

Tuesday, September 26, 2023
Village of Kinderhook Special Workshop Meeting – Board of Trustees
Minutes

Present: Mayor Mike Abrams – by phone	Trustees: Dorene Weir James Mark Browne Susan Patterson Quinn Murphy
Attendees: Dave Pesano - Planning Board, Kim Gray – Zoning Board, Village Attorney Rob Fitzsimmons, Jerry Callahan - consultant, Rich Philips, Chief Matt Cohn	

Trustee Mark Browne opened the special workshop meeting at 6:00 pm. All stood for Pledge of Allegiance.

1. Review of proposed edits to the Village Code book:

Trustee Browne thanked Trustee Patterson and Jerry Callahan for their service. Stated it's an extraordinary accomplishment and effort. Thanked Trevor [Bean], Dale Leiser and village counsel [Rob Fitzsimmons (RF)] for their service.

Trustee Patterson thanked folks especially the Village Planning Board and Zoning Board for their efforts. Noted we had responses to 135 general code questions. Now at final stage for review and making sure Village Board and trustees understand and approve prior to the submission to General Code. Shared spreadsheet with 6 categories, word usages, and 62 sections fell under vocabulary changes or definitions in code and then there were 4 areas referring to comprehensive plan or annex to plan that no longer exists. The 2nd category was no revisions as in many instances we chose not to revise as suggested by General Code, but chose to keep the code the way it appears in current code. The 3rd category was to align. There were a handful of places that did not align with other sections of code. The 5th category was to revise or expand for clarity. In many cases we accepted what General Code recommended to clarify or redefine something. The 4th category to adopt or revise according to NYS legislation or any updates eg. fees or definitions. (Section about telecommunications.) The 6th category was called needs Village Board review as we felt trustees needed to review in depth and give guidance on how to respond. This was sent to trustees for review vis a vis the code, and we did get questions in response. We have a handful of them to go through and in most cases, Rob Fitzsimmons (RA) the village attorney, will be responding. Trustee Patterson went over following questions:

- 1) The first one was in section 1 word usage. Is the map of the historic district within the code and does the map define the historic district or is it the map in combination with text needed to define the historic district?
Per RF, it is in the map section of code book in the back, no text needed as it's self-explanatory. It's the dotted line on the zoning map.
- 2) There were several references to content with an older comprehensive plan Section G in 1999 and 2008 – what specific content is being removed? Trustee Patterson couldn't find section G in either. Per Rob Fitzsimmons it's probably an addendum, or originally pictures or sketches were included, but to fix the problem just reference to the comprehensive plan which is the controlling document. All looked and couldn't find G.
- 3) In Category 2 where we elected to make no revision to the code the question is taxation, senior citizens exemption, what other villages in Columbia County have this provision? Per RF, Columbia County Department of Real Property Services makes recommendations as to what levels the income exemptions should be, the firefighter, the senior and the disabled exemption, then it's up to municipalities to adopt them. Most of

the towns and villages are in the process of doing that now. You will likely adopt a county recommended exemption level. What's in code now, let's not change now, a local law must be drafted, put in front of you as a village board. You have to pass it weighing the consequences. RF recommends leaving as is now. Philmont, Valatie and Chatham does it. Trustee Browne states it's something to consider as we have a lot of senior citizens now, and is fine with leaving as is.

- 4) What porches and car ports are in violations? After this change, are they grandfathered in or what action would be taken to resolve? Yes per Rob Fitzsimmons, that section has inconsistency in the code. One says porches and carports can encroach into setback that would be normally required and one doesn't. The decision was to make the change so it is consistent, they are no longer going to encroach in setbacks but one that encroaches now would be grandfathered in.
- 5) Jumping back to no revision. The hotels and motels have defined parking provisions. How does this match up with recent Short-term rental (STR) requirements, are there parking requirements for STR and should STRs be defined in this section?
Per RF we did stand-alone STR law, there are parking requirements in there to provide for adequate off street parking for STR and it's evaluated. That hasn't gotten to level where it's in the code yet, biannually Nicole [Heeder] takes all adopted laws and sends them to General Code, they do a subsequent analysis and dovetail them into the code. Short answer, yes there are parking requirements in STR. Per Trustee Browne but they're different from hotels/motels/other rentals, we may have a little bit of liability there as not consistent as a town.
- 6) Back to Category 3 which is to align code with other sections of the code. One of the questions was Section 110-5A subdivision of land and adoption of village law terminating village as an assessing unit, this section should be deleted. Per RF, that one said when someone does a subdivision, one of the final maps they need to provide as a copy for your assessor, you no longer have an assessor so you don't need that copy. Trustee Browne is good with that.
- 7) Move to Section 4 which is to adopt or revise code according to NYS legislation. The question is on the code of ethics. Need to know training requirements within state mandate. Per RF my understanding is there's been a 2 model code of ethics offered to municipalities from the state. Yours complies with that. The General Code is saying we should update it to a newer version. There is no training requirement for ethics. Basically what happens is you adopt the ethics policy as given to all employees, volunteers, board members, so they're aware of it. If violation or problem it's up to village board to decide how to deal with it. It's a canned ethics policy that comes from the state and there's no specific training requirements. Trustee Browne said I think we just have to put it in our handbook. Trustee Patterson asked employee handbook, and will make a note to look. Trustee Browne stated just add it as an attachment, when we update it yearly, that'd be fine. Trustee Patterson stated we're in process of doing that now. RF should be similar to workplace violence/anti-discrimination policies that employees sign off on when hired. Per Trustee Patterson - Just a follow up question to code of ethics: If adopting state legislation and processes what revision dated and do we automatically accept update revisions? Trustee Browne said Rob [Fitzsimmons] had a bunch of things where we're following state law, some are processes, he wonders do we have regs or call out of the laws? When he was at state they would keep changing especially policies, does that automatically flow down to us? No per RF what you have on the books is what you have on the books, the state will make legislative changes not a regular policy change, like if they decide there's a new category of ethics they want to administer, they'll adopt that and you'll have a period of time to either modify your code to make mandatory or not mandatory. What they're saying is there's better more recent legislation, taking code provision from 70s and 80s and updating them.

- 8) Section 110-19D – You asked what plan in reference to comprehensive plan? This is the one that refers to hamlet design guidelines referred to in the comprehensive plan and we don't have a hamlet design guidelines in comprehensive plan. Per Trustee Browne we didn't have that in 2016. We have definition of rural, traditional but I don't think the word rural is in that comprehensive plan. Trustee Patterson agreed. Trustee Browne stated this is 5 entities and states, there are things called hamlet that are before village. Village Attorney Rob Fitzsimmons said there's no hamlet board, no governing authority that technically have the geographical name of hamlet eg. Mellenville. Discussion of hamlet locations ensued. Per RF just reference to comprehensive plan itself.
- 9) 114-2 refers to taxation, adopt income table. Question was should this be included as page in approved budget and posted on our website? Trustee Browne said Nicole [Heeder] has template on how to do this, sounds like we're adding an extra page to budget, now maybe info is in budget in a different way. Per RF the question in code review there's slight gaps in the amount set forth in the table. The percentage of exemption, like if you make less than \$29,000, you're 50% exempt from taxation in the village. Their comment was there's a gap, a dollar in between each rolling number and will get fixed in the next local law. Trustee Browne so there's nothing we have to do budget wise, put on web or report to community. Trustee Weir stated add a page in budget? RF stated people have been getting the exemptions so its more of a process question than a code question, however Nicole [Heeder] and budget process works out, you've been using that information to date. Trustee Browne said so it's not something we generate, get from assessor, and then Nicole produces budget numbers on the basis of that, not something new to report out. Yes, per Rob Fitzsimmons.
- 10) Next question is on curfew. We have many regulations that are difficult to enforce, Trustee Patterson said keep this one. The recommendation from General Code was to drop the curfew as not enforceable but keep this one because it puts responsibility on resident, we should be telling our kids to obey the curfew. Trustee Browne recommends leave in and states we also put out email. Rich Philips stated the State Police always enforced that. Trustee Murphy has seen State Police at park. RF states this is Halloween curfew. Trustee Weir agreed to leave it in. Parks have signs they're open from dawn to dusk. Trustee Patterson asked if not in code it couldn't be enforced? Technically per RF. This gives police authority to send groups home due to curfew.
- 11) Category of revise or expand for clarity. Per Trustee Patterson the next one is unsafe buildings. Trustee Browne got feedback and was concerned new definition puts more buildings in unsafe category, but CEO told him no, same amount of buildings as before, it's just a process thing.
- 12) Likewise with noise ordinance. We wanted to adopt the definition as General Code suggests "any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property throughout the village." Per Trustee Browne when he first became a trustee the issue was the horn on Eichybush Road which is above 55 decibels. States we don't actually have to follow our own code. Could get complaints putting this in as horns (e.g. 12pm whistle) are bothersome if you're right by them when they go off. But guesses it's alright to put in. Trustee Weir said it's in the interest of public safety.
- 13) Section 93 supposed to say playgrounds and parks. RF saw recreational areas which covers both and is consistent in 93 and 93-1. States no motorized vehicles or horses.
- 14) 119-3 delete section as public schools no longer exists in village limits. Question - leave in to slow down cars at former MVB school as it still has events and still needs the crosswalk? Trustee Browne stated although no longer a school, it has a crosswalk there and he would like to leave it in as we have speeding problem in village. Similar to Hudson St. crosswalk.
- 15) 130-36k Per Rob Fitzsimmons whenever you adopt a local law in the village the last sentence says, "this will become effective upon filing with the NYS DOS Secretary of

