

Wednesday, February 8, 2023

Public Hearing and Regular Monthly meeting of the Kinderhook Village Board of Trustees  
Minutes

**Present:** Mayor Mike Abrams  
Clerk/Treasurer Nicole Heeder

**Trustees:** David Flaherty  
Dorene Weir  
James Mark Browne  
Susan Patterson

**Attending:**

David Booth – DPW Superintendent  
Matt Cohn – Kinderhook Fire Department  
William Mancini – Climate Smart Chair  
Renee Shur – Economic Development Director

**Residents:**

Quinn Murphy  
Brian Murphy  
Adam Slade  
Dave Pesano  
Matt Buckner  
Amy Buckner  
Henry Buckner  
Jenny Endresen  
Stuart Peckner  
Audrey Peckner  
Jim Gambee  
Pamela Castangna  
Ann Birkmayer  
Sharon Rae  
Jodi McComb  
Robert Colannino  
Mark Davis

**PUBLIC HEARING-Proposed Local Law No. 1 of 2023; Proposed Local Law No. 2 of 2023; Proposed Local Law No. 3 of 2023**

**Call to order** – Mayor Abrams opened the public hearing meeting at 6:49 p.m. and read the Public Hearing Notice. He read aloud Proposed Local Laws 1, 2 and 3.

1. Proposed Local Law No. 1 of 2023 entitled “A local law to amend Chapter 62 of the Code of the Village of Kinderhook for the administration and enforcement of the New York State Uniform Fire Prevention Code and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) and the Zoning Law for the Village of Kinderhook.”

Mayor Abrams stated that Proposed Local Law No. 1 is a NYS required administrative update to the codebook, standardizes terms, CEO duties, and what types of permits can or can't be issued. Mayor asked for public comments, support or opposition, none was offered.

2. Proposed Local Law No. 2 of 2023 entitled “A local law amending the Code of the Village of Kinderhook to add Chapter 132 in regard to Tenancy Registration and Certificates of Occupancy.”

Mayor Abrams stated that the purpose of Proposed Local Law No. 2 was based on a NYS requirement that municipalities inspect apartments every 2 years. NYS requires those who own apartment buildings (2 or more units) to register with the village for purposes of tracking and inspections. Mayor asked for public comments, support or opposition, 2 members of the public offered support, none objected. No other comments offered.

3. Proposed Local Law No. 3 of 2023 entitled A local law amending the Code of the Village of Kinderhook to add Chapter 130-22 in regard to Short Term Rentals (STRs).”

Mayor states purpose of this public hearing is for transparency and to get public feedback. For background, with popularity of STRs rising, the Village Board has had meetings and discussions regarding STRs and then handed over to Planning Board for their recommendations, which they have made to the Village Board. When public notice for this went out, public interest increased. The Village Board will not vote tonight so there’s plenty of time to hear public comments, but may vote in April.

Public Hearing – Question/Comment and Village response:

- 1) Tina Lang commented she heard folks knew nothing of this and recommends signing up for village website emails.
- 2) Resident Amy Buckner – 9 Albany Ave. has concern village emails go to Spam folder.
- 3) Audrey Peckner - 24 Broad St. The VOK is truly a jewel; at crossroads as we’re the people to protect this village, tightening up restriction for STR would help facilitate that, people need laws/rules, they have 9 or 10 items and would be happy to meet to discuss to be part of process.
- 4) Renee Shur - 7 Sylvester St. posed questions – under definition of rental units, any premises that’s STR or multiple dwellings, in another part of regulation there’s a carve out (exclusion for single family residences that rent out for more than 30 days,) not sure what multiple dwellings refers to here as it’s not an apartment, confusing because they have same issues as apartment buildings or Airbnb’s for fire code etc., perhaps can be addressed in another session. Also there’s a stipulation that no property subject to this registry shall be rented until tenancy registration is approved, and CO issued, and if this applies to multiple dwellings where folks live already, it would be hardship to ask folks to move out, and obviously not the intention, but language implies that. In planning board discussions they talked about putting timeframes on CEO’s ability to inspect and that’s not in there. Also in language are penalties of \$250 fine or imprisonment, recommends the imprisonment should be struck. Director Shur will be happy to put in writing.
- 5) Brian Murphy – 6 Gaffney Lane – aren’t there state fire regulations where the Fire Department must inspect multiple dwellings, yes per Trustee Flaherty.
- 6) Pamela Castagna – 20 Broad Street – how many STRs in village? Per Mayor best estimate is 13 out of 625 homes and businesses.
- 7) Resident Amy Buckner question - Does village plan to put a cap on that number? Mayor – that’s under discussion. Resident believes it should be capped, doesn’t want to see Airbnb village. Point of interest Rhinebeck capped STRs at 50 or 60 total. Trustee Patterson mentioned she heard about places doing lottery system.
- 8) Matt Buckner – 9 Albany Avenue - looking at Town of Kinderhook zoning code and noticed there’s bunch of regs for accessory apartments in place, example - parking has to be provided, can’t back out on public roadway, there’s square footage requirements. Was wondering about distinction between short term rental & accessory apartments? STRs in theory could be rented every day for an entire year, the effect is the same as an accessory apartment, and encourages village to review. Definition of residential zoning, low density, if you have a number of these, suddenly not low density anymore, running traffic business in essentially a residential area.
- 9) Resident Audrey Peckner noticed in proposed law, the STRs would in the future be designated as commercial; opens Pandora’s box, how do you stop other businesses going next to Airbnb? Per Mayor technically they would be commercial ventures in a residential zone.

- 10) Jim Gambie – 16 William St. – has place on lake with next door neighbors who rent their place as Airbnb, for a while it was fine, subsequently not fine, loud until 2 – 3a.m., burning things, 90% are fine but if you get a knucklehead...
- 11) Mark Davis – 28 Broad St. - wants to make sure there's some listing or registry (of guests), to protect village, of who folks are, to check against if there's a problem, to protect village and protect property? Mayor – other villages and towns requires record of who stays for a few years. That may be more realistic.
- 12) Adam Slade - 134 Hennett Rd. – will there be any more workshops regarding this law? Per Mayor of course, we'll determine 1 or 2 more workshops like this, there'll be a special meeting for short term rentals, make sure that's emailed out, everyone knows about it, once we get to a good solution will do formal public hearing, over next couple months. Per Clerk/Trustee Heeder – this law may not apply as resident lives outside the village. Trustee Flaherty notes residents should feel free to email village with questions and comments.
- 13) Resident Mark Davis 28 Broad St. Question - is intent here to add to code book as new regulation – Per Trustee Browne yes.
- 14) Pamela Castagna question – 20 Broad St. - Anybody with a rental apartment could turn the apartment into an Airbnb? Per Mayor it's one thing we need to discuss. If someone has an apartment with 3-5 rental units, there's going to be some language around them not being able to do that, essentially operating as hotel, applying to residential homes, we'll have to be clear and define that.
- 15) Resident Tina Lang question – received a question - what is benefit to village other than shops/restaurants? What about tax credits? Per Mayor – not right now, but there's a law going through the Legislature to allow municipalities to tax STRs, but right now unable to tax STRs in any way. Per Trustee Browne, no regulations now, but this is driven by safety, Tina (chair of planning board) did very good job going through issues.
- 16) Trustee Patterson would like to hear from those with Short Term Rentals.
- 17) Resident Pamela Castagna's house was previously a BNB. Per Trustee Flaherty different situation, BNB vs. Airbnb. Per Mayor BNB is a zoning issue. Per Trustee Flaherty must be owner occupied. Trustee Browne – we're not anticipating any grandfathering. Airbnbs will have to adhere to regulations set forth.
- 18) Resident Mark Davis commented Airbnb's also include folks renting a portion of their home.

Public Hearing concluded approximately 7:20 p.m for local Proposed Local Law No. 1 and 2. The Public Hearing for local law 3 remains open pending further discussion.

**Call to order** – Mayor Abrams opened the regular meeting at 7:28 p.m. All stood for Pledge of Allegiance.

**Clerk/Treasurer**

- Minutes of January 11, 2023 Regular monthly Village Board meeting and workshop meeting minutes of January 25, 2023. Trustee Patterson motioned to accept, Trustee Flaherty seconded, all voted “Aye.”

- Budget Amendments

General Fund

<u>From</u>	<u>To</u>	<u>Amount</u>
A.3410.2 Fire Department Equipment	A.3410.41 Fire truck generator repair	\$ 2,428.48
A.8560.1 Shade Trees Personal Service	A.8540.1 Drainage Personal Service	\$ 50.40
A.1990.4 Contingent	A.9040.8 Workers Compensation	\$ 2,898.22
A.9030.8 Social Security	A.9050.8 Unemployment Insurance	\$ 40.62

Trustee Flaherty motioned to approve budget amendments, Trustee Weir seconded, all voted “Aye.”

- Abstract – Treasurer reported abstract totaling \$45,596.04; general fund \$37,931.70; water fund \$1,277.24; sewer fund \$6,387.10.

