

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
September 6, 2022**

PRESENT: (This meeting was held live and via Zoom)

Mayor Theresa Knickerbocker
Trustees Anthony Capicotti, Steven Laker, Daniel Stewart
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Engineer George Pommer
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy
Building Inspector Brian Cook
Assistant Building Inspector Peter Cook
Recreation Supervisor Nancy Bayer
Insurance Broker, R.J. Impastato

ABSENT:

Trustee Sean Murray

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:00 P.M. She led the Pledge of Allegiance.

2. APPROVE MINUTES:

July 26, 2022 Workshop Meeting: A motion to approve the minutes as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor and Trustee Murray absent.

August 2, 2022 Board Meeting: A motion to approve these minutes as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor and Trustee Murray absent.

3. COMMENTS FROM THE FLOOR (agenda items only):

Nick Zachary asked if he could comment on lot coverage. Mayor Knickerbocker told him to come to the workshop since this isn't on the agenda.

4. NEW BUSINESS:

a. Consider a Motion to Award Sludge Removal Contract.

Village Engineer Pommer explained that this went out bid. Fred Cook was the only bidder. We have 2,200,000 gallons of sludge. There is a caveat in the agreement that if the price is good we can extend the contract another year. The bid was \$261,800.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor and Trustee Murray absent.

b. Discussion on Waste Water Treatment Plant.

Village Engineer Pommer stated that while the Board is in process of reviewing the IMA with the Town, they asked for an update on the Waste Water Treatment Plant. Village Engineer Pommer stated that they made a submission to the health department for doing the fine bubble diffusion system, it did not include replacing the tank. Replacement is always better than a repair but sometimes repairs are adequate and will carry you through. The Village received a WQIP grant (Water Quality Improvement Program) of \$1,620,000. The Village has to put in a matching fund of \$973,234. Village Engineer Pommer explained that they redid the calculations for just doing the fine bubble diffusion and putting a coating system inside the tanks. That is roughly \$2,200,000. This is under the amount of money from the WQIP grant and matching funds. The DEC will have to be notified that we are modifying the scope of work. The coating system will give more life to the tanks. Enecon stated that the product they put on the tank is guaranteed a 10-year life and if anything goes wrong they will replace it. It could last more than that, but they are guaranteeing a minimum of 10 years. Westchester County has a bid that includes the Enecon product. The City of Yonkers is using the Enecon product to coat their tanks.

Mayor Knickerbocker stated the it is not looking like the IMA will be resolved, that is why we are going to plan B. Village Attorney Porteus asked to clarify the IMA tonight, she really needs to put that to bed if that is what we are doing. Trustee Stewart said he thought we already put it to bed. Village Attorney Porteus said that this seems to be a product that is in place of replacing the tanks. The IMA dealt with replacing tanks. She would like this on the record so she can go back to the Town, although she heard that they are pretty sure that the IMA is not happening. She would like to be able to respond to the attorneys. Village Attorney Porteus asked if we are putting this to bed and the Trustee Capicotti responded “absolutely”, Trustees Stewart and Laker responded “yes” and Mayor

Knickerbocker said “go forward.” Trustee Capicotti stated this is not our choice, we tried. Trustee Laker stated that we tried, we waited and did everything we could. We have an alternative and Trustee Laker thanked Village Engineer Pommer for the information. Mayor Knickerbocker explained that there was a grant available through the Entergy money. They left \$15,000,000 for community and environmental funding. The Village was supposed to get a huge chunk of that, but the governor decided that it would be split between the Town of Cortlandt and the Village of Buchanan for a joint project. The only joint project we could do together was the sewer treatment plant. The IMA is an intermunicipal agreement that we tried to work out with the Town and we would have gotten millions of dollars to do our plant over. The agreement would have been that the Town of Cortlandt would have a certain number of gallons that they would be able to put into our sewer treatment plant. The negotiations have failed. The \$7,000,000 is still sitting out there. We don’t know what will happen with that. The Village of Buchanan decided to move forward and not wait any longer. We would like to upgrade the plant and put in the new technology, so we will move forward with that. Unfortunately, it would have been a positive for both communities. The Village attorney wrote up the IMA which was a fair, comprehensive agreement and the Town just couldn’t bring themselves to sign it. Mayor Knickerbocker thanked Village Attorney Porteus and Village Engineer Pommer.

c. Discussion on Battery Storage.

