

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
March 1, 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
Recreation Supervisor Nancy Bayer

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:32PM. She led the Pledge of Allegiance.

2. APPROVE MINUTES:

January 4, 2022 Board Meeting: Trustee Zachary changed the sentence on the top of page 8 to read: 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. A motion to approve the minutes as changed was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

January 25, 2022 Workshop Meeting: A motion to approve the minutes as presented was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

February 1, 2022 Board Meeting: A motion to approve the minutes as presented was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

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

4. NEW BUSINESS:

- a. 2022-08 Resolution Against the Proposed NYS Legislation S4547A & A4854A – Accessory Dwelling Unit Law.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor.

WHEREAS, the New York State Legislature is considering the adoption of the current revision to S4547A & A4854A - Accessory Dwelling Unit (ADU) Law which amends the Real Property Law concerning Accessory Dwelling Units by superseding local zoning as it relates to residential zoning districts and land use; and

WHEREAS, Governor Hochul, in the 2022 State of the State address, supports the creation of legislation that would impose Statewide standards to local zoning, usurping Municipal Home Rule powers; and

WHEREAS, S4547A & A4854A if adopted would override Local Zoning and Municipal Home Rule, permitting accessory apartments as of right, with minimal regulation in all residential districts, including multifamily districts, and on any lot regardless of its zoning with an existing residential use; and

WHEREAS, the proposed law would prohibit a municipalities ability to craft specific regulations while considering the impacts on the locality's environment, infrastructure, parking, school enrollment, police and fire departments within its borders; and

WHEREAS, in not considering the impacts specific to a local municipality, this legislation will have far reaching effects impacting the health, safety and quality of life of the residents of the Village of Buchanan; and

WHEREAS, a one size fits all requirement encroaches on the ability of every New Yorker to participate in local planning in the community in which they live; and

WHEREAS, the proposed legislation causes additional concern regarding the conversions of Hotel and Office to residential as of right without any local oversight; and

WHEREAS, the Village of Buchanan has long history of meeting the special housing needs of the community including the ability to establish accessory apartments since 1989; and

NOW THEREFORE BE IT RESOLVED, that the Village of Buchanan adamantly opposes S4547A & A4854A Accessory Dwelling Unit Law; and

BE IT FURTHER RESOLVED, that the Village of Buchanan urges the Governor of the State of New York, and the New York Legislature to preserve and protect Municipal Home Rule and Local Zoning Powers.

b. 2022-09 Resolution Against the Proposed NYS Legislation S3336 & A77 – Establishing a Tax on Carbon Based Fuels.

A motion to approve this as presented was made by Trustee Funchion, seconded by Trustee Zachary, with all in favor.

WHEREAS, the New York State Legislature is considering the adoption of the current revision to S3336 – Tax on Carbon-based fuels Law which amends the tax law by establishing a tax on carbon-based fuels; and

WHEREAS, S3336 & A77 would add a tax on all Carbon-based fuels at a time that fuel prices are increasing; and

WHEREAS, S3336 & A77, if adopted, would increase the cost of all Carbon-based fuels even higher; and

WHEREAS, individuals are having a difficult time to pay their utility bills and fuel for their vehicles; and

WHEREAS, any increase in Carbon-based fuels would be passed down to the end user; and

WHEREAS, the Village Board of the Village of Buchanan objects to any new tax on Carbon-based fuels at a time that the cost of these fuels are at the highest point; and

WHEREAS, any new tax would make it more difficult or impossible for individuals to pay their utility or gas bill; and

NOW THEREFORE BE IT RESOLVED, that the Village of Buchanan adamantly opposes S3336 & A77 Carbon-based fuels Law; and

BE IT FURTHER RESOLVED, that the Village of Buchanan urges the Governor of the State of New York, and the New York Legislature to not pass a law that would negatively affect all the residents of the State.

- c. Consider a Motion to Authorize the Mayor to Sign an Agreement with McCarthy Consulting Svc. Inc. Regarding Holtec (owner of Indian Point) PILOT negotiations.

Mayor Knickerbocker has removed this from the agenda. This will be discussed in executive session.

- d. Consider a Motion to Appoint Members to the Recreation Advisory Committee.

A motion to appoint the following people to the Recreation Advisory Committee: Jeremy Basso, Megan Starsja, Kylie Bernard and Rick Boyle was made by Mayor Knickerbocker, seconded by Trustee Murray with all in favor.

Recreation Supervisor Nancy Bayer asked to speak to the Board. She will be doing after camp again this year. After camp runs from 3:00 – 6:00pm. She would like to increase this fee from \$30/day to \$40/day. Discussion followed. Consider a Motion to Increase the After-Camp fee from \$30/day to \$40/day. A motion to approved this as presented was made by Trustee Funchion, seconded by Trustee Murray, with all in favor.

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

- a. Justice Reports – January 2022

Received and filed.

- b. Police Report – January 2022

Received and filed.

- c. Highway Report – January 2022

Received and filed.

- d. Wastewater Treatment Plant – January 2022

Received and filed.

- e. Building Department – January 2022

Received and filed.

- f. Planning Board – January 20, 2022

Received and filed.

- g. Buchanan Engine Company – January 2022

Received and filed.

- h. Prosecutors Report – February 2022

Received and filed.

- i. Attorney's Report

Village Attorney Porteus has two items for executive session. There was nothing for Zoning Board last month and one matter in Planning Board which is an application for a special permit for an accessory apartment. The public hearing was opened and continued until March 17th.

- j. Administrator's Report

Village Administrator Serrano stated the Con Ed is continuing work on Tate Avenue with the new gas line. The contractor for the work on the pavilion stated materials have started arriving and they will start working soon. It will be approximately 4 weeks of work. Con Edison is working with the DOT and our

engineer on the new sidewalk on Rt. 9A. There was an issue moving the gas lines. Regarding the caved in road just before First Street, Con Edison has agreed to dig it up, fix it and repave from the center line. Regarding the telephone poles along Lindsey Avenue and Albany Post Road, Con Edison stated that there are some issues and will set up a conference call to discuss further.

k. Trustee's Report

Trustee Funchion that he is in solidarity with the people of Ukraine, and everyone in the United States is solidly behind those fighting the invasion of their country. Trustee Funchion wishes everyone a Happy St. Patrick's Day. There is no parade this year, but hopefully the parade will be back next year. Trustee Funchion stated that he is angry that NYS Decommissioning Oversight Board is having a meeting on St. Patrick's Day – which is the day that Irish culture is celebrated. He has sent emails and has heard back from two of the members, but has not heard back from any politicians. He is hoping they will boycott this meeting, it is a disgrace and says that Irish people don't mean anything in this Country. The second part is they continue the disgrace by having a meeting on Pearl Harbor Day. Trustee Funchion encourages everyone to write or call their representative and tell them to change the dates.

Trustee Zachary is very happy to see that COVID is diminishing. Trustee Zachary expressed his horror over what is happening in Ukraine and his amazing respect for the people. Regarding the Logo contest, the committee has recommended minor changes. There should be a winner by next month. Trustee Zachary thanked the committee of judges who are Cheryl Gilmore, Marie Bell, Tania Drezek, Stella Filocco, Colleen Lonergan and Becky Makelainen. Trustee Zachary thanked the Mayor for coming up with the idea of the ice rink.

Trustee Capicotti questioned who is monitoring the Con Ed restoration near First Street. Village Administrator Serrano stated that Hahn Engineering does the monitoring. Trustee Capicotti asked that Con Edison be watched to make sure repairs are done correctly.

Trustee Murray questioned the status of the issue at Lent's Cove regarding the Peekskill boundary. Village Administrator Serrano stated that he had a discussion with the Assessor and City Manager who has since resigned, so he spoke to the interim City Manager to get an update. There didn't seem to be a problem transferring that property to the Village and not having to pay for anything. Village Administrator Serrano is now waiting for a response back from the Acting City Manager to see what decision the City Council has on moving the boundary from Peekskill to Buchanan. Trustee Murray questioned the Committee on Technical Assistance for Nuclear Communities. Mayor Knickerbocker stated that they are working on something and will get back to us

with their findings. Village Administrator Serrano said that have asked for data and are doing work behind the scenes. Village Administrator Serrano will ask about a time line. Trustee Murray would like to add the update of the lawsuit to executive session. Trustee Murray encourages everyone to come out and vote. It is everybody's right. The people of Ukraine are fighting to keep that right. We should be exercising the right for everyone who has fought for us and given their lives for us.

1. Mayor's Report

Mayor Knickerbocker stated the she has the utmost respect for the people of Ukraine who are fighting for their freedom and their county. The Village Circle lighting is in blue and yellow which shows we are in solidarity with Ukraine. Mayor Knickerbocker stated that there is some movement with the Stranded Act which will give communities some funding for the spent nuclear waste. The grand opening of the ice-skating rink will be Saturday from 12:00 – 4:00. There will be raffles, hot chocolate and refreshments.

6. **COMMENTS FROM THE FLOOR:**

Eileen Absenger thanked the Board for the letters that are being sent regarding the carbon tax. She thinks it is important that we speak up about the Accessory Apartments. She stated that if children aren't picked up by 6:00pm at day care, the parents are charged \$15 or more for 15 minutes. Eileen Absenger questioned if the opinion from the Westchester County Ethics Board is available to the public. Village Administrator Serrano stated that this could be a FOIL.

7. **EXECUTIVE SESSION:**

At 8:30PM a Motion to enter into Executive Session to discuss personnel, litigation and Holtec negotiations was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote.

8. **ADJOURNMENT:**

At 9:38PM 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 9:39PM a Motion to adjourn this meeting was made by Trustee Funchion, seconded by Trustee Murray with all in favor. Mayor Knickerbocker did not cast a vote. No funds were expended.