

Minutes
Regular Monthly meeting of the Village Board of Trustees
Wednesday, September 13, 2017

Present: Mayor James Dunham

Trustees: Richard Phillips
Dale Leiser
Robert Baumeister
David Flaherty

Also attending: CEO/ZEO, Glenn Smith; Highway Superintendent, David Booth; Fire Chief, Larry Eisen; EDC Director, Renee Shur; George Campbell and Anna from Sage Engineering Associates; Emelia Teasdale, The Columbia Paper. Village residents; Mark Wilson and Rima Bostick.

MINUTES

A motion made by Trustee Phillips approving the minutes of August 9, 2017 Regular monthly Village Board meeting and minutes of August 17, 2017 special meeting on the Cupola Repair Project; seconded by Trustee Flaherty. All voted "aye".

BUDGET AMENDMENTS

A motion made by Trustee Phillips approving the following budget amendments presented by the village Treasurer; seconded by Trustee Baumeister. All voted "aye".

General Fund

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A.7140.4 Recreational Contractual	A.7140.41 Recreational Contractual	\$472.05
A.7310.4 Youth Programs Contractual	A.7140.41 Recreational Contractual	\$201.94
A.8560.1 Shade Trees Personal Service	A.5110.1 Street Maintenance Personal Service	\$200.36
A.8560.4 Shade Trees Contractual	A.5110.4 Street Maintenance Contractual	\$6.99

ABSTRACT

A motion made by Trustee Phillips approving the abstract in the amount of \$53,690.32; seconded by Trustee Baumeister. All voted "aye".

TREASURER'S REPORT

Trustee Phillips made a motion approving the monthly Treasurer's Report; seconded by Trustee Leiser. All voted "aye".

FIRE DEPARTMENT

Chief Eisen reported 5 calls, 1 drill and 1 detail. The fire company is providing each fire police member with their own duffle bag that will have a coat, hat, flashlight and radio so they are able to go directly to the scene when called out.

Multifamily/apartment housing inspection- Glenn is in the process of making appointments with the three landlords owning multifamily units to complete inspections.

DPW

Superintendent Booth reported several items completed by the DPW this month are: drains installed on Gaffney Lane and Cortland Drive, patching of roads and equipment maintenance. The DPW repurposed the old bathrooms at the playground to store the mowers. The Town of Kinderhook used their boom mower to cut the vegetation at Mills Park to open the view.

Rothermel Extension paving-Colarusso is scheduled for repaving Rothermel Extension next week. This is a SEQR Type II Project.

Wells- Pump 3 has been completed and well #1 will not be cleaned until next year.

William Street Design-Mayor Dunham will speak with Brendon Fitzgerald from Hudson Valley Engineering to inquire when the survey crew will be on William Street in preparation for the project to be let next fiscal year.

New Truck- Trustee Phillips wanted to clarify the motion made last month that the village will be purchasing the truck from HL Gauge and the additional equipment from T&T Sales.

Legal Notice of Estoppel

BOND RESOLUTION OF THE VILLAGE OF KINDERHOOK, NEW YORK (THE "VILLAGE"), DATED SEPTEMBER 13, 2017, AUTHORIZING THE ACQUISITION OF A PLOW TRUCK AND EQUIPMENT FOR THE VILLAGE, ESTIMATING THE AGGREGATE COST THEREOF TO BE APPROXIMATELY \$79,138.00.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$60,000.00 BONDS TO FINANCE A PORTION OF SAID COST

Resolution by Trustee Flaherty Seconded by Trustee Baumeister

WHEREAS, on August 9, 2017, the Board of Trustees of the Village in response to a stated need to replace a heavy plow truck and procure a box, plow and equipment necessary to fit-up said truck for snow and ice removal (collectively, the "Truck"), adopted a resolution pursuant to which it authorized the Mayor to cause the Village to enter into contracts, purchase orders or other related documents to acquire the Truck, and that a portion of the cost of said Truck would be paid from the proceeds of bonds; and

WHEREAS, the Board of Trustees now seeks to authorize the issuance of serial bonds or a statutory installment bond in order to finance a portion of the cost of acquiring the Truck; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the members of the Board of Trustees of the Village of Kinderhook, New York (by a favorable vote of not less than two-thirds of all of its members) as follows:

SECTION 1

Pursuant to Sections 31.00, 32.00 and 62.10 of the Local Finance Law, constituting Chapter 33A of the Consolidated Laws of the State of New York (the "Law"), the Village hereby reaffirms its authorization of the acquisition of the Truck, the maximum cost thereof being hereby estimated to be \$79,138.00, appropriating said amount therefor and authorizing the issuance of up to \$60,000.00 serial bonds or a statutory installment bond to finance a portion of such cost.

SECTION 2

It is determined that the period of probable usefulness of the aforesaid Truck is fifteen (15) years pursuant to Section 11.00(a)(28) of the Law;

SECTION 3

The plan of financing includes the issuance of serial bonds or a statutory installment bond in the amount of up to \$60,000.00 (the "Indebtedness"), the use of Village funds in the amount of \$20,000.00 and the levy of a tax upon all of the real property in the Village to pay the principal of and interest on said bonds as the same shall become due and owing.

SECTION 4

The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized to be expended pursuant to Section 165.10 of the Local Finance Law for the specific object or purpose described in Section 1 of this resolution. If such temporary funds are used for any expenditure authorized in this resolution, the Village intends to reimburse such funds with the proceeds of the Indebtedness authorized and identified pursuant to Section 1 above.

SECTION 5

The bonds issued to finance the cost of the object or purpose described in Section 1 above shall mature no later than the date of the expiration of the period of probable usefulness for each such object or purpose.

SECTION 6

The Village hereby covenants and agrees with the holders from time to time of the Indebtedness of the Village issued pursuant to this resolution, and any bond anticipation notes of the Village issued in anticipation of the sale of said bonds, that the Village will duly and faithfully observe and comply with all provisions of the United States Internal Revenue Code of 1986, as amended (the "Code"), and any proposed or final regulations of the Internal Revenue Service issued pursuant thereto (the "Regulations") unless, in the opinion of Bond Counsel to the Village, such compliance is not required by the Code and Regulations to maintain the exemption of interest on said Indebtedness from Federal income taxation.

SECTION 7

Any serial bonds or a statutory installment bond authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said Indebtedness issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said Indebtedness and any bond anticipation notes issued in anticipation of said bonds and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and notes to mature in such year, and (b) the payment of interest to be due and payable in such year.

SECTION 8

Subject to the provisions of this resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds, a statutory installment bond and bond anticipation notes, or the renewals of said obligations and of Section 50.00, Section 60.00 and Section 62.10 of the Law, the powers and duties of the Board of Trustees relative to authorizing Indebtedness hereunder and prescribing the terms, form and content as to sale and issuance of said Indebtedness herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Treasurer of the Village, the Chief Fiscal Officer of the Village. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue bonds and bond anticipation notes having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 of the Local Finance Law, is hereby delegated to the Treasurer of the Village, the Chief Fiscal Officer of said Village. In addition to the delegation of powers described above, the powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall privately negotiate or advertise such bonds for sale, conduct the sale and award the bonds in such manner as she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any other order or rule of the State Comptroller applicable to the sale of municipal bonds.

SECTION 9

All costs and expenses in connection with the acquisition and development of the object and purpose set forth in Section 1 above, and the financing thereof by the sale of bonds, including but not limited to, the fees and expenses of bond counsel, financial advisors, underwriters feasibility consultants, counsel for the Village, engineers and other professionals, shall be paid to the extent permitted by law from the proceeds of the Indebtedness.

SECTION 10

The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) Such obligations are authorized for any object or purpose for which the Village is not authorized to expend money; or
- (b) The provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) Such obligations are authorized in violation of the provisions of the constitution.

SECTION 11

This resolution shall be published in full in the designated official newspapers of the Village for such purpose, together with a notice of the Clerk of the Board of Trustees in substantially the form provided in Section 81.00 of the Law.

SECTION 12

This resolution shall take effect immediately.

Ayes: Mayor James Dunham; Trustee Richard Phillips; Trustee Dale Leiser; Trustee Robert Baumeister and Trustee David Flaherty.

Noes:

Absent:

Abstentions:

Motion Carried

Village Board decision on September 13, 2017

CODE ENFORCEMENT OFFICER

The CEO/ZEO's monthly report was received with 10 permits issued and \$2,147.45 of fees collected. A report on the inspections of the multifamily units was also submitted.

12 & 14 Sunset Ave-Glenn stated Mr. Better is working on 12 Sunset. He is ready to issue another violation of 14 Sunset Ave. Mayor Dunham spoke with an owner of 14 Sunset she stated they will be working on the house and is looking for a buyer.

6 William Street-Glenn noted he met with the new owner and issued him a building permit through Oct 6, 2017 the remaining time and work approved from the HPC committee to the previous owner, Jeff Pinkowski. The new owner was informed he needed to apply with the HPC for any additional work beyond the scope of what he has a building permit for.

TREES

Village Property- Mayor Dunham will receive quotes to remove the tree on the village's right away adjacent to the Monahan property (50 Broad St) where it borders Berkshire Drive .

TRAFFIC CALMING STUDY

Mayor Dunham would like to speak with Brian Doherty from WSP to request their recommendations on a bulb out and a three way stop sign at Sylvester Street and Hudson Street. He would like to add this to the contract with the placement of ATR monitoring cables approved at last month meeting.

Mayor Dunham read the September 6, 2017 letter from NYS Department of Transportation letter denying the village board's request to lower maximum speed limit on Route 9 between The Jack Shainman Gallery and the Palmer Engine and Hose Company.

Variable speed sign-A motion made by Trustee Flaherty approving Mayor Dunham to purchase a variable speed sign at the Mayor's discretion; seconded by Trustee Phillips. All voted "aye."

Children at Play sign-Mr. & Mrs. McComb requested the village board consider children at play sign in the village. Mayor Dunham noted the village uses the NYS Manual of Traffic Control Devices for installation of signs and the sign proposed is not consistent with the MUTCD.

CLIMATE SMART COMMUNITIES TASKS FORCE

Green Fair: A community subcommittee was formed including by CSC Task Force. It includes representatives of the Memorial Library, Village Economic Development and resident

volunteers. The first organizational meeting was held on September 6. The event is planned for April 21, 2018.

Electric Vehicle Charging Station: Further plans for an electric vehicle charging station in the village were discussed including costs, design and types of stations to consider.

Bottle and Can Recycling: the Village Board has agreed to the use of the Village hall as a distribution point for CLYNK recycling bags and stickers benefiting not for profit organizations in the village. Currently, participants in the program are the Kinderhook Memorial Library and the Venture Crew #113.

Energy Code Enforcement Training: Robyn Reynolds, our Capital District Regional Planning Coordinator, announced that Energy Code Enforcement Training related to the Clean Energy Communities' initiative has been temporarily suspended while waiting additional funding from NYS.

INSURANCE

Mayor Dunham, Trustee Phillips, Clerk/Treasurer Heeder met with Gary Van Allen and Michael Van Allen from Metz Wood Harder Insurance for the renewal of the village's insurance policy. A review of the DPW equipment and values will need to be addressed and submitted to the agents.

ZONING BOARD

The meeting was cancelled no new applications were received.

PLANNING BOARD

Solar Panel Regulations- The final version of the solar panel regulations have been submitted to the village attorney, Robert Fitzsimmons for final review and preparation of a public hearing.

HISTORIC PRESERVATION COMMISSION

The HPC Commission requested Mayor Dunham speak with the NYS Parks and Recreation on how things are enforced by the CEO/ZEO. Mayor Dunham will speak with NYS Parks and Recreation before their October meeting.

ECONOMIC DEVELOPMENT DIRECTOR

The EDC Director's monthly report was received. Renee apologized to the village board for not being able to attend last month's meeting due to family obligations.

Kinderhook Creek-The grant application "Kinderhook Creek Recreational Access Improvements Plan" was submitted by Barton and Loguidice on September 8, 2017. Resident Rima Bostick stated she has several items from the 1970's on the annual Kinderhook Creek Regatta the village board may consider using when submitting documentation to assist with applying for grant funds.

Lighting Study- George Campbell of Sage Engineering made a presentation on the Lighting Study and the recommendations by Sage Engineering. Previously the Village Board and the Historic Preservation Commission reviewed the light fixtures and poles.

Mr. Campbell spoke about pole height, distance between the light poles and illumination of the lights. Sage Engineering recommends a 12 foot pole height with 7 light poles around the perimeter of the parking lot and three placed in the center of the village parking lot. If the light poles were to be placed in the center parking lot a concrete base would need to be installed.

The fixtures and poles that are tentatively chosen are \$2,550.00 a piece with no hardware, no conduit, or concrete for placement. The light fixtures may be programmed for dimming and to turn on and off a certain times.

Mayor Dunham thanked Mr. Campbell for his presentation to the Village Board. He stated money is a big factor for the proposed project. Snow plowing would be an issue if the poles were placed in the center of the parking lot.

Renee inquired if the village board would allow a non-brick and mortar business in the village to be added to the home page of the village's website. The village board felt a business in the village either in or out of the B1 district or non-brick and mortar should be allowed on the village's website.

Renee would like to discuss with the village board the future of Economic Development of the village. What is the big picture for the business district? Will the business district be ready with what we have... retail, lodging when the Electric Rail Trail and Kinderhook Creek access is complete in approximately two years? She knows some business is locked with landlord issues but what do the people want for our business district.

Trustee Phillips stated the Dutch Inn property has been in litigation for several years now and has not opened. This property is an essential part of the village and a big component of the installation of the sewer. He feels the village board should write a letter to the judge explaining how important it is the village for the property to be running. The village should request the status of the litigation. He would also like to write a letter to the owner of 1 Chatham Street on their intentions with their vacant building.

VILLAGE HALL

Van Buren Hall-Trustee Flaherty would like to revisit former Trustee Puckett's estimate of \$1,900 from Scheriff Electric on adding additional lighting in Van Buren Hall and adding three outlets on either side of the hall. The village board would like all items not used in Van Buren Hall especially under the stage to be cleaned out.

Capacity- Capacity of Van Buren Hall is 176 people. Mayor Dunham would like all renters to be cognizant of this when holding an event. For large events Mayor Dunham feels selling tickets for an event is a method to make sure no more the capacity limit is being adhered to.

Cupola Repair Project- CJ Smith Contracting will start the repairs and maintenance on the Cupola tomorrow and are on schedule to complete by October 1, 2017.

Elevator/Lift- A small sign noting the elevator/lift has been installed on the village hall.

UNPAID WATER, SEWER & TAX BILLS

The water/sewer bills will be mailed out on Monday, October 2nd.

Anti-Siphon Valve- There is still a problem. Mayor Dunham will speak with Emmons Pump concerning the anti-siphoning valve they installed.

EMPIRE STATE TRAIL

Andy Bears from Hudson Rail Trail will meet with Mayor Dunham and Renee on information for the village on the proposed Rail Trail.

SIDEWALK CHURCH STREET

Mayor Dunham would like the advice of Brian Doherty from WSP on dropping the sidewalk for handicapped access at the sidewalk to The School Gallery. There may be a tree root issue by dropping the sidewalk. Mayor Dunham is waiting until after October 9th as there are events planned at the church.

APPLICATIONS

A motion made by Trustee Phillips approving the following applications; seconded by Trustee Flaherty. All voted "aye".

- a. The Cemetery Committee is requesting a sign in the village square to advertise Brooks BBQ on September 27, 2017.
- b. Amy Couch is requesting Van Buren Hall on Mondays and Thursdays from 5-6:30 pm to hold Zumba classes.

RECREATION COMMISSION

The annual Community Night was held on September 9, 2017 with approximately 200 people. The committee felt the nice weather assisted in the high attendance.

The village Halloween Festivities is scheduled for Saturday, October 28, 2017 at 2:00 pm in Van Buren Hall.

KBPA

The OK Fall Festival is scheduled for Saturday, October 7th from 9-1 pm in the village square.

TAXPAYER TIME

Resident Rima Bostick would like to remind the village board of the disability act. At last month's meeting she requested the village board purchase a standard commercial speaker system and a screen for the public viewing of documents that the village board is viewing during the meeting. She thanked clerk/treasurer Heeder for sending her several documents that were listed on the agenda allowing her to review prior to the meeting. She stated it helped her feel comfortable about the items the village board was discussing and making decisions on. If allowed she would like the documents posted to the village website prior to a meeting.

A motion made by Trustee Phillips to adjourn the regular monthly meeting at 9:11 pm and enter into executive session for personnel reasons; seconded by Trustee Flaherty. All voted "aye".

No motions made during executive session.

A motion made by Trustee Flaherty to close executive session at 9:36 pm seconded by Trustee Flaherty. All voted "aye".

Respectfully submitted,

Nicole H. Heeder
Village Clerk