

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
December 7, 2021**

PRESENT: (This meeting was held via Zoom)

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Sean Murray, Nicolas Zachary.
Trustee Anthony Capicotti joined the meeting at 8:26pm
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Engineer George Pommer
Village Clerk-Treasurer Cynthia Kempter
Highway Foreman Robert Wheeler
David Smith from Planning & Development Advisors

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:30PM. She led the Pledge of Allegiance. There was a moment of silence to remember and honor those lost 80 years ago today at Pearl Harbor.

2. APPROVE MINUTES:

October 26, 2021 Workshop Meeting: A motion to approve the minutes was made by Trustee Murray, seconded by Trustee Funchion with all in favor and Trustee Capicotti absent. Mayor Knickerbocker did not cast a vote.

November 3, 2021 Board Meeting: A motion to approve the minutes was made by Trustee Zachary, seconded by Trustee Murray with all in favor and Trustee Capicotti absent. Mayor Knickerbocker did not cast a vote.

3. COMMENTS FROM THE FLOOR (agenda items only)

Laura Wenz questioned the Senior Account Clerk position and if this was posted anywhere. Village Administrator Serrano responded that we went through word of mouth and the person we are hiring meets the Civil Service requirements. Mrs. Wenz felt that as a resident she should have had the opportunity to apply. In the future, all open positions will be clearly posted. Dan posted a question on the chat about the abandoned building on Bannon Avenue and another house that has a lot of cars in front of it. Mayor Knickerbocker explained that the Town has foreclosed on the abandoned house. In regard to the other property, Mayor Knickerbocker asked if Dan would call Village Hall with more information.

4. NEW BUSINESS:

- a. Consider a Motion to Open the Public Hearing Regarding a Local Law to Amend the Code of the Village of Buchanan by Adding a New Chapter 70 Opting Out of the Licensing and Establishing of Retail Cannabis Dispensaries and On-Site Cannabis Consumption Establishments Within the Village of Buchanan.

A motion to open the Public Hearing was made by Trustee Murray and seconded by Trustee Zachary. Mayor Knickerbocker spoke in favor of opting out. Mayor Knickerbocker read some comments from residents of Buchanan who were also in favor of opting out. Trustee Zachary defers to the feedback we have gotten back from the residents and we should be cautious now and opt out. A motion to close the public hearing was made by Trustee Funchion, seconded by Trustee Murray, with all in favor, and Trustee Capicotti absent. Mayor Knickerbocker did not cast a vote.

- b. Resolution Authorizing Adoption of Local Law No. 9-2021 Adding a New Chapter 70 Entitled “Cannabis Dispensary and On-Site Consumption Opt-Out” to the Code of the Village of Buchanan.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor, and Trustee Capicotti absent. Trustee Murray questioned if we will be making the permissive referendum papers available to the public. Mayor Knickerbocker replied the papers will be available at Village Hall. Mayor Knickerbocker did not cast a vote.

- c. Resolution Rescinding the Acceptance of a Proposal from Hardesty and Hanover to Create a New Zoning District Encompassing the Indian Point Properties at a Cost of Approximately Fourteen Thousand (\$14,000.00) Dollars.

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

- d. Consider a Motion to Accept Planning & Development Advisors (David Smith) Proposal Regarding a New Zoning District for the Indian Point Properties at a Cost of Approximately Fourteen Thousand Five Hundred (\$14,500.00) Dollars.

David Smith gave an overview of his background. Municipal clients include the Villages of Sleepy Hollow, Elmsford, Ardsley, the Town of Somers, the Town of Newburgh as well as private clients. Mr. Smith worked with Sleepy Hollow in the redevelopment of the General Motors site which he has been part of since the beginning. Discussion followed.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, opposed by Trustee Murray and Trustee Capicotti. Mayor

Knickerbocker voted yes. Trustee Murray stated many reasons why he is against this and said he will not agree to this proposal. Mayor Knickerbocker said that when we previously approved this it was for the 240 acres. She would like to focus on the 240 acres and is not interested in the M1, M2 zone at this time. Mayor Knickerbocker has had discussions with Holtec about rezoning and that the Village would keep them in the loop. Mayor Knickerbocker feels that we should hire the experience that we need. Trustee Zachary feels it is imperative that we have a professional lead us through this.

- e. Resolution Scheduling a Public Hearing Overriding the NYS Property Tax Cap.

A motion to schedule the public hearing on January 4, 2022 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 Call for a Public Hearing on January 4, 2022 Authorizing Adoption of a Local Law Amending Chapter 181 Entitled Taxation to the Code of the Village of Buchanan to Add an Exemption for Members of Volunteer Fire Departments and Ambulance Corps.

A motion to schedule the public hearing on January 4, 2022 was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Trustee Murray stated that on § 181-34 Eligibility, letter A, the terms should be the same as permanent eligibility. Village Attorney Porteus will add the word ‘active.’ Mayor Knickerbocker did not cast a vote.

- g. Consider a Motion to Call for a Public Hearing on January 4, 2022 Authorizing Adoption of a Local Law Adding Chapter 100 Entitled “Games of Chance” to the Code of the Village of Buchanan to Allow Licensing Games of Chance Within the Village of Buchanan.

A motion to schedule the public hearing on January 4, 2022 was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Trustee Zachary questioned if this local law and the firefighter exemption local law are mandatory referendums. Village Attorney Porteus replied that they are not mandatory referendums, but the Board had decided that these two local laws should be put on the ballot to let the public vote on. Trustee Zachary questioned if a volunteer ambulance worker is eligible if they live in the Village but volunteer at the Cortlandt Ambulance Corp in Montrose. Village Attorney Porteus will look this up. Trustee Zachary also mentioned that if a volunteer firefighter had a property that they lived at, but also had a commercial component, the exemption would only be on the residential portion of the property. Trustee Zachary mentioned that the games of chance are eligible for non-profit organizations. Mayor Knickerbocker did not cast a vote.

- h. Resolution Authorizing the Carry-Over of Nineteen (19) vacation days for the Village Administrator.

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 Appoint Joanna Falcone as Part-Time Senior Account Clerk at a Rate of \$20.00 per hour as of December 8, 2021.

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.

- j. Consider a Motion to Accept the Resignation of Christine Torres, Court Clerk, as of November 9, 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.

- k. Consider a Motion to Appoint Mary Mailler as Court Clerk at a Salary of \$11,200.00 retroactive to November 30, 2021 as recommended by Judge Daly.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Trustee Murray questioned if this is the same amount that was budgeted and is there any difference in her hours or functions. Village Administrator replied this is the same amount we paid the previous court clerk and all hours and functions are the same. Mayor Knickerbocker did not cast a vote.

- l. Consider a Motion to Authorize the Mayor to Sign the Agreement with Springbrook Holding Company LLC for the Upgrade of the Financial Applications.

Village Administrator Serrano explained that KVS will no longer provide any updates, though they will keep operating. Springbrook will accomplish everything that we need to get done. They have the most current operating system and will give us additional services, such as an employee portal.

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.

- m. Consider a Motion to Accept Donations of Furniture and DPW Equipment from Holtec International.

Mayor Knickerbocker announced that the final amount of supplies and equipment we received from Holtec is \$96,775 of donated goods. We thank Holtec International for the donation. A motion to approve this as presented was made by Trustee Murray, seconded by Trustee Zachary, with all in favor. Trustee Murray

questioned who supplied the amounts on the form. Mayor Knickerbocker replied that Holtec prepared the paperwork. Mayor Knickerbocker did not cast a vote.

- n. Consider a Motion to Accept the Bids from Auction International for the following items: Chairs \$240; 1997 Chevy \$2025; Sweeper \$9300; Firetruck \$14,100; Mower \$820; Mower \$430; Cabinets \$10.

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.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Report – October 2021

Received and filed.

- b. Police Report – October 2021

Received and filed. Trustee Funchion read the monthly police update.

- c. Highway Report – October 2021

Received and filed.

- d. Wastewater Treatment Plant – October 2021

Received and filed.

- e. Building Department – October 2021

Received and filed.

- f. Planning Board Minutes – September 16, 2021

Received and filed.

