

Minutes

Wednesday, October 12, 2022

Regular monthly meeting of the Village Board of Trustees

Present: Mayor Abrams

Trustees: David Flaherty
Dorene Weir
James Mark Browne
Susan Patterson (absent)

Also attending: Fire Department representatives Matt Cohn and Larry Eisen; Climate Smart Chair William Mancini; Economic Development Director Renee Shur; Water Commissioner Dale Leiser; Code Enforcement Officer Peter Bujanow; Planning Board Chairperson Tina Lang.

Audit of Village Court Clerk’s Books

The audit of the Village Court Clerk’s books started at 6pm. The Village Board conducted the audit for the June 1, 2021 to May 31, 2022 fiscal year using the State Comptrollers Appendix D-General Record Keeping requirements for the Town and Village Justice courts. The Village Board found the Village Court Clerks books in satisfactory order.

Mayor Abrams opened the regular monthly meeting at 7:05 PM everyone stood for the Pledge of Allegiance.

Clerk/Treasurer

Minutes

A motion made by Trustee Weir to adopt the Special meeting minutes of August 31, 2022 and September 14, 2022 Regular monthly meeting; seconded by Trustee Flaherty. All voted “aye.”

Budget Amendments

A motion made by Trustee Flaherty to adopt the following Budget amendments presented by the Village Treasurer; seconded by Trustee Browne. All voted “aye.”

General Fund

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A.1990.4 Contingent	A.8540.4 Drainage Contractual	\$ 2,564.45

Water Fund

F. 8340.4 Transportation Distribution	F.8310.4 Water Administration Contractual	\$ 496.00
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Abstract

A motion by Trustee Weir approving the monthly abstract in the amount of \$39,210.31; general fund expenses of \$31,049.24; water fund expenses of \$8,161.07; seconded by Trustee Flaherty. All voted “aye.”

Treasurer Report

A motion by Trustee Flaherty approving the monthly Treasurer’s Report; seconded by Trustee Weir. All voted “aye.”

Code Enforcement Officer

Code enforcement officer Peter Bujanow submitted his monthly report showing 12 permits issued collecting \$1,889.50 of permit fees; \$70.00 of fees in record searches.

Fire Department

Fire Chief Matt Cohn reported seven calls, two drills and three details. OSHA training is scheduled for Monday, October 17th and Monday, October 24th.

Water & Sewer Commissioner-Water Commissioner Leiser reported the PFOA testing was <1.9> parts per trillion. Prior testing showed < 0.000067> part per trillion. This is well below the allowable level of 10 MCL.

Sewer grinder pump-Dale received a call the grinder pump behind the bandstand was not working. He lifted the lid of the grinder pump and used the manual switch to empty the grinder pump. There was paper left on the float that was not allowing the grinder pump to drain properly.

15 Orchard Drive, Ms. Gladstone- During the flushing of hydrants in April Ms. Gladstone reported to the village office that during the time the DPW was flushing hydrants she had water coming from the valve into her basement. She did not turn the water shut off valve off prior to looking for the DPW. The DPW shut the water valve off. The insurance company denied her claim noting the pressure from flushing the hydrants was less than the pressure the water into the home can take. Dale recommended she install a pressure reducing valve.

DPW - DPW Superintendent Booth was unable to attend the meeting and submitted a status report noting the annual flushing of the hydrants and mounting of the hydrant flags were completed. He is currently working on the Lead Service Line project, water revisions for the village code book and a meter replacement plan with Ti-Sales.

Economic Development Director

The Economic Development Director monthly report was received and will be posted on the village's website.

Hudson Valley Greenway Grant –Kayak Launch site- An application to the Army Core of Engineers and to the Environmental Conservation (ECON) needs to be made prior to moving forward with the installation of a kayak launch. Renee requested Hudson Valley Greenway to reallocate grant funds to cover the costs of the applications. She has also requested quotes to have the engineers complete the applications on behalf of the village.

Consideration of Application for NY Forward – Representatives from the committee considering the applications for the NY Forward grant program will be in the village tomorrow from 2 to 3pm taking a site tour of the proposed projects. Mayor Abrams and Renee will serve as tour guides. Renee is preparing a PowerPoint presentation to be submitted by October 18 and presented on October 19 via Zoom to the Capital Region Regional Economic Development Council.

KBPA

The KBPA is planning for an entire weekend of Candlelight festivities.

Trustee Flaherty

Trustee Flaherty was unable to attend the meeting and provided Mayor Abrams with the following report.

Zoning Board-The Zoning Board held interviews for two open board seats and an alternate position. The Zoning Board will submit recommendations to the Village Board.

Village Hall repair-Trustee Flaherty requested three quotes for the replacement of the entire front entrance door and windows to replicate the state trooper's entrance. This is a project that was to be completed prior to COVID with village funds and court grant funds (JCAP). The Village Hall ramp and railing has been installed with court grant funds. The village received an extension from JCAP due to COVID to complete the project. The village funds were placed in the savings account until the project could be completed. Trustee Flaherty received one quote from Jeff Pizza in the amount of \$19,475.00. There is a remaining balance of \$3,480 from the \$15,500 received from JCAP. Trustee Flaherty made a motion to accept Jeff Pizza's quote of \$19,475; seconded by Trustee Browne. All voted "aye." The village will use the remaining court grant funds of \$3,480 and \$16,005 from the buildings savings account.

Climate Smart- the Tasks Force monthly report to the Village Board was received and will be posted on the village's website. The report addressed Climate Smart Bronze Certifications and Clean Energy Air Heat Pump Campaign.

Resolution authorizing the Village of Kinderhook to accept technical assistance being offered by the CDRPC to develop a vulnerability assessment and climate adaptation plan.

Mayor Michael Abrams made the following Resolution; seconded by Trustee David Flaherty. All voted "aye".

WHEREAS, the Village of Kinderhook pledged to take part in the NYS DEC Climate Smart Communities Certification Program that may include preparation of a Vulnerability Assessment and Climate Adaptation Plan; and

WHEREAS, free technical assistance is available to support the development of these documents (PE7

Action: Climate Vulnerability Assessment and PE7 Action: Climate Adaptation Plan) from Cornell Cooperative Extension on behalf of the Capital District Regional Planning Commission (CDRPC) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

WHEREAS, The Columbia County Board of Supervisors adopted resolution 347-2022 on August 11, 2022 to accept this technical assistance for a county plan; and

WHEREAS, the County CSC Coordinator in collaboration with Columbia County Climate Smart Communities Task Force will provide an opportunity to every municipality in the county to formally participate in the planning to create efficiencies, reduce redundancies, and increase coordination across the County; and

WHEREAS, the Village of Kinderhook will appoint a task force and lead for the Climate Adaptation Process; and

WHEREAS, the municipality will provide an opportunity for public input and comment on the draft report; and

WHEREAS, the Village of Kinderhook task force will present a summary of the vulnerability results and adaptation plan to the Trustees for consideration of adoption;

NOW THEREFORE BE IT RESOLVED, that the Village of Kinderhook Board hereby undertake the Vulnerability Assessment and Climate Adaptation Plan; and

BE IT FURTHER RESOLVED, the Municipal Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Village of Kinderhook.

Trustee Weir

Recreation commission - The Recreation Commission received a resignation email from Jennifer Blood on Wednesday, September 21, 2022 and the Recreation Commission accepted that resignation. The alternate, Peter Santamaria has expressed an interest in filling Jennifer Blood's term that expires in March 2026. On Monday, October 10, the Recreation Commission voted to recommend that the mayor approve Peter Santamaria appointment to the Recreation Commission. At that meeting, they recapped the Community Night event, which was a success with about 250 people in attendance. Parking was a problem, and they plan to discuss some alternative parking options for next year at the November meeting.

Upcoming events - The Halloween Party is planned for Saturday, October 29th from 1:30 to 2:45 pm in the Village Square. The costume contest will be judged once again by available trustees and the mayor. The reading of the Legend of Sleepy Hollow will be held at the Vanderpoel House of History at 3:00 pm. In the event of rain, the party will be moved to Van Buren Hall. The committee is waiting for the KBPA to provide the information in the event of rain.

Greenway Grant - The Rescope of the Greenway Grant (kayak launch) was approved. This allowed the village to move \$10,000 (\$5000 for Valatie and \$5,000 for Village Of Kinderhook) from the Equipment/Supplies and Materials to Contractual/Professional Service. This money will be used to pay for the Environmental Scientist from Barton and Loguidice to submit the necessary applications to the Army Corps of Engineers and ENCON. We are waiting for a response from Bob Murphy at Barton & Loguidice with the price in writing for the submission of the applications to both entities and the hourly rate for any extra design work that might be necessary following the feedback from either of the two agencies.

Revitalization survey – The committee would like the Village Board for their approval of the survey that they have been provided along with the suggested verbiage that will appear on the postcard announcement and the email blast. The committee is waiting for two printers to provide printing cost, postage is approximate \$264 for 600 standard size postcard (4 x 6).

Little free library - Construction is expected to be completed by the end of this week. This project was farmed out to Questar who generously provided the materials and labor at no charge. Trustee Weir will be discussing the timeframe with the DPW tomorrow for the units to be painted.

Trustee Browne

Albany Avenue Bond Resolution-Trustee Browne reported on the need for this specific bond resolution in order to align it with a requirement that the Village needs to obligate their share of the 20% match as a condition of executing the SLA with DOT and to start invoicing under the Albany Avenue Pedestrian and Bike Improvement Project. These funds will be used to initially provide cash flow for the design work. The RFQ for design was issued September 19th, 2022 and proposals are currently under review to select a Civil Engineering Firm to conduct this work. The Village will need to pay the firm and then invoice DOT and a 90 day lag is expected. A Funding projection for this activity and estimates for future work under the project will be discussed at a dedicated special finance meeting to be conducted October 26, 2022.

Trustee Browne Read the following Resolution: BOND RESOLUTION OF THE VILLAGE OF KINDERHOOK, NEW YORK (THE "VILLAGE"), DATED OCTOBER 12, 2022,

AUTHORIZING IMPROVEMENTS TO SIDEWALKS AND
ENHANCEMENTS TO BICYCLE ACCOMMODATIONS,

ALONG WITH ASSOCIATED ROADWAY AND DRAINAGE IMPROVMENTS IN THE VILLAGE; ESTIMATING THE AGGREGATE COST THEREOF TO BE \$501,000.00; APPROPRIATING SAID AMOUNT THEREFOR AND AUTHORIZING THE ISSUANCE OF \$501,000.00 BONDS OF THE VILLAGE TO FINANCE SAID COST.

Resolution by Trustee Browne

Seconded by Trustee Flaherty

WHEREAS, the Village of Kinderhook (the “Village”) has determined to reconstruct existing non-compliant sidewalks and bicycle accommodations located on Albany Avenue from Albany-Hudson Electric Trail at Sunset Avenue to the Kinderhook Village Center at U.S. Route 9 (Chatham and Broad Streets) which are in poor condition, and to make associated improvements to roadways and drainage systems along Albany Avenue from the recently constructed Albany-Hudson Electric Trail to the Kinderhook Village Center (the “Project”); and

WHEREAS, the Village was awarded \$1,864,348 federal grant (the “Grant”) to construct the Project to be administered by the New York State Department of Transportation (“NYSDOT”);

WHEREAS, the Village has submitted an Initial Project Proposal (“Proposal”) to NYSDOT, which Proposal provides for improving modern and standard pedestrian and bicycle facilities along an approximate 1,500-foot section of Albany Avenue and the reconstruction of roadside areas with proper drainage, said cost of the Project will be approximately Five Hundred One Thousand Dollars (\$501,000.00); and

WHEREAS, the Village desires to issue bonds in an amount up to Five Hundred One Thousand Dollars (\$501,000.00) to finance the initial cost of the Project as described in the Proposal; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, by 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 33-A of the Consolidated Laws of the State of New York (the "Law"), the Village hereby authorizes the issuance of up to \$501,000.00 serial bonds or bond anticipation notes to finance said Project, appropriating said amount therefor.

SECTION 2

It is hereby determined that the period of probable usefulness of the aforesaid Project is twenty (20) years pursuant to Section 11.00(a)(20) of the Law;

SECTION 3

The plan of financing includes the issuance of \$501,000.00 serial bonds, a portion of which is to be retired with funds from the Grant and, to the extent of any shortfall in funds from the Grant, by the levy of a tax upon all of the real property in the Village to pay the principal of and interest on the 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 Project 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 tax-exempt borrowing authorized and identified pursuant to Section 1 above.

SECTION 5

Notwithstanding the period of probable usefulness of the Project, the proposed average maturity date of the bonds authorized pursuant to this resolution is not expected to exceed five (5) years.

SECTION 6

The bonds issued to finance the cost of the Project 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 7

The Village hereby covenants and agrees with the holders from time to time 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 obligations from Federal income taxation.

SECTION 8

Each of the bonds 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 bonds and any notes 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 bonds 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 9

Subject to the provisions of this Bond Resolution and the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes, or the renewals of said obligations and of Section 50.00 and Section 60.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bonds and bond anticipation notes and prescribing the terms, form and content as to sale and issuance of the bonds 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, as 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 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 10

All costs and expenses in connection with the acquisition and development of the objects and purposes 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, counsel for the Village and other professionals, shall be paid to the extent permitted by law from the proceeds of the sale of such bonds.

SECTION 11

The validity of the bonds authorized by this bond 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 12

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 13

This Resolution shall constitute the declaration of the Village's "official intent" to reimburse expenditures related to the additional costs of the Project authorized by Section 1 with proceeds of the bonds and notes, as required by the United States Treasury Regulation Section 1.150-2.

SECTION 14

The bond authorized pursuant to this resolution will have a proposed maturity of not more than five (5) years and, therefore, pursuant to paragraph b(1) of Section 36 of the Local

Finance Law, this Resolution is not subject to a permissive referendum.

SECTION 15

This resolution shall take effect immediately.

Historic Preservation Commission - Thursday Sept 15th, 2022 meeting was cancelled due to several members not being available. Next meeting is scheduled for October 20th, 2022. This commission is functioning properly and working with residents to comply with our regulations.

Long-term financial planning – Multi-Year Budget Planning Project - Jerry Calahan and Trustee Browne met recently and they have drafted elements of their report to the Village Board scheduled for December 2022. They also agreed on their next steps – they will be taking a look at the Fire Truck contract, Brief the Clerk-Treasurer Heeder on some of their observations and recommendations and discuss future staffing models to manage the grant and project work.

Traffic Safety – 3rd and 4th Radar Signs to be deployed on Eichyush and Gaffney. Mayor reviewing a follow up letter to The Honorable Marie Theresa Dominguez, Esq Commissioner Of the NYS Department of Transportation asking for status and an update on NY State Senator Jordan’s letter requesting clarification on farm vehicles transporting loose cargo and requesting permission to deploy a 5th and 6th Radar Sign within the Route 9 corridor of the Village of Kinderhook.

AHET – Recreation Commission Survey includes a few questions on Trail Usage.

Trustee Patterson

Trustee Patterson was unable to make the meeting and requested Mayor Abrams give the following report:

Planning Board - The Planning Board met on Oct. 6th with Village Attorney Rob Fitzsimmons and CEO Peter Bujanow to present its recommendations for Short Term Rentals. Trustee Mark Browne attended as liaison to the VB. Rob will prepare an updated draft for the Village Board based on the recommendations.

Snow Removal - As a result of the statement about snow removal requirements that was posted in the water bill notice, Trustee Patterson received input from three Village homeowners: two requests for the Village to provide this service and charge the residents, and one request from a new resident asking for a recommendation of a company that will do the plowing/shoveling.

National Grid confirmed that the utility pole work along Hudson Street is in preparation for moving the transmitters from the corner of Hudson and Maiden Lane to a location further east closer to the creek. The goal for project completion is still early 2023. National Grid is also willing to talk with the Village about backlotting or burying utility poles on Albany Avenue in the future.

Mayor Abrams

NYS Troopers Commercial Vehicle Enforcement Director Visit - Officer Perusse from the NYS Trooper Commercial Trucking Division visited with Mayor Abrams in the village to discuss the speeding farm trucks that do not cover their loads. Officer Perusse witnessed several trucks with uncovered loads and followed them to Wil-Roc Farms where he spoke directly with the owner. The owner agreed that he would start covering his trucks.

Collaboration with Concerts in the Village- Mayor Abrams will have Attorney Fitzsimmons draft an agreement to allow the storage of the piano in Van Buren Hall per David Smith’s request.

Regular and special Meeting dates through January 2023- Due to the Holidays, Mayor Abrams is suggesting the following meeting dates: Nov. 9th - Regular meeting; Dec. 7th - Workshop meeting; Dec. 14th - Regular meeting; Jan 11th - Regular meeting; January 25th - Workshop meeting

Application for Use

A motion made by Trustee Flaherty approving the following application; seconded by Trustee Weir. All voted “aye.”

- a. Karen Abrams requested the use of Van Buren Hall for a birthday party on Sat., November 19, 2022 from noon – 4 pm.

Taxpayer Time

EDC Director Renee Shur wanted to personally thank Bill Mancini and the Task Force for all the work they do. She did not realize how important their work is in applying for grants. Due to their work the village was able to score higher when applying for the NY Forward grant.

A motion made by Trustee Browne to adjourn the meeting and enter into executive session to discuss personnel at 8:17pm; seconded by Trustee Flaherty. All voted “aye.”

A motion made by Mayor Abrams to hire Susan Pulver in the new position of Recording Secretary and Melanie Brodowski as the Planning/Zoning Secretary and Recreation Commission Secretary; all positions at the \$16.55 secretary rate of pay in the current budget; seconded by Trustee Browne. All voted “aye”.

A motion made by Mayor Abrams to adjourn executive session at 8:27 pm; seconded by Trustee Flaherty. All voted “aye.”

Respectfully submitted,

Nicole H. Heeder
Village Clerk