

**Village of Buchanan  
Mayor & Board of Trustees  
Regular Meeting  
September 3, 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 Engineer, George Pommer  
Village Planner, David Smith  
Village Clerk, Treasurer Cynthia Kempter  
Deputy Village Clerk, Sharon Murphy  
Building Inspector, Peter Cook

**ABSENT:**

Village Attorney Stephanie Porteus

**1. PLEDGE OF ALLEGIANCE:**

Mayor Knickerbocker called the meeting to order at 7:00 P.M. She led the Pledge of Allegiance. There was a moment of silence for Donald Mackey, Jr., Michelle Simone, Paul Matthews and Robert Ferguson.

**2. APPROVE MINUTES:**

July 23, 2024 Special Meeting and Workshop Meeting

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

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

Paul Woolweaver, plant manager from CertainTeed, requested that the Board hold off on scheduling a date for the public hearing before the Board and CertainTeed have a chance to speak. Mayor Knickerbocker stated that the Board agreed to speak to them after the Board declared themselves lead agency. The public hearing will be in November.

#### **4. NEW BUSINESS:**

- a. Discussion with Frank Alleva of Optimum Regarding the Franchise Agreement.

Frank Alleva stated that the last franchise agreement was January 1, 2009. It was a 15-year term. This agreement allows for Cablevision of Wappingers Falls which is doing business as Altice USA to occupy the public right of way and we pay a percentage of the cable gross revenue as a franchise fee in consideration for that authority. The franchise fee is capped under federal law. Pursuant to PSC regulations, the agreement has to be fair and level. They provide free basic cable services to Village Hall, the Highway Department and the Firehouse.

- b. 2024 - 14      Resolution Declaring the Village Board as Lead Agency Status for Proposed Zoning Text and Map Amendments to Create New Zoning Designations -WD- Waterfront Development and WD Industrial Overlay for the Properties Located on the West Side of Broadway (and also Known and Designated on the Tax Map of the Town of Cortlandt as Section 43.10, Block 2, Lots 1 and 2 and Section 43.10, Block 1, Lots 1 and 2 and Section 43.7 Block 1 lot 1)

Village Planner Smith explained that the Village initiated their notice of intent to act as lead agency under SEQRA and circulated that to interested and involved agencies and stakeholders. They received comments back from the Planning Board. They did not object to the Village Board acting as lead agency and they requested a joint meeting. They received comments back from Westchester County. They did not object to the Village Board acting as lead agency. This resolution walks through the SEQRA steps that have been taken to date. This resolution is only to declare the Board as lead agency.

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

**WHEREAS**, the Village of Buchanan is a duly incorporated Village in the State of New York and under New York State Village Law the Village Board of Trustees (the “Village Board”) is the responsible entity for amending the Village Code and Zoning Map; and

**WHEREAS**, the given the recent closing and decommissioning of the former Indian Point Energy Center (IPEC) the Village is desirous of providing the opportunity for redevelopment that is in keeping with recent development trends for similar Hudson River waterfronts located within the Hudson River Valley; and

**WHEREAS**, the Village Board has commissioned the drafting of proposed zoning text and map amendments that would allow for a reimagined waterfront or would otherwise permit an existing industrial use to continue to operate for the properties located west of Broadway (the “Proposed

Action) (the “Proposed Zoning Amendments”); and

**WHEREAS**, the Village Board has discussed the Proposed Zoning Amendments during regularly scheduled meetings; and

**WHEREAS**, Article XII, Section 211-53 of the Code of the Village of Buchanan provides for the process and procedures for amendments to the Village's Zoning Code, and a draft of the Proposed Zoning Amendments along with other supporting documentation has been prepared for public review and comment; and

**WHEREAS**, the Village Board, under Section 7-700 of New York State Village Law and Article XII §211-53 of the Code of the Village of Buchanan, is the only duly authorized legislative body that has the authority to approve the Proposed Zoning Amendments; and

**WHEREAS**, after a review of the Proposed Action, the Village Board acknowledged that there are other interested and involved agencies, as those terms are defined under the State Environmental Quality Review Act (“SEQRA” or Part 617 of the NYS CRR), that should be notified of the Village Board’s Intent to Act as Lead Agency and the Village Board did circulate a Notice of Intent to Act as Lead Agency using all due diligence to the following:

Village of Buchanan Planning Board  
Town of Cortlandt  
City of Peekskill  
Buchanan Fire District  
Verplanck Fire District  
Westchester County Department of Health  
Westchester County Department of Planning  
New York State Department of Environmental Conservation  
New York State Department of State; and  
United States Nuclear Regulatory Commission; and

**WHEREAS**, the Village Board did receive comments back from the Village of Buchanan Planning Board and the Westchester County Planning Board, neither of which objected to the Village Board assuming the role of Lead Agency under SEQRA and the Village Board did also receive comments from one of the affected property owners within the proposed area to be rezoned; and

**NOW, THEREFORE, BE IT RESOLVED**, that hearing no objections, the Village Board does hereby declare themselves to be the Lead Agency under SEQRA and to conduct a coordinated review; and, be it further

**RESOLVED**, that a copy of this Resolution be circulated to all known Interested and Involved Agencies; and, be it further

**RESOLVED**, that the contents of the Proposed Action have been posted on the Village of Buchanan Web-site at <https://www.villageofbuchanan.com/zoning/zoning.html> and that any correspondence on this matter be directed to the Village Administrator’s Office, 236 Tate Avenue, Buchanan, NY 10511.

Carried by the Following Votes:

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

NAYS: None

c. Consider a Motion to Approve Change Order #1 as Recommended by the

Village Engineer Regarding the 2024 Road Improvement Project in the Amount of \$30,507.75 with Intercounty Paving Co., Inc.

Village Engineer Pommer explained that the change order is to do curb work, sidewalk work, decorative payment on White Street and to do some curb work on Rockledge Avenue. The Intercounty Paving Co. bid was reasonable and comparable to other bids received in the past.

There was discussion about the relocating the storm water drainage pipe on Tate Avenue. There was discussion about the Tate Avenue parking lot.

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

- d. Consider a Motion to Award the Sewer Pipe Lining as Recommended by the Village Engineer to Insituform Technologies, LLC in the amount of \$112,750.00.

Village Engineer Pommer stated that four bids were received for 2055 linear feet of sanitary sewer pipe. This will go from White Street to the Village Square property on the east side of Albany Post Road. The low bidder was Insituform Technologies. This amount exceeds the ARPA money which was \$101,000. We will use the ARPA money to cover the cost of this and the Village will put up the balance.

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

- e. Consider a Motion to Retain the Services of CMWS (The Center for Municipal Solutions) of Glenmont New York to Assist in the Review of a Potential Lease Agreement for a Wireless Telecommunications Facility with Homeland Towers, LLC and Authorize the Mayor to Sign the Agreement.

Village Administrator Serrano explained that we received a lease from the cell tower company. CMWS reviews leases for municipalities. They look at the terms and conditions of the lease, the zoning code, works with the Village Attorney and gives recommendations regarding the lease. It is an hourly based rate. This is no cost to the Village, it will come out from the escrow.

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 Approve the Use of Village Roads to Road Runners Club of America/2024 and Its Member Clubs to Have a Race on September 22 as

Reviewed and Approved by the Police Chief.

Mayor Knickerbocker explained that Chief Farrell changed the route to be on Broadway instead of through the Village. They will start at Lents Cove.

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

In addition, the Buchanan Running Club will be having a 5K on Buchanan Day. A motion to approve this as presented was made by Mayor Knickerbocker, seconded by Trustee Stewart, with all in favor.

- g. Consider a Motion Hiring Seasonal Help for Leaf Season from October 1 – December 23 at \$18.00 per hour.

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

- h. Consider a Motion to Hire Public Sector HR Consultants LLC to Develop an Employee Handbook at a cost of \$6,500.00.

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

COMMENTS:

Mayor Knickerbocker stated that there is a Planning Board vacancy. The Planning and Zoning Board must go to training and attend 80% of the meetings. This is a Mayor appointment. Mayor Knickerbocker appoints Kieran Outhouse.

Trustee Baez requested funds for an additional two clinics. One is for the twelve people that are currently taking pickleball lessons. She stated that they need more time so they can understand how to play the game. The four sessions have not been enough. This will be an additional four weeks. The second clinic is for four weeks and the instructors have agreed to give a lesson for pre-teens for an hour and a half for free. This includes the equipment for two courts. She is asking for \$2,700. Trustee Baez said everyone is making friends and enjoying their time together.

A motion to approve the \$2,700 for two additional pickleball clinics was made by Trustee Baez, seconded by Trustee Stewart, with all in favor.

5. INFORMATION FROM OFFICERS & DEPARTMENTS:

a. Justice Reports – July 2024

Received and filed.

b. Police Report – July 2024

Received and filed.

c. Highway Report – July 2024

Received and filed.

d. Wastewater Treatment Plant – July 2024

Received and filed.

e. Building Department – July 2024.

Received and filed.

f. Buchanan Engine Company – July 2024

Received and filed.

g. Prosecutor's Report – None

h. Attorney's Report - Absent

i. Administrator's Report

Village Administrator Serrano said that the funds for the boiler grant have not been released yet. The boiler should be done within the next two weeks. For cyber-security reasons, all municipalities are required to change to a .gov account. We are in the middle of changing our domain name and email account. It will be @buchananny.gov.

j. Mayor's Report

Mayor Knickerbocker stated that Buchanan Day is September 28<sup>th</sup>. The Buchanan Running Club race starts at 10:30 A.M. Buchanan Day is 11:00 A.M. – 3:00 P.M. There will be entertainment, hamburgers, hot dogs and ice cream. The 9/11 Ceremony will be 4:00 P.M. at the Croton Landing. The

DAV is encouraging communities to do a field of flags. Mayor Knickerbocker wants everyone to be aware that there is an accessory dwelling unit policy and the Town of Cortlandt is one of the communities. It is called Plus One. It is \$125,000.00 grant to construct an ADU which is for eligible income residents.

k. Trustee's Report

Trustee Stewart stated that he is glad we came to a resolution in getting a handbook done. The Economic Development Committee now has four people involved.

Trustee Capicotti said great job to Trustee Baez in reference to pickleball. It is great people are getting out and utilizing the pavilion. Trustee Capicotti stated that Mayor Knickerbocker is doing a great job on Buchanan Day. He mentioned that school is open so drive carefully.

Trustee Wheeler said school is open so be careful of kids on the road and make sure you stop for the buses. He asked about the double poles on Albany Post Road. Village Administrator Serrano stated that this has been going on a long time. He has been on the phone with everyone. Mayor Knickerbocker will reach out to the PSA.

Trustee Baez stated that she will have a meeting with the Superintendent to see how she can support the school.

6. COMMENTS FROM THE FLOOR: None

7. EXECUTIVE SESSION:

At 8:45 P.M. a Motion to enter into Executive Session to discuss negotiations was made by Mayor Knickerbocker, seconded by Trustee Capicotti with all in favor.

8. ADJOURNMENT

At 8:50 P.M. a Motion to exit executive session was made by Mayor Knickerbocker, seconded by Trustee Wheeler with all in favor.

At 8:50 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.

