

Minutes  
Regular monthly meeting of the Village Board  
Wednesday, April 8, 2020

Due to COVID-19 pandemic the meeting was held by teleconference.

Present:

Mayor James Dunham-13 Eichybush Road, Zoom Videoconference

Trustee Richard Phillips-40 Sunset Ave., Zoom Videoconference

Trustee Dale Leiser- 4 Berkshire Drive- Zoom Videoconference

Trustee Robert Baumeister-7 Catskill View Drive- Zoom Videoconference

Trustee David Flaherty-23 Eichybush Road, Zoom Videoconference

Village Clerk/Treasurer Nicole Heeder-6 Chatham Street, Zoom Videoconferencing

Mayor Dunham opened the Regular monthly meeting at 7:33 pm. Mayor Dunham stated due to COVID-19 pandemic, Governor Cuomo issued Executive Order No. 202.1 which suspends the Open Meetings Law to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The meeting will be recorded and will be uploaded to the Village of Kinderhook's website ([villageofkinderhook.org](http://villageofkinderhook.org)) for listening. Questions/ Comments could be sent to [NHeeder@villageofkinderhook.org](mailto:NHeeder@villageofkinderhook.org).

**TAXPAYER TIME**

Mayor Dunham read an email the village received from Rima Bostick on April 7<sup>th</sup> concerning the status of the condemned home at 48 William Street.

**MINUTES**

A motion made by Trustee Baumeister approving the minutes of March 11, 2020 regular monthly Village Board Meeting, Budget meeting of March 23, 2020, March 31, 2020 and April 6, 2020; seconded by Trustee Leiser. All voted "aye".

**BUDGET AMENDMENTS**

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

**General Fund**

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A.5142.4 Snow Removal Contractual	A.1620.410 Buildings Contractual Projects	\$ 2,163.00
A.1670.4 Central Printing Contractual	A.1680.4 Central Data Processing Contractual	\$ 1,363.80
A.1920.4 Municipal Association Dues	A.1910.4 Unallocated Insurance	\$ 20.90
A.1420.4 Law Contractual	A.1989.4 Consultant	\$ 3,557.88
A.5142.4 Snow Removal Contractual	A.5132.4 Central Garage Contractual	\$ 726.23
A.5142.1 Snow Removal Personal Service	A.7140.1 Recreation Personal Services	\$ 1,523.59
A.8540.1 Drainage Personal Service	A.8560.1 Shade Trees Personal Services	\$ 44.00

## **ABSTRACT**

A motion made by Trustee Flaherty approving two abstracts; one abstract previously approved at the March meeting to pay S&S Fabrication in the amount of \$21,722.05 for the emergency stair case and the second abstract for the monthly bills in the amount of \$22,480.00 for a total of \$44,202.05; seconded by Trustee Leiser. All voted “aye.”

## **TREASURER’S REPORT**

A motion made by Trustee Phillips approving the monthly treasurer’s report; seconded by Trustee Flaherty. All voted “aye”.

## **PUBLIC HEARING TENTATIVE BUDGET FOR THE 2020/2021 FISCAL YEAR**

A motion made by Trustee Phillips to decrease the appropriation in A.1325.4 Clerk-Treasurer Contractual and increase the appropriation of A.8097.4 Planning Survey, Equipment and Capital Contractual by \$900.00; seconded by Trustee Leiser. All voted “aye”. The change will not affect the amount to be raised by taxes in the proposed budget.

A motion made by Trustee Flaherty to set the public hearing for the proposed Village Budget for the Fiscal year beginning on June 1, 2020 and ending on May 31, 2021 on April 15, 2020 at 7:30pm; seconded by Trustee Baumeister. All voted “aye”.

## **ALBANY HUDSON ELECTIC TRAIL**

Construction Status- A sign noting the 6 rules of the trail will be posted under the signs at the trail head parking areas. The village can receive signs stating “Respect Private Property” to be placed along the trail to discourage people not to enter village residents’ backyards. Mayor Dunham will request a fence between Rothermel Ext and the trail head parking area.

Raised Crosswalk-A motion made by Trustee Baumeister to install a raised crosswalk at the trail crossing on Eichybush Road; seconded by Trustee Flaherty. All voted “aye”.

## **48 WILLIAM STREET**

The village board will adopt the following resolution as adopted on February 12, 2020.

Resolution by: Trustee David Flaherty;

Seconded by: Trustee Richard Phillips.

WHEREAS, the Village of Kinderhook had adopted Chapter 44 of the Code of the Village of Kinderhook entitled “Buildings, Unsafe” such Chapter providing for the removal or repair of buildings, residences and structures within the limits of said Village, that from any cause, may now or shall be hereafter become dangerous, unsafe, a public nuisance or fire hazard to the public; and

WHEREAS, the Village has received complaints regarding the structures and property of a Isabella Dobies a property located at 48 William St., Village of Kinderhook, the Code officer undertaking numerous inspections, and advising the property owner of such concerns and observed safety problems; and

WHEREAS the Code officer has declared the building not suitable for human habitation pursuant to the NYS Uniform Building and Fire Code in August 2019; and

WHEREAS, to date, the property remains in disrepair, is deteriorating further, and has become an increased safety risk and nuisance in prohibition of Kinderhook Code section 44-3 which states buildings are subject to Village action and removal when:

- 44-3 (A). Those whose interiors walls or other vertical structural member list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- 44-3 (B). Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the non-supporting enclosing or outside walls or covering.
- 44-3 (D). Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village of Kinderhook, New York.
- 44-3 (E). Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein.
- 44-3 (G). Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- 44-3 (H). Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people to the Village of Kinderhook, New York.
- 44-3 (I). Those buildings existing in violation of any provisions of any Building Code of the Village of Kinderhook, New York, now or hereafter adopted.
- 44-3 (J). Those buildings which the Code Enforcement Officer shall have determined after investigation to be dangerous.

WHEREAS, the Village desires to remove and deconstruct said buildings upon the property; and

WHEREAS the Code Enforcement Officer's violation notices, photographs and reports are clear evidence that the building and structure are dangerous, unsafe and a fire hazard to the public as inspected periodically and found from August of 2018 through present, said building being left unmaintained and unkempt, allowing structure deficiencies as set forth in the photos attached hereto and made part hereof, said code officer making his recommendation that the buildings and structures be demolished; and

WHEREAS, for a period of more than three years, the property owner has not taken steps to secure, repair, maintain or demolish the structures on the property, despite repeated requests.

NOW, THEREFORE, BE IT RESOLVED that the Village of Kinderhook Board of Trustees does hereby direct that notice be served upon the owner or responsibly parties as provided in Kinderhook Code section 44-5, directing the owner fix, repair, stabilize or demolish said property and structures **on or before May 8, 2020**, and

BE IT FURTHER RESOLVED, that in the event said property is not made safe, and said report or reports of the Village find that removal is still warranted, the Village is hereby authorized to make application to the

Supreme Court in accordance with Kinderhook Code section 44-5(F) for an Order determining the buildings be a danger and public nuisance and directing that the buildings shall be repaired and secured or taken down and removed.

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.

**FIRE DEPARTMENT**

Trustee Phillips reported the UTV known as 35-60 received damage to the handle bars and steering arm during a mutual aid call in Stuyvesant while attending a brush fire at Newton Hook. It is being repaired at John Deer Tractor to be paid by the Stuyvesant Fire Company under the Columbia County Mutual Aid agreement.

A motion made by Trustee Flaherty to adjourn at 8:09 pm; seconded by Trustee Baumeister. All voted "aye".

Respectfully submitted,

Nicole H. Heeder  
Village Clerk