Trustee Flaherty motioned to approve Abstract; Trustee Browne seconded, all voted “Aye.”

- Treasurer's Report –Trustee Flaherty motioned to approve; Trustee Weir seconded, all voted “Aye.”

- Election Resolution for Registration day and appointing Election Inspectors -

Mayor Abrams made the following Resolution: Trustee Flaherty motioned to approve; Trustee Weir seconded, all voted “Aye.”

**RESOLVED THAT;** The following person are appointed inspectors for the village election to be held on the 21<sup>st</sup> day of March, 2023.

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

Susan Pulver (alternate);

**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 11, 2023 12 noon to 5PM at the Village Hall.

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

**Code Enforcement Officer** (CEO Trevor Bean)

- Monthly Report - submitted

Closed out 9 old permits dating to 2013.

- Building Department Software – Received three quotes for building department software. Citizenserve \$31,000; Edmunds \$13,600; IWORQ \$4,500. Iworq lowest cost, CEO negotiated term of 2 years, substantial savings, recommends iWorQ software to the board. Browne asks same software as town of Kinderhook uses, yes. Mayor reminded CEO of upcoming training.

Trustee Weir motioned to approve, Trustee Flaherty seconded, all voted “Aye.”

- Proposed Local Law No. 1 of 2023 entitled “A local law to amend Chapter 62 of the Code of the Village of Kinderhook for the administration and enforcement of the New York State Uniform Fire Prevention Code and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) and the Zoning Law for the Village of Kinderhook.”

SEQR - Trustee Browne went through Full Environmental Assessment Form Part II - Identification of Potential Project Impacts Form. It was determined no adverse Impact a motion by Trustee Browne to declare a Negative Declaration, Trustee Flaherty seconded, all voted “Aye.”

Trustee Flaherty motioned to approve Local Law No. 1 of 2023; and Local Law No. 2 of 2023, Trustee Weir seconded, all voted “Aye.”

**Fire Department** (Fire Chief Matt Cohn)

Fire Chief reported 3 calls, 2 drills.

Physical & fit tests Dec. 2<sup>nd</sup>, 2023?

Put overhead lights on UTV.

Last Monday, Valatie Rescue Squad came to firehouse and did presentation on inventory.

Another drill will be held in February 23<sup>rd</sup>.

**Water & Sewer Commissioner** (Commissioner Dale Leiser)

- Unpaid water & sewer.

Last month \$3,020.10, payments \$462.90, leaves \$2,557.20 balance; sewer balance \$15,538.04 past due, payments \$2,666.77; past due notices went out yesterday for sewer; balance \$12,871.27. Overall last month \$18,558.14, now down to \$15,428.47; Trustee Patterson asks is there a penalty? Clerk Treasurer Heeder reports

10% water, 2% sewer per month. Will began reading meter readers March 1<sup>st</sup>. Asked Nate Becker to assist part-time. Mayor motioned to appoint Nate as water reader meter, Trustee Flaherty seconded, all voted “Aye.”

Mayor received email from state on revolving fund for water project and relayed interest in long term low interest loan, 30 year at 1%. Which may help with Albany Ave.

Yesterday Commissioner Leiser reported a water line at the Murphy residence on Albany Ave. was replaced, due to a water leak inside the home, he was able to show a piece of corroded galvanized pipe estimated to be 60-70 years old. Indicates time to replace (with copper). Per DPW Superintendent Booth, that is what state wants us to remove from ground, old lead lines. That’s why we take lead/copper samples. Discussion ensued on how to inventory and replace. DPW Superintendent said they’ll first put out letter to residents to gather information on lead connections.

**DPW (Superintendent Dave Booth)**

- Monthly update.

Superintendent reported two small weather events using salt allotment.

Crews doing maintenance, getting things ready for spring.

Worked with Clerk Heeder, drafted letter for Village board review to go to sewer customers for annual cleaning of their grease traps for code enforcement.

Starting to work on annual water quality report with Comm. Leiser (due May) to go out to residents in water bill.

- SCADA Water Control System –received revised estimate from 1 company, has calls out to other companies to meet procurement guidelines, awaiting responses.

- Lead Service Line-Water meters – inventory will lead to water meter change outs; want to get automated read system in ground for the village.

**Economic Development Director (Director Renee Shur)**

- Monthly EDC Report. Requested permission to go ahead with Columbia Land Conservancy application, yes per Mayor and Board.

- Grants – Grant opportunity from NYS Urban Forest kickstart grant, due March 8<sup>th</sup>, \$1,000 for tree planting deadline, no match, 50% up front, then receive 50% back upon final report, does she need to discuss with Dorene? Can go forward? Per Dorene need to use some money for village in spring? Can Renee go forward? Not a lot of reporting with this, ornamental cherry dead, may use this to replace.

