

4/29/2020

Welcome to the Village of Wappingers Falls meeting of the Mayor and Board of Trustees today Wednesday, April 29, 2020, 7:00 PM.

PLEDGE OF ALLEGIANCE:

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

KC Engineering Project Discussion.

Projects for Discussion – Village of Wappingers Falls
2020-04-29 Village Board Workshop Meeting

2020 Construction

Village / Franny Reese Park – Ben Ciccone, Inc,

- Construction scope includes Upper Overlook and Lower Overlook improvements.
- Ciccone stopped construction on 27 March 2020 due to COVID-19 following the Governor's Executive Order.
- Revised NYSDOT Entrance submitted for review.
- KC respectfully request the Village Board consider Engineering Change Order #1 for the increased construction contract award and the increased engineering scope, KC Engineering requests a \$30,000 increase for the engineering budget.
- 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.
- Bids opened Wed March 18. Three bids were received.
- NYSDOT review and approval of bids needed.
- The Village Board awarded the project to the apparent low bid of \$592,202.00 from Con-Tech Construction Technologies, Inc conditioned on NYSDOT approval for same.

- Waiting on NYSDOT approval of award to send out Notice of Award to the Contractor.

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 respectfully request the Village Board consider DWSRF Change Order 4 in the amount of \$82,806 to cover the remaining design, administration and construction phase engineering services for the Contract 5 scope. The KC Engineering DWSRF authorized fee to date will now be \$1,366,937, including all amendments to date.
- 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 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 pending 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.
 - Replace/upgrade Delavergne and Wenliss Tanks.
- **Village / Grease Trap Engineering Planning Grant**
 - Work on the Grease Trap Engineering Planning Grant project continues.
 - This is a two-year grant. Work will be completed in 2020.
- **Village / EPA Grant Brownfield Assessments**
 - Next Steps – Phase 2 Assessments – on hold.
- **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.

Approval KC Engineering requests DWSRF Change Order 4 for \$82,806 to update the available funds needed to cover remaining design, administration, and construction phase engineering services for the Contract 5 scope. Contract 5 scope will include installation of 12-inch water main connection from Village of Wappingers Falls to Town of Wappinger (approx 750 LF) on Losee Road. The connection will include metering, pressure relief, and chlorine boost facilities. Roll Call Vote:

Approval Franny Reese Park change order#1. KC Engineering proposes time and materials billing for the time spent on the scope efforts required for the Bidding and

Construction Phase engineering services. The new budget amount is \$115,000 (\$85,000 + \$30,000). Roll Call Vote:

Approval re-levy to County. Water \$89,145.91, Sewer \$79,141.78, Sanitation \$41,795.33, Property Maintenance (10 Mkt. St.) \$11,834.51. Roll Call Vote:

.PUBLIC HEARING'S

Legal Notice
Notice of Public Hearings
Village of Wappingers Falls

Please be advised that the Village of Wappingers Falls Mayor and Board of Trustees will hold a Final Hearing to adopt the 2020 – 2021 budget on April 29, 2020, 7:00 PM. The purpose is to have public participation and hearings on two proposed local laws. In summary total appropriations for the fiscal year 2020-2021 are \$5,002,919.00

Pursuant to Village Law, Section 5-509, notice is further given that the compensation to be paid to the Mayor and each member of the Board of Trustees as follows:

Mayor: \$41,600.00

Trustee: \$7,440.00

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Motion to approve 2020 – 2021 Budget. Roll Call Vote:

RESOLUTION NO. 142020 of 2020

**RESOLUTION INTRODUCING “LOCAL LAW NO. ____ OF THE YEAR 2020,
CREATING CHAPTER ____, PROCUREMENT POLICY”**

The following resolution was introduced by _____ and
seconded by _____.

WHEREAS, the Village Board desires to have the option to award certain purchase contracts subject to competitive bidding under General Municipal Law § 103 on the basis of low bid or “best value” as defined in § 163 of New York State Finance Law; and

WHEREAS, the “best value” option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder for factors such as lower cost of maintenance, durability, higher quality and longer product life; and

WHEREAS, after review and due consideration, the Village Board has determined that it would be in the best interests of the residents to adopt said Local Law; and

WHEREAS, the Village Board has determined that pursuant to 6 NYCRR 617.5 (c) (20) the proposed adoption of the aforementioned Local Law is a Type II action not requiring environmental review pursuant to State Environmental Quality Review Act (SEQRA) and, accordingly, no environmental review has been undertaken.

NOW, THEREFORE, BE IT RESOLVED:

1. The Village Board hereby introduces for consideration of its adoption proposed Local Law No. ____ of the Year 2020, 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 7:00 P.M., on the 29 day of April 2020, to be held at Village Hall, 2582 South Avenue, Wappingers Falls, New York, and the Village Clerk is directed to post the Notice of Public Hearing in the form annexed hereto and to publish same in the newspaper as required by law.

PUBLIC MAY VIEW AND OR PARTICIPATE BY FOLLOWING INSTRUCTIONS ON THE VILLAGE WEBSITE.

[HTTPS://WWW.WAPPINGERSFALLSNY.GOV/](https://www.wappingersfallsny.gov/)

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

	Yea	Nay
Mayor Matthew Alexander	_____	_____
Kevin Huber – Trustee	_____	_____
Bill Marcojohn – Trustee	_____	_____
Ronnie Komornik – Trustee	_____	_____

Mary Paonessa – Trustee

Scott Davis – Trustee

Brian Whitten – Trustee

Dated: Wappingers Falls, New York
April 29, 2020

The Resolution is hereby duly declared adopted.

JOHN KARGE, VILLAGE CLERK

Proposed LL# “Procurement Procedure Legislation”. Board and Village Attorney

**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 29 day of April, 2020, at 7:00 p.m., 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. --- of the Year 2020, Creating Chapter, Procurement Policy.”**

PLEASE TAKE FURTHER NOTICE that the purpose and intent of the proposed Local Law is to allow the Village Board the option to award certain purchase contracts subject to competitive bidding under General Municipal Law § 103 on the basis of low bid or “best value” as defined in § 163 of New York State Finance Law. The “best value” option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder for factors such as lower cost of maintenance, durability, higher quality and longer product life.

PLEASE TAKE FURTHER NOTICE that the Village Board of Trustees has determined that pursuant to 6 NYCRR 617.5 (c) (20) the proposed adoption of the aforementioned Local Law is a Type II action not requiring environmental review pursuant to the State Environmental Quality Review Act (SEQRA) and, accordingly, no environmental review has been undertaken.

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.

PUBLIC MAY VIEW AND OR PARTICIPATE BY FOLLOWING INSTRUCTIONS ON THE VILLAGE WEBSITE. [HTTPS://WWW.WAPPINGERSFALLSNY.GOV/](https://www.wappingersfallsny.gov/)

Dated: April 17, 2020

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

JOHN KARGE, VILLAGE CLERK

VILLAGE OF WAPPINGERS FALLS

LOCAL LAW NO. __ (PROPOSED) OF 2020

**A Local Law entitled “Local Law No. __ of the Year 2020,
Creating Chapter ____, Procurement Policy”**

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

SECTION 1. TITLE.

This Local Law shall be known and cited as “Local Law No. __ of the Year 2020, Creating Chapter ____, Procurement Policy.”

SECTION 2. LEGISLATIVE INTENT; PURPOSE.

The intent and purpose of this Local Law is to allow the Village Board the option to award certain purchase contracts subject to competitive bidding under General Municipal Law § 103 on the basis of low bid or “best value” as defined in § 163 of New York State Finance Law. The “best value” option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder for factors such as lower cost of maintenance, durability, higher quality and longer product life.

SECTION 3: CREATION OF NEW CHAPTER.

Chapter ____, Procurement Policy shall read as follows:

“CHAPTER _____. PROCUREMENT POLICY.

ARTICLE I. BEST VALUE PROCUREMENTS

§ ____-1. PURPOSE AND AUTHORITY.

The Village Board of Trustees seeks to exercise the option to award certain purchase contracts subject to competitive bidding under General Municipal Law § 103 on the basis of either lowest responsible bidder or "best value" as defined in § 163 of the New York State Finance Law. The "best value" option may be used if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder for factors such as lower cost of maintenance, durability, higher quality and longer product life.

§ ____-2. AWARD BASED ON LOW BID OR BEST VALUE.

The Village Board of Trustees may award purchase contracts and service contracts that have been procured pursuant to competitive bidding under the General Municipal Law § 103 by either lowest responsible bidder or best value. All awards based on best value shall require Village Board approval.

§ ____-3. APPLICABILITY.

The provisions of this Article apply to Village purchase contracts for commodities equipment and/or goods, and related service work. By adopting GML § 103, subdivision 16, political subdivisions such as the Village of Wappingers Falls can award the contract on the basis of determining the best value. The winning proposer, while not offering the best aggregate price, would offer the best value in that its price per technical quality point was lower than all other bidders. This also may exclude any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

§ ____-4. STANDARDS FOR BEST VALUE.

Goods and services procured and awarded on the basis of best value are those that the Village Board of Trustees determines will be of the highest quality while being the most efficient. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, and/or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; and longer product life; product performance criteria; and quality of craftsmanship.

§ ____-5. DOCUMENTATION.

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

§ ____-6. PROCUREMENT POLICY SUPERSEDED WHERE INCONSISTENT.

Any inconsistent provision of the Village's Procurement Policy, as adopted prior to the effective date of this Article by Resolution of the Village Board of Trustees, or as amended thereafter, shall be deemed superseded by the provisions of this Article.

SECTION 4. NUMBERING FOR CODIFICATION.

It is the intention of the Village of Wappingers Falls and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Wappingers Falls; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 5. 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 6. 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 Local Law entitled “Local Law No. --- of the Year 2020, Creating Chapter, Procurement Policy.” Roll Call Vote:

RESOLUTION NO. 152020 of 2020

**RESOLUTION INTRODUCING “LOCAL LAW NO. ____ OF THE YEAR 2020,
AMENDING CHAPTER 114, PROPERTY MAINTENANCE BY REPEALING
THE EXISTING PROVISIONS IN THEIR ENTIRETY AND ADDING NEW
PROVISIONS”**

The following resolution was introduced by _____ and seconded by _____.

WHEREAS, it has come to the attention of the Village Board that property owners who fail to maintain their property create adverse conditions that affect the general health, safety and welfare of the public by reducing the quality of life, adversely impacting property values and facilitating the creation of blighted neighborhoods; and

WHEREAS, the Village Board has determined that in order to protect and promote the public health, safety and welfare of the residents of the Village of Wappingers Falls, to prevent blight within the Village and to prohibit the proliferation thereof, it is necessary to establish standards for the exterior maintenance of property, yards and any buildings or structures thereon; and

WHEREAS, the Village Board has determined that it is in the best interest of the citizens of the Village of Wappingers Falls to adopt this Local Law which will authorize the Village through its Code Enforcement Officials to enter onto the property containing the offending condition, in accordance with the provisions of this Local Law, and to remove the same when the property owner fails or neglects to cure the violation therefore preventing blighted neighborhoods and promoting the public health, safety and welfare of the residents of the Village of Wappingers Falls; and

WHEREAS, the Village Board has determined that the Proposed Action is an Unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 NYCRR (commonly known as “SEQRA”); and

WHEREAS, the Village Board has determined that the proposed Local Law is an action for which there are no other Involved Agencies and the Village Board is therefore, by default, Lead Agency for this action.

NOW, THEREFORE, BE IT RESOLVED:

1. The Village Board hereby introduces for consideration of its adoption proposed Local Law No. ____ of the Year 2020 in the form annexed hereto.
2. The Village Board has caused to be prepared a Short Form EAF and has reviewed the proposed action pursuant thereto and hereby determines that the proposed action will not have a significant impact on the environment and hereby makes a Negative Declaration of Significance with respect to the proposed amendments.

3. The Village Board hereby schedules a Public Hearing regarding the proposed adoption of the annexed Local Law for 7:00 P.M., on the ____ day of _____ 2020, to be held at Village Hall, 2582 South Avenue, Wappingers Falls, New York, and the Village Clerk is directed to post the Notice of Public Hearing in the form annexed hereto and to publish same in the newspaper as required by law.

PUBLIC MAY VIEW AND OR PARTICIPATE BY FOLLOWING INSTRUCTIONS ON THE VILLAGE WEBSITE.

[HTTPS://WWW.WAPPINGERSFALLSNY.GOV/](https://www.wappingersfallsny.gov/)

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

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

Dated: Wappingers Falls, New York
April 29, 2020

The Resolution is hereby duly declared adopted.

JOHN KARGE, VILLAGE CLERK

Proposed LL # “Property Maintenance Code (to allow us to go on private property for maintenance issues)”. Board and Village Attorney.

**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 29 day of April, 2020, at 7:00 p.m., 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.--- of the Year 2020, Amending Chapter 114, Property Maintenance by Repealing the Existing Provisions in their Entirety and Adding New Provisions.”

PLEASE TAKE FURTHER NOTICE that the purpose and intent of the proposed Local Law is to repeal the existing provisions of Chapter 114, Property Maintenance in their entirety and add new provisions to provide procedures for the Village to act swiftly to abate the risks to the health and safety of the public, and particularly the residents of the Village of Wappingers Falls, in accordance with the due process required by law.

PLEASE TAKE FURTHER NOTICE that the Village Board of Trustees has determined that the Proposed Action is an Unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 NYCRR (commonly known as “SEQRA”) and is an action for which there are no other Involved Agencies and the Village Board is therefore, by default, Lead Agency for this action.

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.

PUBLIC MAY VIEW AND OR PARTICIPATE BY FOLLOWING INSTRUCTIONS ON THE VILLAGE WEBSITE. [HTTPS://WWW.WAPPINGERSFALLSNY.GOV/](https://www.wappingersfallsny.gov/)

Dated: April 17, 2020

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

JOHN KARGE, VILLAGE CLERK

VILLAGE OF WAPPINGERS FALLS

LOCAL LAW NO. __ (PROPOSED) OF 2020

A Local Law entitled “Local Law No. __ of the Year 2020, Amending Chapter 114, Property Maintenance by Repealing the Existing Provisions in their Entirety and Adding New Provisions”

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

SECTION 1. **TITLE.**

This Local Law shall be known and cited as “Local Law No. __ of the Year 2020, Amending Chapter 114, Property Maintenance by Repealing the Existing Provisions in their Entirety and Adding New Provisions.”

SECTION 2. **PURPOSE.**

The purpose of this Local Law is to repeal the existing provisions of Chapter 114, Property Maintenance in their entirety and add new provisions to provide procedures for the Village to act swiftly to abate the risks to the health and safety of the public, and particularly the residents of the Village of Wappingers Falls, in accordance with the due process required by law.

SECTION 3: **REPEAL OF EXISTING PROVISIONS OF CHAPTER 114 AND ADDITION OF NEW PROVISIONS.**

The existing provisions of Chapter 114, Property Maintenance are hereby repealed in their entirety and the following provisions are added as follows:

“CHAPTER 114. PROPERTY MAINTENANCE.

§ 114-1. LEGISLATIVE INTENT; FINDINGS.

- A. Property owners who fail to maintain their property create adverse conditions that affect the general health, safety and welfare of the public. Deficient property maintenance sometimes creates impacts to the health and safety of the public that require immediate attention while other instances of deficient property maintenance create harm to the general welfare that reduces the quality of life, adversely impacts property values and facilitates the creation of blighted neighborhoods.
- B. The Village Board hereby finds that the improper maintenance of the exterior of any buildings that are visible to the neighbors and/or traveling public creates conditions that adversely affect property values, the quality of life of the neighbors and neighborhood, and the general health, safety and welfare of the residents of the Village. Property owners who allow poisonous shrubs to grow and allow weeds, shrubs, lawns, grass, landscape plants and other vegetation to become overgrown, or who allow the exterior of any buildings located on their property to deteriorate into a state of disrepair or to become unsightly or dilapidated, or who permit the accumulation of garbage, rubbish, debris and refuse thereon, facilitate the proliferation of pests, insects and vermin. These conditions, in turn, result in a general deterioration of property values and foster blight in the surrounding neighborhoods and in the community in general. The Village Board further finds that property owners, tenants or persons in possession

of real property who keep or maintain junked, inoperable or unregistered vehicles on their property contribute to blight by promoting unsightly, unsanitary and unsafe conditions.

- C. The Village Board hereby determines that in order to protect and promote the public health, safety and welfare of the residents of the Village, to prevent blight within the Village and to prohibit the proliferation thereof, it is necessary to establish standards for the exterior maintenance of property, yards and any buildings or structures thereon, and to provide standards for the general exterior maintenance of yards, buildings and structure, and to provide for the removal of any poisonous weeds or shrubs, overgrown vegetation, including lawns, grass, landscape shrubbery, and ornamental shrubs, garbage, debris, rubbish, and junked or inoperable vehicles on properties, so that all properties shall be maintained in accordance with the standards enunciated in this Chapter.
- D. This Chapter authorizes the Village, through its Code Enforcement Officials, to enter onto the property containing the offending condition, in accordance with the provisions of this Chapter, and to remove the same where the property owners fails or neglects to cure the violation. By reason of the establishment of these regulations and restrictions as herein set forth in this Chapter, the proliferation of blight may be prevented and the general public health, safety and welfare protected and fostered.
- E. It is with this intent in mind that the provisions of this Chapter are established.

§ 114-2. DEFINITIONS.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUILDING

Any building or structure, or part thereof, whether used for human habitation or otherwise, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

COMMERCIAL PREMISES

A building, structure or land used for any purpose other than for single-family or multi-family purposes, including premises used for rental purposes, business purposes or industrial purposes.

DEBRIS

All materials resulting from the construction, excavation, renovation, equipping, remodeling, repair or demolition of structures, property or roads, or resulting from the preparation therefor, as well as materials consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm-related cleanup, except when such materials are organized in piles or structures for purposes of composting. Such materials include, but are not limited to, masonry, such as bricks, concrete blocks, mortar and concrete, soil, rock, wood, wall coverings, floor coverings, plaster, drywall, plumbing fixtures, insulation, roofing materials, siding, pavement, glass, window frames, electrical wiring and components, plastics, carpeting, foam padding, linoleum, and metals, or any combination thereof, which are incidental to construction, excavation, renovation, equipping, remodeling, repair or demolition.

ENFORCEMENT OFFICIAL

This Chapter shall be enforced by the following Village of Wappingers Falls officials: the Code Enforcement Officer/Building Inspector, the Zoning Administrator, the Fire Chief, the Village Justices, the Village Police, the Dutchess County Sheriff's Office, any police agency having jurisdiction in the Village of Wappingers Falls, and such other persons as may be designated by the Village Board of the Village of Wappingers Falls by duly adopted Resolution.

GARBAGE

All putrescible animal and vegetable waste resulting from growing, processing, marketing and preparation of food items, including containers in which such items are packaged, except when such wastes are organized in piles or structures for purposes of composting.

JUNKED VEHICLE

Any motor vehicle which is either unregistered, dismantled (in whole or in part), or in such a damaged condition or state of disrepair that such vehicle cannot be operated without extensive repair or for which the cost of such repair exceeds the value of the motor vehicle. Lack of a license plate, or an incorrect license plate affixed to the motor vehicle, shall be presumptive evidence that the vehicle is not registered.

MULTI-FAMILY PREMISES

Any building which is used as a home or residence, other than a single-family residence, together with any garage or other accessory buildings and the lot upon which such building or buildings are constructed.

NOXIOUS WEEDS

Plants or other flora growth that may be hurtful, harmful or may physically affect individuals, such as poison ivy, sumac (trees, bushes or vines), deadly nightshade, Japanese Heliotrope and bindweed. "Noxious weeds" shall not include those plants normally cultivated in gardens.

NUISANCE

- (1) Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New York, its governmental agencies or the regulations and laws of the Village.
- (2) Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of premises where said condition exists.
- (3) Any waste material or any other matter attractive to vermin, likely to breed disease or which present a fire hazard, create offensive odors, or otherwise are prejudicial to good health or are so unsightly of appearance as to be offensive to surrounding properties.

OCCUPANT

Any person residing, living or sleeping in or on the premises or having actual possession, use or occupancy of a dwelling premises or any person or entity in possession of or using the premises or part thereof, whether or not the owner thereof and regardless of the duration of time of such possession, use or occupancy.

OWNER

Any person, persons or entity who shall have legal or equitable title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building, structure or part thereof as agent of the owner or as a fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of

a lessee of any part or all of any building structure or land shall be deemed to be a co-owner with the lessee for the purposes of this Chapter and shall have responsibility over the portion of the premises so sublet, leased or assigned. Where the owner of the property cannot be determined, the person whose name is listed as the owner on the most current tax roll of the Village is deemed to be the property owner.

PERSON

Any individual, natural person, association, firm, corporation, partnership, limited liability company or any other business organization of two or more persons, or any and all combinations of individuals acting in concert.

PREMISES

A lot, plot or parcel of land, including the buildings or structures thereon.

RUBBISH

All discarded or worthless non-putrescible solid wastes consisting of both combustible and noncombustible wastes, including, but not limited to, paper and paper products, rags, wrappings, cardboard, tin cans, wood, glass, metals, plastics, tires, bedding, cloth, crockery, furniture, appliances and similar items.

SINGLE-FAMILY RESIDENCE

A building which is occupied exclusively as the home or residence of a single family, together with any garage or other accessory building and the lot upon which such building or buildings are constructed.

SOLID WASTE

Materials or substances discharged, discarded or rejected as being spent, useless, worthless or in excess by the owner at the time of such discard or rejection, except sewage and other highly-diluted water-carried materials or substances and those in gaseous form. Such waste shall include, but is not limited to, garbage, sludge, rubbish, ashes, incinerator residue, street cleanings, dead animals, refuse, abandoned vehicles, agricultural waste, industrial waste, commercial waste and construction and demolition debris.

STRUCTURE

An assembly of materials forming a construction including, but not limited to, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water

tanks, trestles, open sheds, bins, shelters, fences and display racks and signs.

TENANT

Any person, other than the owner, who uses or occupies a property or building and who occupies the same pursuant to a written or oral lease agreement, or otherwise with the consent and permission of the owner thereof.

TRANSLUCENT

The property of admitting the passage of light but diffusing it so that objects beyond it cannot be clearly distinguished.

WINDOW

An opening in the wall or roof of a building for the admission of light, which opening may be closed to the elements by casements or sashes containing glass or other transparent material.

WINDOW DISPLAY AREA

That area of a building in proximity to the inner surface of a window which is designed or used for the viewing of the interior and the display of items representative of any goods or services pertaining to the business therein.

§ 114-3. DUTIES OF OWNERS AND OCCUPANTS.

- A. In furtherance of the purposes of this Chapter, it shall be the duty and responsibility of the owner or the occupant of premises to comply with any or all of the requirements and standards of this Chapter to keep the premises free of conditions which constitute violations hereof and to promptly remove, prevent or abate such conditions.
- B. Owners and occupants shall have all the duties, obligations and responsibilities prescribed in this Chapter, and no such person or entity shall be relieved of any duty, obligation or responsibility hereunder nor be entitled to assert, as a defense against any charge made against him/her or them for violation of this Chapter, the fact that another owner, operator or occupant or any other third person or entity is also responsible therefor and in violation thereof.

§114-4. APPLICABILITY OF PROVISIONS.

The provisions of this Chapter shall supplement state and local laws, codes or regulations. Where a provision of this Chapter is found to be in conflict with a provision of a state or local law, code or regulation, the more restrictive provision shall prevail when legally permissible.

§ 114-5. GENERAL REQUIREMENTS; COMPLIANCE REQUIRED.

- A. It is the responsibility of every owner, occupant or tenant to keep their property in a well maintained and sanitary appearance and condition so as not to adversely affect the value and condition of surrounding properties and the neighborhood.
- B. All premises throughout the Village of Wappingers Falls, whether or not covered by other provisions of the Code of the Village of Wappingers Falls, shall be maintained in conformity with the provisions of this Chapter so as to assure the desirable character of the property.

§ 114-6. EXTERIOR MAINTENANCE.

- A. Surface and subsurface water shall be drained to prevent damage to buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers and sanitary sewers or other satisfactory drainage systems shall be provided and utilized. In no case shall the water from any rain leader be allowed to flow over the sidewalk of adjoining property.
- B. Premises shall be maintained in a clean, safe and sanitary condition free of physical hazards, fire hazards, solid waste, infestation, rodents, roaches, fleas, ticks, junk vehicles, hazardous substances, construction and demolition material, noxious weeds or nuisances.
- C. All fences and retaining walls shall be maintained in a safe and substantial condition by the owner of the premises upon which it is located. Such maintenance shall include, but not be limited to, painting or staining as needed and the replacement of broken or missing sections of fence or retaining wall which may come into disrepair.
- D. All steps, walks, driveways, parking spaces and similar paved areas shall be maintained so as to afford safe passage under normal use and weather conditions. The owner shall keep all and every part of the premises which they may own and the steps, walks, driveways and parking areas located in the front, rear or side of said premises, from the building line to the nearest public street line, in a clean, sanitary and safe condition and free from litter, debris, paper, dirt, garbage and junk and, except for public improvements, in good repair. ~~Within 24 hours after the cessation of snowfall, snow shall be plowed or shoveled from all steps, walks, driveways and parking areas used or intended to be used by occupants, tenants, customers, invitees or other members of the public. No snow removed from driveways, walks or other areas shall be deposited upon the public streets or highways so as to interfere with the use of such streets or~~

~~highways or with the use of any other premises. (Covered in Chapter 132-11)~~

- E. Steps, walks, driveways, parking spaces, parking lots and similar paved areas shall be repaired, replaced and maintained so as to be free from holes, hazards and dirt so as to afford safe passage to the public under normal use and weather conditions. In the case of multi-family premises and commercial premises, all driveways and parking spaces provided shall be covered with broken stone, gravel, concrete or asphalt paving, which shall be kept in good repair, and such driveways and parking spaces shall be regularly cleaned to avoid accumulation of dirt, paper and other debris. On commercial premises, all parking areas shall be paved with concrete or asphalt, and all parking spaces shall be clearly marked with painted white or yellow lines.
- F. Heavy undergrowth and accumulation of plant growth which is unsightly, noxious or detrimental to health shall be eliminated or removed. Hedges and shrubs shall be kept pruned or trimmed and free from becoming overgrown and unsightly. Yards shall be maintained so that grasses, weeds and other vegetative ground cover shall not exceed six inches in height. Lawns or vegetative ground cover shall extend to the pavement of the adjoining street(s) and shall be maintained by the property owner, lessee or tenant to the aforementioned standards.
- G. Dead or incurably diseased trees shall be taken down and the diseased portion thereof removed and destroyed. Trees shall be kept pruned, and dead wood one inch in diameter shall be removed. Every owner, tenant, occupant and lessee shall keep all trees, shrubs and plants on its, his or her property, whether occupied or unoccupied, or on the area between the property line of an adjacent public highway or sidewalk and the pavement edge of the road, so trimmed and in such condition as not to interfere with or obstruct the vision (at an intersection or otherwise) or any way endanger the safety of persons using any public street, sidewalk or other public place. Without limiting the generality of the foregoing, any tree limb overhanging a public sidewalk shall be at least eight feet above any part thereof and any tree limb overhanging a public street shall be at least thirteen feet above any part thereof.
- H. Exterior surfaces of buildings and structures, including fences, doors, window frames and porches that are not inherently resistant to deterioration shall be maintained in a good state of repair and periodically treated with protective coating of paint or other suitable preservative. Broken or missing clapboards, shingles and window and door glasses shall be replaced.

§ 114-7. BUILDINGS AND ACCESSORY STRUCTURES.

- A. All exterior exposed surfaces of buildings and accessory structures not inherently resistant to deterioration shall be repaired, coated, treated or sealed with a protective coating of paint or other suitable preservative to protect them from deterioration.
- B. All signs exposed to public view shall be maintained in good repair. Excessive weathered or faded signs shall be repaired, restored or removed. Inoperative electrical or other mechanical signs shall be repaired or removed.
- C. The exterior of every building or accessory structure shall be maintained free of broken windows. All windows exposed to public view shall be kept clean. Except when necessary in the course of changing displays, no storage or materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view, unless such areas are first screened by drapes, venetian blinds or other means of making the windows translucent. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.
- D. In the case of multi-family premises and commercial premises, all floors, walls, ceilings, stairs and fixtures of a building's exterior walls, roofs, porches or appurtenances thereto shall be maintained in a clean, safe and sanitary condition and shall be maintained in a manner so as to prevent injury to the occupants of the building or to the public.
- E. The foundation walls of every building shall be maintained in a structurally sound condition.
- F. The exterior parts of a building shall be maintained so as to keep water from entering the building. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, gutters, leaders, soffits, cupolas, roofs and other parts of the building shall be free from loose and unsecured objects and materials. Such objects or materials shall be removed, repaired or replaced.
- G. In the case of multi-family premises and commercial premises, grounds, buildings and structures shall be maintained free of fleas and roaches, vermin and rodent harborage and infestation.
- H. In the case of multi-family premises and commercial premises. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be screened with wire mesh and other suitable materials.

- I. From May 1 to October 1, entrances to multi-family premises shall be provided with self-closing-type devices or screens. Windows and other openings in such premises used for ventilation shall be screened.
- J. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse. Garbage and refuse containers shall be of an approved waterproof type. Garbage, refuse and other debris shall not be permitted to accumulate in public halls and stairways of multi-family premises and commercial premises.

§114-8. ENFORCEMENT; ADMINISTRATIVE REMEDY.

In the event that the owner, occupant, tenant, lessee or other person having charge of any premises shall fail to comply with the standards enumerated in this Chapter, the Village may institute enforcement proceedings as follows:

- A. Inspection and report. Any enforcement official, upon his or her own investigation or upon written complaint that a property appears to be maintained in violation of any of the standards enumerated in this Chapter, may conduct an investigation and inspection of such premises and shall prepare a written report of his or her findings. In necessary, the enforcement official is authorized to apply for a search warrant to a court of competent jurisdiction to enter onto the premises if there is reasonable suspicion to believe that there is a violation of this Chapter. The enforcement official is further authorized to take such further steps as are necessary to effectuate the execution and return of a duly ordered search warrant.
- B. Order to remedy. If the enforcement official determines that a violation exists after conducting an inspection, the enforcement official is authorized to issue an order to remedy directing the owner, occupant, tenant, lessee or other person having charge of any premises to bring such premises into compliance with the provisions of this Chapter. The enforcement official shall provide the Village Board with a copy of the order to remedy, together with an affidavit of service and a copy of his or her report of findings from the inspection of the property.
- C. Contents of order to remedy. The notice shall contain the following information:
 - (1) The tax parcel identification number;
 - (2) The street address of the property;
 - (3) The owner of the property as shown in the tax records of the Village;

- (4) A statement of the condition of the property and the standards of this Chapter which have been violated;
- (5) The date and time the violations are alleged to have occurred;
- (6) The specific corrective action that needs to be taken to bring the property into full compliance with the standards of this Chapter;
- (7) The specific date by which the corrective action must be completed.
- (8) The date, time and place of a public hearing to be held before the Village Board to determine whether the property is in compliance with the standards of this Chapter and a statement that the owner, occupant, tenant, lessee or other person having charge of any premises has an opportunity to appear and be heard at said public hearing to offer proof that the property is in compliance with the standards of this Chapter or that additional time is needed to take corrective action to cure the violation; and
- (9) A statement that, if the property owner, occupant, tenant, lessee or other person having charge of any premises does not comply with the order to remedy, the Village intends to enter onto the property, take corrective action, and assess the costs of the corrective action as a lien against the property and levy such lien on the Village tax bill if not paid.

- D. Service of order to remedy. The order to remedy shall be served on the owner by registered or certified mail, return receipt, at the address shown on the last preceding tax assessment roll of the Village or by personal service in accordance with any manner provided for service of process by Article 3 of the Civil Practice Law and Rules of the State of New York. Service upon a occupant, tenant, lessee or person in charge of the premises shall be made by registered or certified mail, return receipt to the address of the property or by person service as noted above. A copy of such order to remedy may also be served in the same manner on any mortgagee or lienor of record. A copy of the order to remedy shall also be conspicuously placed on the property.
- E. Imminent threat. Whenever the Village Board finds that there exists on premises a condition that poses an imminent threat to the public health or

safety which requires immediate remedial action, the Village Board may, in its discretion, order the owner, occupant, tenant, lessee or other person having charge of any premises to remove or abate such public nuisance or direct Village employees or agents of the Village to remove or abate such public nuisance, and, notwithstanding any provision of this Chapter to the contrary, no public hearing shall be required to be held before the time fixed in the order for compliance or before the Village removes or abates such public nuisance, and the time for compliance provided in the order for compliance shall not apply to an order issued pursuant to this section. Notice of an order or direction issued pursuant to this subsection shall be served in the manner prescribed in subsection D above, provided that if the Village Board determines that service in such manner would result in delay prejudicial to the public health or safety, then the Village Board may serve such order or direction by delivery of a copy thereof to a person of suitable age and discretion in actual or apparent control of the premises to which it relates, or, if service cannot be made in such manner, by posting a copy posted upon the premises to which it relates. An order or direction served in the manner prescribed in this subsection shall take effect when delivered or when posted. After such order or direction takes effect, the enforcement official shall serve such order or direction in the manner prescribed in subsection D above. Such additional service shall include notice of the earlier service of such order or direction.

- F. Emergency situation. Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property unless action authorized under this Chapter is taken immediately, then the enforcement official shall have the power to abate, correct or remove the emergency, and any costs and expenses shall be charged to the owner of the property at issue. In the event that the amount due to the Village is not paid within thirty days following notification by the Village, the costs and expenses shall become and be a lien upon the property involved and shall be added to and become part of the property taxes next to be assessed and levied upon such property by the Village and shall bear interest at the same rate as and be collected and enforced in the same manner as taxes.

- G. Public hearing.

- (1) The public hearing shall be held at a regularly scheduled or special Village Board meeting at least seven days but not more than twenty days after service of the order to remedy as set forth above.
- (2) After the public hearing, if the property is determined by the Village Board to be in noncompliance with the standards

enumerated in this Chapter, the Village Board may authorize employees of the Village, or its agents or contractors, to enter onto the property to undertake such measures as to bring the property into compliance with the standards of this Chapter and assess the cost of such remediation against the property as described below.

- H. Assistance allowed. The Village may request the assistance of any county, state or federal agency to perform work on its behalf pursuant to this Chapter.
- I. Assessment of costs and expenses; lien on property.
 - (1) The costs and expenses incurred by the Village with respect to any work performed by or on behalf of the Village to bring the property into compliance shall be a debt recoverable from the owner, occupant, tenant, lessee or other person having charge of any premises and shall constitute a lien upon the premises, including the land and buildings, with respect to which such work was performed.
 - (2) The Village shall keep a record of all work performed on the property by or on behalf of the Village. Such records shall be accessible to the public during business hours. Claims for all work performed on the property shall be audited and approved. A notice stating the total amount due and the nature of the charge shall be mailed by the Village to the last known address of the person whose name appears on the records in the office of the Village Treasurer as being the owner or agent or as the person designated by the owner to receive tax bills or, where no name appears, to the premises, addressed to either the owner or the agent. Such notice shall have ten days, after a copy of the notice establishing the costs and expenses is received, to challenge any of the costs incurred by the Village. After expiration of the time period to challenge the determination of costs and expenses, the amounts thereof shall be reported to the Village Treasurer to be levied and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall otherwise be collected in the same manner and at the same time as other Village charges.
 - (3) Such lien shall have a priority over all other liens and encumbrances on the premises except for the lien of taxes and assessments.
- J. Action for recovery. In addition to establishing a lien, the Village may recover such expenses and interest incurred by bringing an action against the owner, occupant, tenant, lessee or other person having charge of any

premises. The institution of such action shall not suspend or bar the right to pursue any other remedy provided by law for the recovery of such debt.

- K. Supplemental remedies; other remedies available. In addition to the remedies set forth in this Chapter, the Village reserves the right to pursue any and all remedies available for lack of compliance, including, but not limited to, those set forth in Article 13 and 19-A of the New York State Real Property Actions and Proceedings Law, and the enforcement official is authorized to take any and all action specified in these articles. Nothing contained in this section shall be construed to restrict authority to provide for the abatement of a public nuisance conferred upon any agency of the Village by any other provision of law.

§ 114-9. PENALTIES FOR OFFENSES.

- A. Criminal penalty. Any person, firm or corporation who shall violate any of the provisions of this Chapter or any order promulgated hereunder shall, upon conviction, be punishable as provided for violations of the Penal Law of the State of New York.
- B. Any person, firm or corporation who or which violates any of the provisions of this Chapter shall be guilty of a violation, punishable as follows:
 - (1) A fine of not less than \$250 and not more than \$1,000 or by imprisonment for a period not exceeding 15 days, or both.
 - (2) Each day any violation of any provision of this Chapter or any such ordinance or resolution shall continue shall constitute a separate offense.
- C. In addition, or as an alternative to the above-provided penalties, the Village Board may also maintain an action or proceeding in the name of the Village in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this Chapter.

SECTION 4. NUMBERING FOR CODIFICATION.

It is the intention of the Village of Wappingers Falls and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Village of Wappingers Falls; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to

“Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

SECTION 5. 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 6. REPEALER.

When effective, this Chapter repeals the former Chapter 114, Property Maintenance, in its entirety.

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 Local Law entitled “Local Law No. ____ of the Year 2020, Amending Chapter 114, Property Maintenance by Repealing the Existing Provisions in their Entirety and Adding New Provisions” Roll Call Vote

Resolution “Meeting Procedures”

RESOLUTION NO. 162020 2020

**RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE
BOARD OF TRUSTEES OF THE VILLAGE OF WAPPINGERS
FALLS**

The following Resolution was introduced by Trustee
_____ and seconded by Trustee _____.

WHEREAS, Village Law § 4-412 provides that the Board of Trustees may determine its own rules of procedure; now, therefore

BE IT RESOLVED, the following rules of procedure are adopted pursuant to Village Law § 4-412:

- I. **REGULAR MEETINGS:** The Board of Trustees conducts a Regular Meeting on the 2nd Wednesday of each month at 7pm at Village Hall, 2582 South Avenue, Wappingers Falls, New York. Meeting dates that fall on holidays will be moved to the next day.
- II. **WORKSHOP MEETINGS:** The Board of Trustees conducts a Workshop on the last Wednesday of each month at 5:00pm at Village Hall, 2582 South Avenue, Wappingers Falls, New York. Workshops do not follow the same meeting procedures as Regular Meetings and are held for the purpose of discussion amongst the members of the Board. The presiding officer, at his or her discretion, may invite a member of the public in attendance to offer comment on an agenda topic, but is not compelled to do so.
- III. **SPECIAL MEETINGS:** Special Meetings of the Board of Trustees are all Board meetings other than Regular Meetings. The Mayor may call a Special Meeting upon notice to the entire Board. Special meetings must be for business of a truly emergent nature and shall be held at the call of the Village Clerk upon direction of the Mayor or upon filing with the Village Clerk a written request signed by any two members of the Village Board. Only business specified in the public notice thereof may be transacted at a special meeting. Notice shall be at least 72 (seventy-two) hours before the date fixed for holding the meeting.
- IV. **QUORUM:** A quorum of the Board must be physically present to conduct business. A quorum of the seven-member Board of Trustees is five, regardless of vacancies.
- V. **EXECUTIVE SESSIONS:** The Board must hold Executive sessions in accordance with NYS Public Officers Law § 105. All executive sessions must be entered into by a motion made from a properly noticed and conducted open meeting.
- VI. **AGENDAS:** The Village Clerk and Mayor will prepare the agenda. The Village will publish Agendas for both Regular and Workshop Meetings as notice to the public the Monday before the meeting. However, the Mayor, or a majority of the Board of Trustees may add items at any time. If necessary, a supplemental agenda may be distributed at the beginning of the meeting.

- a. Any two members of the Board of Trustees may, by motion at a regular meeting, place an item on the agenda for a subsequent meeting.

VII. VOTING: Pursuant to the New York State Village Law and General Construction Law, each member of the Board has one vote. The Mayor may vote on any matter but must vote in case of a tie. A majority of the totally authorized voting power (5 or more) is necessary to pass a matter unless otherwise specified by State law. For example, bond resolutions require a majority of four or more. A vote upon any question must be taken by ayes and noes, and the names of the members present and their votes must be entered in the minutes.

VIII. GENERAL RULES OF PROCEDURE:

- a. The Mayor presides at the meeting. In the Mayor's absence, the Deputy Mayor presides at meetings of the Board. The presiding officer may debate, move and take any action that may be taken by other members of the Board.
- b. Each Board member must be given the opportunity to speak on every issue. Board members are not required to rise, but in the interests of orderly discussion must be recognized by the presiding officer before making motions and speaking.
- c. Every motion must be seconded before being put to a vote; all motions must be recorded in their entirety in the Board's minutes.
- d. Once recognized, a member may not be interrupted when speaking unless it is to call the member to order. If a member is called to order, the member must stop speaking until the question of order is determined, and, if in order, the member must be permitted to proceed. There is no limit to the number of times a member may speak on a question. Motions to close or limit debate may be entertained and require a two-thirds vote to pass.

IX. GUIDELINES FOR PUBLIC COMMENT:

- a. The public may speak only during the Public Comment periods of the meeting or at such other time as a majority of the Board allows.
- b. Speakers must step to the front of the room.
- c. Speakers must give their name, address and the identity of their organization, if applicable.

- d. Speakers must be recognized by the presiding officer.
- e. Speakers must limit their remarks to three minutes per public comment period. Depending on the number of people who wish to speak on a specific subject, at the discretion of the Mayor, time limits of two minutes per person, or other similar time frame, may be applied to each speaker.
- f. Speakers may not yield any remaining time they may have to another speaker.
- g. Board members may, with the permission of the Mayor, or presiding officer, interrupt a speaker during their remarks, but only for the purpose of clarification or information.
- h. All remarks must be addressed to the Board as a body and not to specific members thereof or the audience.
- i. Speakers must observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- j. Interested parties or their representatives may address the Board by written communications. For public hearings, written communications submitted in advance are considered at the hearings and provided as back up material.
- k. During the comment period, speakers may address the Board on issues affecting the Village, the Board will respond to specific questions if the information is immediately available during the Report section of the meeting, if not, as soon as it is practical.
- l. The aforementioned public comment guidelines apply to all regular meetings. However, during public hearings the Mayor or presiding officer may recognize questions from the floor.

X. MINUTES:

- a. The Village Clerk or Village Clerk's designated representative is responsible for taking the minutes of the Board. Minutes must consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes must be taken at executive session of any action that is taken by formal vote. Executive session minutes must consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such

summary need not include any matter which is not required to be made public by the NYS Freedom of Information Law (FOIL). Minutes are not recorded for work sessions unless an action is taken by the Board at that meeting.

- b. Minutes must also include the following:
 - 1. Name of the Board;
 - 2. Date, place and time of meeting;
 - 3. Notation of the presence or absence of Board members and time of arrival or departure if different from time of call to order and adjournment;
 - 4. Name and title of other Village officials and employees participating in the meeting and the names of audience members that have signed a voluntary sign-in sheet.
 - 5. A summary of communications presented to the Board;
 - 6. Record of reports made by Board or other Village personnel; and
 - 7. Time of adjournment; and signature of Village Clerk or person who took the minutes if not the Village Clerk.
- c. The Village Clerk or Village Clerk's designated representative is responsible for creating a draft of the minutes within the timeframe provided for under the New York State Open Meetings Law. The Board of Trustees approves the minutes at the next board meeting. Amendments to the minutes require approval of the Board of Trustee by a majority vote.

XI. GUIDELINES FOR USE OF RECORDING EQUIPMENT: All regular and workshop meetings of the Board are webcast and televised to the extent possible. All members of the public and all public officials are allowed to tape or video record public meetings. Recording is not allowed during executive sessions. Recording should be done in a manner that does not interfere with the meeting. The Mayor, or presiding officer, may determine whether the recording is being done in an intrusive manner taking into consideration, but not limited to, brightness of lights, distance from the deliberations of the Village Board, size of the equipment, and the ability of the public to participate in the meeting. If the recording is determined to be intrusive and interferes with the meeting, the Mayor, or presiding officer, may direct that the recording be stopped or undertaken in a different manner or location.

XII. ADJOURNMENT: Meetings shall be adjourned by motion.

XIII. AMENDMENTS TO THE RULES OF PROCEDURE: The Board of Trustees may amend the foregoing procedures by a majority vote.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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

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

Dated: Wappingers Falls, New York
April 29th, 2020

John M. Karge
Village Clerk

Adjourn: