

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
August 3, 2021**

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

Mayor Theresa Knickerbocker
Trustees Sean Murray and Nicolas Zachary
Trustees Richard A. Funchion, and Anthony Capicotti (via Zoom)
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Clerk-Treasurer Cynthia Kempter
Highway Foreman Robert Wheeler
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:

May 25, 2021 Workshop Meeting: These minutes will be approved at the September 7, 2021 meeting.

June 22, 2021 Meeting: On page 3 under Lents Cove change Trustee Murray to Trustee Zachary. A Motion to approve these minutes as amended was made by Trustee Murray, seconded by Trustee Zachary with all in favor. Mayor Knickerbocker did not cast a vote.

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

4. NEW BUSINESS:

a. Discussion on Pavilion Rental.

Mayor Knickerbocker explained that a resident has put in an application to have a concert at the pavilion. Since this is something that hasn't been done before, the Mayor would like the Board's input. The applicant has the Mechanical Sound Device Permit and the appropriate insurance. After discussion, the Board agreed that the concert can be held. Judy and Matthew Di Loreto were in attendance.

b. 2021-25 Resolution Rescinding "Resolution Changing the Date for the Village Election From March to November."

Mayor Knickerbocker explained that there was a misinterpretation of the law so the Board will be rescinding both election resolutions that were passed last month.

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

WHEREAS, in conjunction with the Village Board of Trustees resolving, in error, to change the date of the Village elections from March to November via Permissive Referendum, the Village of Buchanan adopted a resolution at its Meeting on July 13, 2021 transferring the conducting of Village elections to the Westchester County Board of Elections; and WHEREAS, the Village Board of Trustees has now rescinded the Resolution changing the date of the Village elections; and WHEREAS, although the Village transfer of the conduct of the Village elections by Permissive Referendum was, in fact, proper, the Village Board of Trustees wishes to rescind same at this time. NOW THEREFORE BE IT RESOLVED that the resolution transferring the conducting of the Village election to the Westchester County Board of Elections is hereby rescinded in its entirety.

- c. 2021-26 Resolution Rescinding “Village of Buchanan Resolution Transferring the Conduct of Village Elections to the Westchester County Board of Elections.”

WHEREAS, The Village of Buchanan adopted a resolution at its Meeting on July 13, 2021 changing the date for the Village Election from March to November subject to Permissive Referendum; and WHEREAS, said Resolution should have been subject to a Mandatory Referendum and therefore requires this rescission. NOW THEREFORE BE IT RESOLVED that the resolution changing the date for the Village elections from March to November is hereby rescinded in its entirety.

A motion to adopt this resolution as presented was made by Trustee Murray, seconded by Trustee Capicotti, with all in favor. On a question, Trustee Funchion commented that we could save money and time by having the election run by the Westchester County Board of Election. Trustee Funchion is opposed. Mayor Knickerbocker did not cast a vote.

- d. Consider a Motion to Open the Public Hearing to Repeal Local Law 2 of 2020 (Sewer Rents).

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

Trustee Zachary stated, “I am opposed to repealing this. I generally like taxes when they can be based on usage, that they be done that way because its much more fair.” Trustee Murray brought this up because, “I don’t like having laws on the books that we don’t use. That we ignore.” Trustee Murray would like to repeal this. Trustee Funchion agrees that people be charged by what they use, rather a tax. Trustee Funchion said, “I don’t see any problem having a law on the books and not being enforced right away or put into effect right away.” There were no public comments.

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

- e. 2021-27 Resolution Repealing Local Law 2 of 2020 Adding Article III Section 38 to Chapter 155 to the Code of the Village of Buchanan.

A motion to adopt this resolution as presented was made by Trustee Murray, seconded by Trustee Capicotti. On a question, Trustee Murray stated that “I know it’s probably going to fail, but I appreciate the time and effort to at least discuss the issue that I thought was important to the tax payer.” Trustee Murray and Trustee Capicotti are in favor. Trustee Funchion and Trustee Zachary are opposed. Mayor Knickerbocker is opposed.

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 Repeal Local Law 2 of 2020 adding Article II Section 38 to Chapter 155 to the Code of the Village of Buchanan; and

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

WHEREAS, said public hearing was duly held at a regularly scheduled meeting of the Village Board on August 3, 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. 8-2021 to Repeal Local Law 2 of 2020 adding Article II Section 38 to Chapter 155 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.

- f. Consider a Motion to Retain the Services of PVS Construction to Perform the Work as Outlined by the Village Engineer, Highway Foreman and PVS Construction Proposal for an Amount Not to Exceed \$34,900. This Approval Excludes the Access Road.

Mayor Knickerbocker had started working on this with the previous Board. She received grant money from Entergy and we will be rehabbing Monroe Park. The work consists of a two-tired stone wall, irrigation and electrical work and a new spruce tree (we will see which tree is best suited for that area). There will be a flag pole put on the left side of the tree. No tax payer dollars are being expended.

A motion to approve this as presented was made by Trustee Zachary, seconded by Trustee Murray, with all in favor. On a question, Trustee Funchion asked if the contractors were gardeners or a construction company. Village Administrator Serrano stated they are general contractors. Mayor Knickerbocker did not cast a vote.

- g. Consider a Motion to Retain the Services of Jim's Driveway Sealing to Crack Seal, Place an Overall Sealcoating and Remark all Parking Spaces for an Amount Not to Exceed \$7,500.

This is for Village Hall parking lot.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. On a question, Trustee Murray asked if this money was in the budget. Mayor Knickerbocker did not cast a vote.

- h. Consider a Motion to Approve the Implementation of the BENCOR 401a Special Pay Plan for all Eligible Municipality Employees.

Village Administrator Serrano explained that this is a federal program that allows employees who retire from municipal government at the age of 55 to defer their federal and state tax until they withdraw it. It also exempts FICA and Medicare tax for the employee and that also exempts the FICA and Medicare tax for the municipality. There is no cost to the Village or the employee, but both the village and employees save the 7.65%.

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.

- i. Consider a Motion to Award the Bid Regarding the Construction of a Sidewalk and Related Items on Route 9A to Con-Tech Construction Technology, Inc in an Amount Not to Exceed \$294,460 Contingent to the Release of Grant Funding From the State of New York.

This is a state grant to do a sidewalk from Bleakley Avenue to the gas station before you get to Tate Avenue. We will have complete funding for this project. No tax payer dollars are being expended.

A motion to approve this as presented was made by Trustee Zachary, seconded by Trustee Murray, with all in favor. On a question, Trustee Murray asked if the grant money comes with any strings attached. Village Administrator Serrano explained that these are special allocations from the Senator. This is not a federal grant, this is money they have available to give to local municipalities. There are no strings attached. Mayor Knickerbocker did not cast a vote.

Mayor Knickerbocker stated that the grant for roadwork on 9A comes from Assemblywomen Galef. The \$125,00 for the pavilion comes from Senator Harckham. We are also getting an additional \$100,000 from Senator Harckham this year solely for capital projects.

- j. Consider a Motion to Call for a Public Hearing on September 7, 2021 to Amend Chapter 211-21 entitled Yard Screening to the Code of the Village of Buchanan.

This is the good neighbor fence policy where the good side of the fence would face the neighbor. This does not include anyone who has an existing fence.

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.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Report – June 2021
Received and filed.
- b. Police Report – June 2021
Received and filed.
- c. Highway Report – June 2021
Received and filed.
- d. Wastewater Treatment Plant – June 2021
Received and filed.
- e. Building Department – June 2021
Received and filed.
- f. Buchanan Engine Company – June 2021
Received and filed.

g. Planning Board Minutes – June 17, 2021
Received and filed.

h. Attorney's Report

Village Attorney Porteus reported that she has an executive session item pertaining to a union issue.

At 8:25pm Village Administrator Serrano stated that Trustee Capicotti had to leave the meeting.

i. Administrator's Report

Village Administrator Serrano mentioned that the additional funding is in the works for Route 9A Sidewalk project. The money for the pavilion is still in State hands. We received the American Rescue Plan money and are looking at using it for the pumps at the Wastewater Treatment Plant and the sealing of manholes. The building department and fire department are doing safety inspections at the WIC building. The insertion valve has been installed for the WIC building. The pool is working well and there has been no leaks. Village Engineer Pommer is working on coming up with a total cost of square footage for future permits so the Board can consider a change in the street opening permit fee. Paving should start by the end of August. At Lents Cove the DEC is requiring a permit if we go a certain amount into the water for the paddle boat dock. There is a \$3500 fee for the engineer to fill out the permit for the DEC and start working on the plans and specs to go out to bid. The City of Peekskill will be discussing changing the boundary lines at Lents Cove at the September council meeting.

j. Trustee's Report

Trustee Murray would like to discuss these items at the next workshop: the firefighter exemption law; what are we going to do with the old firetruck when the new firetruck is installed in the firehouse – are we putting it up for bid or declaring it surplus; talking with the Town of Cortlandt about tying in with the sewer; and the County taking over the STP and making it a transfer station. Trustee Murray questioned the news article about the proposed battery storage facility at the sheet rock plant on Broadway. Trustee Murray said it is not a generation facility, it is a stored energy facility. It does not generate power, it discharges power. This was incorrectly mentioned in the Examiner. Trustee Murray said that over the last couple of weeks he has been speaking with a lot of residents who have issues and they are relatively simple issues. One is the light post that has been knocked down on Westchester Avenue. Another issue is the cross walks at the Circle as well as the cross walks on Tate Avenue by Kings Ferry Road. They are not very well painted. Another issue is the garbage in municipal parking lots. There are no garbage cans on Tate Avenue across from the restaurant. Trustee Murray stated that we should have better notification of

the meetings and what are on the agenda. Trustee Murray questioned if we have the labor attorney's report as well as the prosecutor's activity report. Trustee Murray mentioned that when he was removed from the contract negotiations we were going to have a meeting with the negotiator in executive session to discuss things we might want to see changed and was wondering if we were going to have that meeting. Village Administrator Serrano stated that the labor attorney did have a discussion with the representative with the police union. He will see if there is any update. He will also ask the prosecutor why he did not provide a report.

Trustee Zachary stated that when doing outside activities please watch for ticks. Trustee Murray said that at the end of the last meeting he said something about COVID and unless you have a health condition just get out there and get the vaccine. A resident commented that he should be more understanding of people's reasons. Trustee Zachary reiterated that his feeling is everyone should get the vaccine if you don't have a health reason for not doing so. Trustee Zachary said that he will be away during the next workshop.

Trustee Funchion reported on a few items that our police officers dealt with in the past month. He stated that he has finished his meetings with all the officers and the Chief. Trustee Funchion stated that, "I've observed that Chief Farrell is running an excellent office, he is an excellent Chief. He is respected by all his officers and he returns that respect and that is the sign of a really good supervisor and good leader. That the respect goes both ways, up and down."

k. Mayor's Report

Mayor Knickerbocker would like to thank our first responder's. She would like to thank Chief Farrell and his officers and Chief Andy Roush. She had two instances where she needed an ambulance for her mom. She stated how quickly the police and the fire department were there to help. That is very comforting when you are in a situation like that. Mayor Knickerbocker said that we will having an update about the Town of Cortlandt at the workshop. Mayor Knickerbocker said we are very fortunate to have Cindy and Sharon. A lot of places were complaining that their city and village halls were closed during COVID. Cindy and Sharon kept this Village operational; there wasn't a day our Village office was shut down. If there are glitches with the agenda, they will address them. Their heart is with the Village and their dedication is appreciated. In regard to the battery storage facility, Mayor Knickerbocker had a conversation with that group and told them that we were in the process of rezoning and it was premature for them to have that discussion. Mayor Knickerbocker said we have to do a lot more research on this. In reference to the light posts on Westchester Avenue, they were ordered and were told it would take 12 – 16 weeks to come in. Mayor Knickerbocker asked Highway Foreman Wheeler to put a garbage pail in the municipal lot across from Fat Sal's. We received \$137,000 for the Westchester County Sales tax. Montrose

Fire Department is having their annual bazaar on August 21. They will be lining up on Bannon Avenue and Seward Street. Depending on where we are with COVID, on September 25th we are having a Buchanan Community Day. Dennis Bleakley from Six String Country will be the entertainment, the Fire Department will do the hamburgers and hot dogs and the Police Department will hand out the ice cream. This is not tax payer's money, it is money received from Entergy for Buchanan events. She is also working on Holtec to give us money for Buchanan Day. The grant was submitted for our Wastewater Plant. The Mayor is meeting this month with the County about discussing what we can do with our Wastewater Plant. The Town of Cortlandt is the sponsor for this year's 911 Ceremony. The Mayor is proud to announce that the speaker will be our very own Trustee, Richard Funchion who is a survivor of 911. Congratulations Rich. In regards to the Veterans Banner program, we will be going in with the Town of Cortlandt. The Buchanan banners will go from the train tracks at the entrance to Buchanan up to the boarder of Montrose. Mayor Knickerbocker has been working on getting flags like they have in Carmel by the lake. These could be put up every year on Memorial Day, July 4th and Veterans Day. People could get the family name or the Veterans name engraved and they could be put up in front of Village Hall. There is a committee working on this. Trustee Pasquale had wanted a tree honoring those who we lost with COVID; we are working on that. We are working on re-carpeting the 3rd floor at Village Hall. This cost is also part of money we received from Entergy. Also, from that funding we will replace some tables in the Community Room. Josie Vavrek who has been a long time Buchanan resident will be turning 101 on August 20.

6. COMMENTS FROM THE FLOOR: None

7. EXECUTIVE SESSION:

At 9:05PM a Motion to enter into Executive Session to discuss union personnel issues was made by Trustee Funchion, seconded by Trustee Murray with all in favor.

8. ADJOURNMENT:

At 9:50PM a Motion to exit executive session and adjourn this meeting was made by Trustee Funchion, seconded by Trustee Zachary with all in favor.