office. It is a public meeting. People can listen in.

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

None.

## **7. EXECUTIVE SESSION (Personnel Issues)**

Mayor Knickerbocker wished everyone a great Buchanan Day.

At 9:16 PM a MOTION to enter into Executive Session was made by Trustee Funchion, seconded by Trustee Jackson with all in favor

At 9:47 PM a MOTION to exit Executive Session was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

**8. ADJOURNMENT:**

At 9:48 PM a MOTION to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.