

**Board of Trustee Monthly Meeting
January 13, 2009**

The regular monthly meeting of the Board of Trustees for the Village of Cold Spring was held on Tuesday, January 13, 2009 at 7:30 p.m. at Village Hall, 85 Main Street, Cold Spring, NY.

Attending: Mayor Anthony Phillips and Trustees: Edward T. Mancari, Gordon Robertson, John Teagle and Seth J. Gallagher

Also present: Stephen Gaba, Village Attorney, Ellen Mageean, Village Accountant, J. Ralph Falloon, Fire Inspector and Gregory Phillips, Water Superintendent

Absent: George Tompkins, Building Inspector

Members of the Public: Charles Hustis, Peter Tomann, Village of Nelsonville Trustee, David Cooke, President of the Cold Spring Antique Dealers Association, Peter Henderson, Carol Casparian, Lillian Moser, Michael and Liz Armstrong and Ann Chestnut of the PCN&R

Mayor Phillips opened the meeting followed by the Pledge of Allegiance. The minutes of the 12/09/2008, 12/30/2008 and 1/06/2009 meetings were presented. Trustee Mancari made a motion to approve the minutes as submitted and seconded by Trustee Gallagher and unanimously approved.

Financial Report

Ellen Mageean reviewed the attached budgetary analysis for the period ending December 31, 2008 and projected that revenues would be \$2,515 under budget and expenditures \$11,000 under budget. Budget lines related to gasoline, heating oil and propane are under budget due to the current decrease in price. Mortgage tax revenues are projected to be \$12,000 under budget. Telephone expenses have increased and budget adjustments need to be made to allow for these increases. Board members recommended a telephone audit to monitor telephone charges. Additional budget lines requiring adjustment include the police equipment line and highway street cleaning. Charges for refuse and recycling contractual need to be reviewed to assure that charges have been made to the correct budget lines. A proposed resolution to authorize budgetary adjustments for police equipment was put on hold. Trustee Gallagher moved to accept the financial report and seconded by Trustee Teagle and unanimously approved.

Building Inspector – In the absence of the Building Inspector, Mayor Phillips read the monthly report. Two building permits and one certificate of occupancy were issued, one referral was made to the HDRB and nineteen miscellaneous inquiries were responded to. Trustee Mancari made a motion to accept this report and seconded by Trustee Robertson and unanimously approved.

Fire Inspector- Mr. Falloon updated alarm permits to comply with the new fee schedule. The wood burning stove permit has been updated to address other fuel fired heating appliances such as pellet stoves and gas fired fireplaces. Trustee Robertson made a

motion to accept the Fire Inspector's report and seconded by Trustee Teagle and unanimously approved.

Police Department – Trustee Mancari moved to accept the police report and seconded by Trustee Robertson and unanimously approved.

Justice Court reported collection of \$8,214.00 during the month of December. Trustee Gallagher motioned to accept this report and seconded by Trustee Robertson and unanimously approved.

Water Report – Water meter reads for the fourth quarter are complete. A new format for the water/sewer utility bills will go out next week. The new format saves time and money for the departments. A continued decrease in daily flow stems from the water main repair at the intersection of Constitution Drive and The Boulevard. In response to questions about increased gas usage for the F350 sewer department vehicle, Mr. Phillips pointed out that the highway department used this vehicle for snow removal.

At the January 6th workshop, board members were dissatisfied because they were not informed of the results of a dam inspection report. G. Phillips pointed out that he attended a board workshop shortly after this report was released. (refer to minutes of 5/27/2008 workshop) He discussed the results of the inspection and provided copies to all board members. Mr. Phillips will contact the NYSDEC to determine if he can accompany DEC personnel during future inspections. The FEMA study on Foundry Brook is only looking at the lower end of the brook and Mr. Phillips clarified with the surveyors the need to study the entire brook. Trustee Robertson inquired about the status of the right of way to the upper dam. Stephen Gaba provided an update.

Trustee Gallagher motioned to accept this report and seconded by Trustee Robertson and unanimously approved.

Wastewater Report: The Village SPDES (State Pollutant Discharge Elimination System) permit is under review for renewal in June 2009. It is unclear as to what additional requirements may be placed on the Village regarding inflow and infiltration. Problems encountered with controls and switches at the West Street pump station are expected to be repaired in Spring 09. At this time, quotes are being sought for these repairs.

Trustee Mancari motioned to approve of the wastewater report and seconded by Trustee Gallagher and unanimously approved.

Correspondence

US Census Bureau requested use of Village Hall for four dates in February to interview candidates for census work. Trustee Gallagher moved to approve the use of space at Village Hall for Mondays in February from 9 am to 12 pm and seconded by Trustee Teagle and unanimously approved.

Putnam County Soil and Water Conservation District invited board members to a Geosynthetics for Sediment Control, Erosion Prevention and Stormwater Management workshop to be held on Thursday, February 5th.

Donald MacDonald, Historian submitted an annual municipal historian report for 2008.

The Town of Philipstown forwarded copies of local laws 9 &10 and the town's stormwater management program.

The bills with check numbers 16625 to 16669 were audited. Trustee Mancari moved that the audited bills be paid and seconded by Trustee Gallagher and unanimously approved. Cash requirements as per attached.

Unfinished Business:

Resolution 2009-01 authorizing participation in an energy efficiency study of the aeration system at the wastewater plant was voted on and approved.

A proposed resolution to enter into an agreement with Hess Corporation for purchase of electricity was put on hold until the contract is in its final form and board members have the opportunity for review. In the interim, members will see what is offered by other providers, contact other municipalities and confirm systems benefit.

A proposed resolution to approve use of space within Village Hall for periodic meetings between Putnam County probation officers and probationers was put on hold. Members asked Mr. Gaba to clarify that the meetings would involve only Village of Cold Spring residents.

Daniel Valentine provided the Cold Spring Fire Department 2008 service award program point listing. Trustee Mancari moved that the Fire Department Service Award listing be adopted and seconded by Trustee Robertson and unanimously approved.

Resolutions 2009-02,03 and 04 regarding the March 18th village election were voted on and approved.

Report of the Mayor and Board of Trustees

Mayor Phillips wanted to investigate the conversion of Hamilton and Belvedere Streets from private roadways to village streets. Additionally, he hoped to add these streets to CHIPS funding so that the village could look into the possibility of paving and obtain reimbursement from CHIPS. He asked S. Gaba to investigate the legal matters associated with this conversion.

Trustee Teagle reminded residents that the next workshop on 1/20/2009 will discuss the possibility and difficulties involved in placing utilities underground.

M. Armstrong asked if the village planned to synchronize the lighting on Main Street with the new waterfront lighting that will be dark sky compliant.

Respectfully submitted,

Mary Saari, Village Clerk

Minutes of executive session taken by S. Gaba, Village Attorney

MINUTES

Upon motion of Trustee Seth Gallagher, seconded by Trustee Edward T. Mancari, the Village Board moved to go into Executive Session to discuss pending litigation.

The vote on the foregoing motion was as follows:

Edward T. Mancari, Trustee, voting	yes
Seth Gallagher, Trustee, voting	yes
John Teagle, Trustee, voting	yes
Gordon R. Robertson, Trustee, voting	yes
Anthony Phillips, Mayor, voting	yes

The Board discussed the matter of Lemon regarding a complaint filed with the New York State Division of Human Rights and retention of counsel in regard to the claim.

On motion made by Trustee Gallagher and seconded by Trustee Gordon R. Robertson the Board voted to adopt the annexed resolution.

The vote on the foregoing motion was as follows:

Edward T. Mancari, Trustee, voting	yes
Seth Gallagher, Trustee, voting	yes
John Teagle, Trustee, voting	yes
Gordon R. Robertson, Trustee, voting	yes
Anthony Phillips, Mayor, voting	yes

WHEREAS, the Village of Cold Spring has received a complaint filed with the New York State Division of Human Rights by Robert G. Lemon, Jr.; and

WHEREAS, insurance coverage for defense of such claim is afforded to the Village through the Travelers insurance company; and

WHEREAS, it is preference and request of the Village Board that Travelers assign the law firm of Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC, for defense of the Village in the said complaint;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Village Board does hereby request that Travelers assign the law firm of Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd, PLLC, for defense of the Village in the said complaint.

_____ presented the foregoing resolution which was seconded by _____,

The vote on the foregoing resolution was as follows:

Edward T. Mancari, Trustee, voting _____

Seth Gallagher, Trustee, voting _____

John Teagle, Trustee, voting _____

Gordon R. Robertson, Trustee, voting _____

Anthony Phillips, Mayor, voting _____