- g. Buchanan Engine Company – October 2021

Received and filed.

- h. Prosecutors Report – As of December 2, 2021

Received and filed.

- i. Attorney's Report

Village Attorney Porteus has contract negotiation issues for executive session.

j. Administrator's Report

Village Administrator Serrano has nothing to report.

k. Trustee's Report

Trustee Murray thanked everyone for attending the Christmas Tree Lighting. Nancy Bayer did a great job organizing it, as well as the police and fire departments and adjoining police departments that help out every year. Trustee Murray thanked everyone who attended the Veterans Day Ceremony at the Town of Cortlandt. It was Supervisor Puglisi's last Veterans Day Ceremony and she has always been great in helping out the Vets and keeping the Veterans services in the forefront. Thank you to Girl Scout Troop 2448. They handed out care packages to Vets throughout our community. Trustee Murray attended the Pearl Harbor Day Ceremony today that was held in the City of Peekskill. Trustee Murray thanked the Highway Department for replacing the lamp posts on Westchester Avenue. Trustee Murray asked about the water main breaks and about the maintenance schedule on the pressure reducing flow regulating valves. If we could find the root cause of the water main breaks, maybe they could be averted in the future. Trustee Murray wished everyone a Merry Christmas and a speedy recovery to Mayor Knickerbocker.

Trustee Fuchion stated that the Christmas Tree Lighting Ceremony was very nice and it was one of the most attended in about 10 years. Everyone involved did a great job. Trustee Fuchion attended the Veterans Day Ceremony. Town Supervisor Linda Puglisi has done a great job in keeping taxes down and maintaining the amount of open space in the Town of Cortlandt. Trustee Fuchion wishes Linda a great retirement. Trustee Fuchion wishes everyone a Merry Christmas and said do not leave your house with your Christmas light on.

Trustee Zachary wished everyone a Merry Christmas, Happy Holidays and Happy New Year!

Trustee Capicotti apologized for being late to the meeting. He had to work late. Trustee Capicotti said it was great seeing the kids at the Christmas Tree Lighting. Everything was perfect. Trustee Capicotti said everything around the Village looks good. Trustee Capicotti said it is holiday season, so if someone needs something, help them if you can and be the best you can be. Merry Christmas and Happy New Year.

l. Mayor's Report

Mayor Knickerbocker stated that the road programs have been suspended for the year. The weather did not cooperate with us, so the paving on Henry Street from Fourth Street to Tate Avenue and out the back of Village Hall will be done in the

spring. The lamp posts were installed on Westchester Avenue. The Seniors have been meeting, but are very strict about being vaccinated and wearing a mask. If you have time on December 14, the Seniors are having their Christmas party. The Village will be giving Linda Puglisi a proclamation on December 14 at the Town Meeting. Supervisor Puglisi was a great partner going through the closure of Indian Point and it was a pleasure working with her. She was a huge advocate for the community and will definitely be missed. We wish her well. Mayor Knickerbocker thanks everyone from the bottom of her heart for their support, the flowers, the food, the emails and the gift cards. This is a great community. When someone has a problem, we all come together, we all help each other and that's what makes Buchanan what Buchanan is. Everyone steps up to the plate, comes forward and wants to help. I thank you from the bottom of my heart, I am very touched for the support. Mayor Knickerbocker wished everyone a very Merry Christmas, Happy Hanukah and a Happy and Healthy New Year.

6. **COMMENTS FROM THE FLOOR:** None

7. **EXECUTIVE SESSION:**

At 9:31PM a Motion to enter into Executive Session to discuss negotiations and contractual discussions was made by Trustee Murray, seconded by Trustee Zachary with all in favor. Mayor Knickerbocker did not cast a vote.

8. **ADJOURNMENT:**

At 10:29PM a Motion to exit executive session was made by Trustee Zachary, seconded by Trustee Capicotti with all in favor. Mayor Knickerbocker did not cast a vote. At 10:29PM a Motion to adjourn this meeting was made by Trustee Murray, seconded by Trustee Zachary with all in favor. Mayor Knickerbocker did not cast a vote. No funds were expended.