State.” Somehow that made it into code book when its extra language that’s on every local law. They’re saying that’s redundant; do you want to omit it? Yes, we should.

- 16) Next question is on storage containers 132-3B temporary storage container permit. We wanted to add a permit shall be valid for 30 days and may be renewed one time. In no case may a permit be in effect for longer than a total of 60 consecutive days. The question is – is there a requirement as to where temporary storage containers can be placed on the property. Per Trustee Browne Trevor [Bean] answered and said yes.
- 17) Couple questions under needs village review. The only one Trustee Browne questioned was 130 Art.III 130-3.A(2) Change ‘residential district’ to ‘agricultural district’. Per Rob Fitzsimmons zoning districts set out in code, 7 of them: flood zone, residential, agricultural residential, R1, R, B1 and B2. The title of this particular one is a residential district, but the definition says the purpose of this district is to protect sensitive environmental lands, promote agriculture and compatible open spaces by discouraging large scale residential development. The recommendation was, you have an R, and an R1 and residential district, those three are confusing. The fix was to call that agricultural, then you’d have flood, agricultural, agricultural residential, R, R1, B1, B2, wouldn’t be Venn diagram overlap. They’re all on zoning map too, look there to see what district you’re in. Trustee Browne ok with that.
- 18) Trustee Browne states last one he had was Planning Board advisory opinion. Does current board not want to do these advisory opinions anymore to the Zoning Board of Appeals? They don’t have to follow it. Per Kim Gray the danger is expanding ZBA to include votes that should not be voted on at a zoning meeting. There are a fixed number of voting board members who should be voting on any matter. If we open up the floor to an advisory opinion and give planning board members the opportunity to vote before the Zoning Board, that’s expanding the Zoning board. Per Dave Pesano I don’t think we addressed this under the planning board questions. No this came out of the ZBA. Jerry Callahan agrees with dropping it, unless the Planning Board wants in, but agrees with Kim, it’s – another step based on how code is currently written. When he first came on the board, he discovered that section of the code, realized we weren’t doing it. Glenn Smith who was CEO at time said we’ve never done it. The only reason Jerry put it forward because it was listed in code, in terms of practice, doesn’t make any difference and as Kim indicates it unnecessarily encumbers ZBA. Trustee Browne recalls co-meetings of both planning and zoning at same time. Per Jerry, that’s when both groups have to make a decision independently of the other. Trustee Browne asked so this doesn’t affect that? No. Ok if you guys want it out, we’ll take it out. Per Rob Fitzsimmons this is any matter before ZBA technically has to be referred to Planning Board for advisory opinion, and that opinion is just advisory but can sway members of the Zoning Board. Historically when zoning boards were appellate only and planning boards were doing site plans, special use permits, the theory was the zoning board may need the planning board’s advisory opinion on a particular grant a variance/not grant a variance because the planning board’s more familiar with parking, loading, hours of operations, employees etc. This guidance is in most codes, but people have taken it out. If I want simple variance for deck/pool, go to zoning board, then planning board, then back adding a month to review. If zoning board is an appellate board, and he’d have to look into this more, could use consultants, not to say they couldn’t request an advisory opinion on particular case if they wanted to, but not mandated every time. Kim Gray asks would it be in writing, matter of public record or just conference between planning and zoning boards? Per RF, No usually culminates in motion for planning board, in bigger, heavier lift applications the planning board writes an opinion like county planning board. Kim Gray asks up to planning board to release the information to the public not necessarily the zoning board in receipt of this opinion letter? Per RF once the ZBA or Village board gets the document from Planning board it’s subject to FOIL as open document. Kim Gray asks procedurally would Zoning board have to share with public at meeting at which they vote on the matter before them. Yes, per RF or you’re holding information back and that’s a due process issue. Per Kim, Wade __ (NYCOM) says it’s an Article 78 waiting to happen because if you have a

divergence of opinions between Planning Board and Zoning Board it puts the Zoning Board's vote at risk for litigation. True per RF. We'll have to let General Code know please remove this section. Trustee Patterson agrees we'll have to redraft this and send to Rob Fitzsimmons for approval. Per Rob whoever the contact is at General Code, send it and say please take out 130-45. Per RF, there was one other broken reference, no citation to it, a reference to non-conforming use section for Zoning board, that reference doesn't work. We moved site plan/special use permit from planning to zoning and then a few years later moved it back where the review was. Will get that but need to add to ask General Code to remove the cross reference. Per Trustee Browne, Dave Booth sent something to include.

19) Trustee Patterson mentions removing Ch. 24 from code – records. Per Rob Fitzsimmons you have a Ch. 24 in code, purpose and scope – records access officer, fiscal officer, location and hours for public inspection, requests for public access to records, recommends not deleting whole section. Now the state has LGU-1 record retention schedule that all municipalities need to follow pursuant to NYS Arts and Cultural Affairs Office. Now available in PDF, searchable and that's what everyone applies. Nicole's [Heeder] asking to get a reference, you don't want to delete whole Ch. 24, says who what where when and why you can access village records, somewhat still relevant. Per Trustee Patterson, ok. Then she said General Code did not give recommendation on Q. 4 001. Rob stated on previous section says, for purpose of your notes, if you say to General Code, update section 2410 to the current schedule they'll know what we mean as a reference as a dated schedule. Trustee Patterson – section, chapter 4 on assessments, she says General Code did not make a recommendation, we chose not to revise, and she concurs. Also, she asked we review what Dave Booth sent. We'll have to review that. Trustee Patterson hasn't seen but probably not a revision to code but may be an amendment. RF stated he sent him revisions to water/sewer code, tabled for now so you can adopt this. If relating to sewer need to send to Valatie for consent before you make a change because your sewage goes to them. Trustee Patterson said he rewrote code and sent her 10 pages long, not an edit. Trustee Browne recommends separate resolution for water/sewer.

Jerry Callahan states that's it outside of what board wants to say relative to categories listed to them. Those are specific questions we've had for board review.

Trustee Browne asked next steps? Per Jerry Callahan – go through each category, see if any questions/concerns and give us your okay. Then we can put this together to send to General Code to include in their revisions. After that we'll get it back, you'll have second chance to review and make any final changes or edits and make sure what they put in is what was wanted. You'll have an opportunity to approve it. Then hold public hearing and go through procedure for adoption of new code.

Trustee Weir motioned to move forward with code as presented, Trustee Murphy seconded, all voted 'Aye.'

2. Resolution to establish a Service Award Program for active volunteer firefighter members of the Palmer Engine & Hose Company –

Trustee Browne states we're working on service award program for volunteer firefighters. It's a reward system for firefighters for years of service compensated via a retirement annuity. Waived reading of whole board resolution as village attorney Rob Fitzsimmons paraphrased and the board voted on it.

“In the resolution before you, in the matter of establishing a service award program for active volunteer firefighter members of the Palmer Engine & Hose company, now

therefore, be it resolved, they have the authority under the General Municipal Law, subject to a public referendum, which is a vote, to create such a service award program, established as of January 1, 2023. The vote or referendum will take place on October 17th, 2023, and be noticed as such the village election would. The type of program is defined by §219 of Article 11-A of the NYS Law. Firefighters at least 18 years old, active in the fire membership of the Palmer Engine & Hose Co. in accordance with the by-laws shall be eligible to participate in the service award program which is, as Mark said, is like a small pension. The service award program will be administered and operated by the Village Board in the Village of Kinderhook. The village board has the responsibility to administer the program. §4 explains the pension like credit and the entitlements they would get. There is an entitlement age and how much they could get - service credit maximum is 400 if they met the all the length of service and ongoing requirements. There's a death benefit available and they would become fully vested and have a non-forfeitable right to the accrued service award for at least 5 years of active volunteer firefighting service or shall attain the age of 62 while an active volunteer firefighter. The rest defines there will be a point system adopted, how many drills, calls, things you have to do to be eligible to collect or earn potential credit. Up to 5 year's service credit may be earned under point system by eligible participation for service prior to January 1.

