

**Board of Trustees Monthly Meeting
July 14, 2009 at 7:30 pm**

The Board of Trustees for the Village of Cold Spring held their regular monthly meeting on Tuesday, July 14, 2009 at Village Hall, 85 Main Street, Cold Spring, NY at 7:30 pm.

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

Also: Stephen Gaba, Village Attorney and Ellen Mageean, Village Accountant

Absent: James Hartford, Building Inspector and Stephen Smith, Fire Inspector

Mayor Gallagher opened the meeting followed by the Pledge of Allegiance.

Approval of Minutes

Minutes of the 6/9/09 monthly meeting, 6/16/09 workshop, 6/17/09 special meeting, 6/23/09 workshop, 7/01/09 special meeting, 7/07/09 public hearing and 7/07/09 workshop were submitted for board review. Trustee Falloon requested that the minutes of the 6/9/09 monthly meeting be amended to indicate that the Robert Ferris was selected as an alternate in the event that Michael Wojtusiak did not accept the position. Trustee Miller requested that Ralph Falloon's last name be added to the 6/17/09 special meeting minutes. Trustee Robertson requested that minutes be received by Trustees on the Friday before the monthly meeting. Trustee Campbell moved to accept the minutes and seconded by Trustee Miller and unanimously approved.

Financial Report

Ms. Mageean reviewed **Resolution 2009-23** authorizing budget amendments for the 08/09 fiscal year. After discussion, Trustee Miller moved to approve of Resolution 2009-23 as presented and seconded by Trustee Falloon and unanimously approved.

On roll call vote:

Trustee Falloon voted yes

Trustee Campbell voted yes

Trustee Robertson voted yes

Trustee Lynn Miller voted yes

Mayor Seth Gallagher voted yes

Resolution approved.

Ms. Mageean expects to complete the 08/09 AUD by 7-31-09. She urged Trustees and department heads to make her aware of all expenditures made during the last fiscal year. It is anticipated that there will be a decrease in the fund balance deficit. The corrective action plan is due to the state comptroller's office by mid -August and Mayor Gallagher will be working with Ms. Mageean on same. Trustee Robertson moved to accept the financial report and seconded by Trustee Campbell and unanimously approved.

Building Inspector

In the absence of the Building Inspector, Trustee Ralph Falloon read the June monthly report that reviewed permits issued, inspections performed and violations issued. Mr. Hartford completed the first course of the six necessary for certification. He recommended that the Building Inspector's office be relocated to the first floor to allow for better communication and public access and called for changes in various forms to streamline the application process and to assure that the village is meeting legal obligations. Lastly, Mr. Hartford recommended hosting a meeting with the various boards to send a

clear message to the public and for coordination of efforts. Trustee Robertson moved to *not* accept the Building Inspector's report at this time, as some good points were made that need to be acted upon and he would like to have the opportunity to discuss these items with Mr. Hartford. He asked to delay acceptance until Mr. Hartford is present. Also, he sees the report as insufficient because support documentation is not included for any actions and he would like to see the report typed. No second was offered on Trustee Robertson's motion. Trustee Miller moved to accept the Building Inspector's report. Trustee Campbell would second as long as questionable items are brought to the board's attention next month. Trustees Miller, Campbell, Falloon and Mayor Gallagher voted in favor of accepting the Building Inspector's report and Trustee Robertson was opposed.

Fire Inspector Report

One citizen complaint was addressed. Trustee Robertson moved to accept this report and seconded by Trustee Falloon and unanimously approved.

Police Report

Trustee Falloon moved to accept this report and seconded by Trustee Robertson and unanimously approved.

Justice Court

Collections during the month of May totaled \$6485.00. Trustee Miller moved to accept this report and seconded by Trustee Falloon and unanimously approved.

Wastewater Report

Mr. Phillips met with J. Robert Folchetti & Associates who will look to assist with grant writing for some of the village's future projects. Trustee Falloon moved to accept the wastewater report and seconded by Trustee Campbell and unanimously approved.

Water Report

Discoloration issues are being addressed. The two finished water storage tanks are being drained, cleaned and inspected. Distribution system analysis is ongoing and may call for a formal study. Aqualogics, Inc. was onsite for assessment of the plant control panel and will be providing recommendations for upgrading or replacing controls. Trustee Miller moved to accept the water report and seconded by Trustee Campbell and unanimously approved.

Recreation Commission

Mayor Gallagher attended the 7/2/09 monthly recreation meeting to address concerns of the Commission about being overlooked in dock expansion plans. Also, a request was received from performers, involved in the summer music series, to perform on the dock instead of the bandstand. The Recreation Commission voted that all music is to be performed on the bandstand. There was discussion about the need to improve the acoustics at the bandstand and the need to raise money for such a project. Lastly, when asked by the Mayor, the Recreation Commission responded that they would like to keep the number of members on the board at five. S. Etta, Recreation Chair brought up the issue of placing a dumpster at Mayor's park to assist with cleanup. D. Cooke of the Cold Spring Antique Dealers Association was offered a waiver of the vendor's fees for the July 5th River Festival and has offered to contribute funds to purchase a dumpster for the park.

Trustee Robertson moved to accept the Recreation report and seconded by Trustee Falloon. Trustee Miller requested clarification on the dates for Pop Warner practice. Trustee Miller moved to approve applications for use of village property received from Pop Warner, Lusardi class reunion, McVey and the wedding on 8/4/09. Motion seconded by Trustee Robertson and unanimously approved.

Special Board

Karen Dunn, Lillian Moser and Jan Thacher gave notice of their resignation from the board. Kathleen Foley, Michael Reisman and Cathryn Fadde were appointed. The eleven member board has three vacancies. Potential candidates are being interviewed and recommendations will be made to the Village Board. The initial draft of a report on the waterfront and Marathon Battery property will be circulated to special board members by the end of July.

In an effort to accelerate special board work under the \$50,000 LWRP grant, the Special Board voted to submit a draft RFP for consultants to the Department of State for preliminary review.

Mayor Gallagher asked to amend the report to indicate that J. Thacher did not resign from the special board working group. Trustee Robertson moved to accept the Special Board report as amended and seconded by Trustee Campbell and unanimously approved.

Chamber of Commerce Report A new board member was inducted at the 7/9 meeting. Trustee Campbell moved to approve the Chamber report and seconded by Trustee Robertson and unanimously approved.

Fire Company Liaison

Trustee Falloon is anxious to proceed with the installation of direct connect water heaters for the fire company. The estimated price for equipment and electrical work is \$1682. The board expressed their desire to move forward if funds are available. Mayor Gallagher suggested use of the energy grant (POCR). Trustee Robertson suggested closing the Mountain Avenue Cemetery account (as the township maintains) and using \$300 for the firehouse project and \$300 for the tree nursery at the wastewater plant. Mayor Gallagher brought up the possibility of using concrete injection for the fire house floor. Trustee Falloon will develop an RFP for the insulation, lighting and floor repairs at the fire house. The development of a joint fire district has been discussed and the fire company is in favor of proceeding with this. Trustee Campbell moved to accept this report and seconded by Trustee Robertson and unanimously approved.

Correspondence

The Curto family thanked the Board, Highway Department and staff for Community Day.

Michael Caton of Computel Consultants proposed a utility billing analysis of the village electric, phone and cable franchise. Agreement will be forwarded to counsel for review and comment.

Trustee Robertson pressed for reading all correspondence from residents and made copies of three letters that were not read and distributed them to all in attendance.

Bill Approval

Trustee Miller moved to approve the audited bills. Trustee Robertson asked for an opportunity to review bills prior to any vote. This request was not granted as the audit committee reviewed bills. Trustee Miller moved to approve the audited bills and seconded by Trustee Campbell.

Report of the Mayor and Board of Trustees

Trustee Miller asked for investigation of a sidewalk condition opposite 37 Main Street. She saw the need for improved maintenance of the public restrooms.

Trustee Campbell spoke about community day, stormwater problems on West Belvedere Street and ongoing safety issues on Route 9D.

