

Board of Trustee Workshop
June 3, 2009

The Board of Trustees for the Village of Cold Spring held a special meeting on Wednesday, June 3, 2009 at 6:00 pm at Village Hall, 85 Main Street, Cold Spring, NY 10516.

Attending: Mayor Seth Gallagher, Trustees Ralph Falloon, Lynn Miller, Bruce Campbell, Gordon Robertson

Mayor Gallagher opened the meeting. This meeting was originally scheduled to discuss plans for the Quadricentennial Celebration. However, at the public hearing held last evening on Local Law #2 regarding docking of boats at the waterfront park, the board decided and announced that they would vote on the Local Law at this meeting.

Trustee Robertson requested discussion. He asked if the board was all of the same thinking in that they were allowing historic vessels and not commercial vessels to moor at the dock.

In response, Mayor Gallagher stated that commercial vessels could be allowed.

Trustee Robertson pointed out that the board could be setting a precedent by doing so.

Mayor Gallagher read aloud the local law as follows:

VILLAGE OF COLD SPRING LOCAL LAW NO. 2 OF 2009

A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 27, SECTION 27-9 "DOCKING OF BOATS" TO ALLOW TEMPORARY DOCKING OF BOATS AT THE WATERFRONT PARK.

SECTION 1. LEGISLATIVE FINDINGS

The purpose of this Local Law is to promote the health, safety and welfare of the citizens of Cold Spring by enacting a Code provision to allow temporary docking of boats at the Waterfront Park upon issuance of a permit by the Village Board.

The proposed Code provision is necessary and appropriate because there are presently, and may be in the future, special occasions upon which it is desirable to allow vessels to dock at the Waterfront Park for purposes of public display, inspection or other means of appreciation thereof.

SECTION 2. AMENDMENT OF THE VILLAGE CODE

Village of Cold Spring Code Chapter 27, "Recreation Commission," Section 27-9 "Docking of Boats" is hereby repealed and re-enacted to read as follows:

§27-9. Docking of Boats.

A. As used herein, the term "Dock" or "Docking" is intended to mean any non-emergency connection, by tying up or otherwise mooring or anchoring to or within 100 feet off the Village dock and 200 feet off the area adjacent to the Village dock or northerly or southerly of the Village dock along the property within the Village Waterfront Park.

B. Except as provided below, there shall be no docking of any vessels, including ships, boats, barges, canoes, kayaks, or any other private vessel of any size or type at the Waterfront Park.

C. Upon written application to Village Board for permission to dock at the Waterfront Park, the Village Board may issue a permit allowing a vessel to dock at the Village Waterfront Park upon a finding that special circumstances exist warranting departure from the general prohibition upon docking.

D. In determining whether special circumstances exist, the Village Board shall take into consideration the following:

(1) The nature of the vessel at issue and whether there is anything unique, unusual or otherwise distinguishing about it so as to make it a matter of interest to the public;

(2) The purpose for which the vessel seeks to dock at the Waterfront Park, and whether the vessel's presence will be an occasion for public display, inspection or other means of appreciation thereof;

(3) The length of time the vessel proposes to dock at the Waterfront Park;

(4) The number of other vessels which will be docked at the Waterfront Park during the day or days for which the permit is sought; and

(5) Whether the presence of the vessel at the Waterfront Park presents any hazards to health and safety or would otherwise be detrimental to use and enjoyment of the Waterfront Park.

E. Applicants seeking permits to dock at the Waterfront Park shall state, with reasonable specificity the area, berth or mooring that they propose to occupy.

F. Docking permits are not transferable, and shall be issued for the exclusive use of the permit holder for a specific vessel for specific set dates. Permit holders shall comply with all applicable provisions of the Village Code.

G. Assumption of risk and hold harmless. The owners and users of vessels docking at the Waterfront Park dock at their own risk. The Village, Village Officers, Trustees, agents and/or employees, shall not be responsible for loss, theft, destruction, or damage, regardless of the cause thereof, to any vessel docking thereat, including equipment, fixtures and contents of any boat. Further, it shall be a condition of all permits that the applicant shall hold the Village harmless for any claims arising from the use of the vessel while docking or docked at the Waterfront Park.

H. A violation of this section will subject the owner, occupant or user of the vessel to a fine of \$100.00

per occurrence. Each hour in violation constitutes a separate violation.

SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, word, section or part of this local law shall be judged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State in Albany.

Trustee Robertson asked what the board was addressing: changing the law or the alterations. Mayor Gallagher stated that the board was addressing the impact of the local law.

Trustee Robertson asked if the meeting should be opened for public comment since the law was amended. (Law was amended to add that permit holders shall comply with all applicable provisions of village code.)

Mayor Gallagher offered that the board had mentioned that they were making this change last evening.

Resolution 2009-20

WHEREAS, the Village Board has considered the adoption of Local Law No. 2 of the year 2009 entitled: " A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 27, SECTION 27-9 'DOCKING OF BOATS' TO ALLOW TEMPORARY DOCKING OF BOATS AT THE WATERFRONT PARK"; and

WHEREAS, this is an action subject to SEQR and the Village Board being the only Involved Agency has assumed Lead Agency status; and

WHEREAS, the Village Board has caused to be prepared and has before it an Environmental Assessment Form, and has identified the action as an Unlisted Action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That after due consideration of all the facts and circumstances in this matter the Village Board as Lead Agency does hereby adopt the annexed Negative Declaration.

Trustee Robertson presented the foregoing resolution which was seconded by Trustee Miller.

The vote on the foregoing resolution was as follows:

Lynn Miller, Trustee, voting yes

Bruce D. Campbell, Trustee, voting yes

John Ralph Falloon, Trustee, voting yes

Gordon R. Robertson, Trustee, voting yes

Seth Gallagher, Mayor, voting yes

SEQRA NEGATIVE DECLARATION

Notice Of Determination Of Non-Significance

Lead Agency: Village of Cold Spring Village Board
85 Main Street
Cold Spring, New York 10516

Date: June 2, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described will not have a significant effect on the environment.

Title of Action: A Local Law to amend Village Code Chapter 27, Section 27-9 "Docking of Boats" to allow temporary docking of boats at the waterfront park.

SEQRA Status: Unlisted

Description of Action: The Village Board is enacting an amendment to Village Code Chapter 27 regarding docking of boats at the Waterfront Park for the purpose of allowing vessels to dock at the Waterfront Park for public display, inspection or other means of appreciation.

Location: Waterfront Park, Village of Cold Spring.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed Local Law allowing temporary docking of boats at a public park as per review of the Short Form EAF and Part 2 prepared pursuant to SEQRA.

Contact Person for further information:

Seth Gallagher, Mayor

Village of Cold Spring

85 Main Street

Cold Spring, New York 10516

(845) 265-3611

Resolution 2009-21

WHEREAS, heretofore the Village Board has considered the adoption of Local Law No. 2 of the year 2009 entitled: "A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 27, SECTION 27-9 'DOCKING OF BOATS' TO ALLOW TEMPORARY DOCKING OF BOATS AT THE WATERFRONT PARK"; and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law, and

WHEREAS, the proposed local law has been duly forwarded to the County Planning Department for review and comment;

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Village Board does hereby adopt Local Law No. 2 of the year 2009 entitled: "A LOCAL LAW TO AMEND VILLAGE CODE CHAPTER 27, SECTION 27-9 'DOCKING OF BOATS' TO ALLOW TEMPORARY DOCKING OF BOATS AT THE WATERFRONT PARK," which said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany.

Trustee Lynn Miller presented the foregoing resolution which was seconded by Trustee Ralph Falloon,

The vote on the foregoing resolution was as follows:

Lynn Miller, Trustee, voting yes

Bruce D. Campbell, Trustee, voting yes

John Ralph Falloon, Trustee, voting yes

Gordon R. Robertson, Trustee, voting yes

Seth Gallagher, Mayor, voting yes

Chris Tobin of the Cold Spring Fire Company asked the board to approve of the liquor license permit for the July 4th celebration. Trustee Robertson moved to approve of the fire company application and seconded by Trustee Falloon and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk