

**Board of Trustees Monthly Meeting
August 11, 2009 at 7:30 pm**

The Board of Trustees for the Village of Cold Spring held their regular monthly meeting on Tuesday, August 11, 2009 at 7:30 pm at Village Hall, 85 Main Street, Cold Spring, NY.

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

Also: Stephen Gaba, Village Attorney, Ellen Mageean, Village Accountant, James Hartford, Building Inspector, Stephen Smith, Fire Inspector and Gregory Phillips, Water Superintendent

Members of the Public

Mayor Gallagher called the meeting to order followed by the Pledge of Allegiance.

Approval of Minutes

Minutes of the 7/14/09 monthly meeting, 7/21/09 workshop, 7/28/09 workshop and 08/04/2009 workshop were submitted for board review. Mayor Gallagher requested that the 7/21/09 minutes indicate that the board was in general support with the use of composting toilets in this case and recommended sending legal language to the Village Attorney. Trustee Miller moved to approve minutes as amended and seconded by Trustee Campbell and unanimously approved.

Monthly Reports

Financial Report -Ms. Mageean reviewed **Resolution 2009-27** authorizing budget amendments for the 09/10 fiscal year as follows:

After review and discussion, Trustee Robertson moved to approve of Resolution 2009-27 and seconded by Trustee Miller.

Resolved that (1) The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the 2009/2010 fiscal year:

To:	A00-7110-400	Parks & Rec. – Repair & Improvements	\$3,000.00
From:	A00-1910-400	Unallocated Insurance	\$3,000.00
To:	A00-2705-100	Gifts & Donations – Community Day	\$1,300.00
From:	A00-3005-000	Mortgage Tax	\$1,300.00
To:	A00-7550-415	Celebrations: Community Day Donations	\$1,300.00
From:	A00-1910-400	Unallocated Insurance	\$1,300.00
To:	A00-2377-000	Events Celebrations – Other Govt	\$4,000.00
From:	A00-3005-000	Mortgage Tax	\$4,000.00
To:	A00-7550-410	Celebrations: Other Govt Grant	\$4,000.00
From:	A00-1910-400	Unallocated Insurance	\$4,000.00
To:	A00-7140-210	Recreation: Equipment & Maint	\$50.00
From:	A00-7140-410	Recreation: Water Use	\$50.00

And (2) The accountant is hereby authorized to transfer such funds immediately.

On roll call vote:

Trustee Ralph Falloon voted: yes

Trustee Bruce Campbell voted: yes

Trustee Gordon Robertson voted: yes

Trustee Lynn Miller voted: yes

Mayor Seth Gallagher voted: yes

Resolution officially adopted on: August 11, 2009

Mary Saari-Village Clerk/Treasurer

The AUD was filed with the State Comptroller on 7-31-09. Ms. Mageean reviewed an unaudited analysis of the fund balances as of 5/31/09. General Fund balance as of 5/31/09: \$2,652 Water Fund: \$658,278 and Sewer Fund: \$167,163. General Fund revenues were \$40,100 under-budget and expenditures were \$138,000 under-budget. End of year balance sheets and statements of revenues and expenditures for general, water and sewer funds as of 5/31/09 were also submitted and reviewed. The Grove account at Wachovia Bank has been closed. Tax collection for 09/10: \$70,000 remains uncollected. A first quarter review of the 09/10 budget was scheduled for the next monthly meeting.

Budget **Resolution 2009-28** amending action taken at the last workshop was read as follows.

Resolution No. 28- 09

WHEREAS, Cold Spring Village Board, at its August 4, 2009 workshop meeting, approved the following motion: "to audit bills one week prior to monthly meeting, and to pay most bills at that meeting. Standard procedure would be to pay bills once a month, except for bills requiring urgent payment before the monthly meeting. These payments still be subject to auditing. A resolution can be made to pay utility bills before they are audited. All Trustees will be notified that bills are ready for auditing";

NOW, THEREFOR BE IT *RESOLVED*, THAT:

The Cold Spring Village Board amends the action taken at the August 4, 2009 workshop meeting, regarding changing the bill auditing and payment policy of the Board of Trustees to be as follows:

The Village Board will audit bills at a workshop meeting one week prior to Regular Monthly meeting, and will pay those audited bills at the Regular Monthly meeting. The auditing workshop would begin at 7:00 pm, and no other business would be scheduled until after 8:00 pm at the earliest. Additional bills can be submitted for auditing and payment during the week between the bill auditing workshop and the Monthly meeting if the bills are ready for auditing at least 24 hours prior to the start of the Monthly meeting. Notice to the effect that the additional bills are ready for auditing shall be e-mailed to the entire Board during business hours the Monday before the Monthly Meeting at the latest. Standard procedure would be to pay bills once a month at the Monthly meeting, with the exception of:

1. bills requiring urgent payment before the monthly meeting. These bills would still need to be audited and would require that the Board be notified at least 24 hours before the workshop at which payment is to be authorized; and
2. utility bills for which a resolution authorizing payment before auditing is allowed by Village Law §5-524. Auditing would still require the signed approval of at least two members of the Audit Committee.

Trustee Robertson moved the foregoing resolution and seconded by Trustee Campbell.

On roll call vote:

Trustee Lynn Miller voted yes

Trustee Bruce D. Campbell voted yes

Trustee John Ralph Falloon voted yes

Trustee Gordon R. Robertson voted yes

Mayor Seth Gallagher voted yes

Resolution adopted.

Resolution was subsequently amended to indicate that the bill auditing procedure would be effective as of September 1, 2009 with motion by Trustee Campbell and seconded by Trustee Falloon and unanimously approved.

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

Amended resolution adopted.

Resolution 2009-29 authorizing payment of utility bills in advance of audit

Resolution No. 29- 09

WHEREAS, New York State Village Law §5-524 provides that the Board of Trustees of a Village may, by resolution, authorize the payment of claims for public utility services in advance of audit, provided: (1) that all such claims are presented at the next regular meeting for audit and (2) that the claimant and the Village Officer incurring or approving the same prior to audit shall be jointly and severally liable for any amount disallowed by the Board of Trustees; and

WHEREAS, from time to time it is necessary or expedient for the VILLAGE OF COLD SPRING to make payment on bills for public utilities such as electric, telephone services, etc., prior to audit; and

WHEREAS, the VILLAGE BOARD finds that it is in the best interests of the VILLAGE to authorize payment of bills for public utility services prior to audit on the terms and conditions allowed by Village Law §5-524;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the VILLAGE BOARD does hereby authorize payment of bills for public utility services prior to audit on the terms and conditions allowed by Village Law §5-524.

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

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

Resolution adopted.

Building Inspector

Building permits, violations, stop work orders and complaints were described in detail. Mr. Hartford read his response to Thomas Valentine regarding the issue of whether the bagpipe activity at 10 Garden Street violates Village Code 134-2 in regard to the definition of garage. His response stated that, "although the accessory building at issue may sometimes have been informally referred to as a garage, for purposes of identification, it is not a private garage as defined by Village Code 134-2."

Trustee Robertson asked when the building was changed from a garage to an accessory building. Mr. Hartford responded that a work permit was issued in 1996-97. A condition of that permit would be that work complies with code. Trustee Robertson expressed his desire to "do this right" and asked if there was anything the board needed to address. Mr. Hartford recommended review of vague definitions in the village zoning code, for example private garage. Prior to the new building code, there was no definition of accessory use. The (state) code currently requires that an accessory use has to be in the primary residence but this use predates and is grandfathered in. There was discussion about accessory uses within various structures in the village. Mr. Hartford added that the state code was not very helpful in this regard. Mr. Hartford acknowledged the concerns put forth by T. Valentine regarding the character of neighborhoods and recommended seeking input from the Comprehensive Plan Special Board. Trustee Falloon described the advantages of requiring all business to apply for an operating permit. Lastly, Mr. Hartford called for encouraging legal activity so there is oversight.

Thomas Valentine, resident of 4 Constitution Drive, pointed out discrepancies with regards to 10 Garden Street and expressed his dissatisfaction that discussion of this ruling was not announced and that he didn't receive a written reply to his zoning complaint. Trustee Robertson called for additional discussion at a workshop.

Fire Inspector Report – No report for this month.

Police Report – The police department is working with the Putnam County Sheriff BCI with regards to recent burglaries. Officers will be patrolling the bandstand and waterfront area in response to recent noise complaints. Residents may request an appointment with a NYS Certified Officer to install infant car seats. Trustee Robertson suggested holding a security workshop in light of recent burglaries. T. Valentine asked to have coding on police reports indicating the location of a call, for example inside or outside village limits.

Justice Court - July collection totaled \$4745.00. M. Armstrong questioned whether new computer software resulted in an increased rate of parking fee collection. A future workshop will consider changes to the parking fee schedule.

Wastewater Report-Plant performance continues to meet standards as set forth in our discharge permit.

Water Report –Mr. Phillips addressed water discoloration and explained that oxidants used for removal of soluble iron and manganese were treating the iron but added to the manganese. The plant has switched to pre-chlorination and this seems to be working.

Adequate manpower is not available to perform a hydrant flush in-house and Mr. Phillips asked the board to consider hiring a contractor to perform this service.

The corrective action plan for water system accountability was presented for board review. An information sheet describing total water flow to the system compared to metered consumption will be supplied quarterly. Leak detection is tentatively scheduled for mid-September. A draft RFP regarding the reservoir dams is expected from B. Clark, of Oakwood Environmental Associates.

Recreation Commission –A resident of Grandview Terrace was concerned about noise from the upcoming Baseball Clinic at Mayor’s Park. The board discussed establishing policies pertaining to fees for group use of Mayor’s Park, such as Haldane School and Pop Warner Football. Also, possible vendor activity during Pop Warner games needs to be investigated. Trustees Miller and Campbell will follow up. Trustee Falloon moved to approve the four applications, previously approved by the Recreation Commission and seconded by Trustee Miller and unanimously approved.

Special Board for Comprehensive Plan/LWRP – SB membership recommended reduction in the number of members on the Special Board as stipulated by Resolution 30-2008. Also recommended was the appointment of Catharine Square as Secretary and Cathryn Fadde as Treasurer. Members of the Village Board wanted additional discussion on reducing the number of Special Board members from eleven to nine. Trustee Miller moved to appoint Catharine Square as Special Board Secretary and Cathryn Fadde as Special Board Treasurer and seconded by Trustee Campbell and unanimously approved.

Chamber of Commerce Report – The Chamber of Commerce thanked Mayor Gallagher and Roger Chirico of the Philipstown Highway Department for their assistance in locating the summer music series at the Dockside property. To encourage new membership, the chamber offers six options for health insurance coverage.

Fire Company Liaison- An RFP has been prepared for lighting and insulation at Village Hall and the Fire Company. If sufficient grant funds are available, energy efficient water heaters will be installed at the fire company. Discussion of the RFP for the concrete floor at the fire house is scheduled for 8/25/09.

Report of the Mayor and Board of Trustees

Trustee Miller spoke about an upcoming meeting with members of the Town of Philipstown Council regarding shared services for handling waste, enhanced recycling and composting.

Trustee Campbell spoke about plans for the Senior Citizen picnic.

Trustee Robertson is working with the Town of Philipstown and Village of Nelsonville representatives to consider shared services for court systems.

Trustee Falloon asked for a resolution honoring former village officials Anthony Phillips, Edward Mancari and George Tompkins. Trustee Falloon spoke about replacing the Police Department radios and a proposal to obtain a discount from the current vendor.

Installation of parking meters was discussed with consideration of bringing in a vendor, involving a large number of residents in a demonstration and also speaking with similar communities (perhaps Irvington) who have experience with this. Trustee Robertson asked if the Village Accountant could check some of the figures.

After a short recess, Mayor Gallagher read proposed **Resolution 2009-30** regarding the Putnam County Board of Elections consolidating polling districts for the upcoming primary election. Hans Moeller, of the North Highlands Fire Company and a Philipstown resident provided copies of a petition previously submitted to the Town Board and signed by 150 residents opposing the change in polling place. Trustee Robertson asked why the board was proceeding with a resolution instead of sending a letter. Mayor Gallagher provided history on communications with the Board of Elections and after discussion Trustee Robertson moved Resolution 2009-30 and seconded by Trustee Falloon.