Trustee Falloon brought forth several issues as follows:

OIC Kane questioned why computer internet service charges are paid under the Police Department budget not shared services.

Air conditioning in the police department is inadequate. The board was asked to consider installing central air conditioning for the entire building in the next budget year.

Several exit and emergency lights need repair.

Village restrooms should be unisex.

Lastly, Trustee Falloon inquired about the status of a plaque to honor the former Mayor, Trustees and Building Inspector.

Trustee Robertson involved high school students in establishing a tree nursery at the wastewater plant. He also thanked Greg Phillips for his assistance.

Mayor Gallagher reported that the village newsletter was hand distributed to residents and produced at a cost of \$.18 per resident. Mayor Gallagher recently attended the 100th Anniversary NYCOM Conference and highly recommended attendance at future meetings to other board members. Mayor Gallagher described Community Day as a huge success and thanked all involved.

Unfinished Business

Stephen Gaba reviewed the history of developing a contract with Nelsonville for provision of fire protection services. A revised draft was received from Nelsonville with the following changes made:

- a. Payments were based on taxable assessed value not total assessed. Once it was verified that Nelsonville previously paid the fire company based on taxable value, the four year schedule needed to be adjusted accordingly.
- b. Deleted any reference to the village being responsible for pressure in Nelsonville hydrants and their obligation to not be liable for lack of water pressure to hydrants, this change was made because the village of Cold Spring supplies water to Nelsonville.
- c. Changes to the termination of contract with paragraph 13 deleted. As this paragraph would offer protection to the Village of Cold Spring, Mr. Gaba found this change unfair and unacceptable and has added this paragraph to the contract.

After discussion, it was decided that Attorney Gaba would forward the contract with the changes just discussed to Nelsonville. Also, he will draft a letter inviting Nelsonville to come to a workshop or special meeting to discuss any changes they would like to make.

Attorney Gaba also mentioned an emergency situation involving excessive rain and alleged erosion from public streets damaging a property owner's tree. The property owner had a potential claim against village and was willing to dissolve and gave a general release for taking the tree down. As this is a contract, it should have board approval. Trustee Falloon moved to approve of an agreement release for taking down the tree on Benedict and seconded by Trustee Robertson and unanimously approved. There was discussion about long-term solutions to storm water problems and also about the limits of the village's responsibility.

Schedule for future meetings:

7-21-09 at 6:30 pm -meeting with S. Waxman, Attorney for contract negotiations

7-21-09 at 7:30 pm –meeting with Scenic Hudson

7-28-09 at 7:30 pm – meeting with residents of the waterfront

New Business

The intermunicipal agreement with Philipstown for the sharing of highway personnel and equipment was discussed. Attorney Gaba drafted the original agreement and Philipstown asked for some additions with regards to insurance. Trustee Robertson requested an addition to the contract that would indicate that village personnel would be covered under our compensation policy and Philipstown employees

would be covered under their worker's compensation policy. Mr. Gaba will make this change and the board will review at a future workshop.

The Special Board recommended appointment of Michael Armstrong as Chair and Anne Impellizzeri as Vice Chair of the Special Board for the Comprehensive Board/ LWRP. Trustee Robertson moved that Michael Armstrong be appointed Chair and Anne Impellizzeri as Vice Chair to the Special Board for the Comprehensive Plan/LWRP. Motion seconded by Trustee Campbell and unanimously approved.

Public Comment

John Teagle again expressed his interest in purchasing a piece of village property and was advised to attend a future workshop for further discussion.

Trustee Robertson expressed concern about The Grove property not being secured.

C. Hustis asked for trimming of branches overhanging Wall Street as this poses a safety hazard for pedestrians.

C. Square asked for the repairs to a signs.

Trustee Robertson requested that a letter of thanks be sent to the party who provided a donation for the barge for Community Day. He asked that the letter be attached to the bill for the barge.

Executive Session

Trustee Campbell moved to enter into executive session to discuss a personnel issue and seconded by Trustee Miller and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk