

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
October 3, 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
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 7:00 P.M.

2. APPROVE MINUTES:

August 1, 2023 Board Meeting
September 20, 2023 Special Meeting

A motion to approve these minutes as presented was made by Mayor Knickerbocker, seconded by Trustee Wheeler with all in favor.

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

4. NEW BUSINESS:

- a. Consider a Motion to Open the Public Hearing Regarding Chapter 181 Entitled Taxation (Senior Citizens Tax Exemption).

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

Mayor Knickerbocker explained that if the combined income of the owners of the property does not exceed \$58,400 you may be eligible for this senior tax exemption. An application must be submitted to the Clerk's office by

December 31st. The schedule is as follows:

<u>Total Income for 12-Month Period Preceding Application</u>	<u>Percent of Tax Exemption Allowed</u>
Up to \$50,000	50%
\$50,001 - \$55,699	20%
\$55,700 - \$57,499	10%
\$57,500 - \$58,400	5%
Over \$58,400	Not eligible

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

- b. 2023-18 Resolution Authorizing Adoption of Local Law No. 8-2023 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 Wheeler 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 October 3, 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.8-2023 amending Chapter 181 of the Code of the Village of Buchanan, by amending Article 1, 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

- c. 2023-19 Bond Resolution Authorizing the Issuance of up to \$90,000 Aggregate Principal Amount Serial Bonds of The Village of Buchanan, County of Westchester, State of New York, Pursuant to the Local Finance Law, To Finance the Costs of the Acquisition of a Motor Vehicle for the Village Fire Department.

The Village finds it necessary to purchase a vehicle for the Fire Department since one of their vehicles was rear ended and totaled. Village Administrator Serrano recommended to the Board to do a Bond Anticipation Note which is renewable every year. The Fire Department has \$275,000 set aside to replace vehicles. By leaving the \$90,000 in that fund we are earning more interest than what we will pay for the debt. A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor and Trustee Wheeler abstained.

SUMMARY OF BOND RESOLUTION

Set forth below is a summary of said resolution adopted by the Board of Trustees of the Village of Buchanan on October 3, 2023.

BOND RESOLUTION, DATED OCTOBER 3, 2023, AUTHORIZING THE ISSUANCE OF UP TO \$90,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF BUCHANAN, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION OF A MOTOR VEHICLE FOR THE VILLAGE FIRE DEPARTMENT.

Object or purpose: the acquisition of a motor vehicle for the Village Fire Department

Period of probable usefulness: five (5) years

Amount of obligations to be issued: \$90,000

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Village Clerk, Village Hall, 236 Tate Ave, Buchanan, New York 10511.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,

Trustee Stewart
NAYS: None
ABSTAINED: Trustee Wheeler

- d. 2023-20 Resolution Declaring Village Owned Land 3229 Bleakley Avenue Surplus and Unneeded for any Municipal Purpose; SEQRA Findings for Sale of 3229 Bleakley Avenue, Buchanan, NY; and Authorizing Mayor to Sign Contract of Sale.

Mayor Knickerbocker explained that this is the property on the corner of Bleakley Avenue and 9A. The Village has owned this for many years. The Board had previously put this up for sale years ago but it didn't sell. The Board received two bids.

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

WHEREAS, the Village of Buchanan ("Village") is a duly constituted municipal entity incorporated in 1928 and is currently governed by a duly elected Mayor and Board of Trustees; and

WHEREAS, the Village owns property known as 3229 Bleakley Avenue shown on the local tax maps as Section 43.11, Block 1, Lots 5 and 6 (the "Subject Property"), together consisting of .88 acre, which it now seeks to sell as surplus land (the "Proposed Action"); and

WHEREAS, the Village acquired title to Lot 5 by deed from George O. Bligen and Eileen C. Ellgen to the Village of Buchanan dated March 1, 1968 and recorded with the Westchester County Clerk, Land Records, at Liber 6768, Page 155; and

WHEREAS, the Village acquired title to Lot 6 by deed from Rose Harbolic, as surviving tenant by the entirety to the Village of Buchanan dated March 14, 1969 and recorded with the Westchester County Clerk, Land Records, at Liber 6844, Page 682; and

WHEREAS, the Village Lots are unimproved and the above-referenced deeds do not contain any limitation or dedication limiting the use of the parcels; and

WHEREAS, the Village has never made any material use of the Subject Property; and

WHEREAS, New York State Village Law 1-102(1) authorizes a Village to sell real property which is no longer needed for municipal purposes with the method of sale chosen being within the sound discretion of the Board; and

