

**Board of Trustee Meeting  
November 9, 2010**

The Board of Trustees of the Village of Cold Spring held their regular monthly meeting on Tuesday, November 9, 2010 at 7:30 pm at Village Hall, 85 Main Street, Cold Spring, NY.

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

Also present: Stephen Gaba, Village Attorney, Ellen Mageean, Village Accountant, William Bujarski, Building Inspector

Absent: Stephen Smith, Fire Inspector

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

**Approval of minutes**

Trustee Falloon moved to approve the minutes of the October 12, 2010 monthly meeting and the October 26<sup>th</sup> workshop, seconded by Trustee Campbell. Trustees Falloon, Campbell, Serradas and Mayor Gallagher voted to approve with Trustee Hustis opposed, as the November 3<sup>rd</sup> minutes were not included.

**Financial Report**

Ms. Mageean reviewed bank balances. Franchise revenues appear to be on budget. Retirement payments are due as follows: \$61,000 for ERS and \$30,000 for the Police and Fire Retirement. Sufficient funds are available in the current budget but a transfer between the ERS and the Police line will be necessary. A six-month budget analysis is scheduled for the next monthly meeting.

**Building Inspector** Bill Bujarski presented the highlights of the monthly reports for building and fire departments. He also reviewed a memo describing the condition of the sagging floor at the Cold Spring Firehouse. He recommended further investigation with borings into the slab.

**Police Department**

Officer-in-Charge Kane reported that no problems were encountered with the Halloween Parade or on that evening.

**Justice Court**

Collections for the month of October totaled \$15,519.50. Mayor Gallagher attributed the increase in monthly collections to new software and follow up on tickets.

**Water**

In the general comments, Gregory Phillips reported that un-accounted water calculations for the second quarter of 2010 were 23.8%; third quarter results are more significant as we have breached the twenty percent mark, winding up at 17.8%. Raw water pump repairs are scheduled for tomorrow. A free asset management software kit was received from the EPA. Phillips has high hopes for its ability to help forecast some of the needs of the treatment facility, distribution system and their components.

A draft of the capital investment plan has been received from Tectonic Engineering.

**Wastewater report**

Oakwood Environmental Associates are working to help us gather the necessary information on contractors capable of pressure grouting cracks, joints, etc in our collection mains, noted in the televised inspection earlier this year. According to our

SPDES permit, we are required to begin taking action toward correcting identified areas of inflow and infiltration by March 2011.

**Recreation Commission** applications for 2011 have been tabled for consideration next year. The annual tree lighting ceremony is scheduled for December 4<sup>th</sup> at the bandstand.

**Fire Company Liaison** report- The ongoing issue with the meeting room floor was mentioned.

**Planning and Zoning:** Trustee Serradas reviewed the **attached** memo pertaining to the Planning and Zoning Boards. The Historic District Review Board voted against the lighting section of the proposal for the waterfront and they are currently working toward a compromise.

**Special Board for Comprehensive Plan/LWRP:** Michael Armstrong reported that a public hearing was held on the draft plan. The Special Board is reviewing all comments and evaluating what changes should be made to the plan. On November 16<sup>th</sup> a briefing is scheduled for all standing boards. Armstrong reviewed the series of public meetings held over the years to obtain input to the plan. He sees the differences of opinion on this plan as a strength rather than a weakness. Armstrong provided a detailed report on the plan's budget, as per attached.

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

Trustee Hustis is investigating saving money on phone/internet charges.

Trustee Campbell spoke of the work at the bandstand and will seek assistance with waterfront benches and receptacles.

Clough Harbour Associates is finalizing a draft scope of work combining both transportation projects.

Mayor Gallagher compiled crossing guard training materials and ordered new reflective vests and signs.

Trustee Campbell reported that all involved employees have now attended confined space training.

Trustee Falloon is currently working with a pilot group that will report to the town board on the feasibility of consolidating fire and emergency medical services. Some legal issues have been encountered and legal counsel has been sought. A meeting will be held Monday at the town hall.

Trustee Serradas is exploring ways to decrease health insurance costs.

Mayor Gallagher reported that the village project to line the water line has been placed on the list for assistance (New York State Revolving Fund). Mayor is currently investigating ways to improve our standing on this list. Sidewalk work is ongoing. The village received the easement to our upper reservoir dam. Two properties owners have an agreement with the village in exchange doing road work on Faust Court.

#### **Correspondence**

Village resident Aaron Freimark requested a copy of the DVD of the monthly meetings and offered to volunteer his time to place these recordings on the internet. Attorney Gaba recommended having an agreement in place for use of these tapes.

#### **Unfinished Business**

Attorney Gaba reviewed the Zoning Board of Appeals recommended changes for fence height and for half story definition. As the village is currently developing a comprehensive plan, an update will be circulated to other boards and then the village board can set public hearing at a later date.

**Resolution 50-2010**

WHEREAS, the Village Board of Trustees of the Village of Cold Spring is considering proposed local laws pertaining to the definition “Half-Story” and to the regulation of Fence Height, copies of which are annexed hereto, and

WHEREAS, the Village Board has determined that it is appropriate and in the public interest to circulate the draft local laws to the Village Planning Board, Zoning Board, Historic District Review Board and Comprehensive Plan Special Board for review and comment before proceeding to consider the said local laws,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Clerk shall circulate the draft local laws to the Village Planning Board, Zoning Board, Historic District Review Board and Comprehensive Plan Special Board for review and comment; and
2. That the Village Planning Board, Zoning Board, Historic District Review Board and Comprehensive Plan Special Board are hereby requested to review the said draft local laws and to provide the Village Board with comment thereon within thirty (30) days.

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

The vote on the foregoing resolution was as follows:

Seth J. Gallagher, Mayor, voting yes

Bruce D. Campbell, Trustee, voting yes

Airinhos Serradas, Trustee, voting yes

J. Ralph Falloon, Trustee, voting yes

Resolution officially adopted on November 9, 2010

**New Business**

**RESOLUTION 2010- 51  
STANDARD WORK DAY AND REPORTING RESOLUTION**

BE IT RESOLVED, that the Village of Cold Spring hereby establishes the following as standard work day for elected and appointed officials and will report the

following days worked to the New York State and Local Employees Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social No. (last 4 digits)	Registration Number	Standard Work Day	Term Begin/End	Participates in Time Keeping System	Days/Month (based on Record of Activities)
<b>Elected Officials</b>							
Mayor	Seth Gallagher	0123	43438308	6	04/2009-03/31/2011	no	21.16
Village Trustee	Airinhos Serradas	4779	50073394	6	04/2010-03/31/2012	no	13.34
Trustee/Deputy Mayor	Bruce D. Campbell	3914	43305465	6	04/2009-03/31/2011	no	8.89
<b>Appointed Officials</b>							
Building Inspector	William Bujarski	5115	43384395	6*	04/2010-3/31/2011	no	8.78
Fire Inspector	Stephen Smith	4622	43211572	6*	04/2010-3/31/2011	no	3.50

\* Calculation dependent upon adoption of standard workday for Building Inspector and Fire Inspector at 6 hours.

Trustee Airinhos Serradas presented the foregoing resolution and seconded by Trustee Campbell.

On roll call vote:

- J. Ralph Falloon, Trustee, voting yes
- Bruce D. Campbell, Trustee, voting yes
- Charles Hustis, III, Trustee, voting yes
- Airinhos Serradas, Trustee, voting yes
- Seth Gallagher, Mayor, voting yes

Resolution officially adopted at public meeting held on November 9, 2010.  
Mary Saari, Village Clerk

**Winter parking regulations**

Mayor Gallagher read the attached proposed winter parking regulations.

The following text was added per board request: “such as calcium chloride.... Rock salt or any salt-based products shall not be used.”

Trustee Serradas introduced a resolution to accept the winter parking regulations as amended and seconded by Trustee Hustis.

On roll call vote:

Trustee Charles Hustis voting yes

Trustee J. Ralph Falloon voting yes

Trustee Bruce Campbell voting yes

Trustee Airinhos Serradas voting yes

Mayor Seth Gallagher voting yes

**RESOLUTION # 2010-52  
VILLAGE BOARD OF TRUSTEES MEETING  
November 9, 2010**

Introduced by: Trustee J. Ralph Falloon

Seconded by: Trustee Airinhos Serradas

Whereas, New York State has enacted JCAP Legislation as a component of the Action Plan for Justice Courts and in addition to providing funds to facilitate automation expenses is also focusing on improved security;

Whereas, this legislation has allocated \$30,000 for each of the 1,300 courts in New York State and

The Village of Cold Spring Justice Court is seeking funds to improve office procedures, security and operations; and

Whereas the Village of Cold Spring Board of Trustees hereby supports the efforts of the Justice Court and hereby approves of participation in the State of New York Unified Court System Justice Court Assistance Program and authorizes the submission of an application for a grant in the amount of \$3,400.

Trustee Falloon moved to introduce this resolution which was seconded by Trustee Serradas.

On roll call vote:

Trustee Charles Hustis, III voting yes

Trustee Bruce D. Campbell voting yes

Trustee Airinhos Serradas voting yes

Trustee J. Ralph Falloon voting yes

Mayor Seth Gallagher voting yes

Resolution officially adopted on November 9, 2010.

## **Public Comment**

Thomas Ambrose asked if the board had an interest in pursuing an additional crosswalk at the intersection of Academy Street and Route 301. Trustee Campbell reviewed his conversations with the NYSDOT on this issue. A more thorough investigation will need to be performed.

James Hartford spoke of ongoing and consistent problems he's encountered crossing from Benedict Road across Route 9D. He recommended removing the crosswalk if nothing is done about it. There was discussion of numerous solutions including increasing public awareness, use of flags, improved signage, cameras, increased enforcement, use of rumble and a pedestrian or center yield sign.

Michael Armstrong spoke of studies done on penguins within crosswalks and the Special Board's recommendation to have engineering of the parking area and crossing. Armstrong spoke of county recommendations to have multiple crossings with textured crosswalks. He recommended looking at the whole area so that there is a coordinated approach to the problem.

Mr. Hartford recommended bringing in our own consultant to work with the DOT. Attorney Gaba added that the village would need to contact the DOT and convey concerns and it's probably not a bad idea to have a traffic engineer perform a study. He doubted that the DOT would lower the speed limit as the only time the standard is set below 30mph is in a school zone.

Thomas Ambrose thought this should be considered part of the discussion of the Butterfield consolidation which would drive more pedestrian traffic into the area. A workshop will be scheduled for further discussion.

Trustee Serradas suggested videotaping the meeting scheduled for the 16<sup>th</sup> of November. Armstrong will look into informal videotaping.

Trustee Serradas read an email from L. Armstrong which related to the November 3<sup>rd</sup> workshop meeting and the scrutiny placed on the Special Board budget.

In response, Trustee Serradas read a prepared statement about the fiduciary responsibilities of the Village Trustees and best practices for budgeting. He pointed out that Planning, Zoning and Historic District Review Boards all have personal service budget lines. He is interested in hearing from members of the Special Board about their thoughts on the SB budget.

Lastly, he asked if Ms. Armstrong was asking as resident or reporter and pointed out a possible conflict with husband as Chair of the Special Board.

Mayor Gallagher commended the Special Board for their oversight of the budget. Members of the public offered that energy should be directed toward other issues in the village and the comprehensive plan is not costing as much as it could. Others commented that the Special Board is basically revisiting our village code, zoning code and the outlook of our community for the future and legal advice should be considered part of the operating budget. Mayor Gallagher stated that he wants the board to use the attorney and he is advised and copied on every question. They are professional consultants and it is important to do this correctly and have access to the village attorney.

Armstrong pointed out that the Special Board budget is \$11,000 and most of the money goes to the consultant. The board is extremely careful in approving all invoices; is very closely watched. There is no waste in the process, is very thrifty if look at other

communities to which our plan has been compared such as Philipstown which was \$250,000- \$300,000. This is \$20,000 effort, including prior years.

Mayor Gallagher stated that you are doing as good of a job as anyone can do and he thanked him for his work.

Trustee Serradas responded to Mr. Hartford and Mr. Ambrose and stated that everyone is focusing on the \$4,000; \$22,000 has been spent since January. He is deeply grateful for the volunteer hours. With respect to the \$4,000 for legal fees, he does look at those details and has questioned them in the past. He asked why we are seeking legal advice on texting and open meetings when this information can be obtained from other sources.

There was additional discussion between Mayor Gallagher and Trustee Serradas.

Mayor Gallagher asked for a motion to enter into closed session to confer with counsel regarding prosecuting cases in the Village Court.

Trustee Serradas moved to enter into closed session and seconded by Trustee Campbell and unanimously approved.

Minutes prepared from an audio and video recording of the meeting by Mary Saari,  
Village Clerk