

Minutes following the 01/29/2020 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, January 29, 2020, 5:00 PM.

PLEDGE OF ALLEGIANCE:

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

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:

KC Engineering Project Discussion.

Mayor Alexander turned the meeting over to Mr. John Szarowski KC Engineering.

Projects for Discussion – Village of Wappingers Falls 2020-01-29 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 is complete pending:
 - Few remaining Punch List items; and
 - Construction Contractor Closeout paperwork.
 - Following Contractor closeout of remaining Punch List items, paperwork for construction closeout Change Order 1 will be finalized.
 - Following Village Board approval of construction closeout Change Order 1, it will be forwarded to NYSDOT for approvals.
 - There is no retainage and no one-year maintenance period for this project per NYSDOT.

2020 Proposed Construction

- **Village / Franny Reese Park**
 - Construction scope includes Upper Overlook and Lower Overlook improvements, as shown on the construction contract drawings for the Franny Reese Park.
 - On Jan 28, 2020, the construction contract for the Franny Reese Park was executed between the Village and Ben Ciccone, Inc.
 - Pre-construction Meeting is scheduled for Feb 3, 2020 to discuss Contractor schedule and sequence of activities. Electrical coordination between Franny Reese Park and Village TAP 8761.74 will be discussed.
 - 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.
 - NYSDOT has authorized the Village to proceed to construction bidding.
 - Request Village Board authorization to advertise PIN 8761.74 Pedestrian Safety Improvements West Main St for bidding.

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 recently 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.
- Watermain improvements on Imperial Blvd will not be pursued in Contract 5 as requested by the Village.
- 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 / Future New Water Improvements**

- The Village is to confirm the requested funding sources and water improvements scope before preparing pursuing the required Engineering Reports. Each funding source has their own Engineering Report requirements.
 - The deadline for the next DWSRF IUP is May 15, 2020 for the Draft 2021 IUP.
 - There is a rolling deadline for USDA funding.
- Proposed future scope for the new future water improvements may include 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 Filtration at the Water Supply Facility.

- **Village / Grease Trap Engineering Planning Grant**

- NYSEFC hosted a Jan 7, 2020 project start conference call meeting with the Village and KC.
- This is a two-year grant. Work will be completed in 2020.

- **Village / EPA Grant Brownfield Assessments**

- KC completed the Phase 1 ESAs as of June 2019.
 - KC has since responded to EPA comments on the Quality Assurance Project Plans (QAPP) and Sampling and Analysis Plans (SAP) in Aug, Sept, Oct, and Nov 2019, and in Jan 2020.
 - 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 to hire KC Engineering to provide “Boat House Drawing Plans” for concrete pad and ramp.

Motion by Trustee Whitten to approve hiring KC Engineering to provide “Boat House Drawing Plans” for concrete pad and ramp. Seconded by Trustee Huber. Carried.

Approval for KC Engineering to prepare application for USDA grant for the water treatment filtration facility.

Motion by Trustee Huber to approve KC Engineering to prepare application for USDA grant for the water treatment filtration facility. Seconded by Trustee Whitten. Carried.

KC Engineering request Village Board authorization to advertise PIN 8761.74 Pedestrian Safety Improvements West Main St. for bidding.

Motion by Trustee Huber to approve KC Engineering’s request for Village Board authorization to advertise PIN 8761.74 Pedestrian Safety Improvements West Main St. for bidding. Seconded by Trustee Whitten. Carried.

RESOLUTION APPOINTING INSPECTORS OF ELECTION

WHEREAS, by prior resolution, the Village of Wappingers Falls, has been divided into three (3) wards, and

WHEREAS, it is the desire of this Board to appoint Inspectors and Chairperson of Election in accordance with the provisions of Section 15-116 of the Election Law;

NOW, THEREFORE, BE IT RESOLVED that the following named duly qualified persons be, and they are hereby appointed as Inspectors of Election for the Village Election districts as follows:

- ELECTION DISTRICT 1 (Ward 1) – AnnMarie Pantaleo (R), Louise Lowney (D)**
- ELECTION DISTRICT 2 (Ward 2) – Susan Johnson (R), Bridget Gannon (D)**
- ELECTION DISTRICT 3 (Ward 3) – Brenda Alfonso (R), Vinney Fitzsimmons (D)**

Back up inspectors as follows – **Pat Bracone(R), Keeley Luricella (D)**

Inspectors to designate their own chairperson.

RESOLVED, that the above named Inspectors of Election shall, prior to the assumption of the duties, file a Constitutional oath of office with the Village Clerk, shall preside at all Village Elections for the ward for which they have been appointed, and shall perform all the duties of Inspectors of Election provided by law until their successors shall be appointed and, be it further

RESOLVED, that the compensation for the Inspectors of Election herein appointed is hereby fixed at \$12.00 per hour and \$25.00 for meals per inspector, for all services to be performed with the General Village Election to be held on March 18th, 2020.

This resolution shall take effect immediately.

The foregoing resolution was duly adopted on January 29th, 2020.

Note: Motion by Trustee Davis to approve this resolution. Seconded by Trustee Komornik. Carried.

Approval to submit an application for a \$1,000 grant through the Urban Forestry Council to plant trees and have an Arbor Day celebration to promote environmental health and well-being.

Motion by Trustee Davis to approve submitting an application for a \$1,000 grant through the Urban Forestry Council to plant trees and have an Arbor Day celebration to promote environmental health and well-being. Seconded by Trustee Komornik. Carried.

Approval to appoint John Karge as primary voting member of the MS4 committee meetings and John Kozak as alternant.

Motion by Trustee Whitten to approve appointing John Karge as primary voting member of the MS4 committee meetings and John Kozak as alternant. Seconded by Trustee Davis. Carried.

Approval to hire Rich Olson of McCabe & Mack for upcoming VWF Planning Board matter referred as “2693-97 West Main Street” at the normally hourly rate.

Motion by Trustee Komornik to hire Rich Olson of McCabe & Mack for upcoming VWF Planning Board matter referred as “2693-97 West Main Street” at the normally hourly rate. Seconded by Trustee Huber. Carried.

Approval to adopt “Recreation Needs Assessment”.

Motion by Trustee Huber to approve to adopt the “Recreation Needs Assessment” as presented 1/29/20. Seconded by Trustee Komornik. ROLL CALL VOTE: Mayor Alexander, Aye. Trustee Marcojohn, Absent. Trustee Paonessa, Absent. Trustee Davis, Aye. Trustee Komornik, Aye. Trustee Whitten, Aye. Trustee Huber, Aye. Carried.

Discussion for the Trustees of a Local Law Zoning Amendment to the Planning board in accordance with Section 151-57 of the Code. See proposed LL #1, 2020

Note: This is the proposed LL #1, public hearing is set for 2/26/20

VILLAGE OF WAPPINGERS FALLS

LOCAL LAW NO. 1 OF 2020

A local law amending Chapter 151 of the Code of the Village of Wappingers Falls entitled “Zoning” to clarify the provisions for street level dwellings.

Be it enacted by the Village Board of the Village of Wappingers Falls as follows:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Chapter 151 of the Village Code entitled “Zoning” to clarify the provisions for street-level dwellings.

SECTION 2. APPLICATION

This Local Law shall apply within the Village of Wappingers Falls.

SECTION 3. AMENDMENTS TO ARTICLE III OF THE ZONING LAW ENTITLED “USE REGULATIONS”

§ 3.1. Section 151-10 of the Code is hereby amended by deleting the Legend and subsection A in their entirety and substituting thereof the following new Legend and subsection A:

Legend:

¹ For uses in the CMU within the Historic District a Special Use Permit is required.

² In the CMU District that is covered by the Historic District Overlay, the uses in the agricultural, automotive, and industrial categories are prohibited.

³ Ground floor dwellings are prohibited in the VC District, except as provided in § 151-20.1A.

⁴ Manufactured Home Overlay.

▪ By Right.

X By Site Plan Review.

S By Special Permit and Site Plan Review.

Blank = Not Allowed.

A. Residential

| | RMU | R | VR | VM | VC | CMU ¹ | Supp Regs |
|---|-----|---|----|----|--------------|------------------|-----------|
| Dwelling, One Family | ▪ | ▪ | ▪ | ▪ | | | |
| Dwelling, Two Family | X | | S | S | S | S | |
| Dwelling, Multi Family | X | | X | X | X | X | |
| Dwelling, Supported Living | X | S | S | S | S | S | |
| Dwelling, Ground Floor | X | ▪ | ▪ | S | ³ | | ✓ |
| Dwelling, Accessory | X | S | S | S | S | S | ✓ |
| Home Occupation I | X | ▪ | ▪ | ▪ | ▪ | S | ✓ |
| Home Occupation II | X | ▪ | ▪ | ▪ | ▪ | X | ✓ |
| Manufactured Home/Manufactured Home Park ⁴ | | | S | | | | ✓ |

SECTION 4. AMENDMENTS TO ARTICLE V OF THE ZONING LAW ENTITLED “SUPPLEMENTAL USE REGULATIONS”

§ 4.1. Section 151-20.1 of the Code is hereby amended by deleting it in its entirety and substituting thereof the following new § 151-20.1:

§ 151-20.1 Dwelling, ground floor

A. For properties in the VC District that are located on the east side of West Main Street between the Main Street Bridge and School Street, ground floor dwellings shall be allowed subject to site plan approval and issuance of a special use permit in accordance with Articles VIII and IX of this chapter, and the following:

(1) In order to allow for commercial use(s) on the street-side portion of the ground floor, a ground floor dwelling shall not be permitted to occupy any portion of the ground floor located within 15' of the exterior wall of the building façade that faces the street.

B. In the CMU District ground floor dwellings are permitted on all lots except for buildings fronting New York State Route 9.

SECTION 5. AMENDMENTS TO ARTICLE XVI OF THE ZONING LAW ENTITLED "DEFINITIONS"

§ 5.1. Section 151-61 of the Code is hereby amended by deleting the definition of "Dwelling, Street Level" (which appears as subsection E under the heading "Dwelling Unit") in its entirety and substituting thereof the following new definition of "Dwelling, Ground Floor:"

E. DWELLING, GROUND FLOOR

A dwelling unit, or any portion thereof, that is located on the ground floor of a building. A hallway, with or without stairs, a maximum of 6 feet wide, that leads from an exterior ground floor door located on the building façade that faces a street to a self-enclosed dwelling unit shall not be included in this definition.

SECTION 6. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Approval the Village Board hereby declares itself Lead Agency for the review of this action, as it is the only involved agency for Zoning Amendment to the Planning board in accordance with Section 151-57 of the Code. Type 1 Action.

Motion by Trustee Davis to declare the Village Board as itself Lead Agency for the review of this action, as it is the only involved agency for Zoning Amendment to the Planning board in accordance with Section 151-57 of the Code. Type 1 Action. Seconded

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

Approval RESOLUTION NO. 022020

**RESOLUTION INTRODUCING 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**

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

WHEREAS, the Village Board of Trustees has determined that the current zoning regulations, particularly the provisions for street-level dwellings, need to be clarified; and

WHEREAS, the Board of Trustees believes that it is in the best interest of the citizens and property owners of the Village to adopt said Local Law in order to protect the health, safety and welfare of Village residents and to bring the Village’s Zoning Code into conformance with the Comprehensive Plan and with the Greenway Connections: Greenway Compact Program and Plan for Dutchess County Communities pursuant to Chapter 17-3 of the Village Code; and

WHEREAS, the Board of Trustees has determined that the Proposed Action is a Type I Action and declares itself Lead Agency for the review of this action, as it is the only involved agency, and has caused the preparation of a Full Environmental Assessment Form (FEAF) and Coastal Assessment Form (CAF).

NOW, THEREFORE, BE IT RESOLVED:

1. The Village Board of Trustees hereby introduces for consideration of its adoption proposed “Local Law No. 1 of the Year 2020, Amending Chapter 151 of the Code of the Village of Wappingers Falls entitled “Zoning” to Clarify the Provisions for Street-Level Dwellings”, in the form annexed hereto.
2. The Village Board of Trustees hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 5:00 P.M., on the 26 day of February 2020, to be held at Village Hall, 2582 South Avenue, Wappingers Falls, New York.
3. The Village Board of Trustees hereby directs the Village Clerk to act as follows with respect to the proposed Local Law:

- a. Publish a Notice of Public Hearing in the Village’s official newspaper, and on the sign board maintained by the Village Clerk at least 5 days prior to said public hearing date;
- b. To serve a copy of this Resolution, the annexed proposed Local Law and the Notice of Public Hearing, to the Town Clerks of each abutting municipality prior to said Public Hearing;
- c. To serve a copy of this Resolution, the annexed proposed Local Law, the FEAF and CAF to the Dutchess County Department of Planning and Development for advisory review in accordance with §239-m of the General Municipal Law; and
- d. Forward a copy of this Resolution, the annexed proposed Local Law, the FEAF and CAF to the Village of Wappingers Falls Planning Board for its information.in accordance with Section 151-57 of the Code of the Village of Wappingers Falls.

The forgoing was put to vote which resulted as follows:

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

Approve EDC to purchase chairs and refurbish floor American Legion building 7 Spring Street total cost \$3,500.00 as budgeted.

Motion by Trustee Whitten to approve EDC to purchase chairs and refurbish floor American Legion building 7 Spring Street total cost \$3,500.00 as per their budgeted line. Seconded by Trustee Davis. Carried.

Approve EDC to hire a videographer total cost \$2,000.00 as budgeted for preparing a video to use as a marketing tool for the village, filming will start Thursday 1/29/20.

Motion by Trustee Davis to approve EDC to hire a videographer total cost \$2,000.00 as budgeted for preparing a video to use as a marketing tool for the village, filming will start Thursday 1/30/20. Seconded by Trustee Whitten. **ROLL CALL VOTE:** Mayor Alexander, Aye. Trustee Marcojohn, Absent. Trustee Paonessa, Absent. Trustee Davis, Aye. Trustee Komornik, Aye. Trustee Whitten, Aye. Trustee Huber, Aye. Carried.

Awareness date change from 1/23/20 to 2/6/20 for Winter House Productions, LLC (Filming “The Winter House”).

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 Ronnie Komornik 1
- Trustee Kevin Huber 1
- Trustee Scott Davis
- Trustee Brian Whitten
- Village Attorney Wallace

Motion by Tr. Whitten to adjourn into Executive Session at: 6: 00 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]

- 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

Motion by Tr. Davis to exit Executive Session and return to the Public Meeting at 7:30 PM. Seconded by Tr. Komornik. Carried.

All in Favor: 5 Opposed: 0 Abstain: 0

Motion passes [5] – [0]

REGULAR SESSION:

Approval to hire as Village Treasurer Ms. Jessica McMahon at salary of \$68.0k per year.

Motion by Trustee Whitten to hire Ms. Jessica McMahon as Village Treasurer at salary of \$68.0k per year. Seconded by Trustee Komornik. Carried.

Approval Resolution #012020.

**RESOLUTION # 012020
Resolution Authorizing Stipulation of Settlement with QBE Insurance Corp.**

WHEREAS, an employee, employed by the Village of Wappingers Falls as a police officer, commenced a civil proceeding in the United States District Court for the Southern District of New York on October 16, 2017 (17-cv-07937) against the Village; and

WHEREAS, the Village notified their insurance carrier, QBE Insurance Corp. (“QBE”), of the civil proceeding and requested insurance coverage under their Public Officials and Employment Practices Liability policy of insurance; and

WHEREAS, QBE denied the Village coverage; and

WHEREAS, the Village filed a Complaint for Declaratory Judgment in the Dutchess County Supreme Court, Index No. 2019-53676, against QBE Insurance Corp. declaring that QBE’s denial of coverage was improper and wrongful pursuant to the terms of the applicable insurance policy; and

WHEREAS, the Village and QBE have agreed to a Stipulation of Settlement in order to avoid the cost, time and risks associated with continued litigation; now, therefore, be it **RESOLVED**, that the Board of Trustees of the Village of Wappingers Falls hereby authorizes a Stipulation of Settlement with QBE as well as the execution of any General Releases necessary to effectuate the settlement with QBE and authorizes the payment in the sum of \$90,000.00 in full satisfaction of this matter; and

BE IT FURTHER RESOLVED, that the Board of Trustees and/or Board of Trustees of the Village of Wappingers Falls hereby authorizes the Mayor to sign a Stipulation of Settlement on the Village’s behalf as well as sign any other documentation as may be necessary to effectuate the purpose and intent of this Resolution and fully settle and resolve the aforementioned pending action.

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

| | Yea | Nay | |
|---------------------------|-------|-------|--------|
| Mayor Matthew Alexander | X | _____ | |
| Kevin Huber – Trustee | X | _____ | |
| Bill Marcojohn – Trustee | _____ | _____ | Absent |
| Ronnie Komornik – Trustee | X | _____ | |
| Mary Paonessa – Trustee | _____ | _____ | Absent |
| Scott Davis – Trustee | X | _____ | |
| Brian Whitten – Trustee | X | _____ | |

Approval resignation of Adam Lauricella from the EDC and Trent Atkinson from the Planning Board.

Motion by Trustee Whitten to accept resignation of Trent Atkinson from the Planning Board. Seconded by Trustee Komornik. Carried.

Motion by Trustee Komornik to accept resignation of Adam Lauricella from the EDC. Seconded by Trustee Whitten. Carried.

Motion by Trustee Davis to adjourn the 01/29/20 Village Board Meeting. Seconded by Trustee Whitten. Carried.

Meeting adjourned 7:30 PM. Minutes prepared by: John M. Karge, Village Clerk