

Village of Rhinebeck Board of Trustees
Regular Monthly Meeting
Tuesday, November 10, 2015
7:00 PM

Present: Mayor Heath Tortarella, Deputy Mayor Howard Traudt, Trustees Scott Cruikshank, Sean Kemp and Gary Bassett, Village Attorney Rich Olson, Dr. Louis Tumolo, Louis Ruge, Mark Graminski, Videographer Danielle from PANDA, Cynthia Fennell, Frank Gaglio, Brenda Klapproth, Paul Neidercorn, numerous Rhinebeck Fire Department members, Frank Santamarena, Mr. and Mrs. Lishman, Mr. and Mrs. Paulsson, Piper Woods, Wolfgang Herting, Mr. and Mrs. Travaglione and other members of the public as well as Village Clerk Pat Coon and Treasurer Karen McLaughlin.

Mayor Tortarella opened the meeting at 7:00 pm with the Pledge of Allegiance and welcomed everyone to the Village Board Meeting. Mayor Tortarella acknowledged the birthday of the Marine Corp and reminded everyone tomorrow is veteran's day.

County Legislator Joel Tyner gave a report of the concerns and various topics he is addressing as Dutchess County Legislator. He reported on several dates of concern: 11-30-15 Rhinebeck Town Hall an energy savings forum on the county Budget and Saturday 1-30-16 from 12-4 Repair Café at the Town Hall.

Ruge Hearing: Mayor Tortarella made a motion to open the Hearing in regards to Louis Ruge's request to rezone his property on Montgomery Street. The motion was second by Trustee Cruikshank. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

RESOLUTION

WHEREAS, on October 13, 2015 the Board of Trustees of the Village of Rhinebeck conducted a duly noticed public hearing on the adoption of a zoning map change from Residential District Special Sensitivity Overlay to Village Center District Special Sensitivity Overlay for a parcel located at 5 Chestnut Street bearing grid number 6170-14-453324 at which time all interested parties had an opportunity to be heard, and WHEREAS, the purpose for said request was to permit the use of an existing structure as a professional office in accordance with the requirements of the Village Center District Special Sensitivity Overlay provisions which do not require owner occupancy but does require further review for site plan approval by the Village of Rhinebeck Planning Board, and

WHEREAS, the matter was referred to the Dutchess County Department of Planning and Development which office responded that the determination was a matter of local concern, and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be a Type I action based on the criteria found in 6 NYCRR, § 617.4 and has determined that there are no adverse environmental impacts associated with the adoption of this map change based upon the Full Environmental Assessment Form dated

September 1, 2015, and the Village Board hereby issues a Negative Declaration based on

the criteria set forth in 6 NYCRR § 617.7 (c) in connection with the adoption of this zoning map change; now therefore be it

RESOLVED, that the Board of Trustees of the Village of Rhinebeck hereby amends the zoning map of the Village of Rhinebeck to include tax parcel 6170-14-453324 in the Village Center District Special Sensitivity Overlay and directs the Village Clerk to amend said zoning map.

Dated: November 10, 2015

MOVED: Mayor Heath Tortarella

SECOND: Trustee Sean Kemp

1. AYE: 5 NAY: 0

Tumolo Hearing: Mayor Tortarella made a motion to open the Hearing in regards to Louis Tumolo's request to rezone his property on Montgomery Street. The motion was second by Trustee Cruikshank. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

The Village Board received comments and concerns from the public and Dr. Tumolo's engineer Mark Graminski who gave a history of the property and explained the proposed change to only include the animal hospital. Mayor Tortarella made a motion to adjourn the Hearing in regards to Louis Tumolo's request to rezone his property on Montgomery Street and to continue the hearing on 12-8-15. The motion was second by Trustee Cruikshank. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Vehicle and Traffic hearings: Mayor Tortarella made a motion to open the Hearing in regards to the two amendments to Chapter 109 Vehicle and Traffic Code which involve Village Hall parking and Police parking on Center Street. The motion was second by Trustee Kemp. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

The Village Board received comments and concerns from the public. Mayor Tortarella made a motion to close the public hearing. The motion was second by Trustee Cruikshank. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Sidewalk Sale hearing: Trustee Kemp gave a report on the changes to the proposed sidewalk sale local law. Mayor Tortarella made a motion to open the Hearing in regards to village sidewalk sale. The motion was second by Trustee Bassett. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

The Village Board received comments and concerns from the public. Mayor Tortarella made a motion to close the public hearing. The motion was second by Trustee Cruikshank. Vote was as

follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

RESOLUTION OF 11/10/15

WHEREAS, the attached amendments to Chapter 89 Sidewalk Sales was introduced by the Board of Trustees of the Village of Rhinebeck on September 8, 2015; and

WHEREAS, a public hearing was held on October 13, 2015, 2015 at 7:00 p.m. at the Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing duly

published and at which time all interested parties had an opportunity to be heard; and WHEREAS, after hearing the public comment the Board of Trustees adjourned the public hearing to November 10, 2015, modified the proposed Code provisions and on November 10, 2015 conducted a further hearing on the revised proposal at which time all persons interested had an opportunity to comment further; and

WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be a Type II action based on the criteria found in 6 NYCRR, § 617.5 (c) (27) and therefore has determined that there are no adverse environmental impacts associated with the adoption of this Local Law; and

WHEREAS, the revised local law has been in final form on the desks of the Trustees of the Village of Rhinebeck for at least seven (7) days exclusive of Sundays; NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

VILLAGE LAW OF RHINEBECK

LOCAL LAW NO. OF 2015

SIDEWALK SALES

Chapter 89

Sidewalk Sales

§ 89-1 Title.

This article shall be entitled "A Local Law Regulating Sidewalk Sales and Displays of Merchandise Within the Village of Rhinebeck."

§ 89-2 Legislative intent.

The Village of Rhinebeck recognizes that the Village merchants must have an opportunity to conduct sidewalk sales, and other displays of merchandise, outside their business premises in order to remain economically viable. However, the Village also recognizes that such sales and displays have the potential to disrupt pedestrian traffic, produce litter and otherwise negatively impact the character of the Village. The Village Board of Trustees, by this article, seeks to reach an accommodation between the needs of

the merchants and the needs of the community by allowing, but regulating, sidewalk sales and other displays of merchandise by Village merchants.

§ 89-3 Definitions.

As used in this article, the following terms shall have the meanings hereinafter indicated:

APPLICANT

The organization applying to the Village Clerk for a sidewalk sale license.

LICENSE

The license obtained from the Clerk of the Village of Rhinebeck upon completion, submission and approval of the application to the Village Clerk for the conduct of a sidewalk sale.

LICENSEE

The organization to which a sidewalk sale license has been issued by the Village Clerk.

MERCHANT

Any person or business entity lawfully occupying a store in the Village of Rhinebeck.

SIDEWALK SALE

Any sidewalk sale sponsored, organized and/or supervised by an organization such as the Rhinebeck Chamber of Commerce, Businessman's Association or Merchant's Association.

PUBLIC SERVICE FACILITY

A public telephone, mailbox, bench or other facility provided for use by the general public.

SIDEWALK

Any area between the curb line and a structure, whether publicly or privately owned, which is used by the public, or open to use by the public, for pedestrian purposes. In cases where there is no curb line within 10 feet of the structure, the sidewalk shall be deemed to extend 10 feet perpendicular from the structure.

SIDEWALK DISPLAY

The tables, carts and/or racks used to exhibit merchandise at a sidewalk sale or outside a business premises.

VILLAGE ATTORNEY

The Village Attorney, or attorney to the Village, as the case may be.

§ 89-4 Sidewalk sale licensing requirements and procedures.

The Village Clerk is hereby authorized to grant licenses for sidewalk sales within the Village Center District upon the following terms and conditions:

A. The application for an sidewalk sale shall be on a form provided by the Village Clerk and approved by the Board of Trustees and Village Attorney which shall provide the following additional information:

- (1) The name, address and telephone number of the sponsoring organization;
- (2) The dates requested for the organized sidewalk sale;
- (3) The proposed hours for the conduct of such sale; and
- (4) The name and address of each merchants who will be participating in the sidewalk sale as part of the sponsoring organization.
- (5) Identification of a rain date or dates for the sidewalk sale;
- (6) Indemnification on a form provided by the Village Clerk, and approved by the Village Board and Village Attorney, indemnifying and saving harmless the Village of Rhinebeck, its officers, agents, attorneys and employees from and against any claims of loss, liability

or damage by any person arising as a result of the applicant's operation of the sidewalk use, including indemnification for attorneys fees incurred by the Village.

