

**Minutes following the 02/26/2020 Village Board Meeting**

**“PLEASE TURN OFF CELL PHONES PRIOR TO START OF HEARING / MEETING.  
THANK-YOU”.**

*Welcome to the second monthly Village of Wappingers Falls meeting of the Mayor and Board of Trustees today Wednesday, February 26, 2020, 5:00 PM.*

**PLEDGE OF ALLEGIANCE:**

Motion by Trustee Whitten to open the public hearing Amending Chapter 151 of the Village of Wappingers Falls Entitled “Zoning” to clarify the Provisions for Street-Level Dwellings”. Seconded by Trustee Poanessa. Carried.

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
VILLAGE OF WAPPINGERS FALLS**

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Wappingers Falls will conduct a PUBLIC HEARING on the 26 day of February, 2020, at 5:00 p.m. at the Village Hall 2582 South Avenue, Wappingers Falls, New York, at which time all parties in interest and citizens shall have an opportunity to be heard as to whether the Board of Trustees of the Village of Wappingers Falls shall adopt a proposed Local Law entitled "Local Law No. 1 of the Year 2020, Amending Chapter 151 of the Village of Wappingers Falls Entitled “Zoning” to Clarify the Provisions for Street-Level Dwellings”.

**PLEASE TAKE FURTHER NOTICE** that the purpose and intent of the proposed Local Law is to amend Chapter 151 of the Code of the Village of Wappingers Falls in order to clarify the provisions pertaining to street-level dwellings.

**PLEASE TAKE FURTHER NOTICE** that a copy of the proposed Local Law is available for review and inspection at the Office of the Village Clerk on weekdays from 8:30 a.m. to 4:00 p.m., at the Village Hall, 2582 South Avenue, Wappingers Falls, New York.

Dated: January 29, 2020

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF WAPPINGERS FALLS

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JOHN KARGE, VILLAGE CLERK

Mayor Alexander asked Village Attorney Wallace to explain the purpose of the LL. The purpose is to Amending Chapter 151 of the Village of Wappingers Falls Entitled “Zoning” to Clarify the Provisions for Street-Level Dwellings”. It appeared Trustee Davis did not totally agree with the proposed LL. His position was that we could have

vacant store fronts with apartment's occupying portions of the first floor and second floor as well.

Mayor Alexander asked the board and public if they had any further comments. None replied.

Motion by Trustee Poanessa to close the public hearing. Seconded by Trustee Whitten. Carried.

Motion by Trustee Poanessa to open the public hearing considering a franchise renewal agreement for cable television service in the Village of Wappingers Falls with Altice N.V. Seconded by Trustee Whitten. Carried.

**LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
VILLAGE OF WAPPINGERS FALLS**

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Wappingers Falls will conduct a **PUBLIC HEARING** on the 26th day of February, 2020, at 5:00 p.m. at the Village Hall, 2582 South Avenue, Wappingers Falls, New York, for the purposes of considering a franchise renewal agreement for cable television service in the Village of Wappingers Falls with Altice N.V.

**PLEASE TAKE FURTHER NOTICE** that a copy of the franchise renewal agreement is on file with the Village Clerk and may be viewed during normal business hours at the Office of the Village Clerk on weekdays from 8:30 a.m. to 4:00 p.m. at the Village Hall, 2582 South Avenue, Wappingers Falls, New York 12590.

Dated: January 29, 2020

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF WAPPINGERS FALLS

JOHN KARGE, VILLAGE CLERK

Village Attorney Wallace said the franchise renewal agreement for cable television service is now complete and in order. Mayor Alexander asked the board and public if they had any concerns or questions. None replied.

Motion by Trustee Huber to close the public hearing. Seconded by Trustee Davis. Carried.

**ROLL CALL BY THE CLERK OF THE VILLAGE:** Mayor Alexander, Aye. Trustee Marcojohn, Absent. Trustee Davis, Aye. Trustee Komornik, Absent. Trustee Whitten, Aye. Trustee Huber, Aye. Trustee Paonessa, Aye. Attorney Wallace, Aye.

*Privilege of the Floor with respect to printed agenda items followed by Privilege of the Floor with respect to non-agenda items.*

**REGULAR SESSION:**

**NEW BUSINESS:**

**Approval "Local Law No. 1 of the Year 2020, Amending Chapter 151 of the Village of Wappingers Falls Entitled "Zoning" to Clarify the Provisions for Street-Level Dwellings".**

Motion by Trustee Poanessa to approve Local Law No. 1 of the Year 2020, Amending Chapter 151 of the Village of Wappingers Falls Entitled "Zoning" to clarify the Provisions for Street-Level Dwellings". Seconded by Trustee Whitten. Trustee's Davis and Huber were nay votes the motion did not carry.

**Approval franchise renewal agreement for cable television service in the Village of Wappingers Falls with Altice N.V.**

Motion by Trustee Whitten to approve franchise renewal agreement for cable television service in the Village of Wappingers Falls with Altice N.V. Seconded by Trustee Davis. Carried.

**Approval Ormater Project Bond Agreement. Resolution No 042020.**

**RESOLUTION AUTHORIZING THE ACCEPTANCE  
OF A PERFORMANCE BOND TO GUARANTEE THE COST OF  
OUTSTANDING IMPROVEMENTS TO STARBUCKS  
(1557 ROUTE 9 – PATRIOT’S PARK, LOT F)**

The following Resolution was introduced by Trustee Huber and seconded by Trustee Davis.

**WHEREAS,** Tinkelman Architecture PLLC has submitted an application for Amended Site Plan Approval to the Village of Wappingers Falls Planning Board to replace an existing drive-thru lane located immediately to the west of Building F with a concrete patio, to redirect traffic exiting the drive-thru to the access aisle in the existing parking lot located further west, and to make associated site improvements to walkways, crosswalks, lighting, landscaping and building facades on a parcel of property owned by

Ormater Development Corp. (the “Developer”) located at 1557 Route 9, bearing Tax Parcel No. 134601-6158-19-527150-0001 (the “Property”); and

**WHEREAS**, the Developer has elected to provide a bond, in cash, to secure performance of the certain terms and conditions of the Resolution of Amended Site Plan Approval (the “Resolution”) granted by the Village of Wappingers Falls Planning Board on May 6, 2019, and to secure compliance with the Village Code, and all other applicable regulations and orders (the “Bond”), as set forth in more detail in the Performance Bond, a copy of which is affixed hereto; and

**WHEREAS**, the Developer believes that, other than those items set forth in Schedule A affixed hereto and made a part hereof, all conditions of Site Plan Approval set forth in the Resolution have been satisfied, and is desirous to obtain a temporary certificate of occupancy for the operation of a Starbuck’s on the Property, a final certificate of occupancy to be issued only upon the completion of all site work and the satisfaction of all outstanding conditions set forth in the Resolution; and

**WHEREAS**, the Developer has provided the list of remaining work to be done, together with their estimated cost for the labor and materials to complete such work (Schedule A), which estimate has been reviewed and revised by the Village Engineer; and

**WHEREAS**, the Village is amenable to the posting of the Bond to guarantee the performance of the work set forth in Schedule A; and

**WHEREAS**, to secure the obligation to guarantee the performance of the work set forth in Schedule A, Steven Tinkelman, as President of Ormater Development Corp., has agreed to execute a Performance Bond, secured by a Cash Deposit, in the amount of \$16,500.00.00, securing the obligations set forth in the Performance Bond; and

**WHEREAS**, the Village Board has reviewed the proposed action and has determined that the acceptance of the Performance Bond in a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) regulations, and, therefore, no environmental review is necessary; and

**WHEREAS**, the Village Attorney has reviewed the Performance Bond and finds it satisfactory in form and substance.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. The Village Board hereby accepts the Performance Bond offered by Ormater Development Corp., in substantially the form and substance affixed hereto, and in substantially the amount set forth therein, subject to the approval of the final version of the same by the Village Engineer as to the scope of improvements and the amount of the Bond, and subject to the approval of the Village Attorney as to form and substance of the document.

The foregoing was put to a vote which resulted as follows:

**ROLL CALL VOTE:** Mayor Alexander, Aye. Trustee Marcojohn, Absent. Trustee Paonessa, Aye. Trustee Davis, Aye. Trustee Komornik, Absent. Trustee Whitten, Aye. Trustee Huber, Aye. Carried

Dated: 2/26/2020 Wappingers Falls, New York

## **KC Engineering Project Discussion.**

Mayor Alexander turned the meeting over to Mr. John Szarowski and Ms. Nancy Clark KC Engineering.

### **Projects for Discussion – Village of Wappingers Falls** **2020-02-26 Village Board Workshop Meeting**

#### **2019 Completed Construction**

- **Village / Utility Improvements Contract 4 – Argenio Bros Inc.**
  - VWF Contract 4 construction is complete.
  - Project completion paperwork was accepted.
  - Site restoration agreement between Argenio and the Tomlins family is in place. Argenio will schedule concrete work after winter weather.
  - KC will review the overall site in Sept 2020 in preparation for the end of the one-year maintenance period.
- **Village / TAP PIN 8761.26 Pedestrian Safety Improvements – Con-Tech Construction Technology Inc.**
  - Construction and Punch List items are complete. Paperwork will now proceed to Contract Closeout.
  - Village Board please review and approve Construction Closeout Change Order 1. See Feb 24, 2020 KC letter and Change Order form. (Village Clerk please provide Meeting Minutes to document decision.)
  - Following Village Board approval, Change Order 1 will be forwarded to NYSDOT.
  - Contractor's Final Payment Request (#5) is in process. It will be considered following Village Board approval of Change Order 1.
  - There are no retainage and no one-year maintenance period for this project per NYSDOT.

#### **2020 Proposed Construction**

- **Village / Franny Reese Park – Ben Ciccone, Inc,**
  - Construction scope includes Upper Overlook and Lower Overlook improvements.
  - Submittal process is underway.
  - By the end of February 2020, the Village is to secure the site for construction and not allow public / resident parking at this site.

- The Village's Landscape Contractor will be onsite March 2 week to remove selected trees at the top of the slope.
- During March 2 week, Ciccone will mobilize to the site with a Conex box and some equipment.
- The first major items of work at the site will be the construction of the short Versa-lock walls in the Lower Overlook.
- Installation of the Upper Overlook retaining walls is subject to a lead time of approximately 6 weeks after the submittal process is complete. Ciccone is currently working with the Vendor to prepare the required submittal package for the retaining walls.
- Construction completion date is Sept 11, 2020.
- **Village / TAP PIN 8761.74 Pedestrian Safety Improvements Project**
  - Construction scope includes sidewalks and pedestrian lighting on W Main St between the limits of the new sidewalk installed in 2019, north of County Players and south of Ground Hog. The project does not include drainage Improvements.
  - Pre-Bid Meeting was Wed Feb 27.
  - Bids are due Wed March 18.

#### **Other Projects and Assignments**

- **Village / Utility Improvement Contract 5**
  - Contract 5 will include DW Water Improvements using remaining Village DWSRF 17419 funds and additional funds needed for the scope.
  - Contract 5 scope will include water connection improvements from Village of Wappingers Falls to the Town of Wappinger on Losee Road. KC met with DCDPW regarding possible placement of metering, pressure relief, and chlorine boost in the CR 53 / Myers Corners Road right-of-way. Details and dialog continue.
  - Design and regulatory approvals are needed for Contract 5. Bidding is targeted for late 2020 in preparation for 2021 construction.
  - During VWF Contract 5 Design, the Village intends to host a public meeting with presentation by the Engineer.
- **Village / Water Filter Building – Engineer Report for USDA Funding Application**
  - KC is working on a USDA format Engineering Report in support of a Village funding application for the proposed Water Filter Building and Facilities at the Water Supply Facility.
  - There is a rolling deadline for USDA funding.
- **Future New Water Improvements**

- The Village is to confirm the requested funding sources and water improvements scope before pursuing the required Engineering Reports.
  - The deadline for the next DWSRF IUP is May 15, 2020 for the Draft 2021 IUP.
- Proposed future scope for the new future water improvements may include some or all of the following.
  - Installation of 12-inch water main on N Mesier Ave from north of Trabucco to Route 9 to replace existing 6- inch water main (approx 1,200 LF).
  - Installation of 8-inch watermain connection on the west side of Route 9 from N Mesier Ave to the Carpet Store location (approx 1,615 LF).
  - Installation of 8-inch water main connection on the west site of Route 9 near the Bowling Alley (approx 600 LF).
  - Construction of Water Filter Building and Facilities at the Water Supply Facility.
- **Village / Grease Trap Engineering Planning Grant**
  - Work on the Grease Trap Engineering Planning Grant project is underway.
  - This is a two-year grant. Work will be completed in 2020.
- **Village / EPA Grant Brownfield Assessments**
  - Next Steps – EPA authorize Phase 2 Assessments – timeline depends on EPA.
- **Village / Sewer and Water Infrastructure Study – For VWF and Town of Wappinger**
  - Draft Sewer and Water Report was provided to Mayor Matt Alexander in Aug 2019.
  - KC will provide further circulation and/or revisions upon request of the Village.
- **Village / Paggi Terrace Sewer Main and Water Main Extensions**
  - DCDH design approval for the Paggi Terrace Sewer Main and Water Main Extensions was provided to the Mayor in Nov 2019.
  - KC will provide additional action if requested by the Village.

**The above summarized village projects to date.**

**Approval contractor (Con-Tech) Change Order 1 (\$9,154.63) - Construction Closeout. Punch List Items for the Village of Wappingers Falls, Route 9D Pedestrian Improvements PIN 8761.26 have been completed.**

Motion by Trustee Davis to approve contractor (Con-Tech) Change Order 1 (\$9,154.63) - Construction Closeout as punch List Items for the Village of Wappingers Falls, Route 9D Pedestrian Improvements PIN 8761.26 have been completed. Seconded by Trustee Huber. Carried.

**Approval to purchase 2011 Ford F-550 Rescue Fire Truck, total cost \$115.0k, six annual payments of \$21,788.00 ea. Chief Enson.**

Motion by Trustee Huber to purchase 2011 Ford F-550 Rescue Fire Truck, total cost \$115.0k, six annual payments of \$21,788.00 ea. and first payment 6/1/2020. Seconded by Trustee Whitten. Carried.

**Discussion with Todd Bowen about proposed new and improved phone system for the Village Hall. Tabled to 3/11/2020.**

**Discussion with EDC about fundraised veteran funds and Bain Park. Tabled to 3/11/2020.**

**Letter received “Parkinson’s Awareness Month Proclamation” March!!**

Motion by Trustee Huber to declare “Parkinson’s Awareness Month Proclamation” March!! Seconded by Trustee Davis. Carried.

**VILLAGE OF WAPPINGERS FALLS BOARD OF TRUSTEES EXECUTIVE SESSION**

Meeting called to order by Mayor Alexander at 6:30 PM

In attendance were:

Mayor Matt Alexander □ 1  
Trustee Kevin Huber 1  
Trustee Scott Davis 1  
Trustee Brian Whitten  
Trustee Mary Paonessa  
Village Attorney Wallace

Motion by Tr. Huber to adjourn into Executive Session at: 6: 30 PM for the purpose of discussing areas marked (X). Seconded by Tr. Davis. Carried.

All in Favor: 5 Opposed: 0 Abstain: 0  
Motion passes [5 ] – [ 0 ]

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X pending litigation in the matter(s)  
 X negotiations conducted pursuant to the Taylor Law



- the medical history of a particular person
- the employment history of a particular person
- matters leading to the appointment of a particular person
- matters leading to the promotion of a particular person
- matters leading to the demotion of a particular person
- matters leading to the discipline of a particular person
- matters leading to the termination of a particular person
- the proposed sale of real property because the publicity would substantially affect the value thereof
- the proposed lease of real property because the publicity would substantially affect the value thereof
- the preparation of examinations
- the administration of examinations
- seeking legal advice from the Village's Attorney
- matters that would impact public safety

Motion by Tr. Huber to exit Executive Session and return to the Public Meeting at 6:45 PM. Seconded by Tr. Whitten. Carried.

All in Favor: 5 Opposed: 0 Abstain: 0  
 Motion passes [ 5 ] – [ 0 ]

**REGULAR SESSION:**

Motion by Trustee Davis to reconsider the previous motion that did not carry for "Local Law No. 1 of the Year 2020, Amending Chapter 151 of the Village of Wappingers Falls Entitled "Zoning" to clarify the Provisions for Street-Level Dwellings". Seconded by Trustee Whitten.

Motion by Trustee Poanessa to table "Local Law No. 1 of the Year 2020, Amending Chapter 151 of the Village of Wappingers Falls Entitled "Zoning" to clarify the Provisions for Street-Level Dwellings". Seconded by Trustee Whitten. Carried.

**VILLAGE OF WAPPINGERS FALLS BOARD OF TRUSTEES EXECUTIVE SESSION**

Meeting called to order by Mayor Alexander at 6:50 PM

In attendance were:

- Mayor Matt Alexander ☐ 1
- Trustee Kevin Huber 1
- Trustee Scott Davis 1
- Trustee Brian Whitten
- Trustee Mary Paonessa
- Village Attorney Wallace

Motion by Tr. Davis to adjourn into Executive Session at: 7: 30 PM for the purpose of discussing areas marked (X). Seconded by Tr. Poanessa. Carried.

All in Favor: 5 Opposed: 0 Abstain: 0  
Motion passes [5 ] – [ 0 ]

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- pending litigation in the matter(s)
  - negotiations conducted pursuant to the Taylor Law
  - the medical history of a particular person
  - the employment history of a particular person
  - matters leading to the appointment of a particular person
  - matters leading to the promotion of a particular person
  - matters leading to the demotion of a particular person
  - matters leading to the discipline of a particular person
  - matters leading to the termination of a particular person
  - the proposed sale of real property because the publicity would substantially affect the value thereof
  - the proposed lease of real property because the publicity would substantially affect the value thereof
  - the preparation of examinations
  - the administration of examinations
  - seeking legal advice from the Village's Attorney
  - matters that would impact public safety
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Motion by Tr. Huber to exit Executive Session and return to the Public Meeting at 8:30 PM. Seconded by Tr. Whitten. Carried.

All in Favor: 5 Opposed: 0 Abstain: 0  
Motion passes [ 5 ] – [0 ]

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**REGULAR SESSION:**

Motion by Trustee Davis to adjourn the 02/26/20 Village Board Meeting. Seconded by Trustee Whitten. Carried.

Meeting adjourned 8:30 PM. Minutes prepared by: John M. Karge, Village Clerk