

Village of Buchanan
Mayor & Board of Trustees Meeting
November 5, 2019

PRESENT:

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Duane Jackson, Cesare Pasquale and Nicolas Zachary
Interim Village Administrator/Treasurer Marcus Serrano
Village Board Secretary Susan F. Matthews
Village Attorney Stephanie V. Porteus
Police Chief Eric Johansen
Village Clerk Cynthia Kempter
Highway Foreman Bobby Wheeler

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:30 PM. She led the Pledge of Allegiance and informed everyone of the fire regulations. The Mayor noted that she would comment further about fire regulations later in the meeting.

2. APPROVE MINUTES:

August 6, 2019 Village Board meeting: a MOTION to adopt these minutes as read was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

August 27, 2019 Workshop: Trustee Zachary corrected Page 4, second paragraph to change “permitted by” to permitted are”. Mayor Knickerbocker corrected the amount for the grant to \$125,000. A MOTION to adopt these minutes as corrected was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson abstaining as he was not present at that meeting.

September 3, 2019 Village Board Meeting: a MOTION to adopt these minutes as read was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

October 1, 2019 Village Board Meeting: a MOTION to adopt these minutes as read was made by Trustee Zachary, seconded by Trustee Jackson with all in favor and Mayor Knickerbocker abstaining as she was at a conference in North Carolina.

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

None.

4. NEW BUSINESS:

a. **19-43 RESOLUTION AUTHORIZING THE PURCHASE OF A WATER TRUCK.**

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

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

b. **19-44 RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE AND LOCAL 456.**

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

Mayor Knickerbocker advised that there are two sections to the agreement. All our current employees were hired prior to June 1, 2019. She read the annual salaries. Laborers start at \$45,000. MEOs get \$97,387. Our Highway Foreman gets \$108,278. Our wastewater treatment plant operator gets \$108,278. Salaries will go up every year with the new contract. There are more steps now. It will take longer to get the top MEO pay. She believes that currently there is only one employee not in the MEO category. There are two Laborer positions in the Highway Department that are available for which we will be hiring someone in the near future. The Highway Foreman has the list narrowed down. Most of the Village Board have seen the resume's. After the meeting they will be going into Executive Session to discuss personnel issues.

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

c. **19-44 RESOLUTION ADOPTING A CYBER BREACH NOTIFICATION POLICY.**

The Resolution was read by Trustee Zachary (*copy attached*).

Village Attorney Porteus explained that the new law expands the Village's requirements for protecting personal and private data. There are specific notification requirements in case of a breach. Our computer person will make it ready and insure that we have disaster backup recovery. Village Attorney Porteus suggested training for the staff and Administrator and anyone using the computers because it is a requirement. She recommended waiting until our new Administrator comes in. The primary person is our Village Clerk. This policy takes effect in March. It supplements an earlier policy. There has to be a committee to implement it. There has to be one person responsible for notification should a breach happen. The Village Attorney recommends that it be the Village Administrator.

Trustee Zachary commented that this is a standard thing in any type of business, not just governments and municipalities. There are the people's personal information - names, addresses and Social Security numbers that we collect for taxes, etc., so we have to have that. There are

different levels of action required here depending on how many people are affected. This is true in any agency that documents your personal information.

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

d. 19-45 APPOINTING A POLICE OFFICER

The Resolution was ready by Trustee Pasquale (*copy attached.*)

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

e. 19-46 RESOLUTION APPOINTING INTERIM VILLAGE ADMINISTRATOR/TREASURER AND AUTHORIZING THE SUBMISSION OF A 211 WAIVER TO THE NYS CIVIL SERVICE COMMISSION.

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

Mayor Knickerbocker noted that our previous Administrator left in the middle of July. The Board has been searching for a new Administrator since then. It got down to a final two candidates. Both were qualified and the Board was comfortable with both. Mr. Serrano has more experience. The Mayor is certain that he will be able to help our Village with our biggest challenge. He has a strong financial background and 34 years of experience. The Board looks forward to working with him. The Mayor commented that the financial challenges are going to be interesting. Next April, Entergy is scheduled to close Unit II at Indian Point. It will be our introduction to his work. She told Mr. Serrano that we appreciate him coming aboard to guide us through these financial challenges.

Trustee Zachary wanted to know what the legalities of the Section 211 Waiver are. Mayor Knickerbocker explained that the 211 Waiver is for the New York State pension system. Mr. Serrano was in that system. Therefore he cannot make more than \$30,000 per year. That is the standard. When you ask for a waiver, the person will be able to make more than that. There are a lot of questions on the form to obtain the waiver, such as needs and qualifications. It has to have Village Board approval and has to be submitted to the State. If you look at it on “See Through New York”, you can see the people who have gotten waivers from the State when they are retired and then go into another position. Trustee Zachary asked if we can pay him the stated salary while we are applying so that we do not have to wait. Village Attorney Porteus advised that it is a limitation on Mr. Serrano’s pension benefits and salary. It is yearly so you can do \$30,000 in 2019 and again in 2020.

Trustee Jackson commented that timing is everything and important in this case. We have a candidate who will be able to hit the ground running. He feels that with the decisions that will be made going forward it is fortuitous in the history of the Village that we have an experienced person

who is going to be able to right the ship and put it forward. He welcomed Mr. Serrano to the team and looks forward to working with him. Mayor Knickerbocker welcomed him to our Village. She noted that we have a good team with Cindy and Sharon in the Village office. She knows that Mr. Serrano will be happy to work with both of them. Trustee Pasquale commented that he went over Mr. Serrano's resume . It is 4 pages long. His experience is a benefit and we are very lucky to have him. Trustee Pasquale commented that Mr. Serrano is very personable and will be a big asset to the Village. He welcomes him. Trustee Zachary added that the Board interviewed a half dozen or so candidates. There were 2 who would have been very good and done a great job. Trustee Zachary advised that he is going to vote "no" on this Resolution. Trustee Zachary noted that he had nothing personal against Mr. Serrano. He is voting "no" in support of the other candidate who was qualified and was put through 3 interviews. That young man is the candidate he would have liked to hire. Trustee Zachary commented that he is happy to have Mr. Serrano here.

Mayor Knickerbocker advised that the Board was going into Executive Session following this meeting and they would like Mr. Serrano to be there.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Pasquale with Mayor Knickerbocker and Trustees Funchion, Jackson and Pasquale in favor and Trustee Zachary opposed. The MOTION was approved by a vote of 4-1.

Marcus Serrano thanked the Village Board for their time and consideration and said that it is a great opportunity and an honor to serve the public and the Village Board. He knows how important the public trust is to our Village Board. He has watched the videos of the Board's meetings from the past 2 years. He said that they would have his 100% dedication and the public's trust. He commented that he went into government to serve the public and serve the residents. He understands the difficulty the Village is facing with the closing of the nuclear plant. Mr. Serrano commented that when he worked with Police Chief Johansen in Peekskill there were a lot of issues, such as Resco. He brings experience in negotiations which he feels can help the Village Board. He has been working with the staff here in the Village. Cindy Kempter has been there for him 100%. He commented that it is great to have a person like her in the Village and he sees that she does a great job.

Mr. Serrano introduced his wife. She is his partner and advisor. He commented that she knows it is 24 hour work and that it does not stop. She has been very understanding. She works in the Town of Yorktown. He introduced his mother-in-law, Serena Gomez, who he described as being like his second mother. At this point he spoke to her in Spanish because she does not understand much English. Mr. Serrano commented that he is going to hit the ground running. He is available whenever we need him. He thanked the Board. He commented that he and the Board are going to work very hard. He thinks that they will be happy that they made this decision. He is very dedicated.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Court Report – September 2019
Received and filed.

Mayor Knickerbocker noted that amounts received were \$4,901 and \$900.

- b. Police Reports – September 2019
Received and filed.

Mayor Knickerbocker noted that there were 26 calls for service; 62 moving summons, 17 vehicle & traffic investigations, and 10 medical assistance.

In response to Trustee Zachary, Police Chief Johansen advised that the 26 calls for service is a total. Trustee Zachary asked about the nature of the noise complaints. Chief Johansen advised that over the last month there were a couple of parties at late hours and that is what the complaints were about.

- c. Zoning Board Minutes – August 14, 2019 & September 11, 2019
Received and filed.

Trustee Funchion cited the September report where the applicant on Bannon Avenue where the person is going to be transferring firearms. He noted that on the application the applicant stated that there would be no firearms. Trustee Funchion believes that people have to bring the firearms to his office to be registered which means that there would be firearms coming and going to that address. He does not think it was presented that way. Trustee Funchion is concerned. He does not know if we should be approving it because he feels that we did not have all the information. If people are going to be going into and out of that domicile with the firearms, he does not think that is in the jurisdiction of the Zoning Board. Trustee Zachary thinks it might have been in the Village Board minutes from when he first came. He thinks that a home office is not in the jurisdiction of the Zoning Board. It is under the Planning Board.

Village Attorney Porteus advised that the applicant was asked and he disclosed that people would be bringing firearms. Trustee Zachary noted that is not what the applicant said originally. The Village Attorney advised that this is a Zoning Board matter. There will be a Public Hearing on November 13.

- d. Attorney's Report:

Village Attorney Porteus welcomed Mr. Serrano and looks forward to working with him. Everything else she had was for the Executive Session.

- e. Mayor's Report:

Mayor Knickerbocker noted that she points out the emergency exits at the start of every meeting. The reason why recently hit home for her. When she was at the Decommissioning Meeting in North Carolina, the fire alarm went off. Everybody just kept sitting there, unsure if it was really an emergency. She said she was not going to wait to find out if it was a drill or real. They opened the doors and the room was filled with smoke. There was an active fire in the restaurant next to the hotel. Everybody got out okay. There was nothing but smoke but they were close to the exit. Mayor Knickerbocker advised that if a fire alarm goes off, do not hesitate. Get up and get out of the building right away.

Mayor Knickerbocker reported that the Nuclear Decommissioning Meeting was very intense. There were several different meetings. Some were best practices of Citizen Advisory Panels from different locations which was interesting. They got into new and different technologies for getting rid of spent fuel. The Mayor talked with one person who advised that what they do is to bore very deep into the ground so that earthquakes, etc. would not affect it and bury it. The Mayor advised that it not something we are going to be interested in. We are looking for the government to remove it from the site. They talked about all the different plant closings and their experiences. It was very informative. She is glad that the Board approved of her going to get more education on what we are going to be facing.

Mayor Knickerbocker reported that the Halloween Parade was wonderful. It was a great day. The kids in their costumes were all excited. Our Recreation Supervisor did a great job. Everyone was happy even, the Mayor joked, the “big kids” like herself.

Mayor Knickerbocker reported that she does not have good news concerning Route 9A. The State had said that they would be repaving Route 9A from Welcher Avenue to Croton. The Mayor advised that blacktop and paving are dependent on weather and temperature. It is getting late in the season. The State has now postponed this to the Spring of next year. The Mayor commented that we are not happy. The road is not in good shape. It is a State road and out of our hands. She does not know if there is anything they can do. In reply to Trustee Zachary, the Mayor advised that the State did not contact her. She learned this from other sources. She commented that there is a silver lining. We have the potential of getting a \$50,000 grant through Assemblywoman Sandy Galef for things that are near the State roads. There is a span of sidewalks that we can do. Assemblywoman Galef knows about it. We just have to submit the application. The Mayor has spoken with our Village Engineer. Hopefully we can get that in before we pave so that we are not digging up the road after they do. Hopefully we can look at the entrances to Rockledge Avenue and Catherine Street to see if there is some way to smooth them out before winter comes.

Trustee Zachary noted that we had a proposal to take over parking enforcement between Bleakley and Tate Avenues from the State. We were holding off so they could do the paving. He asked to discuss this at the next Workshop. The State told him about 4 weeks ago that they would be starting within a week or two at that time. They said they would put

up “No Parking” signs there. He suggested that we could reach out to the State to coordinate. The Mayor thinks that it was held up because the State was not happy with the contractor who did the piping under the ground which Con Edison had to redo.

f. Trustee’s Reports:

Trustee Pasquale reminded everyone that Monday, November 11, is Veteran’s Day. It is important to remember and be thankful for our veterans and all they do for us. He thanked the Fire and Police Departments for their high visibility on Halloween, driving around the Village and keeping the kids safe. He wished everyone a Happy Thanksgiving.

Trustee Pasquale reported selected information from the Police Report: On September 16 at 9:30 AM, Officer Tiernan stopped a driver for speeding through the school zone. The driver had a suspended license and was arrested and charged. On September 19 at 2:46 PM, Officer Budde responded to a call regarding a dispute at a local business. He was able to de-escalate the situation. On September 23 Sergeant Farrell participated in a lock down drill at the B/V School. He worked with the staff to ensure and maintain safety and security at the school in the event of an emergency.

Police Chief Johansen reported that on Halloween, Detective Loertscher and Officer Palmietto handed out candy. Detective Loertscher got the Buchanan PBA to donate candy starting last year. Chief Johansen appreciates the PBA for their actions. He commented that it is a great way to introduce our police officers to our community in a positive way. They made sure everybody had a safe and happy Halloween. We had zero incidents. The Chief got a lot of positive feedback.

Trustee Zachary encourages this community pride. He commented that we see it with our Beautification Committee. He encourages the Village Board to keep doing what we can to keep up the appearance along Route 9A and at Lent’s Cove Park. He feels that beautification is a source of pride in the Village. He thanks those people who go out of their way to keep it clean.

Trustee Zachary reminded that today is Election Day and if you did not already, to go out and vote. He commented that no individual rain drop considers itself responsible for the flood. Each vote counts.

Trustee Zachary is looking ahead to the Workshop. He proposes changing the routine. He commented that we often have a backlog and cannot get through things at the Workshop. He proposed going to two Workshops each month. One would be a week prior to the regular Board meeting to discuss only those things and the resolutions to be done at the next Board meeting. A second Workshop would be to discuss new items. He commented that a lot of things get tabled. He is very frustrated. Mayor Knickerbocker commented that there has been so much that has been going on. We are usually busy with our meetings. There are things that she knows that we need to spend more time on. She would like to bring in the

Building Inspector and Village Engineer. At the next Workshop the Beautification Committee is coming in to talk about Earth Day.

Mayor Knickerbocker reported that at our last Workshop a company came in who was interested in coming here with a proposal for part of the Entergy property and part of the Town of Cortlandt property. She and Trustee Zachary had the same reaction when they heard “windmills”. They were both not in favor. The Mayor said that the man explained what they were doing. New York State wants to do 50% renewable energy by 2030. A part of that are windmills. What this company would do is assemble windmills, put them on a barge and send them down the river to where they are going. There would be no windmills operating on the property, only being assembled there. They understand that we do not own the property but that we are entertaining ideas if it does become available. Trustee Zachary explained that these windmills are 700 feet long. They have to be moved on flat ground on a new pier that is built. He noted that the Entergy property is not suitable because it is not flat. So they are looking at the property where the Town of Cortlandt is looking to do a recreation complex and some of the Con Edison property behind it. He noted that there is a quarry there and easements that would be required. He commented that we have to keep an open mind.