(7) Such license application fee as shall be established by the Village in its Fee Schedule.

Editor's Note: The Fee Schedule is on file in the Village offices.

B. The application shall be approved, or disapproved, within a period of 10 days from the date of submission of all required documentation and information. In the event the application is denied, the applicant may appeal the determination to the Village Board of Trustees. Such review shall be conducted by the Village Board at the next regularly scheduled meeting of the Village Board and shall not require conduct of a public hearing.

The Village Board shall have the authority, after review, to issue, or further deny, the application.

C. No license shall be issued until such time as the applicant shall provide proof of the existence of a policy of general liability insurance, which such policy shall name the Village of Rhinebeck as additional insured and have a combined single limit of not less than \$1,000,000. The applicant shall file with the Village Clerk, prior to the issuance of a license, the certificate of insurance evidencing the requisite insurance coverage.

D. No more than six sidewalk sales may be approved by the Village Clerk within a calendar year.

E. In the event a licensed sidewalk sale cannot be conducted in whole or in part because

of rain or other inclement weather, the Village Clerk may issue a license to conduct the sidewalk sale on another selected date or dates rain date(s) and such license shall not be

counted against the six sale limitation period in Subsection D herein.

G. The sidewalk sale shall be open to participation by all retail merchants within the Village Center District, whether or not they are part of the sponsoring organization.

H. For sidewalk sales, the following provisions shall apply:

(1) Food and drink may be sold in conjunction with such sidewalk sales. In the event permits are required for such sale of food from the Dutchess County Department of Health, such permits shall be secured and copies provided to the Village Clerk prior to the issuance of the license for the organized sidewalk sale.

(2) The applicant shall have the consent of the owner and lessee, if any, of the premises in front of which the sidewalk sale is to be conducted.

(3) No individual merchant shall be issued a license for sidewalk sales.

(4) No sidewalk display shall be set up in such proximity to the curb as to create a danger to pedestrians or persons exiting or entering their motor vehicles and in no event shall a sidewalk display be set up less than one foot from the curb.

(5) No sidewalk display may extend more than three feet from the facade of the premises. The licensee shall ensure that all participating merchants at all times maintain,

free and clear from all obstructions, an aisle not less than four (4) feet in width providing for pedestrian movement and access to any establishment fronting on the said sidewalk. The sidewalk sale shall be conducted in a manner which does not unreasonably interfere with pedestrian traffic or with any other business establishment or residences.

(7). No permanent structure may be affixed to the sidewalk or any building. The licensee

shall be responsible for any damage caused to any public sidewalk or public property as a direct result of the conduct of the sidewalk sale.

(8) The use of the sidewalk for sidewalk sale purposes shall not interfere with access to any public service facility.

(9) Outdoor lighting and/or music shall be permitted in conjunction with the sidewalk sale, provided that the same are low-keyed and do not create objectionable noise or light.

(10) No sidewalk display shall be permitted after the business entity with which it is associated is closed to the public. No sidewalk sale shall commence prior to 7:00 a.m. or

continue past 9:00 p.m. The sidewalk display items shall be removed from the sidewalk after hours.

(11) The display area shall at all times be kept free and clear of litter, debris and any substance that may damage the sidewalk or cause pedestrian injury.

(12) Small signs may be displayed within the display area.

I. The application for the sidewalk sale must identify all proposed sale of food and drink and provision of music.

J. The application shall be accompanied by such fees as may be established by the Village in its Fee Schedule.

Editor's Note: The Fee Schedule is on file in the Village offices.

§ 89-5 License exemption for certain displays.

Any merchant who desires to set out on the sidewalk a single rack for the display of clothing or other merchandise or a single table for the display of clothing or other merchandise, in conjunction with the operation of his or her business, shall not be required to obtain a license. The rack shall not, however, exceed three feet in length, and

the table shall not exceed 15 square feet of tabletop area. The rack and/or table shall be located within the entrance alcove to the premises or within three feet of the facade of the building. All other provisions set forth in §§ 89-4 (4) through (13) of this article shall apply to such displays. The merchant shall also be permitted to locate plantings and/or a

single bench outside of the premises, provided that the plantings and bench are not used

for the display of merchandise and are located within three feet of the facade of the building.

§ 89-6 Reservation of rights.

Neither the adoption of this article nor the granting of any license pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the Village of Rhinebeck with respect to streets and sidewalks, whether express or implied.

§ 89-7 Enforcement; penalties for offenses.

A. The provisions of this article shall be enforced by the Village's Code Enforcement Officer and/or Village Police Department. The Code Enforcement Officer shall have the power to issue a notice of violation and order to remedy to any licensee who violates the provisions of this article. In the event the licensee does not cure the violation within the time specified in the notice of violation, the Zoning Enforcement Officer, in addition to

the remedies set forth in Subsection B of this section, may notify the Village Board of the

unremedied violation. The Village Board shall have the power to revoke or suspend the license of the licensee after providing the licensee with an opportunity to be heard.

B. Any person who shall violate the provisions of this Chapter shall be liable to prosecution in the Village Justice Court either by the Code Enforcement Officer or by the

Village Police Department and shall, upon conviction thereof, be liable for a fine that shall not exceed \$200 for a first offense. For a second offense, the fine shall not exceed \$500, and for a third offense, the fine shall not exceed \$500 and/or imprisonment for not more than 15 days.

C. The Village shall, in addition to other remedies, have the right to bring a civil action against any business, licensee or merchant who violates the provisions of this article, seeking injunctive relief. In any such action, the Village shall be entitled to recovery of legal fees, costs and expenses in the prosecution of any such civil action, as awarded by the Court.

D. Notwithstanding these provisions, it shall be expected that the merchants and/or sponsoring organizations shall self-police themselves in the conduct of sidewalk sales to

ensure that the provisions of this article are adhered to.

§ 89-8 Legislative authority; supersession of inconsistent laws.

A. This article is enacted under the authority of Subparagraphs (a)(1)(2)(d)(iii) of the Municipal Home Rule Law § 10(l)(ii) and Municipal Home Rule Law § 22.

B. To the extent that any law of the Village of Rhinebeck is inconsistent with this article, it is the intent of the Village Board to supersede such sections of the law by virtue of this article.

Dated: November 10, 2015

MOVED: Trustee Sean Kemp

SECOND: Deputy Mayor Traudt

1. AYE: 5 NAY: 0

Garage Sale hearing: Mayor Tortarella made a motion to open the Hearing in regards to village garage sale. The motion was second by Trustee Bassett. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

The Village Board received comments and concerns from the public. Mayor Tortarella made a motion to close the public hearing. The motion was second by Trustee Kemp. During discussion a word change was done – from official to commercial.

RESOLUTION OF 11/10/15

WHEREAS, the attached addition to the Code of the Village of Rhinebeck to add Chapter 60 Garage Sales was introduced by the Board of Trustees of the Village of Rhinebeck on September 8, 2015, and

WHEREAS, a public hearing was held on October 13, 2015 at 7:00 p.m. at the

Village Hall, 76 East Market Street, Rhinebeck, New York, notice of said hearing duly published and at which time all interested parties had an opportunity to be heard; and WHEREAS, after hearing the public comment the Board of Trustees adjourned the public hearing to November 10, 2015, modified the proposed Code provisions and on November 10, 2015 conducted a further hearing on the revised proposal at which time all persons interested had an opportunity to comment further; and WHEREAS, the Board of Trustees of the Village of Rhinebeck determined this action to be a Type II action based on the criteria found in 6 NYCRR, § 617.5 (c) (27) and therefore has determined that there are no adverse environmental impacts associated with the adoption of this Local Law; and WHEREAS, the revised local law has been in final form on the desks of the Trustees of the Village of Rhinebeck for seven (7) days exclusive of Sunday; NOW THEREFORE BE IT ENACTED, by the Board of Trustees of the Village of Rhinebeck the following:

VILLAGE LAW OF RHINEBECK

LOCAL LAW NO. OF 2015

GARAGE SALES

GARAGE SALES

Chapter 60

§60-1 . Purpose

The Village Board of the Village of Rhinebeck hereby determines that unregulated garage/yard sales within the Village of Rhinebeck cause annoyance to citizens in residential areas and cause an obstruction to pedestrian or vehicular traffic, and adverse

effect on the surrounding residential community or the circumvention of the Village Zoning Code by replacing the residential character of our neighborhoods with that of commercial enterprise.

§60-2 . Definitions

As used in this Chapter, the following terms shall have the meanings indicated:

CODE ENFORCEMENT OFFICER-The individual designated by the Village Board of Trustees as the enforcement officer for the Village of Rhinebeck.

GARAGE SALE-Includes all general sales, open to the public, conducted from or on a residential premises or in any residential district as defined by Chapter 120, Zoning, for the purpose of disposing of personal property or other property, including but not limited to all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio," "flea market", "rummage sale", or any like kind description.

RESIDENTIAL PREMISES-A lot on which a building is located which has a Certificate of

Occupancy for residential occupancy classification only as the same is defined by the New York State Fire Prevention and Building Code, or any vacant lot which abuts a residential premise.

§60-3. Garage Sale limitations:

No person or persons shall conduct more than four (4) garage sales within the Village of Rhinebeck during any calendar year. No more than four (4) garage sales may be conducted on a single parcel during any calendar year.

§60-4. Investigation to determine compliance:

The Code Enforcement Officer may conduct an investigation as may reasonable and necessary to determine if there is compliance with this Chapter.

§60-5. Responsibility of property owner and individual conducting sale:

The property owner and/or tenant of the residential premises on which the garage sale is

conducted shall be jointly and severally responsible for the maintenance of good order during the hours of the garage sale. Such individual shall ensure that there is no loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic

on any roads or streets in the area of such premises.

§60-6. Exemptions

This provisions of this Chapter shall not apply to or affect the following:

1) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.

2) Person acting in accordance with their powers and duties as public officials.

3) Any bona fide charitable, educational, cultural or governmental institution or organization, when the proceeds from the sale are used directly for the institution's or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

4) Sales, such as lemonade stands, conducted by children under 12 years of age that are appropriately supervised. This exemption shall be limited to a single table no more than fifteen (15) square feet and to the sale of consumable goods such as lemonade and/or baked goods.

§60-7 Penalties for offences.

A. Violations. Any person, whether as owner, tenant or agent who shall violate any of the provisions of this Chapter shall be guilty of a violation. Each day a sale is conducted in violation of this Chapter shall constitute a separate offense. The Code Enforcement Officer shall have the authority to issue an appearance ticket to the person who is in violation of this Chapter.

B. Fines: A violation of this Chapter is hereby declared to be an offense, punishable by a

fine of not less that \$250 nor more than \$1,000 for each offense.

Dated: November 10, 2015

MOVED: Mayor Tortarella

SECOND: Trustee Sean Kemp

1. AYE: 5 NAY: 0

Department Reports

Treasurer's report- Treasurer McLaughlin requested the transfer of funds in the amount of 967.00 for the village parking lot repaving. Treasurer McLaughlin also submitted a proposal to bring payroll back in house. Mayor Tortarella made a motion to approve the vouchers as submitted. The motion was second by Trustee Kemp. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes,

Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed. The complete report is on file in the Clerk’s office.

Water and Waste Water Adjustments- Trustee Bassett made a motion to approve the adjustments as submitted.

November 2015 Water Adjustments
Water

Acct #	DM (balance)	CM	Difference	Reason
Zone 4	\$38,227.49		\$38,227.49	billing
Zone 4 penalty	\$328.71		\$328.71	billing- penalty
Zone 2	\$70,628.20		\$70,628.20	billing
Zone 1 Coll Fee	\$1,200.00		\$1,200.00	billing
315		\$50.00	\$50.00	clerical error
21434	\$503.22		\$503.22	add'l water tap fee
250		\$25.00	\$25.00	<u>pymnt rc'd on time</u>
40087	\$51.60		\$51.60	Final Bill
40087	\$25.00		\$25.00	New Owner
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	
			\$0.00	

November 2015 Waste Water adjustments
Waste Water

Acct #	DM (balance)	CM	Difference	Reason
Zone 4	\$38,775.76		\$38,775.76	billing
Zone 4 Assmnt	\$9,311.63		\$9,311.63	billing- assessment
<u>Zone 4 penalty</u>	<u>\$453.25</u>		<u>\$453.25</u>	<u>billing- penalty</u>
40087	\$136.10		\$136.10	Final Bill
40087	\$25.00		\$25.00	New Owner

The motion was second by Trustee Kemp. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Water Department- Trustee Bassett read the monthly report and gave a summary of the water department’s use of the company “Green Goats” which use live goats to help control weed and vegetation in and environmentally friendly manner at the reservoir on Hilee Road. Resident Frank Santamarena addressed the Board in his opposition to using the goats. Mayor Tortarella

addressed all aspects of his comments and thanked Mr. Santamorenena for addressing the Board. The complete report is on file in the Clerk’s office.

Wastewater Department- Trustee Kemp gave a summary of the monthly report which is on file in the Clerk’s office. The Woods of Rhinebeck resident Piers Lishman addressed the Board in regards to the noise coming from the Waste water plant fans. Mr. Lishman questioned about why the sound absorbing pad which were previously there were removed. He stated the noise is 24 hours a day 7 days a week. Trustee Kemp will look into the fans and get back to Mr. Lishman.

Fire Department- Trustee Cruikshank reported the Fire Department has established a committee to replace 5914 with an attack truck. Assistant Chief Darren Forbes gave a presentation on the status of the fire equipment. The fire department had established a committee and discussed the specs on a replacement of 5914 with a bare basic attack truck with a tank. The department would like to go out to bid to fire apparatus companies within a 100 mile radius at at cost of \$400,000. The Board discussed the water capacity of the current equipment. The Board also asked Assistant Chief Forbes about if any discussion on the merger of the fire departments had been attempted, and he reported that it is pending. The Board and the Fire Dept. discussed the hand pumper “Pookie” and the status and plans for it, having members become familiar with it, and the possibility of showing it at musters. The Board and Assistant Chief Forbes discussed the \$30,000 stretcher and chair needed to be purchased by the department.

<u>September</u> <u>2015</u>	<u>TOWN</u>	<u>VILLAGE</u>	<u>Misc.</u> <u>MA</u>	<u>M/T</u>
EMS	16	27	0	43
FIRE	9	16	3	28
MVA	5	2	0	7
TOTAL	30	45	3	78

Street Department – Deputy Mayor Traudt reported on the various tasks the Street department has been doing throughout the village. He also reported mulch is still available in the village free delivery with a small fee in the town. The Board discussed the brush and leaf pickup within the village in 2016. Deputy Mayor Traudt reported Superintendent Fenton has scheduled the last brush and leaf pickup the first week on December. Deputy Mayor Traudt made a motion to install a wall in the Planning/Zoning/Building office dividing it in half with an estimated cost of \$420.00 with the work being done in house. Motion was second by Trustee Bassett and the Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed. Mayor Tortarella discussed the reasons for the separation and need for privacy in Supt. Fenton’s office. The complete report is on file in the Clerk’s office.

Mayor Tortarella discussed the need to adopt the following resolution.

VILLAGE BOARD
VILLAGE OF RHINEBECK
RESOLUTION
WEST MARKET STREET DRAINAGE IMPROVEMENTS

WHEREAS, NYS Route 385 also known as West Market Street is a state highway a portion of which is located in the Village of Rhinebeck; and

WHEREAS, repairs need to be made to drainage structures along a portion of West Market Street. Said drainage improvements include installation of catch basins, network piping, drainage manholes, pavement repairs and curb replacement, as a multi-phase project, per Crawford and Associates Engineering plans dated November 2, 2015; and

WHEREAS, plans have been prepared by Erdman Anthony on September 13, 2013 and lasted modified by Crawford and Associates Engineering dated November 2, 2015 for submission to the New York State Department of Transportation. Plans will be submitted with a current permit application; and

WHEREAS, New York Highway Law Article 52 requires maintenance jurisdiction by the local municipalities constructing or rehabilitating features within a New York State Highway, and said maintenance jurisdiction is required to be submitted with the application for highway work permit. Such maintenance jurisdiction shall serve as an agreement to the responsibility for all of the features constructed or rehabilitated as part of the New York State Department of Transportation permit. For the Village of Rhinebeck, the maintenance jurisdiction must state:

“The Village of Rhinebeck will assume the maintenance responsibility for all features constructed under permit#/contract after the acceptance of this contract.”

NOW, THEREFORE, BE IT RESOLVED, the intent of the Village of Rhinebeck is to improve current drainage issues along a portion of West Market Street. Such drainage improvement must be in accordance with drawings prepared by Crawford and Associates Engineering dated November 2, 2015 and in accordance with requirements outlined in the New York State Department of Transportation permit. Additionally, the Village of Rhinebeck shall be responsible for all maintenance of the features installed as part of the permitted work.

On a motion by Mayor Tortarella, seconded by Deputy Mayor Traudt, and by a vote of 5 for, 0 against and 0 absent, this RESOLUTION was adopted on November 10, 2015.

Mayor Tortarella reported the village will go out to bid after the NYS DOT permit is received.

Property Owner Bill Clarke discussed with the board about the open ditch located on Route 9 across from the hospital, and his request for assistance in replacing the ditch with a culvert. Mr. Clarke is asking the Village to purchase the materials and he will hire the contractor. Mayor Tortarella stated the Board will discuss with DOT and get back to Mr. Clarke. Assitant Chief Forbes stated this culvert repair would be beneficial and improve the safety of Route 9 in the area.

Piper Woods discussed with the Board the need to add additional big bellies on the north side of the Village. Mayor Tortarella and Deputy Mayor Traudt discussed that the cost of the Big Bellies \$6-8000 was funded by grants and the board discussed they will look at the suggested

locations however it may take 6 months to a year to fund and install. Ms. Woods also questioned the collection of the garbage created by Sinterklaas which Mayor Tortarella reported will be collected and stated the date of the Sinterklaas workshop on November 12, 2015.

Planning & Zoning - Trustee Kemp reported that there were 3 C.O. searches for a total of \$500.00, 8 building permits for a total of \$3400.99, a sign application fee for \$75.00, 4 site plan application fees for \$600.00, 2 special permits for \$300.00 and 2 Zoning Board area variance application fee for \$400.00. The complete report is on file in the Clerk's office.

Police & Court- Mayor Tortarella reported a total of 32 incidents in the Town, 105 incidents in the Village, 13 tickets in the Town, 100 tickets in the Village, 10 arrests and 12 accidents. Mayor Tortarella reported the speed trailer was set up on Mill Street near Asher Drive and Montgomery Street near Astor Drive.

Committee Reports

Tree Committee- Deputy Mayor Traudt reported that this past weekend the committee and volunteers completed tree planting 9 trees throughout the village and 22 trees at Thompson Mazzarella Park. Superintendent of Public Works Fenton met with Central Hudson to review trees that could be removed by them.

Parks and Recreation Committee- Mayor Tortarella reported no report.

Special Requests

Childhood Cancer Awareness Week Proclamation- The Board had received a request for a proclamation. The Board took no action.

Filming request of "Love After Love" from Wolfgang Herting on December 1-4, 2015 which will all be on private property. The Board approves his request

Porch Fest update - The Board discussed Ms. Mazzarella's request for the event to be held on Sept. 16 or Sept. 24, 2016. It is the Board's decision for Ms. Mazzarella to decide.

Other Business

Election- Village Clerk Pat Coon announced the a annual Village election will take place on Tuesday, March 15, 2016, and will take place at the Rhinebeck Town Hall, 80 East Market Street, Rhinebeck, NY as the Town Hall is handicapped accessible. Voting will take place from noon to 9:00 p.m. Village registered voters will be voting for Three candidates: 2 Trustees with two year terms, 1 Trustee with one year term. The following candidates are running for office: Trustee (1 year term) –Trustee (2 year term) – Trustee (2 year term) –Absentee Ballots are available at the Village Office, 76 East Market Street, Rhinebeck, NY. Applications can be requested at the Village Office or by phone 876-7015. These applications must be returned to the Village Office by March 15, 2016 if the ballots have to be mailed or by March 14, 2016 if the ballots can be personally delivered to the Village Office. There is no longer a Village registration day. All voters for the Village election must be registered with Dutchess County Board of Elections at the correct address in the Village.

Minutes review- Mayor Tortarella made a motion to accept the minutes from 9-8-2015, 10-13-2015, 10-17-15. Motion was second by Trustee Kemp and the Vote was as follows: Mayor

Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Executive session- Mayor Tortarella made a motion to enter into executive session to discuss the employment of a specific individual and Union negotiations. Motion second by Trustee Cruikshank. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Scott Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Motion to close Executive Session and return to regular session made by Mayor Tortarella second by Deputy Mayor Traudt Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Mayor Tortarella made a motion to offer the position of Fire Inspector to Brian Connelly at the rate of \$ 40.00 per inspection. Motion was second by Trustee Cruikshank. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Motion to adjourn made by Mayor Tortarella second by Trustee Bassett. Vote was as follows: Mayor Tortarella- Yes, Deputy Mayor Traudt- Yes, Trustee Cruikshank- Yes, Trustee Kemp- Yes and Trustee Bassett- Yes. Motion passed.

Respectfully Submitted,

Patricia D. Coon
Clerk