

Wednesday, April 10, 2024

Budget meeting and Regular monthly meeting of the Kinderhook Village Board of Trustees
Minutes

Present: Mayor Dorene Weir Clerk/Treasurer Nicole Heeder	Trustees: James Mark Browne Susan Patterson Quinn Murphy T. Kevin Monahan
Attendees: Jerry Callahan, Elizabeth Martin, Laurel Nicholson Browne, David Booth, Dale Leiser, Rich Phillips, Matt Cohn, Bill Mancini, Sean Sawyer, Sabine Murphy, Astrid Montagano, Sandra Tolosa, Renee Shur, Bill Murphy, Anne Birckmayer, 1 unidentified gent	

Budget Meeting

Mayor Weir opened the budget meeting at 6:37 p.m. All stood for pledge of allegiance.

Mayor and Village Trustees held budget meeting for fiscal year beginning June 1, 2024, through fiscal year end May 31, 2025, to review General Fund revenue and expenditures, Water Fund revenue and expenditures, Sewer Fund revenue and expenditures and Capital Projects.

Mayor thanked the trustees, department heads and former mayor and summarized the budget process. Trustee Browne mentioned one item needing clarification, the roads scheduled to be repaired in current and future fiscal years. Referenced a December 2022 study indicated Railroad and McNary could be repaired for \$154,000, and the low bid came in at \$71,250. The Village is estimated to cover those two roads with FY 23-24 budget. In FY 24-25, Van Buren Dr., estimated without bids at \$50,000, to be paid for with CHIPs (\$30,000) and fund balance (\$20,000) still below 2% tax cap. DPW Superintendent Dave Booth referenced following the 2022 capital improvement plan developed by Tighe & Bond, and that this reflects first year spending. The DPW will do additional road repairs with unrealized savings. Per Trustee Browne the village will apply for the TAP award again, applying for Williams St. and Gaffney Lane next, estimated to be repaired in FY 25-26.

Trustee Browne motioned to adopt the budget change, seconded by Trustee Monahan. Trustee Murphy posed questions regarding fund balance appropriations. Roll call: Mayor Weir – aye, Trustee Patterson – aye, Trustee Browne – aye, Trustee Monahan – aye, Trustee Murphy – abstained, stating the desire to personally view the condition of Van Buren Dr. The motion passed.

Trustee Patterson motioned to set the public hearing on budget for Monday, April 15th at 7:00 p.m.; Trustee Murphy seconded, all voted ‘Aye.’

Clerk/Treasurer Heeder reported she entered budget numbers into state comptroller’s tax cap compliance software and the village is in tax cap compliance. Clerk/Treasurer Heeder mentioned pulling from fund balance to finish last minute expenditures which totaled \$6,349, staying under \$10,000 threshold approved by board during the last budget meeting. The assessed value of the village \$1,666,629,856. The tax rate is 2.10%. The raise by taxes is \$391,961. Clerk/Treasurer to amend proposed budget with one change.

Mayor Weir motioned to adjourn budget meeting at 6:53 p.m. seconded by Trustee Murphy, all voted ‘Aye.’

Mayor Weir opened the regular village board meeting at 7:00 p.m.

Clerk/Treasurer (Nicole Heeder)

Minutes of March 13th, 2024, Village Board meeting

Trustee Murphy motioned to accept March 13th, 2024, minutes, seconded by Trustee Patterson, all voted 'Aye.'

Budget Amendments

Mayor motioned to have Clerk Heeder authority to finalize the budget amendments and present to the Village Board on Monday, April 15th, 2024, seconded by Trustee Monahan, all voted 'Aye.'

Abstract

Abstract expenses were provided, and a motion was made to approve the amount stated for various funds. Total abstract \$74,197.21; General Fund \$51,016.80; Water Fund \$1,030.49; Albany Ave. water portion \$5,250; and Albany Ave. construction portion \$16,899.92.

Trustee Browne motioned to accept abstract, seconded by Trustee Monahan, all voted 'Aye.'

Treasurer's Report

The Treasurer's Report was examined, with no questions or concerns.

Trustee Patterson motioned to accept Treasurer's Report, seconded by Trustee Browne, all voted 'Aye.'

Code Enforcement Officer – (Trevor Bean absent) Report submitted.

Fire Department (Matt Cohn)

The Fire Department reported activities including 11 calls and 2 drills for the period. Plans concerning pump operations were discussed. The department also mentioned a county-wide fire department review highlighting response times (Kinderhook was 2nd fastest) and frequency of different types of calls.

Trustees Browne and Murphy read resolution dated 4/10/24 authorizing the Village of Kinderhook to purchase a new rescue Fire Truck estimating aggregate costs thereof at \$765,000, and authorizing issuance of \$477,838 bonds to finance a portion of said costs.

RESOLUTION NO. 4

Dated: Kinderhook, New York, April 10, 2024

RESOLUTION OF THE VILLAGE OF KINDERHOOK, NEW YORK (THE "VILLAGE"), DATED APRIL 10, 2024, AUTHORIZING THE PURCHASE OF A NEW PIERCE RESCUE PUMPER FIRE TRUCK FOR THE VILLAGE, ESTIMATING THE AGGREGATE COST THEREOF TO BE APPROXIMATELY \$765,000.00, AND AUTHORIZING THE ISSUANCE OF \$477,838 BONDS TO FINANCE A PORTION OF SAID COST.

Resolution by: Trustee James Mark Browne Seconded by: Trustee Quinn Murphy

WHEREAS, at a February 9, 2022 Village Board Meeting, the Board of Trustees of the Village of Kinderhook (the "Board") approved to enter into a contract with Pierce Firematic for

purchasing a new Pierce Rescue Pumper Fire Truck (the “Fire Truck”) for the Village at a cost not to exceed \$765,000.00; and

WHEREAS, at this same Village Board Meeting held on February 9, 2022, Trustee Browne indicated that he was in support of the Fire Truck purchase and that he would like to see the Village Board move forward with sending a public communication to residents to show transparency. A motion made by Trustee Browne to send out a public communication via email blast and posting the Q&A generated document referred to as PUBLIC COMMUNICATION 3.0 in support of this decision and was posted on the Village website; and

WHEREAS, at a regular Village Board Meeting conducted on March 13, 2024, the Village Board voted to make a partial payment for the Fire Truck Chassis in the amount of \$372,091.00 in order to receive a discount on the final payment scheduled for June 2024; and

WHEREAS, the Board reaffirms its decision to purchase the Fire Truck and now seeks to authorize the issuance of serial bonds or a statutory installment bond in order to finance a portion of the cost of purchasing the Fire Truck;

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 Village hereby reaffirms its authorization for purchase of the Fire Truck and issuance of Bonds in the maximum amount \$477,838.00, and hereby appropriates said amount to pay the balance due and owing for the Fire Truck and, authorizes the issuance of serial bonds or a statutory installment bond in an amount not to exceed \$477,838.00 to finance such cost.

SECTION 2

It is determined that the period of probable usefulness of the aforesaid Fire Truck is twenty (20) years pursuant to Section 11.00(a)(27) of the Law.

SECTION 3

The plan of financing includes the issuance of serial bonds or a statutory installment bond in the amount up to \$477,838.00 (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 Truck 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

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 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

Any serial bonds or a statutory installment bond 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 is subject to referendum to the extent required by Section 36 of the Law and Article 9 of the Village Law of the State of New York.

SECTION 14

This resolution or a summary thereof shall be published 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 15

This bond resolution shall take effect immediately upon its adoption by the required votes of the Board.

Ayes: Mayor Dorene Weir; Trustee James Mark Browne; Trustee Susan Patterson;

Trustee Quinn Murphy; Trustee Kevin Monahan

Noes:

Absent:

Abstentions:

Motion Carried

Water & Sewer Commissioner (Dale Leiser)

The Commissioner reported total billing of \$55,000. Discussed increasing tapping fees from \$1,000 to \$1,700 and raising turn-on/turn-off from \$25 to \$100 each way.

A motion was made to approve the increase in tapping fees and turn-on/turn-off fees, effective June 1st, aiming to better cover costs associated with these services. Mayor Weir motioned to approve, seconded by Trustee Browne, all voted 'Aye.'

DPW (David Booth)

DPW reported a busy month with various maintenance activities including two new doors at Van Buren Hall, built a storage lean to and discussed preparations for upcoming projects such

as the kayak launch and sidewalk pour in front of the pump house. Hydrant flushing to be held April 16th – 18th. Pothole repairs and brush pickups were conducted as well as landscaping duties including tree removal and pruning, and updates on the Lead Service Line Inventory were provided.

Economic Development Director (Renee Shur)

The Economic Development Director reported hold on promotional efforts pending the new fiscal year but indicated planning for future events.

KBPA (Renee Shur)

KBPA is preparing for the upcoming farmers' market opening May 4th and planning both existing and new events for the season.

Trustee Murphy

Trustee Murphy to transfer HPC liaison duties to Trustee Patterson. Trustee reported LED street lighting conversion was decided for village clean energy project. Chair Bill Mancini reported out on Climate Smart and requested the board prepare a letter with comments to the PSC, supporting continued funding for clean energy for smaller communities.

Mayor Weir motioned to prepare said letter, Trustee Monahan seconded, all voted 'Aye.'

Trustee Browne requested using National Grid solar array credits for the village charging station's electricity fees.

Trustee Browne motioned to apply National Grid credits to the cost of electric for vehicle charging station, Trustee Murphy seconded, all voted 'Aye.'

On Earth Day, April 20th, the village is partnering with Kinderhook Runners Club to host a Dash for Trash. The Kinderhook Memorial Library is holding a sustainability celebration as they were certified as a sustainable library by the NYS Library Association, to be held on April 21st, 2024, at 2:00 p.m.

Trustee Murphy reported on Fire House alarm purchase with install date yet to be determined.

Trustee Patterson

The Planning Board met April 4th and approved two applications, 1) Kinderhook Books applied for a seasonal wine garden pending liquor license and 2) Hamrah's Lebanese food opening. Trustee Patterson is transferring liaison Planning Board duties to Trustee Monahan.

Code Adoption – Resolution for a Public Hearing

Motion made by Trustee Patterson to hold a public hearing on the proposed local law No. 2-2024 to codify village statutes, scheduled for April 25, 2024, at 7:00 p.m. seconded by Trustee Monahan. All voted 'aye'.

PROPOSED LOCAL LAW NO. 2 -2024

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF KINDERHOOK INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF KINDERHOOK"

This local law:

- (1) States the legislative intent of the Board of Trustees in adopting the Code.
- (2) Provides for the designation of the local laws, ordinances and certain resolutions of the Village of Kinderhook as the "Code of the Village of Kinderhook."
- (3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.

- (4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.
- (5) Retains the meaning and intent of previously adopted legislation.
- (6) Provides for the filing of a copy of the Code in the Village Clerk-Treasurer's office.
- (7) Provides for certain changes in or additions to the Code.
- (8) Prescribes the manner in which amendments and new legislation are to be incorporated into the Code.
- (9) Requires that Code books be kept up-to-date.
- (10) Provides for the sale of Code books by the Village and the supplementation thereof.
- (11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both.
- (12) Establishes severability provisions with respect to the Code generally.
- (13) Provides that the local law will be included in the Code as Chapter 1, Article I.

Copies of the local law described above and of the Code proposed for adoption thereby are on file in the office of the Village Clerk-Treasurer of the Village of Kinderhook, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Board of Trustees of the Village of Kinderhook will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above and, as deemed advisable by said Board, taking action on the enactment of said local law.

Trustee Browne

Albany Avenue Watermain Upgrade Project

The Albany Avenue Watermain Upgrade Project reported significant progress. A bid evaluation document was reviewed, and a contractor has been selected (Birdsall Excavation) with a tentative start date for construction planned for May 1, 2024, with completion estimated by end of June and road project commencing thereafter. Trustee Browne will schedule a public workshop to discuss planned construction.

Albany Avenue Pedestrian and Bicycle Improvement Project

Discussions with Joseph Kelly, Lead Technical Engineer, PE, DOT are ongoing regarding the preliminary design approval for the Albany Avenue Pedestrian and Bicycle Improvement Project. Final design activities cannot commence until DOT's design approval is obtained. Tree removal was conducted March 18 – 20.

Insurance Costs and Review

The board opted to defer a decision on increased insurance costs for the pump station to allow for a comprehensive review and comparison of insurance providers and potential over insurance issues.

Mayor Weir

The mayor discussed the successful Recreation Committee Easter Egg Hunt event, the upcoming Local Waterfront Revitalization open house meeting May 22, 2024, 4:30 – 6:30 p.m. at the Martin H. Glynn building, and the plan for implementing a kayak launch/exit point by the end of May. Apologies were made for delays in the newsletter distribution slated to be out by the end of April, and an additional cost for adding a mandatory business

directory to the village website was introduced due to the Hazardous Mitigation requirements.

A motion was made by Mayor Weir to approve the additional \$1500 expenditure for the new business directory module for the village website, seconded by Trustee Browne, all voted 'Aye.'

Mayor motioned to approve the appointments of the Kinderhook Fire Department officers; Matt Cohn, Chief; David Bartlett, First Assistant Chief; Larry Eisen, Second Assistant Chief; Trustee Murphy seconded, all voted 'Aye.'

Applications

Jeremy Darman's BBQ Pavilion Reservation Request

A motion was made to approve Jeremy Darman's request for using the Pavilion on May 26, 2024, 12pm – 6pm, for a BBQ event. Trustee Patterson motioned to approve, Trustee Monahan seconded, all voted 'Aye.'

Taxpayer Time

Residents expressed concerns about Albany Avenue's width and emergency vehicle requirements. The Historic Preservation Commission's recommendation to retain the current width was disregarded by the board in favor of a wider lane based on surveys to local agencies. Other issues such as the impact on aesthetics, preserving the historic character, children's safety, and property values were discussed. Resident referenced a Johns Hopkins report on narrow lane widths which the board will review and share with project engineers. Revisiting the possibility of burying power lines on Albany Avenue was requested.

Resident requested DPW reinstall garbage can next to Vanderpoel House. Mayor will follow-up.

The new code, Schedule A, representing just the changes, will be available prior to public hearing for review.

Executive Session Proposal

A motion was made by Trustee Browne to adjourn and enter a brief executive session to discuss topics related to financing, land acquisition, and construction, seconded by Trustee Patterson, all voted 'Aye.' The regular village board meeting adjourned at 8:13 p.m.

Respectfully submitted by Sue Pulver utilizing HeyGov.

No motions made.

A motion was made by Trustee Browne to adjourn executive session at 8:18 pm; seconded by Trustee Patterson, all voted 'Aye.'

Respectfully submitted,

Nicole H. Heeder

Village Clerk