

## **Village of Cold Spring**

### **Code Update Committee**

**December 11, 2014**

The Code Update Committee of the Village of Cold Spring held a meeting on Thursday, December 11, 2014 at 7:00 PM at the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Committee Chair Jack Goldstein, members Mike Armstrong, Carolyn Bachan, Marie Early, Terry Lahey, Donald MacDonald and Barney Molloy and liaison for the Board of Trustees, Trustee Bruce Campbell.

The minutes were brought forth by Mr. Goldstein for approval. Ms. Bachan noted that on Page 2, 5<sup>th</sup> paragraph, sentence beginning “Carolyn Bachan felt there was no conflict between the HDRB’s review work...”, she said that she was “unsure” as to whether there was no conflict...’. Ms. Early noted that on Page 2, 4<sup>th</sup> paragraph, it should be March, 2015, not 2014.

Mr. Molloy made a motion to approve the minutes of November 13, 2014 with the above noted changes. Mr. Armstrong made a second to the motion and the motion carried with a unanimous vote.

Mr. Goldstein will send a memo of bullet points of interest from the meetings to Trustee Campbell for him to bring up at the Board of Trustees meeting. This document will be circulated to this committee for their approval before sending on to Trustee Campbell.

On December 4, there was a telephone conference call with two representatives from NYSERDA, Trustee Hawkins, Mr. Armstrong, Ms. Early, Mr. Goldstein and Village Account Ellen Mageean. The participants on the call went through the contract and financial milestones that the contract is organized around. There were no objections to the changes to the list of 31 or the change of the name.

There is a disconnect between the way NYSERDA reimburses monies (task based reimbursement) and the way the consultants propose to bill the Village for the work done. There was concern that the Village would be responsible to front a large sum of money to pay the consultants in advance of reimbursement by NYSERDA. The second concern was that some of these 31 items would be difficult to define an end point because they run through many of the other items. When Mr. Goldstein spoke with Chuck Voss, consultant from Barton & Loguidice (B&L), he said they would be able to structure their billing according to the NYSERDA cycle.

Anna Georgiou will act as a planning consultant (subcontractor with Barton and Loguidice) because of her knowledge of current zoning and planning, particularly with green issues.

The Village has not hired an attorney to replace Michael Liguori who resigned on December 5, 2014.

Ms. Early thought that NYSERDA was pretty precise about a defined prescribed format for each of the quarterly reports and one of the values of having B&L doing the first report is that it will establish to the committee what that format is. Mr. Armstrong felt there was a state template for the final report.

On the listing of Milestones #2, 2.2, it should be “Write up 31 draft Code Amendments”, not “25 draft Code Amendments”.

In the December 4 conference call, NYSERDA agreed that after an evaluation by the committee, some of the 31 code amendments could be dropped if there was sufficient justification for doing so.

Until a Village Attorney is appointed, the NYSERDA and B&L contracts cannot be signed. Therefore, the committee's work will probably not begin in earnest until March 1, 2015. This also means that the first NYSERDA milestone may be unachievable.

The Historic District Review Board (HDRB) has not yet retained a consultant. There is a scheduled HDRB site tour next Friday but it may be rescheduled because it is so close to Christmas. The Village has not signed off on the HDRB Request for Proposal (RFP) but the HDRB contract has not been signed either. The HDRB has not selected a contractor for the design standards update. The attorney was going to rewrite the Historic District part of the code. The lawyer and the other consultant total \$13,000. If the HDRB runs into problems when they issue the RFP, what if the \$13,000 is not insufficient?

The Committee had a lengthy discussion regarding the payment and work from B&L and Anna Georgiou. It appears that B&L is reversing the timeline. Mr. MacDonald would like to see the total contract clarified. After learning that a B&L representative would not be attending the December 11 committee meeting to answer questions, Mr. Goldstein took the comments from the committee regarding the B&L proposal and spoke with B&L via a phone call. These are the things that need to be changed before any discussion takes place about the contract. B&L said that instead of working off their proposal to the Village, they would accept, as their scope of work, whatever scope of work we worked out with NYSERDA. Therefore, the NYSERDA contract will form the B&L contract. B&L will take the NYSERDA Scope of Work (SOW) as the basis of the B&L work, content and time frame.

NYSERDA wants to bill on a task completed basis, not on a percentage basis. However, NYSERDA did agree to the identification of interim tasks.

In order to segment the milestones, Mr. Armstrong and Mr. MacDonald will do a draft of Task 2 and circulate it to everyone on the committee. This will break the list of 31 Code Amendments into perhaps 3 separate groups. It will include what the existing zoning code is in relation to what the change would be. If perhaps it is segmented into 10/10/10, the committee could then work on the first 10 and charge those first 10 to NYSERDA to allow for cash flow. Once it is agreed from the definition of what Mr. Armstrong and Mr. MacDonald submit as grouping, then Mr. Lahey's suggestion of how it relates to the present codes will take place.

If the zoning map is revised, it could affect the I districts as well as other districts. The zoning map proposed in the LWRP would eliminate the industrial districts and change some districts to the new categories of mixed use, and other districts.

Tom Monroe has resigned as an alternate. There is no requirement for the committee to have an alternate and there is no prohibition for a committee alternate. The purpose of an alternate is for him/her to attend all meetings and step forward if there is a committee member who recuses himself/herself from a vote with a conflict of interest to keep the voting in an odd number therefore eliminating an even number of voters causing a tie.

A Resolution was requested by Mr. Goldstein to inform the Village Board of Trustees that an alternate is not needed. Ms. Early made the motion seconded by Mr. Molloy. Motion carried with a unanimous vote.

No Public Comments

No Old Business

NYSERDA provided a link to a metrics media webinar to the committee. It was difficult if not impossible for some committee members to connect to this link. It was decided to let the consultant handle the metrics.

With the exception of the #2, 2.2 changing 25 to 31 and a few typos, the NYSERDA contract can be given as an addendum to the B&L contract.

The committee still needs to have a meeting as a group with B&L. An email will be sent to Trustee Campbell saying that the committee would like a clarification of the hiring of Barton and Loguidice so we can move forward.

The next meeting will be on January 8, 2015 in the Village Hall.

The meeting was adjourned at 8:30 PM with a motion from Ms. Early and a second from Mr. Molloy and carried with a unanimous vote.

Respectfully submitted,

Sandra L. Falloon