Resolution No. 30- 09

WHEREAS, the Putnam County Board of Elections has notified registered voters of Election Districts 2, 3, 5, 7, 8 and 11, in the Town of Philipstown, that effective as of the Primary Election on September 15, 2009, their previous Polling Places have been changed to the Cold Spring Methodist Church, 216 Main Street, Cold Spring; and

WHEREAS, Election Districts 3 and 5 are almost entirely within the boundaries of the VILLAGE OF COLD SPRING; and

WHEREAS, residents of the VILLAGE OF COLD SPRING living in Election Districts 3 and 5 will be directly impacted by any change in polling place location, or consolidation of polling places; and

WHEREAS, New York State Election Law § 4-104, *Registration and polling places; designation of*, reads: "Every board of elections shall, in consultation with each city, town and village, designate the polling places in each election district in which the meetings for the registration of voters, and for any election may be held"; and

WHEREAS, the MAYOR and BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING were never consulted or contacted regarding such polling place location change and consolidation; and

WHEREAS, the Village of Nelsonville, which encompasses Election District 2, and the Town of Philipstown were similarly neither consulted or contacted concerning such polling place location change and consolidation; and

WHEREAS, the aggregate number of persons registered to vote at the new Methodist Church Polling Place from Election Districts 2, 3, 5, 7, 8 and 11 is over 3,650 persons as determined from the Putnam County Board of Elections Voter Enrollment Report dated April 4, 2009; and

WHEREAS, the former polling place for Districts 3 and 5 in the VILLAGE OF COLD SPRING had a voter enrolment of under 1500 voters, yet in recent years had high turnout elections with waits of up to one-half ($\frac{1}{2}$) hour to vote; and

WHEREAS, the Methodist Church polling place is bounded on the north by Mountain Avenue, on the west by Orchard Street, on the south by Main Street, and on the east by Locust Ridge; and

1. the Haldane Central School District also shares Mountain Avenue as a boundary;
2. Primary and General Election days are regularly scheduled school days for the Haldane Central School District;
3. Locust Ridge is used one-way only from 6 AM to 6 PM on school days for all traffic including school buses;

4. Mountain Avenue is heavily congested with vehicular traffic for students' drop off and pick up;
5. Mountain Avenue incurs significant pedestrian traffic for the same reasons; and

WHEREAS, one of the primary responsibilities of New York State Boards of Elections, as mandated by New York State Election Law, is the enhancement of voter participation; and

WHEREAS, consolidation of the polling places for Philipstown Election Districts 2, 3, 5, 7, 8 and 11 into a single location may have the effect of discouraging voter participation due to inconvenient location, long lines, lack of adequate parking, and other reasons as stated in this resolution; and

WHEREAS, the change in polling site and consolidation of polling sites also coincides with a County-wide change from lever voting machines to optical-scan machines; and

WHEREAS, the Primary Election on September 15, 2009 will be the first vote the Putnam County Board of Elections will conduct using optical-scan machines in place of lever machines; and

WHEREAS, no communications have been provided about voter training on the use of the optical scan machines; and

WHEREAS, additional use time and wait time will likely occur due to voter's unfamiliarity with the process and machine; and

WHEREAS, the North Highlands Firehouse, 504 Fishkill Road, Cold Spring, is a public fire district building within Election District 7, and

1. is available for use as a polling place;
2. has historically served as the polling site for Districts 7 and 8, until construction last year of the new North Highlands Firehouse prevented its use as a polling site;
3. incorporated use as a polling place in its construction design;
4. is located within Election District 7;
5. is handicap accessible with adequate parking; and
6. would more conveniently and more safely serve as the polling place for the roughly 1,450 registered voters of Election Districts 7 and 8, rather than at the Cold Spring Methodist Church several miles away; and

WHEREAS, the serious traffic and safety hazards in the area of the Cold Spring Methodist Church Polling Place and Haldane School would be addressed by having said voters use the North Highlands Fire house;

NOW, THEREFORE BE IT **RESOLVED**, AS FOLLOWS:

1. THAT THE VILLAGE BOARD OF THE VILLAGE OF COLD SPRING, as the duly elected representative body for registered voters of the VILLAGE OF COLD SPRING, respectfully requests that the polling place for Election Districts 7 and 8 not be consolidated with the polling place for Village of Cold Spring Districts 3 and 5, and that North

Highland Firehouse be designated as the polling place for the registered voters of Philipstown Districts 7 and 8, as per the requests of the residents of those districts and their elected Town representatives; and

2. THAT the VILLAGE BOARD OF THE VILLAGE OF COLD SPRING requests to be contacted and consulted on any proposed change in polling place location for the voters of Election Districts 3 and 5, as well as any polling place location consolidation with other voting districts; and

3. THAT the MAYOR OF THE VILLAGE OF COLD SPRING is hereby requested and directed to convey this Resolution to the Putnam County Board of Election Commissioners, Robert J. Bennett and Anthony G. Scannapieco, Jr.; Putnam County Executive, Robert Bondi; Putnam County Legislator, Vincent Tamagna, District 1 - Philipstown; Anthony Hay, Chair, Putnam County Legislature; the Philipstown Town Board, William Mazzuca, Supervisor; the Nelsonville Village Board, Thomas Corless, Mayor; and any additional parties that he may deem appropriate; and

4. THAT the VILLAGE OF COLD SPRING respectfully requests that the said Commissioners provide a written response to its request to designate the North Highlands Firehouse as the Polling Place for Philipstown Election Districts 7 and 8; and that the said Commissioners contact and consult the VILLAGE BOARD OF THE VILLAGE OF COLD SPRING regarding the specific current plan to use the Methodist Church as a polling place for Election Districts 3 and 5, and any change generally in polling place location or polling site consolidation that effect Village of Cold Spring voters in Election Districts 3 and 5.

On roll call vote:

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

Correspondence

1. The Town of Philipstown will host a presentation on tax reevaluation on 9-16-09.
2. NYS Department of State is soliciting grant applications for the Hudson-Fulton-Champlain Quadricentennial Eco-Docks grants program. \$750,000 is available and the deadline for submissions is 10-14-09.
3. NYS Department of State has scheduled a Revitalizing NY conference for 10-7-09 in Schenectady.
4. Ms. J. Lisikatos requested use of village property for placing equipment to repair/replace her chimney. Board members wanted additional information. After discussion and review of the insurance certificate, Trustee Robertson moved to approve use of village property as described in letter subject to the guidance of the Building Inspector and seconded by Trustee Falloon and unanimously approved.
5. Assemblywoman Sandra Galef asked for support of legislation that would prohibit smoking at children's playgrounds.
6. Danielle Pack expressed concern about the lack of wheelchair and stroller accessibility on Main Street.
7. S. Goff described problems with owners neglecting to clean up after their dogs.
8. Metro-North announced a public hearing.
9. Putnam County prepared a final draft of the Solid Waste Management Plan.

Bill Approval

Trustee Robertson moved to approve the audited bills and seconded by Trustee Miller and unanimously approved.

Unfinished Business

1. Philipstown Fire Protection agreement – some changes have been made as follows: added the fire company as a party, made change in contractual amount and grammatical changes. Trustee Falloon moved to accept the revised Philipstown Fire Protection Agreement and authorized sending to Philipstown for their approval. Motion seconded by Trustee Miller and unanimously approved.
2. Nelsonville Fire Protection Agreement- Trustee Robertson moved to approve of the revised agreement with Nelsonville and authorized signature. Motion seconded by Trustee Falloon.

On roll call vote:

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

3. Ratify general release with residents- Felicity Campbell of 13 Church Street and Donald McGrath of Benedict Road. Language changed in agreement from plaintiff to claimant and

from defendants to village. Trustee Falloon moved to enter into agreements and seconded by Trustee Miller and unanimously approved.

New Business

1. Preliminary discussion on Verizon agreement scheduled for 9/1/09
2. Meeting with James Copeland, Architect regarding Cold Spring firehouse proposal scheduled for 8-25-09
3. Discussion of Justice Court fees proposal scheduled for 8-25-09

Executive Session

Trustee Campbell moved to enter into closed session to seek legal advice with counsel. Motion seconded by Trustee Miller and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk