

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
March 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 Attorney Stephanie Porteus  
Village Clerk Cynthia Kempter  
Highway Forman Robert Wheeler  
County Executive George Latimer

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:30PM. The Mayor led the Pledge of Allegiance. A moment of silence was held for Jim Seirmarco who passed on February 28. He was a long time Village resident, Planning Board member from 1985 – 1998 and 2018 - 2020, Planning Board Chairman from 1988 – 1995 and liaison to Indian Point from 2002 - 2008 and on the Town of Cortlandt Zoning Board. Thank you for your service.

**2. ANNOUNCEMENT OF UPDATED WEBSITE:**

The Village has updated the website. We have different ways of communicating with the public. There is the website, and interactive calendar, face book, there is an option to sign up for emails and Code Red.

**3. APPROVE MINUTES:**

January 26, 2021 Workshop Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary abstaining since he was absent from that meeting.

February 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 and Trustee Zachary abstaining since he was absent from that meeting.

February 11 Special Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Jackson with all in favor and Trustee Zachary abstaining since he was absent from that meeting.

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

Eileen Absenger questioned electronic payments. Village Administrator Serrano responded that the Village is working on that option. Eileen Absenger asked if the public can read the operation plan that is listed under new business, item c. Village Administrator Serrano stated that it is on the website with the agenda. Eileen Absenger questioned what Section 5-508 of the Village Law is under new business, section d. Village Administrator Serrano said that this has to do with the Village holding a public hearing before the budget can be adopted. Eileen Absenger asked about new business, letter e. which is the public hearing to amend Chapter 195. Village Administrator Serrano replied that our code doesn't match the NYS Village Law. Attorney Porteus will explain when we get to that item. Trustee Zachary clarified that when we say Village Law we do not mean Buchanan Village Law we mean NYS Village Law that applies to all Villages in NYS. Our code is out of compliance with NYS Village Law. Eileen Absenger asked about new business, item g. What does LOSAP stand for. Village Administrator Serrano explained that meant Length of Service Award Program for the volunteer firemen.

**5. 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 will not be taking comments this evening. We are waiting for more information and would like our planner to be present. Mayor Knickerbocker thanked the Planning Board for all their input. We are in receipt of their comments and we are in discussions. There were three concerns, but the Planning Board agreed with the majority of what was said. Mayor Knickerbocker appreciates their hard work and time. Trustee Zachary inquired as to why we would require a special use permit since that would be dealt with and assessed in the site plan review. Trustee Zachary would like this addressed at the next workshop or at the public hearing. Village Administrator Serrano stated he would bring these comments back to David Stolman. A Motion to adjourn the public hearing was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

**6. NEW BUSINESS:**

- a. 2021-08     Resolution Authorizing an Inter-Municipal Agreement with the Town of Cortlandt.

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

**VILLAGE OF BUCHANAN  
RESOLUTION AUTHORIZING INTER-MUNICIPAL  
AGREEMENT WITH THE TOWN OF CORTLANDT**

**WHEREAS**, the Village of Buchanan and the Town of Cortlandt have been cooperating with respect to certain inter-municipal services; and

**WHEREAS**, the Village and the Town annually enter into two (2) Inter-Municipal Agreements, one which allows for the Village to utilize any bids for supplies put out and accepted by the Town, as well as an agreement that allows the Village and the Town to share each other's vehicles and equipment; and

**WHEREAS**, it is the desire of both the Village Board and Town Board to continue this inter-municipal cooperation resulting in a cost savings to both the Village and the Town;

**NOW BE IT THEREFORE RESOLVED**, that the Mayor be and hereby is authorized to execute Inter-Municipal Agreements with the Town of Cortlandt providing for and authorizing the Town's Purchasing Director to include the Village in advertisements of all bids by him so that the Village may utilize them, and to allow the Village and the Town to share each other's vehicles and equipment.

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

- b. Consider a Motion to Enter into an Agreement with Westchester County for the use of Voting Machines.

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

- c. Consider a Motion to Approve the Operations Plan as required by the State of New York.

Village Administrator Serrano explained that there is a new requirement under the State of New York Operations Plan that deal with situations like COVID or other pandemics or emergency services that might take place listing essential workers, who can work from home and how we deal with testing. This is a plan that we have to adopt by April 1<sup>st</sup>. The unions and labor attorney have reviewed and approved this plan. We meet all the State requirements and obligations. Trustee Funchion thanked Village Administrator Serrano for all the work he has done on this.

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

County Executive George Latimer joined the meeting. Mayor Knickerbocker thanked County Executive Latimer for all his support to the Village of Buchanan. County Executive Latimer spoke about the County completing the Police Reform report. The County report has identified that we need to have mental health response teams available county wide to deal with those kind of incidents that the police are not prepared to handle. That is a regional function that should fall on the County and not a local police department. County Executive Latimer spoke about COVID and that on the infection side the numbers have gotten better over the last five weeks. A year ago, COVID rapidly increased and during the summer the cases were lower. In late October, we spiked again. As of today, we are decreasing again and hope that continues. Many people are getting the vaccine, but there is not enough yet to go around to everyone. The County is expected to get the J&J shot next week. This is a one-shot vaccine and makes it easier for some people. County Executive Latimer announced that the County will be starting a mobile unit to come to home bound people so they can get their shot. He is hoping to open up some County facilities in the near future. The County will be opening their pools and beaches this season, but there will not be fireworks this year.

- d. Pursuant to Section 5-508 of the Village Law, the Public Hearing on the 2021-2022 Tentative Budget will be April 7, 2021 at 7:30 pm at Village Hall.

Mayor Knickerbocker announced that the budget will be discussed at the March workshop. The auditor will also make a presentation at the workshop. The budget has to be passed by May 1<sup>st</sup>.

A Motion to schedule the Public Hearing was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor.

- e. Consider a Motion to Call for a Public Hearing to Amend Chapter 195, Water.

Village Attorney Porteus explained that we edited, added and removed language because this was not in tune with NYS Village Law. This was updated and added language to better protect the Village and clarify language to better inform the residents what their responsibility is. This came about because there was a leak in the Village.

A Motion to schedule the Public Hearing to be held on May 4, 2021 was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.

- f. Consider a Motion to Authorize the Mayor to Sign an Agreement to Retain George E. Sansoucy, P.E., LLC to Provide Valuation and Consulting Services.

Mayor Knickerbocker explained that we have worked with this firm before on the PILOT with Entergy. They will work with us in appraising the spent fuel casks or getting a PILOT with the new owner.

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

- g. 2021-09     Resolution Amending the LOSAP Point System Pursuant to Chapter 113 of the Laws of 2020.

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

VILLAGE OF BUCHANAN RESOLUTION  
AMENDING THE LOSAP POINT SYSTEM PURSUANT TO CHAPTER 113  
OF THE LAWS OF 2020

WHEREAS, the Village of Buchanan Board of Trustees has by appropriate resolution and referendum previously established a Length of Service Awards Program (hereinafter “LOSAP”) for the active volunteer firefighters of BUCHANAN ENGINE CO. NO. 1, INCORPORATED (hereinafter “Fire Department”) in accordance with Page 3 Article 11-A of the New York State General Municipal Law (“GML”) in order to determine which active volunteer firefighter program participants qualify each year to be awarded a year of service credit under the LOSAP; and

WHEREAS, during the COVID-19 pandemic and in response to the Governor’s Executive Order 202 of 2020, the Fire Department modified its emergency response protocols and cancelled many events during the period March 7, 2020 to December 31, 2020; and

WHEREAS, as a result of these modifications and cancellations, active volunteer firefighters had fewer opportunities to earn points during the calendar year 2020, making it more difficult to earn the required 50 points to earn the LOSAP benefit for the calendar year 2020; and

WHEREAS, the General Municipal Law was amended by Chapter 113 of the Laws of 2020 to add § 217(p), which allows the sponsor of a LOSAP to award up to five (5) points per month during the period of time when the Fire Department modifications were in place, with a pro-rated amount awarded for a partial month, to every active member of the Fire Department by resolution of the governing Board of the sponsoring political subdivision; and

WHEREAS, the Fire Department has provided a letter explaining the events that were cancelled during the COVID-19 pandemic, which resulted in firefighters missing an opportunity to earn twenty (20) points during the time period in which modifications were in place; and

WHEREAS, the Fire Department further requested that the Village of Buchanan Board of Trustees grant a total of twenty (20) points, or points per month for the time in which modifications were in place to supplement the cancelled activities; and

WHEREAS, the Village of Buchanan Board of Trustees has determined that active volunteer firefighter program participants performed their duties under special emergency response rules related to emergency responses and/or restricting the holding of activities

for which points could be earned due to guidelines related to the State Disaster Emergency during the period of March 7, 2020 through December 31, 2020; and

WHEREAS, the Village Board of Trustees recognizes the numerous contributions made by the membership of the Fire Department during the COVID-19 pandemic, and believes it is appropriate and necessary to award the requested points.

NOW, BE IT THEREFORE RESOLVED, that in accordance with the above-referenced statutory authority the Village of Buchanan LOSAP Points System is hereby amended to afford active volunteer firefighter program participants credit for an additional 2 points per month, prorated for periods of less than one month, for the period of March 7, 2020 through December 31, 2020, and LOSAP coordinators who maintain Point System records are directed to adjust the point totals for each active volunteer firefighter program participant for the time during such period that he or she was listed as an active volunteer firefighter; and

BE IT FURTHER RESOLVED, that based on the time period when emergency responses and activities were restricted due to the COVID-19 pandemic and the necessary pro-ration for the partial months, each active volunteer firefighter is to be awarded a total of twenty (20) points in 2020, in addition to any points earned by the active volunteer firefighter during the calendar year 2020; and

BE IT FURTHER RESOLVED that volunteer firefighters that were not on the active rolls during all or part of the aforesaid period shall not be eligible for these special COVID-19 points during any period that they were not active firefighters participating in the accumulation of points under the LOSAP; and

BE IT FURTHER RESOLVED that the Village Clerk is authorized to provide a copy of this resolution to the third-party administrator retained to assist in the administration of the LOSAP, and for further dissemination to the Fire Department.

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

- h. Consider a Motion to Approve the Volunteer Firefighters that have met the Required 50 Points for the Service Award Program as Provided by the Village of Buchanan Fire Department and Attached Hereto.

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



Organized December, 1940

## Buchanan Engine Co., No. 1, Inc.

3159 Albany Post Road, Buchanan, New York 10511

~ Member of ~

*Firemen's Association of The State of New York  
Hudson Valley Volunteer Firemen's Association  
Westchester County Volunteer Firemen's Association  
Westchester County Fire Chief's Association*

**For Emergency  
Dial 911**

**Business Phone  
(914) 737-5010**

**Chief's Office  
(914) 737-0334**

February 6, 2021

To Whom It May Concern:

The following are a list of members that have qualified for the Service Awards Program for the year 2019. We have hung the list for 30 days and there are no changes to it. Everything remains the same.

Stuart Bayer  
Holly Eichler  
Michael Eichler Sr.  
Jeff Faiella  
Leah Grant  
Thomas Grant  
Jason Martin  
Angela Outhouse  
Kieran Outhouse  
Robert Outhouse  
Sean Outhouse  
Alvin Park  
Colin Park  
Rocco Picciano  
Andrew Roush  
Kevin Roush  
Mark Young

The following are the individuals will make it with COVID points:

Edwin Bymes  
Austin Grant  
Frank Lynch  
Robert Wheeler

If you have any questions regarding this matter please feel free to contact me at (914) 469-1899.  
Thank you for your time with this matter.

Sincerely,

Andrew Roush  
Chief of Department  
Buchanan Engine Co. #1, Inc.

- i. Consider a Motion to Approve the Workplace Violence Policy and Hazard Communication Program.

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

- j. Consider a Motion to Approve the Change Order for the Water Leak Repair.

Village Administrator Serrano explained that at the last meeting the Board approved up to \$27,000 to repair the leak. A meter in the pit needs to be installed on the property line and that was overlooked at the last meeting. The Engineer is recommending that the change order be increased to \$34,400 to cover the cost of the meter that needs to be installed.

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

## 7. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Court Reports – No January 2021 report.

- b. Police Report – January 2021

Received and filed.

- c. Highway Report – January 2021

Received and filed.

- d. Wastewater Treatment Plant – January 2021

Received and filed.

- e. Building Department – November 2020, December 2020, January 2021

Received and filed.

- f. Zoning Board Minutes – January 13, 2021

Received and filed.

- g. Attorney's Report



Village Attorney Porteus has a matter to discuss in executive session about possible litigation. Village Attorney Porteus mentioned how hard the Building Inspectors are working. Our code and many sections of it have not been amended for years. She suggested that they start jotting items down that need to be addressed and send them to the Board. Mayor Knickerbocker stated that we will be discussing this at the workshop.

h. Administrator's Report

Village Administrator Serrano stated that the March 23 meeting will be a Special Meeting in order to approve the Police Reform Committee recommendations which need to go to the State by April 1. There is a resident who would like to cook in the home and deliver food. This does not meet the specific guidelines under our code, so they will be asking the Village Board to modify the code. Con Edison will be replacing the gas line on Bleakley Avenue and Greentown Road. This is a requirement from the public service commission to replace the cast iron pipes with plastic inserts due to the cast iron piping aging and leaking. This will take 4 months and they will start in March. Every property owner will have to have a new service connection put in. Also, on the workshop agenda will be improving the pavilion bathrooms. Highway Forman Bob Wheeler gave an over view of the work to be done. The Highway Department will also put up the new Village signs at the entrance ways.

i. Mayor's Report

Mayor Knickerbocker mentioned that we have started on a Welcome to Buchanan packet for the new residents. There will be an Easter Egg Parade on March 27<sup>th</sup>. Unfortunately, there will not be a St. Patrick's Day Parade this year.

j. Trustee's Report

Trustee Zachary would like the Building Inspectors at the next workshop meeting to have a discussion on fee changes and enforcement. Trustee Zachary would like to go back to the discussion on the planning and rezoning for the Indian Point parcels. It is important to determine what we would like to see and have rezoning that reflects that before the property changes hands. Mayor Knickerbocker's concern is that it is not a definite that Holtec will buy it. Entergy has said that if Holtec does not buy the property it will go into safe store and the property will sit there for 60 years. Mayor Knickerbocker would like to wait a few months before discussing this. Trustee Zachary feels that the Village should come out with their vision for that property. Trustee Zachary will have more information at the workshop regarding a new Village Seal contest.

Trustee Funchion congratulated our new Police Chief, Shane Farrell and new Sergeant, Anthony Palmietto. We have a solid police force and look forward to a great future with the two of them running the Police Department. Trustee Funchion wishes everyone a Happy St. Patrick's Day.

Trustee Pasquale also congratulated Shane Farrell and Anthony Palmietto and wished them a happy, long and safe career in Buchanan. Trustee Pasquale wishes Happy St. Patrick's Day to all. Trustee Pasquale thanks all the front line essential workers and first responders for the work they have done in the past year during COVID.

Trustee Jackson thanked the Police Reform Committee for the work they have done and the report that will be sent to Albany. Trustee Jackson said there is some talk about the County helping purchase body cams and cameras on the cars. Trustee Jackson thanked the Highway Foreman, Bob Wheeler, and the Highway Department for all their work doing snow removal and thank you to the Fire Department for the work the volunteers do to protect the Village. Trustee Zachary thanked Trustee Jackson for his work with the Police Reform Committee. Trustee Jackson thanked everyone for following protocol when going to the Village Offices and wearing masks. Trustee Jackson thanked Cindy Kempter and Sharon Murphy for all the work they do.

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

Eileen Absenger asked about pop up sites in the Village for COVID shots. Village Administrator Serrano answered that we have offered the community room. Eileen Absenger questioned the \$250,00 grant with the LWRP. Trustee Zachary explained that the grant is specifically to develop the LWRP master plan and they look at the totality between Annsville to Croton. There is no specific allocation to each community. Eileen Absenger questioned Lents Cove improvement. Trustee Zachary said improvements at Lents Cove are up to the Village whether we pay for it, get grant money or donations. Mayor Knickerbocker spoke about the \$15,000,000 community and environmental fund. Top of our list is the sewer treatment plant, but also listed a few things at Lents Cove. We still have not heard of the distribution of that money. Eileen Absenger asked about camp. Mayor Knickerbocker replied that camp will be open under CDC regulations. Eileen Absenger feels that all the residents should read the Police Reform Committee Report. The report is on the Village website.

#### **9. EXECUTIVE SESSION:**

At 9:41PM a Motion to enter into Executive Session to discuss potential litigation was made by Trustee Funchion, seconded by Trustee Jackson with all in favor.

10. **ADJOURNMENT:**

At 10:25PM a Motion to exit executive session and adjourn this meeting was made by Trustee Zachary, seconded by Trustee Jackson with all in favor.