At the next Workshop Trustee Zachary would like to get back to the Siemens discussion. There are issues with the pricing and things to look into. Also the Board had discussed masonry planters and signs at the entrances to the Village. The Beautification Committee wants to talk about an Earth Day Celebration.

Trustee Zachary commented that for those who are concerned about real estate prices and home sales with the nuclear plant closing, there are only 4 houses for sale in the entire Village. People are gobbling them up and holding onto them. There is no problem with real estate. The Mayor noted that one of her neighbors recently sold their home for \$500,000.

Trustee Funchion reported that on October 10 he attended a meeting sponsored by Riverkeeper on the whole situation with the nuclear plant. They had a video hook up with plants in California, Massachusetts, New Jersey and Illinois. It was informative. Trustee Funchion got the impression from other plants that are further along with this than we are that the general consensus is that the NRC works more for companies and not for the people where the plants are. They talked about the physical move of the actual spent fuel. A man in California, a retired Rear Admiral, described how when the spent fuel there was being moved that it almost dropped to the ground. If the fuel is to be moved, it needs to be very closely monitored not only by nuclear engineers but by financial experts to make sure that the company doing it is not going to run out of money. Trustee Funchion learned that the fund for closing the nuclear plants is not for the storage or movement of the nuclear fuel. It is dedicated only to closing it.

Riverkeeper is not happy with the Mayor's Citizens Advisory Board. Riverkeeper thinks that they should be the lead in all of this. They want to keep the spent fuel on the property. They do not want it moved. Trustee Funchion believes that in our community we want to get rid of it so that the property can become useable again. Riverkeeper compared our Citizens Advisory Board and another one which Trustee Funchion found to be one sided. They tried to portray that many of the companies involved in these closings had corruption problems and financial problems. Trustee Funchion's feeling is that Riverkeeper wants to be involved but were very hypocritical because they did not involve us when they started out. We had to find out through the newspapers, radio and television. He commented that we are the most affected by this. Trustee Funchion sees it that we are working in two different ways. They want to keep the spent fuel on the property and we want to get rid of it as fast as possible. He feels that Riverkeeper is no friend to our community. They want monies to buy more riverfront land and are more interested in fish than human beings.

Trustee Funchion reminded everybody to remember on Veteran's Day the veterans who came back from war. Their war is still going on. He feels that this country has a problem with accepting mental illness as being a disease. It is not only the men and women who have come back suffering post-traumatic stress disorder (PTSD), their families also have to deal with that. He commented that there never seems to be enough done for the veterans. He is sure that many of us get solicitations in the mail to donate to this or that veterans' group. He does not understand why the government is not responsible for supplying all the needs of the veterans in our country.

Trustee Funchion wished everyone a Happy Thanksgiving. Most people will be getting together with their families and friends. It is a joyous time. There are people who are alone, including veterans, and we should think of them. There are very good people in the Village who look after the people that are alone.

Mayor Knickerbocker appreciated Trustee Funchion's representing us at that Riverkeeper meeting. She will have another Coffee With The Mayor next month as another way to update residents on what is going on. She commented that it needs to be understood that the people in Riverkeeper are anti-nuclear people. They have an agenda. They do not care about this community and have not from the beginning. We were not even given a thought. There was no plan for the community. They wanted the plant closed. The plant was closed. Now they still want to tell our community what to do, how to live and what is in our best interest. The Mayor commented that is why the Citizens Advisory Panel was formed. It is about the community. This is our home and will continue to be our home after the plant closes. Riverkeeper is very anti-NRC. The Mayor commented that the NRC is the governmental agency responsible for the decommissioning and the radioactivity of everything on the site. She commented that we may or not have issues but we cannot go around condemning everyone. She said to remember that neither the Citizens Advisory Panel nor all these anti-nuclear people are nuclear experts. The Mayor commented that if she had to listen to someone it would be to someone who has worked in a nuclear plant and

has an engineering background. She noted that Riverkeeper brought up California. She commented that is why we are proposing to keep the current employees here because who knows the plant better. Who better to move the spent fuel out of the pool, out of the reactor into the pool than the people who have been doing it for years and have the experience and the knowledge? As for financial experts, the Mayor commented that it is difficult for them to run out of money because the NRC keeps watch over the money. The cost to decommission 3 plants is now at \$1 billion. If we get to the point of running out of money, they will put that plant into a safe store until that fund builds up. In another month they will have the Post-Shutdown Decommissioning Activity Report which will be the road map for how Indian Point will be decommissioned. It will show how much the projected cost will be. She appreciated Trustee Funchion going to that meeting.

Trustee Jackson noted that when we first got word of the plant's closing and the outlook for what was going to happen to our community, a lot of people were running around with alarm. Trustee Jackson commented that as he said then and says again now, our location, our services, our proximity to the upper Hudson Valley and New York City is a valuable commodity. He thinks that is borne out by Trustee Zachary's report on the number of houses for sale and the prices they are selling for. That bodes well going forward. He commented that our services are magnificent. Who has twice weekly garbage pick-up today, recycling pick-up and all the services we are offering. We are going to keep those services to our residents.

Concerning the Workshops, Trustee Jackson thinks that our new Administrator and his vast experience will be a fine addition. We welcome his input. We will continue to work on re-vamping the zoning and the financial situations we have going on.

Trustee Jackson commended the Buchanan Fire Department, the first responders. He went out on a call today. His hat is off to our young people in the Buchanan Cadet program for their help in maintaining the different apparatus and their service to the community. On November 10 Trustee Jackson has been asked to participate in a pre-game ceremony at the Giants-Jets football game to honor First Responders and veterans. They are going to have 75 veterans and First Responders out on the field raising the flag. The game starts at 1 PM.

Trustee Jackson wished everyone a great Thanksgiving. Remember Veterans Day on November 11. He commented that freedom is not free. It never has been and we should keep that in mind on Election Day when we come out to exercise our freedom by voting. It does not matter how you vote. Being involved is the strength that holds the Village and this country together. He will go head to head with anybody who wants to say differently. He thanked everyone for their participation.

6. COMMENTS FROM THE FLOOR:

Eileen Absenger, 138 Tate Avenue, commented on an article about Indian Point in Westchester Magazine. It included comments from a person from Riverkeeper. They mentioned Holtec. It is not very positive concerning their finances and all the rest of it.

Ms. Absenger asked about damage to the wall around the clock at the Village Circle. Police Chief Johansen advised that it was an accident involving a young driver who failed to negotiate the turn. He said that an animal got out in front of him. His insurance company is responsible for repairing the damage. The Mayor advised that it will be repaired before the winter. We are waiting for the insurance company. Ms. Absenger commented on a very large 18-wheeler, a long freight hauler, going around the Circle and down Tate Avenue instead of going down White Street. She does not know where he was coming from or going to but he was presumably unfamiliar with the Village. Mayor Knickerbocker speculated that it might be from Continental. Their GPS sends them to Bleakley Avenue but the sign at Bleakley Avenue says no 18-wheelers so they drive past it and end up on the Circle. Ms. Absenger noted that this one was coming from Kings Ferry Road.

Ms. Absenger commented that the deer are going into rut. They are not just in the woods here. They are in our neighborhoods all over the Village. She has several bucks and does crossing her lawn. She reminded everyone to watch for and be careful of deer crossing the road. If you see one there are others close by.

7. EXECUTIVE SESSION:

At 8:47 PM a MOTION to enter into Executive Session to discuss personnel matters was made by Trustee Jackson, seconded by Trustee Zachary with all in favor.

8. ADJOURNMENT:

At 9:35 PM a MOTION to exit Executive Session and adjourn the meeting was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.