

**1 Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
June 1, 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-Treasurer Cynthia Kempter
Building Inspectors Brian Cook and Peter Cook
Andy Bell of A.S. Bell Engineering, P.C.
Chief Andy Roush

1. PLEDGE OF ALLEGIANCE:

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

2. APPROVE MINUTES:

April 7, 2021 Budget Hearing: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

April 27, 2021 Special Meeting and Workshop: A Motion to approve these minutes as presented was made by Trustee Funchion, seconded by Trustee Capicotti. On a question, Trustee Murray asked that since this was a special meeting and a workshop are we approving both meeting and workshop at the same time. Mayor Knickerbocker responded yes. Trustee Murray would like added in Item 4, the resolution for the MOU with Holtec, a line added stating that a contentious discussion between Mayor Knickerbocker and Trustee Murray ensued about the merits of the Villages intervener status. A motion to approve the amended minutes as requested was made by Trustee Zachary, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

May 4, 2021 Board Meeting: Trustee Zachary stated that in Trustee Murray's report on the line referring to Bill #S4547 which allows for multifamily dwellings in single family units, that the units should be changed to zones. In addition, Trustee Zachary stated that at the bottom of Trustee Murray's report where he commented that it aggravates him that Village Officials will not stand for the Pledge of Allegiance, he feels that it is disrespectful and Village Officials should set the example. Trustee Zachary said, "that

is accurately what Trustee Murray said, but similarly to Trustee Murray's issue with the last minutes we just amended, I don't think this accurately reflects what happened. As Sean said, we are doing abbreviated minutes, but this is misleading for anybody that reads it because after his comments both Trustee Funchion and the Mayor and I had commented after a similar comment explaining that this Village Board has always been respectful of the Country and the Flag but that zoom changes the rules of the game and that some of us find it more comfortable to be looking at the screen and sitting down. It has nothing to do with disrespect so while if you just read this without any perspective it sounds like we are a bunch of non-patriotic so and so's, but actually we have our own criteria and this is misleading to anyone reading the minutes in the future." Trustee Zachary would like this amended. Trustee Funchion would like both his response and the Mayor's response to be incorporated. Trustee Funchion doesn't feel this is complete. Trustee Zachary said, "it is complete as far as what Sean said, but it is misleading as to the conversation and what our stand was." Trustee Murray said, "to keep it simple you can add a contentious debate over the merits of Trustee Murray's comments were discussed, or something like that." Trustee Zachary said, "I would like it to be more specific because this doesn't reference the fact that these meetings are on zoom. It is just misleading to me." Trustee Funchion said, "he can't say for the Mayor, but I would like my full response incorporated. You can get it off of You Tube, Cindy." Trustee Murray said, "if Trustee Funchion's words are going to be verbatim, I would like mine to be verbatim then too." Mayor Knickerbocker said to Cindy, "that since we all feel it necessary to be verbatim, we will not vote on this this evening and we will hold this over until the July meeting; if you could add in all the verbatim and we will look at it once again and approve this if everyone agrees at the next meeting in July." Trustee Zachary said, "that based on the number of people that are likely to read these minutes it is kind of a moot point, but should anyone want to read it, it is misleading." Trustee Murray said, "that is why I would think we could just put a blurb in that said there was a lively discussion or heated discussion or whatever so people could tune in to the video so they could have the same frame of reference. The only reason I said I wanted it in there verbatim is because you guys wanted it in there, if its good for one, its good for the other. I think if we just reference where we can find the information that would suffice." Trustee Zachary said, "I know Rich, that you said verbatim, but to me as long as the essence is extracted out of it in the same way the essence of what Sean said is the essence of what other people responded is extracted, I think that would be ok. Verbatim could start to add a whole page." Village Clerk Kempter said she will go back and see what she can do and then send it to them to look at again. Trustee Funchion said, "I would like to defend myself and I have a right to let the population of this Village know that I am very patriotic person and I did not start this crap, it was started by Trustee Murray. I would like my words in the way I put them." Mayor Knickerbocker said we can review it before the next meeting. Mayor Knickerbocker said that in her report where it says, The Westchester Municipal Officials Association is against Senate Bill #S4547 it should read NYCOM. NYCOM is the one that was definitely against the legislation at the time that was being introduced. Mayor Knickerbocker stated that this bill is not moving forward this year. Senator Harckham has gotten a lot of comments and they are back to the drawing board with this, but will not move forward this year. Trustee Zachary said in the Mayor's report the same mistake is made where it allows for multi family dwellings in single family units – this

should say single family zones. Mayor Knickerbocker said that what they are looking to do is all the single-family houses can have accessory apartments. There was some pushback, but that is not happening this year. The approval of these minutes was deferred until the next meeting.

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

- f. Consider a Motion to Retain the Services of Bell Engineering for Phase 2 Regarding the Village Pool.

Mayor Knickerbocker amended the agenda to bring forward letter f since Mr. Bell is here to discuss the pool and we don't want to make him sit through the whole meeting. Mr. Bell stated that if we make any changes to the pool, other than a simple maintenance item which is what you are doing with the existing pump, we are subject to the Westchester County Health Department going through the whole system and updating the whole pool to their standards. This could be long and tedious and we don't know what the cost implications of that might be. Mr. Bell had given us estimates for two filters system: one for a vacuum sand filter and one for an above ground pressure sand filter. The reason for this is that the existing filter is undersized for today's standards. It is Mr. Bell's understanding that the County will continue to allow the Village to use it under current conditions, provided we don't make changes to anything other than shutting off the kiddie pool. Mr. Bell's suggestion would be to put the refurbished pump in and run it this year to see if we still have leaks once we shut the kiddie pool off. Mr. Bell thinks the leakage was through a few valves that were in the ground by the kiddie pool or there was a substantial leak in the line going from the pump to the kiddie pool. Mr. Bell suggested to continue to do nothing other than maintaining the existing pool as is. As long as the County doesn't rock the boat as far as using it that way, then continue to do that. Mr. Bell recommends we don't do anything for the foreseeable future, until we hit a problem. The existing pump is being rebuilt to get it up and running and the new pump we ordered will be put on the shelf if this rebuilt pump fails. Trustee Zachary feels that we should do the minimal course of action right now and not do what we do not have to do. We should have an assessment and a plan and monitor the pool's condition and look for possible sources of funding whether its through our capital budget or grant money. Trustee Murray stated that at the last meeting we said we wanted to replace the pump and get it running for this year. Trustee Murray said the Board has to decide if we are going to do the phase 2 construction of the pool. Trustee Murray said that if Mr. Bell can assure us that the pump will be sufficient there is no reason to create more resolutions. Trustee Murray thinks we should not consider a motion for phase 2. Mr. Bell agrees that the pool should be operational with the current filtering system and new pump. Mayor Knickerbocker said that the priority is getting the pool up and running for camp. Mayor Knickerbocker thanked Mr. Bell for attending.

4. OLD BUSINESS:

- a. Continuation of Public Hearing on Amending Chapter 195, Water. A Motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Capicotti, with all in favor. Mayor Knickerbocker did not cast a vote.

Mayor Knickerbocker stated that this process started because of a commercial water main leak. This covers the responsibility of property owners with maintenance and repairs. Trustee Murray said he was concerned about giving an authorized agent the access to anyone's premises to make an examination or repair and that if the owner did not allow access for the examination that the water would be shut off. Trustee Murray said this was the issue he had because it seemed like we were legislating away the due process to enter somebody's domicile. Trustee Murray was concerned that in the future this clause could be abused if somebody wanted to gain access to the property and say they have the right to examine your water meter and you have to let me in or else we are going to shut your water off and ancillary to that inspection other things could come to light. Trustee Murray thought that it somewhat circumvented the judicial process. Trustee Murray said he knew that Stephanie had sent out a couple of emails about changing that wording. The draft we have still has the old language in it. Trustee Murray does not like giving Village authority to make an examination or repair without any rationale behind it. Mayor Knickerbocker stated that under meters on the second page it has "the employees of the Village may enter the premises on any consumer at any time between the hours of 8:00am and 6:00pm to examine the meter and/or its connection and to read the same." Mayor Knickerbocker said people still have a right not to let anyone into their home, but she understands what Trustee Murray is saying because it gives the Village the option of shutting off their water supply. Mayor Knickerbocker doesn't know legally about that because if there is not water in a person's home, that becomes a health department issue. Mayor Knickerbocker mentioned that the Village has put new meters into most people's home and they can go to an app and see if their water usage is excessive or if they have a leak. Village Hall can also see if there is a leak and we do notify people that they have a leak. Trustee Murray said that the Village did pass legislation that exempts a one-time basis for a property owner or an excessive water bill. Mayor Knickerbocker played devil's advocate and said if someone has a leak and they let it go for years and then come to the Village and ask for amnesty, what happens. Trustee Zachary suggested that if we notify them that there is a leak and they do not let us on the premises than that notification should also serve as a notice that they lose their right to that one-time amnesty. It's to the resident's advantage to allow the Village to address the issue or to make sure they are repairing it with an authorized plan or plumber. Trustee Zachary stated that he had voted against the one-time amnesty because he thought it might get abused. Village Attorney Porteus stated that she had changed the language to say, "upon proof or reasonable suspicion of a leak." There were no public comments.

A motion to close the public hearing on Amending Chapter 195, Water was made by Trustee Murray, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

5. NEW BUSINESS:

- a. **2021-13** Resolution Adopting Local Law No. 4 of 2021 Amending Chapter 195, Water.

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

**VILLAGE OF BUCHANAN
RESOLUTION TO ADOPT LOCAL LAW #4
AMENDING CHAPTER 195 ENTITLED “WATER” TO THE
CODE OF THE VILLAGE OF BUCHANAN**

Introduced by: Trustee Funchion
Seconded by: Trustee Murray
Dated: June 1, 2021

WHEREAS, a motion was approved 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 195 entitled “Water” 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 on zoom at a regularly scheduled meeting of the Village Board on May 4, 2021 and continued on June 1, 2021 at 7:30 p.m., 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. 4-2021 amending Chapter 195 entitled “Water” 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.

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 4 OF THE YEAR 2021**

**A LOCAL LAW AMENDING CHAPTER 195 ENTITLED WATER TO THE CODE OF THE
VILLAGE OF BUCHANAN**

Section One: The following sections of the Village Code are amended to read as follows:

§ 195-1. Connections and alterations restricted.

- A. No person, other than the regular employees or duly employed contractor of the Village, will be permitted to tap or make any connection or attachment with any Village water main or to make any repairs, additions, or alterations to any pipe, tap, cock or other fixture connected to any service line from the main to the curb box in the Village right-of-way, unless otherwise approved by the Village Water Department in a written notice copied to the Village Clerk. All work performed by non-Village employees beyond the curb box must be conducted by a licensed plumber in accordance with Village Standards and shall be reviewed and approved by the Village Engineer with an as-built of the work submitted to the Village Clerk. (The curb box shall mean to include the curb valve and valve box.)
- B. The Village will, upon request, attempt to locate an existing water main for the purpose of making an excavation for a water tap. In granting such request, the Village assumes no obligation or liability in connection therewith due to inability to locate such main, and the applicant by making such request expressly assumes all responsibility to his agent or employees in the event of such inability to so locate the main.
- C. Upon actual notice or reasonable suspicion that there is a leak, the Village Water Department, or its authorized agent may at any time enter a building or upon the premises where there is a supply pipe or meter to make examination or repairs with the necessary notifications and permission from the owner. Should the owner refuse or deny access to the Village's authorized agent to examine and/or make necessary repairs, the Village will have the right to shut off the water supply until permission is granted or the repair is completed by the owner as approved by the Village.
- D. New installations shall include all work and shall be paid for the property owner.

§ 195-2. Application for service; fees.

- A. Application for service connections shall be made to the Village Clerk on the form provided therefor. Such application shall be signed by the owner of the property or his legal agent. Payment for such connection must be made in advance, in accordance with the following schedule and any updated fee schedule as approved by the Board of Trustees:
[Amended 8-19-1974]
 - (1) Three-fourths-inch tap: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
 - (2) One-inch tap: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
 - (3) Setting stop and waste valve (furnished under § **195-4**): as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
 - (4) Copper tubing, three-fourths-inch service, per linear foot: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
 - (5) Charges for larger services on demand.

- B. For new connections, the property owner shall make all excavations, including necessary holes through any foundation walls, from the water main to the meter at his own cost and expense. The Village of Buchanan will furnish and install only the meter, for which service the applicant shall pay the below rates and any updated rates as approved by the Board of Trustees. The performance for all work will be the responsibility of the property owner, with the exception of the meter. All work must be performed by a licensed plumber and inspected by the Village prior to back filling.
- C.
 - (1) Three-fourths-inch service: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
 - (2) Charges for larger services on demand.
- D. Upon completion of the installation of the service line, after inspection, the applicant shall cause the trench to be properly backfilled.

§ 195-3. Tampering with fire hydrants and valves; penalties for offenses.

- A. Except in case of fire, no person shall attempt to manipulate or control any fire hydrant or draw any water therefrom, except regular employees of the Village, unless said person shall have obtained a permit from the Village.
- B. No person shall adjust, close, tamper, or in any way modify water valves located in the right-of-way, except regular employees of the Village.
- C. A fine per the fee schedule as enacted by the Village Board of Trustees from time to time shall be imposed for each and every violation of the above subsections, and in addition thereto, all water drawn from such hydrant shall be paid for at the domestic rate. The amount of water shall be computed from the time the water is allowed to run, taking the average pressure into consideration, and presuming that the hydrant was fully open.

§ 195-4. Meters.

- A. Meters up to 1" in diameter will be furnished and installed by the Village and shall remain the property of the Village. Meters larger than 1" shall be furnished and installed by the Village and the cost of the meter and its installation shall be charged to the consumer.
- B. The annual rental for meters shall be payable quarterly at the time that the water bills are due and shall be made a part of such bill.
- C. The owner shall furnish and install, at his own cost and expense, a check valve at the outlet side of the meter. The owner shall furnish and the Village will install a stop and waste valve on the inlet side of the meter.
- D. The owner shall furnish and install, at his own cost and expense, all necessary pressure-reducing and/or pressure-relief valves.
- E. The employees of the Village may enter the premises of any consumer at any time between the hours of 8:00 a.m. and 6:00 p.m. to examine the meter and/or its connections and to read the same.
- F. Should the consumer feel that any meter is registering improperly, he shall file a complaint with the Village Clerk, whereupon the meter will be removed and tested. If it is found to register against the consumer by more than 2%, there will be no charge for removing, testing, repairing, and replacing

the same. If, however, the meter is not found to register against the consumer in an amount of more than 2%, a charge will be made in accordance with the following schedule and any updated fee schedule as approved by the Board of Trustees:

- (1) Charge for changing and testing meters (if found correct), up to and including one inch in size: as set by resolution of the Board of Trustees.
[Amended 2-7-2011 by L.L. No. 9-2011]
- G. Should any meter get out of order and not register properly, the Village may, at its option, fix then charge against the consumer according to the consumption during the previous corresponding period.
- H. It shall be the duty of any consumer to protect all meters, pipes, fittings, etc., from harm. Should any meter become damaged or non-functional, it shall be repaired by said Village and the expense thereof charged against the consumer.
- I. As a rule, only one meter will be furnished for each building or service. However, upon application, additional meters will be furnished. In such cases, the owner shall arrange the plumbing as required, and for each additional meter supplied, a meter rental shall be charged.
- J. No seal placed by the Village upon any meter, valve or fitting shall be tampered with or defaced. Whenever any seal is found broken, the meter shall be tested at the expense of the consumer.
- K. Where meters are installed at a point other than in the building, the owner shall construct, at his own cost and expense, a meter pit of a design and in a location approved by the Village Engineer.
- L. For commercial and industrial properties and properties with large diameter connections, meters shall be installed in a meter pit installed at the property line.
- (1) Meter pits shall be installed in accordance with these provisions within five years of adoption of this code amendment.
 - (2) Properties which do not relocate their meter to the property line shall be subject to an annual leakage test performed by the Village. The cost of the test shall be reflected in the consumer's water bill.
 - (3) Any leaks detected shall be corrected in accordance with §195-5.
- M. Access to the meter pit shall be maintained by the owner. No soil, objects, barriers, or similar shall be placed over or around the meter pit in any way that would inhibit accessibility. The Village may remove and dispose of any materials inhibiting access and charge the same to the owner.
- N. Remote meter reading equipment shall be installed in the meter pit unless an adequate signal cannot be obtained and then the remote reading equipment shall be installed outside of the pit, at the owner's expense, in a secure, weather protected location as approved by the Village Engineer.
- O. Meter rental charges.
- (1) The following meter rental charges will be made quarterly: [Amended 2-7-2011 by L.L. No. 9-2011]
- | Size of Meter (inches) | Quarterly Charge |
|-------------------------------|---|
| 5/8 to 3/4 | As set by resolution of the Board of Trustees |
| 1 | As set by resolution of the Board of Trustees |
| 1 1/2 | As set by resolution of the Board of Trustees |

(2) Where meters are owned by the consumer, no charge shall be made.

§ 195-5. Leaks; discontinuance of service; charges.

- A. No connection of any kind shall be made to the service pipe between the main and the meter.
- B. Consumers are responsible for keeping their own water pipes and appurtenances in good repair and free from frost, including the connection on the consumer's side of the curb box, at their own expense.
- C. The Village Clerk shall be notified immediately of any leaks in the water service line. For leaks between the water main and the meter, repairs shall be made in accordance with the following:
 - (1) The Village shall, at no cost to the owner, determine if the service pipe is in need of repair or if that an entirely new line shall be constructed on account of leaking, corrosion, or other cause.
 - (2) Work between the main and the curb box shall be performed by the Village unless otherwise approved by the Village and the cost shall be charged to the owner.
 - (3) Work between the curb box and the meter shall be performed by the property owner at his own expense.
 - (4) All repair work shall be performed by a licensed plumber and shall be inspected by the Village prior to back-filling.
 - (5) The property owner shall prepare an "as-built" drawing of the repair work and shall submit it to the Village for review and acceptance.
 - (6) Should the Village provide written notice to the owner to repair the leak between the curb box and the meter and the owner fails to perform the repair within 48 hours or fails to repair adequately, as determined by the Village Engineer or Water Department, then the Village may shut-off water supply until the requirements of the Village have been complied with or the Village shall perform the repair and charge the same for the repair and lost water to the consumer. The volume of lost water shall be as estimated by the Village Engineer.
- D. In case any owner desires to abandon any service, the Village Clerk shall be notified and the service will be discontinued at the main. This work will be performed by the Village, for which service the owner shall be charged a sum as set from time to time by resolution of the Board of Trustees.
[Amended 2-7-2011 by L.L. No. 9-2011]
- E. Should the owner desire to discontinue the use of water, the Village Clerk should be notified in writing as to the time and place of such discontinuance that is desired. The Village will shut off the water at the curb box and remove the meter. If and when said consumer desires to resume the use of water, the Village Clerk shall be notified in writing, and the Village will turn on the water at the curb box and reset the meter. The charge for - these services will be in an amount as set from time to time by resolution of the Board of Trustees.
[Amended 2-7-2011 by L.L. No. 9-2011]
- F. Charges and arrearages to the consumer shall be included in the water bill and collected in accordance with the provisions of § 195-7 of this article.

§ 195-6. Regulation of water supply; safety valves.

- A. The Village of Buchanan shall have full right at all times, whenever in its opinion the public good requires it, to regulate, diminish or entirely cut off the supply of water from any and all consumers taking water and to make all such regulations and rules for the use of or for diminishing the supply of water or reducing the pressure as said Village may deem necessary.
- B. The Village shall not be responsible for breaks, obstructions or intermissions in service arising from any cause whatsoever. The Village shall not be responsible or liable for any damage which may result to consumers' pipes, appliances, etc., from the shutting off of any water mains and/or service pipes for any purpose whatsoever, whether previous notice has been given or not.
- C. In cases where boilers or other special equipment is supplied with water, a suitable valve or other device must be installed by the owner to prevent collapse or explosion in case the water is shut off in the main.

§ 195-7. Payment of bills; penalties and charges.

- A. Water bills shall become due quarterly on January 1, April 1, July 1, and October 1. Water rates shall be computed from the registration of the meters, as taken within a reasonable time before the first day of each quarter.
- B. Bills are due and payable at the office of the Village Clerk on the first days of January, April, July, and October.
- C. If any meter water account remains unpaid on the first day of the month following the month in which the bill is rendered, there shall be charged, as a penalty for such nonpayment, an additional sum of 5%.
- D. If any meter account remains unpaid for 120 days after the bill for the same has been rendered, the Clerk shall serve notice upon the delinquent property owner, and if such account remains unpaid for 10 days thereafter, the premises may be deprived of water and a lien shall be claimed to the property until all arrearages are paid in full.
- E. Where any service has been turned off for nonpayment of bills, a charge in an amount as set from time to time by resolution of the Board of Trustees will be made to restore service.^[1]
[Amended 9-6-2011 by L.L. No. 12-2011]
- F. All water rents must be paid by the owners and will be billed to them only unless a resolution of the Board of Trustees makes an exception.
- G. Service charge credits. Whenever a consumer is either notified of a leak on the service line on the consumer's side of the curb box, or the consumer becomes aware of such a leak, the consumer may be eligible for a one-time-only service charge credit for the period which the property is owned by said consumer, that shall consist of adjusting the water bill, equal to the amount of the average of the consumer's water bill over the past 12 months, provided that the consumer meets the following conditions:
[Added 9-6-2011 by L.L. No. 12-2011]

- (1) The consumer's property is used for residential purposes only and is within the boundaries of the Village of Buchanan.
- (2) The consumer must repair the water leak within 10 days of being notified or of learning that a

leak exists, and proof of the repair of such leak shall be provided to the Village of Buchanan.

(3) The leak must exist in such a way that it was undetected except through an increase in water consumption.

(4) The adjustment shall be authorized by the Administrator of the Village of Buchanan.

§ 195-8. Water rates.

[Amended 1-9-1967; 2-5-1968; 6-8-1970; 3-15-1999 by L.L. No. 1-1999; 6-18-2007 by L.L. No. 2-2011]

A. The charge imposed by the Montrose Improvement District or City of Peekskill for the purchase of water from the Montrose Improvement District or the City of Peekskill will be passed through in its totality to the customers within the Village of Buchanan.

B. Whenever the Montrose Improvement District or City of Peekskill adjusts the water rates charged to the Village of Buchanan for raw water, said increases shall be reflected in the next billing to the customers of the Village of Buchanan rendered after the increase is in effect. Said increase shall take place at any time during the fiscal year whenever the Montrose Improvement District or City of Peekskill notify the Village of Buchanan of the increased water rates and shall not await the establishment of a new budget or setting of new water rates at the end of any fiscal year.

§ 195-9. Water service outside Village.

A. The rates for all consumers of water located outside of the corporate limits of the Village of Buchanan shall be not less than 50% more than for the use or class of service located inside the Village.

B. It shall be optional with the Board of Trustees, subject to provisions of the Village Law relative thereto, to continue present or grant new services outside of the corporate limits of the Village.

C. The Board of Trustees shall fix the amount of security to be deposited to guarantee the payment of bills accruing for services outside of Buchanan, but in no event shall this deposit be less than the amount as set from time to time by resolution of the Board of Trustees.

[Amended 2-7-2011 by L.L. No. 9-2011]

§ 195-10. Large connections for fire protection and commercial or industrial properties.

A. Large connections for fire protection by means of automatic sprinkler or standpipe shall be considered for approval upon special application to the Board of Trustees accompanied by the recommendation of the Village Engineer.

B. Large connections shall mean any water line greater than 1" in diameter.

C. No service connection of any kind by the property owner will be permitted to be attached to any fire-protection service line. At the Village's discretion, the Village may make emergency or other connections to such water lines.

D. The connection to the Village water main must be done by a plumber holding a County of Westchester plumber's license.

E. The property owner must provide a meter pit as approved by the Village Engineer, at their own expense. The meter pit shall be located on the owner's property at the property line as approved by

the Village Engineer.

- F. A detector check installation with a meter bypass must be provided. A detailed copy of said detector check installation with meter bypass for fire-protection service is available at the Village Clerk's office.
- G. The tapping of the water main and laying of pipe from the main to *a curb box and* the meter pit, shall be done a licensed plumber. The cost of said work shall be borne by the applicant. All work beyond the curb box and in the meter pit shall be done by and paid for by the applicant, with inspection by the Village Engineer.
- H. Application for connection shall be paid in an amount as set from time to time by resolution of the Board of Trustees to cover the cost of fees and to establish an escrow account to cover the cost of inspection and Village Engineering services in connection with said connection.
[Amended 2-7-2011 by L.L. No. 9-2011]
- I. A quarterly charge in an amount as set from time to time by resolution of the Board of Trustees per inch of diameter of the main shall be made for all such connections. This quarterly charge shall be billed at the time of the regular quarterly billing.
[Amended 2-7-2011 by L.L. No. 9-2011]

Section Two: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

- b. Consider a Motion to Open the Public Hearing to Modify Chapter 137, Article 2.3 Entitled Portable On-Demand Storage Units.

A motion to open the public hearing was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

Trustee Zachary stated that we leaving the code the way it is, but taking out the fee portion and putting that on the fee schedule.

Eileen Absenger questioned that if someone had a fire and the POD was there for 30 days and the 4 weeks beyond that, are they still allowed to have a POD there. Village Attorney Porteus said that was addressed under 'Duration' in the current code in the event of a fire, hurricane or natural disaster. The Building Inspector will take a look at it and extend the permit.

A motion to close the public hearing to Modify Chapter 137, Article 2.3 Entitled Portable On-Demand Storage Units was made by Trustee Zachary, seconded by Trustee Funchion, with all in favor. Mayor Knickerbocker did not cast a vote.

- c. **2021-14** Resolution Adopting Local Law No. 5 of 2021 Amending Chapter 137, Article 2.3 Entitled Portable On-Demand Storage Units.

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

**VILLAGE OF BUCHANAN
RESOLUTION TO ADOPT LOCAL LAW #5
AMENDING CHAPTER 137, ARTICLE 2.3 ENTITLED
“PORTABLE ON-DEMAND STORAGE UNITS” TO THE
CODE OF THE VILLAGE OF BUCHANAN**

Introduced by: Trustee Funchion
Seconded by: Trustee Murray
Dated: June 1, 2021

WHEREAS, a motion was approved 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 137, Article 2.3 entitled “Portable On-Demand Storage Units” 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 on zoom at a regularly scheduled meeting of the Village Board on June 1, 2021 at 7:30 p.m., 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. 5-2021 amending Chapter 137, Article 2.3 entitled “Portable On-Demand Storage Units” 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.

VILLAGE OF BUCHANAN

LOCAL LAW INTRODUCTORY NO. 5 OF THE YEAR 2021

**A LOCAL LAW AMENDING CHAPTER 137 ENTITLED PROPERTY MAINTENANCE TO
THE CODE OF THE VILLAGE OF BUCHANAN**

Section One: The following sections of the Village Code are amended to read as follows:

Article I:

§137-2.3 Section 137-2.3 of Chapter 137 entitled “portable on-demand storage units”, of the Code of the Village of Buchanan is hereby amended to read as follows:

A. Permit required. Before placing a portable on-demand unit on his or her property, a property owner or tenant must submit an application and receive a permit from the Village Building Inspector. An insurance certificate providing liability insurance in the amount of \$100,000, provided by the third party supplying the portable on-demand unit must accompany the application. There is no fee for a thirty-day permit for the first portable on-demand storage unit per every six-month period. For every additional portable on-demand storage unit requested within a six-month period, a fee will be required in accordance with the fee schedule as adopted and amended from time to time by the Village Board of Trustees. Applications may be obtained from the Village Building Inspector.

B. Duration.

(1) Permits will be granted for a period of 30 days. At the expiration of the thirty-day period, applicants may seek to extend their permit for an additional 30 days by seeking an extension for cause from the Village. The fee for each 30-day extension will be in accordance with the fee schedule as adopted and amended from time to time by the Village Board of Trustees. No one shall be given any more than two permits in any six-month period. A maximum of 90 days is allowed in any one consecutive twelve-month period.

(2) In the event of fire, hurricane, natural disaster, or other emergency causing substantial damage to the structure, the property owner may apply to the Village Building Inspector for permission to extend the time that a portable on-demand storage unit may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Village Building Inspector and shall give sufficient information to determine whether such extended duration should be granted. The Building Inspector shall determine whether or not to grant such extended duration and the length of such extension. In the event of an adverse decision by the Building Inspector, the applicant may appeal such decision to the Village Board of Trustees by filing a written appeal describing why he or she needs additional time in which to have the portable on-demand storage structure on his or her property. The decision by the Board of Trustees shall be final.

C. Location. Portable on-demand storage units are prohibited from being placed in streets or in the front yard of a property. Portable on-demand units must be kept in the driveway of the property at the furthest accessible point from the street. All portable on-demand unit locations must be placed on paved off-street surfaces. The applicant must obtain preapproval of the location by the Village Building Inspector in the following situations:

- (1) If the property does not have a driveway;
- (2) If the location of the unit in the driveway is in the front yard of the property; or
- (3) The property is a corner lot.

D. Number of units. Only one portable on-demand storage unit may be placed at any residential property at a given time.

E. Exceptions. The above regulations do not apply to open containers commonly known as "dumpsters" used for the removal of construction debris or other refuse. In addition, a permit for a portable on-demand storage unit is not required when:

- (1) The portable on-demand storage unit is on a property for seven days or less over a period of six consecutive months.
- (2) Use of the portable on-demand storage unit is by a governmental entity.

F. Prohibited: No portable on-demand storage unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the portable on-demand storage unit is located or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Village of Buchanan Building Inspector may inspect the contents of any portable on-demand storage unit at any reasonable time to ensure that it is not being used to store said materials.

G. Penalties for offenses.

(1) Any person violating this section may be subject to a civil or criminal penalty, enforceable and collectible by the Village, in an amount up to \$500- or six-months' imprisonment, or both such fine and imprisonment. Each week's continued violation is considered a separate violation. Nothing contained in the preceding section of this chapter shall prevent the Village Board from maintaining an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provisions of this chapter or any rules or regulations promulgated hereunder.

(2) Any portable on-demand storage unit which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of the Building Inspector or a law enforcement officer for removal of such temporary unit for safety reasons, may be removed by the Village immediately, without notice, and the cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary portable on-demand storage unit was located and may be filed as a lien against such property by the Village

Section Two: This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

d. Consider a Motion to Add to the Fee Schedule a Fee for Portable-On-Demand Storage Units.

After discussion, the Board decided on a \$50 fee for the initial permit and \$50 each time you renew. 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.

e. Consider a Motion to Provide Amnesty to all Prior Approved Accessory Apartments.

Mayor Knickerbocker stated that at this time all accessory apartments are illegal. At this point, we are trying to get everyone legal. Everyone needs to be re-inspected. The Board agreed that everyone has complete amnesty. The Building Inspectors will send letters to everyone with an accessory apartment and set up a date for the inspection. The Building Inspectors will determine the next inspection criteria. A house with an accessory apartment must be owner occupied.

A motion to provide amnesty to all prior approved accessory apartments conditional upon their complying with the Building Inspectors letters was made by Trustee

Funchion, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

A motion to add a \$50 fee for inspection of accessory apartments to the fee schedule was made by Trustee Funchion, seconded by Trustee Capicotti, with Trustee Murray opposed. Mayor Knickerbocker did not cast a vote.

f. See above.

g. Consider a Motion to Extend the Sludge Removal Contract for One Year.

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.

h. 2021-15 Resolution Authorizing Tax Certiorari Settlement with Saint-Gobain (Continental Buchanan LLC), 350 Broadway Providing a Refund in the Amount of \$84,625.77.

Ira Levy, attorney and Tom Waitkins, assessor, felt very strongly that the Village should accept this settlement. This assessment cannot be challenged for three years.

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

**VILLAGE OF BUCHANAN
RESOLUTION AUTHORIZING
TAX CERTIORARI SETTLEMENT**

Introduced by: Trustee Funchion
Seconded by: Trustee Murray
Dated: June 1, 2021

WHEREAS, petitions having been filed by the property owner, below challenging real property tax assessments on the Village's assessment roll with respect to the following parcels:

Property Owner	Address Description	Year(s)
Saint-Gobain (Continental Buchanan)	350 Broadway 43.10-1-2	2021

WHEREAS, petitioner's court challenge is now pending in the Tax Certiorari Part of the Supreme Court, Westchester County; and

WHEREAS, the Village and the property owner have reached a mutually agreeable resolution with regard to the assessments at issue in the Court challenges;

NOW THEREFORE BE IT RESOLVED, the Special Counsel to the Village is

authorized to execute a settlement on behalf of the Village for assessments for no less than the following:

Years	Current AV	Reduced AV	AV Reduction
2021	510,250	352,000	158,250

The refund of Village taxes amounts to \$84,625.77.

- i. Consider a Motion to Call for a Public Hearing on July 6 to Consider No Smoking in Village Parks.

A motion to schedule a public hearing on July 6 to Consider No Smoking in Village Parks was made by Trustee Murray, seconded by Trustee Capicotti, with all in favor. Mayor Knickerbocker did not cast a vote.

- j. Consider a Motion to Retain the Services of Matthew A. Noviello, P.E., L.S. to Perform a Survey and Title Search on Property Located at Lents Cove for an Amount Not to Exceed \$7,000.

Village Administrator Serrano stated that the Lents Cove boundaries seem to be in the City of Peekskill. This Survey and Title Search will identify that area. Village Administrator Serrano said that Mr. Noviello is a licensed surveyor, teaches surveying, is an engineer and also a lawyer. A lot of municipalities use his services in case there are any court cases or arguments regarding his research. He is highly recommended by other municipalities.

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

- k. Consider a Motion to Call for a Public Hearing on July 6 to Change the Code to Meet the Current Semi-Annual Billing Schedule of Water Bills.

The penalty charge will also be changed. It will be 5% the first month and 1% thereafter until the bill is paid.

A motion to schedule a public hearing on July 6 to Change the Code to Meet the Current Semi-Annual Billing Schedule of Water Bills and to also include change of late fees was made by Trustee Fuchion, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

- l. Consider a Motion to Change the Penalty Schedule for Tax Bills to 5% for the First Overdue Month and 1% Per Month Thereafter. This Updated Schedule Will Take Effect on the June 2022 Tax Bills.

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 a Budget Transfer of \$7,445.83 from Contingency to Law-Other-Expenditures-A1420.460 to Cover the Cost for Special Counsel Regarding Indian Point Intervention.

This is the Village's 1/3 share of the cost for the special counsel regarding the Indian Point Intervention. This afternoon we received another bill making the total amount of this motion \$22,762.30.

A motion to approve a budget transfer of \$22,762.30 from Contingency to Law-Other-Expenditures-A1420.460 to Cover the Cost for Special Counsel Regarding Indian Point Intervention was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor and Trustee Murray opposed. Mayor Knickerbocker did not cast a vote.

- n. Consider a Motion to Ratify Fire Department Elections.

An election was held on May 13, 2021. The updated Chiefs are Chief Andy Roush, Robert Outhouse, 1st Assistant Chief, Al Park, 2nd Assistant Chief and Jack Delaney is a Firematic Trustee.

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.

- o. Consider a Motion to Extend the Agreement with the Buchanan Fire Company for one-month.

Village Attorney Porteus stated that there are three minor issues that the members want to discuss and think that they could be resolved quickly. This will be discussed at the next workshop.

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.

- p. Consider the Process to Allow Games of Chance Within the Village.

Village Attorney Porteus stated if the Village would like to allow games of chance, it will be through legislation. We could do our own local law and add it to our code and take on all the responsibilities including the enforcement and licensing. General municipal law allows us to piggy back off the Town, who has enacted a law allowing games of chance. We could allow it via local law which allows the Town to handle games of chance for us. This would be by permissive referendum. If the Village wanted to do it on our own that would be a mandatory referendum.

Village Attorney Porteus will have a local law written for the July 6th meeting in order to set the public hearing for the August 3rd meeting.

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

a. Justice Report – April 2021

Received and filed.

b. Police Report – April 2021

Received and filed.

c. Highway Report – April 2021

Received and filed.

d. Wastewater Treatment Plant – April 2021

Received and filed.

e. Building Department – April 2021

Received and filed.

f. Planning Board Minutes – April 15, 2021

Received and filed.

g. Zoning Board Minutes – April 14, 2021

Received and filed.

h. Attorney's Report

Village Attorney Porteus has nothing to report.

i. Administrator's Report

Village Administrator Serrano stated that the Fire Department provided a monthly report that was emailed to the Board. They will provide monthly reports in the future. At the Wastewater Treatment Plant, there were three inspections, one right after the other, with one being a surprise inspection from the DEC. We passed all inspections with flying colors. The surprise inspection was when Todd Travis was on vacation and he actually came in to make sure he was there with the inspector.

j. Mayor's Report

Mayor Knickerbocker said yesterday was Memorial Day and there was a very touching tribute and a nice turnout. Mayor Knickerbocker thanked the Buchanan Engine Company for being this year's sponsor. She also thanked Troop 36, the Boy Scouts from Montrose, they did a great job. Rolling Thunder also rode through the Village to the VA. The Village is continuing to work on the design for the Village Circle. The Village received grant money from Entergy. There will be a new Christmas tree and a wall. At the next workshop, there will be a discussion on possible events to be held throughout the summer. The annual Buchanan Day Event will not be held this year.

k. Trustee's Report

Trustee Murray mentioned that the Board had been discussing the Lents Cove property and what the Village would like to see for the northern most parcel. Trustee Zachary wanted to use his draft as a template, but Trustee Murray thought that might be too arduous. Trustee Murray suggested that the Village send out an RFP using 30% residential, 50% commercial and 20% public access and let the potential developers come to the Village with different plans. Trustee Murray stated it would be better for the Village not to expend any more funds and try to do it our self. Trustee Murray said we can get a lot of different input from professionals. Mayor Knickerbocker stated that she is not sure how developers will jump on that since that area has not been rezoned yet. Trustee Zachary completely disagrees with those parameters. Trustee Zachary suggested that this should be on the next workshop. Trustee Murray would also like the water tax to be discussed on the next workshop and either enforce it or repeal it. Trustee Murray would like the Board to meet in public. Trustee Murray stated at the April 27th meeting, the Mayor appointed him the negotiator between the PBA and the Village. Trustee Murray said that over the past month he had asked for some input from the rest of the elected Officials on to what changes they would like to have. Trustee Murray stated that he has talked to the PBA, the Police Chief and Marcus, but has not gotten input from anybody on the Board. Trustee Murray thanked everyone who came to the Memorial Day Service.

Trustee Funchion read a few items that our police department responded to in the past month. Trustee Funchion said Happy Father's Day to everyone and let's not forget that June 14 is flag day. Trustee Funchion emphasized that fireworks are illegal and fireworks bother people who are suffering from post-traumatic stress disease. Trustee Function stated, "I understand they are fun for some people, but they are hurting some of our Veterans who have served in wars."

Trustee Capicotti said it was great getting involved with the Trustees and other members of the Village at the Memorial Day Event. He commended Mayor Knickerbocker on the song she sang. Trustee Capicotti would like the Village to do more events for the families. Trustee Capicotti asked the public to contact him,

if they have any questions or comments. He would like to hear your input. Trustee Capicotti asked people to please be aware of their speed limit when driving through the Village. Trustee Capicotti would be happy to assist in anything he can do for our community.

Trustee Zachary thanked Trustee Capicotti for mentioning the issue on Tate Avenue. Trustee Zachary has proposed periodically over the years that parking on Tate Avenue be limited to one side and on the other side put up signs that say “Share the Road” or put a line so that one side can be more pedestrian friendly. Tate Avenue is a much more pedestrian active area than it used to be. Trustee Zachary stated that the contest for redesigning the Village logo is extended to October 15. We had some entries and are hoping to get others. Trustee Zachary mentioned that he was pushing for a kayak dock at Lent’s Cove. He did receive an email supporting that, but anyone else who feels a kayak dock at Lent’s Cove is something they would like, please reach out to Trustee Zachary or the Village Hall. Trustee Zachary would like to continue the discussion of re-zoning and land use on the Indian Point parcel at the north end. Trustee Zachary wondered if we went back to live meetings, how we would handle people who are not vaccinated yet. Mayor Knickerbocker stated they we would like to get back to live meetings and will look into the CDC requirements for people who are not vaccinated. Trustee Zachary said if you are not yet vaccinated, get out there and get vaccinated. If you don’t have a health reason preventing you from doing it, do it because you will make things easier for everyone in terms on getting back to normal. Do a good thing for the community and get yourself vaccinated.

7. COMMENTS FROM THE FLOOR:

No comments.

8. EXECUTIVE SESSION:

At 9:49PM a Motion to enter into Executive Session to discuss contractual issues was made by Trustee Funchion, seconded by Trustee Capicotti with all in favor.

9. ADJOURNMENT:

At 10:15PM a Motion to exit executive session and adjourn this meeting was made by Trustee Funchion, seconded by Trustee Murray with all in favor.