

**Village of Rhinebeck
Board of Trustees
January 13, 2009 Meeting**

Present – Mayor Richard Cunningham, Deputy Mayor James Reardon, Trustees Barbara Kraft, Svend Beecher, Kevin Rheden, Clerk Treasurer Gail Haskins, Village Attorney Warren Replansky, Village Waste Water Treatment Plant Chief Operator Anthony Gasparini, PANDA filmer Dan Goldman, and various Rhinebeck residents.

Deputy Mayor Reardon opened the meeting at 7:00 p.m. with the Pledge of Allegiance.

County Legislator – Joel Tyner – Legislator Tyner reported that suggested that people visit the website to check the county budget. He thanked Deputy Mayor Reardon for coming to the forum he held last week with Central Hudson regarding the power outages during the recent storms. An idea from the forum was to have a bulk rate discount sale on crank radios and crank lights for the county. He had 23 resolutions passed last year, but not all have been enacted. He will be trying to pass a resolution in the next month or two for the bulk sale countywide. Trustee Rheden had asked him about the 10% of assessed value exemption for volunteer rescue squad members who have been members for at least five years. He has been trying to get this passed for a couple of years and hopefully it will pass in the next month or two. Rhinebucks.org has been established for a local currency. Saturday loop bus service will be lost and if people do not want to see the service limited they should contact the legislature.

Knollwood Update – Attorney Warren Replansky stated that he has been unable to get a signed agreement. He said that the agreement has gone back and forth with revisions and the last changes that had been made by Mr. Trezza, Kathy Dewkett and Deputy Mayor Reardon were not in favor of. He had spoken to Mr. Trezza and told him that the last agreement in the form that was sent to them was the agreement that the board would be advised to sign. Deputy Mayor Reardon reported that at last month's meeting he had said that he was becoming frustrated that there was no signed agreement yet. Mr. Replansky had received another document from Mr. Trezza that had said they wanted the document to read that water from Sunset Drive is the major contributing factor to the problem at Knollwood Properties. Deputy Mayor Reardon said that he would not sign an agreement that states that. Water from Sunset may be a contributing factor, but no study has been done that documents any of the problems as of yet, so he will not sign an agreement until that is removed. There was also a section of the agreement where a catch basin would be installed near the western retention pond so if water needed to be pumped there would be a place to pump the water from and Knollwood wants to take that section out of the agreement, which Deputy Mayor Reardon will not agree to. Attorney Replansky has let them know that the Village would not agree to those changes and is waiting to here back from Knollwood. Mr. Replansky had spoken to Mr. Trezza on Monday and was told he would speak to his client and tell him no more changes. Deputy Mayor Reardon said that one of the concessions the Village had made with them was to continue to plow Circle Drive. Mr. Replansky said that the Village has also agreed to pump out the western retention pond as long as they pay for the expenses. Resident Brandt Neuneker stated that he thought two months ago it was understood that the preliminary engineering analysis would be done and it was not going to be contingent upon the agreement. Deputy Mayor Reardon stated that the condition for doing the preliminary analysis was that Knollwood Properties would agree to certain conditions that they would provide. Mr. Neuneker said that the engineering analysis was going to be provided by the Village. Deputy Mayor Reardon said that it would be only if there was an agreement signed with Mr. Stortini. Trustee Kraft asked Mr. Replansky what the next step would be. Mr. Replansky said the next step would be to direct him to continue to advise Mr. Trezza that certificates of occupancy would not be issued until the matter is resolved and Knollwood is expected to adhere to the agreement that has been negotiated on the advice of the Village engineer and the opinion of the board. Deputy Mayor Reardon said that he wanted to go on the record and say that there is no agreement because Knollwood doesn't want an agreement. There had been an inflammatory article in the Gazette saying that the Village was not willing to cooperate. The Village has been trying to get a signed agreement. Mr. Replansky said that the Village has agreed to bear the full cost of the preliminary study to which Mr. Stortini has refused to contribute. Mr. Stortini is contributing in kind by providing some surveying and engineering services which is part of the agreement. It doesn't make sense for the Village to bear the full cost of the study if

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at the end of the study Mr. Stortini will not bear the cost of the excavation work and other work that was agreed to, to defray some of the cost to the municipality. Mayor Cunningham asked about putting a time limit on it. Mr. Replansky said that he would say they had two weeks to sign the agreement if that is what the board wants. Trustee Kraft asked if the agreement is not signed then what. Mr. Replansky said that no certificates of occupancy would be issued. Mr. Neuneker said that the resident's timeline is being held up by this. Deputy Mayor Reardon said that the board is trying to protect the interests of the community and trying to get as much help from the developer as possible. Trustee Kraft asked if it would be in the interest of the homeowners to form a homeowners association and to hire their own attorneys. Mr. Neuneker said that he felt the homeowners would be superfluous once the process is underway, preliminary engineering is done, what remediation efforts are needed. People who would benefit from it will be identified and a general benefit district is created. Deputy Mayor Reardon said that until it is determined what the remediation will be, it cannot be determined if there will be a benefits assessment. The purpose of the study is to determine what is needed to do to fix the problem and how to proceed from that point on to fix it and is it necessary or not to have a benefits assessment. Resident Heinz Sauer said that the situation is getting dire, there is snow and the pond is frozen. Last year when the flooding occurred the developer came to his house and talked about pumping. Last month the attorney was here and proposing that things would be taken care of and he doesn't understand what the hold up is and why no progress is being made. He asked if Mr. Replansky would push the issue. Mr. Replansky stated that he was just authorized to give a two week deadline, then the offer would be withdrawn and there would be no certificates of occupancy offered for the two units. Resident Marilyn Kovarik of 5 Stortini Drive said that she understood that the only thing the Village had to get Mr. Stortini to sign the agreement was holding the certificates of occupancy and asked if there was any way to have distance between the signing of the agreement and the issuance of the certificate of occupancy. Mr. Replansky stated that was already part of the agreement. Len Nevarez of 34 Stortini Drive said that with the market the certificate of occupancy has lost its grip, if there is no buyer. He feels they may be in a little worse position as the houses may not sell. Jill Leasure of 22 Stortini said that the other issue for the property owners is what they will face in the spring, will the Village pump. Deputy Mayor Reardon stated the Village would pump. Ms. Leasure said they appreciate the Village backing them and the Village's honesty and asked who a contact person may be. Deputy Mayor Reardon said that the situation is being monitored. Trustee Beecher asked if anyone is having a problem in their house to let the Village know and that just because spring is coming there may not be a repeat of last years problems.

Trustee Barbara Kraft made a motion to move into executive session for discussion of a Waste Water Department issue. Mayor Cunningham seconded and all the board was in favor. Chief Waste Water Operator Anthony Gasparini was invited into the session.

Trustee Kraft made a motion to move back into regular session. Mayor Cunningham seconded and all the board was in favor.

PANDA – Dan Goldman of PANDA reported that everything is going well with PANDA. It was discussed with the Rhinebeck Police Department to put announcements on. Cub scouts will be visiting the studio. PANDA would like help getting more things for them to broadcast for the communities and make them more effective.

Water Department – Mayor Cunningham reported that about the same amount of water is being treated each month, around fifteen million gallons. The cold weather brings a lot of leaks, four leaks were fixed this month. There was a power outage on Violet Hill and Hilee Rd, it has a generator so was not out for very long. There is one person out on disability who had hurt his back in mid December.

Waste Water Department – Trustee Kraft stated that Chief Operator Anthony Gasparini has provided her with the information that the generators at the waste water facility went out during the storm and there were problems with ice and trees down. Anthony has offered to work with the highway department and Central Hudson to determine which trees are the problems and get them trimmed so it does not occur again. The generators are on their last legs and so should be included in the capital equipment budget, with

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some funding possible from NYSERDA. Five pumps work the plant, two replacements will be requested this year and possibly three next year. They are still short on staff, he has some applications and will start the interviewing process soon. Trustee Kraft made a motion to approve Chief Operator Anthony Gasparini to look for a qualified, not certified temporary replacement for the Waste Water Plant Operator Trainee position, to be paid on a commensurate level for the union position of Waste Water Plant Attendant. Mayor Cunningham seconded and all the board was in favor. Deputy Mayor Reardon asked if the proposal was received for the repair to the walkway at the plant. The specifications were received and the work will be done.

Street Department – Trustee Beecher reported that some repairs had been done to the trucks and backhoe. Plowing and salting was done and the snow was removed in the Village center within a week of the snowfall. There had been some concern last year that the snow was not being removed quickly enough. Trustee Kraft stated that the results had been received from the garbage survey and the information was being put on spreadsheets. The preliminary results are being double checked at this time. One of the comments was to recycle more plastics. Trustee Kraft stated that the Village does pick up all 1,2,3,5, and 7 plastics. The survey results should be available within a month and more information should be available after talking to other municipalities, private carters and our workers on what can be done and other options. There were over 300 responses to the survey. Deputy Mayor Reardon asked Trustee Beecher if he could follow up with George Wyant on the possible expansion of the Deputy Clerk's office. Trustee Kraft said that there had been an architectural analysis done on the building back in 1999 which was copied for the trustees and should be looked at and should be discussed in conjunction with the 14 Center St. property. Deputy Mayor Reardon said that could be an agenda item for discussion.

Fire Department - Trustee Rheden gave the fire department report for December. There were 49 fire calls, EMS day calls 20. EMS night calls 13, auto accidents day 5, auto accidents night 1, for a total of 88 calls. There was 1 fire drill, 1 meeting and 2 work details. Run locations were 17 calls for the Village and 32 for the town fire calls, 19 EMS calls for the Village and 14 for the Town and all 6 auto accidents were in the Town. Chief Eighmy said that has an impact on the diesel. He supplied Trustee Rheden with a record of the fuel usage for the fire department for the year. Trustee Rheden received an email from Chief Eighmy stating that after the storm from Thurs., Dec 11th 4:00 p.m. until Fri. Dec. 12th at 11:00 a.m. the department handled 30 calls for fire and electrical outages. Six residents from Wells Manor were evacuated to the Red Hook High School Red Cross Shelter, because of no heat. Most of the calls were wires and trees blocking roadways and smaller trees on wires near houses. There were small electrical fires and widespread outages. The department assisted the Red Hook Fire Department at a large house fire that evening. There was a large turnout of members, some of whom spent the night to insure a prompt response. Deputy Mayor Reardon said that Legislator Tyner had mentioned there was a follow meeting with Central Hudson regarding the storm situation and Henry Campbell, the emergency management coordinator for Rhinebeck was part of the panel. Henry had said that the best thing to do in the storm situations is to be prepared for them. People take for granted electricity and water, but in storm situations they should try to be prepared. Deputy Mayor Reardon said the fire department had a very dangerous situation the night of the storm and had to cut their way out because trees had fallen and blocked them in. People may be able to call for emergency services, but they may not be able to get to you so it helps to be prepared. Trustee Rheden said that everyone on an individual basis should try to be prepared and he was proud of the fire department and everything they achieved during the emergency situation. Trustee Kraft asked about a contact list for emergency situations. A copy of the emergency plan is available in the clerk's office, it will be looked into to put on the website. Discussion followed. Trustee Rheden reported that the installation dinner had been held Saturday for the new officials of the fire department that was very well attended. Henry Campbell, Larry McCarney, Rich Roselle and Sandy Williams were honored for 50 years of service in the volunteer fire department and Vern Sipperley was honored for 60 years. Chief Eighmy sent a letter that the department had gone around and dug out hydrants and had asked that the issue be looked into. Deputy Mayor Reardon reported that in the past letters had been sent to homeowners with hydrants on their property requesting that they dig out the hydrant and it is hoped that people will help with this problem. Discussion

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followed. Henry Campbell stated that the buried hydrants cause a time delay if ever there is a fire. He said that they had spoken to the judge, who was in favor, of community service to dig out the hydrants.

Henry Campbell said that the fire department had made a request to the Thompson Trust for money to purchase a utility truck. He read the letter that had been sent to the Thompson Trust to request the grant. The Thompson Trust is asking for a letter of approval from the Village board. Trustee Rheden stated that the board had never received a copy of the letter requesting the grant. Mr. Campbell stated that the fire department had not thought they had to go through the board to request a grant. Discussion followed. Trustee Kraft made a motion to approve the writing of a letter in support of the fire company to the Thompson Trust. Mayor Cunningham seconded and all the board was in favor.

Mayor Cunningham made a motion to go into executive session regarding police and personnel matters. Trustee Kraft seconded and all the board was in favor. Sgt. Peter Dunn of the Rhinebeck Police Department and Clerk Gail Haskins were invited into the session.

Mayor Cunningham made a motion to reconvene the regular session of the meeting. Trustee Kraft seconded and all the board was in favor.

Deputy Mayor Reardon made a motion to extend the probationary period of assistant clerk Jenny Krevolin until the next board meeting. Trustee Kraft seconded and all the board was in favor.

Deputy Mayor Reardon made a motion to adopt the following resolution:

BE IT HEREBY RESOLVED by the Board of Trustees of the Village of Rhinebeck that Sergeant Peter Dunn is authorized to:

- (a) File Section 75 disciplinary charges against employee 1/13/09 or
- (b) In lieu of Section 75 Charges, negotiate a disciplinary settlement.

BE IT FURTHER RESOLVED by the Board of Trustees that on behalf of the Village, Sergeant Peter Dunn is authorized to execute a settlement agreement, if any, in the matter referenced above.

Trustee Kraft seconded and all the board was in favor.

Police and Court – Sgt. Dunn reported that he had given a copy of a quote for a new police car to the clerk, which was distributed. The bid is on an Oswego County bid as New York State has not distributed paperwork to the dealerships that won the state bid. It is the same price as the state bid. The total price for the vehicle is \$31,697.00. After the vehicle is delivered it will have to be painted, lettered and the radio and computer will have to be put in. Sgt. Dunn is looking for board approval to place the order for the car. This car will replace a 2003 Crown Victoria with over 100,000.00 miles. There is \$34,696.00 in the police equipment reserve. Trustee Kraft made a motion to approve the purchase of the police car documented on the Warnock fleet sheet. Trustee Beecher seconded and all the board was in favor.

Deputy Mayor Reardon mentioned that the snow ordinance will be aggressively ticketed and asked that people be aware and remove their vehicles from the street between 12 and 6 am.

Trustee Kraft stated that there were three dog complaints on the police report and asked about the police not having leashes. Sgt. Dunn said that they help the dog warden by safely securing a dog, putting it in the kennel and notifying the dog warden's wife during the day. They do have some leashes and the dog hospital will supply them with some if needed. Trustee Kraft asked what if it was a problematic dog, maybe with rabies. Sgt. Dunn said that they have euthanized problem animals in the past.

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Knollwood Sidewalk – Deputy Mayor Reardon said that he had talked with Metta Callahan regarding sidewalks along Knollwood to the school. She has expressed the interest in helping out by forming a committee to look for grant money. Deputy Mayor Reardon asked that she come to the meeting, he would ask the board for approval to form this committee, she would come back with the names for approval and they could go out and secure some funding. Metta stated that she looked on this as three parts, the Knollwood part, the house on the corner and the Dunwell part, A, B and C. She said part A looks to be the easier part as there is money put aside for that area. She will look into part B and C and put together some ideas for how she sees the safe access and look into some grants. She had looked at a grant called Safe Routes to schools, which is a federal grant run by the states, but the deadline was last April. The man who runs it is supposed to let her know when it comes up again, it is not done every year. Her husband is a grant writer and may be able to help determine who can write the grant. She is trying to get up to speed on what could be done at the middle and high school. She noticed there was no clear crosswalk. She is volunteering to steer a committee and get a few people together to present ideas, grant possibilities and do the legwork. Trustee Kraft made a motion to approve Metta Callahan as chairperson of a Safe Access to Schools committee and approve her forming a committee, which will be approved by the board, for the purpose of looking into developing proposals and searching for grants to create safe access to our schools. Trustee Beecher seconded. Discussion followed. Trustee Beecher volunteered to be liaison to the committee. All the board was in favor of the motion.

Planning and Zoning – Deputy Mayor Reardon reported that the Village had applied to the Community Block Grant program to do handicapped accessible sidewalks and was denied. He had noticed in the letter that the Town of Red Hook had received \$130,000.00 for a village and town sidewalk extension. The Village has been turned down for two years for handicapped accessible projects and he does not know what the criteria is or how to get feedback to get approval as many of the projects approved were for handicapped accessibility. Mayor Cunningham said that one of the criteria is areas of low to moderate income and the Village has none. Deputy Mayor Reardon said he had been told that was not one. He will look into the issue further.

Mr. Replansky will provide samples of adult entertainment laws for the board to look at for the next meeting.

Dog Report – No dog report was available as the clerk misplaced it.

Correspondence

Bailey Lyons of Girl Scout Troop 10413 sent an email stating they were concerned about the lack of sidewalks on the route to school and kids were walking in the road, which was dangerous for them. They asked if there was anything they could do to help with this project.

A letter was received from Beth Gershuny of 38 Chestnut St. regarding a tree in front of her property requesting limbs be removed. She had spoken to George Wyant about the tree. Trustee Beecher will speak to George to see if the work was done.

Ashley Coons, a senior at Stissing Mt. High School in Pine Plains, had written because of a government assignment to write a letter to a government official and wrote about the fixing of the sidewalks in the Village. Deputy Mayor Reardon had responded to her letter.

Deputy Clerk Pat Coon wrote the board regarding a pipe bursting at 14 Center St. and that 169,000 gallons of water had been lost due to the leak. Trustee Beecher asked what the damage was. A wall is buckled, the ceiling is down and the floor is soaked in the one room. Trustee Kraft said that Pat was going to ask the building inspector to look at the building tomorrow. Deputy Mayor Reardon said that George Wyant told him he didn't think it was a matter of a pipe freezing, but more of a matter of an old pipe breaking.

Historic Preservation Law – Mr. Replansky stated that Rachel Cavel was supposed to work on an inventory of historic structures to be used as a basis for the law, but has been unable to due to personal problems and asked that it be put on the agenda for next month.

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Resolution Polling Place Village Election

Deputy Mayor Reardon read the following resolution:

The next general Village election for officers will be held on Wednesday, March 18th, 2009. No person shall be entitled to vote in this election unless they are registered with the County Board of Elections and on the County Voter Registration list. Residents of the Village of Rhinebeck must register with the County Board of Elections by March 7th, 2009 to get on the county list for the March 18th, 2009 Village election. If you are already registered with the county at your current address, you do not have to register with the county to vote. The Village of Rhinebeck no longer holds a Village Registration Day.

Voting for the forthcoming election shall be conducted Wednesday, March 18th, 2009 from noon to 9:00 p.m., at the Rhinebeck Town Hall, 80 East Market St., Rhinebeck, N.Y. The Town Hall is handicapped accessible.

Gail Haskins
Clerk Treasurer

Trustee Beecher made a motion to adopt the resolution. Mayor Cunningham seconded and all the board was in favor.

Deputy Mayor Reardon made a motion to change the mileage reimbursement from \$0.585 per mile to \$0.550 per mile. Trustee Rheden seconded and all the board was in favor.

Deputy Mayor Reardon made a motion to appoint Susan Waters, Valerie Kilmer, Mary Sipperley and Ellen Hubbert as election inspectors for the March 18th, 2009 election. Trustee Kraft seconded and all the board was in favor.

Trustee Kraft made a motion to approve the renewal of the bond anticipation note on the 14 Center St. property. Mayor Cunningham seconded and all the board was in favor. Trustee Kraft said that the future of 14 Center St. should be discussed and plan what to do with the property. Deputy Mayor Reardon said that the biggest problem is there is no money to do anything with it.

Mayor Cunningham made a motion to approve the following water and sewer bill adjustments: water a/c 31033W penalty credit \$660.00, water a/c 72W usage credit \$289.56 and usage debit \$143.52, water a/c 21169W penalty credit \$3.60, sewer a/c 40016S penalty credit \$21.43, sewer a/c 529S usage credit \$.05, sewer a/c 551S usage credit \$238.95 and sewer a/c 21169S usage credit \$8.10. Trustee Rheden seconded and all the board was in favor.

Trustee Kraft made a motion to approve the minutes of the October 14, 2008 Village Board meeting subject to corrections made by the board. Mayor Cunningham seconded and all the board was in favor.

Trustee Rheden made a motion to approve the minutes of the November 11, 2008 Village Board meeting subject to corrections made by the board. Trustee Kraft seconded and all the board was in favor.

Mayor Cunningham made a motion to approve the minutes of the November 21, 2008 Special Meeting of the Village Board. Trustee Rheden seconded and all the board was in favor.

Trustee Rheden made a motion to approve the minutes of the December 9, 2008 Village Board meeting. Trustee Kraft seconded and all the board was in favor.

Trustee Rheden requested that the Village purchase the Fire Department Law and Resource Manual. He believes it will be helpful with the Village's administration of the fire department. Mayor Cunningham made a motion to approve the purchase. Trustee Kraft seconded and all the board was in favor.

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Trustee Kraft mentioned that the Rhinebeck/Rheinbach exchange program was celebrating 31 years and they are starting their fundraising. They are having a fundraising dinner Sat. February 7, at the Father Brogan Center on Mulberry St.

Trustee Kraft mentioned that the draft DGEIS of the Town, which will affect the Village, should be paid attention to by the Village.

The following vouchers were reviewed and approved by the Village board. In the General Fund electronic wire to Chase Bank in the amount of \$4,593.75, manual vouchers #4649-#4672 in the amount of \$92,460.08 and computer vouchers #23481-#23530 in the amount of \$35,908.20. In the Water Fund manual vouchers #1704-#1703 in the amount of \$15,209.08 and computer vouchers #23531-#23548 in the amount of \$20,069.27. In the Sewer Fund manual vouchers #1575-#1581 in the amount of \$11,593.75 and computer vouchers #23549-#23564 in the amount of \$13,272.75.

Mayor Cunningham made a motion to adjourn the meeting. Trustee Rheden seconded and all the board was in favor.

Submitted by



Gail Haskins
Clerk Treasurer

Village of Rhinebeck
Board of Trustees
Special Meeting
January 30, 2009

Present – Mayor Richard Cunningham, Trustees Barbara Kraft, Kevin Rheden, and Svend Beecher. Clerk Treasurer Gail Haskins and Waste Water Plant Chief Operator Anthony Gasparini.

Mayor Cunningham called the meeting to order at 6:10 p.m.

Waste Water Plant Chief Operator Anthony Gasparini presented the board with the resume of Donald E. Taylor Jr. and explained that he was recommending that the board hire Mr. Taylor as the full time temporary Waste Water Plant Attendant to cover for an employee, who is out with back surgery.

Trustee Kraft made a motion to approve the hiring of Donald E. Taylor Jr. as a full time, temporary Waste Water Plant Attendant with a 90 day probationary period, to start Monday, February 9, 2009 for a full period of six months with an option to extend the period if the employee out with back surgery cannot return to work at that time. Trustee Rheden seconded and all the board present was in favor of the motion.

Trustee Rheden made a motion to adjourn. Trustee Beecher seconded and all the board present was in favor.

Submitted by,



Gail Haskins
Clerk Treasurer

**Village of Rhinebeck
Board of Trustees
Special Meeting Tree Ordinance
February 4, 2009**

Present – Deputy Mayor James Reardon, Trustees Barbara Kraft, Svend Beecher and Kevin Rheden. Village Attorney Warren Replansky, Clerk Treasurer Gail Haskins, Village of Rhinebeck Zoning Enforcement Officer Robert Fennell, Village Planning Board Member Mary Quinn, Village Street Department Foreman George Wyant, Meg Crawford, Tess McKellen and

Deputy Mayor Reardon thanked everyone for attending the special meeting of the Village Board discussing the Village Tree Ordinance.

Attorney Warren Replansky stated that Trustee Svend Beecher and Meg Crawford had given him a draft copy of a tree ordinance law that he had compared to other similar laws, refaced and reviewed the changes. At this time there is no provision in the Village code book regarding trees, though there may be something in Village law. A tree law is needed for the Village to attain Tree City status, which will help with getting grants and education of the public.

A letter was reviewed from building inspector Gary Keeler on his ideas. Then the law was reviewed page by page with discussion on changes to be made. It was determined that Mr. Replansky would condense down the law and another meeting would be set up, at a future date, to review the revisions.

Trustee Kraft made a motion to adjourn. Trustee Rheden seconded and all the board was in favor.

Submitted by,

Gail Haskins

Gail Haskins
Village Clerk

