

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
May 7, 2024**

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

Mayor Theresa Knickerbocker
Trustees Awilda Baez, Anthony Capicotti, Daniel Stewart, Robert Wheeler
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy
Highway Foreman Scott Horton
Chief Robert Outhouse

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker led the Pledge of Allegiance.

2. APPROVE MINUTES:

January 23, 2024 Village Workshop Meeting
February 6, 2024 Village Board Meeting
February 8, 2024 Special Meeting
February 27, 2024 Village Workshop Meeting
March 5, 2024 Village Board Meeting
March 26, 2024 Village Workshop Meeting
April 2, 2024 Village Board Meeting
April 3, 2024 Special Meeting & Budget Hearing
April 16, 2024 Special Meeting
April 23, 2024 Village Workshop Meeting
April 23, 2024 Special Meeting

A motion to approve these minutes as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor and Trustee Baez abstaining from the January, February and March minutes.

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

4. NEW BUSINESS:

- a. Consider a Motion, as Recommended by the DPW Highway Foreman and Village Administrator, to Hire Alan Porter-Jackson as a Laborer at an Annual Rate of \$45,000 as of May 10, 2024 and to Hire Michael Eichler as an MEO at an Annual Rate of \$70,000 as of May 28, 2024.

Highway Foreman Horton thanked the Board for hiring these two people and looks forward to working with them.

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

- b. Consider a Motion to Open the Public Hearing Regarding Outside Sewer Use Fee.

A motion to open the public hearing was made by Mayor Knickerbocker, seconded by Trustee Baez, with all in favor.

Trustee Wheeler asked if this has to do with any new connections. Village Administrator Serrano replied only if they are outside of the IMA agreement

A motion to close the public hearing was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

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

**VILLAGE OF BUCHANAN
LOCAL LAW NO. 3 OF THE YEAR 2024
AMENDING CHAPTER 155 ENTITLED SEWERS TO THE
CODE OF THE VILLAGE OF BUCHANAN**

Article I Use of Sewer System
§ 155-35 A OUT OF DISTRICT USERS.

A. All out of district users shall be subject to all of the regulations, ordinances, and standards of this chapter **in addition to the following regulations.**

B. Connection.

(1) Prior to connecting to the sewerage system, the out of district user shall file a connection permit with the Village Clerk in accordance with **Chapter 155 including §§ 155-4 and 155-30.**

(2) The application shall be reviewed by the Village Engineer or Sewer Inspector considering additional flow, sewage content, and impacts to the sewerage system. Then the Village Engineer or Sewer Inspector shall make a positive or negative recommendation to the Board of Trustees for the proposed out of district connection.

(3) The property owner(s) shall be responsible for the service lateral up to the point of the connection to the Village collection system.

(4) The Board of Trustees shall determine whether or not the proposed out of district user connection is approved.

(5) If approved, the connection permit for the out of district user shall be filed with the Village Clerks and County Land Records Offices.

D. Sewer rents.

(1) The Village shall issue sewer rents to out of district users in accordance with § 155-38 except that users of sewer (wastewater system) located outside of the corporate limits of the Village of Buchanan shall be 50% more than for the use or class of service located inside the Village. Failure to remit payment within 60 days shall be a violation punishable by a fine not exceeding \$250 and or 15 days in jail and each day of the offense beyond 60 days will be considered a separate day.

(2) Out of district users shall remit payment for sewer rents directly to the Village of Buchanan.

E. Violations.

(1) Out of district users shall be under the jurisdiction of the Village of Buchanan.

(2) The Village shall be able has authority to issue violations, fees, summons, liens, and other punitive actions measures to out of district users which violate the regulations and standards established by this chapter.

(3) The Village shall issue violations and penalties in accordance with § 155-3626.

Article I Use of Sewer System **§ 155-26 Penalties for offenses.**

~~Any person, persons, firm, association or corporation or agent thereof who shall neglect, fail or refuse to comply with any of the provisions of this chapter shall be deemed guilty of disorderly conduct and, upon conviction, shall be fined in the sum established by the Board of Trustees and set forth in the Fee Schedule maintained by the Village Clerk. Each day that such offense continues shall be deemed a separate offense.~~

Replaced with

A. Any person, persons, firm, association or corporation or agent thereafter convicted of a violation of this article shall be required to reimburse the Village for any fines from State and County agencies, and costs for any remedial or

corrective action, required to restore or repair the condition to the satisfaction of the Village Engineer or any other permitting or regulatory authority; and

- B. Any person, persons, firm, association or corporation or agent violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed \$250 or imprisonment for up to 15 days, or both. Each day shall constitute a separate and distinct offense, punishable by a like fine or penalty as set forth herein.
- C. Notwithstanding the penalties hereinabove provided, the Village of Buchanan may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this article.
- D. The foregoing provisions for enforcement of the regulations in this article are not exclusive but are in addition to any and all laws applicable thereto.

Article II Wastewater Discharges

§ 155-37 Notice of violation; penalties for offenses

~~B. Any person who shall violate the provisions of this chapter shall be subject to a penalty established by the Board of Trustees and set forth in the Fee Schedule maintained by the Village Clerk. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

Replaced with

- B. Any person, persons, firm, association or corporation or agent thereafter convicted of a violation of this article shall be required to reimburse the Village for any fines from State or County agencies, or costs for any remediation, corrective action required to restore or repair the condition to the satisfaction of the Village Engineer or any other permitting or regulatory authority.
- C. Any person, persons, firm, association or corporation or agent violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 or imprisonment up to 15 days, or both. Each day shall constitute a separate and distinct offense, punishable by a like fine or penalty as herein set forth herein.
- D. Notwithstanding the penalties hereinabove provided, the Village of Buchanan may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this article.
- E. The foregoing provisions for enforcement of the regulations in this article are not exclusive but are in addition to any and all laws applicable thereto.
- ~~C.~~ F. The Village reserves the right to deny water and/or sewer service to any violator who fails to promptly correct any violations, pay fees, or appear in court. All disconnections from the sewerage system shall be made in accordance with § 155-19.
- ~~D.~~ G. Should a violation pose an immediate health concern to the welfare of the Village and the property owner in negligent in correcting the violation, the Village reserves the right to perform the necessary corrective actions with its own or contracted forces. All costs thereof shall be provided for and defrayed by a special tax

bill to be assessed in favor of the Village against the property on which said corrections are made, and such special tax bill shall become a lien on said property. **If the property is not within the Village, the Village will seek all legal actions available under the Village Code.**

- c. Consider a Motion to Open the Public Hearing Regarding Updating Attachment 5 in Chapter 211 Zoning, Schedule B, Stormwater Control Facility Maintenance Agreement

A motion to open the public hearing was made by Mayor Knickerbocker, seconded by Trustee Wheeler, with all in favor.

Village Administrator Serrano explained that NYS has made modifications to the State Law regarding the Stormwater Retention System and the document in our code has to be updated to match the State regulations.

There were no other comments.

A motion to close the public hearing was made by Mayor Knickerbocker, seconded by Trustee Wheeler, with all in favor.

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

**STORMWATER FACILITY
OPERATION, MAINTENANCE AND EASEMENT AGREEMENT**

This Stormwater Facility Operation, Maintenance and Easement Agreement is made as of this ____ day of _____, 20__ by and between _____, a _____ company with offices at _____ (the "Owner") and the Village of Buchanan (the "Village"), a municipal corporation organized under the laws of the State of New York, with its offices located at 236 Tate Avenue, Buchanan, 10511.