Mayor Knickerbocker stated that at the workshop meeting Jupiter Power did a presentation on what they wanted to do with battery storage in the parking lot of the CertainTeed property. Mayor Knickerbocker feels that this is not in the best interest of the Village. The Village had decided to go forward and rezone the Indian Point property to prepare for the future. The original intent of rezoning that area along the river is to use the best and highest use. Through the LWRP process there were many interesting projects that people wanted to see. Going back to battery storage, warehousing or industrial was not on the list. Mayor Knickerbocker doesn’t think that putting battery storage close to the river front, close to a gas pipeline and close to a school is appropriate for the Village. We can find a better use for that property. Trustee Capicotti would like to use the property to benefit the Village. It is a beautiful piece of property if it were ever to become available. The numbers do not benefit the Village enough for Trustee Capicotti to go in that direction. Trustee Capicotti does not feel certain that that is the best use of that property. Trustee Stewart agrees with the Mayor and Trustee Capicotti. He also has safety concerns with a battery storage going in and says no. Trustee Laker agrees and said that the numbers are too low for the impact it could have long term on the Village. Village Administrator Serrano will let them know tomorrow that we will not be entertaining this.

- d. Consider a Motion to Appoint Scott Horton as General Foreman at an Annual Salary of \$116,603 Starting September 7, 2022.

Scott Horton has been a full time Village employee for 30 years. Mayor Knickerbocker stated that we are appointing Scott as our General Foreman.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor and Trustee Murray absent.

- e. Consider a Motion to Accept the Resignation of Awilda Baez.

Mayor Knickerbocker stated that Awilda was on the Planning Board and thanks her for her service to the Village.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor and Trustee Murray absent.

- f. Due to a Vacant Position on the Planning Board, the Mayor hereby appoints Nicholas Zachary to the Planning Board, effective September 7, 2022, to fill the unexpired term ending April 6, 2026 at an Annual Salary of \$2,175.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor and Trustee Murray absent.

- g. Consider a Motion to Hire Two (2) Laborers at an Annual Rate of \$45,000 Contingent on Passing All Hiring Requirements of the Village.

Mayor Knickerbocker announced that the new hires will be Kevin Murphy and Michael Giuliano.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Laker, with all in favor and Trustee Murray absent.

- h. Consider a Motion to Hire a Part-Time Person in the Clerk's Office at \$15.00/hour Starting September 7, 2022.

Village Administration Serrano explained that there is money in the budget to hire part-time people. We would like a high school or college student to be able to work when time allows. Ashley Kempter has worked in the summer camp and knows word, excel and can scan documents. We will need someone to help the building department scan documents into the new software and to scan historical document in the Clerk's office.

A motion to approve this as presented was made by Mayor Knickerbocker,

seconded by Trustee Stewart, with all in favor and Trustee Murray absent.

- i. Consider a Motion Authorizing the Use of the Pavilion and Serving of Alcohol on September 10, 2022 Contingent on Proper Insurance.

Village Administrator Serrano stated that all the documents complete.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor and Trustee Murray absent.

- j. Discussion on Halloween Party and Ice-Skating Rink.

Recreation Supervisor Nancy Bayer explained that she would like the ice rink for the Halloween Party. The kids will parade around the pavilion and then have free ice skating that day for any resident or non-resident. The official opening of the rink will be on Sunday, October 30. It will be open Friday from 4:00-8:00 P.M., and Saturday and Sunday from 12:00-4:00 P.M. Recreation Supervisor Bayer would like to charge \$5.00 for any non-resident that skates. Anyone coming in that skates must sign a waiver. The Halloween party is 10:30 A.M. on October 29. Trustee Stewart asked about staffing for the rink. We will advertise the position. Recreation Supervisor Bayer asked if the age for employment can be lowered to 17. The Board agreed.

Consider a Motion for Non-Resident Skaters to Use the Ice-Skating Rink for a fee of \$5.00.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor with Trustee Murray absent.

- k. Consider a Request to Use the Lents Cove Parking Lot for Overflow Parking Contingent on Proper Insurance.

Mayor Knickerbocker explained that one of our neighbors in Peekskill is having a big event called Nashkill and they are requesting the use of Lents Cove for overflow parking on September 10. Village Administrator Serrano explained that the Board can approve this contingent on insurance. Insurance broker R.J. Impastato said that he did received an email from their insurance broker and they are working on three items with three separate insurance companies. One of them may be acceptable to meet the requirements of the Village. Trustee Laker asked what the difference is between someone else parking in the parking lot as opposed to this person asking to use the lot. Insurance broker Impastato explained that we know the event has alcohol and we know there are more than a couple of people. At any time of day, there is only a handful of people at Lents Cove so the risk is very low. When you have a larger event where there is alcohol and there are more

people, from an insurance point of view this increases the risk of a claim.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor and Trustee Murray absent.

1. Consider a Motion to Allow the Cortlandt National Little League to Use the Pavilion for a Fund-Raising Event Contingent on the Proper Insurance.

Mayor Knickerbocker explained that they want to host a cornhole tournament at the pavilion. They will be selling food, non-alcoholic beverages and snacks. Alcohol will be served but will be by donation only. They would like the rental fee to be waived. The league will be responsible for the insurance. The date will be determined.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Laker, with all in favor and Trustee Murray absent.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – July 2022
Received and filed.
- b. Police Report – July 2022
Received and filed.
- c. Highway Report – July 2022
Received and filed.
- d. Wastewater Treatment Plant – July 2022
Received and filed.
- e. Prosecutors Report – August 2022
Received and filed.
- f. Buchanan Engine Company – July 2022
Received and filed.
- g. Planning Board – July 21, 2022

Received and filed.

h. Building Department – July 2022

Received and filed.

i. Attorney's Report

Village Attorney Porteus stated there will be a joint meeting of the Planning and Zoning Board to discuss accessory apartments.

j. Administrator's Report

Village Administrator Serrano stated he applied for the cessation funding from the State and received confirmation that we will be receiving \$1,953,002.60. The contract has been approved for the \$100,000 grant from Senator Harckham for the sealing of the manholes for the DEC requirements. Also, the Federal money of \$200,000 we received will also be used for the manholes. Mayor Knickerbocker announced that we purchased an electric vehicle and will be used by the building department. There is also a grant for \$7,500 that Village Administrator Serrano will submit.

k. Trustee's Report

Trustee Laker wishes the best of luck to all the children who went back to school today and to remind everyone about the buses on the road. He thanked the police department for their presence at the school. Please support the Beautification Committee on Saturday at their annual mum sale. On Sunday, September 11th, please say a prayer for those who were lost on that tragic day twenty-one years ago. Mayor Knickerbocker stated that every year on September 11 there is a ceremony at Croton Landing. It will be this Sunday at 1:00 P.M.

Trustee Stewart congratulated Scott Horton and wishes him all the best. We made a very good move. Trustee Stewart said he was glad that the Board was able to come to a resolution about the sewer plant other than having to rely on the IMA. We are moving in a positive direction.

Trustee Capicotti congratulated Scott Horton and said he knows he will do a good job. Trustee Capicotti welcomed back Nick Zackary. Trustee Capicotti thanked Village Engineer Pommer for coming up with the plan for the sewer plant. For all the work that Village Attorney Porteus did, the IMA was a disappointment. This was something that was great for Montrose and Buchanan

and to not be able to negotiate was ridiculous. If this comes up in the future, hopefully the Town and the Village can make it work. Trustee Capicotti questioned the poles Lindsey Avenue. The roadwork begins this week so please stay mindful of the construction workers. Don't forget 9-11 and take a minute to stop and think about what was given that day.

1. Mayor's Report

Mayor Knickerbocker mentioned that Buchanan Day is October 1st and will start at 3:00 P.M. The entertainment this year is the Hillbilly Parade Band. The Police Department will be giving out ice cream and the Fire Department will be cooking the hot dogs and hamburgers. Please come out, it's a great event for the community. Mayor Knickerbocker would like more people to be involved in the State Decommissioning Oversight Board Meetings. The next one is September 22nd. They are working on having monitoring done in the area so when the plant is being decommissioned and the buildings are coming down it monitors the air. There has been misinformation going out. Mayor Knickerbocker asked that everyone be patient. There will be monitors installed in the Village and at the school. The goal is to make the decommissioning safe and the reuse of the property. Assistant Building Inspector Peter Cook stated that we have been working very closely with Holtec and they have been very compliant and everything they have done up to this point has been above par. We have no issues with them.

6. **COMMENTS FROM THE FLOOR:**

Nick Zachary asked about the overflow parking for the Nashkill event and will there be lighting there. Trustee Capicotti said that portable lighting will be installed. In regards to the Little League fund raiser, Nick thought that the wording regarding donation of alcohol needs to be clarified. Nick stated that the Board made the right decision regarding the battery storage.

Eileen Absenger agreed with the decision on the battery storage. Eileen asked what was the excuse that the battery storage couldn't go across the street near the cemetery and the power lines. Mayor Knickerbocker stated that Holtec wasn't releasing that property. Eileen asked that the Board please speak into the microphone because it is hard to hear them when they are talking. Eileen asked Trustee Stewart about his comment on the timing of the rental of the pavilion. Trustee Stewart said his main concern is when the rental is on a Sunday night and going past 8:00 P.M. or 9:00 P.M. On the application, currently the time is blank. We should have a time as to when it starts and stops. Eileen asked about the overflow parking and are they bussing people. Eileen congratulated Scott and welcomed back Nick.

7. **EXECUTIVE SESSION:** None

8. **ADJOURNMENT:**

At 8:20 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor and Trustee Murray absent. No monies were expended.