

Board of Trustee Workshop

November 1, 2011

The Board of Trustees for the Village of Cold Spring held a workshop meeting on Tuesday, November 1, 2011 beginning at 7:30 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

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

Also in attendance were Michael Armstrong, Anne Impellizzeri, John Kish, Mike Santos, Rita Shaheen, Timmy and Joe Etta and Katharine Square.

Joe Etta and his son, Timmy Etta, requested a water and sewer service for Joe's property located on 1 Division Street, Nelsonville. The actual pipe work was done 27 years ago, July 19, 1984, under Mayor McConville, but was never connected to the building. At present, there is a \$750 charge for each connection. They were requesting that the fee be waived based on the fact that this was in contract 27 years ago.

After a discussion among the Board members, Trustee Serradas made a motion to waive the fees of \$750 for water and sewer connections for 1 Division Street, Nelsonville, because of the previous contract made with the Village on July 19, 1984. Seconded by Trustee Campbell, the motion was carried unanimously. **The minutes from this meeting will be attached to the "Outside User Agreement for Water and Sewer Service".**

There was a slide presentation by John Kish, introduced by Michael Santos. Mr. Kish represents Protecall, Sustainable Building Solutions, "Super Therm" an insulating and weatherizing process which is sprayed overtop of roofing materials. A similar process can be used inside as well as outside and on residential homes as well as commercial buildings for a savings in heating and air conditioning costs.

Rita Shaheen, Director of Parks for Scenic Hudson, requested that the Village waive the Performance Bond that is being requested for the work they are doing on the West Point Foundry Preserve project. She stated that Scenic Hudson has never left any project incomplete and that if a Performance Bond is required, Scenic Hudson will have to raise the funds in order to pay for it.

The Planning Board feels that they need a site plan resolution. Rob Cameron of Putnam Engineering believes that Village Attorney, Stephen Gaba, needs to look it over. Mayor Gallagher will speak with Attorney Gaba regarding this.

The Board will table their decision regarding the waiver for the Performance Bone until they have heard from the Planning Board. At that time, they will be able to make an informative decision.

Changes to the January 27, 2011 version of the Comprehensive Plan Resulting from Board of Trustees meetings held on September 6, 2011 and October 25, 2011.

PROPOSED CHANGES:

2.2.3 Recommendation: In the event that the DEC and the Village agree to remove contamination underneath the building and it is torn down, re-think the uses of the entire property from the river to Market street while ensuring that a reconstructed Boat Club facility is a part of the resulting plan.

2.2.5 Recommendation: If the Boat Club building is rebuilt, consider making the structure available for both the Boat Club members and Village residents with opportunities for private use and use by outside organizations on a fee basis.

Goal 6 Property taxes page 59 last sentence – Generally, residential development creates a negative fiscal impact because families typically send children to public schools, and more students result in school costs that can exceed property tax revenues generated by a development.

6.4.2 DELETE Recommendation: Consider restricting or prohibiting residential developments in which the properties will be held in a condominium form of ownership or any other form of ownership that reduces tax revenue.

The deletion of this recommendation went into a discussion of the Board. The Village Attorney had previously reported that the Village cannot control this. It is a State law. Trustees Falloon, Hustis and Serradas voted YES to delete this from the Comprehensive Plan and Trustee Campbell and Mayor Gallagher voted NO saying it doesn't hurt to include it. The recommendation will be deleted with the final vote of 3-2-0.

OUTSTANDING ITEMS

2.2.4 Recommendation: If the structure remains in place after the coal tar remediation, consider improving or redesigning and rebuild the structure, including restrooms for the Boat Club and public restrooms accessible directly from the street.

7.2.6 Recommendation: Amend the *Zoning Code* (and if required the Historic District regulations) to require appropriate scale, setbacks, streetscape and design features consistent with Village character.

A motion was made by Trustee Hustis to adopt the changes to the Comprehensive Plan as amended, seconded by Trustee Falloon. The motion was carried unanimously. A Public Hearing will be set at 7:30 pm for November 29, 2011 in the Village Office, 85 Main Street.

RESOLUTION NO. 66-2011

WHEREAS, the Village Board has reviewed and revised the draft comprehensive Plan received from the Comprehensive Plan Special Board, and

WHEREAS, pursuant to Village Law §7-722 it is necessary and appropriate to hold a public hearing on the revised draft Comprehensive Plan, with notice of the public hearing being published in the local newspaper at least ten (10) days in advance of the public hearing;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the Village Board shall hold a public hearing on

the revised draft Comprehensive Plan on Tuesday, November 29, 2011 at 7:30 p.m. at Village Hall, 85 Main Street, Cold Spring, New York 10516; and

2. That the Village Clerk is directed to cause notice of the public hearing to be published not less than ten (10) days prior to the date of the public hearing; and

3. A copy of the revised draft Comprehensive Plan shall be placed on file in the office of the Village Clerk to be available for public review.

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

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting YES

Bruce D. Campbell, Trustee, voting YES

John Ralph Falloon, Trustee, voting YES

Airinhos Serradas, Trustee, voting YES

Seth Gallagher, Mayor, voting YES

Resolution No. 66-2011 Changes to the January 27, 2011 version of the Comprehensive Plan Resulting from Board of Trustees meetings held on September 6, 2011 and October 25, 2011, as amended, is unanimously adopted this day, Tuesday, November 1, 2011.

Mayor Gallagher received a Summary of Contract from Fuss & O'Neill for a proposal for Design of Engineering Services on the aerations system upgrade at the Fair Street Wastewater Treatment Facility going from a "coarse bubble" aeration system to a "fine bubble" aeration system. After receiving feedback from the Village Attorney, Stephen Gaba, the following resolution was voted upon.

RESOLUTION NO. 67-2011

WHEREAS, the Village Board has received a proposal from Fuss & O'Neill for design engineering of the aeration system upgrade to the Wastewater Treatment Facility on Fair Street; and

WHEREAS, the Village Board finds the proposal for engineering services acceptable, but has concerns regarding the wording of several contract provisions as per the report letter received from the Village Attorney; and

WHEREAS, the Village Board wishes to go forward with the proposal submitted by Fuss & O'Neill as soon as possible, subject to submission of a contract in acceptable form;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the Village Board approves the proposal submitted by Fuss & O'Neill subject to submission of a contract in an acceptable form; and

2. That the Village Board hereby authorizes the Village Attorney to contact Fuss & O'Neill to solicit and prepare a revised contract for design engineering of the aeration system upgrade to the Wastewater Treatment Facility on Fair Street for further consideration and approval by the Village Board.

Trustee Falloon presented the foregoing resolution which was seconded by Trustee Serradas.

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting YES

Bruce D. Campbell, Trustee, voting YES

John Ralph Falloon, Trustee, voting YES

Airinhos Serradas, Trustee, voting YES

Seth Gallagher, Mayor, voting YES

Resolution No. 67-2011, Fuss & O'Neill for design engineering of the aeration system upgrade to the Wastewater Treatment Facility on Fair Street from a coarse bubble system to a fine bubble system, has been unanimously adopted this day, Tuesday, November 1, 2011.

A copy of the report letter from Village Attorney, Stephen Gaba, is included with these minutes.

A letter was received by Trustee Campbell, liaison to the Recreation Commission, from the Friends of the Cold Spring Tots Park. They have requested that the Board of Trustees consider removing the line of fencing along McConville Park's western edge (on High Street) in order to improve park safety and enable the installation of a much-needed sidewalk along this stretch. This fence, along with the fence on Haldane Street has no bearing on the Tots Park equipment as the actual play area is enclosed with its own fencing.

The Board discussed the possibility that perhaps the entire block of McConville Park, Haldane, High and Chestnut Streets and Northern Avenue, could have sidewalks installed as a safety factor for all walkers.

Trustee Campbell also received a letter from Jon Champlin, President of Philipstown Pop Warner regarding the lack of lighting on Mayors Park. Peter Giachinta (co-owner of Pidala Electric), has been in contact with Central Hudson who has agreed to donate and install a 40 foot telephone pole on the west side of Fair Street just south of the 3rd base dugout. This would be installed in a location where it would not affect the view of the residents located on Fair Street or Grandview Terrace.

It has been discussed at an earlier meeting that a subpanel be installed for electrical upgrade at the south end of the field for future evening use. Mr. Chanplin proposed that Pop Warner would purchase and install the lighting fixtures which would then be hooked to the electrical line with the wiring run underground to the newly installed telephone pole.

The Service Award for the Philipstown Fire Company is calculated based on the number of calls. This amount totals \$20,652. The Town of Philipstown requested that the Village base this on the assessment value of the property which totals \$15,380 leaving a short fall for the Village of \$5,272. The Town Board suggested that the Village and Town split the difference making the Village shortfall \$2,636. After a discussion among the Village Board members citing that the Service Award in the amount of \$20,652 was in this year's budget, it was decided to keep this amount based on the number of calls and change the amount calculated on assessment value in 2013.

A motion was made by Trustee Falloon to keep the payment calculation based on the number of calls for this year and change the calculation of the amount based on assessment value in 2013, seconded by Trustee Serradas. The vote was unanimous. Motion carried.

Phil Heffernan requested that the Village check out the drainage on the north side of the fire house which is going into his property and icing up. This will be put on a workshop agenda.

Following is the LEGAL NOTICE for the winter of 2011 – 2012 Snow Ordinance.

LEGAL NOTICE
Winter Parking and Sidewalk Notice Village of Cold Spring

Beginning November 15, 2011 and continuing through April 15, 2012, seasonal parking restrictions will take effect pursuant to Sections 126-15 and 126-36 of the Village Code. These restrictions prohibit all overnight parking between the hours of 12:01 a.m. and 6:00 a.m. The Village Board has agreed to a “~~trial~~ call in program”, ~~to test as an~~ optional methods of seasonal parking control. Therefore, each day from 4:00 p.m. on, a telephone message will be available at 265-4883 (the Village Highway Garage) to notify the caller whether the seasonal off-street parking will be enforced for that evening. The general ban on parking will remain in effect. However, the ~~trial~~ call-in method is intended to limit the need for off-street parking to snow emergencies. It is important that a telephone call is made during and after snowstorms because snow emergencies are not limited to the day of the storm. ~~Many times it may be necessary to continue snow removal on Village streets as much as 24 hours after a snowfall.~~ , **and can extend to the following day or days.** The decision of the Village Board is intended to assist all Village residents who find off-street parking a problem, but everyone must understand the consequences of receiving a parking ticket if the rules set forth are not adhered to.

Should you have any questions about whether to park overnight during the winter season, you are strongly advised to follow the general rule and remove your car from the street. Towing of vehicles may be required during snow emergencies at the owner’s expense. Areas provided for seasonal off-street parking are Kemble Avenue south of The Boulevard and the south side of The Boulevard. Signs will mark designated areas.

Pursuant to Village Code Section 108-21, the owner and/or occupant of each and every building and lot in the Village shall keep the full width of the sidewalk free of snow and ice. When ice on said walk cannot be removed, it shall be covered with sand and other materials not detrimental to the concrete such as calcium chloride, in such a manner as will enable persons to walk thereon with safety. Rock salt or salt based materials shall not be used. Clearing of said sidewalk should begin within a reasonable time during and after snow accumulation. Summonses will be issued to violators.

Another means of notifying the Village residents may be via NY alert system through the Cold Spring Fire Company.

The above Legal Notice is adopted this Tuesday, November 1, 2011 as amended above. Motion brought by Trustee Hustis, seconded by Trustee Falloon, carried unanimously.

Resolution No. 68-2011 was presented seeking an opinion from the New York State Comptroller to the resolution adopted on September 9, 2011 regarding relations with the Cold Spring Fire Company No 1 and a fire service contract.

RESOLUTION NO. 68-2011

WHEREAS, the Village Board has received a draft letter from counsel seeking an opinion from the New York State Comptroller in regard to the resolution adopted on September 9, 2011 regarding relations with Cold Spring Fire Company No. 1 and a fire service contract, and

WHEREAS, the Village Board has reviewed the said letter;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the Village Board approves the said letter and authorizes sending it to the New York State Comptroller's Office.

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

The vote on the foregoing resolution was as follows:
Charles Hustis, Trustee, voting YES
Bruce D. Campbell, Trustee, voting YES
John Ralph Falloon, Trustee, voting YES
Airinhos Serradas, Trustee, voting YES
Seth Gallagher, Mayor, voting YES

An amendment to this Resolution No. 68-2011 is made this day, Tuesday, November 1, 2011 for a change of the "adopted date" from September 9, 2011 to September 6, 2011.

Resolution No. 68-2011 seeking an opinion from the New York State Comptroller to the resolution adopted on September 9, 2011 regarding relations with the Cold Spring Fire Company No 1 and a fire service contract was unanimously adopted this Tuesday, November 1, 2011 with the amended "adopted date" of September 6, 2011.

Approval of Bills: Trustee Hustis moved to approve payment of the bills, seconded by Trustee Campbell. The vote was unanimous.

The Board went into Executive Session to discuss an issue of potential litigation.

Upon returning to the open workshop, the meeting was adjourned.

Respectfully submitted,

Sandra L. Falloon