

Minutes
Regular Monthly Meeting of the Village Board of Trustees
Wednesday, January 8, 2020

Present: Mayor James Dunham

Trustees: Richard Phillips
Dale Leiser
Robert Baumeister
David Flaherty

Also attending: DPW Superintendent David Booth; CEO/ZEO Peter Bujanow; Economic Development Director Renee Shur; Fire Chief Matt Cohn; Climate Smart Chair William Mancini; Dorene Weir; Mark Browne; Sharon Rae; The Columbia Paper Reporter Emelia Teasdale

Mayor Dunham opened the meeting at 7:30 pm.

MINUTES

A motion made by Trustee Phillips approving the minutes of December 11, 2019 regular monthly meeting; minutes of December 18, 2019 public hearing on Proposed Local Law No. 3 of 2019 entitled "Creation of a Community Choice Aggregation Program" and minutes of December 23, 2019 workshop on village projects; seconded by Trustee Flaherty. 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". Trustee Phillips noted the repair on 35-1 was more than what was in the budget for repairs. The funds to cover the expenditure will come from the proposed budgeted funds for the fire truck savings account.

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A.1990.4 Contingent	A.1989.4 Consultant	\$4,609.93
A.3410.43 Fire Maintenance Contractual	A.3410.41 Fire Truck, Generator Repair	\$8,952.82

ABSTRACT

A motion made by Trustee Phillips approving the monthly abstract in the amount of \$33,986.18; seconded by Trustee Baumeister. All voted "aye".

TREASURER'S REPORT

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

FIRE DEPARTMENT

Fire Chief Matt Cohn reported 3 calls, 2 drills and 4 details. The monthly fire incident report and Officer's meeting minutes were received.

Fire Safety Vehicle- Trustee Phillips noted the 2020 Chevy Tahoe is on state contract for \$50,277.50. The village is proposing to use \$10,277.50 from the Fire Departments equipment budget and bond the remainder \$40,000 to be paid off in two years. Village Treasurer Heeder sent a letter of commitment to DeNooyer Chevrolet for the 2020 Chevy Tahoe. After the Legal notice of Estoppel has been published in the newspaper along with the required 20 day waiting period a closing may be set with the bond attorney and the bank. The following bond resolution was adopted.

**BOND RESOLUTION OF THE VILLAGE OF KINDERHOOK,
NEW YORK (THE “VILLAGE”), DATED JANUARY 8, 2020,
AUTHORIZING THE ACQUISITION OF A NEW VEHICLE
FOR THE VILLAGE FIRE DEPARTMENT, ESTIMATING
THE AGGREGATE COST THEREOF TO BE
APPROXIMATELY \$50,277.50; APPROPRIATING SAID
AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$40,000.00 BONDS TO FINANCE A PORTION OF SAID
COST**

Resolution by Trustee Richard Phillips;

Seconded by Trustee David Flaherty

WHEREAS, on January 8, 2019, the Board of Trustees of the Village, in response to a stated need to purchase a 2020 Chevy Tahoe for use by the Village Fire Chief and, as necessary, to pull a UTV to access areas where a fire truck is unable to go (the “Vehicle”), 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 Vehicle, and that a portion of the cost of said Vehicle 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 Vehicle; 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 and 32.00 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 Vehicle, the maximum cost thereof being hereby estimated to be \$50,277.50, appropriating said amount therefor and authorizing the issuance of up to \$40,000.00 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 Vehicle is five (5) years pursuant to Section 11.00(a)(29) 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 \$40,000.00 (the “Indebtedness”), the use of Village funds in the amount of \$10,277.50 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; Trustee David Flaherty

Noes:

Absent:

Abstentions:

Motion Carried

DPW

Superintendent Booth reported they addressed two snow incidents for the month and have done a heavy amount of equipment maintenance. They have almost done a repaint on the backhoe and rust removal of the yellow dump truck including dropping out of the gas tank. They are trying to preserve the truck to keep it working for village. Per NYMIR insurance, they have installed an

interrupt/kill switch on yellow dump truck and they had to replace wires on the switch for backhoe.

Sewer- The alarm for the sewer pump had gone off several times. Emmons Pump needed to be called. They found pump No. 1 had to be replaced due to rags in the impeller. They will rehab the pump to allow the village to have a pump on reserve for future replacement if needed.

Persons of Color Cemetery-Oakwood Fencing donated several used feet of wrought iron fence to be installed at the Persons of Color Cemetery. Over the winter the village DPW can weld a few bent pieces and repaint. The donation is 2/3 of the fencing needed for around the cemetery.

Sidewalk Project- In the current budget year the village had budgeted for the replacement of the sidewalk at 8 Broad Street due to the tree roots. The village does not want to replace the sidewalk knowing the owner needed to replace the water line and would have to dig up the sidewalk. The village will send a letter to the owner of 8 Broad Street for an update. If they are not going to move forward with the water main replacement the village can move forward and replace the sidewalk on Church Street by the Kinderhook Reformed Church that has been on hold.

CODE ENFORCEMENT OFFICER

Peter Bujanow provided his monthly report from a manually prepared excel spreadsheet. He issued two building permits with \$150.00 of permit fees collected and two record searchers with \$70.00 of fees collected. He explained the County IT Department upgraded his Microsoft office software but it is not working with the 2003 building department software. A new computer and building department software is needed.

11 Lindewald Court- The owner rectified the violation.

48 William Street- The owner was sent a registered letter giving her 10 days to address the safety issues. The timeframe has lapsed and the owner has not contacted the building department in regards to the violations issued. The previous building inspector condemned the garage for safety reasons. The garage is now partially collapsed and concern of the electrical lines to the house from the pole may become a fire safety issue. A meeting with the village attorney on the procedures required for the village to move forward addressing the safety issues.

TRAFFIC CALMING

Mayor Dunham will request the village attorney draft a local law to add two stops signs at the intersection of Catskill View Drive and Berkshire Drive in addition of marking the road with white lines to emphasize to stop.

ALBANY HUDSON ELECTRIC TRAIL

Maintenance Agreement-An agreement has not been signed. The village Attorney, National Grid and the Greenway are working on an open issue. A motion made by Trustee Baumeister to have Mayor Dunham sign an acceptance letter to receive a zero turn mower with a 48 inch deck and for the village to purchase a string trimmer to be reimbursed; seconded by Trustee Flaherty. All voted "aye".

Construction Status-Is 80% done the village and is on hold until the spring of 2020. The state adopted new trail regulations. There will be fines assessed for violations.

Clear areas for sight distance-Mayor Dunham is working with the Greenway concerning site distance issues with the trail at three locations. (1. at the bend on Sunset Ave at Albany Ave 2. on Gaffney Lane by the apartment house 3. The end of Gaffney Lane at Eichybush Road)

Raised Crosswalk-If, the crosswalk on Albany Ave works well along with the additional signage to be installed then the same will be done on Eichybush Road. If not, rapid horizontal beacons will be installed.

CLIMATE SMART COMMUNITIES TASK FORCE

Clean Energy Community Award- The contract for the purchase and installation of solar panels was received from NYSERDA. Mayor Dunham will request they remove Clerk/Treasurer Heeder as the project manager and list Trustee Leiser. The village attorney Robert Fitzsimmons reviewed the contract and noted it is their standard contract with terms they won't change. He wanted the village to note in Article X in the agreement has the Village agreeing to indemnify them in the event of claims. "This sentence could create a potential for a situation where the Village's insurance does not cover a claim, but the Village would still have to defend them due to the indemnification language. The risk for this type of project is small, but should be noted." A motion made by Trustee Phillips to sign the contract; seconded by Trustee Flaherty. All voted "aye".

Community Choice Aggregation (CCA)- Katy Vescio from Municipal Electric and Gas Alliance conducted a second educational presentation on the Village joining the Capital Region's first Community Choice Aggregation program that was held on Wednesday, December 18, 2019 at 7:00 pm. Mayor Dunham noted one of the questions was why does the village not conduct a referendum? The answer he received was that is not the way the state set it up. Every resident has a choice to opt- out. A referendum would be held if you were not given the choice.

ADOPTING COMMUNITY CHOICE AGGREGATION PROGRAM EDUCATION AND OUTREACH PLAN AND CUSTOMER OPT-OUT LETTER

The following Resolution was proposed and seconded:

Resolution by: Trustee Phillips;

Seconded by: Trustee Flaherty.

WHEREAS, the Village of Kinderhook has established a Community Choice Aggregation ("CCA") Program to aggregate the energy supply needs of residents and small commercial 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 or predictable cost, as well as environmental benefits and opportunities to pursue community-based energy initiatives; and

WHEREAS, the Village of Kinderhook is required to adopt a community-specific plan for engaging in public education and outreach regarding the CCA Program in this community, as well as an opt-out letter on the Village of Kinderhook's letterhead informing members of the public of their right to opt-out of the CCA Program, and providing a clear procedure for so doing; and

WHEREAS, these community-specific documents, once adopted, will be incorporated into the CCA Program Implementation Plan, to be administered by the CCA Administrator, as approved by the New York State Public Service Commission (“NYSPSC”), to ensure compliance with rules and regulations governing CCAs;

NOW, THEREFORE, BE IT RESOLVED that the Village of Kinderhook hereby adopts a public education and outreach plan and CCA opt-out letter; and be it further

RESOLVED that the plan and letter will be provided to the CCA Administrator and New York State Department of Public Service staff charged with reviewing on behalf of the NYSPSC, for incorporation into the CCA Program Implementation Plan.

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 Baumeister; and
- Trustee 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.

LOCAL LAW NO. 1 OF THE YEAR 2020 ADOPTING A COMMUNITY CHOICE AGGREGATION PROGRAM

A motion made by Trustee Phillips to adopt Local Law No. 1 of the year 2020 A local law adopting a Community Choice Aggregation Program; seconded by Trustee Flaherty. All voted “aye”.

PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 3 OF 2019

A motion made by Trustee Phillips to set a public hearing for Proposed Local Law No. 3 of 2019 “amending the zoning law to add a portion of parcel 43.20-2-47 (5 Broad Street) from the Residential Zone to the B1 Business District” on Thursday, February 6, 2020 at 7:00 pm in Van Buren Hall; seconded by Trustee Leiser.

WILLIAM ST. RT. 9 TO MAIDEN LANE AND ALBANY AVE, RT 9 TO SUNSET AVE

The village was not awarded the grant funds applied for through the Environmental Facilities Corporation. Due to lack of funds the projects will be on hold.

ELECTION RESOLUTION

Mayor Dunham made the following Resolution; seconded by Trustee Flaherty. All voted “aye.”

RESOLVED THAT: The following persons are appointed inspectors for the village election to be held on the 18th day of March, 2020.

Geraldine Smith, Chair
Mary Longacker
Susan Lauster
William Mancini

WHEREAS, Registration Day is required to accomplish this action, **NOW THEREFORE BE IT RESOLVED** that Registration Day will be held for the Village of Kinderhook General Election on March 7, 2020, 12 noon to 5 PM at the Village Hall.

Inspectors of Election will meet at the foregoing place to prepare a register for the Village Election.

ZONING BOARD

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

PLANNING BOARD

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

A motion made by Trustee Phillips to set a public hearing on February 12th at 7:15 pm on Proposed Local Law No. X of 2020 A local law amending the Code of the Village of Kinderhook to add regulation for Short Term Rental Units; seconded by Trustee Flaherty. All voted “aye.”

HISTORIC PRESERVATION COMMISSION

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

ECONOMIC DEVELOPMENT DIRECTOR

The EDC Director’s monthly report was received and is posted on the village website.

Parking lot lighting-The village has not received a response from the owner of 3 Hudson Street concerning the requested easement to install a light at the corner of the post office by the flag pole. Renee was given approval to order six lights from Vertex. If the village does not receive an easement the village will have a light on hand if needed for replacement.

Van Buren Hall- The architect Gregory Merryweather created a model of the proposed plan for Van Buren Hall. Grant writer Mary Ellen Hearn is preparing to submit a Consolidated funding Application in July to apply for funds Van Buren Hall.

KINDERHOOK CREEK

Local Waterfront Revitalization Grant-The Village of Kinderhook and the Village of Valatie have been awarded the Local Waterfront Revitalization Grant for \$75,000. Most of the grant will be for the Village of Valatie. The villages are waiting on the work plan from DEC.

Water Trail Grant-Due to weather, the award notification for the Hudson River Valley Greenway grant for the design, planning and construction of two kayak launches is on hold.

CORRESPONDENCE

Columbia County IT Contract -A motion made by Trustee Flaherty to sign the 2020 Columbia County IT Contract; seconded by Trustee Leiser. All voted "aye".

Partners and Safety Contract-A motion made by Trustee Leiser to sign the annual Partners and Safety Contract; seconded by Trustee Flaherty. All voted "aye."

VILLAGE HALL

Back Stairway- the staircase is in the process of being built.

Exterior Masonry-Due to the weather the work will be on hold until spring.

Front Entrance-A project for the 2020/2021 budget year.

BANDSTAND

Bandstand- The village will inquire with grant writer Mary Ellen Hearn to see if grant funds can be pursued.

SIDEWALKS

Snow Clearing-The village received a complaint from a resident the state was driving too fast along Rt. 9. Mayor Dunham found the state did very well with the 20' snowstorm and not to throw the snow back on the sidewalks. But with the 4' snow storm due to speed they had snow deposit above the first floor windows.

STREET LIGHTS-LED STREET LIGHTS

Trustee Baumeister sent an email to Robert Sheehy from National Grid to submit a quote to convert the village street lights to LED lights.

APPLICATIONS

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

- a. Anne Mink-Zumba Gold is requesting VB Hall for six Tuesday evenings starting 2/26; 6:15-7:15pm
- b. Jan Monks Jehovah's congregation is requesting VB Hall on 1/10/20 from 3-6pm and 1/26/20 from 2-6pm
- c. Kinderhook Memorial Library is requesting the playground pavilion on 6/24/20 from 5-7pm summer recreation

TAXPAYER TIME

No comments received.

A motion made by Trustee Flaherty to adjourn the board meeting at 8:50 pm; seconded by Trustee Baumeister. All voted "aye".

Respectfully submitted,

Nicole H. Heeder

Village Clerk