

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
August 1, 2023**

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

Mayor Theresa Knickerbocker  
Trustees Anthony Capicotti, Steven Laker, Daniel Stewart, Robert Wheeler  
Village Administrator Marcus Serrano  
Village Attorney Stephanie Porteus  
Village Engineer George Pommer (via Zoom)  
Village Clerk, Treasurer Cynthia Kempter  
Deputy Village Clerk Sharon Murphy  
Building Inspector Peter Cook

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:06 P.M. There was a moment of silence for George “Moe” Merritt. He was a long-time resident of Buchanan and a member of the fire house.

**2. APPROVE MINUTES: None**

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

**4. NEW BUSINESS:**

- a. 2023-11 Resolution Amending the Master Fee Schedule for the Village of Buchanan.

Village Engineer George Pommer spoke about a recreational facility needs assessment. They looked at the current status of the Village’s parks and pool and what their needs are as far as repairs and replacements. They identified approximately \$4,700,000 worth of needs, assets and future projects for the recreation department. They came up with a cost per household that was close to what was discussed at the last workshop meeting. They concur with the \$1,100 for a one-bedroom, \$1,200 for a two-bedroom, \$1,300 for a three-bedroom and \$1,400 for the four-bedroom made sense based on all of the recreational needs and capital costs for the Village over a 5-year period. Mayor Knickerbocker explained that there were no recreation fees for apartments in our code, just for sub-divisions and individual houses. Moving forward with the development of apartments, it is

common to charge a recreation fee for the new people coming in that will be using our facilities.

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

**WHEREAS**, by Local Law No. 9 of 2011, the Village of Buchanan established Chapter 90 entitled “Fees” to the Code of the Village of Buchanan permitting the setting of Village fees through Board of Trustee Resolutions; and

**WHEREAS**, by Resolution dated February 7, 2011, the Village Board of Trustees adopted a Master Fee Schedule setting fees for the Village of Buchanan; and

**WHEREAS**, Section 4 of said Local Law permits the amendment of the Master Fee Schedule by Resolution; and

**WHEREAS**, the Village Board of Trustees, from time to time reviews the fee schedule to determine if the fees are in accordance with the costs incurred by the Village; and

**WHEREAS**, the Village Board of Trustees has determined that it is necessary to update the Village fee schedule with respect to Subdivision and Site Plan fees in lieu of recreation areas;

**NOW, THEREFORE, BE IT RESOLVED**, that the Master Fee Schedule shall be amended to add a sliding scale fee under the section entitled “Site Plan Fee In lieu of Recreation – per unit” attached hereto.

**BE IT FURTHER RESOLVED**, that Clerk is hereby directed to amend the Master Fee Schedule, attached hereto, upon the passage of this Resolution.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,  
Trustee Stewart, Trustee Wheeler

NAYS: None

b. Consider a Motion to Open the Public Hearing Amending Chapter 181 Entitled Taxation to the Code of the Village of Buchanan.

A Motion to Open the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

Village Attorney Porteus explained that we are adding an article to Chapter 181 of the Code which will allow residents who find themselves delinquent on their taxes to enter into a repayment installment agreement. The agreement is for 24 months with four equal payments. Penalties continue to accrue until the taxes are paid in full.

A Motion to Close the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Laker, with all in favor.

c. 2023-12 Resolution Authorizing Adoption of Local Law No. 4-2023 Amending Chapter 181 of the Code of the Village of Buchanan.

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

**WHEREAS**, a resolution 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, to hear all interested parties on a proposed Local Law amending Chapter 181 entitled “Taxation” 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 August 1, 2023 at 7:00 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, 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.4-2023 amending Chapter 181 of the Code of the Village of Buchanan, by adding Article V1, a copy of which is attached hereto and made a part of this resolution; 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: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,  
Trustee Stewart, Trustee Wheeler

NAYS: None

d. Consider a Motion to Open the Public Hearing Regarding Chapter 171 Entitled Subdivision of Land to the Code of the Village of Buchanan

A Motion to Open the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

Village Attorney Porteus explained that there was a provision to reserve recreation areas or money in lieu thereof. In 171-11 D the final line prohibited the Board from using any of the recreation money for general maintenance. The State law is still complied with but we are taking out that last line so you can use the recreation money for maintaining the recreation facilities.

Nick Zachary gave public comment stating that the spirit of the recreation fund was to expand recreation. The Village should not forget about some of the things that could expand our recreation program.

A Motion to Close the Public Hearing was made by Mayor Knickerbocker, seconded by Trustee Capicotti, with all in favor.

e. 2023-13 Resolution Authorizing Adoption of Local Law No. 5-2023 Amending Chapter 171 of the Code of the Village of Buchanan.

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

**WHEREAS**, a resolution 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, to hear all interested parties on a proposed Local Law amending Chapter 171 entitled “Subdivision of Land” 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 August 1, 2023 at 7:00 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, 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. 5-2023 amending Chapter 171 of the Code of the Village of Buchanan, a copy of which is attached hereto and made a part of this resolution; and

**BE IT FURTHER RESOLVED** that the Village Clerk be and she 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: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,  
Trustee Stewart, Trustee Wheeler

NAYS: None

f. 2023-14 Resolution Authorizing the Village Mayor to Execute an Amended Cooperative Agreement and IMA with The State and Town of Cortlandt for the Indian Point Settlement Fund.

Village Attorney Porteus explained that NYS insisted that since they took funds away from the \$7,000,000 you must agree to that. As part of this resolution, you are agreeing that the original cooperative agreement said the award was \$7,000,000 and now you are agreeing to the fact that it is now \$6,750,000 and the updated timeline. In the IMA the Town insisted that it be perpetual and the State suggested that the agreement be changed to 40 years.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with Trustee Capicotti and Trustee Laker in favor and Trustee Wheeler abstaining.

WHEREAS, prior to Indian Point's closure, a \$15 million Settlement Fund was established pursuant to the Indian Point Closure Agreement; and

WHEREAS, the Town of Cortlandt, Village of Buchanan, and State of New York entered into a cooperative agreement in February 2022 (the "Original Cooperative Agreement") which outlined a process for obtaining the Town and Village's portion of the Settlement Fund; and

WHEREAS, a requirement of the Original Cooperative Agreement was that the Town and Village enter into an intermunicipal agreement ("IMA") for sewer improvements, upgrades, and expansions; and

WHEREAS, the Town and Village entered into this Intermunicipal Agreement on May 2, 2023; and

WHEREAS, based on the terms of the IMA, the State is requiring certain amendments to the term of the IMA and to the Original Cooperative Agreement, including a new maximum award amount of \$6.75 million and an updated timeline;

NOW, THEREFORE, BE IT RESOLVED that the Village Mayor is authorized to execute an updated Cooperative Agreement and IMA pertaining to the Indian Point Settlement Fund with the State and the Town of Cortlandt.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,  
Trustee Stewart

ABSTAIN: Trustee Wheeler

NAYS: None

g. Consider a Motion to Call for a Public Hearing on September 5, 2023 Regarding Noise Control.

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

h. Discussion of Trees Around the Circle.

The Board will let Highway Foreman Horton know that he may take down the dead trees. Trustee Wheeler spoke to the Beautification Committee to see if they have any ideas of what could go in place of the trees. Trustee Capicotti stated that if we do remove the trees we should just pour concrete and not do pavers. Eileen Absenger mentioned that there are two projects being built on Albany Post Road that will also have trees near the sidewalk. The Board decided to keep the trees around the circle until we are ready to replace them.

i. Discussion on Buchanan Day.

Mayor Knickerbocker mentioned that Buchanan Day is September 16<sup>th</sup>. There will be a walk/run starting at 10:30. There will be some vendors, a band, hamburgers, hotdogs and ice cream.

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

a. Justice Reports – June 2023

Received and filed.

b. Police Report – June 2023

Received and filed.

c. Highway Report – June 2023

Received and filed.

d. Wastewater Treatment Plant – June 2023

Received and filed.

e. Building Department – May 2023

Received and filed.

- f. Buchanan Engine Company – June 2023

Received and filed.

- g. Prosecutor's Report – no report

- h. Attorney's Report

Village Attorney Porteus has an item for executive session.

- i. Administrator's Report

Village Administrator Serrano has a personnel issue to discuss in executive session.

- j. Trustee's Report

Trustee Laker stated that he, Mayor Knickerbocker and Trustee Wheeler attended the kickoff recreation committee meeting. It will be very helpful in trying to decide what the needs are for recreation going forward. Trustee Laker reiterated that we are at a cross roads in the Village and we want to keep all options on the table and portray to developers that we are open for business and we are open to hear ideas. Trustee Laker would like an update from David Smith regarding the rezoning of the M-1 district. Trustee Laker asked that in regards to the release of the 65 acres from Holtec if we could form a sub-committee where we can get that moving along. Mayor Knickerbocker mentioned that Holtec said that currently they are dealing with other issues, but they possibly could get a representative in for discussion with the whole board.

Trustee Stewart mentioned that the Beautification Committee did a great job on the Village Circle. Trustee Stewart also mentioned the 65 acres getting released is important to the Village. Trustee Stewart asked about the \$100,000 state grant from Senator Harckham.

Trustee Capicotti met with Highway Foreman Scott Horton. They spoke about the outlet pipe on the Absenger property and they are setting up a plan to repair it. They spoke about getting the proper equipment to make it easier to get more work done. Trustee Capicotti likes the idea of a sub-committee regarding the 65 acres. Trustee Capicotti apologized to the public for his actions at the last meeting. Trustee Capicotti agrees with Trustee Laker that we do have an obligation to listen to anyone that wants to come into the Village.

Trustee Wheeler asked if the Town of Cortlandt was negotiating with Holtec about a piece of property. Mayor Knickerbocker stated that they are. It is a 2-acre piece of property. Trustee Wheeler agrees that we need to push harder to talk to Holtec. Trustee Wheeler mentioned rezoning that property.

k. Mayor's Report

Mayor Knickerbocker mentioned that she was at the Decommissioning Oversight Board meeting last night. It was basically responding to comments that people made. It was the same players and the same questions. What they don't understand is that the original agreement stated that they would continue to discharge into the river while they were operating and after. This was the original agreement signed January 2017 with the Governor, Entergy and Riverkeeper. We had another joint proposal and that's how we became an intervener in 2021 which gave us more leverage with Holtec. In that agreement, it says that Holtec will continue to discharge into the river. The Post Shut Down Decommissioning Activities Report, which is the roadmap of how the plant will be decommissioned, references the same. Legal agreements have been signed. The Governor is in a place right now because if she doesn't sign that bill she will be anti-saving the Hudson and if she signs that bill there will be some major litigation going on.

6. **COMMENTS FROM THE FLOOR:**

Nick Zachary, 80 Tate Avenue, asked if the Village would put something on the website about the spotted lantern fly. Nick Zachary agrees with Trustee Wheeler about pushing the process on the Indian Point parcel and the plan for that parcel. Nick Zachary suggested that the Board should look redoing the Master Plan. Nick Zachary doesn't feel battery storage is a good use for the property across from Lents Cove.

Eileen Absenger, 138 Tate Avenue, made public comment about the Griffin property across the street from Lents Cove. Eileen Absenger asked if the recreation committee is open to the public.

Lisa Mercora, 162 First Street, made public comment asking that the Board does not approve the special permit for AMS. She is not for a 5-story building so close to our residential district, or the increased density. She is asking that we stick with our codes the way they are. She would like to protect the charm and the legacy of our small village. She feels that the Village is doing well in light of the hardships that we've come across.

7. **EXECUTIVE SESSION:**

At 8:37 P.M. a Motion to enter into Executive Session to discuss personnel and potential litigation was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

8. **ADJOURNMENT:**

At 9:15 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

At 9:15 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor. No monies were expended.