

**Village of Buchanan
Mayor & Board of Trustees
Regular Meeting
June 4, 2024**

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

Mayor Theresa Knickerbocker
Trustees Awilda Baez, Anthony Capicotti, Robert Wheeler (via zoom)
Village Administrator Marcus Serrano
Village Attorney Stephanie Porteus
Village Clerk, Treasurer Cynthia Kempter
Deputy Village Clerk Sharon Murphy

ABSENT:

Trustee Dan Stewart

1. PLEDGE OF ALLEGIANCE:

Mayor Knickerbocker called the meeting to order at 7:01 P.M. She led the Pledge of Allegiance.

2. APPROVE MINUTES:

May 7, 2024 Village Board Meeting
May 7, 2024 Special Meeting

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

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

4. NEW BUSINESS:

Mayor Knickerbocker announced that the Village of Buchanan and Holtec have come to an agreement with the PILOT. The terms of the PILOT are eight (8) years and \$1,600,000 a year. She thanked the Board for working hard on this. This will give us some stability with the budget.

Trustee Capicotti thanked the entire Board for getting this done. He thanked Village Administrator Serrano and Village Attorney Porteus. We came in where we needed to

be, if not better. This is great for the Village that this is done.

Trustee Wheeler stated that he is very happy that we got this agreement. The Board worked well together.

- a. Consider a Motion to Open the Public Hearing Amending Chapter 211-10 Entitled Schedule of Use Regulations to the Code of the Village of Buchanan.

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

Village Attorney Porteus explained that this is the attachment to the Schedule of Use Regulations. We had under column 3 an (a) and (b) which were inconsistent with one another and contradictory. We have crossed out (b) and added townhouses to (a). We only had six (6) townhouses per 40,000 square feet and now you can have twelve (12) townhouses.

Eileen Absenger, 138 Tate Avenue asked for clarification of the number of townhouses you may now have.

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

- b. 2024-08 Resolution to Adopt Local Law #4 Amending Chapter 211-10 Entitled Schedule of Use Regulations.

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

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 211-10 entitled “Schedule of Use Regulations” 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 June 4, 2024 at 7:00 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law;

NOW BE IT THEREFORE RESOLVED that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No. 4-2024 amending Chapter 211-10 of the Code of the Village of Buchanan, a copy of which is attached hereto and made a part of this resolution; and

BE IT FURTHER RESOLVED that the Village Clerk be and 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 Baez, Trustee Capicotti, Trustee Wheeler

NAYS: None

ABSENT: Trustee Stewart

- c. 2024-09 Resolution Classifying the Wastewater Quality Improvements and Regional Benefits Project Proposed for NYSDEC Water Quality Improvement Program (WQIP) and NYSEFC Water Infrastructure Improvement Act (WIIA) Funding to Consist of Type II Actions under the Site Environmental Quality Review Act (SEQRA).

Village Administrator Serrano explained that the WIIA grant is due in June and the WQIP grant will come out in July.

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

WHEREAS, State of New York grant funding is available through the NYS Department of Environmental Conservation (DEC) through the Water Quality Improvement Program (WQIP) and the NYS Environmental Facilities Corporation (EFC) through the Water Infrastructure Improvement Act (WIIA) to support eligible wastewater treatment facility and collection system improvements and related clean water quality projects undertaken by municipalities; and

WHEREAS, the Village of Buchanan is eligible to seek such funding through the 2024 Consolidated Funding Application and separate WIIA Application grant cycles administered by New York State; and

WHEREAS, the Village of Buchanan will use the WQIP and/or WIIA funding, if awarded, to complete a comprehensive sewer project including the rehabilitation of essential wastewater treatment processing and electrical and mechanical equipment at the Village's Sewer Treatment Plant on Greentown Road; the replacement of pumping equipment and raising the height of the existing floor and equipment at the Albany Post Road Pump Station to maintain collection system flows and improve resiliency from flooding events; and the replacement of 380 feet of a collapsing 10-inch concrete asbestos sewer main on Albany Post Road that is in danger of breakage and failure, in accordance with separate Engineering Reports prepared by James J. Hahn Engineering and to be approved by the DEC and the Westchester County Department of Health for the purposes of complying with all applicable DEC regulations, SPDES Permit(s), and active Consent Order(s) regarding the safe collection and treatment of municipal wastewater and current water quality standards; and

WHEREAS, the Village will be required by State regulations to undertake an environmental review of the Sewer Treatment Plant, Pump Station, and Collection System project activities funded through the WQIP and/or WIIA Programs, under SEQRA, prior to the execution of any State Assistance Contracts should such grant funds be awarded to the Village of Buchanan by the NYSDEC and NYSEFC; and

now therefore

BE IT RESOLVED, the Village of Buchanan has completed the attached Part 1 SEQR Short Environmental Assessment Forms (EAF) and conducted additional project scoping for the three (3) components of the Wastewater Quality Improvements and Regional Benefits Project, and now therefore

BE IT FURTHER RESOLVED, the Board of Trustees as the official oversight agency for Village of Buchanan public works and infrastructure, has declared the proposed Wastewater Quality Improvements and Regional Benefits Project as described in its draft funding applications to the NYSDEC and NYSEFC, respectively, to consist of Type II Actions under SEQRA in accordance with 6 NYCRR §617.5(c)(2) and (7).

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Baez, Trustee Capicotti, Trustee Wheeler

NAYS: None

ABSENT: Trustee Stewart

d. 2024-10 Resolution Transferring the Conduct of Village Elections to the Westchester County Board of Elections.

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

WHEREAS, the Village Board of Trustees has determined that it would be more efficient for the Village to transfer the conduct of Village elections to the Westchester County Board of Elections (the “County Board”), given the County Board’s personnel and equipment resources and their experience and expertise in conducting municipal elections; and

WHEREAS, the County Board will receive nominating and other petitions in accordance with New York State Law and provide all required publication and notices and compensate all election workers in accordance with New York State Law.

NOW THEREFORE, BE IT RESOLVED, that in accordance with Section 15-104(1)(c) of the New York State Election Law, this Board hereby determines that the Village of Buchanan elections shall be conducted by the Westchester County Board of Elections beginning with the March 2025 election; and

BE IT FURTHER RESOLVED, that this Resolution is subject to a **Permissive Referendum** as provided in Article 9 of the New York State Village Law; and

BE IT FURTHER RESOLVED, the Village Board of Trustees authorizes the Village Administrator and Village Clerk to take such administrative and ministerial action as may be necessary to effectuate the terms of this Resolution.

Carried by the Following Votes:

AYES: Mayor Knickerbocker, Trustee Baez, Trustee Capicotti, Trustee Wheeler

NAYS: None

ABSENT: Trustee Stewart

- e. Consider a Motion to Approve Adding a Backflow Application Fee of \$150.00 to the Fee Schedule.

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

- f. Consider a Motion to Approve Adding a Fee of \$100 for Water Re-Levy.

A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Baez with all in favor, and Trustee Stewart absent. Trustee Capicotti clarified that the \$100 will go onto the tax bill.

- g. Consider a Motion Awarding Sludge Removal Contract.

Mayor Knickerbocker explained that this went out to bid and three bids came back. Fred A. Cook, Jr., Inc. bid was \$126,500.00; Wind River Environmental, LLC bid was \$246,400 and TAM Enterprises bid was \$825,000.00.

A motion to award the sludge removal contract to Fred A. Cook, Jr., Inc. with a bid of \$126,500.00 was made by Mayor Knickerbocker, seconded by Trustee Baez with all in favor, and Trustee Stewart absent.

- h. Consider a Motion to Retain Services of Center for Municipal Solutions Regarding Cell Tower.

This will be tabled.

- i. Consider a Motion Authorizing use of the Pavilion and Serving of Alcohol on June 22, 2024 Subject to Proper Insurance Coverage.

This has been removed from the agenda.

- j. Consider a Motion to Accept a Gift of \$50.00 s a Donation to Camp.

This has been removed from the agenda.

A motion to table letter (h) and removes (i) and (j) from the agenda was made by Mayor Knickerbocker, seconded by Trustee Baez with all in favor, and Trustee Stewart absent.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

- a. Justice Reports – April 2024

Received and filed.

- b. Police Report – April 2024

Received and filed.

- c. Highway Report – April 2024

Received and filed.

- d. Wastewater Treatment Plant – April 2024

Received and filed.

- e. Building Department – February, March and April 2024 report.

Received and filed.

- f. Buchanan Engine Company – April 2024

Received and filed.

- g. Planning Board – April 25, 2024 minutes

Received and filed.

- h. Zoning Board – April 10, 2024 minutes

Received and filed.

- i. Prosecutor's Report – None

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- j. Attorney's Report

Village Attorney Porteus stated that we are busy in Planning and Zoning. She spoke with the Prosecutor and she has been working with the Building Department implementing some forms for them to be able to move forward on violations. This should clear up some of the open violations and get them served. Village Attorney Porteus will work on the agreement for the cell tower.

- k. Administrator's Report

Village Administrator Serrano stated that he had a meeting with the consultants from the Town of Cortlandt. They are looking at a TOD (transit-oriented district) alongside of the train station. They are looking on how they will be able to connect to our sewer system. The Village Engineer will have to be involved in this process. The Town will pay for his services. We released bids for the paving and the water valve replacement. They are on the website. AMS is moving forward. They will put a trailer on the property. The AMS address will be 275 Craft Lane. The plans will be received in the next three to four weeks. The Village Square architect said we will receive their plans in about two months. Senior Day is August 20th and the seniors wondered if the Village will pay for a luncheon. The trees behind the tennis courts have been taken down. The grant writer said that there is no chance of getting any money from the swim grant. He stated that there is a scoring system that is based on low-income and distressed communities so the Village won't be able to apply.

l. Mayor's Report

Mayor Knickerbocker stated that the Seniors have their installation dinner on Friday, June 21st. BV school had the Memorial Day parade. They did a great job singing the National Anthem. June 13th is the Decommissioning Oversight Board meeting.

m. Trustee's Report

Trustee Baez stated that she attended the Cortlandt Engine Company parade last Saturday. She felt privileged to be part of it. Trustee Baez and the Mayor went to the pool. She stated with a little cleaning the pool will be ready to go.

Trustee Capicotti stated that he is excited about more development, but the Village needs to figure out what is going on with the IMA. When are we getting the money to start construction on the rehab of our facility? Until that happens, none of the development can start. Village Administrator Serrano stated that if we do not get awarded the two grants, then the state and the town will have to agree to release the \$7 million that will allow us to do the work that has to be done. There was discussion that the Town cannot hook into to our system until it is revitalized.

Trustee Wheeler agreed that we have to keep an eye on the wastewater treatment plant because he also was under the impression that the Town couldn't connect until the plant was repaired.

6. COMMENTS FROM THE FLOOR:

Sandrine Gracio, 235 Gallagher Street, made public comment about the curb work being done on Gallaher Street. She asked if she could be a drop curb for their walkway.

7. EXECUTIVE SESSION:

At 8:07 P.M. a Motion to enter into Executive Session to discuss negotiations was made by Mayor Knickerbocker, seconded by Trustee Baez 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.