

**Board of Trustees Monthly Meeting  
November 10, 2009 at 7:30 pm**

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

Attending: Mayor Seth Gallagher and Trustees Bruce Campbell, Gordon Robertson and J. Ralph Falloon  
Also: Stephen Gaba, Village Attorney, Ellen Mageean, Village Accountant and James Hartford, Building Inspector

Members of the Public

Absent: Trustee Lynn Miller and Stephen Smith, Fire Inspector

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

**Approval of Minutes**

Minutes of the following meetings were submitted for board review and approval: 10/13/09 public hearing and monthly meeting, 10/20/09, 10/27/09, 11/04/2009 workshops and 11-06-09 bid opening. Mayor Gallagher requested that the 10/20/09 minutes indicate that the Mayor liked the publicity idea and will follow up with Police Officer Kane. Trustee Robertson asked for an amendment to the 10/13/09 minutes. He wanted his request for status reports on all violations to be placed under the Building Inspector's report not the Fire Inspector's. Trustee Robertson moved to approve minutes as amended and seconded by Trustee Campbell and unanimously approved.

**Monthly Reports**

**Financial Report** - A preliminary draft of the independent audit has been received. No findings were reported. Ms. Mageean provided highlights of a recent meeting with Tom Murphy of M & T Bank about use of a lock box for tax and water /sewer collection. Trustee Robertson inquired about the collateralization of village funds. A spreadsheet is used to track collateral on a monthly basis. Ms. Mageean pointed out that court revenues are down. At the next monthly meeting, representatives from Sedore and Company will review audit results. A six- month budget analysis will also be presented at the December monthly meeting.

**Building Inspector**

Building permits, violations and inspections were described in detail. Mayor Gallagher pointed out that there has been some progress in dealing with a complaint of an ongoing yard sale on village property with matter referred to the Building Inspector.

**Fire Inspector Report** -Mr. Smith and Trustee Falloon attended a NYSDEC floodplain management seminar. Trustee Falloon informed residents that proposed flood map changes will go into effect next year. If parties are under-insured when the flood map changes, it could be expensive to acquire or upgrade their insurance.

**Police Report** – In response to complaints made by residents throughout the village, the police department has increased directed patrol to certain problem areas.

**Justice Court** - October collection totaled \$5544.00.

**Wastewater Report**- Preventative maintenance has been performed in several problem areas of the collection systems, specifically Mountain Avenue and The Boulevard.

**Water Report** – Interviews have been scheduled with four engineering firms who submitted proposals for reservoir dam assessments.

Caryn Canova, local business owner, discussed her proposal to place holiday lights on Verizon poles. Questions and concerns previously put forth by Village Attorney Gaba have been addressed. After brief discussion, Resolution **2009-43** was considered as follows:

#### **Resolution 2009-43**

WHEREAS, the Village of Cold Spring has requested Verizon New York, Inc. to enter a contract to permit holiday decoration pole attachments with the VILLAGE; and

WHEREAS, Verizon has provided a draft contract, a copy of which is on file with the VILLAGE CLERK; and

WHEREAS, the VILLAGE BOARD is amenable to the proposed contract;

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the proposed contract is accepted; and
2. That the mayor is hereby authorized to execute the contract and any documents needed to effectuate its terms and provisions.

Trustee Ralph Falloon moved the foregoing resolution which was seconded by Trustee Gordon Robertson.

The vote on the foregoing resolution was as follows:

Lynn Miller, Trustee voting absent

Bruce D. Campbell voting yes

John Ralph Falloon voting yes

Gordon R. Robertson voting yes

Seth Gallagher, Mayor voting yes

Resolution officially adopted.

The annual tree lighting is scheduled for 12-4-09 at the waterfront park starting at 6:00pm.

#### **Special Board for Comprehensive Plan/LWRP –**

Twenty- two proposals were received from consultants in response to the Request for Qualifications. After review, four firms were selected for interviews. The Special Board is scheduled to submit a recommendation to the Village Board by November 20<sup>th</sup>. Rita Shaheen, Scenic Hudson Director of Parks made a presentation on their plans for the West Point Foundry Preserve and the Campbell property. Kathleen Foley has resigned from the Special Board and the SB is seeking a replacement to fill her seat.

**Fire Company Liaison-** The firehouse floor project is complete.

E. Ailes inquired about her proposal to purchase a stoop located on village property in front of 144 Main Street. Attorney Gaba read resolutions prepared by Ms. Ailes' attorney as follows:

#### **Resolution 2009-44**

The Village Board of the Village of Cold Spring, a municipal corporation with offices at 85 Main Street, Cold Spring, NY 10516, hereby resolves to sell a certain parcel of property to Atlas LLC, 218 Truman Drive, Cresskill, NJ 07626 and 144 Main Street, Cold Spring, NY 10516, under the following terms and conditions.

WHEREAS, the Village Board seeks to address longstanding liability issues resulting from the sloping sidewalk and the concrete and stone stoops that are used for entry to many businesses along

Main Street and in particular the “stoop” in front of 144 Main Street, known as the Old Homestead Club building ; and

WHEREAS, Atlas, LLC, owners of 144 Main Street, has offered to purchase the “stoop” in furtherance of their repair and restoration of 144 Main Street and in particular to erect an historically sympathetic portico thereon, subject to the approval of any other Village Board’s review and approval of such an addition; and,

WHEREAS, the Village Board has inquired of the various departments as to the Village’s need for the “stoop”, and each department having declared the proposed property to be excess, to wit:

1. The property generates no tax revenue,
  2. The property is almost entirely covered with a concrete “stoop” and step which creates an uneven sidewalk ending in a step on the west,
  3. The “stoop” is used for entry and egress from 144 Main Street, the building owned by the proposed purchaser and provides access to no other property,
  4. The property is not used for highway purposes, for water or sewer purposes, has no environmental component, is not used for the administration of fire or police services;
- and,

WHEREAS, the sale of the stoop area would not interfere with the use of the sidewalks by pedestrians because the total sidewalk width exclusive of the “stoop” is over ten foot, and WHEREAS, the Village has sought to remove excess property from its ownership and thereby limit exposure,

NOW IT IS THEREFORE RESOLVED, that the property described in Schedule A attached hereto being the “stoop” in front of 144 Main Street, Cold Spring is hereby declared excess and available for sale to the owners of 144 Main Street whose proposed consideration has been accepted by the Village.

FURTHER, that the Mayor is hereby authorized to execute any papers necessary to effectuate the transfer of the property as may be required.

Trustee Gordon Robertson moved the foregoing resolution and seconded by Trustee J. Ralph Falloon.

On roll call vote:

Trustee Bruce Campbell voting yes

Trustee Lynn Miller voting absent

Trustee Gordon Robertson voting yes

Trustee J. Ralph Falloon voting yes

Mayor Seth Gallagher voting yes

Based on the foregoing this resolution is hereby adopted.

#### **Resolution 2009-45**

**The Village Board of the Village of Cold Spring**, a municipal corporation with offices at 85 Main Street, Cold Spring, N.Y. 10516, hereby resolves to grant a certain drainage easement to **Atlas LLC**, 218 Truman Drive, Cresskill N.J. 07626 and 144 Main Street Cold Spring, N.Y. 10516, under the following terms and conditions.

**Whereas**, the Village Board seeks to address a longstanding rainwater and roof drainage problem that is the natural result of the Old Homestead Club building at 144 Main Street Cold Spring and The Cold Spring Fire House, 154 Main Street Cold Spring, being constructed within inches of one another, as is typical along Main Street; and,

**Whereas**, over the course of time both aforementioned buildings have suffered and continue to suffer water damage as the result of the drainage problem which if ignored could result in regretful but necessary litigation between the parties hereto; and,

**Whereas**, The Village owns the Cold Spring Fire House Building and is therefore interested in addressing the drainage problem; and

**Whereas**, the owner of 144 Main Street, Atlas LLC has agreed to cooperate with the Village, investigate and propose solutions and finance the installation and maintenance of the drainage improvements required to address the drainage problem, thereby overcoming the main obstacle facing the Village; and

**Whereas**, the Village (Building Inspector) having approved the design and installation proposed by Atlas LLC which system is intended to remove the accumulation of water now draining into the rear yard of 144 Main Street, and such installation has been undertaken, it is hereby

**RESOLVED**, that the Village of Cold Spring, in consideration for the expense of the improvements made to the Cold Spring Fire House through the installation of a drainage system as paid by Atlas LLC, authorizes the mayor to sign such papers as are required to effectuate the grant of a drainage easement over the property of the Village as described in schedule A attached hereto and made a part of this resolution. This Easement shall run with the land and be maintained by the owner of 144 Main Street. The Easement shall be in recordable form and contain the following Easement Language:

" Grantor", The Village Board of the Village of Cold Spring, in consideration for the cost of improvements undertaken by grantee, by unanimous resolution, number 45 of 2009, dated November 10-2009, hereby grants to Atlas LLC of 144 Main Street, Cold Spring, N.Y., "Grantee", a permanent easement for the installation and maintenance of a drainage system over and across a portion of the property known as the Cold Spring Fire House property, being further known as Tax Map 48.8-2-53. Such easement is intended to provide for the removal of rainwater runoff from the roof of 144 Main Street and the roof of the Fire House, 154 Main Street or any such structures which may replace the current structures.

In further consideration for the granting of this easement the grantees, their successors lessees and assigns, shall install and maintain at their cost and expense the system of drains as currently installed which shall collect and deposit rain water runoff from the Main Street side of the buildings down the front of the Village owned structure and through drain pipes to the public sidewalk and thence under

the public sidewalk to Main Street. The property subject to this easement is more particularly described in “ Schedule A” attached hereto and made a part hereof. The installation and alteration of such drainage system shall be subject to the approval of the Village building inspector. The Village acknowledges approval of the system as presently installed and reserves its right of approval in the event the system is altered or repaired which approval shall not be unreasonably withheld. The Easement is not intended to eliminate or otherwise displace the rights and obligations of the Village or the general public or the rights of the General public to the sidewalk under which the drainage pipes are placed. “

Trustee J. Ralph Falloon requested that the resolution reflect the Firehouse address of 154 Main Street and moved to adopt the foregoing resolution as amended. Motion seconded by Trustee Campbell.

On roll call vote:

Trustee Campbell voting yes

Trustee Miller absent

Trustee Robertson voting yes

Trustee Falloon voting yes

Mayor Gallagher voting yes

Resolution officially adopted.

### **Report of the Mayor and Board of Trustees**

Trustee Campbell reported that four engineering firms have been interviewed to provide professional engineering services for the street light and sidewalk project. A decision on firm selection is forthcoming.

Trustee Falloon asked the village to respond to the Town of Philipstown for the fire company, regarding compliance with storm water management policies.

The board discussed the current parking requirements in the village zoning code. Members of the planning board and parking committee have expressed their support for either eliminating or changing these requirements, especially with the economic impact on businesses and the village. James Hartford called for review of zoning dimensional requirements. Mike Armstrong pointed out that these issues will be addressed by the Special Board for the Comprehensive Plan/LWRP. The idea of selling parking waivers in lieu of meeting zoning requirements was introduced and some board members expressed an interest in proceeding with this idea.

Mayor Gallagher received \$2,900 from NYMIR as a rebate of capitalization money, previously paid. NYMIR scheduled a risk management seminar for Thursday, November 12<sup>th</sup> pertaining to police department issues. Trustee Robertson asked for a DVD of the seminar so that members who were unable to attend could have access to this information. The board expressed an interest in increasing our participation with NYMIR risk management for other departments, including highway. Additional paving is scheduled for West Belvedere and Bank Streets.

Energy Conservation Grant-The village is currently seeking quotes on piping insulation.

The Village received one bid for additional electrical work at the water, wastewater, and highway garage to be covered by grant funds from NYSERDA. The bid amount was \$6,200. Also, submitted were lighting improvement proposals (totaling \$20,000) for items not mentioned in the energy audit. Of these proposals the wastewater treatment plant lighting improvements would be a priority as this is the oldest building. Also discussed was performing LED test applications.

Trustee Falloon moved to accept the proposal submitted by Pidala Electric in the amount of \$6,200 and to direct that the appropriate contract be prepared and to authorize the Mayor to execute. Motion seconded by Trustee Campbell.

On roll call vote:

Trustee Bruce Campbell voting yes

Trustee Gordon Robertson voting yes

Trustee Ralph Falloon voting yes

Trustee Lynn Miller absent

Mayor Seth Gallagher voting yes

Trustee Falloon moved to accept the proposal submitted by Pidala Oil and Pidala Electric in the amount of \$1682.00(to supply and install new Bosch 2.5 gallon electric hot water heater for two washrooms in the Cold Spring Fire House and to isolate the two bathrooms from the rest of the hot water demand and install a manual timer for the existing hot water heater) and to direct that the appropriate contract be prepared and to authorize the Mayor to execute. Motion seconded by Trustee Robertson.

On roll call:

Trustee Bruce Campbell voting yes

Trustee Gordon Robertson voting yes

Trustee J. Ralph Falloon voting yes

Trustee Lynn Miller absent

Mayor Seth Gallagher voting yes

Mayor Gallagher read the following proclamation honoring Joseph Etta as follows:

WHEREAS, Joseph C. Etta, served this country as a Sergeant in Company D of the 26<sup>th</sup> Infantry of the United States Army; and

WHEREAS; Joseph Etta through his dedicated military service during the Normandy landing on June 6, 1944 and subsequent campaign across Belgium and France advanced the cause of freedom for the people of France and for the people of this country; and

WHEREAS, Joseph C. Etta received the high honor of the Jubilee of Liberty medal from the Government of France for his selfless dedication and valor; and

WHEREAS, Mr. Etta is a beloved lifelong resident of the Village of Cold Spring respected for his commitment to this community and for exemplary citizenship; and

WHEREAS, the Village Board of Trustees wishes to express their sincere appreciation for his outstanding service;

NOW THEREFORE LET IT BE RESOLVED, that the Board of Trustees of the Village of Cold Spring formally honors Joseph C. Etta and congratulates him upon receipt of this high honor of the Jubilee of Liberty medal.

**Correspondence**

A local youth wrote to apologize for his actions on Halloween.

Building Bridges Building Boats expressed an interest in the use of Dockside property for some of their programs and provided information about their history, current status and visions for the future.

Webinar scheduled for 11-12-09 by ICLEI- to assist local government in accessing federal transportation funding.

NYS Division of Criminal Justice Services provided findings of a recent desk audit of a 2007 police operations grant.

Sandy Galef asked for information on successful shared services projects.

**Approval of Bills**

Trustee Robertson moved to approve payment of audited bills and seconded by Trustee Falloon and unanimously approved.

Trustee Robertson moved to enter into closed session to confer with counsel and seconded by Trustee Campbell and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk