

**Minutes of the Board of Trustees Workshop
June 28, 2011**

The Board of Trustees of the Village of Cold Spring, Putnam County, NY held a regular workshop meeting on Tuesday, June 28, 2011, starting at 7:30 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

There were present: Mayor Seth Gallagher, Trustees: Bruce Campbell, J. Ralph Falloon, Charles Hustis, III, and Airinhos Serradas.

There were absent: none

Also in attendance were Ron Gainer, P.E.; Gregory Phillips, Water and Wastewater Superintendent; Robert P. Smith of Hawkins Delafield & Wood LLP; Ellen Mageean, Village Accountant; Sandra Falloon and Mary Saari, Village Clerk

Members of the Public: Karen and Tom Virgadamo, Donna Steltz, Betty Budney, John Landolfi, Michael Armstrong, and Tom Rolston.

Ron Gainer began by explaining exactly what the relining of the water main from Fishkill Road to the pressure valve, located in front of Preusser's Real Estate office on Main Street, would entail. The cost for this initial work will be \$930,000. The work will be done at 500 feet increments adding shut off valves as they go, to be determined through the access pits. The residents will be notified when the work will be done in front of their premises. After a lengthy discussion, it was decided that the extension of the relining will go to the bottom of Main Street ending at the East side of the railroad tracks for an additional \$355,000. Also, a new control panel will be installed at the water treatment plant for \$250,000 bringing the total to \$1,535,000. A bond will be purchased for this work. There are no grants available for this type of work.

Robert P. Smith, Bond Counsel, reviewed the proposed resolution to authorize serial bonds for water main improvements. The board agreed to a bond amount of \$1,535,000 and to change the scope of the project to include the replacement of the control panel at the water treatment plant. Also, in Section 1 the phrase, "collection of water rates" was added after the word appropriation.

Trustee Airinhos Serradas offered the following resolution and its moved adoption.

**RESOLUTION 2011-43
\$1,535,000 Serial Bonds for Water Main Improvements**

BOND RESOLUTION OF THE VILLAGE OF COLD SPRING, NEW YORK, ADOPTED JUNE 28, 2011, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE WATER MAIN ALONG FISHKILL ROAD AND MAIN STREET, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,535,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$1,535,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION.

THE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING, IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of

all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Cold Spring, in the County of Putnam, New York (herein called the "Village"), is hereby authorized to construct improvements to the water main along Fishkill Road and Main Street, consisting of relining the water main and related cleaning, site work, replacement of Water Treatment Plant control panel and other ancillary work. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,535,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,535,000 serial bonds of the Village to finance said appropriation, the collection of water rates and the levy and collection of taxes upon all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$1,535,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation

notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Putnam County News and Recorder*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF COLD SPRING, NEW YORK

PLEASE TAKE NOTICE that on June 28, 2011, the Board of Trustees of the Village of Cold Spring, in the County of Putnam, New York, adopted the bond resolution entitled:

"Bond Resolution of the Village of Cold Spring, New York, adopted June 28, 2011, authorizing the construction of improvements to the water main along Fishkill Road and Main Street, stating the estimated maximum cost thereof is \$1,535,000, appropriating said amount for such purpose, and authorizing the issuance of \$1,535,000 serial bonds of said Village to finance said appropriation," an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Cold Spring to construct improvements to the water main along Fishkill Road and Main Street, consisting of relining the water main and related cleaning, site work, replacement of Water Treatment Plant control panel and other ancillary work; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,535,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,535,000 serial bonds of the Village to finance said appropriation, the collection of water rates, and the levy of taxes upon all the taxable real property within the Village to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$1,535,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of

the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: June 28, 2011
Mary Saari, Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

* * *

The adoption of the foregoing resolution was seconded by Trustee Charles Hustis and duly put to a vote on roll call, which resulted as follows:

AYES: Trustee Bruce Campbell

Trustee J. Ralph Falloon

Trustee Charles Hustis

Trustee Airinhos Serradas

Mayor Seth Gallagher

NOES: NONE

The resolution was declared adopted.

Residents along Church Street have approached the Village Board to complain of excessive vehicular speeds causing unsafe conditions for pedestrians and children playing on this residential street. Ron Gainer, PE did an investigation on this matter. There were five (5) suggestions that are often used for this problem: a) signage; b) speed humps; c) raised crosswalks; d) neckdowns or bump-outs; and e) chockers. Each suggestion has its pros and cons.

- a) Signage: the least expensive, however, without active enforcement, the stop sign often becomes ignored and may not offer any long term mitigation to the existing problem.
- b) Speed Humps: relatively inexpensive; easy for bicycles to cross; and effective in slowing travel speeds. However, they cause a rough ride for drivers; may increase noise and air pollution; and have questionable aesthetics.
- c) Raised Crosswalks: improve safety for both pedestrians and vehicles; and effective in reducing speeds. However, it can be expensive; may increase noise and air pollution; and could impact drainage.
- d) Neckdowns or Bump-outs (curb extensions at intersections): improves pedestrian circulation and space; easily negotiable by large vehicles; create protected on-street parking bays and reduce speeds, especially for right-turning vehicles. However, effectiveness limited by absence of vertical or horizontal deflection; may slow right-turning emergency vehicles; may require elimination of some on-street parking; and may require bicyclists to briefly merge with vehicular traffic.
- e) Chokers (curb extensions placed at midblock): easily negotiable by large vehicles; can have positive aesthetic value; and reduce both speeds and volumes. However, effectiveness limited by absence of vertical or horizontal deflection; may require elimination of some on-street parking; and may require bicyclists to briefly merge with vehicular traffic.

After discussing the above, it was suggested that Mr. Gainer meet with Ed Trimble at the site to discuss the options. Also snow plowing must be taken into consideration.

The residents of Church Street and the Board will meet at the site at a time to be determined before any decisions are made.

John Landolfi spoke about speed problems on the corner of Paulding Ave. and Route 9D at the Bank Street entry. On Saturdays, when the Farmer's Market is located at the lower parking lot of the Hospital grounds and parking for customers is located in the main parking lot off Paulding Avenue, cars are coming off of Route 9D, at 30 mph entering Paulding Avenue at that same rate of speed causing a hazardous problem with his children who live in the house next to Downey Oil Company.

An email will be sent to Officer-in-Charge George Kane making him aware of this speeding problem. Perhaps a speed monitoring sign could be put right at that entry of Paulding Avenue to slow vehicles down.

The Board of Trustees and Mayor Gallagher passed, unanimously, holding a public hearing on a local law amending of the Village of Cold Spring Code Section 126-24 by adding a new provision for enforcement of penalties on delinquent parking tickets by impounding vehicles or securing them in place by means of a "boot" or similar detention device.

Village Code Chapter 126, "Vehicles and Traffic", Article IV, "Enforcement and Penalties", Section 126-24, "Additional penalty provisions", is hereby amended to add the following provisions:

C. In addition to any other penalties or fines imposed for the violation of the Chapter, any authorized law enforcement official shall have authority to impound or to secure in place by means of a "boot" or similar detention device, any vehicle parked upon any public street in the Village of Cold Spring for which report has been made from the Village Justice Court to the Village Police Department that delinquent parking tickets totaling Two Hundred Dollars (\$200) or more have been issued and have not been paid, satisfied, or otherwise disposed of.

D. The owner of a vehicle removed to an impound area or secured in place under Section "C" hereof shall be responsible for payment of the charges for removal, securing and storage of the vehicle.

E. Vehicles which are impounded or secured in place under Section "C" hereof shall be retained in custody until such time that said tickets for parking violations as well as all removal and storage charges have been paid, satisfied, or otherwise disposed of.

RESOLUTION NO. 44-2011

WHEREAS, the Village Board of Trustees of the Village of Cold Spring has before it a proposed local law entitled: "A Local Law To Amend Section 126-24 Of Village Code Chapter 126, 'Vehicles And Traffic,' Article IV, 'Enforcement And Penalties,' By Adding A New Provision For Enforcement Of Penalties On Delinquent Parking Tickets," and

WHEREAS, the proceedings upon the proposed local law require that it be introduced and that the Village Board hold a public hearing upon it,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the movant of this resolution does hereby introduce the proposed local law, and

2. That a public hearing on the proposed local law is set for July 12, 2011 at 6:45 p.m. and that due notice of the same is directed to be given by publication and posting.

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

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES
Airinhos Serradas, Trustee, voting	YES

J. Ralph Falloon, Trustee, voting YES

Seth J. Gallagher, Mayor, voting Yes

Resolution # 44-2011 was passed unanimously setting a public hearing on July 12, 2011 at 6:45 pm in the Village Office building.

