

**Minutes Board of Trustee Appeal Hearing  
December 7, 2010**

The Village of Cold Spring Board of Trustees held a hearing on the appeal of Jan Thacher for a denied Freedom of Information Law demand for a spreadsheet compilation of comments and actions with Special Board comments, mentioned by Marie Early at the October 28, 2010 meeting. Hearing was held on Tuesday, December 7, 2010 at 7:00 pm at Village Hall, 85 Main Street, Cold Spring, NY.

Attending: Mayor Seth Gallagher and Trustees, Campbell, Falloon, Hustis and Serradas

Also: Adam Rodd, ESQ from the firm of Drake, Loeb et al

Members of the Public including Jan Thacher and Peter Henderson

Mayor Gallagher reviewed the procedure for the hearing followed by the reading of the **attached** memo from Mary Saari, Village Clerk and FOIL Officer.

Michael Armstrong, Special Board Chair spoke on the nature of the requested record. He pointed out that the Special Board was faced with addressing a diversity of opinions and needed a detailed approach to respond to comments. A spreadsheet was developed that was referred to as an electronic chalkboard. From time to time paper copies were generated.

Marie Early, Special Board Secretary elaborated further on the process used by the Special Board and how it functioned. She described how this spreadsheet document was constantly changing in response to board member comments and emails.

Adam Rodd stated that he believes that the spreadsheet document does fall under the intra-agency exemption under FOIL and need not be disclosed.

Trustee Falloon pointed out that this was part of a public process and asked why we would need to protect these records.

In response, M. Armstrong stated that as part of the decision making process the board needed to be able to talk freely between themselves and to debate and resolve issues.

Small group discussions proved to be fruitful whereas if done in public it wouldn't have been as productive.

Trustee Serradas stated that the minutes of the meeting don't indicate that the spreadsheet should not be distributed.

In response, Mr. Armstrong felt this was unnecessary as drafts are not open to the public.

Adam Rodd advised that the board could pursue two appropriate options: affirm the decision of the FOIL Officer or to provide a redacted version of the spreadsheet to Mr. Thacher.

Trustee Serradas sees a third option of providing the requested materials to Mr. Thacher. There was additional discussion with members of the public weighing in.

Trustee Serradas moved to approve the appeal made by Jan Thacher and to provide the requested record, as is, with nothing redacted or deleted and seconded by Trustee Hustis.

On roll call vote:

Trustee Charles Hustis voted yes

Trustee Bruce Campbell voted yes

Trustee John Ralph Falloon voted no

Trustee Airinhos Serradas voted yes

Mayor Gallagher voted no.

Appeal is approved.

**Board of Trustee Workshop Meeting  
December 7, 2010**

Attending: Mayor Seth Gallagher and Trustees, Campbell, Falloon, Hustis and Serradas  
Members of the Public

**1. Putnam County Historical Society**

M. Krazmien, Executive Director and board members from the Putnam County Historical Society and Foundry School Museum attended to discuss a proposal to install informational signage containing historic facts throughout the village. A total of ten signs were proposed to raise tourist interest and to provide directions to the museum. Concept signs were shown with a size of 18" x 24". The idea was to increase traffic to the museum but they also wanted to do something fun. The historical society will bear the cost of signage. Board members had no objections to the proposal. The next step will involve Historic District Review Board approval.

**2. Budget Amendment Resolution 58-2010**

Resolution #:2010-58 Moved by: Trustee Ralph Falloon  
Seconded by: Trustee Bruce Campbell

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

(1)	To:	A00-2189-110	Income from Sales of Recycling Material	\$2,400.00
	From:	A00-3005-000	Revenue: Mortgage Tax	\$1,500.00
	From:	A00-2770-000	Miscellaneous Revenues	\$900.00
			<b>To set up a revenue account for the sale of the recycling materials to Hudson Baylor.</b>	

*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 Charles Hustis voted: yes

Trustee Airinhos Serradas voted: yes

Mayor Seth Gallagher voted: yes

Resolution officially adopted on: December 7, 2010

**3. Request for use of Village Hall**

Susan Hoffner of the Putnam County Child Advocacy Center requested use of Village Hall in January 2011 for holding a conscious fathering program. Board members had no objection.

#### **4. Waterfront Lighting Proposal**

Andy Chmar, Executive Director of the Hudson Highland Land Trust reviewed the history of the proposal for lighting at the waterfront park from 2007 to the present. Mr. Chmar informed the board that the Historic District Review Board recently voted 3-2 to reject the lighting proposal. The HHLT has raised funds in the amount of \$76,500 and must accomplish the goals and objectives set forth by the fund-ers including: increasing the night views of the Hudson Highlands, decreasing energy consumption and low maintenance.

James Hartford of River Architects presented schematics of the proposed lighting design and railing design. He presented historical photographs of the dock and waterfront and explained changes from original proposals.

At the meeting with the HDRB a desire for use of light poles was expressed. Since that meeting, the HHLT has considered an option to have this plan as currently proposed with an agreement that an escrow account would be established containing enough money to buy two additional lights for the corners at the end of the dock. Total amount: \$3,200. One year after installation and at the discretion of the village board, the village could decide if want to spend the money on the two corner lights. The village could also decide on the other seven lights at cost if they so desire.

The meeting was then opened for public comment.

Al Zgolinski, Chair of the Historic District Review Board pointed out that a memo had been distributed that described the board's objection. The memo stated that "the bollard fixture was a modern fixture which was not sympathetic to the style and character of the neighboring structures. In addition, they felt that the light being bounced off the ground is a method of lighting which has no historical precedent and is not appropriate to a space of public assembly. These Board members stated that the overhead bishop's crook style fixture, which was also dark sky compliant, would have been an acceptable alternative." K. Foley, member of the HDRB, voted in favor of the proposal. She stated that the applicant is acting in the spirit of compromise. There is no written or photographic evidence of historic lighting on the dock and that the impact on the surrounding fabric is minimal and respectful. The current proposal complies with our own design standards and federal standards.

There was discussion with members of the public and the following points were presented:

1. Will there be adequate and safe lighting for boats that are docking at the waterfront.
2. How can the village go forward with this if the HDRB turned them down as a certificate of appropriateness is needed for a permit.
3. It is a bad precedent to usurp the decision of one of our boards.
4. Impressed with the level of complexity of the issue safety, aesthetics, environment and money savings.
5. Maintenance problems with the current lights
6. Problems with safety and children on the dock are paramount
7. Wanted to see other communities that have this type of lighting
8. Don't think we have the safety problems here that they have at Pier 17.
9. Current light fixtures are in a state of deterioration and will need to be replaced anyway –is it fair to come to the taxpayers within a few years and ask for money.

10. Individual with lighting expertise stated that when the dock is full and dock is filled with kids playing you cannot get light penetration into the crowd.
  11. most events at the waterfront disperse prior to dark
  12. Safety increases with this type of lighting
  13. There are things that can be done to alleviate lighting problems on the few occasions when it will be required.
  14. Consideration of safety not the purview of the HDRB
  15. No legal issues here only brightness issue with crowds.
- Board member Hustis questioned the authority of the Village Board to act upon this.

Mayor Gallagher moved to approve of the light scheme as described here with the added component that monies for two more crook lights be placed into an escrow account, controlled by the village and will schedule a year after the installation a review and public input to make decision regarding the installation of two corner lights.

Acknowledge that the proposal includes monies for a railing at an approximate value of \$30,000 based upon current estimates by T. Yanitelli. Motion seconded by Trustee Campbell.

On roll call vote:

Trustee Charles Hustis voted yes

Trustee Bruce Campbell voted yes

Trustee John Ralph Falloon voted yes

Trustee Airinhos Serradas voted no – based on wanted to have one more final hearing

Mayor Gallagher voted yes.

Resolution officially passed.

### **Bill Approval**

Trustee Campbell moved to authorize payment of the audited bills and seconded by Trustee Hustis. Trustees Campbell, Hustis, Falloon and Mayor Gallagher voted in favor with Trustee Serradas opposed.

The holiday party was scheduled for Friday, January 21, 2011 at 5:30 pm.

Respectfully submitted,

Mary Saari, Village Clerk