

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
February 2, 2021**

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

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

ABSENT:

Village Attorney Stephanie Porteus

1. PLEDGE OF ALLEGIANCE:

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

2. APPROVE MINUTES:

December 22, 2020 Workshop Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

January 2, 2021 Board Meeting: A Motion to approve 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)

No comments from the floor.

4. OLD BUSINESS:

Continuation of Public Hearing Regarding the Overlay District. A Motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor. Mayor Knickerbocker stated that we will be adjourning the public hearing. We have gotten more information and need more time to process this. In addition, the planner, David Stolman, was not able to attend tonight's meeting. A

Motion to adjourn the public hearing was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

5. NEW BUSINESS:

- a. Consider a Motion to Open a Public Hearing Regarding Overriding the State Property Tax Cap for Fiscal Year 2021-2022.

A Motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor. Mayor Knickerbocker stated that considering the closure of Indian Point we will not be making the tax cap this year. The state tax cap is about 2%. Trustee Zachary explained that the Board has always done this even when we weren't faced with a tax issue. This is a backup in case we couldn't make the tax cap. No other comments. A Motion to close the public hearing was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

- b. 2021-06 Consider a Resolution to Adopt Local Law #2 Overriding the Property Tax Cap

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

**VILLAGE OF BUCHANAN RESOLUTION AUTHORIZING
A LOCAL LAW OVERRIDING THE PROPERTY TAX LEVY CAP
ENACTED BY THE NEW YORK STATE LEGISLATURE**

WHEREAS, the State Legislature and the Governor enacted legislation that establishes a "property tax levy cap" on the amount that a local government's property tax levy can increase each year; 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 levy cap" law enacted by State Legislature if necessary; and

WHEREAS, a Public Hearing was held and closed on February 2, 2021.

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law No. 2-2021 to override the “property tax levy cap” law enacted by State Legislature; and

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: 5-0-0-0

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

c. Consider a Motion to Use \$201,378 from the Reserve Account for the Purchase of a Fire Pumper

Mayor Knickerbocker explained that the fire department came to the Village Board and said that the 1998 engine is not a reliable piece of equipment. We are using a portion of the fire truck reserve account to purchase a new vehicle. Village Administrator Serrano explained that there is a little over \$300,000 in the account. By using the \$201,378 we will bond the remaining balance. A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

d. 2021-07 Consider a Resolution Authorizing the Issuance of up to \$387,600 Aggregate Principal Amount Serial Bonds of the Village of Buchanan, County of Westchester, State of New York, Pursuant to the Local Finance Law, To Finance the Costs of the Acquisition of a Fire-Fighting Vehicle for the Village

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

**BOND RESOLUTION, DATED FEBRUARY 2, 2021, AUTHORIZING
THE ISSUANCE OF UP TO \$387,600 AGGREGATE PRINCIPAL
AMOUNT SERIAL BONDS OF THE VILLAGE OF BUCHANAN,
COUNTY OF WESTCHESTER, STATE OF NEW YORK,
PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS
OF THE ACQUISITION OF A FIRE-FIGHTING VEHICLE FOR THE VILLAGE.**

WHEREAS, the Board of Trustees of the Village of Buchanan (the “Village”), located in the County of Westchester, in the State of New York (the “State”), hereby determines that it is in the

public interest of the Village to authorize the financing of the costs of the acquisition of a fire-fighting vehicle for the Village, including any preliminary and incidental costs related thereto, at a total cost not to exceed \$387,600, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Buchanan, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village in the aggregate principal amount of up to \$387,600, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of a fire-fighting vehicle for the Village, including any preliminary and incidental costs related thereto (the "Project").

Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. Such serial bonds authorized herein shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$387,600; (b) except as set forth in the Village's records, no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, or from the proceeds of bond anticipation notes issued in anticipation of such serial bonds; (d) the maturity of the obligations authorized herein may not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs of the Project for which proceeds of such obligations are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize capital financing of such item.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein, and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute, on behalf of the Village, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village (or attach a facsimile thereof) on all such serial bonds and bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. Each of the serial bonds authorized by this bond resolution and any bond anticipation notes issued in anticipation of the issuance of such serial bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the

Village is not authorized to expend money, or the provisions of law which should have been complied with as of the date of the publication of this bond resolution were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.

Section 7. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made with respect to the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the obligations authorized herein, the Village agrees in accordance with and as an obligated person with respect to the obligations under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

Carried By the Following Votes: 5-0-0-0

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

- e. Consider a Motion to Authorize the Mayor to Sign a Contract Amendment regarding reimbursements of police services from Entergy to Holtec

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

- f. Consider a Motion to Approve Pizzella Brothers for an Emergency Repair to Install a New Water Line supplying the WIC property at an estimated Cost of \$27,000

Mayor Knickerbocker explained that we had a company come in to check the water lines throughout the Village for leaks. There is a substantial leak of approximately 75,000 gallons of water per day that is leaking from Westchester Industrial Complex. Pizzella Brothers came in with the lowest bid. Village Administrator Serrano explained that the company we hired has trucks with special listening devices that detects the flow of water. They also found three fire hydrants that were leaking and DPW is fixing the hydrants. A Motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

- g. Consider a Motion to Reclassify Peter Cook from Part-Time Assistant Building Inspector to Full Time Assistant Building Inspector for an Annual Salary of \$90,000

Trustee Zachary stated his support of reclassify Mr. Cook but he also stated that he would like to talk about how we can strategize on how we can support the Building Inspector further and give him the tools he needs to do an even better job for us. Mayor Knickerbocker would like this discussion on for the next workshop meeting. A Motion to approve the reclassifying of Mr. Cook from Part-Time Assistant Building Inspector to Full Time Assistant Building Inspector for an Annual Salary of \$90,000 was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

- h. Consider a Motion to Appoint Election Inspectors for the March 16, 2021 General Village Elections. The Pay Schedule is Chairman - \$195.00/day; Inspector - \$180.00/day; and Alternate Inspector - \$90.00/day

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

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Court Reports – December 2020

Received and filed.

- b. Police Report – December 2020

Received and filed.

- c. Highway Report – December 2020

Received and filed.

- d. Wastewater Treatment Plant – December 2020

Received and filed.

- e. Planning Board Minutes – December 17, 2020

Received and filed.

- f. Zoning Board Minutes – December 9, 2020

Received and filed.

- g. Attorney’s Report

Village Attorney Porteus was absent.

- h. Administrator’s Report

Village Administrator Serrano has items for executive session.

- i. Mayor’s Report

Mayor Knickerbocker reminded everyone that Thursday evening at 6PM is the Citizens Advisory Panel. The information is on Facebook and the Village website. The agenda is on the status of the jobs at Indian Point. Mayor Knickerbocker is pleased to see new people getting involved in the Police Reform Committee. One of the comments was the cameras for the Police Department. Chief Johansen has started looking into that before he left and mentioned that the problem isn't the cost of the camera, but the infrastructure to that is costly. Mayor Knickerbocker will ask Sergeant Farrell to continue to look into this.

j. Trustee's Report

Trustee Funchion reminded people to help out their neighbors. Since we have been having so much snow, please remember not to throw snow into the road. The highway department has done excellent work.

Trustee Pasquale also thanked the highway department for their fantastic work in clearing the roads. Trustee Pasquale also wished everyone a Happy Valentine's Day.

Trustee Jackson stated that there are outstanding individuals bringing a lot of expertise in their analysis of what goes on in the Village and what types of reforms we would be happy to institute. They have come up with six recommendations that will be disclosed to the public shortly. The camera is one of the ideas they are investigating. There is some talk that the county may set up a county wide system to get the cost down. Trustee Jackson mentioned that everyone on the committee is doing a wonderful job.

Trustee Zachary thanked Trustee Jackson and the police reform committee. Trustee Zachary is pleased to see such a devoted group of residents.

Village Clerk Kempter stated that the tentative assessment roll has been complete and is on the website. Grievance night is February 16 from 4:00pm to 8:00pm and is only by appointment.

7. COMMENTS FROM THE FLOOR:

Eileen Absenger asked if the acquisition of the new fire truck will affect the taxes. Village Administrator Serrano said there will be no foreseeable affect to the taxes in the near future. Eileen asked Trustee Jackson if he received the information regarding Westchester County bringing the cost down on the cameras. Trustee Jackson stated we have county assistance on the police committee to help navigate this. This subject has come up across the county and is in the beginning stages of

being looked at. Eileen asked if there were any grants for funding for the cameras. Trustee Jackson stated not at the moment. Trustee Jackson said that we will do as much as we can to get the system at a nominal cost, but more important is our officer's safety. Eileen Absenger asked when the six recommendations will be available to the residents. Trustee Jackson stated that there will be a special meeting in March where the village residents can go over what the recommendations are. The report will be in Albany by the April 1 deadline.

8. **EXECUTIVE SESSION:**

At 8:08PM a Motion to enter into Executive Session to discuss personnel issues was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

9. **ADJOURNMENT:**

At 9:15PM a Motion to exit executive session and adjourn this meeting was made by Trustee Zachary, seconded by Trustee Jackson with all in favor.