

Wednesday, May 8, 2024

Public Hearing Local Law No. 2 of year 2024 and Regular monthly meeting of the Kinderhook Village Board of Trustees

Minutes

Present: <b>Mayor Dorene Weir</b> <b>Clerk/Treasurer Nicole Heeder</b>	Trustees: <b>James Mark Browne</b> <b>Susan Patterson</b> <b>Quinn Murphy - absent</b> <b>T. Kevin Monahan</b>
Attendees: Jerry Callahan, Laurel Nicholson-Browne, Kristy Silvia, Dale Leiser, Bill Mancini, Victoria Bell, Anne Birkmayer, Dave Booth, Jodi McComb, Elizabeth Martin, Susan Jenks, Astrid Montagano, Joe Keegan, Matt Cohn, Trevor Bean, Malcolm Bird, Vesna Marincek, Paul Rinehart, Renee Shur, Dan Valentine	

Mayor Weir opened the public hearing at 6:35 p.m. All stood for the pledge of allegiance.

#### Public Hearing on Proposed Local Law No. 2 of 2024

- **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”

Trustee Patterson along with consultant Jerry Callahan discussed the process for updating the village code. The Comprehensive plan was last updated in 2003. Goals were set to digitalize the plan to make it more easily accessible to the public, create an up to date product, make it an enforceable, organized and formatted plan with gender neutral language, and to represent the interest of the village and be inclusive of all boards and commissions throughout the two year project. Presented summary of RFP bid results. The bidders were General Code, Municipal Code, and American Legal. After review the decision went to General Code who had the lowest bid. General Code did a comprehensive review of the entire code, editorial and legal analyses for redundancies, looked at changes in NYS legislative code affecting villages, and provided the village with training and legal consultation. General Code provided a 4 step process: organizational analysis, editorial and legal analysis, presented a draft with 134 sections within the code recommended for examination, with final stage delivery and adoption. This required participation from various commissions, boards, and departments. Trustee Patterson and Jerry Callahan created a listing of 134 sections with chapters of code, and which board had oversight, and assigned those to various committees/boards for guidance and comments. The Zoning Board of Approvals had 38 sections, Planning Board had 21 sections, Historic Preservation Commission had 11 sections, Water and Sewer had 10 sections, DPW did 9 sections, CEO had 8 sections, Recreation Commission had 4 sections, clerk and elections did 3, and Fire Department did one section. The Village Board and attorney also reviewed 30 sections. Trustee distributed copies of organizational charts for public review. Compiled and submitted to General Code who prepared Schedule A which includes all sections of code with every change detailed within, and posted on the website. This will provide a legacy for future boards on why the changes were made.

All interested parties were afforded the opportunity to be heard concerning the local law with none heard.

Trustee Monahan motioned to close the public hearing at 6:57 pm, seconded by Trustee Browne, all voted “Aye.” Mayor Weir opened the regular board meeting at 7:00 pm.

1. Clerk/Treasurer (Nicole Heeder)

- Minutes of March 21, 2024, March 27, 2024 Budget meetings, April 2nd Budget and Organizational meeting, April 4th Budget meeting, April 10th Budget meeting and monthly Village Board meeting, April 15th Public Hearing on Tentative budget for fiscal year June 1 ending May 31, 2025, and April 25th Special meeting of the Village Board to adopt the budget  
Clerk/Treasurer Heeder discussed two minor amendments. Trustee Browne motioned to approve with two word changes as submitted, Trustee Monahan seconded, all voted ‘Aye.’
- Budget Amendments were presented by the clerk/treasurer for review, Trustee Patterson motioned to approve the budget amendments as presented by the Village treasurer, Trustee Monahan seconded, all voted ‘Aye.’

**General Fund**

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
A.1430.1 Personnel	A. 1110.1 Justice Person	\$ 1,103.26
A.5142.1 Snow Removal Personnel	A.1620.1 Building Personal Services	\$ 3,140.00
A.1670.4 Central Print	A.1680.4 Central Data Processing	\$ 5,918.12
A.3140.4 Fire Department	A.3410.41 Fire truck, Generator Repair	\$ 450.43
A.5142.4 Snow Removal	A3620.4 Safety Inspection Contractual	\$ 1,789.94
A.5142.4 Snow Removal Contracted	A.5132.4 Central Garage	\$ 4,140.77
A.1990.4 Contingent	A.6497.4 EDC Contractual	\$ 569.61
A.7180.4 Special Recreational Facilities	A.7140.4 Recreation Contractual	\$ 201.33
A.1460.1 Records Management	A.7520.1 Historic Preservation	\$ 392.69
A.1460.1 Records Management	A.8010.1 Zoning Personal Service	\$ 227.50
A.1460.1 Records Management	A.8020.1 Planning Personal Service	\$ 371.88
A.5142.1 Snow Removal Personnel	A.8160.1 Refuse & Garbage	\$ 730.90
A.9040.8 Workers Comp	A.9030.8 Social Security	\$ 1,662.28
A.1990.4 Contingent	A.9035.8 Medicare	\$ 611.53
A.1990.4 Contingent	A.9050.8 Unemployment insurance	\$ 853.91
A.1990.4 Contingent	A.9060.8 Hospital and Medical	\$ 7,656.72
A.1990.4 Contingent	A9710.7 Serial bond interest	\$ 397.26

**Water Fund**

<u>FROM</u>	<u>TO</u>	<u>AMOUNT</u>
F.8310.4 Water Administration	F.8310.1 Water Administration Personal Services	\$ 2,851.20
F.8330.4 Purification Contractual	F.8320.4 Source & Pumping Contractual	\$ 1,384.10
F.8320.2 Source & Pumping Equip	F.8340.1 Transportation Distribution Personal Services	\$ 3,571.85
F.8310.4 Water Administration	F.8340.4 Transmission & Distribution Contractual	\$ 157.95
F.8310.4 Water Administration	F.8340.8 Social Security	\$ 237.97

- Abstract expenses were provided and a motion was made to approve the amount stated for various funds. Total abstract \$55,249.77; General Fund \$38,747.08; Water Fund

\$1,660.99; Albany Ave. water portion \$14,841.70. Trustee Browne motioned to approve the abstract as read by the treasurer, seconded by Trustee Patterson, all voted 'Aye.'

- Treasurer's Report - The Treasurer's Report was examined with no questions or concerns. Trustee Patterson motioned to approve the treasurer's report as submitted, Trustee Monahan seconded, all voted 'Aye.'

## 2. Code Enforcement Officer (Trevor Bean)

The Code Enforcement officer delivered a report highlighting no property sales, \$152,766 improvements, and 2 violations.

## 3. Fire Department (Matt Cohn)

The fire department report highlighted activities including 4 calls, 2 drills, 1 detail, and acquired 60 new cones for new truck and UTV. Ordering new gear. Hose/ladder testing scheduled for May 13th. Six month service of 3512 was done with no issues found. Drill held on May 6th and drill to be held on May 18th for fire police.

## 4. Water & Sewer Commissioner (Dale Leiser)

The Commissioner reported outstanding balances on water accounts of \$19,985.05, and sewer accounts of \$18,668.55 and will be sending past due notices next week. The National Grid voucher for pump house since putting in variable frequency drive showed a decline. Ordered new variable for pump 4, budgeted \$16,500, which includes installation of connection to SCADA system. Received correspondence regarding the water tower, signed contract for after June 1st, and will secure date (weather permitting) to drop in robot to scan tower from inside looking for anoids in tank, and if any are bad they will need to be changed.

## 5. DPW (David Booth)

The DPW Commissioner reported normal activities including mowing, installed kayak takeout access point, filled potholes, replaced sidewalk at pump house entryway, installed dry well on Van Buren, prepped for Birdsall for Albany Ave. project, repaired water line on Van Buren, assisting with Albany Ave. water replacement project and opened playground bathrooms. Discussed paving streets at the end of May/early June.

## 6. Economic Development Director (Renee Shur)

The Director reported on the status of local businesses. Hamrah's Lebanese now to open in the fall, the Isola Wine bar on Hudson St. to open in summer. The Mercantile is now open at Vanderpoel house. Hudson Meal Company catering is now open. Reported on projects in process to be completed. There's a final design by Suzanne Lamb and printing for 2024 Visit the Village of Kinderhook business promotion pamphlet. Dunham Park signage is coming, work being done on kayak canoe access. Working on website FAQs for various boards/facilities. Discussed proposed project in conjunction with Super Stories for installation along OK apple trail.

## 7. KBPA

June 1st is the Kinderhook makers market and the Fyfe and Drumm parade at 12:00 pm. June 15th is the Juneteenth celebration with African drumming and dance. June 22nd is a performance of family circus, July 12th has marionettes and July 13th is Outdoor Film night at the School. May 25th is the village wide yard sale. May 18th The School is opening with a summer exhibition.

Trustee Patterson asked about 86 Broad St. and if Simons catering is expanding business as the concern is parking. There are 3 separate businesses using the facility for food prep. Per CEO the

property owner needs to come in for a site plan. Hamrahs will leave in fall to move to Albany Ave. Yummy Kitchen food truck is seasonal and a new business Hudson Meal company will be there continuously.

## 8. Trustee Monahan

Planning Board - received 1 new application for 7 Sylvester St. for a STR - Planning board reviewed and updated website verbiage, reported 1st agenda at next month's meeting is changing of guard. Heard the county is putting 4% tax/fees on STRs and wondered where this goes and does village recoup.

Zoning Board – was not present for the meeting, no updates

Sidewalk update - approached by a resident regarding the sidewalks budget, met with Trustee Murphy and discussed taking over the long term plan on sidewalks. Will work with DPW, CEO to analyze and will rate sidewalks according to need.

BroadBand discussion - approached by resident regarding bad cell service. Has scheduled a meeting with Verizon NE representative who is working with landowner and cell tower about leasing rights. Once the lease is signed, that construction is not in effect until 2025. Ongoing discussions of the village looking at boosters on water tower Mile Hill and met with CEO to discuss the possibility and possible revenue stream via Verizon for the village.

Clerk Heeder advised notice for planning board volunteer position and has received three resumes. Also received resignation from secretary for planning, zoning and recreation committees. Clerk Heeder will cover meetings in the interim.

## 9. Trustee Murphy - absent

Mayor Weir reported for Trustee Murphy.

Climate Smart - Chair Bill Mancini reported to the board on grant eligibility.

In order to lock in the two grants totaling \$60,000, applications need to be submitted by May 22. Once NYSERDA approves the applications and an agreement has been signed, the Village will have three years to complete any project proposals. Any projects undertaken will require the Village to provide upfront funding. The grants will be awarded upon completion of the project(s).

He conferred with Tara Donadio of the CDRPC and she has suggested at this point we should submit two separate applications based on current information on hand; one for an LED street light conversion and another solar installation at the pump house in order for the grant to be assigned to the Village. This is a preliminary step. After the Board investigates ways forward, receives bids and reviews the anticipated costs involved, one or both of the original proposals submitted can be modified or possibly one removed to fit any budget constraints.

Proposed using the data provided by the Greenpoint Solar and Electric quote and the data National Grid has already provided to the Village for the initial applications.

Trustee Patterson motioned to approve submitting applications with no commitment to any particular contractor, seconded by Trustee Monahan. Everyone voted 'Aye.' Chair Mancini also requested a letter of support from the Mayor. Reported the Village is entitled to an energy study and the Village Hall was selected as the biggest producer of greenhouse gas with a Zoom kickoff meeting on May 28th. Trustee Browne to attend.

- Fire Department grant application submitted to extend engine bay 16 feet for \$240,000.
- Fire Department security - Village received three quotes for key fob security system, S&F Security \$15,242; Fire Security & Sound System Inc, \$16,500 and CRC Cabling

\$17,500. S&F Technologies was chosen as the lowest bidder. Trustee Browne motioned to approve S&F Technologies, seconded by Trustee Monahan, all voted 'Aye.' Reported on the alarm system at the firehouse.

- Sidewalks - Trustee Murphy thanked Trustee Monahan.

#### 10. Trustee Patterson

The Historic Preservation Commission held a monthly meeting in April and discussed standards for historic preservation review. Holding a meeting on Thursday, May 16th which she cannot attend but someone will proxy.

Resolution to enact 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".

Trustee Patterson read aloud SEQRA Part 2.

Trustee Browne motioned to issue a negative declaration for purposes of SEQRA part 2, seconded by Trustee Monahan. All voted 'Aye.'

Motion to pass resolution to enact Local Law No. 2 - 2024

Resolution by: Trustee Susan Patterson;

Seconded by: T. Kevin Monahan.

WHEREAS a public hearing was held the 8<sup>th</sup> day of May 2024 by the Board of Trustees of the Village of Kinderhook, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Village Law of the State of New York;

WHEREAS at said public hearing the Board of Trustees considered the enactment of proposed Local Law No. 2-2024, entitled 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"; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 2-2024 be enacted as follows:

(copy of local law attached)

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

Dorene Weir, Mayor;

Trustee Susan Patterson;

Trustee James Mark Browne; and

Trustee T. Kevin Monahan.

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.

#### 11. Trustee Browne

Albany Avenue Pedestrian and Bicycle Improvement Project - Trustee acknowledged emails that were sent to the new mayor and responses that were cc'd to him as Deputy Mayor, Trustee and project manager.

Trustee Browne was asked to state that during taxpayer time he would not answer questions from taxpayers on final detailed design, but will address after DOT formally responds to submission of preliminary design. When received will analyze, develop a response and plan for next steps, which he expects will occur prior to the June village board meeting.

Trustee stated he would answer questions regarding Albany Ave. water main improvement project tonight and in more detail at next week's scheduled workshop meeting at Firehouse on Wednesday, May 15th at 7:00 pm.

Regarding the Albany Ave. Pedestrian and Bicycle Improvement project, we submitted preliminary design to DOT, the status is unchanged and we are awaiting final determination. The response will be shared with residents. DOT has reported limited staff/resources with approvals taking longer. Trustee has discussed the status of preliminary design approval, and inquired with Jack Gorton, as of May 2nd he reached out to Joe Kelly, lead engineer at DOT, asking for an update. Two items have been resolved informally. DOT was concerned with the village putting in a sidewalk along Mills Park that has been resolved. The endangered species act has been updated, with 3 species of bats endangered. The remediation is they will leave trees already taken down and move 100 feet away from construction. Also received HVEA email with comments on environmental report reviewed, and shared the process within DOT is coming to a close, and they are awaiting information from agencies whom DOT interfaces with.

Albany Avenue Water main Upgrade Project - On April 12, held financing meeting with Fiscal Advisors, bond counsel and village attorney. Village will be borrowing \$1,080,000. Village executed a contract with Birdsall Excavation and Construction LLC, and met to discuss how they will conduct the work. On May 3rd emailed residents of construction activities, announced in the Register Star and contacted municipalities and utility companies to alert road closure of Albany Ave. Every Friday Trustee will blast email to residents in the construction zone.

National Grid credits - hope to apply credits to electric charging station.

Insurance - reviewing all of our insurance to look at ways to reduce costs.

Financing - borrowing to pay for remainder of cost for fire truck and intend to sell older fire truck, have an interested buyer, evaluate worth, may have to do procurement procedure for selling process but will consult with counsel. After the fire truck bid another bid will go out to finance Albany Ave. water main upgrade to borrow \$1,080,000 to pay for construction already underway.

Trustee Browne motioned to execute an addendum to HVEA contract for oversight and inspection, Patterson seconded, all voted 'Aye.'

## 12. Mayor Weir

Recreation Commission - Spring Jam next Thursday, May 13th from 6:00-8:00 pm, Soul Provider is the band.

## 13. Applications

- St. John the Baptist is requesting a sign in the Village Square to advertise a church celebration
- Kinderhook Memorial Library is requesting the Pavilion on June 27<sup>th</sup> from 4:30pm-6:30pm for a Summer Kick-off party
- Tara Patterson is requesting the Pavilion on May 25th from 12 noon-3pm for a birthday party
- Rev. Linda VanAlstyne is requesting the Pavilion on June 19th from 9am-4pm for a Juneteenth celebration

Additional applications for Zumba starting June 5th and the Friends of Library Book Sale signage 5/13/24 through 5/20/24 were read aloud. Trustee Patterson motioned to approve all applications barring scheduling conflicts, seconded by Trustee Browne, all voted 'Aye.'

#### 14. Taxpayer Time

Residents posed comments and questions regarding the Albany Ave. Pedestrian and Bicycle Improvement project and stated the major concern is to calm traffic and gather more information. Also posed was the protocol for using Railroad Ave. which cannot legally be a detour.

Trustee Patterson moved to close the regular meeting at 7:57 pm, seconded by Trustee Monahan, and enter executive session (starting at 8:10 pm) to discuss personnel, financing, land acquisition and construction contract, all voted 'Aye.'

Minutes respectfully submitted by Sue Pulver, Recording Secretary.

#### **Executive Session**

No motions made.

Mayor Weir moved to close executive session 8:34 pm, seconded by Trustee Browne, all voted 'Aye.'

Respectfully submitted,

Nicole H. Heeder  
Village Clerk