

**MINUTES OF THE VILLAGE OF COLD SPRING BOARD OF TRUSTEES**  
**MONTHLY MEETING ON JULY 12, 2011**

The Board of Trustees of the Village of Cold Spring held their regular monthly meeting immediately after the conclusion of the public hearing on amending the Village Code regarding fence height requirements.

Attending: Mayor Seth Gallagher and Trustees Bruce Campbell, Charles Hustis, and J. Ralph Falloon

Absent: Trustee Airinhos Serradas

Also: Stephen Gaba, Village Attorney; William Bujarski, Building Inspector; Ellen Mageean, Village Accountant; Michael Armstrong, Chairman of the Special Board for the Comprehensive Plan/LWRP

Members of the Public

Mayor Gallagher opened the meeting followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Trustee Hustis requested an amendment to the June 14, 2011 minutes. He asked that the vote on Resolution #38-2011 be changed from 3-1 to 3-0-1. Trustee Hustis moved to accept the minutes, as amended, for the 6/14/2011, 6/28/2011, 7/5/2011 meetings. Motion seconded by Trustee Campbell and unanimously approved.

**FINANCIAL REPORT**

At Mayor Gallagher's request the proposed budget amendment resolution was deferred until later in the meeting. Ms. Mageean reviewed bank balances for period ending on 6/30/2011. At this time, \$127,000 in village taxes remains uncollected. Ms. Mageean pointed out that Pidala Electric donated their services for connection of temporary power on Community Day and to hang banners. Mayor Gallagher thanked Pidala Electric for their contributions to the Village. An independent audit has been scheduled to begin on September 19<sup>th</sup>.

**BUILDING AND FIRE INSPECTOR REPORT**

Mr. Bujarski has completed the required code enforcement training. As a vacancy exists for the Assistant Building Inspector/ Fire Inspector position, Mr. Bujarski recommended incorporating into a single Office of Code Enforcement. Mr. Bujarski is awaiting an opinion from the Planning Board regarding pools over 5,000 gallons. With regards to the historic barn on the property at 18 Fair Street, Attorney Gaba advised reopening the case in front of the Zoning Board of Appeals.

**POLICE DEPARTMENT AND JUSTICE COURT**

No incidents were reported during the Community Day Celebration, other than traffic congestion.

During the month of June the Justice Court collected \$8,537.

### **REPORT OF THE WATER AND WASTEWATER DEPARTMENTS**

Bids for the replacement of the Master Control Panel at the treatment facility are due on 7/14/2011.

Bart Clark, P.E. will be attending the 7/26/2011 board workshop to discuss the aeration study, flow monitoring study and the Market Street lift station replacement. Mayor Gallagher is investigating alternate sources of water and is looking at water rights on Jaycox Road.

### **RECREATION COMMISSION**

Trustee Campbell reported that the commission is currently working on the following: appointment of a chairperson, fertilization contract, requests for use of Mayor's Park. Trustee Campbell reviewed pending applications. Trustee Hustis moved to approve of all requests for use of Mayor's Park and seconded by Trustee Falloon and unanimously approved.

Trustee Campbell reported a successful Community Day celebration. He thanked everyone involved including Sally Peparo, Phil Schatzle, and the Putnam County News and Recorder. The fireworks have been rescheduled for September 3<sup>rd</sup> with a rain date of September 4<sup>th</sup>.

Karen Kapoor of the Friends of Tots arranged for a community build to install new equipment at McConville Park. The group will be purchasing sand, mulch and cement for the park and asked the village to split these expenses 50/50.

Trustee Hustis moved to approve of splitting the costs of purchasing cement, stone and mulch for an amount up to \$400.00. Motion seconded by Trustee Campbell and unanimously approved.

### **ADDITIONAL MONTHLY REPORTS**

Michael Armstrong, Chair reported that the Special Board has concentrated their efforts on drafting the Local Waterfront Revitalization Strategy Report, which is what the state grant covers. At the June 23<sup>rd</sup> meeting, the Special Board was devoted to hearing comments from the public on possible uses for the Village Garage site. The contract for the LWRS is due to be completed by November 30, 2011.

Mr. Armstrong reviewed reimbursement requests submitted and received. Out of the \$50,000 grant, the Special Board has approximately \$13,000 left and available for contract work. An adjustment to the LWRS budget, necessary to make full use of funds, will be applied for soon. There has been no word on whether funding will be available for the next phase to complete the LWRP.

There was discussion between board members and M. Armstrong about the procedures for drafting the plan, emphasis on residents and cost estimates for proposed projects.

### **REPORT OF THE MAYOR AND BOARD OF TRUSTEES**

Trustee Hustis will forward the proposed RFP for auditing services to the board. Trustee Campbell met with the NYSDOT regarding crosswalks. The DOT had no objection to installing crosswalks at Fishkill Avenue and Academy Streets. Two additional crosswalks on Chestnut Street are currently being reviewed.

Mayor Gallagher commended the board for supporting a 1.5 million dollar bond resolution to finance the water main relining project and replacement of the control panel at the water treatment plant.

Replacement of sidewalks on Fair Street, which were contracted out last year, are complete. Upcoming repairs will be undertaken on Fair, West and Pine Streets. Mayor will be seeking price quotes to replace sidewalks on Mountain Avenue and Locust Ridge.

With the board considering the former Butterfield site offer for a new firehouse and planning repairs to the meeting room floor, Trustee Falloon sought an engineering proposal to assess the building for future purposes. Michael Carr, P.E. proposed an evaluation of the firehouse foundation, floor system, bearing walls and roof system with a focus upon possible future expansions of the building. The cost for this evaluation is \$4,250.00. Attorney Gaba advised that there are items in the contract that he would not agree to. After brief discussion, Trustee Falloon moved to approve of the scope, program and fee subject to the preparation of a mutually acceptable contract. Motion seconded by Trustee Campbell and unanimously approved.

**Resolution #:2011-46**

Moved by: Trustee Hustis  
 Seconded by: Trustee Campbell

*Resolved that (1)* The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the 2011/2012 fiscal year:

(1)	To:	A00-7140-200	Recreation: Equipment	\$4,000.00
	From:	A00-7170-400	Recreation: Repairs & Improvements	\$4,000.00
			<b>To increase equipment budget for purchase of lawn mower.</b>	
(2)	To:	F00-8340-400	Transmission and Distribution: Engineering	\$8,000.00
	From:	F00-8320-420	Source of Supply: Dam Engineering	\$8,000.00
			<b>To increase transmission and distribution – engineering for engineering costs related to the water relining project.</b>	
	To:	A00-1440-400	Engineer: Contractual	\$3000.00
	From:	A00-3410-460	Fire: Repairs Building	\$3000.00
			<b>To increase engineer contractual budget for the structural engineering study related to the Fire House.</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: ABSENT  
 Mayor Seth Gallagher voted: YES

Resolution officially adopted on 7/12/2011 by a vote of 4-0.

## **UNFINISHED BUSINESS**

### **RESOLUTION NO. 47 - 2011**

WHEREAS, the Village Board has considered 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, this is an action subject to SEQRA and the Village Board, as the only Involved Agency, is Lead Agency, and

WHEREAS, the Village Board has caused to be prepared and has before it an Environmental Assessment Form, and has identified the action as an Unlisted Action,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Mayor is hereby authorized to sign the EAF, and

2. That after due consideration of all the facts and circumstances in this matter the Village Board as Lead Agency does hereby adopt the annexed Negative Declaration.

Trustee Charles Hustis presented the foregoing resolution which was seconded by Trustee Ralph Falloon.

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES
Airinhos Serradas, Trustee, voting	ABSENT
John Ralph Falloon, Trustee, voting	YES
Seth Gallagher, Mayor, voting	YES

Resolution officially adopted on the 12<sup>th</sup> day of July 2011 by vote of 4-0.

### **SEQRA NEGATIVE DECLARATION**

#### **Notice Of Determination Of Non-Significance**

Lead Agency: Village of Cold Spring Village Board  
85 Main Street  
Cold Spring, New York 10516

Date: July 12, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described will not have a significant effect on the environment.

Title of Action: 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.

SEQRA Status: Unlisted

Description of Action: The Village Board is enacting an amendment to Village Code Chapter 126 regarding enforcement of penalties on delinquent parking tickets.

Location: Village-wide.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed Local Law as per review of the Short Form EAF and Part 2 prepared pursuant to SEQRA.

Contact Person for further information:

Seth Gallagher, Mayor  
Village of Cold Spring  
85 Main Street  
Cold Spring, New York 10516  
(845) 265-3611

**Resolution No. 48 - 2011**

WHEREAS, the Village Board has considered 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, following due notice the Village Board held a public hearing on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law, a copy of which is **attached**, and
2. That the said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany.

Trustee Charles Hustis presented the foregoing resolution which was seconded by Trustee J. Ralph 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	ABSENT
J. Ralph Falloon, Trustee, voting	YES
Seth J. Gallagher, Mayor, voting	YES

Resolution officially adopted on July 12, 2011 by a vote of 4-0.

**RESOLUTION NO. 49 - 2011**

WHEREAS, the Village Board has considered a proposed local law entitled: "A Local Law To Amend Village Code Chapter 134, 'Zoning,' By Amending Section 134-2, 'Word Usage And Definitions,' To Add Definitions For The Terms 'Fence' And 'Fence Height,' And By Amending Subsection (D)(1) Of Section 134-17, 'Supplementary Regulations Applying To All Residence Districts,' To Revise The Provisions Thereof Regarding 'Permitted Obstructions'," and

WHEREAS, this is an action subject to SEQR and the Village Board, as the only Involved Agency, is Lead Agency; and

WHEREAS, the Village Board has caused to be prepared and has before it an Environmental Assessment Form, and has identified the action as an Unlisted Action;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Mayor is hereby authorized to sign the EAF, and

2. That after due consideration of all the facts and circumstances in this matter the Village Board as Lead Agency does hereby adopt the annexed Negative Declaration.

Trustee Hustis presented the foregoing resolution which was seconded by Trustee J. Ralph Falloon.

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES
Airinhos Serradas, Trustee, voting	ABSENT
John Ralph Falloon, Trustee, voting	YES
Seth Gallagher, Mayor, voting	YES

Resolution officially adopted July 12, 2011 by a vote of 4-0.

## **SEQRA NEGATIVE DECLARATION**

### **Notice Of Determination Of Non-Significance**

Lead Agency: Village of Cold Spring Village Board  
85 Main Street  
Cold Spring, New York 10516

Date: July 12, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency has determined that the proposed action described will not have a significant effect on the environment.

Title of Action: A Local Law To Amend Village Code Chapter 134, "Zoning," By Amending Section 134-2, "Word Usage And Definitions," To Add Definitions For The Terms "Fence" And "Fence Height," And By Amending Subsection (D)(1) Of Section 134-17, "Supplementary Regulations Applying To All Residence Districts," To Revise The Provisions Thereof Regarding "Permitted Obstructions."

SEQRA Status: Unlisted

Description of Action: The Village Board is enacting an amendment to Village Code Chapter 134 regarding fence height.

Location: Primarily residence districts, but impacting other districts as well.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed Local Law as per review of the Short Form EAF and Part 2 prepared pursuant to SEQRA.

Contact Person for further information:

Seth Gallagher, Mayor  
Village of Cold Spring  
85 Main Street  
Cold Spring, New York 10516  
(845) 265-3611

**Resolution No. 50 - 2011**

WHEREAS, heretofore the Village Board has considered a proposed local law entitled: "A Local Law To Amend Village Code Chapter 134, 'Zoning,' By Amending Section 134-2, 'Word Usage And Definitions,' To Add Definitions For The Terms 'Fence' And 'Fence Height,' And By Amending Subsection (D)(1) Of Section 134-17, 'Supplementary Regulations Applying To All Residence Districts,' To Revise The Provisions Thereof Regarding 'Permitted Obstructions'," and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law, a copy of which is attached; and
2. That the said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany.

Trustee J. Ralph Falloon presented the foregoing resolution which was seconded by Trustee Charles Hustis,

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting	NO
Bruce D. Campbell, Trustee, voting	NO
Airinhos Serradas, Trustee, voting	ABSENT
J. Ralph Falloon, Trustee, voting	YES
Seth J. Gallagher, Mayor, voting	YES

Resolution not adopted- Vote of 2-2.

**RESOLUTION NO. 51 -2011**

WHEREAS, the Village Board has considered a proposed local law entitled: " A Local Law To Amend Village Code Chapter 134, 'Zoning,' By Amending Section 134-2, 'Word Usage And Definitions' By Repealing The Definition 'Story, Half' As Set Forth Therein And Enacting In Its Place And Stead A New Definition For The Term 'Story, Half'," and

WHEREAS, this is an action subject to SEQR and the Village Board, as the only Involved Agency, is Lead Agency, and

WHEREAS, the Village Board has caused to be prepared and has before it an Environmental Assessment Form, and has identified the action as an Unlisted Action,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Mayor is hereby authorized to sign the EAF, and

2. That after due consideration of all the facts and circumstances in this matter the Village Board as Lead Agency does hereby adopt the annexed Negative Declaration.

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

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES
Airinhos Serradas, Trustee, voting	ABSENT
John Ralph Falloon, Trustee, voting	YES
Seth Gallagher, Mayor, voting	YES

Resolution officially adopted on 7/12/2011 by a vote of 4-0.

## **SEQRA NEGATIVE DECLARATION**

### **Notice Of Determination Of Non-Significance**

Lead Agency: Village of Cold Spring Village Board  
85 Main Street  
Cold Spring, New York 10516

Date: July 12, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law. The lead agency

has determined that the proposed action described will not have a significant effect on the environment.

Title of Action: A Local Law To Amend Village Code Chapter 134, "Zoning," By Amending Section 134-2, "Word Usage And Definitions" By Repealing The Definition "Story, Half" As Set Forth Therein And Enacting In Its Place And Stead A New Definition For The Term "Story, Half".

SEQRA Status: Unlisted

Description of Action: The Village Board is enacting an amendment to Village Code Chapter 134 regarding the definition of "half-story."

Location: Village-wide.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed Local Law as per review of the Short Form EAF and Part 2 prepared pursuant to SEQRA.

Contact Person for further information:

Seth Gallagher, Mayor  
Village of Cold Spring  
85 Main Street  
Cold Spring, New York 10516  
(845) 265-3611

#### **Resolution No. 52 - 2011**

WHEREAS, the Village Board has considered a proposed local law entitled: " A Local Law To Amend Village Code Chapter 134, 'Zoning,' By Amending Section 134-2, 'Word Usage And Definitions' By Repealing The Definition 'Story, Half' As Set Forth Therein And Enacting In Its Place And Stead A New Definition For The Term 'Story, Half', " and

WHEREAS, following due notice the Village Board held a public hearing on the proposed local law,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law, a copy of which is attached, and
2. That the said local law shall be effective upon publication, posting and filing in the Office of the Secretary of State in Albany.

Trustee Charles Hustis presented the foregoing resolution which was seconded by Trustee J. Ralph 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	ABSENT
J. Ralph Falloon, Trustee, voting	YES
Seth J. Gallagher, Mayor, voting	YES

Resolution officially adopted 7/12/2011 by a vote of 4-0.

Stephen Gaba asked the board if they wanted to complete the title search to clarify ownership of The Boulevard. The original estimate was \$300. The revised estimate is \$650 to \$850. Trustee Hustis moved to table to the next meeting and seconded by Trustee Falloon. The board unanimously approved tabling this item to the next workshop.

#### **NEW BUSINESS**

The West Point Ferry boat requested docking at the waterfront on 7/15/2011 from 6-9 p.m. for a cruise on the river. Trustee Hustis moved to approve this application and seconded by Trustee Falloon and unanimously approved.

The Senior Citizen Picnic was scheduled for August 20, 2011 from 12 noon to 3:00 p.m. A review of the comments on the Comprehensive Plan was scheduled for August 16<sup>th</sup>.

Three additional members of the Planning and Zoning Boards requested approval to attend the NYCOM Planning and Zoning Summer School. Trustee Falloon moved to approve and seconded by Trustee Hustis and unanimously approved.

**PUBLIC COMMENT**

Annette Flaherty responded to accusations regarding her hot dog vending stand. She wanted to set the record straight that the state abides by the Putnam County Department of Health. She added that her group raised funds for sports and the Relay for Life.

**APPROVAL OF BILLS**

Trustee Campbell moved to approve payment of the audited bills and seconded by Trustee Hustis and unanimously approved.

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

Respectfully submitted,

Mary Saari, Village Clerk

**MINUTES OF THE VILLAGE BOARD OF VILLAGE OF COLD  
SPRING CLOSED SESSION OF JULY 12, 2011**

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

Motion to resume regular meeting and adjourn motion made by Trustee Hustis and seconded by Trustee Falloon.

The vote on the foregoing motion was as follows:

Bruce Campbell, Trustee voting	Aye
Ralph Falloon, Trustee voting	Aye
Airinhos Serradas, Trustee voting	Absent
Charles Hustis, Trustee voting	Aye
Seth Gallagher, Mayor, voting	Aye

Minutes of closed session taken by Village Attorney Stephen Gaba.