

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
September 7, 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: Mayor Knickerbocker changed Community Union to Community Unity. Trustee Zachary questioned the statement made by Trustee Murray “I am an employee of the Village and hopefully, at the next Planning Board meeting you will have the same public discussion, because you did appoint a Planning Board Member who is also an employee of the Village. Trustee Zachary thought it should read employee of Holtec. Trustee Murray did not recall. The video will be checked. These minutes will be tabled.

July 13, 2021 Board Meeting: In his comments, Trustee Zachary changed LWPR to LWRP. A Motion to approve these minutes as amended was made by Trustee Funchion, seconded by Trustee Zachary with all in favor. Mayor Knickerbocker did not cast a vote.

July 20, 2021 Special Meeting: A motion to approve the minutes was made by Trustee Zachary, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

July 27, 2021 Workshop Meeting: A motion to approve the minutes was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

August 3, 2021 Board Meeting: Trustee Murray corrected the sentence in letter e to from Trustee Funchion and Trustee Murray are opposed to Trustee Funchion and Trustee Zachary are opposed. A motion to approve the minutes as amended was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

August 23, 2021 Workshop Meeting: A motion to approve the minutes was made by Trustee Funchion, seconded by Trustee Murray with all in favor and Trustee Zachary abstaining since he was absent from that meeting. Mayor Knickerbocker did not cast a vote.

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

**4. NEW BUSINESS:**

Mayor Knickerbocker is adding letter t. to the agenda to discuss Siemen's payment

a. Consider a Motion to Open a Public Hearing to Amend Chapter 211-21 Entitled Yard Screening to the Code of the Village of Buchanan.

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. Mayor Knickerbocker explained that this is called the good neighbor law. When you put up a fence the good side must face the neighbor. Trustee Zachary suggested fixing letter H to clarify the rough or unfinished side. Letter H will be changed to read: All fences featuring a rough or unfinished side including the structural components such as fence posts, shall be constructed such that the rough or unfinished side of the fence faces the interior of the property on which the fence is situated. There were no public comments. A motion to close the public hearing was made by Trustee Funchion, seconded by Trustee Capicotti will all in favor. Mayor Knickerbocker did not cast a vote.

b. 2021-28 Resolution to Adopt Local Law #8 Amending Chapter 211-21 Entitled Yard Screening to the Code of the Village of Buchanan.

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

**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 211-21, Yard Screening 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 September 7, 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 amending Chapter 211-21, entitled Yard Screening 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.

- c. 2021-29 Resolution Authorizing the Mayor to Enter into an Intermunicipal Agreement with Westchester County for the Stop-DWI Patrol Project.

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

**WHEREAS**, the County of Westchester and its municipalities have participated in the “Westchester County STOP-DWI Patrol Project” for many years through an agreement which provides overtime reimbursement for added patrol efforts to enforce New York State Vehicle and Traffic Laws against intoxicated and impaired driving; and

**WHEREAS**, for the calendar years 2021-2025, Westchester County has indicated that a grant for an amount not to exceed \$8,400.00 per year is available to the Village of Buchanan to conduct the STOP-DWI Patrol Project; and

**WHEREAS**, the Village Police Department would like to participate in Westchester County’s STOP DWI Program; and

**NOW, THEREFORE BE IT RESOLVED:** that the Mayor is authorized to sign the 2021-2025 STOP-DWI Patrol Project Reimbursement Agreement with Westchester County; and

**BE IT FURTHER RESOLVED,** that the Village Administrator and Village Police Chief are authorized to undertake any steps necessary under the terms of the agreement.

- d. Consider a Motion to Authorize James J. Hahn Engineering PC to prepare and submit required documentation to the DEC in the amount of \$3,500 as well as create a scope of work to install a kayak launch.

After discussion, the funds for the launch will come from the Entergy grant. Residents Kathy Kane and Donna Bauer spoke in favor of having a paddleboat launch. A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor. Trustee Murray stated that we should add that the money will come from the Entergy grant money and not the recreation funds. Mayor Knickerbocker did not cast a vote.

- e. Consider a Motion Authorize James J. Hahn Engineering PC to go out to Bid for the Airlift Pump and Manholes.

The cost for these items will come from the COVID relief fund we received. 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.

- f. Consider a Motion to Deem the Following Items as Surplus: 1998 Fire Truck, 1989 GMC Sweeper; 1997 Chevy Pickup, and 2 Cub Cadet Mowers.

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.

- g. Consider a Motion to Extend Seasonal Highway Help as Follows: Matt Eichler Extended until September 3, 2021; and Peter O'Neill Extended Until September 17, 2021.

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 Appoint two (2) People as Seasonal Highway Help at a Rate of \$14.00 per hour: Matt Eichler from October 4 – December 23, 2021 and Peter O'Neill from October 18 – December 23, 2021.

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 Authorizing an Emergency Repair of Sidewalk Located at 263-265 Tate Avenue, approve a Change Order for Consorti Brothers Paving and Sealcoating. Inc. in the amount of \$6,000 and to Authorize the Transfer from Contingency (001-1990-460) to Sidewalks (001-5410-460) in the amount of \$6,000.

A motion to approve this as presented was made by Trustee Zachary, seconded by Trustee Capicotti, with all in favor. Mayor Knickerbocker did not cast a vote. Trustee Funchion asked how long the piece of sidewalk is. Village Administrator Serrano stated that it is the entire length of the sidewalk in front of Fat Sal's. Trustee Zachary asked if the curb has to be redone. Mayor Knickerbocker stated we are just replacing the sidewalk. Trustee Capicotti questioned if there is an issue under the sidewalk? Mayor Knickerbocker stated that we won't know until the sidewalk is dug up.

- j. Consider a Motion to Call for a Public Hearing on October 5, 2021 on the Sale of Cannabis Within the Village.

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. Trustee Murray asked since we discussed this a few months back, what occurred to bring this back up? Mayor Knickerbocker explained that people have heard about this and would like the opportunity to comment. Mayor Knickerbocker did not cast a vote.

- k. Consider a Motion to Pay MJM Productions a fee of \$450 for Filming Board Meetings.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zackary, with all in favor. Mayor Knickerbocker did not cast a vote. Trustee Murray asked if we are also going to have the workshop meetings and planning and zoning board meetings filmed. Village Attorney Porteus advised yes, they have to be broadcast.

- l. Consider a Motion to Authorize the Use of the Lent's Cove Parking Lot for Overflow Parking for a September 11 Event at Factoria Contingent on Proper Insurance.

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 to Waive the Fee and Allow Alcohol at the September 18, 2021 Fund Raiser for Walter Ostrowski at the Pavilion.

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. On a question, Trustee Murray asked if there is a part of our code that requires a resolution for the sale of alcohol.

- n. Consider Motion to Modify Street Opening Permit Fees as Recommended by the Village Consultant Engineer.

After discussion, it was decided that the fee should be \$350 for the street opening permit and \$4.00 per linear foot above 40 feet. Trustee Murray asked if whether we can charge residential different than commercial.

Mayor Knickerbocker Considered a Motion to increase the street opening permit to \$350 and the amount should include work up to 40 linear feet. The projects that require more than 40 feet should include a fee of \$4.00 per linear feet.

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.

- o. Consider a Motion to Authorize Bell Engineering to Proceed with Engineering Services for the Wading Pool at a Cost of \$15,000.00.

After discussion, it was decided to table this. Recreation Supervisor Bayer will attend the next workshop meeting for further discussion.

- p. Consider a Motion to Renew the Planning Consultant, Hardesty & Hanover, for the same Hourly Rate for 2021-2022.

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.

- q. Consider a Motion to Authorize the Village Attorney to prepare a Resolution and any Other Documents Regarding the Firefighter Exemption Program.

After discussion, it was decided to table this. Village Attorney Porteus will follow up with a memo to the Board.

- r. Consider a Motion retaining the services of L' Abbate, Balkan, Colavita & Contini, L.L.P as special Counsel.

Mayor Knickerbocker explained that the Village has received a Notice of Claim for allegations that goes back to 1992 and we need to retain special council. A motion

to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor. Trustee Murray asked what the budget was and what fund this will come out of. Village Administrator Serrano said we have a budget line and if we go over that amount we can transfer out of contingency or fund balance. Mayor Knickerbocker did not cast a vote.

- s. Consider a Motion to Retain the Services of Matthew A. Noviello, P.E., L.S. to Perform a Survey of Village Property that has been Encroached by the Property Owner on 257 Tate Avenue Contingent on Escrow Being Received.

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.

- t. Consider a Motion to Pay Siemens \$55,818.00 for the Work they have Done (this is with a 20% Discount).

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor and Trustee Murray opposed and Mayor Knickerbocker voting Yes. Trustee Murray talked about the September 4, 2018 resolution. Trustee Zachary asked Village Attorney Porteus if the Village has any recourse. Village Attorney Porteus said we could litigate it, but it would be expensive.

#### 5. INFORMATION FROM OFFICERS & DEPARTMENTS:

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

h. Planning Board Minutes – July 15, 2021  
Received and filed.

i. Attorney's Report

Village Attorney Porteus reported that there is nothing for zoning board and one matter for planning board. Village Attorney Porteus mentioned the response from General Code about updating the code and wondered if any of the Board Members would help with some of the sections. Trustee Murray stated that his impression was that General Code would give us a draft legislation for our approval. Mayor Knickerbocker and Village Attorney Porteus agreed. Trustee Murray suggested looking back at the video to clarify this. There will be continued discussion on this matter.

j. Administrator's Report

Village Administrator Serrano stated that we should hear next week when the Route 9A sidewalk project will begin. We received full confirmation on the pavilion project and that will be started in October. There was a pre-construction meeting with the paving company and they will be starting in two weeks.

k. Trustee's Report

Trustee Murray questioned the invoice from the PBA negotiator and when he will be sitting down with the Trustee to discuss anything they may want included in the contract. Trustee Murray asked for a more detailed court report so the Board could see how many things were being dismissed and/or prosecuted. Trustee Murray questioned if we were replacing the Planning and Zoning Board secretary. Trustee Murray asked if any violations were written against Con Edison for the construction debris behind 3208 Albany Post Road. Trustee Murray asked if the Municipal Officials Association has started meeting yet. He would like to receive the invitations.

Trustee Funchion read a few key items that our police department responded to in July 2021. Trustee Funchion stated that the Tri-Municipal 9/11 Memorial Ceremony will be Saturday, September 11 at 1:00 down in Croton at the Memorial. This will be 20 years. Mayor Knickerbocker congratulated Trustee Funchion on being a 9/11 survivor and for being the speaker at this year's event.

Trustee Zachary questioned where we were in hiring a planner and rezoning of Indian Point. Trustee Zachary encouraged people to get the COVID vaccine.

Trustee Capicotti said everyone remembers where they were 20 years ago on 9/11, so honor those who have given their all and those who have served and continued to serve and all our first responders. Trustee Capicotti would like to work



together and move forward and make the Village better than it is now. Trustee Capicotti would like to discuss the December 1<sup>st</sup> overnight parking.

1. Mayor's Report

Mayor Knickerbocker reminded everyone to come out and support the Beautification Committee. They are having their plant sale at the circle on Saturday, September 18 from 9:00am – 1:00pm with a rain date of September 19. They do a lot of good things for the Village. Mayor Knickerbocker said she has received several phone calls about mail issues. She went to speak to the postmaster and he was not in. She will get back to everyone. The Circle renovations will begin on September 20 and that money is a grant from Entergy. In October, she would like to do a community event where we plant daffodils up on top of the hill where the new tree will be at the Circle. September 25 is Buchanan Community Day from 4:00pm – 8:00pm. The entertainment will be Six String Country, there will be a line dancing instructor at 6:00pm, the fire department will cook hamburgers and hot dogs, the police will hand out ice cream and there will be pumpkin painting for the kids.

6. COMMENTS FROM THE FLOOR: None

7. EXECUTIVE SESSION: None

8. ADJOURNMENT:

At 10:30PM a Motion to exit executive session and adjourn this meeting was made by Trustee Murray, seconded by Trustee Zachary with all in favor.