Resolution #2011-45

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:	A00-1110-440	Justice: Office Supplies	\$317.00
	To:	A00-1110-450	Justice: Postage	\$246.00
	To:	A00-1110-460	Justice: Software Fees	\$99.00
	From:	A00-1110-110	Court Clerk: Personal Services	\$662.00
			To transfer money to justice court line items that went over budget.	
(2)	To:	A00-1325-400	Accountant: Contractual	\$196.00
	From:	A00-1340-400	Budget and Other Notices	\$196.00
			To increase accountant contractual for postage for tax billing and purchase of deposit slips.	
(3)	To:	A00-1410-450	Village Clerk: Comprehensive Plan	\$440.00
	From:	A00-1410-451	Village Clerk: Comp Plan- Village Board	\$440.00
			To increase the comp plan budget for copies and advertising.	
(4)	To:	A00-1420-400	Attorney: Village Board	\$889.00
	To:	A00-1420-410	Attorney: Special	\$143.00
	From:	A00-1440-401	Engineer/Architect: Contractual	\$1,032.00
			To increase attorney budgets for additional expenses.	
(5)	To:	A00-1620-411	Shared Services: Heating	\$226.00
	To:	A00-1620-412	Shared Services: Electric	\$35.00
	From:	A00-1460-400	Records Management: Contractual	\$261.00
			To increase shared services & electric for increase in costs.	
(6)	To:	A00-1640-410	Shared Services: Restroom	\$69.00
	From:	A00-1640-417	Shared Services: Village Hall Repair	\$69.00
			Increase restroom budget for additional expenses related to the propane.	
(7)	To:	A00-3120-200	Police: Equipment	\$601.00
	To:	A00-3120-411	Police: Gasoline	\$1,253.00
	From:	A00-3120-430	Police: School & Supplies	\$300.00
	From:	A00-1910-400	Unallocated Insurance	\$600.00
	From:	A00-1930-400	Judgments & Claims	\$957.00
			To increase police budget for additional equipment and increase in gas due to increase in	

			prices.	
(8)	To:	A00-3410-411	Fire Department: Gasoline	\$90.00
	To:	A00-2262-000	Fire Protection Service: Gas (Revenue)	\$90.00
			To increase expenses and revenue for additional fire department gas expenses.	
(9)	To:	A00-3410-412	Fire: Heating Oil/Service	\$300.00
	To:	A00-3410-450	Fire: Electricity	\$211.00
	To:	A00-3410-460	Fire: Building Repairs	\$107.00
	To:	A00-3410-470	Fire: Service Award	\$73.00
	From:	A00-3410-400	Fire Inspector: Contractual	\$440.00
	From:	A00-3410-413	Fire: Diesel	\$155.00
	From:	A00-3410-440	Fire: Siren	\$63.00
	From:	A00-3120-410	Police: Service and Materials	\$33.00
			To increase fire department line items for additional expenses.	
(10)	To:	A00-5110-410	Highway Street Maint: Supplies & Materials	\$321.00
	To:	A00-5110-420	Highway Street Maint: Equipment Repair	\$804.00
	From:	A00-5110-100	Highway Street Maint: Personal Service	\$1,125.00
			To increase highway department line items for additional expenses.	
(11)	To:	A00-5182-410	Street Lights: Haldane/Butterfield	\$163.00
	To:	A00-5182-400	Street Lights: Gazebo	\$42.00
	To:	A00-7140-470	Recreation: Electricity	\$166.00
	From:	A00-5182-400	Street Lights: Contractual General Street Lights	\$371.00
			To increase budgets for electricity and lighting expenses.	
(12)	To:	A00-5410-400	Sidewalks: Maintenance & Repair	\$335.00
	From:	A00-5410-100	Sidewalks: Personal Service	\$335.00
			Increase sidewalk maintenance & repair for additional expenses.	
(13)	To:	A00-8510-400	Community Beautification: Contractual	\$823.00
	From:	A00-8160-420	Recycling: Equipment & Maintenance	\$823.00
			To increase community beautification for additional expenses, such as cedar for benches, purchase of flags and mulch for main street	
(14)	To:	A00-9035-800	Medicare	286.00
	From:	A00-9050-800	Unemployment Insurance	286.00
			To increase Medicare budget for additional expenses related to police contract settlement.	

Budget Adjustment # 7 From: A1930-400 Judgments & Claims should be \$954.00, not \$957.00 to be consistent with the total of the movement of funds in the "TO" category - \$1,854.00

Resolution #45-2011 Moved by: Trustee Hustis, seconded by: Trustee Falloon.
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 # 45-2011 is officially adopted **as amended** by a unanimous vote on this 28th day of June, 2011. The accountant is hereby authorized to transfer such funds immediately.

