

Minutes
Regular Monthly meeting of the Village Board of Trustees
September 11, 2013

Present: Mayor Carol Weaver Trustees: Richard Philips
 Dale Leiser
 Robert Puckett

Absent: Brian Murphy

Also attending: Mark Brown; Brud Snyder; Jim Dunham; Bill Laraway; Renee Shur; Kim Voltz and Amelia Teasdale, Register Star.

Mayor Weaver opened the meeting at 7:30 pm with a moment of silence to remember those lost on September 11, 2001.

MINUTES

Trustee Phillips made a motion to approve the minutes of August 14, 2013 minutes; seconded by Mayor Weaver. All voted "aye." Trustee Leiser noted the color of the DPW truck will be red not grey as reported at the August meeting.

ABSTRACT

Mayor Weaver made a motion approving the monthly abstract in the amount of \$227,515.41; seconded by Trustee Phillips. All voted "aye."

TREASURER'S REPORT

Mayor Weaver made a motion to approve the monthly Treasurer's report; seconded by Trustee Leiser. All voted "aye."

Trustee Phillips thanked Nicole for having the date of the report reflect the date of the meeting instead of the date the report was printed.

Trustee Puckett inquired about the labeling/numbering of the Treasure's Reports: June (1), July (2) etc... June is the Village's first month of the fiscal year and he would like them numbered as such. He also would like to know when the village board will be trained on the KVS system to learn how to run reports.

Mayor Weaver stated the KVS company has merged with a larger company named Springbrook which seems far superior than KVS. The village office reviewed the utility billing from Springbrook and felt it was far better than KVS's utility billing. The village office will be reviewing the financials and payroll from Springbrook to determine if the village will just move completely forward with Springbrook at no additional cost. Mayor Weaver requested that the village Board wait on any training until the software is decided on.

FIRE DEPARTMENT

No members in attendance, no fire report received.

Bond Resolution-Mayor Weaver noted after the passing of the resolution the village will need to publish a notice in the paper and wait 20 days for the notice of estoppel before the village can go to the bank for the money to pay for the Jaw of Life and the village DPW truck. The village budgeted \$8,000.00 as a down payment for the truck the remainder will be bonded.

Legal Notice of Estoppel

NOTICE IS HEREBY GIVEN that the resolution which is published herewith, has been adopted by the Village Board of the Village of Kinderhook, New York, on September 11, 2013, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which said Village is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

Dated: Kinderhook, New York
September 12, 2013
Nicole Heeder, Village Clerk

RESOLUTION OF THE VILLAGE OF KINDERHOOK, NEW YORK (THE "VILLAGE"), DATED SEPTEMBER 11, 2013, AUTHORIZING THE ACQUISITION OF A PNEUMATIC RESCUE TOOL AND A NEW TRUCK FOR THE VILLAGE, ESTIMATING THE AGGREGATE COST THEREOF TO BE APPROXIMATELY \$50,000.00; APPROPRIATING UP TO \$50,000.00 THEREFOR AND AUTHORIZING THE ISSUANCE OF INDEBTEDNESS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$50,000.00 TO FINANCE SAID COSTS

Resolution by Trustee Mayor Weaver Seconded by Trustee Phillips

WHEREAS, the Board of Trustees of the Village adopted a resolution on August 14, 2013 awarding a bid for a new truck for the Village's Department of Public Works in the amount of \$28,235.00 (the "Truck Purchase"); and

WHEREAS, the Board of Trustees of the Village previously determined to purchase a pneumatic rescue tool, known familiarly as the "Jaws of Life," in the amount of \$21,000.00 (the "Rescue Tool Purchase"); and

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the members of 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 Board of Trustees hereby:

- (i) reaffirms the Truck Purchase, the maximum cost thereof being hereby estimated to be \$29,000.00, appropriating said amount therefor and authorizing the issuance of up to \$29,000.00 serial bonds or statutory installment bonds to finance such cost; and

- (ii) reaffirms the Rescue Tool Purchase, the maximum cost thereof being hereby estimated to be \$21,000.00, appropriating said amount therefor and authorizing the issuance of up to \$21,000.00 serial bonds or statutory installment bonds to finance such cost.

SECTION 2

It is determined that the period of probable usefulness of the aforesaid Truck Purchase is five (5) years pursuant to Section 11.00(a)(29) of the Law;

It is determined that the period of probable usefulness of the aforesaid Rescue Tool Purchase is ten (10) years pursuant to Section 11.00(a)(27) of the Law;

SECTION 3

The plan of financing includes the issuance of bonds in an amount up to \$50,000.00 (the "Indebtedness") and the levy of a tax upon all of the real property in the Village to pay the principal of and interest on said 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 specific objects or purposes 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 Indebtedness authorized and identified pursuant to Section 1 above.

SECTION 5

The proposed average maturity date of any bonds authorized pursuant to this resolution is expected to exceed five (5) years.

SECTION 6

Any bonds issued to finance the cost of each object or purpose 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 Indebtedness of the Village issued pursuant to this resolution, 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 Indebtedness from Federal income taxation.

SECTION 8

Any serial bonds or statutory installment 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 serial 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 serial 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 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 Indebtedness hereunder and prescribing the terms, form and content as to sale and issuance of said Indebtedness herein authorized, 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, 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 privately negotiate or 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 Indebtedness.

SECTION 11

The validity of any bonds authorized by this 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 constitute the declaration of the Village's "official intent" to reimburse expenditures related to the additional costs of the Improvements authorized by Section 1 with proceeds of the Bonds and notes, as required by U.S. Treasury Regulation Section 1.150-2.

SECTION 13

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 14

This resolution shall take effect immediately.

Ayes: Mayor Carol Weaver; Trustees: Richard Phillips; Dale Leiser; Robert Puckett

Noes:

Absent: Trustee Brian Murphy

Abstentions:

Motion Carried

Village Board decision on September 11, 2013

DPW

Electric in the village square-During the farmer's market the village square lost power. It has been determined a new circuit or panel is needed. Trustee Leiser will contact Sheriff Electric to determine what is needed in the village square. Renee Shur requested the village board consider what will be needed in the future for electric as more events are likely to occur in the village square. The village board discussed having an electric grid installed for future needs. Mayor Weaver stated the village board needs to work on this and we will have to get by this season so we can plan for future needs.

Northern Columbia Little League- Requested to install a water line at K-2 in the spring to allow easier upgrades to that field. The village board wished to table this until a NCLL member could be in attendance to explain exactly what they would like to do with the field and submit a schematic drawing to the village board for approval.

Brud apologized to the village board for not attending the August meeting. The Town of Kinderhook helped the DPW skid box Railroad Ave., Rothermel Ave., Catskill View, DPW shop and a portion of the firehouse. They are waiting on parts to fix the mower.

Brud spoke to Mike Mooney to install the Chlorinator at the pump house this will allow the chlorine to be distributed as the pumps go on. This will improve the chlorine flakes and constant residual.

CODE ENFORCEMENT OFFICER

The CEO/ZEO issued 27 permits and collected \$1,905.15 of permit fees. A discussion concerning the duration of a permit and the duration and fee of a second permit was discussed. The village Board

would like to encourage residents to complete their work during the first permit cycle. Glenn feels the village should set their permit fee schedule to collect enough revenue to cover the department's costs. He feels each permit should be 12 months as it is hard to get a large project done in six months. The village board will table this until next month to give them time to review before making a decision.

VILLAGE HALL

Village Hall Roof-Trustee Puckett submitted an application applying for grant funds thru The Parks and Recreation. The village is waiting for the award announcement.

Trustee Puckett will be meeting with National Grid and The Department of Transportation next Thursday, September 19, 2013 at 10:00 am to discuss the wires along the roof of the Village Hall.

Village website-The village board discussed what items would be added to the village's new website. The village board felt all village items may go on the website or events and activities that are being held in the village. The Board felt that non-Village events should not be included on the website. If non-village events are put on the website, this would open the door for any event to be on the website. The Board discussed having links to other sites on the website.

RECORDS DESTRUCTION AUTHORIZATION SHEET

Mayor Weaver made a motion to destroy the records in box #42 in accordance with the NYS Destruction Regulations; seconded by Trustee Leiser. All voted "aye".

WASTEWATER COLLECTION PROJECT

The village is waiting on the findings of the Environmental Impact affirming no significant Impact. When this is received the grant funds will be released. Previously, the Mayor applied for extensions of the grant funds from CDBG and SMSI and has not heard if the grants will be extended.

SIDEWALK LINK PROJECT

Mr. Dunham reported that you can see the progress being done on the sidewalk Link Project. Several portions of the sidewalk have been installed. The plans for the retaining wall, the curb and guard rail needs to be approved. Jim is satisfied with the contractor and they have started to work Saturdays and Sundays to get caught up.

APPOINTMENT OF DEPUTY REGISTRAR

Mayor Weaver made a motion appointing Carol van Denburgh as the village's Deputy Registrar; seconded by Trustee Puckett. All voted "aye".

PP LL LAW #3-2013 TO AMEND THE VILLAGE OF KINDERHOOK ZONING LAW IN RELATION TO SIGNAGE

Mayor Weaver made a motion to set a public hearing for PP LL #3-2013 on October 9, 2013 at 7:15 pm; seconded by Trustee Puckett. All voted "aye".

RESOLUTION TO APPLY FOR JUSTICE COURT ASSISTANCE PROGRAM

Trustee Phillips made the following resolution:

WHEREAS, the Village of Kinderhook previously determined that the Village Court facilities were inadequate to support the Court's operations, and

WHEREAS, the Village of Kinderhook undertook a Project to renovate Court facilities to alleviate said inadequacies, including enhancing handicap accessibility for all court users, and

WHEREAS, Phase I of the Project called for the creation of a new Court office and attorney conference space, the addition of central air conditioning to the court facility and the renovation

of the handicap ramp leading to the Courthouse, and

WHEREAS, Phase II of the Project called for the renovation of the Court room space including the construction of a new bench and railing to separate Court personnel from the public and the installation of new flooring and renovation of existing furniture to accommodate Courtroom users, and

WHEREAS, although the Kinderhook Village Court facilities are now handicap accessible, said Court facilities do not contain handicap accessible restrooms for use by Court patrons, and

WHEREAS, the Justice Court Assistance Program has grant funds available for projects relating to Court operations, and

WHEREAS, the Village of Kinderhook Justice Court is interested in applying for a grant in the maximum sum of \$30,000.00 to enhance Court operations and provide handicap accessibility, and

WHEREAS, the Village Board of Trustees desire to authorize the Village Mayor and/or the Village Justice to apply for said funding,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Kinderhook Board of Trustees hereby authorizes the Village Mayor and/or Village Justice to make application to the Unified Court System for the maximum allowable amount of grant funds available from the Justice Court Assistance Program.

APPLICATIONS

a. Trustee Phillips made a motion to approve the request from the Kinderhook Reformed Church to place a sign advertising the following events: 9/14 BBQ and bake sale; 9/2/ Concert; 10/2 2nd BBQ; 11/2 Fall Bazaar; 11/ Spaghetti Dinner; 11/10 Concert and 12/22 Lessons in Carols. The motion was seconded by Trustee Leiser. All voted "aye".

PEDDLER'S PERMIT

At last month village board meeting Mayor Weaver tabled this request waiting for additional information before approving a peddler's permit. LHI Exterior's has not submitted the additional information requested. Trustee Phillips made a motion to have the Treasurer deposit the cash in the amount of \$50.00 and write a reimbursement check to him; seconded by Trustee Leiser. All voted "aye".

ECONOMIC DEVELOPMENT COMMITTEE

The EDC Committee will be sending additional letters of requests to business owners to donate money towards a bench for the village square.

ZONING BOARD

Minutes of May 28, 2013 meeting were received.

PLANNING BOARD

Every five years a committee is selected to update the village's Comprehensive Plan. In the past a Greenway grant has been applied for to help with the expenses. The village will also request funds in next year's budget to update the Comprehensive Plan. Mark Browne, Planning Board Chair, will request help from volunteers on the village website from interested residents who would like to work on the committee.

HISTORIC PRESERVATION COMMISSION

The Commission members are working on guidelines for solar panels.

RECREATION COMMISSION

The village Community night was well attended although it sprinkled on and off all evening. The activities included the rock climbing wall, miniature ponies, pony rides, face painting, a bouncy bounce and a DJ.

The Halloween party is scheduled for Saturday, October 26th at 2:00 pm in the Village Hall 2nd floor.

TAXPAYER TIME

A discussion to have a more permanent screening around the shrubbery that lines the MVB statue was discussed. Trustee Puckett felt burlap wrapped around some wooden post kept taught would help protect the shrubbery better.

Mayor Weaver made a motion to adjourn at 9:05 pm; seconded by Trustee Leiser. All voted "aye".

Respectfully submitted,

Nicole H. Heeder
Village Clerk