

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
January 4, 2022**

PRESENT: (This meeting was held via Zoom)

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Anthony Capicotti, Sean Murray, Nicolas Zachary.
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy
Highway Foreman Robert Wheeler
Assistant Building Inspector Peter Cook
Recreation Supervisor Nancy Bayer
Joelle Greenland, Jeri Mintzer, and Jordan Howard of Smart Growth America

1. PLEDGE OF ALLEGIANCE:

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

2. APPROVE MINUTES:

November 23, 2021 Workshop Meeting: A motion to approve the minutes as presented was made by Trustee Zachary, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

3. COMMENTS FROM THE FLOOR (agenda items only)

Laura Wenz had concerns about the ice-skating rink and how it will be handled. She also mentioned the disrepair of playground and questioned why the pavilion is locked. Recreation Supervisor Nancy Bayer responded that the playground is not is disrepair. Mayor Knickerbocker stated that there is a recreation fund that could be used to redo the playground. Highway Foreman Wheeler said that the pavilion has been opened in the morning and closed at dusk. Eileen Absenger questioned if there is a mandate to inspect the playground. Village Administrator Serrano said that he will have the insurance company come out and inspect the playground. Recreation Supervisor Bayer stated that the inspector from the Department of Health looks at the playground each camp season.

4. NEW BUSINESS:

- a. Consider a Motion to Open the Public Hearing Overriding the NYS Property Tax Cap.

A motion to open the Public Hearing was made by Trustee Murray and seconded by Trustee Murray, with all in favor. Mayor Knickerbocker stated that this is something we do every year. A motion to close the public hearing was made by Trustee Murray, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

b. 2022-01 Resolution to Adopt Local Law#1 Overriding the Property Tax Cap.

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.

WHEREAS, the State Legislature and the Governor enacted legislation that establishes a “property tax levy cap” on the amount that a local government’s property tax levy can increase each year; and

WHEREAS, under this law, the total amount to be raised through property taxes charged on the municipality’s taxable assessed value of property, will be capped at 2 percent or the rate of inflation, whichever is less, with some exceptions; and

WHEREAS, the state legislation provides for local governments to override the cap to protect the Village from unforeseen financial circumstances; and

WHEREAS, state legislation requires that in the event that an override is necessary, the law enabling it must already have been adopted by the Board of Trustees; and

WHEREAS, Local Law Introductory No. 1 of 2022 has been drafted to override the “property tax levy cap” law enacted by State Legislature if necessary; and

WHEREAS, a Public Hearing was held and closed on January 4, 2022.

NOW, THEREFORE BE IT RESOLVED: that the Village Board of Trustees hereby adopts Local Law No. 1-2022 to override the “property tax levy cap” law enacted by State Legislature; and

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.

Carried By the Following Votes:

AYES: Trustee Funchion, Trustee Capicotti, Trustee Murray, Trustee Zachary
NAYS: None
NO VOTE: Mayor Knickerbocker

c. Consider a Motion to Open the Public Hearing 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 open the Public Hearing was made by Trustee Murray and seconded by Trustee Murray, with all in favor. There was discussion about if the word ‘active’

needs to be in § 181-34 Eligibility, letter A and how many volunteers would be eligible. A motion to adjourn the public hearing was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor. Mayor Knickerbocker did not cast a vote.

- d. Resolution to Adopt Local Law #2 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.

This was not voted on since the public hearing is still open.

- e. Consider a Motion to Open the Public Hearing 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 open the Public Hearing was made by Trustee Funchion and seconded by Trustee Zachary, with all in favor. Village Attorney Porteus explained that the law allows a Village within a Town that has an ordinance allowing games of chance, to do a resolution to adopt a games of chance local law and allow the Town to do the permitting process. Trustee Zachary would like games of chance to also be allowed on Sunday’s. Village Attorney Porteus will add the addition of Sunday’s to the Local Law. A motion to close the public hearing was made by Trustee Funchion, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote.

- f. 2022-02 Resolution to Adopt Local Law #3 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 approve this as presented was made by Trustee Zachary, seconded by Trustee Murray, with all in favor. Mayor Knickerbocker did not cast a vote. Trustee Murray questioned who is issuing the permits. Village Attorney Porteus advised that the Town of Cortlandt will issue the permits. Trustee Murray asked who will be issuing the permits, if the Village will be assed a fee for this, are the fees based on the value of what the anticipated event will bring in or is there a set fee and will the Town handle all the reporting. Village Attorney Porteus stated the Town of Cortlandt will be issuing the permits, they will let the Village know who has a permit and they will handle the reporting. The Town advised that enforcement is really the State, however, if the Village ever notices anything out of the ordinary, the Village should call in the State. Administrator Serrano will call the Town and ask if there will be a fee to the Village and what the fee is for the resident who is applying. Trustee Murray questioned if alcohol is being served, would they need to come to the Village to get a permit. Mayor Knickerbocker thought that would go through the Alcohol Beverage Control Board, but this will have to be looked into.

WHEREAS, a motion was duly adopted 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, or by zoom to hear all interested parties on a proposed Local Law to add Chapter 100 entitled “Games of Chance” to the Code of the Village of Buchanan to allow licensing games of chance; 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 January 4, 2022 at 7:30 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, or by zoom 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. 3-2022 amending Chapter 100 entitled “Games of Chance” 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.

Carried By the Following Votes:

AYES:	Trustee Funchion, Trustee Capicotti, Trustee Murray, Trustee Zachary
NAYS:	None
NO VOTE:	Mayor Knickerbocker

g. Presentation by Technical Assistance for Nuclear Communities.

Jeri Mintzer, Joelle Greenland, and Jordan Howard of Smart Growth America gave an overview of how they can assist Buchanan in preparing to pursue EDA Economic Adjustment Assistance Funds as well as assist in guiding Buchanan towards community goals. They recommend a three phase approach centered around the development of the “downtown area”, defined as the corridor along Route 9A including the circle on Tate Avenue, the surrounding area, and Lindsay Avenue as an economic development catalyst for the Village. Areas along Broadway and other commercial corridors will also be considered for inclusion as work continues and resources allow. The three phases of work will focus on opportunities for job creation and private sector investment downtown, as well as placemaking strategies, via infrastructure investment, an inventory of vacant and underutilized properties for potential rezoning within the study area, and a tax assessment of the current properties within the same area. The work will be undertaken over a four-month period in collaboration with the Village of Buchanan, and could support an application for EDA funding to support planning and/or the development of a comprehensive economic development plan. This planning effort

would help the Village to establish a vision, reposition itself as a destination, and attract new economies and business opportunities.

- h. Consider a Motion to Accept the Scope of Work by the Technical Assistance for Nuclear Communities.

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. 2022-03 Resolution Stating Polling Places and Hours for the next Village Election.

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.

WHEREAS, the next General Village Election shall be held on Tuesday, March 15, 2022; and

WHEREAS, according to New York State Election Law, §15-104, Sub 3, the Board of Trustees of the Village shall adopt a resolution which states the polling place in each election district and the hours during which the polls shall be open;

NOW BE IT THEREFORE RESOLVED, that the polling places for the next General Village Election for District No. I and No. II are located in the Community Room on the 2nd floor of the Municipal Building, 236 Tate Avenue, Buchanan, NY; and

BE IT FURTHER RESOLVED, that the hours which the polls shall be open will be between the hours of 6:00 a.m. and 9:00 p.m.

Carried By the Following Votes:

AYES: Trustee Funchion, Trustee Capicotti, Trustee Murray, Trustee Zachary
NAYS: None
NO VOTE: Mayor Knickerbocker

- j. 2022-04 Resolution Appointing Registrar and Deputy Registrar of Vital Statistics.

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.

WHEREAS, it is necessary to appoint a Registrar and Deputy Registrar of Vital Statistics for the Village of Buchanan; and

NOW BE IT THEREFORE RESOLVED, that the Mayor hereby appoints Cynthia Kempter as Registrar, and Sharon Murphy as Deputy Registrar of Vital Statistics of the Village of Buchanan for a period of two years from January 1, 2022 through December 31, 2023.

Carried By the Following Votes:

AYES: Trustee Funchion, Trustee Capicotti, Trustee Murray, Trustee Zachary
NAYS: None
NO VOTE: Mayor Knickerbocker

k. 2022-05 Resolution Authorizing Mayor to Enter into an Intermunicipal Agreement with Westchester County for Bus Passenger Shelters.

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.

WHEREAS, the Village entered into an Intermunicipal Agreement with Westchester County to operate and maintain bus passenger shelters in the Village of Buchanan as well as provide advertising on said bus shelters for a period of five (5) years; and

WHEREAS, that prior Intermunicipal Agreement expired on June 30, 2021 and the Village Board is desirous of entering into a new Intermunicipal Agreement with Westchester County to operate and maintain bus passenger shelters in the Village of Buchanan for the period beginning on July 1, 2021 through June 30, 2026; and

WHEREAS, the County shall be required to hold harmless and defend the Village of Buchanan and its employees, officers and agents from all claims, suits and actions arising from the construction and maintenance of the shelters;

NOW BE IT THEREFORE RESOLVED that the Mayor is hereby authorized to execute said five (5) year Intermunicipal Agreement and all other necessary documents, between the Village of Buchanan and the County of Westchester, for the purposes of providing bus passenger shelters, and establishing the terms and conditions of same.

Carried By the Following Votes:

AYES: Trustee Funchion, Trustee Capicotti, Trustee Murray, Trustee Zachary
NAYS: None
NO VOTE: Mayor Knickerbocker

l. 2022-06 Resolution Authorizing the Adoption of the 2022 Westchester County, NY Hazard Mitigation Plan Update.

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.

WHEREAS, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Westchester County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Westchester County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Village of Buchanan:

- 1) Adopts in its entirety, the 2022 Westchester County Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Carried By the Following Votes:

AYES:	Trustee Funchion, Trustee Capicotti, Trustee Murray, Trustee Zachary
NAYS:	None
NO VOTE:	Mayor Knickerbocker

- m. Consider a Motion to Modify the Village Fee Schedule for Manual Water Readings and Every Additional 6 Months Manual Water Reading from \$200 to \$500 effective with the April 2022 Water Billing.

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 questioned why there wasn't a resolution. Village Administrator Serrano stated that under New York State Law a resolution and a motion are the same thing and have the same legal rights.

- n. Consider a Motion to Approve the Purchase of a Synthetic Ice Rink.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with Anthony Capicotti in favor and opposed by Trustee Murray. Mayor Knickerbocker did not cast a vote. Trustee Murray questioned the purchase of the ice-skating rink and is totally against it, and stated that it never should have been done without notifying the rest of the Board and no money should have been spent without an approved resolution for the expenditures. More discussion followed on the maintenance and logistical aspects of the rink.

- o. Consider a Motion to Approve a Change Order for Roof Column Work at the Pavilion: Allen Industries may not exceed \$96,003 and Zulla Electric may not exceed \$27,900.

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. Mayor Knickerbocker stated the total cost is \$123,827.47 which is still under the grant received by Senator Harckham of \$125,000. We have a grant match which is 10% (\$12,500.00). The total of this project is \$137,500.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Police Report – November 2021

Received and filed. Trustee Funchion read the monthly police update. Trustee Funchion would like to talk about the EAP program at the next workshop meeting.

- b. Highway Report – November 2021

Received and filed.

- c. Wastewater Treatment Plant – November 2021

Received and filed.

- d. Building Department – November 2021

Received and filed.

- e. Buchanan Engine Company – November 2021

Received and filed.

- f. Prosecutors Report – As of December 30, 2021

Received and filed.

g. Attorney's Report

Village Attorney Porteus has executive session items.

h. Administrator's Report

Village Administrator Serrano stated that we are still working on the Rt. 9A sidewalk grant. The grant was awarded, but the State is now going through all the legal documentation. Con Edison is planning to do a gas main replacement from Lindsey, down Tate Avenue and down Ketchum Avenue. The Village mandated and Con Ed agreed to mill and pave the road from curb to curb so the entire road will be done. Con Ed also agreed to an additional fee to cover engineering costs. Con Ed will also put in a tap at Village Hall for future use.

i. Mayor's Report

Mayor Knickerbocker stated that we received \$1,600,000 from the WQIP grant. The Village did not receive the full amount we asked for, but this is enough to address the DEC concerns. Mayor Knickerbocker wanted to inform the public that Port Cortlandt – the windmill manufacturer – is interested in 50 acres at Indian Point to put their manufacturing facility there and they are also planning on using adjacent Town property. They have not yet contacted the Village or Holtec.

j. Trustee's Report

Trustee Zachary wished everyone a Happy New Year. Trustee Zachary spoke about everyone getting vaccinated and while he respects peoples right, their actions effect other people.

Trustee Capicotti believes the Board should be more transparent with each other and needs to work better together. The Board should move forward as a group and get things done for our community. Happy New Year to everyone.

Trustee Murray attended the Municipal Officials Meeting in Harrison. They talked about public/private partnerships for development to help increase the amount of businesses in the area. The NYCOM winter legislative session in Albany is February 13 and 14. Trustee Murray asked if there was any further discussion on Jupiter – the battery storage facility. Mayor Knickerbocker will look into this.

Trustee Funchion wished everyone a Happy New Year. Trustee Funchion agreed with Trustee Capicotti that peoples opinions do not need to be repeated 15 times over and the Board should be more cohesive. Trustee Funchion attended the Christmas Tree lighting in Mayor Knickerbocker's place. It was a very nice evening and was well attended. Trustee Funchion also presented Supervisor Puglisi with a proclamation on her retirement. Mayor Knickerbocker thanked Trustee Funchion for standing in for her and stated that Linda was a very good partner with Buchanan and will be missed.

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

7. **EXECUTIVE SESSION:**

At 10:32PM a Motion to enter into Executive Session to discuss a personnel issue was made by Trustee Zachary, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

8. **ADJOURNMENT:**

At 10:56PM a Motion to exit executive session was made by Trustee Funchion, seconded by Trustee Zachary with all in favor. Mayor Knickerbocker did not cast a vote. At 10:56PM a Motion to adjourn this meeting was made by Trustee Zachary, seconded by Trustee Zachary with all in favor. Mayor Knickerbocker did not cast a vote. No funds were expended.