

**Village of Buchanan  
Mayor & Board of Trustees  
Organizational/Regular Meeting  
October 6, 2020**

**PRESENT:** (This meeting was done via zoom and zoom audio)

Mayor Theresa Knickerbocker  
Trustees Richard A. Funchion, Duane Jackson, Cesare Pasquale and Nicolas Zachary  
Village Administrator Marcus Serrano  
Village Attorney Stephanie Porteus  
Village Clerk Cynthia Kempter

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:30PM. She led the Pledge of Allegiance.

**2. READ RESULTS OF THE SEPTEMBER 15, 2020 VILLAGE ELECTION:**

Mayor Knickerbocker read the results of the September 15, 2020 Village Elections.

**For Mayor: (2 year term)**

Theresa Knickerbocker (D) (Res)	72
Robert Lupica 52	

**For Trustee: (2 year Term)**

Richard Funchion (D) (Res)	86
Nicolas Zachary (D) (Res)	83
Jeremy Basso	4
Sean Murray	3
Michael Wenz	3
Robert Lupica	2
Harmen Bakker	1
William Heady	1
James McHale	1
George (Moe) Merritt	1
Silas Santos	1
Michael Scott	1

**3. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED OFFICIALS:**

Mayor Knickerbocker was sworn in by Attorney Stephanie Porteus. Mayor Knickerbocker reminded us that when any public official takes this oath they are supporting the Constitution of the United States and the Constitution of the State of

New York. Deputy Mayor Funchion was sworn in by Mayor Theresa Knickerbocker. Trustee Zachary was sworn in by Village Administrator Marcus Serrano.

**4. APPOINT DEPUTY MAYOR:**

Mayor Theresa Knickerbocker appointed Trustee Richard Funchion as Deputy Mayor.

**5. 2020-26 RESOLUTION ESTABLISHING MEETING DATES, ADOPTION OF RULES OF PROCEDURE AND OPEN MEETINGS LAW, DESIGNATING VILLAGE DEPOSITORIES DESIGNATING OFFICIAL VILLAGE NEWSPAPER, ESTABLISHING THE MILEAGE ALLOWANCE RATE FOR REIMBURSEMENT, ADOPTING VILLAGE PROCUREMENT POLICY, AND AUTHORIZATION TO ATTEND CONFERENCES AND SEMINARS.**

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

**ESTABLISH MEETING DATES, SPECIAL MEETING PROCEDURES AND ADOPTION OF THE RULES OF PROCEDURE AND THE OPEN MEETINGS LAW:**

1. **Regular Meetings:** Pursuant to Section 4-412 of the Village Law, the regular meetings of the Board of Trustees to be held on the 1st Tuesday of each month commencing at 7:30 p.m. Where holidays shall fall on the day of a meeting, the meetings will be held the next day following the holiday. The meetings shall take place at the Municipal Building. The Board of Trustees Workshop Meeting is to be held on the 4th Tuesday of each month commencing at 7:30 p.m. and will also take place at the Municipal Building.
2. **Special Meetings:** Special Meetings will be held when matters of business warrant and shall be called by either the Mayor or by two of the Trustees of the Village of Buchanan acting together. In the event of a special meeting being called the Mayor, every member of the Board of Trustees shall be informed by telephone by the Village Clerk or another member of the Board of Trustees of the date, time, location and subject of the special meeting, and unless the meeting is called to respond to an emergency concerning the safety and welfare of the Village, notice of the meeting shall be given to the Trustees and newspapers, and posted on the Village notice boards at least 72 hours in advance of the meeting, and otherwise in conformance with the Public Officers Law.
3. **Quorum:** A quorum shall be required to conduct business. A quorum of the five (5) members Board of Trustees shall be three (3). In the absence of a quorum, a lesser number may adjourn and compel the attendance of absent members.
4. **Executive Sessions:** Executive Sessions shall be held in accordance with the

NYS Public Officers Law Section 105. All Executive Sessions shall be commenced at a public meeting.

5. **Voting:** Pursuant to Village Law each member of the Board shall have one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power is necessary to pass a matter unless otherwise specified by State Law. An abstention, silence or absence shall be considered a negative vote for the purpose of determining the final vote on a matter.

6. **Guidelines for Public Comment:** The public shall be allowed to speak only during the Public Comment period of the meeting or at such other time as the presiding officer shall allow.

Speakers must step to the front of the room and speak into the microphone.

Speakers must give their name, address and organization represented, if any.

Speakers must be recognized by the presiding officer.

Speakers must limit their remarks to three (3) minutes on a given topic, and may be recognized again by the presiding officer after other speakers have had an opportunity to speak.

Speakers may not yield any remaining time they may have to another speaker.

Board members may, with the permission of the Mayor, interrupt a speaker during their remarks, but only for the purpose of clarification or information.

All remarks shall be addressed to the presiding officer.

Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste which include refraining from offensive, insulting and threatening speech directed toward any person present or not present.

Interested parties or their representatives may address the Board with written communications. Written communications shall be delivered to the Village Administrator/Clerk.

7. **Open Meetings Law:** Pursuant to the Public Officers Law, the Board of Trustees hereby adopts the requirements of the open meeting law and hereby adopts the notice requirements of the Public Officers Law as the official procedure of the Board of Trustees.

8. **The next Organizational Meeting will be held on April 6, 2021.**

#### **DESIGNATE VILLAGE DEPOSITORIES:**

Pursuant to Section 4-412 of the Village Law, that the JP Morgan Chase Bank, 2003 Albany Post Rd., Croton-on Hudson, NY, the JP Morgan Chase Bank, Peekskill, New York and Orange Bank & Trust Company, 2141 Crompond Road, Cortlandt Manor NY 10567 be designated as the depository of the Village of Buchanan, NY, and that funds of the Village be deposited in said bank and be subject to the withdrawals upon checks, notes, drafts, bills-of-exchange, acceptances, undertakings or other orders for the payment of money when signed on behalf of this Village by any of the following officers:

- a) Mayor Theresa Knickerbocker  
b) Village Administrator Marcus Serrano  
c) Deputy Mayor Richard Funchion

**DESIGNATE OFFICIAL VILLAGE NEWSPAPER:**

**WHEREAS**, in the opinion of the Board of Trustees of the aforesaid Village, the Journal News Newspaper is hereby designated as the "Official" newspaper of the Village of Buchanan, NY.

**ESTABLISH MILEAGE ALLOWANCE RATE FOR REIMBURSEMENT:**

**WHEREAS**, the board of trustees has determined to pay a fixed rate for mileage as reimbursement to village officers and employees who use their personal automobiles while performing their official village duties;

**NOW THEREFORE BE IT RESOLVED**, That the board of trustees will approve reimbursement to such officers and employees at the rate of 57.5 cents per mile.

**ADOPTING THE VILLAGE PROCUREMENT POLICY:**

**WHEREAS**, the Mayor and the Board of Trustees of the Village of Buchanan are required to adopt or formulate certain policies and procedures regarding procurements by the Village and whereas the Village has previously adopted a procurement policy in conformance with all New York State laws and in conformance with the Office of the State Comptroller, and the Board desires that policy to remain in effect, the procurement policy now in effect is, once again, adopted as the procurement policy of the Village of Buchanan.

**AUTHORIZING OFFICERS AND EMPLOYEES OF THE VILLAGE TO ATTEND CONFERENCES AND SEMINARS:**

**WHEREAS**, General Municipal Law §77-b authorizes municipal officials and employees to attend schools, conference, seminars, etc., conducted for the benefit of the local government with prior approval of the Board of Trustees and the Mayor and the Board of Trustees of the Village of Buchanan have determined that it is in the best interests of the Village and its residents that officers and employees of the Village from time to time attend conferences and seminars of public employees and officials for educational and training and other similar purposes. It is therefore resolved that the officers and employees are hereby authorized to attend the following schools, conferences, seminars, etc.:

NYCOM's Annual Meeting and Training School

NYCOM's Fall Training School for Fiscal Officers and Municipal Clerks

NYCOM's Election Seminar

NYS Comptroller's Advanced Accounting Course

New York State City County Management Association- Annual Conference & Fall Training Seminar

Westchester Municipal Planning Federation Seminars

Westchester County Firearms & Deadly Physical Force Training

Westchester County Police Academy Basic In-Service Training

**6. APPROVE MINUTES:**

August 11, 2020 Board Meeting, August 25, 2020 Workshop Meeting, and September 1, 2020 Board Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Pasquale.

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

None

**8. NEW BUSINESS:**

a. Discussion on Pool

Mayor Knickerbocker moved to amend this agenda by moving this item from the agenda for discussion at the workshop. A Motion to approve this as presented was made by Trustee Pasquale, seconded by Trustee Zachary with all in favor.

b. Consider a Motion to call for a Public Hearing on November 10 regarding Chapter 163 of the Village code by amending § 163-7.2.

Village Attorney Porteus explained that the Board enacted this law recently, but immediately received questions from property owners who were interpreting this to mean that tenants would be responsible for the dumpster fee. This change is to clarify this law. Owners of all properties where dumpsters are serviced by the Village of Buchanan are the persons responsible for paying this fee. Everywhere it says a person or household has been changed to read owner of property. A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

c. Consider a Motion to appoint Jacob Tussel and EvanDoria as seasonal highway help from October 9 – December 23, 2020 at a rate of \$13.00 per hour.

A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

d. Consider a Motion authorizing the Mayor to sign an agreement with the School district regarding a new wastewater connection of the School into the Village system.

A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

e. Consider a Motion authorizing Pizzella Brothers, Inc. to perform roadway patch work along Rockledge Avenue for a cost not to exceed \$12,000.

A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

f. Resolutions regarding a personnel matter.

2020-27 Resolution Regarding Disciplinary Charges

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

WHEREAS, disciplinary charges have been preferred against Village employee Anthony Conti pursuant to Section 75 of the Civil Service Law;

NOW THEREFORE, BE IT RESOLVED that, upon the recommendation of the Village Administrator, Anthony Conti is hereby suspended without pay effective October 7, 2020 for thirty (30) calendar days pending the hearing and determination of those charges and that, should more than thirty (30) calendar days be required for this purpose, the Village will later determine whether he shall thereafter remain suspended, with pay, until the completion of the hearing and determination of the charges or whether he will be permitted to return to work.

Carried By the Following Votes: 5-0-0

AYES: Mayor Knickerbocker, Trustee Funchion, Trustee Jackson,  
Trustee Pasquale, Trustee Zachary

NAYS: None

ABSTAINED: None

2020-28 Resolution Appointing a Hearing Officer

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

BE IT RESOLVED, that the Village of Buchanan Board of Trustees hereby appoints Peter Korn as the Hearing Officer in the Matter of Disciplinary

Proceedings against Anthony Conti. The hearing shall be conducted in accordance with Section 75 of the Civil Service Law. Peter Korn is hereby directed to cause a transcript to be made of such hearing, which shall be referred to the Board, along with his findings of fact and recommendations as to penalty, if any, for review and final decision by the Board.

Carried By the Following Votes: 5-0-0

AYES: Mayor Knickerbocker, Trustee Funchion, Trustee Jackson,  
Trustee Pasquale, Trustee Zachary

NAYS: None

ABSTAINED: None

Consider a Motion to Appoint Brian Cook as a temporary part-time building inspector at \$50/hour

A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

**9. INFORMATION FROM OFFICERS & DEPARTMENTS:**

a. Justice Court Report – August 2020

Received and filed.

b. Police Report – August 2020

Received and filed.

c. Highway Department Report – August 2020

Received and filed.

d. Wastewater Treatment Plant Report – August 2020

Received and filed.

e. Attorney's Report

Village Attorney Porteus reported the Zoning Board is meeting on Wednesday, October 14 with three matters on the agenda. The Planning Board is meeting on Thursday, October 15 with two matters on the agenda. In regards to the Buchanan Engine Company contract, we are still waiting on comments from their counsel. There is also an item to discuss at executive session.

f. Administrator's Report

Village Administrator Serrano stated that the crack sealing around the Village has been completed. Mike Lepore sent an email regarding the senior citizens meetings. He would like to discuss having a limited number of seniors coming back into the building for meetings while following the CDC guidelines. The Board agreed that as long as all the guidelines are met, the senior meetings can start again as long as there is not a big uptick in COVID-19 cases.

g. Mayor's Report

Mayor Knickerbocker reminded us that the Census was extended into October. We will be close to a 75% response. The Recreation Supervisor has a Halloween event scheduled and the CDC guidelines will be followed. Mayor Knickerbocker mentioned that some people are confused about the \$3,000,000 grant that the Town of Cortlandt received. It was the EDA federal grant through Nita Lowey's office. We looked around the Village at the available properties, but the caveat to that grant was that it had to create jobs. We weren't eligible for that grant this time around. A tri-village group has been formed to discuss the issues in the tri-village. We will be participating in that group. Mayor Knickerbocker thanked everyone who came out to vote or sent in an absentee ballot. Mayor Knickerbocker stated that this is a full time job and she is available around the clock. The Board is fantastic and we work well together as a group. We are working for the best interest of our residents.

h. Trustee Reports

Trustee Funchion thanked Mayor Knickerbocker for showing her confidence in him by making him Deputy Mayor again. The 911 Ceremony was done the best we could under the circumstances. We are all having a tough time with this pandemic and we all should appreciate every day we are alive and the loved ones around us.

Trustee Zachary stated we were all offended at how we were kept out of the process with the plant closing. Environmental issues are very important and we must take them seriously. This is not meant to degrade environmentalism in general, but Riverkeeper specifically did nothing to look at how they were impacting the community and that was what was offensive. That is a big part of what we were all bothered by, that we were left out of the process and it was sprung on us. We don't want that to happen again. The Cortlandt/Buchanan Local Waterfront Revitalization Plan is a state grant to study how to use the waterfront over the coming years. A survey is online for your input in expressing what you would like to see happen along the waterfront. We want people to be involved.

Trustee Jackson mentioned what a great location Buchanan is in the Hudson Valley and our services are excellent. Trustee Jackson wanted to remind people that the Village does not own the Entergy property. We want to do smart development and will make sure our voices are heard in terms of what can go on the Indian Point land. We have to be diligent about what goes there. As we move forward, we will continue to make sure that our services, police department, highway department and



office staff are excellent. Trustee Jackson mentioned that school is back in so be careful and please also curb your dog. Please make sure to take care of each other and our neighbors.

Trustee Pasquale talked about COVID-19 and how our level here in Buchanan is so low. We need to continue what we are doing and hopefully things will get back to some normalcy. Trustee Pasquale congratulated Mayor Knickerbocker, Trustee Funchion and Trustee Zachary on their re-election.

**10. COMMENTS FROM THE FLOOR:**

None.

Mayor Knickerbocker thanked everyone she works with - Marcus our administrator, Stephanie our village attorney, the Village Board, the highway department, and the police department. All of us together work to make this a great community. Mayor Knickerbocker said she will not forget the ladies in the office, Cindy and Sharon - she can't say enough - when the residents have a problem or question or need help with anything, these ladies go above and beyond to help.

**11. EXECUTIVE SESSION:**

At 8:39PM a Motion to enter into Executive Session to discuss personnel was made by Trustee Funchion, seconded by Trustee Pasquale.

**12. ADJOURNMENT:**

At 9:45PM a Motion to exit executive session and adjourn this meeting was made by Trustee Zachary, seconded by Trustee Jackson with all in favor.