

Mayor & Board of Trustees
Village Board Meeting
October 2, 2018

PRESENT:

Mayor Theresa Knickerbocker
Trustees Duane Jackson, Cesare Pasquale and Nicholas Zachary,
Village Administrator Kevin Hay
Village Attorney Stephanie V. Porteus
Village Board Secretary Susan F. Matthews
Police Chief Brian Tubbs
Building Inspector Anthony Conti

ABSENT:

Trustee Richard A. Funchion

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:30 PM. The Mayor informed everyone of the fire regulations. Sergeant Shane Farrell of the Buchanan Police Department led the Pledge of Allegiance.

2. APPROVE MINUTES:

August 7, 2018 Regular Board Meeting: Trustee Pasquale corrected a typo in the spelling of his first name. A MOTION to approve these minutes as amended was made by Trustee Jackson, seconded by Trustee Zachary with all favor and Trustee Funchion absent.

August 28, 2018 Workshop Meeting: A MOTION to approve these minutes as presented was made by Trustee Zachary, seconded by Trustee Jackson with all in favor and Trustee Funchion absent.

September 4, 2018 Regular Board Meeting: A MOTION to approve these minutes as presented was made by Trustee Zachary, seconded by Trustee Jackson with all in favor and Trustee Funchion absent.

3. PRESENTATION: Shane Farrell – Promotion to Sergeant

Police Chief Brian Tubbs made the presentation. Sergeant Farrell's family was invited to join him for the presentation. His daughters presented him with his first set of sergeant's stripes. His wife pinned his new badge on his dress uniform.

MOMENT OF SILENCE:

Trustee Jackson asked for a moment of silence for the passing of Mr. George Paul, a long time Village resident and WWII veteran who passed away on September 26. He was Trustee

Jackson's neighbor and friend. Mr. Paul served with General Eisenhower during WWII. Trustee Jackson commented that when he moved here in 1995, Mr. Paul was there for him and his family. He was a retired Yonkers firefighter. Condolences were given to his wife, daughters and grandchildren.

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

None

5. **NEW BUSINESS:**

a. PUBLIC HEARING: ON A PROPOSED LAW REPEALING LOCAL LAW 1 OF 2016 AND AMENDING THE CODE OF THE VILLAGE OF BUCHANAN TO REFLECT SAID REPEAL.

Mayor Knickerbocker explained that basically we had allowed a Senior multi-family development in an M1 district. The company that wanted to build it was denied funding of their project by the State. The Mayor advised that we are going to repeal the law because the time has expired. We are going back to the way the law was previously.

At 7:37 PM a MOTION to open the Public Hearing was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Trustee Funchion absent.

The Mayor commented that the Board has spoken about this previously. She noted that Trustee Funchion is not present but he did speak about it previously.

Trustee Zachary wanted to confirm that a "sunset clause" was written into the Resolution and that it was after that fixed period of time. Village Attorney Porteus advised that it was one year. The Board could have extended it to two years. Trustee Zachary wanted to know if it was written into that resolution and does it require a new resolution to now enact it. Village Attorney Porteus advised that the sunset clause on its own has expired. This resolution will amend the Code to what it previously was. She wrote this resolution because she wanted it publicized and so that it could be sent to the State.

Trustee Zachary commented that he was the one big supporter of this project all along. He commented that in many things the Board thinks similarly and might have slightly different opinions but this one was the biggest difference he has had with the Board in his 9 years as a Trustee. He thinks that this project started out with promise, that we had a reputable developer who probably could have gotten funding. After it got dragged out for a year or so, he dropped out and we got people whom Trustee Zachary felt were not as fun to work with or as trustworthy. He is sorry that it failed and did not get picked up right away. He commented that it was a mess. He was not at the last Village Board meeting. He is still surprised at so many of the reasons given against this. He thinks this was an emotional issue for a lot of people and that they were not being logical. It does look over Lent's Cove Park. Even though Entergy and an industrial park are nearby, there is also a residential street nearby. There is a new complex in Peekskill with restaurants and entertainment. He thinks it

could have worked there. He thinks that the reporter with the Journal News, David McKay, who covered this basically did a good job. The State gave two main reasons for denying funding. One was traffic and the other was pollution in the area. Trustee Zachary commented that as Mayor Knickerbocker said in the last meeting, there is no pollution there. When McKay asked the State, there was not a study done on pollution. It does not seem to Trustee Zachary that the State has anything substantial for their reasons for denial. When the reporter did his own traffic study, when he spoke to people from the State DOT, it did not seem like there was a traffic situation. Trustee Zachary commented that it seemed to be a muddled mess. He thinks that it could have worked. It was Seniors whom he commented are fine residents in any municipality. It was affordable housing, not low income. It meant a little something on our tax base. Every contribution helps. He hopes we can come up with some other ideas.

Mayor Knickerbocker believes that the traffic study done by the reporter, David McKay Wilson, was from 8:30-10:30 AM, after the rush hour. The Mayor noted that there are over 1,000 people who work at Entergy in two different shifts. The shift starts at 6 or 7 o'clock in the morning. He needed to be there at 5:30 AM to see the number of cars. Trustee Zachary agreed that he did not cover all times of day. He commented that he [Trustee Zachary] did a similar study when the library was being built near his home and that he did go out at different times and days of the week. Trustee Zachary commented that if there was an issue with that here it would have come up with the site plan approval as part of the process.

The Mayor commented that one of the things behind there is a garbage recycling company. She imagines that in the summer there is the smell of garbage trucks. Plus there is our sewage treatment plant. Trustee Zachary does not think that we get any complaints from the residents about odors from the sewage treatment plant. The Mayor thinks those may have been factored in when the funding was denied by the State. She commented that is going to be a big industrial site when the decommissioning [of Indian Point] starts. It is going to be a huge construction and demolition area.

Trustee Jackson commented that particular project was encouraging when the first developer came to us with it. An encouraging part of the deal to him was to enlarge the fire house or to add on to it for their bigger apparatus. Then there was the White Street property and some potential development that could be done there. He was in favor of the development at the time. It lost his support when they switched developers and cut back on the number of units that would be under the control of the Village. He was seeking one more unit. That would have brought his vote. He commented that it is ironic that we have now spent a year and a half going back and forth and then have the State not put anything in the funding. He wanted the residents to know that it was never the Village of Buchanan's land. It was a private developer on private land. The Village only had limited say as to what would be developed. It passed on a very tight vote. He commented that it is unfortunate that it died in the bureaucracy of Albany. The interests of the Village was put forth in that we would have Senior housing, that it would be affordable and that Buchanan residents would be at the front

of the line in terms of its development. He commented that there are larger things with Indian Point in the larger scheme of things.

There were no comments from the floor.

At 7:32 PM a MOTION to close this Public Hearing was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Trustee Funchion absent.

b. 18-49 RESOLUTION ADOPTING A LOCAL LAW REPEALING LOCAL LAW 1 OF 2016 AND AMENDING THE CODE OF THE VILLAGE OF BUCHANAN TO REFLECT SAID REPEAL.

Mayor Knickerbocker read the Resolution (*copy attached*).

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

c. 18-50 RESOLUTION APPOINTING A SEASONAL EMPLOYEE

Mayor Knickerbocker read the Resolution.

The Mayor explained that every Fall we hire seasonal help for leaf removal. Now we have two employees for the full season

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

Trustee Zachary asked what was the New York State minimum wage. Village Administrator Hay advised that it is still below \$11.00 per hour.

6. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a) Justice Court Report – August 2018

Mayor Knickerbocker reported that the amount received was \$4,301.00

- b) Zoning Board Minutes – June 2018

Received and filed.

- c) Police Reports – August 2018

Received and filed.

- d) Attorney's Report

Village Attorney Porteus reported that she gave the Board a sexual harassment policy from the State. They passed some laws and there is a model complaint form. She would like the Board to adopt this at the next meeting. It has to be done by October 9. We do have a policy but this is much more specific and is now a legal requirement. The Board can discuss

this at the Workshop. Mayor Knickerbocker commented that it is comprehensive and meets all the requirements. It is put out by the State Legislature.

e) Administrator's Report

Village Administrator Hay reported that per the Organizational Meeting the November Village Board meeting will be on November 7, the day after Election Day. It will be noted on the Buchanan Channel and on Facebook.

The Administrator reported that there is a minor change to the contract for sludge removal at the sewage treatment plant. That will be on the agenda at the November Board meeting. There will be paving and some curbing done in the Village. Also catch basins are to be done by the end of the month. The work period is weather dependent. He reported that all the striping has been done in the Village. They piggybacked with the Town of Cortlandt and got a very good price, even better than the last time when we did it ourselves.

The Administrator reported that letters have gone out about the new water meters. They are scheduled to be done beginning the week of October 8.

Mayor Knickerbocker commented that with the striping, people have thanked her concerning Tate Avenue and Broadway. We are also going to be doing some patch work on the roads. She asked the Administrator about the catch basins. He advised that it is dependent on their condition and how much time it will take. There is a certain amount of money we have appropriated in our budget and we will do as many as we can. We are hoping to do 15 or 20.

f) Trustee's Reports:

Trustee Zachary reported that the Board is still in discussion about multi-family dwellings and illegal apartments in the Village, people dividing up their houses and creating spaces. We are trying to discuss different ways to do this and look at different ways to strengthen our enforcement. If anyone knows something and would like to report it, they can contact Village Administrator Hay or Building Inspector Conti, or anonymously put it in Trustee Zachary's mail box at Village Hall or any Trustee.

Trustee Zachary advised that he will not be at the next Workshop. Mayor Knickerbocker advised that she will also not be present. She will be in a cast following surgery.

Trustee Jackson reminded that with Halloween approaching everyone should be careful on that night. Our children are back in school and he asked for everyone's diligence when on the road. He reminded residents not to throw trash in the catch basins because it goes into our lakes and streams. He reminded residents to always curb your dog. We do not want their poop in unnecessary places. He noted that there a couple of receptacles for it out in front of the Village Hall. Be courteous to your neighbors and their lawns. Mayor Knickerbocker commented that he is saying that people who walk their dogs should curb them. The dog should go at the curb. We are getting a lot of complaints about people walking their dogs and letting them do their business on people's lawns. Residents are trying to keep their lawns nice.

Trustee Pasquale congratulated Sergeant Shane Farrell. He commented that it is nice to see the Sergeant's family here and a pleasure to meet them. He commented that Sergeant Farrell has been an asset as a cop and will be a bigger asset as a sergeant. It was a well-deserved promotion.

Trustee Pasquale attended the 9/11 Remembrance Ceremony. He commented that those who never go to that should take the time to see it. It is a good place to reflect. The ceremony was beautiful. It was a solemn occasion. You sit there and hear the names called. He was a first responder on 9/11. The weather this year was just like the day it happened.

Trustee Pasquale reported that Buchanan Day was great. The committees involved did a wonderful job. He commented that it was almost like a flea market. There were rides in the back. It was a big hit.

Trustee Pasquale gave some highlights from the monthly police report. He noted that at the last Board meeting it was mentioned about parked cars being broken into. On September 20, in the overnight to early morning hours numerous unlocked cars were entered and items taken. In each case the cars had been left unlocked. This is a problem that is happening throughout the County. Residents can prevent this by keeping their cars locked. Trustee Pasquale described that when he was a police officer with the NYPD perpetrators would walk down the block, grab a car handle, open the car, take items and leave.

On September 19 around midnight, Officer Loertscher arrested someone for multiple violations and driving with a suspended license. On September 14, Office Palmetto arrested a man for speeding and driving with a suspended license. On September 4, Officer Budde responded to a baby not breathing. He administered oxygen until paramedics arrived. This is the second time that he has saved the life of an infant. Trustee Pasquale commented that it was a job well done.

Trustee Pasquale wished everyone a Happy Columbus Day.

Trustee Zachary commented that the 9/11 Memorial has not come up in a while. He wanted newer residents to know that 10 years ago the Town of Cortlandt and Villages of Buchanan and Croton got together and went through the whole process of designing a memorial. There was an architect, an artist, designers and a project manager, Janet Manero. The three communities got a piece of steel from the World Trade Center and the memorial was cooperatively designed. After reviewing several sites, it was constructed on a river walk in Croton. There is a parking area. You cannot drive to it. It is a 15 minute walk out. It is a beautiful spot.

g) Mayor's Report:

Mayor Knickerbocker reported that the Village of Buchanan will be sponsoring the 9/11 Memorial ceremony next year. Village Administrator Hay noted that the cost is split between the Town of Cortlandt and Villages of Buchanan and Croton. She reported that she was at the ceremony this year. It was beautiful. Trustees Pasquale and Jackson were there. It was a very sad day but we need to remember those who were lost. The Mayor was really

proud of our Fire Department who showed up. They were not in uniforms because they were just coming from a fire and were still in their gear. The Mayor was proud of them and that they were able to come. They did our Village proud.

Mayor Knickerbocker reported that the State Task Force met in September. They are still working through a lot of things. Next month she will be prepared to give an update on the worst and best case scenarios. One of the biggest things she wants to say is that we were very lucky to get \$100,000 grant from State Senator Murphy. We put in for it over a year ago. It is a process to get money. We got \$100,000 which we used to repair the roof at our Highway Department. It was in tough shape. Mayor Knickerbocker reported that she was with State Senator Murphy last week looking at different things. She can honestly say that he has been a very good friend to the Village. At the time of the announcement that Entergy was closing, he was the first person to call her and ask, "Mayor, what do you need?" Her first response was that we need \$3 million per year. He has been very supportive of our Village. She recalled when she had to go to Albany a couple of months later to testify in front of the committee. She was there all day and did get to testify. The Mayor commented that through the whole thing Senator Murphy was not giving them an inch. He was fighting for us, the school district and the Town of Cortlandt. It made the Mayor think that there was the person she wanted backing her up. He was able to get \$24 million in the State budget for the Cessation Fund. It is a fund that the State has to compensate communities for the loss of their energy plants. She thanked Senator Murphy for his support and for being a friend of our Village. He also recently gave \$8,000 to the Buchanan Engine Company for equipment. They need a lot more equipment but this is a start.

Mayor Knickerbocker announced that in December the Village is sponsoring a Pearl Harbor Day Remembrance ceremony on the second floor at Village Hall. It will be in the Newsletter. Everyone is invited to attend.

Trustee Jackson reported on the reopening of the pool at the Montrose VA for any veteran in our community. It is a gorgeous facility. It had been closed since 1991. County Legislator Testa, State Senator Murphy, Assemblywoman Galef and Representative Nita Lowey helped get the Federal funding. Any veteran who wants to use the facility should know that it is open. The services of all our veterans are greatly appreciated.

Trustee Pasquale congratulated Officer Cobelli on his retirement. He was big asset to our Police Department. Trustee Pasquale commented that it is unfortunate that he had to leave because of an injury. We wish him all the best.

7. COMMENTS FROM THE FLOOR:

None

8. ADJOURNMENT:

At 8:15 PM a MOTION to adjourn this meeting was made by Trustee Jackson, seconded by Trustee Pasquale with all in favor and Trustee Funchion absent.