Potential future projects on Director’s list for last 2 years, trying to find out if 2 village owned properties qualify for grants from NYS Parks, Recreation & Historic Preservation. One is for village bandstand, the other is for Van Buren Hall. Holdup as HPC was going to schedule a meeting with NYSPRHP to determine if bandstand is eligible, Historic Preservation wanted to look at plans for Van Buren hall to assess eligibility. HPC has not moved forward, and we need their cooperation and spearheading. Bandstand is falling apart. The HPC received a grant to do a study to see if they could redo that application for listing on National Register of Historic Places, asks Trustee Browne - did they take any action on that? Per Trustee Browne, the bandstand was not previously included in historic district, part of that grant is to look into including the bandstand as an historic item so it could be available for grant money, Trustee Browne will follow-up with HPC, not sure what could be done upstairs but discussing incorporating for possible historic grant funding. Per Director Shur, this building is eligible due to year it was built, question is whether they would do interior renovation, find VBH as eligible renovation, and getting someone from HPC who’s knowledgeable.

**KBPA**- May 6<sup>th</sup> Farmer’s Market begins

**Trustee Flaherty**

- Zoning Board – no meeting

- Village Hall Repair- Front entrance – Jeff (Pizza) purchased materials to renovate in Spring, mentioned to Clerk may need to close village hall for few days.

### **Trustee Weir**

- Recreation Commission – to meet Monday discuss start/end dates for Summer Program, now full day, director suggested changing start & end of program, will establish & get to board for approval. Spoke to NYCOM, non-residents are eligible to send their children for a \$185 fee when program was part time, discussion to extend fees under consideration at next meeting.

- Pickleball – community interest is strong, Warren Mistler - looking at opportunities, potentially using upstairs (VanBuren Hall), but floor not in good shape, revised idea to consider VBH as instructional facility to learn how to do pickleball. Trustee Weir read Warren's letter indicating there's a strong interest from residents to learn rules of pickleball. Warren has filled out an application. If we have someone using hall they must supply personal insurance. Trustee Weir asks permission to move forward to putting together classes and submitting dates for VBH after 5pm until 7pm weekdays and on Saturdays/Sundays, 10-12 maximum. Trustee Flaherty says he just has to go through process. Discussion ensued.

Resident commented seeing a story on 60 Minutes that pickleball courts can be very noisy. Trustee Weir mentioned possible pickleball at Rothermel Park.

- Revitalization Survey – Converting survey from google docs into another format, Jennifer Ose-McDonald assisting, so it can be put on website.

- LWRP – met this past Monday with Barton & LoGuidice, members of both committees and NYS DOS, reviewed presentation, discussed Kinderhook Creek. Will communicate project information at farmer's markets, and after first public hearing, suggestion was to bring people to tour both sites for kayak launch and discuss sustainability, resiliency, etc. Will hold another meeting in 2 months, project now gaining traction.

### **Trustee Browne**

Historic - Village historian submitted annual report.

- Historic Preservation Commission – Meeting held on 19<sup>th</sup>, few items of business, new sign location at 5 Chatham St., did accept an application from Dutch Inn, approved Dutch Inn signs.

- Multi-Year Financial Planning Report – have done a lot of work on budgeting aspect, he and Trustee Patterson working on staffing model, consideration of needed additional support and how to fund with conclusion by Friday, did a lot of work on bonding effort, if we don't get state or federal money, (working with Financial Advisor), looking at costs and borrowing, shared with Mayor, during budget cycle will share with community, look at what water bills might be, more to come. We get portion of sales tax collected from county, distributed back on percentage basis, comptroller reported sales tax revenue from Columbia County went up 9.5% last year. Good news for us.

- Albany Avenue Pedestrian and Bicycle Improvement Project – Steering Committee in formation, workshop meeting to be held in Spring, HVEA doing coordination in preparation for preliminary design work to be authorized by NYS DOT. Met with National Grid, asked for estimates, they provided feedback, backlotting or underground power for both sides of road expected to be over \$1M; also asked them to help with asking utilities to move lines from old poles to new poles.

- Albany Avenue Water Main Upgrade Project – separate contract with HVEA, hope to have details finalized by February 15<sup>th</sup>; want one general contractor for both efforts.

- Traffic Safety/Speed Feedback sign employment – Collecting data from 4 signs already put up. Will go forward with 2 additional signs. Mayor received response from DOT Commissioner, they said to get permit, would like breakaway signs, follow regulations with their engineer. Discussed potential locations, route 9 South entrance, route 9 North by Samascotts. Mayor Abrams reported 60 speeding tickets over last several months all on Broad St. and should know shortly what revenue from December will be. Resident question regarding Albany Ave. having a lot of speeding. Mayor discussed hotspots with Sheriff's office prior to shifts. Trustee Browne discussed potentially moving speed signs.

## **Trustee Patterson**

- Planning Board met Feb. 2<sup>nd</sup> to consider sidewalk seating for restaurants, under further discussion. Received email from attorney Fitzsimmons with guidelines, committee to meet again in March to continue conversation.
- Update on backyard chicken law – drafted law, with Jennifer Ose-McDonald, presented to Mayor and sharing with village attorney, more info next month or two.
- Climate Smart Task Force update – Bill Mancini reported they have meeting next week. Columbia County Adaptation and Resiliency Plan (CARP) to address climate concerns. Had online meeting with Cornell Cooperative Extension and CDRPC, they'll be collecting data working with Chatham, Kinderhook & Valatie, will have task force members meet with Towns & Villages to learn where there may be (environmental) problems. Kicked off (Heat Pump) campaign with Capital District Energy Group, looking for in-person location for presentations, where there actually is a heat pump, and thought of Kinderhook firehouse, will follow-up.
- Proposed Local Law No. 2 of 2023 entitled “A local law amending the Code of the Village of Kinderhook to add Chapter 132 in regard to Tenancy Registration and Certificates of Occupancy.” Village board already voted to pass (see above).
- Proposed Local Law No. 3 of 2023 entitled A local law amending the Code of the Village of Kinderhook to add Chapter 130-22 in regard to Short Term Rentals (STRs).” Village board putting on hold (see above).

## **Mayor Abrams**

- Enhanced Enforcement: 60 speeding tickets issued over four shifts
- FY24 budget planning process.
- Annual emergency management meeting – Feb. 22<sup>nd</sup>, 2023 with NYS Troopers, Sheriff's Department, Village staff, per NYCOM mandated to be held each February. Mayor is working on updating emergency policy.

## **Applications**

- Lisa Weilbacker is requesting Van Buren Hall and the lift for a lecture on Feb. 26 from 2pm – 5pm and March 12<sup>th</sup> from 2pm – 5pm
- Karen Dolge is requesting the Van Buren Hall on June 9<sup>th</sup> 4pm-7pm and June 10<sup>th</sup> from 6am-12pm
- Bill Laraway is requesting the Village Square and Bandstand for their annual events: Saturdays from May 6<sup>th</sup> – October 7<sup>th</sup> for the Farmer's Market; May 27<sup>th</sup> Spring Yard Sale; June 3<sup>rd</sup> Craft Fair; July 4<sup>th</sup> People's Parade; August 26<sup>th</sup> Art's Walk; September 9<sup>th</sup> Fall yard Sale; October 7<sup>th</sup> October Fest; October 28<sup>th</sup> Legend of Sleepy Hollow reading and December 8<sup>th</sup> Candlelight Night
- Amanda Boyd is requesting Van Buren Hall with lift for April 22<sup>nd</sup> from 4pm-7pm for a recital  
Per Clerk Heeder - two additional: David Smith, 3/26 and 4/16 for VanBuren Hall, and Bill Laraway requesting (on behalf of KBPA) June 3<sup>rd</sup> craft fair to close one-way street.

Trustee Flaherty motioned to approve; Trustee Weir seconded; all voted “Aye.”

## **Taxpayer Time**

- Resident question – how is amount of sales tax village gets back - by population? Per Trustee Browne there's a formula, Trustee Browne will circle back with numbers.
- Trustee Weir asks, when do we actually get money, per Clerk Heeder on a quarterly basis, next one approximately February 15<sup>th</sup>
- Resident question regarding Friday night parties in parking lot, in front of wine shop, and possibility of outdoor alcohol? Per Trustee Flaherty, Darren would have to apply, on their liquor license, and go before Planning Board, would need area contained where alcohol was permitted. Mayor believes there's a way to figure it out.
- Resident asks dates for budget workshop. Per Clerk Heeder, March 1<sup>st</sup> preliminary meeting 6pm, and March 22<sup>nd</sup> tentative.
- Resident question regarding revenue from charging station? Yes – it's offsetting electricity.
- Discussion on Clynk program at Library.

8:56 p.m. Trustee Flaherty made motion to adjourn, Trustee Weir seconded, all voted "Aye."

Minutes respectfully submitted by Sue Pulver.