

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
May 4, 2021**

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

Mayor Theresa Knickerbocker  
Trustees Richard A. Funchion, Sean Murray, Anthony Capicotti and Nicolas Zachary  
Village Administrator Marcus Serrano  
Village Attorney Stephanie Porteus  
Village Clerk Cynthia Kempter  
Building Inspectors Brian Cook and Peter Cook  
Village Engineer George Pommer  
Village Planner David Stolman  
Highway Forman Robert Wheeler  
Recreation Supervisor Nancy Bayer  
Erik Block and Pat Leech from Cortlandt National Little League  
Insurance Broker R.J. Impastato

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:31PM. She led the Pledge of Allegiance.

**2. APPROVE MINUTES:**

March 23, 2021 Workshop Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Murray and Trustee Capicotti abstaining.

April 6, 2021 Organizational Meeting: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Murray with all in favor.

**3. COMMENTS FROM THE FLOOR (agenda items only): None**

**4. OLD BUSINESS:**

- a. Continuation of Public Hearing Regarding the Overlay District. A Motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Village Planner Stolman gave a brief overview of the Overlay District. Trustee Murray reviewed the Planning Board's concerns. Trustee Zachary mentioned the tax bills on various mixed-use property as opposed to the townhouses and apartment buildings in the Village. Mayor Knickerbocker opened discussion

up to comments from the floor. There were none. A motion to close the Public Hearing on the Overlay District we made by Trustee Murray, seconded by Trustee Zachary with all in favor.

**5. NEW BUSINESS:**

- a. **2021-12** Resolution Adopting Local Law No. 3 of 2021 Which Would Amend the Village Zoning Law by Rezoning the Easterly Side of Albany Post Road from White Street to Bleakley Avenue from the M-1 to the C-2 Zoning District, and by Creating and Applying the C-1/C-2 Overlay District to the Modified C-2 District and to a Portion of the C-1 District.

A motion to adopt this resolution as is was made by Trustee Zachary, seconded by Trustee Murray, with all in favor and Trustee Funchion opposed. Mayor Knickerbocker did not cast a vote.

- b. Discussion of Use of Westchester Avenue Field by Travel Teams and Hendrick Hudson High School and Related Fees and Insurance.

Erik Block explained what teams were using the Westchester Avenue Field. The teams feel that the fee they are paying is too high for the service they are getting. The teams pay a per game and practice fee; however, the field is only prepped one time a week for 5 – 6 games per week. They are not getting a per game prep of the field. The teams would like to see the fees reduced. Erik Block also questioned the locked gate. In case of emergency, the ambulance would not be able to get onto the field. Mayor Knickerbocker asked Highway Foreman Wheeler to give them a key. Insurance Broker, RJ Impastato explained the reason for the insurance fees. After discussion, the Village Board decided to not charge the Travel Teams a fee for the summer and fall season and we will track the expenses for the field in order to decide about fees for future years. The fees for Hendrick Hudson High School will remain the same. A motion to waive the fee schedule that what imposed upon the Cortlandt Little League and Travel League for this season was made by Trustee Murray, seconded by Trustee Funchion with all in favor. Mayor Knickerbocker did not cast a vote.

- c. Consider a Motion to Open a Public Hearing to Amend Chapter 195, Water.

A motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Village Engineer Pommer explained that this section of the code has items that need updating in order to be more in favor of the Village and have the costs be the burden of the applicant and not the Village. Trustee Murray questioned the change for Section 195-1 letter, (C) that says the Village may enter a building at any time. After discussion, this will be amended. A motion to continue the public hearing to Amend Chapter 195, Water was made by Trustee Zachary, seconded by Trustee Funchion with all in favor. Mayor Knickerbocker did not cast a vote.

- d. Resolution Adopting Local Law No. 4 of 2021 Amending Chapter 195, Water.

Public hearing will continue on June 1, 2021.

- e. Consider a Motion to Award a Bid for the Albany Post Road Valve Insertion at Bleakley Avenue 2021.

Three bids were received. Pizzella Brothers had the low bid at \$19,900.00

A motion to approve this as presented was made by Trustee Murray, seconded by Trustee Capicotti, with all in favor. Mayor Knickerbocker did not cast a vote.

- f. Consider a Motion to Authorize Village Engineer to go out to Bid for the Route 9A Sidewalk Project.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

- g. Consider a Motion to Allow Hendrick Hudson School District to use the Westchester Avenue Field for baseball.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

- h. Consider a Motion to Approve Building Department Fee Schedule.

Building Inspector Peter Cook explained the changes to the fee schedule. The fee for portable storage containers has been removed. There will be a public hearing on this on June 1. A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

- i. Pool Fees:

Recreation Supervisor Bayer discussed using only a pool pass this season to enter the pool. After discussion, the Village Board decided that the fee schedule and access to the pool will remain the same.

- j. Consider a Motion to Call for a Public Hearing on June 1, 2021 to Modify Chapter 137, Article 2.3 Entitled Portable On-Demand Storage Units.

A motion to approve this as presented was made by Trustee Zachary, seconded by Trustee Funchion, with all in favor. Mayor Knickerbocker did not cast a vote.

- k. Consider a Motion to Appoint two (2) People as Seasonal Highway Help From May 7, 2021 – August 31, 2021 at a Rate of \$14.00 per hour.

A motion to appoint two (2) people as season highway help - with Matt Eichler starting on May 7 – August 31, 2021 at a rate of \$14 per hours and include a second person at the same rate with a start time to be determined - was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

- l. Consider a Motion Regarding a New Service of Allowing Credit Card and E-Check Processing of Tax Payments and Water Payments.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

- m. Consider a Motion for the Treasurer to Make All Required Budget Transfers, Adjustments and Amendments to Close the 2020-2021 Fiscal Year as Required for the Annual Audit.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

- n. Consider a Motion to Accept the Proposal from General Code to review, correct and update the Village Code and to purchase five (5) Code books at \$100/book.

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

- o. Consider a Motion for Unpaid Water Charges to be Added to the Tax Bill Subject to State and Executive Orders.

A motion to approve this as presented was made by Trustee Murray, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

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

- a. Justice Report – March 2021

Received and filed.

- b. Police Report – March 2021

Received and filed.

- c. Highway Report – March 2021

Received and filed.

d. Wastewater Treatment Plant – March 2021

Received and filed.

e. Building Department – March 2021

Received and filed.

f. Planning Board Minutes – March 18, 2021

Received and filed.

g. Attorney's Report

Village Attorney Porteus has executive session items only.

h. Trustee's Report

Trustee Murray thanked everyone for the positive feedback. Trustee Murray suggested putting the original petition for the intervenor on the website. Trustee Murray questioned if a letter was sent to Senator Harckham opposing the Senate Bill #S4547 which allows for multifamily dwellings in single family zones. This supersedes our accessory apartment legislation. It takes away the municipalities ability to legislate single family homes. This would be bad for the Village. We should put together a letter or resolution. This should be discussed at the next workshop. At the April 7 budget hearing, Trustee Murray requested that we repeal the sewer rents law. He would like this brought up at the next workshop. The Memorial Day Parade will be held on May 31 at 11:00am. It will start at Hendrick Hudson High School and go down Lindsey Avenue to Westchester Avenue to the pavilion. The Town of Cortlandt's Memorial Day event will be on Friday, May 28 at 1:30 at the Veterans Monument at Steamboat Dock near the sea plane base. In case of rain, it will be held at the Muriel Morabito Center. Trustee Murray stated, "I know I made a comment on the April 7<sup>th</sup> meeting, and I'm going to keep making a comment every day that we have a public meeting. It aggravates me to no end that Village Officials will not stand for the Pledge of Allegiance. I find that to be disrespectful, lazy and goes against everything that this Country is about. Village Officials should set the example. We swear an Oath to the Constitution. Although it is not required by the Constitution to stand for the Flag or the Pledge, we should be setting that example to show that we enjoy our government, we enjoy our way of life and we should respect the people who can no longer stand for the Pledge. So, I am going to say it every time I see it and if it continues I would hate to have to contact every single Veterans Organization that I am involved with whether it's the Purple Heart, the Legion, the VFW and have 30 or 40 people come to every

meeting and speak for 3 minutes.” Mayor Knickerbocker said, “Sean, you are grandstanding at this point. We’ve had this discussion. You know what Sean, there is nobody on this Board that is being disrespectful.” Trustee Murray said, “when you don’t stand for the Flag it is disrespectful.” Mayor Knickerbocker said, “you’re not paying attention to the Pledge if you are watching what everybody else is doing. So that is disrespectful. You’re suppose to be looking at the Flag with your hand on your heart.” Trustee Murray said, “what do you think I was doing?” Mayor Knickerbocker said, “so you watching all of us to see to how you can get – gotcha, gotcha, gotcha, gotcha, gotcha. Sean, what are you doing, what are you doing, c’mon. You’re grandstanding Sean, you’re grandstanding, that’s what you’re doing.” Trustee Murray said, “I’m saying that I’m pointing out something that I view is disrespectful to our Flag and every Village Official should stand for the Pledge of Allegiance.” Mayor Knickerbocker said, “that is your opinion, that’s your opinion.” Trustee Murray said, “I wouldn’t be giving someone else’s, I’m giving the report.” Mayor Knickerbocker said, “Absolutely, yes you are. Continue.” Trustee Murray said, “I would appreciate it in the future that Village Officials stand for the Pledge.” Trustee Funchion stated, “I will do what I think is respectful at that particular time.” Trustee Murray said, “Absolutely.” Trustee Funchion continued, “If I stand up, you’re going to see my belly. I put my hand over my heart, and you have some hell of a nerve.” Trustee Murray said, “I do.” Trustee Funchion said, “I gave 35 years of my life to my country, I respect it, I love it. You have no right to determine what it means to respect your country. Who the hell do you think you are?” Trustee Murray said, “Well, I just think I’m.” Trustee Funchion continued, “No, no it doesn’t, I’m tired of people like you.” Trustee Murray said, “OK.” Trustee Funchion said, “you have no right to determine what people’s patriotism is. Absolutely none.” Trustee Murray said, “I just feel not standing for the flag, not standing for the Pledge of Allegiance, not standing for taps.” Mayor Knickerbocker said, “That seems to be a sore point. Let’s move on, let’s move on, you’ve made your point, you’re grandstanding. Please let’s move on. We have to go into executive session. We understand your point. That’s fine. Thank you.” Trustee Murray said, “Thank you, that’s all I have Mayor, thanks.” Trustee Knickerbocker said, “That’s it?” Trustee Murray responded, “Yes, ma’am.”

Trustee Zachary would like to propose a ban on concrete blocks as an acceptable material for fencing and retaining walls in the Village. The code should be amended to disallow concrete block as a suitable fencing and wall material other than on a temporary basis. The Village is not allowed to use village funds for the gift for the winner of the redesign of the Village Seal. Trustee Zachary will donate \$250 for the winner. If anyone else wants to add to this, please reach out to Trustee Zachary. At the next workshop, we should continue discussion on the rezoning of Indian Point.

Trustee Capicotti is glad that we were able to resolve the issue with the Travel Team. Trustee Capicotti mentioned the sign that was at the circle during election time. He hopes that the reason his friend was told to shut it off was not political. If we don’t want those signs in the Village we should codify that. Mayor

Knickerbocker suggested looking at the code for the signs at workshop. Trustee Capicotti is against changing the Village Seal – this is part of our history.

Trustee Funchion stated that on April 30 there was a nice event held to thank the employees of Entergy for keeping us safe while the plant was open. Trustee Funchion read a few items that our police department responded to in the past month. Trustee Funchion sat down with each police officer individually. He knows there are two issues – shift work and overtime assignments. Impact on the officers and their families are very high. Trustee Funchion and Chief Farrell stated the officers should be covered by an employee assistance program. Trustee Funchion asked that people in the Village do not set off fireworks. You have to consider individuals that have PTSD.

i. Mayor's Report

Mayor Knickerbocker commented on the length of the meetings. We have a lot of things on the agenda and there are many things that need to be addressed. There is a lot of work to be done. The Beautification Committee plant sale is May 7th and May 8th at the Village Circle from 10:00am – 1:00am. They make the Circle and others areas look great. Mayor Knickerbocker read a resignation letter from Mike Lepore, the senior director. Elaine Goetchius wrote a letter commending Officer Regg and Sergeant Palmietto. On two different occasions when she needed ambulance transport to the hospital, they both offered their assistance and made her feel comfortable while waiting for the ambulance. She stated how gratifying it is to live a community where the police department offers such great assistance. Mayor Knickerbocker has a meeting set up with Supervisor Pugliese and Senator Harckham to discuss Senate Bill #S4547 which allows for multi-family dwellings in single family zones. NYCOM is not for it and has spoke clearly about that. Mayor Knickerbocker told Senator Harckham that we will be sending a letter. The ceremony last Friday was not only to thank the employees for their dedication and safe operation of the plant, it was the end of an era for Buchanan. We have been the host community since 1962 of the Indian Point Energy Center. It was a sad day for our community. It had historical significance.

j. Administrator's Report

Village Administrator Serrano stated that it will be about \$7,000 for a survey and title search on the boundary issues with Peekskill at Lents Cove. The grant for the pavilion is still in abeyance. Con Edison is working on the gas line on Bleakley Avenue. We are talking with Con Edison about releasing funds to the Village to be included in our paving program to repair Bleakley Avenue. General Code has another application which ties in our GIS map and zoning map so you can pick a parcel and see all the requirements. We should discuss this at a workshop meeting. The Seniors will be coming back to Village Hall on May 12. There will be no food provided.

**7. COMMENTS FROM THE FLOOR:**

Eileen Absenger questioned about the Seniors going to the pool for water aerobics. She also mentioned about better lighting on the stairwell in Village Hall.

**8. EXECUTIVE SESSION:**

At 10:57PM a Motion to enter into Executive Session to discuss personnel matters and contract negotiations was made by Trustee Funchion, seconded by Trustee Murray with all in favor.

**9. ADJOURNMENT:**

At 11:43PM a Motion to exit executive session and adjourn this meeting was made by Trustee Murray, seconded by Trustee Capicotti with all in favor.