A proposal was received from Sedore Hudson Valley CPA to serve as independent auditors for the Village of Cold Spring for the fiscal years ending May 31, 2011, 2012 and 2013.

Trustee Serradas was opposed to accepting a three year contract and would like to receive proposals from additional firms before agreeing to a full three year contract with this firm.

Ellen Mageean has suggested that the Village keep Sedore for the remainder of this fiscal year, June 1, 2010 through May 31, 2011 which would end work for the firm around the end of October for a cost of \$12,000. Within three weeks, a Request For Proposals from other firms will be sent out.

A motion was made by Trustee Hustis to accept the proposal from Sedore Hudson Valley CPA for the 2010/2011 fiscal year with the filing of the paperwork completed by October, 2011 for a cost of \$12,000. Trustee Falloon seconded the motion. The vote was: Trustee Campbell - yes; Trustee Falloon – yes; Trustee Hustis – yes; Trustee Serradas – no; Mayor Gallagher – yes. The motion carried with a majority vote.

A motion was made by Trustee Hustis to send out RFPs for the present fiscal year beginning June 1, 2011 and ending May 31, 2012, seconded by Trustee Serradas. The motion was carried unanimously.

A request was made to the Board from Robert Downey of the highway department, to exchange two weeks of vacation time for pay to cover costs arising from his daughter's acceptance to college. A motion to approve Mr. Downey's request was made by Trustee Serradas, seconded by Trustee Falloon. The motion was unanimously carried.

Attorney, James A. Duckham representing the Cold Spring PBA, wrote a letter referencing Officer-in-Charge George Kane. He stated that based on Attorney, Aron Z. Karabel's representation of Officer Kane, Mr. Duckham's firm has decided not to file a grievance regarding Officer Kane's rate of pay (including stipend amount) and retroactive payment. Officer Kane will receive an additional retroactive payment of \$1,932.61 before taxes, for the period up to and including May 31, 2011. Effective June 1, 2011, in accordance with the collective bargaining agreement, the OIC's base hourly rate of pay will be 12.5% above the Step 6 Base Hourly Rate of Pay in accordance with the collective bargaining agreement.

Trustee Falloon made a motion to pay Officer-in-Charge Kane an additional retroactive payment of \$1,932.61 before taxes, for the period up to and including May 31, 2011. Effective June 1, 2011, the OIC's base hourly rate of pay will be 12.5% above the Step 6 Base Hourly Rate of Pay in accordance with the collective bargaining agreement. The motion was seconded by Trustee Serradas. The motion was carried unanimously.

Butterfield Realty, LLC owner, Paul Guillaro, is looking for a commitment by August 15, 2011 from the Village Board to build a new firehouse on the former Butterfield Hospital property. Discussions continued

among the Board members with the end result that Mayor Gallagher and Trustee Falloon will speak with Mr. Guillaro requesting that rather than committing to this, with a cost of approximately \$4,000,000, that Mr. Guillaro leave it on the table for a backup plan.

New York State Conference of Mayors and Municipal Officials (NYCOM) are offering planning and zoning board members a four (4) credit summer school program for 2011 with a registration fee of \$70.00 for NYCOM members and \$140.00 for non-members. The registration fee includes breakfast, lunch, breaks and all materials.

Trustee Serradas made a motion to accept the summer school program registrations for Trustee Hustis, Zoning Board Members, Edward Murphy and John Martin and Planning Board member and Liaison for the Special Board, Richard Weissbrod to attend the summer school session for the fee of \$70.00 per person. Trustee Falloon seconded the motion. The vote was carried unanimously.

Review and consideration of the dock railing plans was moved to the agenda for the next meeting, July 5, 2011.

A letter was received from Phil D'Amato for his mother, Angie D'Amato of 13 Stone Street, regarding the poor condition of the sidewalk between Railroad Avenue and Stone Street. This will be looked into by the Board.

A "thank you" was noted by the Board to the Putnam County News and Recorder for a check in the amount of \$8,000 for payment towards the fire works for Community Day festivities on July 3, 2011.

The Village Board went into Executive Session at the motion of Trustee Hustis seconded by Trustee Campbell for discussions on personnel issues and two Justice Court prosecutions.

Trustee Hustis moved to exit from executive session and seconded by Trustee Falloon and unanimously approved.

Trustee Hustis moved to accept the attorney's recommendation regarding prosecution of the Justice Court case and seconded by Trustee Campbell and unanimously approved.

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

Adjournment by unanimous consent at 10:18 pm.

Respectfully submitted,

Mary Saari
Sandra L. Falloon