WITNESSETH:

WHEREAS, the Owner is the owner in fee simple of certain real property located at _____, Buchanan, New York 10511 in the Village of Buchanan, Town of Cortlandt, County of Westchester, State of New York, which is designated on the tax map of the Village of Buchanan and Town of Cortlandt as Section ____, Block __, Lot ____ (the "Property") and is more fully described on Exhibit 1 annexed hereto and made a part hereof; and

WHEREAS, the Owner has obtained certain approvals from _____ for the construction of _____ and associated certain stormwater improvements on a portion of the Property (the "Stormwater Facilities") in accordance with the plans prepared by _____ dated _____, last revised _____ entitled "_____" (the "Plans"); and

WHEREAS, in order to provide for the long-term operation and maintenance of the Stormwater Facilities heretofore constructed on the Property, the Village and the Owner hereby confirm and agree, as follows:

1. The Stormwater Facilities have been built in accordance with the Plans.
2. The Owner shall operate, inspect, maintain, clean, repair and continue the Stormwater Facilities to ensure the proper performance of the Stormwater Facilities to the design specifications and in accordance with the Permanent Drainage/BMP Inspection and Maintenance Program set forth below and in Exhibit 2.
3. All inspections and repairs and/or replacements of the Stormwater Facilities shall be made by the Owner and shall be performed by, or under the direction of, a licensed professional engineer experienced in the operation and maintenance of stormwater facilities. A written report shall be delivered to the Village upon the completion of all inspections and repairs and/or replacements. Such report shall be delivered to such individual or department and in such manner as may, from time to time, be directed in writing to the Owner by the Village.

General

The drainage collection system, stormwater treatment and management practices, and their related appurtenances shall be hereinafter collectively referred to as the “Stormwater Facilities.”

The Owner, its successors and/or assigns, shall be responsible for the ongoing operation, inspection and maintenance of the Stormwater Facilities in accordance with the following program:

A. Stormwater Facilities

The Stormwater Facilities shall be inspected at a minimum quarterly, and always immediately following a large storm event (meaning, 0.5 inch of rain in 24 hours or greater). Upon inspection, the Stormwater Facilities shall be immediately maintained and/or cleaned as may be required. Any site areas exhibiting soil erosion of any kind shall be immediately restored and stabilized. Particular attention shall be given to small orifices of the control structures to prevent clogging of any control devices.

Upon each inspection, all visible debris including, but not limited to, twigs, leaf and forest litter shall be removed from swales, pond areas, discharge points, control devices, and drainage structure grates. All debris shall be disposed of in accordance with applicable rules and regulations.

B. Sumps in Drain Inlets and Drainage Manholes

All catch basins, drain inlets, and drainage manholes shall have been designed with deep sumps to trap sediment prior to its transport to the Stormwater Facilities. These sumps will require periodic inspection and maintenance to ensure that adequate depths are maintained within the sumps.

All sumps shall be inspected every four (4) months and always immediately following a large storm event. If sediment has accumulated to one-half the depth of the sump, all sediment shall be removed from the sump. Sediments can be removed with hand-labor or with a vacuum truck. Sediment shall be disposed of in accordance with applicable rules and regulations.

C. Vegetated Areas

The vegetated areas around the Stormwater Facilities shall be (at a minimum) mowed periodically to prevent the establishment of trees and woody shrubs over these facilities and near spillways and/or outlets. At a minimum, any debris, litter, or fallen trees/shrubs shall be removed

from areas immediately adjacent to the Stormwater Facilities and their inlet or outlet as necessary. All debris and litter shall be disposed of in accordance with applicable rules and regulations.

4. The entity responsible for implementing the maintenance program shall be the Owner and its successors and or assigns.
 - (a) The Owner shall be responsible for all expenses related to the operation, inspection, and maintenance of the Stormwater Facilities.
 - (b) The Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Stormwater Facilities without the prior approval of the Village.
 - (c) The Owner shall be responsible for making all necessary repairs and/or replacements of the Stormwater Facilities to ensure the proper performance of the Stormwater Facilities to the approved plans and/or design specifications. The Owner shall give written notice to the Village prior to making any repairs and/or replacements to the Stormwater Facilities.
 - (d) The Village shall have the right, and is hereby granted an easement, to enter the Property for the purpose of making periodic inspections of the Stormwater Facilities.
 - (e) In the event the Owner has failed to construct or maintain the Stormwater Facilities in accordance with the approved plans and/or design specifications or has failed to undertake corrective action specified by the Village or by the Owner's inspecting engineer, the Village will provide written notice which the Owner will be provided 10 days to respond to the satisfaction of the Village. In the event the Owner does not respond with a plan to correct the issue to the satisfaction of the Village, the Village will provide the Owner a second 10 days prior written notice which indicates that Village is authorized and is hereby granted an easement to enter the Property for the purpose of undertaking such steps as reasonably necessary for the preservation, continuation, or maintenance of the Stormwater Facilities in accordance with the approved plans and/or design specifications. The Owner shall be responsible for reimbursing the Village for all costs incurred by the Village in performing such work which costs shall be a lien on the Property.
5. This instrument shall constitute the deed modification required by the New York State Department of Environmental Conservation, shall run with the land and be binding on the Owner, its successors and/or assigns and shall be recorded by the Owner in the Office of the Clerk of the County of Westchester.
6. All notices and demands hereunder shall be in writing and delivered by hand, by overnight courier or by certified mail, return receipt requested to the parties, as follows:

VILLAGE:
Village Administrator
236 Tate Avenue
Buchanan, NY 10511

OWNER:

7. All written reports required herein shall be delivered to the Village by email communication, as follows: administrator@villageofbuchanan.com.

IN WITNESS WHEREOF, the Owner and the Village have executed this Stormwater Facility Operation, Maintenance and Easement Agreement as of the date first above written.

OWNER
By: _____

VILLAGE OF BUCHANAN
By: _____

ACKNOWLEDGEMENTS

STATE OF NEW YORK
COUNTY OF WESTCHESTER

On the _____ day of _____, 20__ before me, the undersigned, personally appeared _____ personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual acted and executed the same.

Notary Public

STATE OF NEW YORK
COUNTY OF WESTCHESTER

On the _____ day of _____, 20__ before me, the undersigned, personally appeared _____ personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual acted and executed the same.

Notary Public

- d. Consider a Motion for Unpaid Water Charges to be Relevied to the Tax Bill.

Mayor Knickerbocker questioned the time frame of the water bills. Village Clerk Kempter responded that these are all the water bills from 2023.

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

- e. Consider a Motion for the Treasurer to Make All Required Budget Transfers, Capital Project Transfers and Amendments, Interfund Transfers, Adjustments and Amendments to Close the 2023-2024 Fiscal Year as Required for the Annual Audit.

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

- f. Consider a Motion to Waive the Pavilion Fee for the Tri-Village Memorial Day Parade on May 27, 2024.

Chief Outhouse explained that the line up will be at 10:30 A.M. at the intersection of Henry Street and Tate Avenue. The parade starts at 11:00 A.M. and will go down Tate Avenue to the circle and down Westchester Avenue to the

pavilion. There will be a ceremony at the memorial monument. There will be light refreshments. Mayor Knickerbocker stated that Stella Filocco will sing the National Anthem.

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 Approve the Buchanan Engine Co. #1 Planned Fund Raisers.

Mayor Knickerbocker read the fund-raising events for the firehouse. They are:

The Golf Outing (September 6th)
The Clam Bake (October 13th)
Calendar Drive (Fall)

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

- h. Consider a Motion to Call for a Public Hearing on Zoning Text Amendment on June 4, 2024

Village Attorney Porteus explained that this is column 3 of the Schedule of Use Regulations, Attachment 1. The code will be amended to allow townhouses to be treated the same as two family dwellings or apartments.

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

- i. Consider a Motion Adding Ticket Fines to the Fee Schedule.

Trustee Stewart questioned why we left some fines at the \$30.00 limit when all other fines are at \$50.00. After discussion, all the fines will be at \$50.00 and Handicapped Parking will be at \$200.

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

- j. Consider a Motion Authorizing Peddler's Permit for Peter Kolesar.

Mr. Kolesar explained that he took over Jody's hot dog truck. He has all new equipment in the truck. He received permission from St. Christopher's Church to park in the lower right corner of the lot.

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

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports –February 2024 and March 2024
Received and filed.
- b. Police Report – February 2024 and March 2024
Received and filed.
- c. Highway Report – February 2024 and March 2024
Received and filed.
- d. Wastewater Treatment Plant – February 2024 and March 2024
Received and filed.
- e. Building Department – no report.
- f. Buchanan Engine Company – February 2024 and March 2024
Received and filed.
- g. Planning Board – November 23, 2023, December 20, 2023, March 28, 2024
Received and filed.
- h. Zoning Board –February 13, 2024 and March 13, 2024 minutes
Received and filed.
- i. Prosecutor’s Report – None
- j. Attorney’s Report
Village Attorney Porteus had nothing to report.
- k. Administrator’s Report

Village Administrator Serrano stated in regard to the crosswalks that we talked about with the Town, the Town confirmed that they want to split the cost and they will not charge the Village for the engineering cost. They want confirmation that the Village wants to go 50/50 on the construction cost. Trustee Capicotti noted that the Town is going to mill and pave that road so that doesn't give us much time to answer. Village Administrator Serrano stated that regarding water main breaks, he has reached out to our neighboring communities. Both the Village of Croton and the Town of Cortlandt are willing to discuss this and would like to set up meetings. Village Administrator Serrano found a company that will work with the Village to negotiate a lease with the cell tower company. Any fee will come out of the escrow account, so there is no fee to the taxpayers. He will be at the workshop meeting.

l. Mayor's Report

Mayor Knickerbocker mentioned that it is important to keep the Code Red system even though it is costly. Trustee Stewart feels we underutilize the Code Red system and it is a useful source to get a message out. Mayor Knickerbocker is having a conversation with MTA to ask them to paint the railroad bridge that is coming into the Village. Mayor Knickerbocker stated that the anti-nuclear people are pushing to have the tritiated water stored on site. They are looking at having it stored inside a building. The Town of Cortlandt is sponsoring the Westchester Municipal Officials Association meeting on May 9th. This will be Mayor Knickerbocker's last meeting as president of the association. It has been an honor for her to be president and has learned so much. It is a phenomenal group to work with.

m. Trustee's Report

Trustee Stewart stated that they went on a tour of CertainTeed. He feels they are a true partner within the Village. Trustee Stewart would like to have a discussion on parking on Tate Avenue and Westchester Avenue. There are cars overnight parking and parking too close to the intersection. He would like to put up no parking signs on Tate Avenue and Westchester Avenue. Trustee Stewart went to a fund raiser for United for the Troops. They take care of our troops stationed overseas and deployed.

Trustee Wheeler was impressed with CertainTeed. The Beautification had their plant sale last weekend. Trustee Wheeler spoke to the Beautification about the trees around the circle. They have come to an agreement about not taking all the trees down. There are two trees that should come down. Trustee Wheeler would like an arborist to come in and look at the trees. Trustee Wheeler asked about

the electric sign. Village Administrator Serrano replied that we are getting a proposal for the work that needs to be done.

Chief Robert Outhouse explained that the firetruck that was being engineered did not have the front painted grill of the American flag and there is an air inlet that should have been auto eject. The cost will be \$9,148. The firehouse committee said absolutely not for that cost. Chief Outhouse stated that since the Board are the Fire Commissioners, he wanted them to know about the cost. The fire truck is scheduled to be built on July 29th and be completed approximately 2 ½ weeks after that.

Trustee Baez thanked Village Administrator Serrano and Village Clerk Kempter for arranging the two days of orientation to meet all the department heads. Trustee Baez stated that as a resident she had no idea how much work goes into running the Village. She was very impressed and had the opportunity to meet many people and understand their jobs and how their jobs affect us as residents and make our lives much easier. Trustee Baez met with Recreation Supervisor Pasquale and said she has great ideas and activities in place for summer camp.

Trustee Capicotti also feels that Code Red is important. Trustee Capicotti agrees with Trustee Stewart about the parking situation. He feels that there should be no parking 20 or 25 feet off the corner. Trustee Capicotti mentioned that there are a lot of people working, so please be careful.

6. COMMENTS FROM THE FLOOR: None

7. EXECUTIVE SESSION:

At 8:07 P.M. a Motion to enter into Executive Session to discuss negotiations and personnel was made by Mayor Knickerbocker, seconded by Trustee Stewart with all in favor.

8. ADJOURNMENT

At 8:38 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor.

At 8:38 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.