

Minutes  
Special Meeting of the Village Board of Trustees  
Wednesday, October 23, 2019

Present: Mayor James Dunham

Trustees: Richard Phillips  
Dale Leiser  
Robert Baumeister  
David Flaherty

Also attending: Sigrid Grey; Dana Spot; Stan Gresens; Paul Calcagno; Liz Martin; Paul Rinehart  
Jack Van Buren; Deborah Baxter; Marc Browne; Jerry Callahan; Dorene Weir; Dave Pesano;  
Andrew Pellettieri; Renee Shur; The Columbia Paper Reporter, Emelia Teasdale; John Morgan;  
Peter Bajanow; Marion Guerriero

Mayor Dunham opened the Special Meeting at 7:02 pm.

### **3 & 5 Broad Street**

Paul Calcagno is requesting a zoning change of the business district. He is requesting to move the business district 25 FT south of 5 Broad Street. This would include moving the small building now on 5 Broad from the residential area to 3 Broad St in the business district. Mayor Dunham stated this can be done by Coordinated Review of the Village Board, Planning Board and Zoning Board. The Village Board will have to amend the zoning law to add a portion of a parcel from Residential Zoning District to the B1 Business District. The Planning Board will have to approve the boundary line adjustment. The Zoning Board of Appeals would have to approve the reduction of lot width.

A motion made by Trustee Phillips to set the Public Hearing for PP LL No. 3 of 2019 amending the zoning law to add a portion of parcel 43.20-2-47 (5 Broad Street) from the Residential Zoning District to the B1 business District on Monday, November 25<sup>th</sup> at 7:30 pm; seconded by Trustee Leiser. All voted:

Mayor Dunham “aye”  
Trustee Phillips “aye”  
Trustee Leiser “aye”  
Trustee Baumeister “aye”  
Trustee Flaherty “Abstain”

### **Mills Park**

The village received several letters from residents in support of the proposed changes and a few letters of interest wanting more information of what is being proposed. Trustee Leiser suggested having an onsite review with Sigrid describing her plan changes and marking off where the additional gardens will be planted. A date of November 2<sup>nd</sup> at 10:00 am to meet at Mills Park.

### **Greenway Grant for Kayak Launch**

Barton & Loguidice has prepared a Kinderhook Creek Recreational Resource Inventory Study. Four target sites were chosen in the study to focus of the inventory; River Street Park, Pachaquack Preserve, Hudson Street Landing and the Rout 9H over pass. Two sites were chosen for Kayak launch sites. One launch in the village of Valatie and one launch in the village of Kinderhook. The villages can apply for Hudson Valley Greenway funds in the amount of \$10,000 each. The Greenway will pay half leaving each village to pay \$5,000. Each village can have in-kind services go towards their \$5,000. Mayor Dunham would like to adopt the following resolution to apply for Hudson Valley Greenway Grant Funds for a Kayak Launch.

The following Resolution was proposed and seconded:

Resolution by: Trustee David Flaherty;

Seconded by: Trustee Dale Leiser.

WHEREAS, the Village of Kinderhook and Village of Valatie are applying to the Hudson River Valley Greenway for a grant under the 2019 Greenway Conservancy for the Hudson River Valley Trail Grant Program for a project entitled "Kinderhook Creek Launch Sites" to be located in the Villages of Kinderhook and Valatie; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED that the governing board of the Village of Kinderhook hereby does approve and endorse the application for a grant under the 2019 Greenway Conservancy for the Hudson River Valley Trail Grant Program, for a project known as "Kinderhook Creek Launch Sites" and located within this community.

Upon question of the foregoing Resolution, the following Board members voted "Aye" in favor of the Resolution:

Mayor James Dunham;

Trustee Richard Phillips;

Trustee Dale Leiser;

Trustee Robert Baumeister; and

Trustee David Flaherty.

The following Board members voted "No" in opposition

thereto:

\_\_\_\_\_ ; and

\_\_\_\_\_.

The Resolution having been approved by a majority of the Village Board, the same was declared duly adopted by the Mayor of the Village of Kinderhook.

**GREENWAY GRANT FOR TRAIL CONNECTION TO LINDERNWALD**

Mayor Dunham is hopeful there may be money in the future for a bike trail along the west side 9H to Lindenwald. If there was a project scope completed at that time grant funds were available they may be applied for. He would like to adopt the following resolution to apply for grant funds under the 2019 Greenway Conservancy for the Hudson River Valley Trail Grant Program to prepare the project scope. The grant is due by November 8<sup>th</sup> and will also need to be approved by the Town of Kinderhook.

The following Resolution was proposed and seconded:

Resolution by: Trustee David Flaherty;

Seconded by: Trustee Robert Baumeister.

WHEREAS, the Village of Kinderhook and Town of Kinderhook are applying to the Hudson River Valley Greenway for a grant under the 2019 Greenway Conservancy for the Hudson River Valley Trail Grant Program for a project entitled “AHET to Lindenwald Trail Connection” to be located partially in the Villages of Kinderhook and Town of Kinderhook; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED that the governing board of the Village of Kinderhook hereby does approve and endorse the application for a grant under the 2019 Greenway Conservancy for the Hudson River Valley Trail Grant Program, for a project known as “AHET to Lindenwald Trail Connection” and located partially within this community.

Upon question of the foregoing Resolution, the following Board members voted "Aye" in favor of the Resolution:

Mayor James Dunham;

Trustee Richard Phillips;

Trustee Dale Leiser;

Trustee Robert Baumeister; and

Trustee David Flaherty.

The following Board members voted "No" in opposition thereto:

\_\_\_\_\_ ; and  
\_\_\_\_\_.

The Resolution having been approved by a majority of the Village Board, the same was declared duly adopted by the Mayor of the Village of Kinderhook.

### **KINDERHOOK CREEK SHORELINE RESILIENCY IMPROVEMENTS**

In the Kinderhook Creek Recreational Resource Inventory Study there were areas noted that needed creek resiliency work especially at River Street Park and Pachaquack Preserve and in the Village of Kinderhook shoreline. Mayor Dunham believed the Village of Kinderhook was included in applying for grant funds with the resiliency grant. The village may have to complete the work without grant funds and wanted to make the village aware of this.

### **SIDEWALK CLEARING CONTRACT**

A motion made by Trustee Baumeister to approve the sidewalk contract with Hall Construction & Landscaping, Inc. for the 2019-2020 seasons; seconded by Trustee Flaherty. All voted "aye".

### **COMMUNITY CHOICE AGGREGATION**

A motion was made at the October 9<sup>th</sup> Village Board Meeting to move forward with CCA. Mayor Dunham had the Village Attorney, Robert Fitzsimmons, review the agreement and extensive resolution. The board clarified this was only to move forward to receive more information.

The following Resolution was made:

RESOLUTION REGARDING THE EXPLORATION OF A COMMUNITY CHOICE  
AGGREGATION PROGRAM AND ENTERING INTO AN ADMINISTRATION  
AGREEMENT WITH THE MUNICIPAL ELECTRIC AND GAS ALLIANCE (MEGA)

**WHEREAS**, the New York State Public Service Commission (“NYSPSC”), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation (“CCA”) Programs, by themselves or in concert with other municipalities (hereinafter “NYSPSC Order Authorizing CCAs”); and

**WHEREAS**, establishing a Community Choice Aggregation Program allows a municipal government to aggregate the energy supply needs of its residents and businesses, and to negotiate and enter into energy supply contracts with Energy Service Companies (“ESCOs”) on behalf of these citizens to obtain competitively priced energy, often at a fixed rate, as well as environmental benefits, and opportunities to pursue community-based energy initiatives; and

**WHEREAS**, the Village of Kinderhook [Municipality] seeks to explore CCA as a potential opportunity for energy consumers within the Kinderhook [Village] because of the potential benefits a CCA would produce for residential and small business owners, through the joint, aggregated provision of energy supplies and value-added services at better prices due to the market power of the aggregation; and

**WHEREAS**, the NYSPSC Order Authorizing CCAs specifically states that municipalities are permitted to engage a third party CCA Administrator to assist in the development and implementation of a CCA Program, including the eventual solicitation and management of energy supply agreements for CCA customers; and

**WHEREAS**, the Municipal Electric and Gas Alliance (“MEGA”), a not-for-profit Local Development Corporation established in New York State, seeks to create regional CCA(s) to aggregate customers from multiple municipalities throughout a given region in the State, which will enable MEGA to leverage a broad customer base to obtain competitively priced energy contracts thereby yielding greater savings and other benefits to CCA customers; and

**WHEREAS**, MEGA contemplates supporting the creation and implementation of these regional CCAs, in accordance with the NYSPSC Order Authorizing CCAs, in its capacity as a third-party CCA Administrator for those municipalities seeking to form CCAs; and

**WHEREAS**, MEGA further seeks to provide information, advice, public outreach, consumer education assistance, support for competitive bid solicitation, competitive supplier selection and monitoring of New York State regulations to municipalities considering forming a CCA; and

**WHEREAS**, MEGA, since its inception in 1998, has gained the experience necessary to perform the services of CCA Administrator, having successfully managed energy procurement aggregation programs for hundreds of New York State municipalities, saving taxpayers millions of dollars through competitive public bidding of energy supplies and services; and

**WHEREAS**, MEGA’s methodology for procurement of municipal and CCA energy supply reflect an understanding of CCA opportunities for the Village of Kinderhook [Municipality], as well as market and regulatory conditions representing the best practices in the industry; and

**WHEREAS**, the Village of Kinderhook [Municipality] seeks to engage MEGA as the CCA Administrator, to assist in its efforts to better understand, educate the public on, and develop a Program to enable, a CCA; and

**WHEREAS**, MEGA would be engaged by the Village of Kinderhook [Municipality] as a provider of professional services requiring special and technical skills, expertise and knowledge, therefore the contract for these services is exempt from competitive bidding requirements contained in New York General Municipal Law § 103; and

**WHEREAS**, in the event the Village of Kinderhook [Municipality] decides to authorize a CCA, the Village of Kinderhook [Municipality] is interested in joining together with other CCAs in its region, through the MEGA aggregation, to leverage a broader customer base to obtain cost savings and other benefits for residents;

**NOW, THEREFORE, BE IT RESOLVED** that the Supervisor/Mayor/Administrator is hereby authorized to sign a Community Choice Aggregation Administration Agreement with MEGA, which incorporates the following terms:

1. The Village of Kinderhook [Municipality] will retain MEGA to assist with efforts to explore the potential benefits to this community of creating a CCA here, and in educating the public and local officials on CCAs. As CCA Administrator MEGA will assist the community in exploration of \_ the Village of Kinderhook [Municipality's] potential participation in a CCA Program and development of plans for the implementation of the CCA Program, as required by the NYSPSC Order Authorizing CCAs.
2. In the event the Village of Kinderhook [Municipality] opts to proceed with the creation of a CCA, MEGA would serve as the Village of Kinderhook [Municipality's] CCA Administrator throughout the formation and implementation of the CCA Program.
3. Prior to the Village of Kinderhook [Municipality] taking the steps required to pass a local law authorizing CCA, MEGA will assist the Village of Kinderhook [Municipality] in CCA Program development, including informational and educational campaigns required to inform the Village of Kinderhook [Municipality's] decision to create the CCA, and in development of CCA Program documents and plans which comply with NYSPSC regulations, in accordance with the terms set forth in the CCA Administration Agreement between MEGA and the Village of Kinderhook [Municipality].
4. The Village of Kinderhook [Municipality] agrees that, should it ultimately decide to adopt a Local Law to authorize and create a CCA, it will continue to engage MEGA's services as Administrator of the new CCA, in accordance with the terms of the Agreement.
5. As CCA Administrator, following the Village of Kinderhook [Municipality's] creation of a CCA, MEGA will assume responsibility for the organization and implementation of the CCA, by preparing and soliciting Requests for Proposals ("RFPs") seeking energy suppliers willing to enter into Energy Supply Agreements ("ESAs"), negotiating such agreements in accordance with the terms of this agreement and/or other local enactment by the Village of Kinderhook [Municipality], and overseeing implementation, cancellation, renewal, and review of ESAs throughout the life of the CCA.
6. While MEGA, as CCA Administrator, will assume responsibility for operation of the CCA and will comply with all relevant provisions of State law, including the NYSPSC Order Authorizing CCAs, the Village of Kinderhook [Municipality] understands that it is ultimately

responsible for ensuring its CCA is compliant with State regulations, as stated by the NYSPPSC in its Order Authorizing CCAs. MEGA and \_ the Village of Kinderhook [Municipality] intend for there to be a relationship of cooperation and transparency which ensures that all sides are able to fulfill their obligations under the law, the NYSPPSC Order, the CCA Administration Agreement, and any other local law enacted or contract adopted by the Village of Kinderhook [Municipality] regarding the CCA.

**AND BE IT FURTHER RESOLVED THAT**, by adopting this resolution and signing the CCA Administration Agreement, the Village of Kinderhook [Municipality] is in no way obligating itself to proceed with the formal creation of a CCA. If the Village of Kinderhook [Municipality] determines to proceed with the creation of a CCA, the Village of Kinderhook [Municipality] would be required to adopt a local law to do so, and would at that time need to comply with all standard procedural requirements for local law adoption, including the State Environmental Quality Review Act (SEQRA), and with the NYSPPSC Order Authorizing CCAs.

A motion by Trustee Richard Phillips, seconded by Trustee David Flaherty, to adopt the Resolution.

In favor: Mayor James Dunham; Trustees: Richard Phillips; Dale Leiser; Robert Baumeister and David Flaherty

### **CHIP SEAL**

Mayor Dunham noted the CHIP Seal that was done on Sunset Ave and Duck Lane is a cheaper way to receive a longer life of a street. It can add approximately 8 years to the life of a street. The village is trying to extend the life of certain streets to try and save money to complete large projects like Albany Ave and William Street. With the 2% tax cap required it is hard to afford infrastructure projects. The CHIP Seal is a Class 1 resurfacing project with a Type 11 SEQR Determination.

As a Class 1 resurfacing project is not required to bring the sidewalks to a 4ft width.

### **Taxpayer Time**

Paul Rinehart wanted to salute the Village Board for taking the initiative to get ahead of projects. If you are not shovel ready you may lose out on funds.

Mayor Dunham adjourned the meeting at 8:38 pm and motioned to enter into executive session on personnel; seconded by Trustee Leiser.

Respectfully submitted,

Nicole H. Heeder  
Village Clerk

Executive Session  
No motions made.

A motion made by Trustee Leiser to adjourn the executive session at 8:48 pm; seconded by Trustee Phillips. All voted "aye".

James Dunham  
Mayor