

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
January 5, 2021**

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

Mayor Theresa Knickerbocker  
Trustees Richard A. Funchion, Duane Jackson and Nicolas Zachary  
Village Administrator Marcus Serrano  
Village Attorney Stephanie Porteus  
Village Clerk Cynthia Kempter  
Highway Foreman Robert Wheeler  
Former Village Board Secretary Susan F. Matthews  
David Stolman, Hardesty & Hanover  
Victor Minerva, Hardesty & Hanover

**ABSENT:**

Trustee Cesare Pasquale

**1. PLEDGE OF ALLEGIANCE:**

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

**2. RECOGNITION OF SUSAN MATTHEWS YEARS OF SERVICE**

Mayor Knickerbocker stated that Susan was hired October 1, 1990 as Village Board Secretary. Mayor Knickerbocker said that Susan was an asset to the Village and thanked her for her service. The Village Board sent her a dish garden. Susan said that it was an honor to serve the Board for 30 years. She stated we are so lucky to live in Buchanan. She thanked all the Boards for letting her be their secretary.

**3. APPROVE MINUTES:**

November 10, 2020 Board Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Pasquale absent.

November 24, 2020 Workshop Meeting: Trustee Zachary commented on page 3 under comments from the floor and asked that if someone is commenting that full names should be mentioned. A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Pasquale absent.

December 1, 2020 Board Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Pasquale absent.

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

No comments from the floor.

5. **NEW BUSINESS:**

a. Consider a Motion to Open a Public Hearing Regarding the Overlay District.

A Motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Pasquale absent.

David Stolman and Victor Minerva from Hardesty Hanover gave a presentation on the overlay district. Discussion followed. Sean Murray as Chairman of the Planning Board stated that he is preparing comments from the Planning Board. Sean Murray as a resident made comments regarding the proposed law.

A Motion to continue the public hearing was made by Trustee Jackson, seconded by Trustee Zachary with all in favor and Trustee Pasquale absent.

b. 2021-01 Resolution Scheduling a Public Hearing Overriding the NYS Property Tax Cap.

A Public Hearing is scheduled for February 2, 2021 to override the NYS Property tax cap enacted by the State Legislature.

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

**WHEREAS**, the State Legislature and the Governor enacted legislation that establishes a “property tax cap” on the amount that a local government’s property tax levy can increase each year; and

**WHEREAS**, this law is effective for local government’s fiscal year beginning in 2021; and

**WHEREAS**, under this law, the total amount to be raised through property taxes charged on the municipality’s taxable assessed value of property, will be capped at 2 percent or the rate of inflation, whichever is less, with some exceptions; and

**WHEREAS**, the state legislation provides for local governments to override the cap to protect the Village from unforeseen financial circumstances; and

**WHEREAS**, state legislation requires that in the event that an override is necessary, the law enabling it must already have been adopted by the Board of Trustees; and

**WHEREAS**, Local Law Introductory No. 2 of 2021 has been drafted to override the “property tax cap” law enacted by State Legislature if necessary;

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board will conduct a Public Hearing at the Village Municipal Building on February 2, 2021 at 7:30 p.m. for the purpose of taking public comment on, and giving due consideration to, the enactment of a Local Law overriding the 2% “property tax cap” law enacted by State Legislature; and

**BE IT FURTHER RESOLVED**, that a copy of said Local Law is available at the Village Clerk’s Office for public inspection during regular business hours; and

**BE IT FURTHER RESOLVED**, that the Village Clerk be and hereby is authorized and directed to publish notice of said Public Hearing in the official newspaper.

Carried By the Following Votes: 4-0-0-1

AYES: Mayor Knickerbocker, Trustee Funchion, Trustee Jackson,  
Trustee Zachary  
NAYS: None  
ABSTAINED: None  
ABSENT Trustee Pasquale

c. 2021-02 Resolution Stating Polling Places and Hours for the next Village Election.

The next Village Election will be held on Tuesday, March 16, 2021 from 6:00am to 9:00pm.

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

**WHEREAS**, the next General Village Election shall be held on Tuesday, March 16, 2021; and

**WHEREAS**, according to New York State Election Law, §15-104, Sub 3, the Board of Trustees of the Village shall adopt a resolution which states the polling place in each election district and the hours during which the polls shall be open;

**NOW BE IT THEREFORE RESOLVED**, that the polling places for the next General Village Election for District No. I and No. II are located in the Community Room on the 2<sup>nd</sup> floor of the Municipal Building, 236 Tate Avenue, Buchanan, NY; and

**BE IT FURTHER RESOLVED**, that the hours which the polls shall be open will be between the hours of 6:00 a.m. and 9:00 p.m.

Carried By the Following Votes: 4-0-0-1

AYES: Mayor Knickerbocker, Trustee Funchion, Trustee Jackson,  
Trustee Zachary  
NAYS: None  
ABSTAINED: None  
ABSENT Trustee Pasquale

d. 2021-03 Resolution Authorizing the Establishment of a Law Enforcement Advisory Panel and Appoint Members.

Governor Cuomo enacted Executive Order 203 which instructed municipalities with Police Forces to form their own local plans for reform. This has to be adopted by April 1, 2021. Mayor Knickerbocker appointed Trustee Jackson as Chairman of this committee. Trustee Zachary will also be a member. The other members appointed are: James Ferguson, Jeremy Basso, Awilda Baez, James Lent, Daniel Chelladurai, Diane Tangen, Paul Matthews and Linda Willey.

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

**WHEREAS**, Governor Cuomo has enacted Executive Order 203 entitled the “New York State Police Reform and Reinvention Collaborative” and has instructed municipalities with Police Forces to form their own local plans for reform; and

**WHEREAS**, pursuant to Executive Order 203 each local government entity, including the Village, which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law, must adopt a policing reform plan after performing a collaborative review of the needs of the community served by its police agency, and evaluate the department’s current policies and practices to address any racial bias and disproportionate policing of communities of color and promote trust, fairness, and legitimacy and develop a program; and

**WHEREAS**, the Village of Buchanan Board has its own Police Department, and

**WHEREAS** the Village of Buchanan desires to participate in the Collaborative by forming a Panel and submitting comments to the State; and

**WHEREAS** the purpose of the Program shall be as follows:

- To review the needs of the community served by its police agency,
- evaluate the relevant policies and practices of the department,

- identify standards and strategies that foster trust, fairness, transparency, accountability, and legitimacy,
- confirm or establish policies that allow police to perform their duties effectively and safely;
- involve stakeholders and community members in listening sessions and elicit input from the public
- develop policy recommendations resulting from this review;
- offer a plan for public comment;
- present the plan to the local legislative body to ratify or adopt it, and;
- certify adoption of the plan to the State Budget Director on or before April 1, 2021.

**NOW THEREFORE, BE IT RESOLVED**, that the Village Board does hereby establish the Buchanan Law Enforcement Advisory Panel (LEAP) in the spirit of the New York State Police Reform and Reinvention Collaborative; and

**BE IT FURTHER RESOLVED** that Trustee Duane Jackson and Trustee Nicolas Zachary shall act as Members, Liaison and points of contact for the Law Enforcement Advisory Panel; and

**BE IT FURTHER RESOLVED** that all Members appointed below shall be effective immediately and their appointment shall last through April 30, 2021;

James Ferguson  
 Jeremy Basso  
 Awilda Baez  
 James Lent  
 Daniel Chelladurai  
 Diane Tangen  
 Paul Matthews  
 Linda Willey

Carried By the Following Votes: 4-0-0-1

AYES: Mayor Knickerbocker, Trustee Funchion, Trustee Jackson,  
 Trustee Zachary  
 NAYS: None  
 ABSTAINED: None  
 ABSENT Trustee Pasquale

- e. Consider a Motion to Open a Public Hearing Amending Chapter 211 Entitled Zoning to the Code of the Village of Buchanan.

A Motion to open the public hearing was made by Trustee Jackson, seconded by Trustee Funchion with all in favor and Trustee Pasquale absent.

Village Attorney Porteus stated that we are amending a section of Chapter 211 because Trustee Zachary found a section of the code that was inconsistent with another section. We are making the code more consistent.

A Motion to close the public hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Pasquale absent.

- f. 2021-04     Resolution to Adopt Local Law #1 Amending Chapter 211 Entitled Zoning to the Code of the Village of Buchanan.

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

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Buchanan for a public hearing to be held by said Village Board at the Municipal Building, 236 Tate Avenue, Buchanan, to hear all interested parties on a proposed Local Law to amend Chapter 211 entitled “Zoning” to the Code of the Village of Buchanan; and

**WHEREAS**, notice of said public hearing was duly advertised in the official local newspaper; and

**WHEREAS**, said public hearing was duly held at a regularly scheduled meeting of the Village Board on January 5, 2021 at 7:30 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law;

**NOW BE IT THEREFORE RESOLVED** that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No. 1-2021 amending Chapter 211 entitled “Zoning” to the Code of the Village of Buchanan

**BE IT FURTHER RESOLVED** that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Buchanan, and to give due notice of the adoption of said local law to the Secretary of State of the State of New York.

Carried By the Following Votes: 4-0-0-1

AYES:	Mayor Knickerbocker, Trustee Funchion, Trustee Jackson, Trustee Zachary
NAYS:	None
ABSTAINED:	None
ABSENT	Trustee Pasquale

- g. 2021-05     Resolution Authorizing the Mayor to Enter into an Intermunicipal Agreement with the City of Peekskill for Various Police Services.

Village Administrator Serrano stated that we have had this agreement for a number of years. It includes dispatching and 911 calling. This is a 5 year agreement. The cost for 2020 was \$9100 and it goes up \$200 each year.

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

**WHEREAS**, the City of Peekskill operates an emergency communications center and 911 answering point, has 14 prisoner holding cells, a Datamaster for testing and processing DWI suspects, a computerized booking system capable of instantly transmitting pertinent data to the New York State Division of Criminal Justice Services, and has NYS certified police instructors who provide monthly in-service training courses to the Village of Buchanan Police Officers; and

**WHEREAS**, the City of Peekskill has been providing the Village of Buchanan Police Department access to these services for over 40 years; and

**WHEREAS**, the Village Board is desirous of entering into an Intermunicipal Agreement with the City of Peekskill which will enable the Village of Buchanan Police Department to continue utilizing said services; and

**WHEREAS**, the Agreement provides that the Village will be responsible for payment of such services, according to the Agreement annexed hereto; and

**WHEREAS**, the term of the Agreement is for five (5) years.

**NOW, THEREFORE BE IT RESOLVED**: that the Mayor is authorized to execute the aforesaid agreement with the City of Peekskill; and

**BE IT FURTHER RESOLVED** that the Village Clerk is hereby authorized to transmit the executed Agreement to the City of Peekskill for signature by the appropriate official.

Carried By the Following Votes: 4-0-0-1

AYES: Mayor Knickerbocker, Trustee Funchion, Trustee Jackson,  
Trustee Zachary  
NAYS: None  
ABSTAINED: None  
ABSENT Trustee Pasquale

- h. Consider a Motion to Authorize the Purchase of Five (5) Replacement Street Lights and for the Funds to be used from the Capital Fund, General Projects Account.

The cost for each decorative light is \$3,352.50 which includes installation.

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

- i. Consider a Motion to Provide Cynthia Kempter an Increase in Salary of \$10,000 Effective January 6, 2021 for Additional Duties that Include Village Board Minutes, Workers Compensation and Safety Coordinator.

A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Jackson with Trustee Zachary in favor, Mayor Knickerbocker a NO and Trustee Pasquale absent

- j. Consider a Motion to Hire Matt Mallory as a Laborer Contingent on Passing All Hiring Requirements of the Village.

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

- k. Consider a Motion Accepting a Gift in the Amount of \$25,000 from Entergy for Buchanan Day.

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

- l. Consider a Motion to Authorize the Purchase of a Display Pumper and Rescue Truck and the Release of the Twenty Five Percent (25%) Deposit in Order to Purchase the Display Pumper as Recommended by the Fire Department Committee as well as any Additional Amount for the Display Pumper and or Rescue Truck as Determined by the Village Board from the Fire Department Apparatus/Major Repair Account.

Mayor Knickerbocker stated that we are not ready to do this motion today.

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

- a. Justice Court Reports – November 2020

Received and Filed.

- b. Police Report – November 2020

Received and Filed.

- c. Highway Report – November 2020

Received and Filed.

- d. Wastewater Treatment Plant – November 2020



Received and Filed.

- e. Planning Board Minutes – November 19, 2020

Received and filed.

- f. Zoning Board Minutes – November 12, 2020

Received and filed.

- g. Attorney's Report

Village Attorney Porteus stated that there are a couple of applicants in front of the planning and zoning boards. Village Attorney Porteus mentioned that the Governor signed the bills in to law which opens the way to bring back the loss of the Indian Point revenue. Mayor Knickerbocker said that this was a long process to get this approved. The three laws were labor protection for our labor force, allowing the Village to do a PILOT, if we wanted to and allowing the Village to tax the spent fuel casks that are located on the property. This is a huge win for the Village. We still have to be careful with our finances, but this is some money for us.

- h. Administrator's Report

Village Administrator Serrano stated that the Route 9A sidewalks and the pavilion are still pending with the State. Con Edison will be putting in a new gas main on Broadway starting by Lent's Cove to Bleakley Avenue. They will be working on the westerly side of the road. At the sewer treatment plant, the DEC and the INI requirement under the consent order approved our plan. Our pool consultant got approval from the Department of Health that we can run the big pool without opening the kiddy pool.

- i. Mayor's Report

Mayor Knickerbocker said that as everyone knows there is an uptick in COVID-19, so please wear your masks. Mayor Knickerbocker read the list of winners from the Christmas Decoration Contest. She thanked Buchanan Home Center for the Christmas tree. She also thanked the judges. Mayor Knickerbocker read a letter addressed to Brian Cook from Tom Hall thanking two of his men for coming to the aid of his wife and mother-in-law when she fell outside her home. Mayor Knickerbocker thanked them also for taking care of our residents.

- j. Trustee's Report

Trustee Zachary would like the Village to work on illegal apartments. He mentioned that any resident could call in confidentially to Village Hall if they know of an illegal apartment. The LWRP has been going slowly because of COVID. There is another meeting coming up and he will report on that at the next meeting.

Trustee Jackson would like the police to look at the noisy muffler situation in the Village. Trustee Jackson also asked that we be mindful of our neighbors.

Trustee Funchion mentioned how much work Mayor Knickerbocker, Supervisor Puglisi, Village Attorney Porteus, Village Administrator Serrano, Sandy Galef and Peter Harckham have done in getting the legislation passed to tax the casks.

7. **COMMENTS FROM THE FLOOR AND CHAT BOX:**

Sean Murray mentioned that at the last meeting the building inspectors stated that they would be working on getting the accessory apartments up to date. Sean Murray feels that their time would be better spent working on the businesses that are working outside of the law right now. This would bring in revenue as well as bringing the people who are in violation of the law back into the law. Village Attorney Porteus stated that she has been talking to the building inspectors and they are proactive, they are out there and doing a great job.

Eileen Absenger mentioned that there is a house on Westchester Avenue that built a stone wall on wetlands. She will send an email to the building inspector and Village Administrator Serrano.

Village Administrator Serrano stated that the zombie house on Bannon Avenue has been taken over by the Town of Cortlandt for in rem. He is waiting to get a response back from the Town for when it may go out to bid.

8. **EXECUTIVE SESSION:**

At 10:40PM a Motion to enter into Executive Session to discuss personnel issues was made by Trustee Jackson, seconded by Trustee Funchion with all in favor and Trustee Pasquale absent.

9. **ADJOURNMENT:**

At 11:20PM a Motion to exit executive session and adjourn this meeting was made by Trustee Zachary, seconded by Trustee Jackson with all in favor and Trustee Pasquale absent.