

**Board of Trustee Monthly Meeting
February 10, 2009**

The regular monthly meeting of the Board of Trustees for the Village of Cold Spring was held on Tuesday, February 10, 2009 at 7:30 p.m. at Village Hall, 85 Main Street, Cold Spring, NY.

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

Also present: Stephen Gaba, Village Attorney, George Tompkins, Building Inspector, J. Ralph Falloon, Fire Inspector

Members of the Public: Karen Dunn, Carol Casparian, P. Henderson, Betty Budney of the Town of Philipstown Council, Peter Tomann, Village of Nelsonville Trustee, David Cooke, President of the Cold Spring Antique Dealers Association, Steven Bates, Lynn Miller, Shelley Boris and Kim Conner

Absent: Ellen Mageean, Village Accountant (illness related)

Mayor Phillips opened the meeting followed by the Pledge of Allegiance. The minutes of the 1/13/2009, 1/20/2009, 1/27/2009 and 2/3/2009 meetings were presented. Trustee Mancari made a motion to approve of the minutes as submitted and seconded by Trustee Robertson and unanimously approved.

Financial Report

Trustee Mancari introduced **Resolution 2009-08**; seconded by Trustee Gallagher as follows:

The Board of Trustees of the Village of Cold Spring hereby resolves to make the following budgetary adjustments for the 2008/2009 fiscal year:

From	A00-3120-411	Police – Gasoline	\$853.23
To:	A00-3120-400	Police - Vehicle Repairs	\$853.23
To:	A00-1440.401	Engineer- New Street	\$165,077.34
To:	A00-3089-200	State Aid- Engineering New St.	\$165,077.34
To:	A00-3089-300	State Aid Greenway	\$1,436.16
To:	A00-1410-450	Village Clerk- Master Plan	\$1,436.16
From:	A00-9060.807	Dental Insurance- Rudolph	\$750.00
To:	A00-1322-100	Accountant- Personal Service	\$750.00

The Accountant is hereby authorized to transfer such funds immediately.

On roll call vote:

Trustee Edward Mancari voted yes

Trustee John Teagle voted yes

Trustee Gordon Robertson voted yes

Trustee Seth Gallagher voted yes

Mayor Anthony Phillips voted yes

Trustee Mancari moved that the Mayor execute the delinquent tax notice and deliver to Putnam County for the period from 6/1/2008 to 5/31/2009 and seconded by Trustee Robertson and unanimously approved.

Trustee Gallagher moved to accept the financial report and seconded by Trustee Robertson and unanimously approved.

Building Inspector- George Tompkins issued one building permit and one certificate of occupancy, performed three inspections and responded to twenty-one miscellaneous inquiries. Trustee Teagle moved to accept this report and seconded by Trustee Robertson and unanimously approved.

Fire Inspector – Mr. Falloon recommended adopting an ordinance regarding wood burning stoves and to add a ban on wood burning furnaces. S. Gaba will prepare a draft proposal. Trustee Mancari moved to accept the Fire Inspector’s report and seconded by Trustee Gallagher and unanimously approved.

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

Justice Court reported collection of \$7440.00 during the month of January. Trustee Mancari moved to accept this report and seconded by Trustee Teagle and unanimously approved.

Water Report – A property owner on East Belvedere Street (a private road) is in the process of subdividing his property and the planning board requested that the water service be connected to the main (on Morris Avenue). The owner will pay for pipe installation and the village will purchase materials. The owner was asked to contact Mr. Gaba to discuss the legal aspects of this project. Trustee Teagle moved to accept this report and seconded by Trustee Robertson and unanimously approved.

Wastewater Report- Daily observations and compliance testing show an acceptable effluent. With regard to the SPDES permit that is currently under review for modification, the memo from Oakwood Environmental Associates was forwarded to the NYSDEC. No response has been received. P. Henderson inquired about the start date for the study on the aeration tanks. Trustee Gallagher commented that the delay was related to an agreement between Malcolm Pirnie and NYSERDA. Trustee Gallagher will follow up. Trustee Mancari moved to accept the wastewater report and seconded by Trustee Robertson and unanimously approved.

No Recreation Report.

No Chamber of Commerce report.

Comprehensive Plan/LWRP Special Board Report- C. Casparian recommended Michael Armstrong to fill one of the vacancies on the Special Board.

John Teagle strongly recommended approving Michael Armstrong to the Comprehensive Plan/LWRP Special Board and seconded by Trustee Robertson and unanimously approved.

Approval of Bills- The bills with check numbers 16709 to 16740 were audited. Trustee Mancari motioned to pay audited bills and seconded by Trustee Robertson and unanimously approved.

Unfinished Business- The board discussed the possible conversion of Hamilton and East Belvedere Street from private roads to village streets. S. Gaba outlined the procedure as follows:

- a. Owners submit an offer of dedication which should include a survey or legal description of the roadbed being offered.
- b. Upon receipt of the offer of dedication, the village board should hold a public hearing. The offer of dedication should be referred to an engineer.
- c. Following the public hearing, village can adopt a resolution accepting the offer of dedication.
- d. After the resolution is adopted, the property owners must execute a deed to the Village transferring ownership of the road beds to the Village. Deeds will be recorded with the County Clerk.
- e. Village Board directs Highway Department to add the streets to the official listing.

Trustee Robertson pointed out that the village collects garbage and plows this road and converting to a village street would allow the village to use state funds for maintenance. S. Gaba commented that the roads could also be taken over by reverse possession but Mayor Phillips preferred to proceed with an offer of dedication.

Board members asked property owners on East Belvedere Street to attend the next board meeting at 7:00 pm to discuss legalities. Hamilton Street will be discussed on another date. S. Gaba will develop a draft offer of dedication.

Resolution 2009-09

WHEREAS, the Village of Cold Spring Code §32-5 sets license and permit fees for alarm devices in residential, commercial, mixed use and industrial buildings; and

WHEREAS, the Village Board has received a report from the Village Fire Inspector indicating that it is necessary and appropriate to increase the said license and permit fees charged under Village of Cold Spring Code §32-5; and

WHEREAS, pursuant to Village of Cold Spring Code §32-20 all fees set by Village Code Chapter 32 may be amended by the Village Board upon adoption of an appropriate resolution;

WHEREAS, the Village Board finds that it is in the best interests of the Village to increase the license and permit fees charged under Village of Cold Spring Code §32-5 as per the report of the Fire Inspector;

NOW, THEREFORE, BE IT RESOLVED as follows:

That effective immediately the Village Board does hereby increase the license and permit fees charged under Village of Cold Spring Code §32-5 as follows:

- (1) The license and permit fees for Residential property are increase from twenty-five dollars (\$25) to thirty five (\$35);
- (2) The license and permit fees for Commercial property are increased from fifty dollars (\$50) to sixty dollars (\$60);
- (3) The license and permit fees for Combined Commercial/residential property are increased from seventy-five dollars (\$75) to eighty-five dollars (\$85); and
- (4) The license and permit fees for Industrial property are increase from one hundred dollars (\$100) to one hundred and twenty-five dollars (\$125).

Gordon Robertson presented the foregoing resolution which was seconded by John Teagle. The vote on the foregoing resolution was as follows:

Edward T. Mancari, Trustee voting yes

Seth Gallagher, Trustee voting yes

John Teagle, Trustee voting yes

Gordon R. Robertson voting yes

Anthony Phillips, Mayor voting yes.

The board discussed a proposed agreement between the Putnam County Sheriff and the village to provide detention services for pre-arraigned individuals. Mayor Phillips wanted further discussion and requested that Officer in Charge Kane attend the next workshop.

Report of the Mayor and Board of Trustees

A pedestrian and traffic plan for Chestnut Street, prepared as part of a Main Street Grant with Putnam County, is complete and will be presented at the next workshop. Mayor Phillips invited Mark Villanti, Haldane School Superintendent and Brian Alms, High School Principal to participate in the Quadricentennial celebration. Discussion also included student participation in planting the tree farm at the wastewater plant. Mayor called for any interested volunteers to come forward and assist with this project. There appears to be room for approximately 60 trees and selection will be made with the assistance of L. Sebesta, Urban Forester for the NYSDEC.

Trustee Robertson asked for development a line item for donations.

Members of the Farmer's Market attended to discuss their relationship with the Village and liability insurance. S. Bates, former Market Manager explained that New York State requires all farmers' markets that are not non-profit to have a sponsor. Initially, the market was all volunteers but within a year, the market needed a manager. A contractor was paid to perform this role and the market currently pays an annual fee for the manager's insurance through the New York Federation of Farm Markets. However, there is a question as to the coverage for their volunteers. All vendors participating in the market provide certificates of insurance. After discussion, Trustee Robertson asked the

market representatives to speak to their broker and to come back to the village to discuss liability issues.

D. Weinpahl, a Philipstown resident who lives near the village reservoir stated that he was surprised that Mr. DiVido filed suit against the village and offered assistance at no cost to the village.

Trustee Mancari asked for approval for the Kid's Fishing Day at the lower reservoir on May 3, 2009 from 8am to 4 p.m. A certificate of insurance has been provided. Trustee Robertson moved to approve of this event and seconded by Trustee Teagle and unanimously approved.

Trustee Mancari moved to go into executive session to discuss pending litigation and seconded by Trustee Robertson and unanimously approved.

In executive session, the board approved of removing the penalty rates for unmetered water service on a delinquent account. All prior connections have been repaired and inspected by the water department. The outstanding balance will be recalculated using flat rate fees, usage and interest.

Respectfully submitted,

Mary Saari, Village Clerk