

Minutes  
Regular Monthly meeting of the Village Board of Trustees  
Wednesday, September 11, 2019

Present: Mayor James Dunham

Trustees: Richard Phillips  
Dale Leiser  
Robert Baumeister  
David Flaherty

Also attending: Superintendent David Booth; CEO/ZEO Glenn Smith; Economic Development Director Renee Shur; Fire Captain Larry Eisen; Nick Eisen; Warren Applegate; William Mancini; Bill Roehr; Robert Puckett; Tina Lang; Dorene Weir; Brandon Mabb; Krystal Mabb; Rima Bostic; Laura Hankin; Ann Birckmayer; Jerry Callahan; Sandra Tolosa; Paul Calcagno; Client Relations Manager for Energy Next Katie Vescio; Clean Energy Communities Outreach Coordinator Tara Donadio.

### **Community Choice Aggregation Presentation**

Mayor Dunham opened the meeting at 7:00 pm and welcomed Katie Vescio from Energy Next MEGA.

Ms. Vescio gave a slide show presentation on Municipal Electric & Gas Alliance (MEGA). She stated MEGA provides energy aggregation and procurement services to 300 municipalities in New York. The NYS Public Service Commission has authorized local governments to aggregate utility customers for energy supply. The municipality would apply and all village residents would be automatically included. The village residents can opt- out at any time.

The presentation went through the following steps for the village to partner with MEGA and adopt Community Choice Aggregation (CCA) Program.

1. The Village Board would have to choose MEGA as a CCA administrator
2. to educate the public on the program
3. Board would adopt a Local Law to authorize CCA to be the village's administrator
4. MEGA would competitive bid for energy supply
5. the selection of the low-bid supplier and educate the public

The public asked several questions about MEGA, the cost savings, opting –out, the supply companies and regulations. A pamphlet and a Frequently Asked Questions information sheet were available for the public and copies are at the village office for anyone to read.

Ms. Vescio thanked the Village Board for their time and gave her email address if they were to have any additional questions. The presentation ended at 7:49 pm.

Mayor Dunham opened the Regular monthly Village Board meeting. A moment of silence was held in remembrance of September 11<sup>th</sup>.

### **TAX PAYER TIME**

Mayor Dunham inquired if anyone had additional comments on the presentation given. No additional comments were received.

## MINUTES

A motion made by Trustee Phillips approving the minutes of August 14, 2019 Regular monthly meeting and August 16, 2019 Special meeting; seconded by Trustee Baumeister. All voted "aye".

## BUDGET AMENDMENTS

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

| <u>FROM</u>                               | <u>TO</u>                                | <u>AMOUNT</u> |
|---|--|---------------|
| A.1990.4 Contingent                       | A.1989.4 Consultant                      | \$3,685.26    |
| A.7620.4 Adult Recreation                 | A.7310.1 Youth Program Personal Services | \$399.01      |
| A.8170.1 Street Cleaning Personal Service | A.8560.1 Shade Trees Personal Services   | \$105.75      |

## ABSTRACT

A motion made by Trustee Flaherty to approve the monthly abstract in the amount of \$26,247.21; seconded by Trustee Leiser. All voted "aye".

## TREASURER'S REPORT

A motion made by Trustee Flaherty approving the monthly Treasurer's Report; seconded by Trustee Baumeister. All voted "aye".

## FIRE DEPARTMENT

Fire Captain Larry Eisen reported 4 calls, 3 drills, and 4 details. The trailer for the UTV was retrieved from the dealer and is with Columbia County for lettering. Specs and pricing will be done for a skid unit, lights, winch and doors for the UTV. A fireman and a fire truck will be attending Community Night and supervising a fire pit.

## DPW

Superintendent David Booth noted they are prepping for the fall season; they painted the storage shed and bathrooms at the playground. He spoke with Copeland Coating and they will replace both poles at the tennis court. Skid boxing of Eichyush Road and Gaffney Lane will be done with the assistance of the Town DPW. Reynolds Road, Duck Lane and Sunset Ave were chip sealed. The village received complaints concerning the chip sealing. Mayor Dunham noted chip sealing is a money saver and will preserve the pavement for several years and in time it will look the same as asphalt paved road. Dave spoke with Bernie Kelleher from Fines Lines he will be available to stripe the village parking lot and crosswalks in the next few weeks.

## CODE ENFORCEMENT OFFICER

The CEO/ZEO's monthly report was received with 10 permits issued and \$876.00 of fees collected. Copies of the violations are attached to his monthly report.

11 Lindewald Court- the violation has been rectified.

48 William Street- Glenn has condemned the garage. He will need access into the house to inspect for structural integrity for habitation. He would like a meeting with the village attorney requesting guidance on the proper procedures for the village board to demolish the garage for safety concerns and possibly the house. The village would place a lien on the property to recoup the village's expenses. Neighbor Rima Bostick requested a time line and to be kept apprised of the property.

21 Gaffney-A petition was received from several neighbors concerning multiple trailers and unregistered vehicles on the property. The owner is preparing for the demolish derby and possibly scrapping metal business. Glenn issued violations to the property owner and issued an appearance ticket to go before the village court. Glenn stated the property owner is in attendance at the meeting and has presently taken care of the violations. If the property owner will put it in

writing he will keep the property violation free Glenn will request the dismissal of the court appearance. The property owner agreed and will submit a letter to the village.

Multifamily/apartment housing inspections-Trustee Leiser inquired on the status of the fire inspections. Glenn confirmed he has three scheduled inspections this month.

### **TREES**

At last month's meeting New Leaf was awarded the contract to remove trees at 10 Albany Ave, 11 Hudson, and Catskill View and on Mile Hill near the water tank. New Leaf will be conducted the removals next week.

### **TRAFFIC CALMING STUDY**

Mayor Dunham received complaints concerning speeders on Rt. 9 in the village. Mayor Dunham will ask NYS DOT if the village may place the speed sign on Rt. 9. He will also request the State Troopers and Sheriff to monitor Rt. 9 in the village limits.

### **ALBANY HUDSON ELECTRIC TRAIL**

Maintenance Agreement-The Village will sign a maintenance agreement with Hudson River Valley Greenway. The village will maintain the portion of the trail that runs through the village. A meeting with Andy Beers, the village attorney Robert Fitzsimmons, National Grid and the village's insurance company Metz Wood may be scheduled to address an issue with the maintenance agreement.

Construction Status-An additional two inches of asphalt will be added from Stewarts' to Eichybush Road when the intersections are done. There is work to be done at the Albany Ave and Sunset Ave intersections. The resident at 53 Albany Ave is installing a fence along the backside of her property on Sunset Ave. The site distance will be reviewed at the entrance of the trail alongside Samascott's Orchard for safety concerns with the installation of the fence.

### **CLIMATE SMART COMMUNITIES TASK FORCE**

Community Choice Aggregation- the Committee Chair, William Mancini requested the Village Board to think about the presentation given on Community Choice Aggregation and if the Board is interested would they send the agreement to the village attorney for review.

Street Light Conversion-Dan Frering and John Bullough from Rensselaer Polytechnic Institute have offered to provide a demonstration of the types of LED street lights to the village. Trustee Baumeister requested costs to be included in the demonstration.

### **WILLIAM STREET RT. 9 TO MAIDEN LANE**

Mayor Dunham introduced the village's Consultant Bill Roehr from TGW Consulting Group. Mr. Roehr stated the village previously submitted a WIIA Grant Application to the Environmental Facilities Corporation and was not a recipient of grant funds due to the village's medium income and the amount of state grant funds available. He stated the grant funds available this year has increased greatly and our project meets the criteria and qualifies for grant funds. He believes the village will have a chance of being awarded funds. The village board would like to apply again for grant funds for water infrastructure on Williams Street and Albany Ave. The grant funds will pay for 60 % of the water infrastructure. The village would have to pay for the remainder of the project. The Williams Street project is estimated at \$930,000 (Maiden Lane to Rt. 9) of which \$400,000 is the water infrastructure portion. The Albany Ave project is estimating over a million dollars and the water infrastructure portion is estimated at \$500,000. The following resolutions are required to move forward.

**RESOLUTION AUTHORIZING THE VILLAGE OF KINDERHOOK TO UNDERTAKE THE WILLIAMS STREET AND ALBANY AVENUE WATER MAIN REPLACEMENT PROJECT AND AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION UNDER THE NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT DRINKING WATER GRANT PROGRAM**

The following resolution was made by Trustee Baumeister; seconded by Trustee Flaherty. All voted “aye”.

Whereas, the Village of Kinderhook desires to replace approximately 1,140 linear feet existing water main within the Williams Street right-of-way for the purposes of improving water quality and enhancing fire protection; and,

Whereas, the Village of Kinderhook also desires to replace approximately 1,525 linear feet existing water main within the Albany Avenue right-of-way for the purposes of improving water quality and enhancing fire protection; and,

Whereas, the proposed project is estimated to cost up to \$930,000; and,

Whereas, New York State grant funding through the Water Infrastructure Improvement Act, for drinking water projects, shall not exceed 60% of total project cost.

Now, therefore be it resolved that the Village of Kinderhook Board of Trustees authorizes the village to undertake the project; and,

Be it further resolved that the Village of Kinderhook Board of Trustees authorizes the Mayor to sign and submit the funding application and any other documents pertinent to the receipt of New York State funding; and,

Be it further resolved that the Village of Kinderhook Board of Trustees will provide for all local funding match requirements.

**RESOLUTION DECLARING REPLACEMENT OF ALBANY AVENUE WATER MAIN AS A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

The following resolution was made by Trustee Flaherty; seconded by Trustee Baumeister. All voted “aye”.

Whereas, the Village of Kinderhook desires to replace approximately 1,525 linear feet existing water main within the Albany Avenue right-of-way; and,

Whereas, the proposed project clearly constitutes a Type II action under the State Environmental Quality Review Act (SEQR), specifically under Section 617.5 (11), and, as such, is statutorily exempted from SEQR review; and,

Whereas, the Village of Kinderhook is coordinating with the New York State Historic Preservation Office (SHPO) as the project is situated within the Kinderhook Village Historic District; and,

Whereas, the proposed project is wholly identical in nature and nearly identical in size to the Williams St water main replacement, for which the New York State Historic Preservation Office stated “Based upon this review, it is the opinion of the SHPO that the proposed project is appropriate to the Kinderhook Village Historic District. In addition, there are no archaeological concerns associated with the project.”

Now, therefore be it resolved that the Village of Kinderhook Board of Trustees declares the Albany Avenue water main replacement will to be a Type II action and is exempted from further SEQR review.

## **ZONING BOARD**

There was no new business before the board therefore the meeting was cancelled.

## **PLANNING BOARD**

Minutes of June 6, 2019 and June 25, 2019 Public hearings were received.

Old Dutch Inn-Three Sisters Tavern LLC-There is no update on the proposed tavern.

Unique Nutrition-A public hearing is set for September 19, 2019 at 7:00pm for the proposed new business at 2 Hudson Street "Unique Nutrition". A smoothie and tea shop, there will be no food sold.

## **HISTORIC PRESERVATION COMMISSION**

Mayor Dunham received a resume concerning the opening on the Historic Preservation Commission.

## **ECONOMIC DEVELOPMENT DIRECTOR**

The EDC Director's monthly report was received and is on file in the village office and posted on the village website.

The School-The recent exhibit has brought in 10,000 people in the last three months. This has been a significant positive effect on the village business. A new exhibit will start on October 26<sup>th</sup> and will be at The School until the spring of 2020.

Municipal Parking Lot Lighting-The village is waiting on the easement from the US Postal Service for the installation of lights in the village parking lot.

Van Buren Hall- the village has a contract with architect Gregory Merryweather. The committee has requested he develop a comprehensive plan including the kitchen, bathroom etc.. that will assist in applying for grant funds or private foundations. The work may be done in phases. Mayor Dunham would like to meet with Mary Ellen Hern on possible grants available for Van Buren Hall.

## **KINDERHOOK CREEK RECREATIONAL STUDY**

Kinderhook Creek Recreational Study-Barton & Loguidice is preparing the Kinderhook Creek Recreational Resource Inventory Study for the Village of Kinderhook & Village of Valatie.

The villages should be receiving copies of the study in the next few weeks.

Local Waterfront Revitalization -The village's is submitting for grant funds under the Local Waterfront Revitalization for Creek \_Resiliency- Valatie will be the lead agency on this grant as most of the work is proposed to be done along the creek in Valatie. There will be a small amount along the creek in the Village of Kinderhook.

## **NYS DOT**

Handicapped Parking space in front of Village Hall-Mayor Dunham met with Jack Campbell concerning the handicapped space in front of the Village Hall. The space needs additional work before the space is ready for painting.

Shared Service agreement- A revised version of the NYS DOT highway work permit will be sent to the Mayor for signature.

## **CORRESPONDENCE**

Mayor Dunham read the letter dated and received on September 11, 2019 from Paul Calcagno to the Village Board requesting the Village Board to extend the B1 Business District line to include the northern side of 5 Broad Street. He is requesting a lot line adjustment to allow a public restroom to be built and to allow space if work is needed on the bagel shop building. At this time he owns both buildings. Mayor Dunham noted he has worked with Paul and the village attorney concerning Paul's request. To precede with the request the Village Board, Planning Board and Zoning Board will all be involved.

## **VILLAGE HALL**

Lift-Resident Rima Bostick requested the village review the updating the lift to Van Buren Hall with Mr. Merryweather comprehensive plan on Van Buren Hall. . She does not feel it is a reasonable accommodation to Van Buren Hall. Trustee Flaherty noted it is a lift not an elevator and several issues the lift has was human operational error. The village has now required the person running the lift to be trained.

Back Stairway- Trustee Flaherty received two new plans from S & S Fabrication. He stated one plan is better than the other and he will request Mr. Siemers to move forward. He is hoping he can install before winter as this has been a project on his plate for a year.

Exterior masonry-Lance Glenn the owner of L.G. Stone & Restoration was in contact with the village clerk and he will be finishing the application of the sealer on the bricks of the Village Hall. He will also replace the back door and remove and seal the hole where the A/C will be removed.

## **BANDSTAND**

Bandstand- Mayor Dunham and Trustee Flaherty met with Dan Proper from Proper & O'Leary Engineering PC. Mr. Proper noted the issue is with the foundation. He believes to rebuild will cost \$91,000 due to prevailing wage. It is sturdy enough to go through the winter. Grant funds or a member item may assist with the repair of the bandstand.

## **24 HOUR MAXIMUM PARKING LIMIT ON STREETS IN B-1 DISTRICT**

The village would like to consider adopting a local law restricting vehicles parking in the village business district for more than 24 hours.

## **LAWS AND POLICIES**

The first Sexual Harassment training for village employees and or board members who do not receive training in their day job is scheduled for September 13, 2019 at 2:30 pm.

## **SCHEDULE VILLAGE COURT CLERK AND VILLAGE CLERK'S AUDIT**

The annual audit of the Court Clerk will be scheduled for October 9<sup>th</sup> at 6:30 pm and the Village Clerk for 7:00 pm before the Regular monthly village board meeting.

## **UNPAID WATER, SEWER & TAX BILLS**

Water bills are paid to date; unpaid penalties for water of \$160.27; unpaid Sewer bills \$1,035.57; unpaid village taxes \$18,317.06.

## **SIDEWALKS**

Church St-There are roots of a tree that need to be considered with the installation of a sidewalk.

12 Broad St-The village will replace the sidewalk when the Dutch Inn installs the water line.

10 Albany Ave-Due to the roots of a tree the sidewalk will need to be replaced.

## **EVENTS**

Fall Festival 10/12/19

## **APPLICATIONS**

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

- a. Michael Abrahams requesting the bandstand on 9/7 from 3-4 pm for a military promotion ceremony
- b. David Smith is requesting Van Buren Hall on 10/12;10-am-7pm

- c. David Smith is requesting Van Buren Hall and Lift on 11/23; 10-6pm and 11/24 ; 12-7 pm
- d. Julia Fels is requesting Van Buren Hall for 6 Tuesday evenings from 5:30-7:30 pm (Nov-Dec)
- e. Blackhawks is requesting to amend their applications to include a game on 9/28/19 at 11 am

### **RECREATION COMMISSION**

Community Night will be held at 9/12/19 at 6pm at Rothermel Park.

A Halloween Costume Contest will be held in Van Buren Hall on 10/26/19 at 2:00 pm.

Summer Program Report -74 kids attended, 36 village residents; 32 attended on the grandparent rule; 2 guests; 4 kids worked in the village paid fee.

### **KBPA**

Fall Festival October 12, 2019 from 9 am-1 pm in the Village Square.

The Reading of the Legend of Sleepy Hollow will be held at the Vanderpoel house on 10/26/19 at 3:15pm.

### **TAXPAYER TIME**

A discussion on garbage cans throughout the village was had. What size garbage cans does the village have? What is needed and where? Is signage needed for garbage vs. recycles? How much do the cans cost? Different size tops allow retail garbage (wrappers) compared to household garbage (pizza boxes). Peter Bujanow showed the village board pictures of what is used at the State Capital and in Maine to get a better idea.

A motion made by Trustee Flaherty to adjourn the board meeting at 9:11 pm; seconded by Trustee Baumeister. All voted "aye".

Respectfully submitted,

Nicole H. Heeder  
Village Clerk