

**Board of Trustees Monthly Meeting  
September 14, 2010**

The Village Board of Trustees of the Village of Cold Spring held their regular monthly meeting on Tuesday, September 14, 2010 at 7:30 pm at Village Hall, 85 Main Street, Cold Spring, NY.

Present: Mayor Seth Gallagher and Trustees Bruce Campbell, J. Ralph Falloon, Charles E. Hustis III and Airinhos Serradas

Also: Stephen Gaba, Village Attorney, Ellen Mageean, Village Accountant, William Bujarski, Building Inspector, Michael Armstrong, Special Board Chair

Absent: Stephen Smith, Fire Inspector

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

**Approval of Minutes**

Trustee Campbell moved to accept the minutes of the following meetings 8-10-2010, 8-25-2010 and 9-07-2010 and seconded by Trustee Falloon and unanimously approved.

Trustee Serradas moved to add the transcripts of the 5-25-2010 and 06-15-2010 meetings as an addendum to the minutes and seconded by Trustee Hustis. Mayor Gallagher expressed his opposition to verbatim minutes citing the recommendations from the New York Conference of Mayors, cost of preparing and the authenticity of the recording itself. Trustee Hustis, Falloon and Serradas voted in favor with Trustee Campbell and Mayor Gallagher opposed.

**Financial Report**

**Budget Resolution 2010-40**

Moved by Trustee Serradas

Trustee Seconded by Trustee Campbell

*Resolved that* (1) The Board of Trustees of the Village of Cold Spring hereby approves the following budget adjustment for the 2010/2011 fiscal year:

(1)	To:	A00-2262-003	Fire Protection Service: Workers' Compensation	\$4,500.00
	From:	A00-9040-801	Workers' Compensation: Firemen	\$4,500.00
			<b>To set up new revenue line item for payments received for the firemen's workers compensation paid for by the village</b>	
(2)	To:	A00-9040-801	Workers' Compensation: Firemen	\$670.00
	From:	A00-9040-800	Workers' Compensation	\$670.00
			<b>To transfer money from workers' compensation to firemen's workers compensation due to an increase in the expenditure.</b>	

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

On roll call vote:

Trustee J. Ralph Falloon voted yes

Trustee Bruce Campbell voted yes

Trustee Charles Hustis voted yes

Trustee Airinhos Serradas voted yes

Mayor Seth Gallagher voted yes

Resolution officially adopted 9/14/2010

Mary Saari, Village Clerk

Ms. Mageean presented a quarterly budget analysis as of 08-31-2010. Total revenues are anticipated to be \$14,900 over budget. Expenditures are expected to be \$24,307 under budget. Based upon current data, the general fund balance at year- end is projected to be \$39,207.

Mayor Gallagher read the **attached** statement pertaining to the quarterly budget analysis.

**The August Building and Fire Department and Police Department reports** were reviewed.

Justice Court collections for the month of August totaled \$7,337.50.

### **Water Report**

The village used just under 5 million gallons of water from the DEP for the month of August. Badger meter has notified the village that the metering system currently in use will be discontinued as of July 2011. Decisions will need to be made regarding the technology we will migrate to and the pace to do so. Leak detection of the distribution system will occur next week.

### **Wastewater Report**

A letter will be sent to the NYSDEC outlining the village's three year plan for monitoring inflow and infiltration. A list of manholes that will require inflow shields will be included along with a plan to for installation of 25% of these shields each year.

### **Recreation Commission**

The following requests for use of public recreational facilities were considered and voted on:

9-25-2010 11:30- 2 pm VFW use of bandstand/dock for Jubilee of Liberty Award

09-25-2010 G. McVey use of Mayor's Park Pavilion

09-25-2010 5:00 pm Harvest Festival use of bandstand

10-30-2010 Annual Halloween parade

Trustee Hustis moved to approve these applications and seconded by Trustee Falloon and unanimously approved.

Trustee Hustis moved to approve the request from Haldane School for use of the Mayor's Park field for soccer and cross country and seconded by Trustee Serradas and unanimously approved.

### **Fire Company Liaison**

The Town of Philipstown asked for a 2011 budget request for fire protection to the town. Electrical problems have been encountered at the Firehouse related to the energy grant improvements.

**Planning Board Liaison, Zoning Board Liaison, and Philipstown Council Liaison-** no report

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

The proposed Comprehensive Plan is set for release on September 29<sup>th</sup> with a public hearing scheduled for October 14. The board has received confirmation from the Department of State that the contract for a Local Waterfront Revitalization Plan has been extended through November 30, 2011 and that funding

and has been approved and re-appropriated. To maintain focus the board has decided to defer seeking reimbursement under the LWRP until the public hearing on the plan has occurred.

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

Trustee Campbell pointed out that a demonstration of proposed lighting for the waterfront park has been scheduled.

Trustee Falloon spoke of encouraging and enforcing recycling. In addition, he discussed the New York Alert System which could be used for emergency notification such as water and snow emergencies. He encouraged residents to sign up for reverse 911 notifications.

Trustee Serradas called for cooperation with the Cold Spring Boat Club to install ladders by the dock to deter swimmers.

Mayor Gallagher stated that the highway department is currently working on sidewalk repairs. Quotes were sought for several projects that were larger than the highway department could handle. Two contractors were selected. However, after notification of award one contractor stated that he didn't understand the specifics and requested that he be released from the project. The difference in price between this quote and the next highest is \$238.00. Trustee Campbell moved to award the Mountain Avenue sidewalk work to Chirico Masonry and to release Volkman Contracting. Motion seconded by Trustee Falloon and unanimously approved.

The J. Harvey and Tug Boat Pegasus & Museum had a successful visit to the Cold Spring dock. Kenneth Trimble worked for the village highway department for the past three summers and has recently enlisted in the military. Mayor Gallagher thanked him for his work.

### **Correspondence**

Putnam County forwarded a copy of their revised solid waste plan. After the plan has received state approval, the county will be asking municipalities to provide their recycling plan including goals and measures to achieve them.

### **Unfinished Business**

Selection of the short list for the federal transportation project

Trustees reviewed seven Expressions of Interest from engineering firms for the federal transportation project PIN 8760.04. Mayor Gallagher polled members on their choices for a short list.

After presenting their individual selections and tallying, Trustee Falloon moved to accept the following firms: CHA (Clough Harbour Associates), GPI (Greenman-Pedersen, Inc.) and Lochner Engineering for selection to the short list for the highway transportation project PIN 8760.04. Motion seconded by Trustee Campbell.

On roll call vote:

Trustee J. Ralph Falloon voted yes

Trustee Bruce Campbell voted yes

Trustee Charles Hustis voted yes

Trustee Airinhos Serradas voted yes

Mayor Seth Gallagher voted yes

Interviews will be scheduled for firms on the short list.

### **Resolution 41-2010**

WHEREAS, Ant-Ant Corporation has commenced a lawsuit against the Village of Cold Spring in New York State Supreme Court, Putnam County, seeking to quiet title to certain real property located in the Town of Philipstown, and

WHEREAS, after careful consideration of the facts and consultation with its attorneys, the Village Board has determined that it is in the public interest to settle the lawsuit, and

WHEREAS, a proposed Stipulation of Settlement has been prepared under which the Village will receive \$13,000 in return for surrender of any potential interest it may have had in the said property, conditional upon finalization of an easement agreement for alternate access to the Village's Upper Reservoir property,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve the proposed Stipulation of Settlement annexed hereto, and

2. That the Attorneys for the Village are authorized to execute and enter the said Stipulation in form substantially the same as the copy, and

3. That the mayor is authorized to execute all documents necessary to carry out the provisions thereof.

Trustee Hustis presented the foregoing resolution which was seconded by Trustee Serradas,

The vote on the foregoing resolution was as follows:

Bruce D. Campbell, Trustee, voting yes

John Ralph Falloon, Trustee, voting yes

Airinhos Serradas, Trustee, voting yes

Charles Hustis, Trustee, voting yes

Seth Gallagher, Mayor voting, yes

Resolution officially adopted 9-14-2010.

### **Setting Parking Waiver Fees**

Trustee Serradas expressed his opposition citing problems with enforcement, possible loss of revenue from the Hudson House parking lease, and unfair and discriminatory fees.

Trustee Serradas moved to repeal the parking waiver. Attorney Gaba advised that the law could not be repealed by a motion.

Trustee Serradas then moved to table and to have the business community provide their input. Motion seconded by Trustee Campbell. Trustee Hustis, Campbell and Serradas voted in favor with Mayor Gallagher and Trustee Falloon opposed.

S. Hawkins added that the board has discussed this matter for weeks.

Lynn Miller of Go Go Pops wants to have indoor seating at her business and is willing to pay \$250 as a one-time fee.

B. Zaken is currently before the planning board and the decision on the parking waiver issue is holding him up.

After hearing comments from the public, Trustee Campbell moved to remove the table on the parking waiver fee and seconded by Trustee Hustis and unanimously approved. Trustee Serradas added that he welcomed and supported business but wanted zero fees.

Trustee Falloon moved to set the parking waiver fee at \$250 and seconded by Trustee Campbell.

Trustee Hustis, Campbell, Falloon and Mayor Gallagher in favor and Trustee Serradas opposed as he wants zero fee.

### **Resolution 42-2010**

WHEREAS, heretofore the Village Board has adopted a local law entitled: "A Local Law to Amend Village Code Chapter 134, Section 134-18, "Supplementary Regulations Applying to All Districts" to Permit Payment of a Fee in Lieu of Providing Off-Street parking in the B-1 and B-2 Zoning Districts"; and

WHEREAS, under the said law the Village Board is required to set a per-space fee for Parking Waivers; and

WHEREAS, a report prepared by the Comprehensive Plan Special Board regarding the on-going need for off-street parking in the Village has been prepared and filed with the Village Clerk; and

WHEREAS, it appears that the annual cost of the Village's parking related expenses is greater than \$12,000, and less than 40 waivers are expected to be given in any given year;

NOW THEREFORE , BE IT RESOLVED as follows:

That the Village Board does hereby set the fee for off-street parking waivers at \$250 per space as a nominal amount to help defray the anticipated additional expenses incurred by reason of grant of waivers.

Trustee Hustis presented the foregoing resolution which was seconded by Trustee Falloon

The vote on the foregoing resolution was as follows:

Bruce D. Campbell, Trustee, voting yes

John Ralph Falloon, Trustee, voting yes

Airinhos Serradas, Trustee, voting no (wants zero fees)

Charles Hustis, Trustee, voting yes

Seth Gallagher, Mayor voting, yes

Resolution officially adopted 9-14-2010.

Thomas Ambrose expressed his frustration that simple task to set the price on an existing law gets mired and called for expediency.

**Scheduling future meetings:**

9-21-2010 no meeting

9-28-2010 site visit to the reservoir dams followed by review of the engineering assessment at Village Hall

9-30-2010 Interview firms on the short list

Trustee Campbell brought forth two additional requests for use of public property as follows:

09-18-2010 Pop Warner

09-26-2010 picnic Mayor's Park Pavilion

Trustee Serradas moved to approve these requests and seconded by Trustee Falloon and unanimously approved.

**Bill Approval**

Trustee Campbell moved to approve the audited bills (2) and seconded by Trustee Serradas and unanimously approved.

**Public Comment**

M. Armstrong spoke of the savings to the village by diverting garbage to recycling and recommended running an ad in the paper.

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

Respectfully submitted,

Mary Saari, Village Clerk