

Mayor & Board of Trustees

Village Board Meeting

February 6, 2018

PRESENT:

Mayor Theresa Knickerbocker
Trustees Richard A. Funchion, Cesare Pasquale and Nicolas Zachary
Village Attorney Stephanie V. Porteus
Village Highway Foreman Bobby Wheeler
Village Board Secretary Susan F. Matthews

ABSENT:

Trustee Duane M. Jackson (vacation)
Village Administrator Kevin Hay (recovering from major surgery).

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker led everyone in the Pledge of Allegiance and informed them of the fire regulations.

MOMENT OF SILENCE:

Mayor Knickerbocker asked for a moment of silence for the passing of Mike Chirico. He was a Zoning Board member for 23 years. The Mayor commented that he was a great guy who did a lot for the Village while on the Zoning Board. Everything he did was always in the best interest of the Village.

ABSENCES & RECOGNITIONS:

Mayor Knickerbocker reported that Trustee Jackson is on vacation. Our Village Administrator Kevin Hay had major surgery last week. He is on the mend but will be out for a while as he recovers. The Mayor has added a resolution to the agenda to authorize the Mayor to oversee day to day business here in the Village.

Mayor Knickerbocker wished a Happy Birthday to our Village Board Secretary Susan Matthews. The Mayor welcomed a new resident of the Village of Buchanan, Bob Ferguson, who is present tonight.

2. APPROVE MINUTES:

November 6, 2017 Regular Board Meeting: Mayor Knickerbocker amended page 4, paragraph 1, line 16 to add “New York State” before “Public Hearing”. Trustee Zachary amended page 14, paragraph 3, line 9 to add “for example” before “the Board”, “we are” before “looking” and “and now that” after “numbers”; and on line 10 to add a comma after “out”. A MOTION to adopt these minutes as amended was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent.

December 5, 2017 Regular Board Meeting: Mayor Knickerbocker corrected the spelling of Accocela [Construction] on page 3 under the Administrator’s Report. A MOTION to adopt these minutes as amended was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent.

January 2, 2018 Regular Board Meeting: Trustee Zachary corrected the spelling of “Palmietto” on page 10, line 6 under Trustee Pasquale’s comments. A MOTION to adopt these minutes as amended was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

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

None

4. NEW BUSINESS:

Mayor Knickerbocker made a MOTION to add a resolution to the agenda as Item (f)”. A MOTION to adopt the Mayor’s Motion as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

a. 18-04 RESOLUTION APPOINTING INSPECTORS OF ELECTION.

Trustee Funchion read the Resolution (*copy attached*).

Mayor Knickerbocker advised that every year we must appoint inspectors for the General Election, which will be on March 20 this year. Trustee Funchion wanted the public to know that we have to do this by law and that everyone does it. Village Attorney Porteus confirmed that is correct.

Trustee Zachary noted that the alternates get \$90 per day and that they only serve if one of the inspectors or chairperson cannot. He wanted to know if an alternate does serve do they get the full \$180 per day instead of \$90, and if they are not called to fill in do they still get the \$90. The Mayor confirmed that was correct.

A MOTION to adopt this Resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

b. 18-05 RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WESTCHESTER COUNTY FOR THE USE OF VOTING MACHINES.

Trustee Funchion read the Resolution (*copy attached*).

A MOTION to adopt this resolution as read was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

c. 18-06 RESOLUTION AUTHORIZING THE USE OF A VILLAGE FACILITY.

Trustee Zachary read the Resolution (*copy attached*).

Mayor Knickerbocker advised that this is something that we do every year for the Saint Patrick's Day Parade Committee.

A MOTION to adopt this resolution as read was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

d. 18-07 RESOLUTION AUTHORIZING EXPENSES FOR A VILLAGE HALL PARK.

Trustee Zachary read the Resolution (*copy attached*).

Mayor Knickerbocker advised that the Board talked about it at the Workshop. She does not know if the whole Board is ready to go forward with this. She knows that Trustee Zachary had some plans. Now it is \$6,000. Trustee Zachary noted that was a maximum. He priced it as somewhere between \$3,000-\$4,000. The maximum is if someone comes up with something additional such as adding another bench. The Mayor hopes to see people using it. Nobody uses the gazebo now. She knows that the Board discussed this at the Workshop but she did not know that we were going to move forward with it now. Trustee Funchion noted that the money for this is coming from a special Recreation Fund that was created at the time that Donahue Court was built and which cannot be used for anything except recreation. So it is not coming out of any general funds. The fund has been sitting there for some time and we have not come up with anything yet. He does not think that this is spending that much money. It is harmless. He thinks it will spruce up the area and maybe bring people in to sit down and bring more cohesiveness to the Village. Trustee Zachary occasionally sees people at the gazebo with their kids. He commented that it may not be occupied constantly but it gets some use. As for having a couple of benches along the road, people walk and jog along Tate Avenue. He thinks they will give a

little community connection there. Subject to editing, the sign is not just a park sign but a historical marker saying that Village Hall Park or Commons, as the Board may decide, was the historic Buchanan High School. It would note that this building which has been the Village Hall since 1972 was built in 1910 replacing a 2 room school house located at the Circle. So the building is over 100 years old. This building became the Buchanan Grammar School in 1928 when the Hendrick Hudson High School was built. It operated here until 1967. Trustee Zachary thinks that it is a nice thing for people to be aware of because there are not too many historic buildings in the Village. He commented that a lot of people who have not been here their whole lives are not aware of that. He noted that he got this information from research from our Village Historical Room. It is based on our late Village Historian Fran Stein's brief history of the Village.

Mayor Knickerbocker hopes that we see people using it. She reiterated that as Trustee Funchion noted this is not coming from tax payer funds. It is a Recreation Fund that was established and currently has over \$200,000 in it. Trustee Zachary advised that money comes in when there are developments. Developers are required to pay into it in lieu of creating public space. It is purely intended for recreational purposes. Trustee Pasquale commented that he sees more people walking up and down Tate Avenue. He is glad that we decided to get rid of the checkerboard thing. He likes Trustee Zachary's idea. He commented that he has been here for 20 years and it has not changed much. He thinks this is something good to get the community connection. He thinks it is a great idea.

A MOTION to adopt this resolution as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent.

e. 18-08 RESOLUTION AUTHORIZING THE ADMINISTRATOR TO ENTER INTO AN AGREEMENT.

Trustee Pasquale read the Resolution (*copy attached*).

Trustee Zachary asked if we know what the fees are going to be. He knows that currently they charge a fee for the transactions so there is no expense to the Village. Mayor Knickerbocker advised that the Administrator researched that. She will get the information. Village Attorney Porteus advised that it is a percentage. Before people use it, they can go on another link and that information is posted. She thinks that it is a debit versus a credit card. It is a convenience. You

can still come in person and pay. Trustee Zachary advised that they charge more of a fee if you use a credit versus a debit card. The Village Attorney advised that it is pretty transparent. When you go on it there is a chart with the fees based on how much you are charging. The Mayor commented that it is not cheap. She has done tax payments with other municipalities and you are paying for the convenience. Trustee Pasquale asked if it is linked on the Village web site. Trustee Zachary advised that it will be if and after it is approved. He wanted to know if we have a time contract so that if we find something more economical, we could always change the person that provides this service. The Village Attorney advised that it is 1 year. The Mayor advised that we are voting on this tonight. She wanted to know if something happens if she still has to sign the agreement. The Village Attorney advised that we would rescind the agreement. The Mayor advised that our Administrator has looked at other municipalities. He felt that this was the best one. Trustee Zachary thinks it is a good idea. We might find somebody who charges lower fees and if so we can always change in the future. If the fees are too high, he knows that we will hear from the people in the Village. Trustee Pasquale commented that we could go a whole year with no one using it. The Village Attorney advised that depending on the agreement, we could add a second one. Trustee Zachary thinks that it is good to get this started. He commented that if he has to pay an extra \$50 to be able to pay on-line then he would not use it. The Mayor advised that we will get the agreement to the Village Attorney tomorrow.

A MOTION to adopt this resolution as presented was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent.

f. 18-09 RESOLUTION APPOINTING MAYOR TO PERFORM THE DUTIES OF THE VILLAGE ADMINISTRATOR.

Trustee Pasquale read the Resolution (*copy attached*) and the powers and duties of the Village Administrator (*copy attached*).

Mayor Knickerbocker explained that Village Administrator Hay had serious surgery last week. He is on the mend. We hope for his speedy recovery. At the moment we do not know what that time frame will be. Tomorrow the Mayor is going to have a staff meeting with the department heads. They will be going over some of their thoughts on what they will be doing. We are very fortunate to have Cindy Kempter in the Village office who can handle a lot of things along with Sharon Murphy. The Mayor thanked Cindy for stepping up. The Mayor commented that we have a good staff. We all wish that Village Administrator Hay will be well and hurry back.

Trustee Zachary wanted to know if the resolution should also include compensation. He advised that the Village Code specifies that it is “not to exceed \$1,000”. The Mayor advised that she has not asked for it and would not be taking it. Village Attorney Porteus advised if the Board wants

to put that into the Resolution they can do that. Trustee Zachary commented that if it is not necessary, that is fine. It is just a technicality.

A MOTION to adopt this resolution as presented was made by Trustee Funchion, seconded by Trustee Zachary with all in favor and Trustee Jackson absent.

Trustee Zachary commented that all the Trustees are here to help the Mayor if she gets overwhelmed with all the work. He thanked her for stepping up and doing that. Mayor Knickerbocker commented that it is part of the job.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) Justice Court Report – December 2017
Received and filed. Mayor Knickerbocker read that the submission was \$5,837.00

- b) Police Report – December 2017 & January 2018

Received and filed (*copy attached*).

Mayor Knickerbocker read some of the highlights. There were 109 calls in December and 87 in January.

Trustee Funchion referred to “Pump Station Checks” on the Police Report and wanted to know if we are having trouble with the Wastewater Plant being broken into. Mayor Knickerbocker advised that it is an alarm not functioning properly. Trustee Funchion noted that there were 11 alarms on one report and 10 on another. He commented that as long as it is something that is not working right at the plant that is one thing but if it is a security thing then it is a problem.

- c) Fire Inspector’s Report – December 2017 & January 2018
Received and filed.

- d) Attorney’s Report

Village Attorney Porteus reported that they are busy in the Zoning and Planning Boards. INP and CHI are coming back in. We have the Velardo property across from the hardware store. There is another applicant. We had another applicant who came in about 6 months ago. They have now given it back to Mr. Velardo who is now in front of both the Zoning and Planning Boards. They had been given variances about 6-8 years ago and then extensions after that. Mayor Knickerbocker wanted to know what they are looking to build. Village Attorney Porteus advised that it would be commercial on the first floor with 4 apartments above. The problem

was that they got variances many years ago. The Code provides that you can come back and get an extension every 6 months. It went by the way side. They came back in but the Planning Board said that the variances were null and void because they had not moved forward. They came back in 3 years ago and it began again. The variances expire next month. The Village Attorney thinks that he is coming in before they expire. She commented that this is a difficult one for the Zoning Board and the consultants to keep track of because we have had 4 different owners and 4 different architects. The Mayor commented that it has been in the process for a long time. INP also needs a variance. They are in a Public Hearing at the Planning Board which is being held over until the Zoning Board rules on a variance. That looks like it is going to move forward in a month or so. Community Housing Innovation [CHI] asked the Planning Board for a 6 month extension because they were unable to get funding. The Village Attorney commented that the Planning Board routinely gives it. She believes that they will only move forward if they are able to get funding.

Village Attorney Porteus advised that the White Street matter is moving along in the court. We are waiting for an answer. We need an answer which she does not believe we will get. If none is received by 90 days after you serve it, you move for a default. Mayor Knickerbocker wanted to confirm that we still have another 90 days before we can take down the house. The Village Attorney advised that if it gets critical, our Building Inspector can handle it. The Mayor advised that we are still working on taking down the White Street house. It has been a long legal process. It is in the Village Attorney's hands. We still have to wait another 90 days. If it gets worse, then we will do what we have to do.

Village Attorney Porteus reported that the prosecutor is moving forward with some of the most problematic things in the buildings. He keeps in touch with her all the time. Hopefully we will get some compliance. She commented that it has been a good thing. Mayor Knickerbocker commented that he was a good hire.

e) Administrator's Report

No report due to the Village Administrator recuperating from surgery.

f) Mayor's Report

Mayor Knickerbocker reported that she and Trustees Zachary and Funchion had a meeting a couple of weeks ago. It pertained to the \$15 million that Entergy set up when the plant closed for environmental and for the communities. Riverkeeper, Town Supervisor Puglisi and the school district were also there. The Mayor commented that all she can say is that it was a very interesting meeting. Other municipalities gave their thoughts on how that would be divided up. She commented that we have our own thoughts and ideas. Her understanding is that it is still not available until the plant closes. It is a meeting that was asked for. People are already trying to get the \$15 million ahead of the scheduled closing. That will be continued. We are trying to get

our biggest share because we are the host community. She commented that some of these other municipalities and environmentalists have to understand that we are the host community.

Mayor Knickerbocker announced that she had something interesting to share. We were supposed to have a film company coming here on February 21 or 23. They have now postponed until March 5. Our Buchanan Hardware Center is where that will be happening. It is a ShowTime network series directed by Ben Stiller. It is an 8 part series. It stars Benicio Del Toro, Patricia Arquette and Paul Dano. The Mayor advised to check the Village's Facebook to confirm that the filming will be on March 5. She thinks that it will be interesting to sit back and watch this all unfold. If the weather is bad they will not do anything outside. Most of the filming will be inside the hardware store. In response to a question from the audience, the Mayor advised that we recently changed the fee. So the Village of Buchanan gets \$2500 for the day. They are planning on being here just for the one day.

Mayor Knickerbocker announced that Buchanan 2021 will meet next Tuesday. It is a good group. They are very smart. She thinks they are going to do good things for the Village.

g) Trustees' Reports

Trustee Funchion announced that the Saint Patrick's Day Parade Dinner Dance will be March 3 at the Buchanan Fire House. The parade will be March 11. Trustee Funchion encouraged everyone to come out. It is a good time for everybody. The head of the parade will be our former mayor Dan O'Neill.

Trustee Funchion commented on the meeting with the State representatives about the \$15 million. He remarked that to say that he went away angry would be an understatement. This money has been supplied by Entergy whom Trustee Funchion commented we have been putting up with for many years and taking the brunt of any kind of danger. He commented that this illustrated how backhanded this whole situation was. Entergy sat down with the State and Riverkeeper and basically decided our fate. As for this \$15 million, Riverkeeper is saying that they are the ones that sued and that they, the State and Entergy have already agreed that Riverkeeper will get \$7.5 million up front. Trustee Funchion wants to make public as to why they are getting the \$7.5 million that we cannot touch because the money is supposed to go for environmental and the other half for the local area. Trustee Funchion commented but the environmental is not just the purview of Riverkeeper. Everybody is interested in the environment. He quoted a statement from Riverkeeper which says that they have agreed already that they will get \$7.5 million of this \$15 million and that priority will be given to projects for dam or culvert removal, purchase of sensitive wetlands along the Hudson River, continuation of

scientific studies designed to advance the protection of river *[word not clear?]* species and prevention of the introduction of invasive species into the Hudson River watershed. Trustee Funchion commented that those are all important things. Riverkeeper has done a lot of work dealing with the Hudson River. Trustee Funchion feels that the people come before river species and before wetlands. He feels that the people of Buchanan and the Town of Cortlandt should all be given more consideration than these projects. He commented that as far as environmental, we have a lot of environmental here. We could upgrade our sewage treatment plant for example. We could upgrade our Sanitation Department. Clean sewage goes into the Hudson River. He feels that this is really outlandish. It is already as if these two groups, the State and Riverkeeper, have gotten together and decided to sell our houses for us and we are not even consulted. Now they are running away with money. He agrees that these are environmental issues but the first people in the environment are human beings. There will not be anybody here. It is more important that the State takes care of this community because we have been shouldering the burden of being in an area that is not considered safe by the rest of the population in the country. He commented that now we are getting the worst of both worlds. They are leaving and taking our tax base with them but leaving the garbage behind. He commented to look at Tarrytown where there are expensive condos going up, businesses, restaurants and hotels. We have a beautiful waterfront that could be developed. But not with that garbage that will be left there. He commented that nobody is really stepping up to help us. We have legislation in Congress. He does not know if it will go anywhere. But it will give us the money that they were supposed to spend for [the underground nuclear waste storage facility at] Yucca Mountain because we are going to take care of this garbage for who knows how long. Trustee Funchion commented that when he sees something like this from Riverkeeper, he gets really mad. He feels that it is disgraceful.

Mayor Knickerbocker thinks that they all left a little frustrated. She feels that the most unfortunate thing is that we are the host community. We should have been involved in that negotiation. If we were, that agreement would look very different. But we were not. It was 3 men in a room and we were not included. She commented that another thing that makes us angry is the cessation fund covering nuclear power plants and coal plants that are closing in the state. The Mayor last heard that the fund contained \$35 million. There are other municipalities tapping into that. This year Governor Cuomo has decided to not fund that cessation fund. We would potentially be using that in 2020 if our loss is more than 20%. The State needs to continuously fund that. But Governor Cuomo did not feel that is necessary. The Mayor has spoken to State Senator Murphy and has been contacted by Assemblywoman Galef who is asking to put at least \$10 million into it. The Mayor commented that we have some major fights coming along. This agreement with the \$15 million is part of it. She commented to remember that this \$15 million agreement has to be agreed on by both Entergy and New York State. So if for example, Riverkeeper wants all \$15 million for fish, the State might agree but Entergy has to as well. They both have to agree on the same thing. She commented that there are many challenges, many tough conversations, many tough fights ahead but we are up for it.

Trustee Zachary commented that \$15 million sounds like a lot of money. The school district wants a piece of it. The Town of Cortlandt wants a piece of it and Riverkeeper is contending that they get half of it because it is an environmental and community fund. Trustee Zachary does not know if there is any way to dispute it. He commented that perhaps we can work with them because maybe we can steer Riverkeeper toward some of the environmental projects in our immediate area instead of having them going up and down the Hudson. He agrees with Trustee Funchion that environmental causes are good causes but that the whole process was weighted toward Riverkeeper and not toward the affected local communities. He noted that Riverkeeper was there as part of the negotiation to create that fund but the communities should have also been there.

Trustee Zachary wants to plant the seed for the next Workshop concerning the 1% Gross Utility Tax that had been [previously] brought up and dropped. He thinks that given the current state of affairs, we should revisit it. He asked the Board members to review it so that it can be discussed at the next Workshop. He has some paperwork that he could give copies of to the Board. The Mayor requested that he bring copies for everyone to the Workshop. Trustee Zachary will leave it in Board members' boxes.

Trustee Zachary commented that this is a time where this Board has to step up and he personally thanks the people on this Board for getting involved more and more. He referred to the Mayor's comment about our having a lot of balls in the air. It scares him. He appreciates that people are really getting involved now. He commented that Trustee is a position where you could just come, ask questions and cast your vote. It is also the kind of position where you can really grab one of those "balls" and run with it. He feels that it is time for all of us to be doing that. The Mayor is doing a lot. She cannot do it all. He is happy that people are getting involved and working together.

Trustee Pasquale wished everyone a Happy Valentine's Day. He reminded that this is a bad flu season and we read all these stories about how sick people are getting. The flu season still has more weeks to go. He urged anyone who has not already done so to get a flu shot. You can get more information on www.ny.gov.

Trustee Pasquale reported on the Buchanan Police Department report and cited some of the calls that they responded to. On January 3, Officer Budde assisted a resident when an eagle had gotten into a screened in porch. The officer was able to free it. On January 17, Officer Palmietto responded to a medical emergency when a resident was on the floor in extreme pain and could not get up. On January 19, Officer Farrell responded to a medical emergency when a person had fallen and was unable to get up. The windows and doors were locked. The members of the Fire Department helped him gain entry and helped until the ambulance arrived. On January 24, Officer Budde responded to call about a vehicle being operated erratically on Henry Street. He located the car on Westchester Avenue. He issued multiple summonses. On January 23, Officer Budde received a call from a hysterical woman. The only information he could get over the phone was her address. He found an 11 month old baby in her care who was not breathing and

had no pulse. Officer Budde did CPR on the baby and it began to breath and then had a pulse. The Cortlandt Paramedic, Cortlandt Volunteer Ambulance Corps. and Buchanan Fire Department came and took the baby by ambulance to the hospital. The paramedic credited Officer Budde's quick response and care with saving the baby's life. Trustee Pasquale requested that at our March 6 Village Board meeting that Officer Budde be recognized for his heroic response. The Mayor agreed. Everybody is welcome to come. Trustee Pasquale commented that these are the types of things that make us proud that we have a Village Police Department.

6. COMMENTS FROM THE FLOOR:

Eileen Absenger, 138 Tate Avenue, thanked the Board for all the work they are doing and for expressing their anger which she thinks is important. She wanted to know if they can put information on Facebook and the Village web site for our residents to contact officials in New York and Washington, D.C. to keep the ball rolling and to support the Board since it is our community. The Mayor said that will be done.

Ms. Absenger commented that she arrived late tonight and encountered two cars going out the one-way exit at Village Hall. She noted that one driver was on his cell phone. She also commented on another traffic incident. Someone came out of Tate Avenue at the Stop sign at the Circle. Another car was coming out of Lindsey Avenue. Instead of going around the Circle, he bypassed going around to get onto Tate Avenue and came across so that the clock was on his right hand side as the [car coming out Tate Avenue] started to go forward. Ms. Absenger suggested possibly putting arrows on the Circle. Trustee Zachary commented that people should know the rules of the Circle. He asked if Ms. Absenger thought this was someone who was ignorant of those traffic rules. She noted that there is a Do Not Enter sign that is difficult to miss. Trustee Funchion commented that he looked up New York State DOT rules for traffic circles. He found it to be very confusing when it comes to telling who has the right of way. Ms. Absenger commented that she has always understood it to be that you yield to your right. She noted that in the incident she described if the one driver had not stopped when they did there would have been a serious accident.

Ms. Absenger suggested putting a gravel path to the gazebo since it is all grass now. Trustee Zachary advised that he had also suggested that. He agrees that some kind of path coming off Tate Avenue is a good idea. We will take a look at that and plot it out. Mayor Knickerbocker agreed. She commented that when there is heavy rain you have ponding there.

7. ADJOURNMENT:

Mayor Knickerbocker requested a Motion to close the meeting so the Board could go into Executive Session to discuss personnel and negotiations. At 8:36 PM a MOTION to enter into Executive Session was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent. At 8:36 PM a MOTION to close this meeting was made by Trustee Funchion, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent.

8. EXECUTIVE SESSION:

At 9:30 PM a MOTION to exit the Executive Session was made by Trustee Zachary, seconded by Trustee Pasquale with all in favor and Trustee Jackson absent.