

Minutes

Regular monthly village board meeting of the village board of trustees
September 9, 2015

Present: Mayor Carol Weaver

Trustees: Richard Phillips
Dale Leiser
Robert Puckett
Brian Murphy

Also attending: Renée Shur; Glenn Smith; David Booth; Larry Eisen; Emeila Teasdale, Columbia paper; Louis Bray; Lea Bray; Mr. and Mrs. Van Alstyne; Lorenzo from DOT in Poughkeepsie.

Mayor Weaver opened the meeting at 7:00 PM

MINUTES

Mayor Weaver made a motion to approve the minutes of August 12, 2015 regular monthly meeting and special meeting of August 19, 2015; seconded by Trustee Brian Murphy. All voted “aye”.

BUDGET AMENDMENTS

Mayor Weaver made a motion to approve the following budget amendments; seconded by Trustee Phillips. All voted “aye”.

General Fund

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A.7140.1 Playgrounds personal Service	A.7310.1 Youth Programs Personal Service	\$153.26
A.1990.4 Contingent	A.9040.8 Worker’s Compensation	\$1,200.50

Amend Village Budget

Amend Budget A.1440.41 reduce from \$130,000 to \$112,000.00

Donation Money –Increase of budget line item

Increase budget for Donation of money	A.7140.2 Recreation Equipment	\$1,779.00
Increase budget Donation money	A.8560.4 Shade Trees contractual Services	\$3,079.74

ABSTRACT

Trustee Puckett made a motion to approve the monthly abstract in the amount of \$46,270.04; seconded by Mayor Weaver. All voted “aye”.

TREASURER’S REPORT

Mayor Weaver made a motion to approve the monthly treasure’s report; seconded by Trustee Leiser. All voted “aye”.

Mayor Weaver set October 14th at 6:00 PM to conduct the annual audit of the village treasurer’s and court clerk’s books.

FIRE DEPARTMENT

Larry Eisen reported four calls, two drills and three details. Last week truck 352 was in for

annual service. This week 351 is going for annual service. A fire truck and a fireman will attend the village's annual Community night at Rothermel Park on September 12th from 6 to 9 PM.

DPW

The village received a letter from Valatie stating there is an odor coming from our sewer line. Dave spoke with Paul from Valatie concerning the odor. It was determined the village will try adding a pro biotic to the line hoping it will help with odor.

Dave reported the monthly duties completed were: fixing the railings on the bandstand, tree trimming for school buses, patch paving, prepping village square for the events and grinding of sidewalks.

Dave was notified that Garman Brothers will be paving Berkshire Drive on or about September 14 or 15th. The swale on Jarvis will be completed when Peckham is in the area.

DPW Equipment-

The village was notified it would cost \$7,000- \$9,000 to repair the leaf machine with no guarantees. An ODM leaf machine is approximately \$29,000- \$30,000 and can be available in two weeks. A Tarco machine is 75 days out. Mayor Weaver cannot see putting \$7,000-\$9,000 into a 23year old leaf machine with no guarantee that it would last. If the village was to merge with the Town they the leaf machine would become part of the merger. The other alternative would be for the residents to bag their leaves. The village board is in agreement to continue providing leaf clean up to the residents. The village can finance the equipment thru the muni lease program. Mayor Weaver requested the lease information be forwarded to the village attorney for review.

Merging with the Town of Kinderhook-Mayor Weaver stated that the Village Board took a hard look at the proposal the Town of Kinderhook gave to the Village of Kinderhook to supply highway services. She thanked the residents who brought the petition to the Village to see if it was cost effective to merge with the Town or to retain the DPW in the Village.

Option 1 of the Town's proposal would cover: leaf pickup, drainage, mowing, snow plowing, street maintenance and clearing of sidewalks. The total approximate cost to the village of Kinderhook was \$218,182.00 for a five year agreement. There were question marks for gasoline and insurance in this option. The Board requested that the Town be asked to give an estimate for these items. This will give a clear cost as to what Option 1 will cost.

The village would still have to pay for material and hire someone for the other duties needed in the village.

Mayor Weaver will request additional information from the Town to clarify questions on Option 1 and then the Board will determine if it is cost effective to merge with the Town.

Trustee Phillips stated it cost the village \$207,247.00 to run the DPW for the 2013-2014 fiscal year and \$230,000 to run the DPW in the 2014-2015 fiscal year. If you added the water department, it cost the village \$265,272.

Trustee Leiser feels the water should be separate as it is a separate fund that has its own revenue and expenses.

Town of Kinderhook Option 2 –The board was unsure if this could be broken down to an hourly rate on the actual time they were in the village. The town has proposed two employees at a rate of \$45,000 a year plus health insurance and benefits.

Trustee Puckett thought an hourly rate could be developed to charge the village of Kinderhook but is unsure on how the Town is developing their option.

Mayor Weaver will ask the Town to clarify if the salary for the 2 employees and the health insurance will be pro-rated for the hours that they are in the Village doing snow plowing.

Trustee Murphy stated at a meeting with the town committee that he wanted to discuss a contract or service level agreements. The committee did not seem eager on pursuing a service level agreement or have knowledge of any type of agreement. He is not comfortable going forward without a contract or service level agreement knowing the timeframe a service to the village residents would happen.

Mayor Weaver stated when she receives a response form the committee, the village board will hold a special meeting to make a decision.

Water Line Kinderhook Creek- Trustee Leiser has placed a call into Ray Jurkowski concerning the abutment on the County Bridge. The erosion may be caused by the abutment. The county should maintain the abutment. The Village is still waiting for DEC and Army Corp of Engineers to approve the reinforcement of the exposed water line in the creek.

CODE ENFORCEMENT OFFICER

The CEO/ZEO monthly report was received with \$330.00 of permit fees collected.

Violations-Glenn issued two appearance tickets for the properties at 3 & 5 Church Street. He stated 5 Church Street is in foreclosure.

UNPAID VILLAGE TAXES

Approximately 33 properties have not paid their 2015-2016 village taxes in the total amount of \$12,481.83. Late letters have been sent to the property owners.

ZONING BOARD

A public hearing is scheduled for October 26th, 2015. A resident is appealing the CEO/ZEO's decision on the metal art sculpture on the front lawn of The School property.

PLANNING BOARD

Minutes of June 19, 2015 received. The monthly meeting was cancelled.

Comprehensive Plan Update-Minutes of May 28th, June 4th, July 2nd, and July 23, 2015 were received. An online survey is being created to allow residents to fill out and submit to the village office.

HISTORIC PRESERVATION COMMISSION

Minutes of July 19, 2015 were received. The commission is reviewing the Kinderhook Memorial Library's plans for an addition.

ECONOMIC DEVELOPMENT DIRECTOR

Renee submits a monthly report that is on file in the village office. Renee is working on new signage for the village's parking lot. She met with HPC members, DPW and John Reilly. The funds raised from selling of the old street signs will go to the new parking lot sign.

Renee solicited donations from area businesses for a promotional package to WAMC Radio Fall Fund Drive. She does this as a marketing tool to entice visitors to come to the village and frequent the businesses. WAMC would like to model this for other Towns.

CORRESPONDENCE

Department of Transportation Columbia County 21 Functional class change Resolution-

RESOLUTION SUPPORTING A FUNCTIONAL CLASSIFICATION CHANGE FOR COLUMBIA COUNTY ROUTE 21 (HUDSON STREET) FOR THE VILLAGE OF KINDERHOOK

At a regular meeting of the Village Board of the Village of Kinderhook, Columbia County, New York, duly held on the 9th day of September, 2015 at the Village Hall, 6 Chatham Street, Kinderhook, New York, the following Resolution was proposed and seconded:

Resolution by: Mayor Carol Weaver;
Seconded by: Trustee Dale Leiser.

WHEREAS, the Village of Kinderhook has requested that the NYS DOT consider changes in the Function Classification of Columbia County Route 21 (Hudson Street) in the Village of Kinderhook between Broad Street and McCagg Road in the Village and Town of Kinderhook; and

WHEREAS, the NYS DOT has performed a study of traffic volumes and patterns of travel, and has found that a Functional Classification change is warranted based upon the present-day use of the road network in the Village from a Functional Classification of Rural Local Road (09) to a Functional Classification of Urban Minor Collector (18).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Trustees of the Village of Kinderhook that the Village do Kinderhook supports the Functional Class change for Columbia County 21 (Hudson Street) between Broad Street and the Kinderhook Village Line from Rural Local Road (09) to Urban Minor Collector (18); and

BE IT FURTHER RESOLVED that the Mayor is authorized to executed and deliver any and all documents to effectuate the Functional Classification change.

Upon question of the foregoing Resolution, the following Board members voted "Aye" in favor of the Resolution:

Mayor Carol Weaver;
Trustee Richard Phillips;
Trustee Dale Leiser;
Trustee Robert Puckett; and
Trustee Brian Murphy.

The following Board members voted "No" in opposition
thereto: _____; and
_____.

The Resolution having been approved by a majority of the Village Board,
the same was declared duly adopted by the Mayor of the Village of Kinderhook.

Dated: September 9, 2015

Nicole H. Heeder, Village Clerk
Village of Kinderhook

Tobacco Free Resolution

**RESOLUTION ESTABLISHING A TOBACCO USE POLICY FOR THE VILLAGE OF
KINDERHOOK**

At a regular meeting of the Village Board of the Village of Kinderhook,
Columbia County, New York, duly held on the 9th day of September, 2015 at the
Village Hall, 6 Chatham Street, Kinderhook, New York, the following Resolution
was proposed and seconded:

Resolution by: Mayor Carol Weaver;
Seconded by: Trustee Dale Leiser .

WHEREAS, the Village of Kinderhook has herein determined to implement
a tobacco use policy in order to provide a healthy, productive, clean, and safe
environment for all village employees and visitors to village facilities. Smoking

and other tobacco use in outdoor public areas produces litter, presents can present an unprofessional image, and requires additional maintenance. Improperly discarded cigarettes have and can cause fires that damage property and threaten public safety. The purpose of this policy is to create and sustain an environment that supports compliance with the 203 New York State Clean Indoor Air Act, and that promotes a tobacco-free social norm in or on village property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Trustees of the Village of Kinderhook that:

Tobacco Products: means all manufactured products containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and electronic cigarette cartridges. However, Tobacco Products does not include products that are approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as tobacco use cessation products or other medicinal purposes and are being marketed and sold solely for that approved use.

Smoking: means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, in any manner or in any form.

BE IT FURTHER RESOLVED effective October 1, 2015, the use of all tobacco products as defined above is prohibited at all times by all employees and visitors:

1. in all interior space owned, rented or leased by the Village of Kinderhook;
2. in all vehicles owned, rented, leased or operated by the Village of Kinderhook;
3. on all outside property or grounds owned or leased by the Village of Kinderhook, including parking areas and in private vehicles while on Village of Kinderhook property.

BE IT FURTHER RESOLVED the Village implements and administers the policy as follows:

1. All current and future Village employees will receive, and must provide written acknowledgement of receiving, notice of the terms of this policy.
2. All Village properties, facilities and vehicles will be marked with signs indicating that all tobacco use is prohibited.

3. Employees who choose to use tobacco products must do so only on regularly scheduled breaks or meal times and must go off Village property to do so.
4. All visitors who choose to use tobacco products must leave Village property to do so.

BE IT FURTHER RESOLVED that supervisors and managers are responsible for ensuring that employees under their direction are aware of the policy and comply with it. Employee violations are subject to standard disciplinary actions of the Village. Compliance with this policy is mandatory.

Upon question of the foregoing Resolution, the following Board members voted "Aye" in favor of the Resolution:

Mayor Carol Weaver;
Trustee Richard Phillips;
Trustee Dale Leiser;
Robert Puckett; and
Brian Murphy.

The following Board members voted "No" in opposition thereto:

_____ ; and
_____.

The Resolution having been approved by a majority of the Village Board, the same was declared duly adopted by the Mayor of the Village of Kinderhook.

Dated: September 9, 2015

Nicole H. Heeder, Village Clerk
Village of Kinderhook

VILLAGE HALL

Roof Repair Project-Due to the inability to place a dumpster on the bank parking lot and use the lot for the asbestos removal phase of the project and given the placing the dumpster in front of the building on Chatham Street (given that the public must be kept 25 feet away from the dumpster), a change order estimate from Sullivan was received for \$14,500 to abate the roof

which will require wrapping the removed materials on the flat roof and then transporting bundles of wrapped materials. Once the material is wrapped it is considered general construction debris. They require a 25ft clear zone that the village does not have. Kinderhook Bank declined the village Board's request to use their parking lot for construction debris due to the asbestos. Prior to the knowledge of the asbestos they had agreed the contractor could use their parking lot. Trustee Puckett stated they have understandable reasons for their employees and customers. There is 1.4 % of asbestos in the fiber of the paint on the village hall roof; anything over 1% needs to be abated. Glenn noted a variance could have been applied for to the Dept. of Labor. Trustee Puckett spoke with the Village Attorney, Robert Fitzsimmons, concerning a variance. The variance would take approximately three weeks and there may be additional costs and time for the variance. There is no guarantee the village would receive a variance and a certified program analyst will need to be hired to apply for the variance.

Trustee Puckett made a motion to accept Sullivan's estimate at \$14,500 to move the project forward; seconded by Trustee Phillips. All voted "aye".

WASTEWATER COLLECTION PROJECT

At the sewer pump station at the Fire House, the housing for the pump station was not made to specifications and instead of being flush to the ground, it was built too high. Casale was to correct this with a new top. However, without notifying the Village, Charlie Casale had an employee come down to the Village and cut the box to the correct height. The Mayor spoke with Mr. Casale at the time this was being done and was assured that none of the equipment within the box would be touched. The village is currently waiting to have Casale Construction to repave a portion of the parking lot that was done unsatisfactorily and to correct the other items on the punch list submitted by Project Manager Dunham.

APPLICATIONS

Mayor Weaver made a motion to approve the following applications; seconded by Trustee Phillips. All voted "aye".

- a. Rhonda Conover is requesting the playground pavilion on Sept 20th from 12-6 pm.
- b. Kinderhook Reformed Church is requesting a sign for Brooks BBQ Sept. 15th – Sept. 30th

RECREATION COMMISSION

With her family, Jamie Todd Stickles donated a piece of playground equipment in memory of her mother, Holly Hutehinson. She chooses to donate a crawl through tunnel to add to Rothermel Park. The commission will send a thank you note to her and her family.

TAXPAYER TIME

Chuck Rothermel stated it has been 2 1/2 months since the DPW garage burned. He wanted to know why the village has not explored the shared service grant. He said there is money there for shared services that it is the governor's pet project.

Trustee Puckett responded that there are two separate grants. One grant is for equipment and one for a study on shared services that is a 50/50 matching grant. Someone would need to be hired to write the grant proposal. The proposal would then be submitted to the state for the state to make a decision on who receives the grant funds. The time frame for the equipment grant ended in June.

Chuck also wanted to comment that personally he is against serving alcohol in the village square. The village should not be promoting alcohol in front of children. This is a moral issue not a legal issue.

Mayor Weaver made a motion to adjourn at 8:50 pm; seconded by Trustee Leiser. All voted "aye".

Respectfully submitted,

Nicole H. Heeder
Village Clerk