WHEREAS, the Village Board of Trustees ("Board") commissioned an independent appraisal on behalf of the Village, which was prepared by Valuation Plus, Inc., 875 Mamaroneck Avenue, Mamaroneck, NY 10543 dated January 14, 2023 ("Village Appraisal"); and

WHEREAS, the Village Appraisal opined that the Subject Property has a value of \$190,000.00;

WHEREAS, the Board has engaged in a process of seeking bids for the sale of the Subject Property and

WHEREAS, the Board is entrusted with a fiduciary duty to secure the best price obtainable in its judgment or on the most beneficial terms in the public interest for any lawful use; and

WHEREAS, the Board received the highest offer of \$388,000.00 from JANC Associates, Brookfield, Connecticut 06804 ("Purchaser") seeking to develop ten (10) town house units ("Proposed Development") on the Subject Property, subject to Site Plan approval and any other necessary Board approvals; and

WHEREAS, the sale of the Subject Property is subject to the State Environmental Quality Review Act (SEQRA) and the Board has caused to be prepared an environmental assessment form Parts 1, 2 and 3; and

WHEREAS, the Village Board is the only Agency with the ability to implement and conduct the Proposed Action and hereby declares itself to be the Lead Agency with respect to the Proposed Action; and

WHEREAS, the Proposed Action is an Unlisted Action as that term is defined under SEQRA and that after review of the complete EAF does hereby make a determination that the Proposed Action will not have an adverse impact on the environment;

NOW THEREFORE, BE IT RESOLVED, based on the foregoing findings of the Board as to the lack of any environmental impact resulting from the sale of the Subject Property, that the Board adopts a Negative Declaration under (SEQRA) finding that the proposed action will have no adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the Board has determined that the public good will be served, and the public interest requires, this resolution to declare the Subject Property no longer needed for municipal purposes, and to authorize the Board, under New York State Village Law 1-102(1) to sell the Subject Property as shown in the legal description to be provided by the prospective purchaser and reviewed by the Village Attorney in order to convey same; and

BE IT FURTHER RESOLVED, that upon adoption of this resolution, the Village Attorney is authorized to negotiate a contract of sale with the Purchaser for \$388,000.00 and to submit same to the Village Mayor for signature, together with any other documents necessary to effectuate the transfer of title to the Subject Property.

Carried by the Following Votes:

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

NAYS: None

e. 2023-21 Resolution Creating the Position of Deputy Treasurer as Required by Westchester County Civil Service.

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

WHEREAS, the Board of Trustees (the “Board”) of the Village of Buchanan (the “Village”) has determined it is in the public interest to create the position of Deputy Treasurer; and

WHEREAS, the County of Westchester Civil Service informed the Village that in order to create the position of Deputy Treasurer the Village Board of Trustees will have to adopt a resolution creating the position, including duties for this position; and

WHEREAS, The Village Board of Trustees wishes to comply with all Civil Service Law; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Buchanan, as follows:

1. The Village Board does by this resolution approves the creation of the position of Deputy Treasurer which will be a full-time non-competitive, position.
2. The duties for the Deputy Treasurer will be as follows: The Deputy Treasurer works under the direction of the Village Treasurer. The Deputy Treasurer is responsible for the accounting, collection, custody and disbursement of the Village treasury. Duties include but are not limited to maintenance of the General Ledger, Payroll, Accounts Payable, Accounts Receivable, Tax billings/Collections, Water billing/Collections and other duties as assigned. The Deputy Treasurer may act for and on the behalf of the Village Treasurer. During the Treasurer’s absence the Deputy Treasurer will have all powers and duties of the Treasurer.
3. This resolution shall become effective immediately upon its adoption by a majority of the members of the Village Board.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Capicotti, Trustee Laker,
Trustee Stewart, Trustee Wheeler
NAYS: None

- f. Consider a Motion to Award Bid for the Village Hall Boiler to New York Home Maintenance Co., Inc. at the base bid of \$266,577.00.

Village Administrator Serrano explained that this is the second time around bidding out the oil burner. The Board rejected those bids. Engineer Edison Venegas recommended two high efficiency gas boilers so that way one works to a certain temperature and when it gets colder the other one will turn on. The work will not start until Spring 2024.

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

- g. Consider a Motion to Accept a \$10,000.00 Donation from Holtec, a \$5,000.00 Donation from CertainTeed Gypsum, a \$5,000.00 Donation from Clear Path and a \$250.00 Donation from Planning and Development Advisors for Buchanan Day and Recreation.

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

- h. Consider a Motion to Approve the Hazard Communication Policy.

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

- i. Consider a Motion Authorizing the Employment of Matthew Eichler and Martin Stewart for Seasonal Help at a Rate of \$15.00/hour starting October 16, 2023 and ending December 21, 2023.

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

- j. Consider a Motion to Call for a Public Hearing for Zoning Text Change Regarding Parking Spaces at the November 8, 2023 Meeting.

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

- k. Discussion on Grant.

Mayor Knickerbocker explained that different grants are available from Senator Harckham and Assemblywomen Dana Levenberg. The grant from Senator Harckham was for EV vehicles, but we could not find anything so we put that grant money toward our new boiler. Assemblywomen Levenberg's grant is for \$100,000 to \$250,000. After discussion it was decided that we will request grant money to fix the sewer line by Fat Sal's.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – August 2023

Received and filed.

- b. Police Report – August 2023

Received and filed.

- c. Highway Report – August 2023

Received and filed.

- d. Wastewater Treatment Plant – August 2023

Received and filed.

- e. Building Department – July 2023

Received and filed.

- f. Planning Board – June 22, 2023

Received and filed.

- g. Zoning Board – April 12, 2023

Received and filed.

- h. Buchanan Engine Company – August 2023

Received and filed.

- i. Prosecutor's Report – September 2023

- j. Attorney's Report

Village Attorney Porteus has a litigation matter for executive session.

- k. Administrator's Report

Village Administrator Serrano asked Village Engineer Pommer to update the Board on the paving and the sewer line. Village Engineer Pommer stated that the paving started today on Broadway. They will send a schedule as to when they will be working in the neighborhoods. The pipe lining will start mid-October.

- l. Mayor's Report

Mayor Knickerbocker stated that the 911 Ceremony was held inside due to the rain. It was nicely attended and must always remember the people we lost that day. A big thank you to the East Fishkill Supervisor, Nick D'Alessandro, and the Board for the surplus equipment they had and that we needed in order to televise the meetings. Buchanan Day was a beautiful day and thank you to the Police Department, Fire Department, Beautification Committee, the vendors, Six String Country and the Buchanan Running Club. Steve Laker coordinated with the Running Club and the Police Department and the event went smoothly. There were over 70 runners. The Beautification Committee did a great job in decorating the circle. On October 11 there will be donuts and cider with the Mayor at 6:30 P.M. On October 13 there will be a scary movie night at the pavilion. On October 28 at 1:00 A.M. there will be a trunk or treat parade from the pavilion to Village Hall. Mayor Knickerbocker thanked Lisa Wenz for the excellent letter she sent to the Governor. She has been very involved in the decommissioning. The Mayor and Trustee Stewart will be compiling their information for the Board letter that will be going to the Governor. The Christmas Tree Lighting will be December 5th at 6:00 P.M. There will be a holiday decorating contest with the Board being the judges. At the next workshop meeting we will discuss a crosswalk at the bottom on Bannan Avenue, a grant for record scanning, village entry signs, and the stranded act.

m. Trustee's Report

Trustee Laker thanked the Mayor for all the information and hope that going forward we can get all the information we need and discuss it. Buchanan Day was a great event and the 5K was a huge success. He thanked the Buchanan Running Club for organizing that.

Trustee Stewart stated the Buchanan Day was a great event and was nice to see everyone out. The clam bake is this weekend at the fire house. In regard to the letter to Governor Hochul we should ask the State to reexamine the cessation fund being that the decommissioning has been put on hold.

Trustee Capicotti stated that Buchanan Day was beautiful and thanked everyone who helped. He appreciates the hard work that the Beautification Committee puts in at the circle. Trustee Capicotti gave a brief statement about why he reacted the way he did at the last meeting.

Trustee Wheeler stated that the more information the Board shares among themselves the better we can benefit the Village. The clam bake is this Sunday at the fire house.

6. **COMMENTS FROM THE FLOOR:**

Lisa Mecora, 162 First Street gave public comment against the AMS project. She felt that the Board was not representing the public and why are they giving AMS so many special accommodations. She stated that the newsletter should be clearer about what is going on.

Eileen Absenger, 138 Tate Avenue asked about the police report, the Holtec PILOT, suggested that people watch the meeting if they can't come in person and questioned the Deputy Treasurer position.

Liza Wenz, 206 Tate Avenue also suggested more clarity on the agenda.

7. **EXECUTIVE SESSION:**

At 8:52 P.M. a Motion to enter into Executive Session to discuss litigation was made by Mayor Knickerbocker, seconded by Trustee Laker with all in favor.

8. **ADJOURNMENT:**

At 10:05 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

At 10:05 P.M. a Motion to adjourn this meeting was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor. No monies were expended.