

**Village of Cold Spring
Board of Trustees Workshop
October 23 2012**

The Board of Trustees for the Village of Cold Spring held a workshop on Tuesday, October 23, 2012, beginning at 7:00 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Mayor Seth Gallagher, Trustees Bruce Campbell, J. Ralph Falloon, Matthew Francisco, Charles Hustis, III and Village Attorney, Stephen Gaba.

The meeting began with a presentation from Pete McFarland, Utility Forester, and John Maserjian, Director of Media Relations both representing Central Hudson. They explained how and why the trees are cut with a 10 foot right-of-way as indicated by the Federal and State Governments. Tree crews use a technique called “directional pruning” which means cutting branches where they join another branch or at the trunk of the tree.

Resolution No. 37-2012 Amendment of Village Code in B-4 District

WHEREAS, the Village Board is considering amending the Village Code in regard to uses permitted in the B-4 District to better conform with the provisions of the Village’s Comprehensive Plan; and

WHEREAS, the Village Board has before it a draft local law entitled “A Local Law to Amend Village Code Chapter 134 by Amending Village Code Sections 134-3, ‘Listing of Districts’, and 134-15, ‘Regulations for B-4 Designated Medical And Health Care Facility District’,” a copy of which is annexed hereto;

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 November 27, 2012 at 7:30 o’clock p.m. and that due notice of the same is directed to be given by publication and posting, and
3. That the Planning Board is requested to review the proposed changes and respond back to the Village Board by November 20, 2012.

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

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting YES
Bruce D. Campbell, Trustee, voting YES
J. Ralph Falloon, Trustee, voting YES
Matt Francisco, Trustee, voting YES
Seth J. Gallagher, Mayor, voting YES

Resolution #37-2012 was adopted unanimously on this day, October 23, 2012.

An email from the **HDRB** Chairman, Al Zgolinski, was sent to the Mayor and Board on Friday, October 19, 2012 regarding Code Interpretation.

The HDRB would like to recommend that they solicit a legal opinion from a lawyer experienced in historic preservation ordinances. Bill Hurst of Greenberg Traurig, LLP was recommended as an expert in such law.

What Chairman Zgolinski proposes is:

1. We agree on the points in dispute;
2. The Village Attorney updates his memo to address the points and we prepare a brief for our interpretation;
3. We get to review our respective briefs; and
4. We send to Mr. Hurst our Code and our respective briefs.

After receiving his response, if we want to, we can make a conference call or ask Mr. Hurst to come down for a meeting.

The HDRB has spoken with the legal firm of Greenberg Traurig, LLP. The proposal from Bill Hurst is *attached*.

After a very lively debate regarding hiring the firm and a 10 minute break, Trustee Francisco made a motion to approve the hiring of William Hurst of Greenberg Traurig, LLP to represent the HDRB. The motion was seconded by Trustee Falloon. The motion was approved with a vote of 4-1-0 with Mayor Gallagher voting no.

Trustee Hustis made a motion for the Village Clerk to prepare an RFP for the purpose of perhaps hiring new legal counsel for the Village Board.

Mayor Gallagher said it was not necessary to do an RFP for this purpose. All that is necessary is to call different firms and set up interviews.

Trustee Falloon seconded Trustee Hustis' motion and Trustee Francisco said he will assist in the preparation of the RFP. The motion was approved with a vote of 4-1-0 with Mayor Gallagher voting no.

Resolution No. 38-2012 Contract and work plan from Greenplan Inc., for LWRP

WHEREAS, the Village Board has received a proposed contract and work plan from Greenplan, Inc., for professional services regarding preparation of a Local Waterfront Revitalization Program, and

WHEREAS, the proposed contract and work plan has been reviewed and found to be acceptable,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board hereby approves the said work plan, a copy of which is *attached* hereto, and
2. That the Village Board hereby authorizes the Mayor to execute the contract on behalf of the Village.

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

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting YES
Bruce D. Campbell, Trustee, voting YES
J. Ralph Falloon, Trustee, voting YES
Matt Francisco, Trustee, voting YES
Seth J. Gallagher, Mayor, voting YES

Resolution #38-2012 was adopted unanimously on this day, October 23, 2012.

A motion was made by Trustee Hustis to approve the audited **bills** presented to the Board for payment. Trustee Campbell seconded the motion with a unanimous vote. The payment of the bills was approved.

The agenda for October 30, 2012 Village Workshop is as follows:

- a. Cold Spring Firehouse – Trustee Falloon will get estimated costs for the proposed reconstruction of the firehouse, speak with the Fire Company members, talk with Village Accountant, Ellen Mageean and present it to the Board where funding will be discussed.
- b. Resolution regarding Indian Point – Roberto Mueller will have a presentation for the Board.
- c. Computer technical support proposals.

There has been a **FOIL** appeal brought to the Village Board regarding the construction of a shed on Stone Street that was approved by the Zoning Board. There will be a discussion on the appeal and resolution scheduled for November 13, 2012 at the regular monthly meeting.

Resolution No. 39-2012 FOIL request from Susan Peehl

WHEREAS, the Village Board has received an appeal from Susan Peehl in regard to a FOIL request made to the Village, and

WHEREAS, pursuant to Village Code § 24-7 appeals from denial of FOIL requests are heard by the Village Board;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Clerk shall transmit a copy of the appeal to the State Committee on Public Access to Records;
2. That the Village Clerk, as the Village FOIL officer, shall review the appeal and render a report to the Village Board; and
3. That the Village Board will consider the appeal at its regular monthly meeting on November 13, 2012.

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

The vote on the foregoing resolution was as follows:

Charles E. Hustis III, Trustee, voting Yes
Bruce D. Campbell, Trustee, voting Yes
J. Ralph Falloon, Trustee, voting Yes
Matt Francisco, Trustee, voting Yes
Seth J. Gallagher, Mayor, voting Yes

Trustee Campbell stated that Margaret Parr made a request to use **Mayors Park** on Friday October 26, 2012. Trustee Hustis made a motion to approve Ms. Parr's request seconded by Trustee Campbell. The motion was carried unanimously.

Meeting was adjourned.

Respectfully submitted,

Sandra L. Falloon