**VILLAGE OF KINDERHOOK VILLAGE
BOARD RESOLUTION**

In the matter of establishing
a Service Award Program for
active volunteer firefighter members
of the Palmer Engine and Hose Company

Whereas a proposal has been made to establish a Service Award Program for active volunteer firefighter members of the Palmer Engine and Hose Company.

Now, Therefore, Be It Resolved That:

Section 1 The Village Board of the Village of Kinderhook, as authorized by Article 11-A of the New York State General Municipal Law, directs that there shall be a public referendum of eligible voters of the Village of Kinderhook to determine whether such Service Award Program shall be established effective January 1, 2023. This referendum will take place on October 17, 2023.

Section 2 The type of program shall be a defined benefit plan as described in Section 219 of Article 11-A. All active volunteer firefighters who are at least 18 years old and who are active volunteer firefighter members of the Palmer Engine and Hose Company, in accordance with such Fire Department's by-laws, shall be eligible to become Service Award Program Participants.

Unless they waive participation, an eligible volunteer aged 18 or older, shall become a Participant on December 31 of the first calendar year after calendar year 2022 during which he or she earns a year of Service Award Program service credit.

Section 3 This Service Award Program shall be administered and operated by the Village Board of the Village of Kinderhook through recommendations from the Service Award Committee (i.e., the “SAC”). The SAC shall consist of representatives from the Palmer Engine and Hose Company.

Section 4 Palmer Engine and Hose Company active volunteer firefighter members shall have the opportunity to earn pension-like and pre “Entitlement Age” death and disability benefits under the Service Award Program. The pension-like benefit shall be a monthly payment accrued “Service Award” paid to a Participant with payments beginning after attainment of age 62 the “Entitlement Age”, but not before a Participant earns at least one year of Service Award Program service credit for calendar years after calendar year 2022. The monthly payment accrued “Service Award” shall be equal to \$10 for each year of Service Award Program service credit earned. The maximum monthly payment shall be \$400. In the event a Participant begins to be paid such monthly payments and then dies before receiving 120 monthly payments, the Participant’s designated beneficiary (or estate if no beneficiary is selected) shall have the option to continue to receive the monthly payments until 120 payments have been received altogether or to immediately be paid a lump-sum payment equal to the discounted value of the remaining payments. By the adoption of a resolution, the Village Board of the Village of Kinderhook may add other actuarially equivalent forms of such monthly payments.

The pre “Entitlement Age” vested Participant death benefit shall be a lump-sum payable to the vested Participant’s designated beneficiary (or estate if no beneficiary is designated) and shall be equal to the discounted value at the time of death of the actuarial present value of the vested Participant’s accrued Service Award. A Participant, who is awarded benefit payments due to a total and permanent disability by the Social Security Administration or by any entity which pays benefits under the Volunteer Firefighters’ Benefit Law or by any other authority approved by the Village Board of the Village of Kinderhook/SAC, shall be eligible to be paid a pre “Entitlement Age” disability benefit payment under the Service Award Program. Such disability benefit payment shall be a lump-sum payment to the Participant equal to the discounted actuarial present value of the Participant’s accrued Service Award payable upon application by the Participant to and approval by the Village Board of the Village of Kinderhook/SAC to pay Service Award Program disability benefits. The Village Board/SAC may require a physician to certify such

disability. If the participant was an active volunteer firefighter member of the Palmer Engine and Hose Company on the date the total and permanent disability is established by the authority approved by the Village Board of the Village of Kinderhook, in lieu of the disability set forth above, the disabled participant shall be entitled to begin to receive as of the first day of the month next following the date of establishment of such disability the service award the participant would have been paid upon attainment of the entitlement age. Such service award shall be based upon the number of years of service credit earned by the participant as of the date of establishment of such disability.

Section 5 A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain a nonforfeitable right to his or her accrued Service Award) after: he or she shall earn and shall not permanently forfeit Service Award Program service credit for at least five (5) years of active volunteer firefighter service; or, shall attain age 62 while an active volunteer firefighter; or, he or she shall be awarded a Service Award Program total and permanent disability benefit payment.

Section 6 As of December 31 of the year a non-vested Participant shall no longer be an active volunteer firefighter member of the Palmer Engine and Hose Company, the Participant's Accrued Service Award and earned service credit shall be forfeited. The forfeited earned service credit and Accrued Service Award of a person who shall no longer be an active volunteer member of the Palmer Engine and Hose Company shall be restored if the participant again becomes an active volunteer member of the Palmer Engine and Hose Company fire department within 5 years and subsequently shall earn a year of Service Award Program service credit under the Service Award Program Point System.

Section 7 A year of Service Award Program service credit shall be earned by a Participant for each calendar year after 2022 during which a Participant earns at least 50 "points" while an active volunteer firefighter member of the Palmer Engine and Hose Company for participating in the volunteer firefighter activities set forth by the Village Board of the Village of Kinderhook/SAC in the Service Award Program "Point System" as authorized by Section 217 of Article 11-A of the General Municipal Law, and during which he or she agrees to participate in the Service Award Program. The Point System shall be set forth in writing and copies of the written explanation of the Point System shall be distributed to active volunteer firefighters. The Village Board of the Village of Kinderhook/SAC may amend the Point System from time to time provided such amendments are allowable under all applicable statutes, rules and regulations. In the event the Point System is amended by the Village Board of the Village of Kinderhook/SAC, a written

explanation of the changes shall be distributed to active volunteer firefighter members within 60 days of the date such changes are adopted. A copy of the written point system explanation is attached to this resolution.

Section 8 Up to five years of service credit may be earned under the Point System by eligible Participants for service prior to January 1, 2023. To be eligible to earn credit for such service, a volunteer must earn a year of service credit during calendar year 2023 or 2024. An active volunteer firefighter member eligible to earn credit for service before January 1, 2023, who during calendar years 2018, 2019, 2020, 2021, or 2022, dies or becomes totally and permanently disabled shall be considered to have been a Participant at the time of his or her death or disablement and he or she shall be given credit for his or her otherwise allowable pre-2023 service if during calendar year 2023, 2024, 2025, 2026, or 2027 he or she was prevented by his or her death or disablement from earning service credit under the Point System (as determined by the Village Board of the Village of Kinderhook/SAC). Participants who earn years of service credit for years before calendar year 2023 shall be paid a \$10 service award for such years of service credit earned for years before calendar year 2022.

Section 9 Persons who commence to be or continue to be active volunteer firefighter members of the Palmer Engine and Hose Company after they attain the Entitlement Age and begin to be paid a Service Award shall have the opportunity to continue to earn service credit under the Point System. The additional monthly Service Award payment earned by a Participant during a calendar year shall commence to be paid as of January 1st in the next succeeding calendar year.

Section 10 Under Article 11-A of the General Municipal Law, the Village Board of the Village of Kinderhook shall be the Service Award Program “Sponsor” and be the “Trustees” of the Service Award Program Trust Fund. The Village Board of the Village of Kinderhook shall have the authority to manage or dispose of program assets and shall do so in the interest of the volunteer firefighters who participate in the program and the volunteer firefighters’ beneficiaries. The Village Board of the Village of Kinderhook may authorize individuals or entities to hold and invest the program assets. They may also seek investment counsel.

Section 11 The Village Board of the Village of Kinderhook may retain a qualified firm to assist them to administer the Program.

Section 12 The total calendar year 2023 annual cost, payable in calendar year 2024, of funding the Palmer Engine and Hose Company Service Award Program benefits is estimated to be about

\$24,500 or about \$2,228 per firefighter, including the cost of administration. The estimated annual cost to administer the program for calendar year 2024 is about \$5,000. The annual cost for current firefighters is expected to decrease by about \$7,000 after ten years when the cost-of-service awards earned for service before January 1, 2023 shall be fully paid.

Section 13 Palmer Engine and Hose Company Service Award Program benefit payments shall commence effective after December 31, 2023, when they and/or their beneficiaries qualify for payment. No benefit shall be paid under the Program for a firefighter’s death occurring on or disability commencing prior to January 1, 2023.

Section 14 All other provisions of the Palmer Engine and Hose Company Service Award Program shall be in accordance with Article 11-A of the General Municipal Law as amended from time to time.

Section 15 The Palmer Engine and Hose Company Service Award Program shall also comply with all applicable federal laws including but not limited to compliance with those provisions of the Internal Revenue Code that shall result in the payment of federal income tax by a participating volunteer only after the participating volunteer or his or her beneficiary shall be paid a Service Award. Any additional provision of this Service Award Program required for such compliance not explicitly stated in the Program Documents shall automatically be included within these provisions.

The Village Board of the Village of Kinderhook is authorized to and shall take the necessary actions to carry out this resolution.

Board Member Trustee James Mark Browne moved,

Board Member Trustee Quinn Murphy seconded, and the Village Board voted as follows:

	In Favor	Opposed
Board Member Trustee James Mark Browne	“aye”	
Board Member Trustee Dorene Weir	“aye”	
Board Member Trustee Susan Patterson	“aye”	
Board Member Trustee Quinn Murphy	“aye”	

Comments: Trustee Weir asked, because the fire dept has the junior firefighter program, would kids 16 to 18 be eligible for this from their first day? Rob responded no; they need to be 18 years of age as stated in enabling legislation from NYS. Trustee Browne mentioned the Fire Department will have the role of administrating this and the Board has the role of validating it and managing monies paid out, which is an extra responsibility, and he has talked to Clerk/Treasurer Nicole Heeder. All data entry to be done by the Fire Department, the village just needs a check the system quarterly or yearly that what's entered was accurate.

Trustee Browne motioned to approve the Service Award Program as indicated, Trustee Murphy seconded the motion. Roll call: Browne - aye, Murphy - aye, Weir - aye, Patterson - aye. The motion passed.

3. Resolution to hold the referendum on October 17, 2023, establish the polling place and to appoint Election Inspectors

Trustee Browne read the resolution below:

“WHEREAS a proposal has been made to establish a Service Award Program for active volunteer firefighter members of the Palmer Engine and Hose Company, and

WHEREAS there shall be a public referendum of eligible voters of the Village of Kinderhook to determine whether such Service Award Program shall be established.

WHEREAS the following persons are appointed inspectors:

Geraldine Smith, Chair
Susanna Lauster
Mary Longacker
Nataly D. Jones

Susan Pulver, Alternate.

NOW BE IT RESOLVED this referendum will take place on Tuesday, October 17, 2023. The polling place for such referendum will be at the Village Hall, 6 Chatham Street in the Village of Kinderhook and that the polls will be open from noon until nine o'clock in the evening.”

Trustee Browne motioned to approve the resolution, Trustee Weir seconded. Roll call: Browne - aye, Murphy - aye, Weir - aye, Patterson - aye. The motion passed.

Miscellaneous:

Trustee Browne mentioned we did resolution proposing to change speeds on Albany Ave./Hudson. We defined as within the historic district, but per map historic district is not always on both sides of streets. He and Trustee Murphy to do an amendment to resolution to show specific location of where to put reduction signs. Trustee Murphy asked we'd just be striking historic district... and leave up to us where to put signs? Trustee Browne states we need absolute definition of where begins/end. After amending resolution, also have to do a law and a public hearing to lower speed limit. Believes keeping speed limit 30 mph from Albany to cemetery, then bringing to 25 mph as come from rail trail to well. So it's 25 mph throughout whole district, making folks aware to slow down. Biggest problem is Hudson St. Trustee Murphy emphasized especially coming up hill past Maiden Lane going pretty fast by library

where kids and events are happening. If going 40 mph getting minimum speeding ticket and 3 pts. for speeding, but if we change speed to 25 mph, get 4 points and higher fine, so it makes penalties harsher, and that's the reason behind it. Trustees Patterson and Weir agree. Trustee Murphy working on signs and permits.

Trustee Weir spoke to Mayor about appointment of Desiree Strong.

Trustee Browne motioned to nominate Desiree Strong to Recreation Commission as alternate starting immediately. Trustee Weir seconded, all voted 'Aye.'

Public Comment:

Kim Gray asked in the matter of advisory opinion was a vote taken and what was vote? Per Trustee Browne we voted to go forward with submittal as is. Kim asked to remove it? Yes. Trustee Patterson and Jerry Callahan to draft language or decide what language to strike, with Village Attorney and Mayoral approval.

Trustee Browne made a motion to adjourn, Trustee Weir seconded. All voted 'Aye.'

Meeting concluded at 6:54 p.m.

Minutes respectfully submitted by Sue Pulver.