

**VILLAGE OF COXSACKIE
BOARD MINUTES
June 19, 2023**

Mayor Mark Evans called the Board Meeting to order at 7:00 p.m. Present were Trustee Donald Daoust, Trustee Rodney Levine, and Trustee Rebecca Vermilyea. Trustee Katlyn Irwin was absent.

A motion to approve the minutes from the May 1, 2023 Information Session-UMH of Coxsackie, LLC-Mountain View Estates Project was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the minutes from the May 8, 2023 Local Law #4 of 2023 Public Hearing was made by Trustee Vermilyea and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve minutes from the May 8, 2023 Board Meeting was made by Trustee Levine and seconded by Trustee Daoust. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the minutes from the May 22, 2023 Special Work Session-Water & Sewer Rate Review was made by Trustee Levine and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Public Comment Period-Agenda Items Only

Veronica Foley stated that she had a question on Resolution No. 232023-Adoption of Supplemental Draft Environmental Impact Statement Scope-Mountain View Estates Project. She asked when the Supplemental Draft Environmental Impact Statement (SDEIS) Scope was submitted.

Melissa Cherubino, Village Counsel, stated that the SDEIS Scope was received in March, the Public Hearing was in April, and the public comment period was kept open for an additional 7 days. The SDEIS Scope was posted to the Village website in March. The purpose of the Public Hearing was to receive public comment, and this document incorporates those comments.

Veronica Foley asked if there was any public comment received.

Mary Beth Bianconi, of Delaware Engineering, stated that they received robust comments.

Veronica Foley asked if there were any comments that were sent in after the Public Hearing, or if it was mostly the comments made at that meeting.

Nikki Berezna, Clerk, stated that she doesn't believe that there were any written comments received, only comments at the meeting.

Correspondence Received

A letter was received from the NYS Department of Environmental Conservation regarding the annual inspection of the Wastewater Plant, stating that the Village has received a satisfactory rating.

A response letter was received from the Town of Coxsackie on the Village's request for a joint

Comprehensive Plan update.

A letter was received from the NYS Comptroller's Office stating that the Village is slated for an audit.

A letter was received from the Environmental Facilities Corporation stating that the BIL Project for Sewer Separation is granted a Build America, Buy America Project waiver.

A letter was received from Desiree Osborn asking for a new sewer connection at 38 Warren Avenue.

A letter was received from Alan Palmer asking for a new sewer connection for a home he would like to construct on Riverside Avenue, at what would be approximately #81.

A letter was received from Nevin Cohen, of 152 South River Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

An email was received from Carter Hodgkin, of 16 Elm Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

A letter was received from Charles Hailer, of 33 Church Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

A letter was received from Nevin Cohen, of 152 South River Street, regarding additional public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

An email was received from Maryann Zadfar, of 34 Reed Street, Apt. A, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

An emailed letter was received from Emily Brewer-Yarnall, of 45 Ely Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

A letter was received from Denise M. Warren, of 1 Franklin Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

An email was received from Kim McLean, of 47 Mansion Street, and 51 New Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

An email was received from Anita Hynes, of 45 Terry Lane, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

An email was received from Kimberly Bender, of 149 South River Street, regarding public comment on proposed Local Law #4 of 2023, pertaining to Short-Term Rentals.

Correspondence Sent

A letter was sent to the Town of Coxsackie asking if they would like to do a joint Comprehensive Plan update.

A letter was sent to Matt Curry of the NYS Department of Health regarding the Village's Annual Drinking Water Quality Report for 2022.

Liaisons & Board Reports

Mayor Evans stated that the Village Board will dispense with the reading of the monthly department head reports, but that all monthly reports are on file with the Village Clerk.

Motions & Resolutions

A motion to approve allowing a 1-year, penalty free, payment plan, for Chad Backus, in c/o Greg

Backus, of 45 Bailey Street, to pay down their water/sewer balance in the amount of \$1,531.75 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the request received from Marc Yander, of 11559 Route 9W-Lot 23, asking for a 1-year, penalty free, payment plan, to pay down his water/sewer balance in the amount of \$3,327.15 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve allowing the adjustment of delinquent water/sewer charges in the amount of \$2,637.26 to be removed from Lisa Hynes' tax bill, for 26 Washington Avenue, and placed back into her water/sewer account, and for the removal of water/sewer penalties, and levy penalties, in the amount of \$1,128.69 to be removed from this balance, leaving the balance owed in water/sewer as \$1,508.57, to be paid within the next 30 days was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing James R. Hilton as Police Officer was made by Trustee Daoust and seconded by Trustee Levine. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted no. The motion carried.

A motion to approve the request received from Desiree Osborn asking for a new sewer connection at 38 Warren Avenue was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the request received from Alan Palmer asking for a new sewer connection for a home he would like to construct on Riverside Avenue, at what would be approximately #81 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve accepting the resignations of Kim & Brett Linden from the Owl Committee was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing Sharon Askew as Chairperson of the Owl Committee for the 2023 project was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing Tommy Prasenski and Lesley Birk as Chairpersons of the Owl Committee for the 2024 project was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing Candice Herbek as Deputy Clerk/Treasurer was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve accepting the resignation from Alex Maurer from his position in the Department of Public Works was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve hiring Jerry Stacey as a full-time employee of the Department of Public

Works was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing Christine Geoghegan as a Planning Board Member with a term expiring April 2027 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve appointing Matthew Bennett as an Alternate Planning Board Member with a term expiring April 2024 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve accepting the resignation from Sherry Vieta from her position as Crossing Guard was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the quote received from Nordutch Technologies in the amount of \$3,127.00 for the purchase of (2) Dell OptiPlex 7000 Desktop Computers, with 1 computer for the Office, and 1 computer for the Fire Chief was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A roll call vote was taken on Resolution No. 202023-Water & Sewer Rate Changes. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

A roll call vote was taken on Resolution No. 212023- Authorizing the Issuance of Revenue Anticipation Notes in the Aggregate Principal Amount of Not to Exceed \$102,000.00 in Anticipation of the Collection of Revenues From the State of New York. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

A roll call vote was taken on Resolution No. 222023-Variance From Short Term Rental Law Moratorium-12 Church Street. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The resolution passed.

Mayor Evans stated that before they move on to Resolution No. 232023, he will turn it over to Mary Beth Bianconi, of Delaware Engineering, to give a summary of the adoption of the SDEIS Scope for the Mountain View Estates Project.

Mary Beth Bianconi, of Delaware Engineering, stated that folks may remember that back in 2006-2008, UMH proposed a project for a 55 and older community located off of Van Dyck Street. This was subject to the State Environmental Quality Review Act (SEQRA). That process concluded in a Findings Statement at that time. The project then went through a number of different iterations, and is now back before the Board for additional consideration, as a result of legal action. So, as part of that process, the proposed project now has differences to the prior project, and those differences will be evaluated in what is called a SDEIS. It will build on the prior Environmental Impact Statement (EIS). All of the documentation of the prior work, and the current work, is posted on the Village's website for folks to review and evaluate. Back in April, a Draft Scoping Document for the Supplemental Environmental Impact Statement (SEIS) was provided to the Village. It was made available to the public and involved agencies for their review and comment. There was a Public Hearing conducted on May 1st that lasted for several hours, and there were numerous comments made regarding the Scoping Document. In addition to that, Delaware Engineering's staff, and the Village's legal staff, reviewed the Scoping

Documents in conformance with the State's requirements, as well as the specifics applicable to the Village, and made comments to the applicant regarding the Scoping Document. A Scoping Document is a table of contents that is detailed in respect to what will be analyzed, why, and for what purpose. Modifications to the Draft Document were provided, and it can be summarized as updating all environmental information for the entire project lands as appropriate for anything that may have changed, adding a section to the EIS to address climate change, which is now a part of the SEQR process, updating the traffic counts, conducting a new pavement assessment on Van Dyck Street, preparing a new traffic impact statement, updating and re-evaluating the connections to the Village's water and sewer systems, including on site and off site impacts, updating impacts to public services, such as emergency services, police, fire, etc., updating demographic analysis, updating the fiscal analysis, and updating the alternatives section of the EIS, because the prior plan was slightly different than the current one. The current plan includes annexation of lands in the Town of Coxsackie, and also includes a request for numerous variances from the Zoning Board of Appeals. So, the alternatives that will be added for review will be a review of the alternative for if the annexation was not to occur, and review of the project for if the variances were not to occur. Those will be new analysis. There will also be an analysis of growth inducing aspects of the project including the absorption rate of the proposed project at build out. So, those are essentially the changes in the Scoping Document. What will happen after the Scoping Document is adopted, is the applicant will prepare the Draft SEIS, submit it to the Village as Lead Agency, who will then compare that document to the Draft Scoping Document to ensure that the work that's been done matches the intent of this environmental review. Once the SDEIS is considered complete and responsive to the Scoping Document, that document will be made public for public review. She said that she anticipates that there will be a hearing and public comment period, and that same document will be circulated to all involved agencies for their comment. Timing of that is not known at this time because it will depend on when the applicant gets the documentation back to the Village. She said that she believes that it will be at least several months. That information will be made public at that time.

A roll call vote was taken on Resolution No. 232023-Adoption of Supplemental Draft Environmental Impact Statement Scope-Mountain View Estates Project. Mayor Evans voted yes. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea abstained. The resolution passed.

Gregg Ursprung, of Bergmann Associates, on behalf of United Mobile Homes (UMH), stated that they are looking forward to moving forward with preparing the SEIS.

A motion to approve water/sewer adjustments from May 1-31, 2023 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the bills on General Fund Abstract #13, vouchers 727-773 totaling \$51,814.94; Water Fund Abstract #13, vouchers 444-475 totaling \$47,109.32; Sewer Fund Abstract #13, vouchers 354-378 totaling \$43,073.68; Capital Projects Fund Abstract #13, vouchers 13-14 totaling \$43,175.83; Heroes Banner Fund Abstract #13, voucher 13 totaling \$3,454.43; Adopt A Grave Fund Abstract #13, voucher 4 totaling \$393.91; Owl Project Fund Abstract #13, voucher 14 totaling \$35.71 was made by Trustee Vermilyea and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to approve the bills on General Fund Abstract #1, vouchers 1-34 totaling \$93,578.76; Water Fund Abstract #1, vouchers 1-11 totaling \$30,346.40; Sewer Fund Abstract #1, vouchers 1-11 totaling \$66,756.81; Heroes Banner Fund Abstract #1, voucher 1 totaling \$24.00; Owl Project Fund Abstract #1, vouchers 1-2 totaling \$754.00; Trust & Agency Fund Abstract #1,

vouchers 1-2 totaling \$1,841.50 was made by Trustee Daoust and seconded by Trustee Levine. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

Public Comment Period

Mayor Evans stated that the public may have noticed the pots and hanging baskets of flowers around the village. This stems from a nice project that Chellie Apa and Samantha Pigeon decided to do in honor of Dianne Ringwald. They received a lot of donations in order to facilitate this. The Village did purchase a water tank, and the DPW crew will be in charge of watering the plants. The public may have also noticed that the replacement tree in honor of Dianne Ringwald and Claudia Labuda is now in place over by the Community Garden. That was also purchased with donation money received from both residents, and from Marshall & Sterling Insurance Company, where Dianne Ringwald used to work. It is nice to finally get that done. He had asked to get a slightly more mature tree, so that it would be a little more stable in the wind. It looks good there. He said that there is a new ice cream shop that is open downtown called "Coxsackie Creamery". It is very good, and he hopes that everyone will have a chance to stop down. The Music in the Park performances start this Sunday, 6/25 at 6:00 p.m. with Lex Grey & the Urban Pioneers. Hopefully everyone will enjoy that. Lastly, the Farmers' Market has started for the year every Wednesday at 4:00 p.m.

Trustee Daoust stated that the Heroes Banners are all up. There is 30 new banners this year, bringing the total to 160 banners. He would just like to point out that none of the money expended in relation to the Heroes Banner project comes from village taxpayers. It is all self-sufficient. The money is raised through donations and the fees for the banners. It is another plus for the Village of Coxsackie that this burden wasn't placed on the village taxpayers.

Mayor Evans thanked Trustee Daoust for his ongoing work with the Heroes Banner Committee. He said that it is really appreciated.

Trustee Vermilyea stated that the Cemetery Committee had all intentions of cleaning headstones at Riverside Cemetery, but funding is short, and the costs for the cleaner for the headstones has gone sky high. The costs for replacing fencing is also tremendous. Until they get some funding, they are just going to stick to doing work at the Mansion Street Cemetery for now.

Mayor Evans stated that the Mansion Street Cemetery looks amazing.

Edward Greenaway, of 40 Church Street, stated that he wrote a letter earlier in the month to both the Mayor and the Building Inspector regarding an issue with people operating ATV's and dirt bikes excessively near where he lives. He was told by one of his neighbors that that issue would be on the agenda for tonight.

Mayor Evans stated that he did receive Mr. Greenaway's letter, as well as a letter and two emails from his neighbors. He has not had a chance to address it with the Board. As you can see from tonight's agenda, the Village Board has a lot going on. He said that he will address it with the Board Members. Last year, there was a similar issue with folks around that location riding 4-wheelers on the road, and to another location to ride, and that was difficult to address, but it was addressed. Now, he has heard from both Mr. Greenaway and two neighbors that they are riding on the property, but it is a little excessive.

Mr. Greenaway started that he is very reasonable, and when he confronts the people regarding this issue, they tone it down a bit, but it doesn't last.

Mayor Evans stated that the issue may revolve around the fact that the Noise Ordinance states

that the quiet time in the village is between 10:00 p.m. to 7:00 a.m. He has spoken with the Police Chief, and reviewed the Village Code, and there does not appear to be anything in the Village Code to specifically address that type of activity. So, it is something that the Village Board is going to have to discuss, and if they come to the conclusion that they want to change the Village Code, unfortunately, there is a process. They would have to propose a Local Law, and they would have to have a Public Hearing. The fastest you can go through this process is likely 30-60 days. In the meantime, he will ask the Police Chief to go down and try to address it on an informal level, until there is a chance to talk about the issue as a Board.

Edward Greenaway stated that that may help.

Trustee Vermilyea stated that she experiences the same thing where she lives, and it is constant.

Edward Greenaway stated that he thinks that he is a reasonable man, he understands that everyone makes noise, but it really seems excessive.

Mayor Evans stated that in his tenure he has come across situations like this, and he has always tried to tell people that when you live in the village, you are close in proximity to other people, and you give up that component of being able to make a lot of noise when you live close in proximity to other people. He said that the Board will certainly try to address it in the short term and the long term.

Edward Greenaway asked if the matter will be on the agenda for next time.

Mayor Evans stated that it is possible. The Board has a Work Session every month which determines what items will be on the agenda for the Board Meeting. The next Work Session will be on July 6th. So, that would be a good opportunity for discussion. He will share the letters with the rest of the Board by the end of this week.

Veronica Foley asked what the approved tax increase was for this year's budget.

Nikki Berezna, Clerk, stated that the new tax rate is \$17.00/1,000 of assessed value. The previous tax rate was \$13.69/1,000 of assessed value.

Veronica Foley stated that the minutes from that Work Session were a little unclear, stating that the current tax rate is \$17.00/1,000 of assessed value. She asked when the new tax rate goes into effect.

Nikki Berezna, Clerk, stated that the new tax rate is already in effect. It went into effect on 6/1.

Mayor Evans stated that the Village has to adopt the budget by May 1st, and it goes into effect on June 1st.

Edward Greenaway asked if the July 6th Work Session is an open meeting.

Mayor Evans stated that it is an open meeting held right here at the Village Hall.

No further public comments were offered.

Mayor Evans swore in new Police Officer James Hilton.

A motion to enter into Executive Session at 7:40 p.m. to discuss potential discipline and pending litigation involving an employee [name withheld] was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted

yes. The motion carried.

A motion to come out of Executive Session at 8:25 p.m. and return to the normal Board Meeting was made by Trustee Levine and seconded by Trustee Daoust. Trustee Daoust voted yes. Trustee Irwin voted yes. Trustee Vermilyea voted yes. The motion carried.

A motion to adjourn the Board meeting was made by Trustee Daoust and seconded by Trustee Vermilyea. Trustee Daoust voted yes. Trustee Levine voted yes. Trustee Vermilyea voted yes. The motion carried.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nikki Berezna", with a long horizontal flourish extending to the right.

Nikki Berezna
Clerk