

Minutes

Wednesday, December 8, 2021

Regular Monthly Village Board Meeting of the Village Board of Trustees and Public Hearing
Proposed Local Law No. 1 of 2021 entitled "A local law to opt-out of allowing adult use on-site
cannabis consumption sites to locate within the village of Kinderhook as authorized under
Article 4 of the Marijuana Regulation and Taxation Act.

Present: Mayor Leiser

Trustees: David Flaherty
Dorene Weir
Michael Abrams
James Mark Browne

Also present: Code enforcement Officer, Peter Bujanow; Economic Development Director,
Renee Shur; Climate Smart Committee Chair, William Mancini; Fire Chief Matt Cohn; Tina
Lang; Malcom Bird; and David Smith. Via videoconference; Village Attorney Robert
Fitzsimmons and several residents.

PUBLIC HEARING

Proposed Local Law No. 1 of 2021 entitled "A local law to opt-out of allowing adult use on-site cannabis consumption sites to locate within the village of Kinderhook as authorized under Article 4 of the Marijuana Regulation and Taxation Act.

Mayor Leiser opened the Public Hearing at 6:45 pm. He explained there are two options. One to opt in for dispensaries allowing for revenue to the village and another for on-site consumption. A decision needs to be made by December 31, 2021. If the village of Kinderhook decides to opt out by December 31, 2021 they can rescind at any time and opt back in.

Q: Renee Shure inquired if Mayor Leiser knew what the Town's intentions was.

A: The Town opted in on dispensaries and opted out for onsite consumption.

Q: Renee asked if the village of Kinderhook would share in the revenue if the Town was to have a dispensary.

A: Yes, the village of Kinderhook and the village of Valatie would share in the revenue.

Trustee Browne stated the only caveat is that the laws as defined as of December 7, 2021 are still under change. The state may augment what they have done to date. It is only what we know now.

Q: How would this be controlled for adult consumption?

A: Regulations will be like alcohol consumption you will need to show ID.

Q: Sue Patterson would like to know what way the village is leaning. Are they determining on financial reasons or is there other factors they are considering?

A: The village would be receiving revenue form dispensary in the town. If one was to open in the village square it would be handled by the Planning and Zoning Board. They could restrict days open, location, hours of operation.

Q: Former Trustee Brian Murphy asked what is the village's rational for not allowing onsite use and is there data from Massachusetts for onsite use? What is the thinking for this?

A: Village attorney Robert Fitzsimmons stated there is no reliable method to test as with alcohol they have a breathalyzer. The town did not want to take on the risk if someone was driving around under the influence with no method to determine if they are under the influence.

Q: Former Trustee Brian Murphy heard the Carolina House maybe an option for a dispensary or for onsite consumption?

A: Mayor Leiser heard the same. He stated the insurance will be expensive and it will be hard to acquire a license. It will be harder than receiving a liquor license. It is at least three years away and the state has not given any more information. Trustee Flaherty noted the state has not completed drafting the laws. The village may opt in at a later time.

Q: Sue Paterson wanted to clarify what is being proposed. The village is inclined to opt in for a dispensary but opt out for onsite consumption until future information comes from the state and then may determine to opt back in for onsite consumption.

A: Mayor Leiser confirmed “yes” that is correct.

Q: She also would like to know what the reasons are that the board is considering. Is it for financial reasons or is there other factors they are considering?

A: Trustee Flaherty noted it is the other factors that he is not for onsite consumption in the village. There is not enough information or guidelines from the state for the village to make a decision for onsite consumption. The dispensaries in Massachusetts have very large parking lots and some have a drive thru. He is not sure where in the village historic district where a dispensary could be. The tax revenue is a bonus. The board is putting themselves at a better time when they can be better educated for an onsite consumption.

Mike Abrams is a hard no on the usage on site and a hard no on a dispensary in the historic district but the historic district overlaps the business district and the village would have to be very clear where that could be without impacting the historic district in any way.

Trustee Browne has studied what is going on in the Hudson Valley. He sees the cities are passing both he is not sure if it is for economic value. He sees the towns and villages are in more rural areas and are taking things slower. Not sure how the revenue will be distributed that way. If residents do not agree with the way the board is going they can petition against the board.

Trustee Weir mimics Trustee Flaherty’s opinion. She feels they need more information that they can funnel to the residents and see what the residents want.

Open discussion/comments: The state will tax at 13% and will keep 7% the remainder 4% will be disbursed down to the towns and villages. It is large company’s that run the dispensaries in Massachusetts and Colorado not mom and pop stores. It takes millions of dollars for the license.

Q: Former Trustee Brian Murphy asked Trustee Browne why has other municipalities like Hudson and Philmont approved both.

A: Trustee Browne noted they may have done a survey or know what their population wants. The village does not know enough information to have a survey or make a decision. The safe decision is postponing any final decision on how they act. He does not feel there is enough data to create a survey for them to vote on behalf of the majority.

Q: Former Trustee Brian Murphy asked the village attorney when there is a tool for law enforcement to determine if someone was under the influence will it change the direction of decision making of the board.

A: Rob stated it will cause the subject to be reevaluated.

Q: Was there any discussion with the village businesses if marijuana was going to be used at their site.

A: Trustee Abrams has reached out to a few businesses and they are not interested in selling marijuana.

Mayor Leiser inquired if anyone else had any questions or comments. No further comments were received. Mayor Leiser closed the public hearing at 7:11 pm and opened the regular monthly village board meeting.

CLERK/TREASURER

Minutes -A motion made by Trustee Weir to approve the minutes of November 10, 2021 Village Board meeting and Special meeting of November 17, 2021; seconded by Trustee Flaherty. All voted "aye".

Budget Amendments- A motion made by Trustee Flaherty to approve the budget amendments; seconded by Trustee Weir. All voted "aye".

General Fund

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>	
A.8170.1 Street Cleaning	A.8160.1 Refuse and Garbage Personal		\$ 15.75
A.8170.1 Street Cleaning	A.8161.1 Leaf Pick Up Personal Service		\$ 456.55
A.1990.4 Contingent Account	A.9010.8 State Retirement		\$ 853.00

Abstract- A motion made by Trustee Abrams approving December's monthly abstract in the amount of \$89,511.65 with General Fund expenses of \$50,978.83; Water Fund expenses of \$1,745.97; Capital Projects of \$35,347.85 and Sewer Fund expenses of \$1,439.00; seconded by Trustee Flaherty. All voted "aye".

Treasurer's Report- A motion made by Trustee Flaherty approving the monthly treasurer's report for December 8, 2021; seconded by Trustee Weir. All voted "aye".

CODE ENFORCEMENT OFFICER

Peter Bujanow submitted his monthly report to the Village Board. He reported 131 building permits issued as of the end of November.

Trustee Abrams stated Jennifer Ose McDonald approached him and inquired if the fee for an extension on her building permit could be waived. One of her contractors had COVID and was in the hospital and they are having problems receiving building supplies due to the pandemic.

Peter noted he would refer to counsel if the village is requesting to waive the fee for one property owner. In the beginning of the pandemic he requested the board to waive extensions of permit fees for everyone for three months due to the supply chain. If the village waived the extension fee for one individual how would they address everyone else who has paid for an extension? Would the village refund their money back?

There was open discussion if the village board could approve waiving the permit fee for extensions. Can they discriminate by the size of a project or would that be discrimination too? Could it be on a case by case basis?

Peter warned of selective enforcement and how the village would determine whose fee gets waived. Some permits are taken out by the property owner some by the contractor. A project may not start until months after the permit not due to the pandemic. Mayor Leiser did discuss this previously with the village attorney and he advises not to waive a fee for one property owner. It was determined further discussion with the village attorney will be had.

ECONOMIC DEVELOPMENT DIRECTOR

The Economic Development Director, Renee Shurs's monthly report was received for the month of November and will be posted on the village website. Two new businesses opened in the village; Morning Bird and OK Pantry. Cosmic Donuts decided to cease operations. Renee would like to thank them for the time they were in the village. She stated there are a lot of interests from businesses to come into the village.

Historic Kinderhook GeoTourist App-Renee would like to acknowledge and thank the village's new Historian Kate Johnson it has been wonderful working with her on the GeoTourist App. The first set of finalized scripts have come in.

Sister City-She is working on ideas on how to expand the village's connection with working Buren the village's sister city. One idea is a video on "Ten reasons to visit Kinderhook" Buren has a you tube video "Ten reasons to visit Buren". This will depend on grants and donations.

KBPA

Renee reported Candlelight night was fantastic and well attended. She has received a lot of feedback and feels people are finding the village is a destination to go to.

MAYOR LEISER

DPW-Leaf season has ended, the DPW will prepare the equipment for winter.

Fire Department-November's Fire Incident Report was received with minutes of November and December's officers meeting. Fire Chief Matt Cohn reported 8 calls, 2 drills and 0 details. Fire trucks 35-12 and 35-13 were serviced. The Fire Department attended Martin Van Buren Ceremony on December 5th and Candle Light night on December 3rd. They will attend Valatie Winter Walk on December 11th.

Fire truck-Last month the Fire Department viewed a demo fire truck from Pierce Manufacturing. Currently, they have two pumpers a 2005 and a 2008 that are 20 year old trucks but they were demo trucks at the time of purchase. The village has a buyer for the 2008 pumper. The new truck has double the storage that will allow the Jaws of life to be set up and will hold the equipment with better accessibility. This will allow less people on a call. With this type of truck it would be less down time for repairs if the truck needs to be fixed. Pierce Manufacturing will meet with the Village Board to discuss the purchase of the truck and how the village could finance the truck with a lease or bond. The cost of a new fire truck is \$754,000 there is a 6% increase coming making the fire truck \$804,000; the village has approximately \$160,000 in the firetruck reserve account and the village can sell one of the fire trucks for \$200,000. The village will need to borrow approximately \$350,000. Mayor Leiser will schedule a special meeting prior to the next village board meeting with the Village Board and Pierce Manufacturing.

National Grid-Hudson Street transformer project-Mayor Leiser stated he has had correspondence with Bob Chevy concerning the transformer project being on schedule to be moved. Mr. Chevy is requesting assistance in preparation of any easements they will need.

Proposed Local Law No. 1 of 2021 entitled “A local law to opt-out of allowing adult use on-site cannabis consumption sites to locate within the village of Kinderhook as authorized under Article 4 of the Marijuana Regulation and Taxation Act.

A motion made by Trustee Weir to adopt Local Law No. 1 of 2021 entitled “A local law to opt-out of allowing adult use on-site cannabis consumption sites to locate within the village of Kinderhook as authorized under Article 4 of the Marijuana Regulation and Taxation Act; seconded by Trustee Flaherty. All voted “aye”. The board will opt in for the dispensaries.

Memorial Day Parade-the annual Memorial Day Parade will be in the village this year. Mayor Leiser inquired if the KBPA and Recreation Commission would like to assist. Trustee Weir would like to invite both organizations and any residents wishing to volunteer. She will inquire with the Recreation Commission at the meeting Monday night.

Parking Regulations-Mayor Leiser received and read aloud an email from former town Supervisor Doug Mc Givney concerning parking regulations in the Village Square. He cited several regulations he researched concerning Broad Street Bagels van parked in the Village Square. He feels the vehicle is being used as a bill-board sign for advertising and is distracting from the beauty and historic sense of the Village Square. He has reviewed the village code and believes the continued use of the truck-type build-board in the Square is prohibited by the Village Code. He references P 130 Attachment 2.2 and 130.36 D and other suggested parts of the code that prohibit the truck-type build-board to be parked in the village square. He questioned why the Code Enforcement Officer did not address his December 1st email addressing this issue and why did the Code Enforcement Officer refer him to the village board?

Code Enforcement Officer Peter Bujanow noted for the record he did not address the issue with the owner as legal counsel was being sought on the subject and ongoing discussion with the village board. He has taken several complaints from residents. The truck at times is parked along Rt. 9 and on village property at the trough area.

Trustee Flaherty stated when this subject came up prior when a truck had a sign in the bed of the truck for anti-vaccination the state police was asked to address the vehicle. They stated as long as the vehicle is registered and insured the vehicle can be parked on Rt. 9.

Mayor Leiser explained the code book states there is fifteen minute parking and no parking of commercial vehicles. The village does not have the manpower to enforce this. The village board is considering changing the code book to allow one or two hour parking.

Trustee Abrams had previously walked the square with Michel DeVual from DOT to discuss long term solutions for parking. In the meantime, if needed, the village could block off the area until the village determines the best solution.

Renee asked the board to consider the entire area not just the trough area. She believes the one way street and the trough area is a safety concern. With cars entering the one way street and cars backing out of the trough area is a major safety concern. Should the village think about the area in a holistic street sweep in removing the parking and adding it to the village square area.

Village resident Malcom Bird is worried about the village removing parking for the businesses and feels the businesses will need the parking.

Trustee Flaherty stated at this time the village will be taking a diplomatic route in an official capacity until the village works out code that is enforceable. Trustee Weir will ask Mrs. Calcagno not to park the bagel van in the trough area during the holiday season for residents to enjoy the decorations.

Donation of piano-Village resident David Smith submitted a revision to the original proposal to have CITV own the piano and will be financial responsible but the physical presence of the piano would be on the stage in Van Buren Hall. The initial cost of \$1,800 for the moving and tuning of the piano will be donated by a CITV member. CIVT will handle all of the administration of the rental of the piano.

Trustee Browne discussed with the village attorney conditions under which the village could accept a gift. They will need to create criteria that is not too restrictive for people to use the piano and provide for the safety of the instrument upstairs. The village is waiting on repairs to the Village Hall and he does not know until the repairs are complete how safe the piano would be. Trustee Flaherty does not feel Van Buren Hall is the right fit for the piano. He believes there are other facilities that are more appropriate for that caliber of a piano. Trustee Abrams believes the fee and the restrictiveness of the use of the piano to the residents brings him to a no on allowing the piano to be housed in Van Buren Hall. Trustee Weir feels the way Trustees Flaherty and Abrams do and does not feel it is a good fit for the village right now. A motion made by Trustee Flaherty not to accept the piano in any capacity; seconded by Trustee Abrams. Trustees Weir, Abrams, Flaherty and Mayor Leiser voted “aye”; Trustee Browne voted “nay” against.

Member appointment to the Recreation Commission-Mayor Leiser appointed Cammy Salazar to the Recreation Commission for the term of December 2021-March 2028. A motion made by Trustee Flaherty to approve Mayor Leiser’s appointment; seconded by Trustee Weir. All voted “aye”.

Village Hall property damage-Due to a car hitting the village hall and taking out both of the bathrooms leaving a hole in the Village Hall the village hired the following vendors on an emergency basis. Stuyvesant Mechanical; Alpine Environmental; Ryan Biggs; Jeff Pinkowski and Step Up Cleaning. Trustee Browne and clerk Heeder met with the insurance adjuster from NYMIR. The village has had no contact from the driver or from the insurance company for the insured vehicle. A meeting will be held with the architect to determine the cost of the damages. Trustee Browne would like a cost for the village to repair as is and not to move forward with any repairs besides emergency repairs and would like a not to exceed amount for any expenses beyond emergency repair from the adjuster and/or architect. A motion made by Trustee Flaherty to pay the following emergency expenses Stuyvesant Mechanical \$477.00; Step Up Cleaning \$125.00; Alpine Environmental \$1,475.00; Ryan Biggs not to exceed \$4,500 and Jeff Pinkowski of \$9,216.00; seconded by Trustee Browne. All voted “aye”. The village office will forward all the bills to the insurance company and will process them for payment at the village’s January meeting. Trustee Flaherty thanked Clerk Heeder, DPW Meehan and CEO Bujanow for their presence at the accident as he and Mayor Leiser were away.

TRUSTEE FLAHERTY

Village Hall Justice Court- One quote was received to replace the front door. The remaining court grant funds will cover a portion of the front door.

Bandstand- Trustee Flaherty and EDC Director Renee Shur will meet with Gregory Merryweather on December 17, 2021 at 4 pm at the Village Hall to review his drawings. He will bring the drawings to the village’s January meeting.

Climate Smart Task Force-The task force will be meeting next Tuesday. The Village’s Community Solar Campaign providers Astral Power and Solstice have agreed to extend the campaign until year end. The \$5,000 grant funds the village will be receiving can be used for projects that will improve energy efficiency and reduce greenhouse gas emissions. Several ideas for the grant funds 1. Purchasing electric lawn equipment for the DPW 2. Upgrading lighting in

the Village buildings 3. Purchasing and installing recycling receptacles in the Village Square to replace existing trash receptacles and purchasing recycling containers for the Village buildings.

4. Installation of bicycle racks in the Village.

Electric Charging Station -Next week Mr. Mancini will meet with Trustee Brown and Clerk Nicole Heeder to set up the charging station. He and Trustee Browne will propose a fee schedule to the Village Board on how much will a user be charged to cover the electric charges and if any other fees may be applied.

Zoning Board of Appeals-The zoning board did not meet no report to give.

TRUSTEE ABRAMS

Water and Sewer Department-Unpaid water of \$7,800 and unpaid sewer of \$737.

Roads and Sidewalk-Williams Street and Albany Ave-On November 22, 2021 the village applied for a Water Infrastructure Improvement Act grant (WWIA Grant) to install new water mains on Albany Ave and Williams Street and also to re-pave the streets. The award announcement is scheduled for February. The village received a quote of \$68,000 from Colarusso to pave Albany Ave to assist with water and drainage until the village can complete the entire project. The bill received a bill for \$52,000. The board agreed there is a little more drainage work to be done but overall until the entire project is completed it is a very good improvement.

Historic Preservation Commission-Trustee Abrams was unable to attend the meeting. Trustee Flaherty stated he covered the meeting and discussion was mainly on the parking in the village square.

TRUSTEE WEIR

Recreation Commission-The commission will meet next Monday and will finalize their 2022 event calendar. After the appointment of Cammy Salazar they are one member short of a fully seated Recreation Commission. If anyone is interested, they would love to fulfill their last spot. The Commission assisted the Toys for Tots table during Candlelight night. Trustee Abrams assisted in having a marine "Gunny Clause" for the kids to take their pictures with. Stewart's, Broad Street Bagel and Samascott's gave gift certificates to be raffled off to anyone who donated to Toys for Tots during Candlelight night.

Grant- Waiting to hear at any time now if the village was awarded an \$80,000 grant from NYS Parks and Historic Preservation.

Greenway-Kayak Launch sites-Due to the weather the meeting with Barton & Loguidice, and the Villages of Valatie and Kinderhook was postponed until this coming Friday at 10:30am at the Village hall in Kinderhook to determine the best sites for the kayak launches.

TRUSTEE BROWNE

Planning Board-No new applications were received. The December 2nd meeting was cancelled.

Code Covering Alternates- the proposed local law to allow alternates is required to be reviewed by the Columbia County Planning Board prior to the Village Board adopting the law. The Columbia County Planning Board will meet on November 21, 2021. Trustee Browne will attend the meeting. After they approve the Village Board will hold a public hearing prior to adopting.

Policy Handbook-Trustee Browne will meet with Clerk Heeder and finalize the proposed policy.

Insurance-Trustee Browne is working with the adjuster. He will coordinate with the adjuster on receiving funds to cover the village's expenses.

Liaison Updates-No new updates, he will be attending the Town Board and Town Planning Boards periodically as a liaison.

APPLICATION OF USE

A motion made by Trustee Flaherty to approve Kinderhook Runners Club application to use Van Buren Hall on January 1st 12 pm-1 :30pm; Jan 8th 7am-12 pm; Jan 9th 10 am-11:30am; Jan 23rd 10am-11:30am; Feb 12th 10am-11:30am; Feb 27th 10am-11:30am; Feb 27th 7pm-8pm and the 4th Sunday of every month from 7pm-8pm March thru November; seconded by Trustee Weir. All voted “aye”.

TAXPAYER TIME

Tina Lang thanked the board she stated she feels well informed after attending the meeting.

Former Trustee Brian Murphy would like the Village Board to rethink the diplomatic approach to the parking regulations in the village square. He feels the village is being “shined on” and per the NYS DOT the bulletin board van is illegal. He also question CEO Bujanow on an email he sent concerning boats and sizeable motor homes in neighbors front and side yards. He noted with Peter being very busy he was willing to meet with him with a list of properties. He also commented that it maybe time for the Village Board to consider getting Peter assistance. Peter noted he did respond with an email on December 1st and he continues to do enforcement duties and will need to send a registered letters documenting the violations to those residents.

A motion made by Trustee Browne to adjourn the Regular meeting and enter into executive session to close out the personnel matter from their previous executive session at 8:57 pm; seconded by Trustee Flaherty. All voted “aye”.

No motions made.

A motion made by Mayor Leiser to adjourn executive session at 9:20pm; seconded by Trustee Flaherty. All voted “aye”.

Respectfully submitted,

Nicole H. Heeder
Village Clerk