

**Minutes Board of Trustees Meeting
November 13, 2012**

The Village of Cold Spring Board of Trustees held a public meeting on Tuesday, November 13, 2012 beginning at 7:00 PM for the purpose of reviewing the audit of the financial statements for the fiscal year ending on May 31, 2012.

Attending: Mayor Seth Gallagher and Trustees Campbell, Matt Francisco, and Charles Hustis

Also attending: Ellen Mageean, Village Accountant; Jim Letterio, CPA and William Cochran, CPA of Sedore and Company

Absent: Trustee J. Ralph Falloon

Members of the public

J. Letterio and W. Cochran reviewed the audit of financial statements for the fiscal year ending on May 31, 2012 and answered questions from the board. The **attached** summary prepared by Mr. Cochran provides highlights of this audit.

FOIL APPEAL HEARING

Immediately after the audit review, the board proceeded to a hearing on a Freedom of Information Appeal. All board members present for the audit review attended the hearing in addition to Stephen Gaba, Village Attorney and William Bujarski, Building Inspector. The board was joined by Susan Peehl and Andrew Hall who appealed the denial of a FOIL request by Mary Saari, Village Clerk/ Records Management Officer. Attorney Gaba reviewed the appeal application. The **attached** memos were read by Mary Saari describing the details of the denial. Mayor Gallagher opened the meeting to public comment.

Andrew Hall stated that he was curious as to why there was a reference made to an email and now there is a denial stating that it doesn't exist.

Mayor Gallagher commented that the village had requested an opinion and he was told that there was going to be an email sent.

Mr. Hall added that these exchanges/conversations were occurring prior to their filing of an appeal and this goes directly to the prejudice of our hearing. It appears there were conversations/actions taken to reach a conclusion before our appeal.

In response, Mayor Gallagher offered that this was not prior to a request for action. There was a desire to find out what the process should be, which ultimately led up to a memorandum on 5/2/2012.

Attorney Gaba reviewed emails sent by Mr. Bujarski occurring on 4/04/12 and 4/07/2012. These emails relate to notification of an appeal on the issuance of a building permit and another informing the village that work was continuing on the Stone Street shed. The point is that there is no email.

Susan Peehl read sections of the transcript that was attached to the FOIL request and pointed out that the timing of this discussion occurred on April 10th and their appeal application wasn't submitted until 4/18/2012. This decision was made on our case and we didn't submit our application until 4/18/2012. She asked how many other times does it come up in a public meeting when there is a reference to something that hasn't taken place and offer a solution to it.

B. Bujarski spoke about a gap that occurred between when it was stated that there would be an appeal and the actual filing. He was seeking information about the process.

Mayor Gallagher read a proposed resolution deciding the FOIL appeal. The mayor requested that the board add his actual statements from the meeting into the resolution. The village clerk was asked to review the tape of the meeting and compare it to the transcript. The resolution was also changed to strike the statement, if it exists at all and to add the word applicant in item #2.

The board decided that they would consider a resolution deciding this appeal at their workshop, scheduled for next week.

Mayor Gallagher moved to close the public hearing and seconded by Trustee Francisco and unanimously approved.

Minutes Board of Trustees Monthly Meeting November 13, 2012

The Board of Trustees of the Village of Cold Spring held their regular monthly meeting on Tuesday, November 13, 2012 at Village Hall, 85 Main Street, Cold Spring, NY after the close of the FOIL hearing.

Attending: Mayor Seth Gallagher and Trustees Campbell, Francisco and Hustis

Also attending: Stephen Gaba, Village Attorney; Ellen Mageean, Village Accountant, Gregory Phillips, Water Superintendent; William Bujarski, Building Inspector, Michael Armstrong, Chair of the Special Board for the Comprehensive Plan/LWRP

Members of the public

Absent: Trustee J. Ralph Falloon

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

APPROVAL OF MINUTES

The minutes of the following meetings were presented for board approval: October 8, 2012 joint meeting between the Village Board and the Historic District Review Board, October 9, 2012 public hearing and monthly meeting and October 23, 2012. Trustee Hustis moved to accept the minutes of the joint meeting with the Historic District Review Board and seconded by Trustee Campbell. Vote: Mayor Gallagher and Trustees Hustis and Campbell voted to approve. Trustee Francisco abstained from the vote as the minutes of this meeting were distributed on Monday and he didn't have an opportunity for review.

Trustee Hustis moved to approve minutes of the 10/09/2012 and 10/23/2012 meetings; seconded by Trustee Francisco and unanimously approved.

FINANCIAL REPORT

Trustee Campbell moved to approve of the audit report (for period ending May 31, 2012) and seconded by Trustee Hustis and unanimously approved.

Bank balances for the period ending on October 31, 2012 were reviewed.

Ms. Mageean recommended transferring funds from the Sewer Plant Capital Reserve Account and the Sewer Plant Renovation account into the Sewer Fund and discussed the reasons for this recommendation. Mayor Gallagher asked for preparation of a formal resolution on both of these transfers for consideration at a future workshop.

Ms. Mageean informed the board that the invoice from NYS Retirement was more than budgeted for. This amount was approximately \$10,000 over in the general fund (ERS) and \$15,000 in the Police and Fire. In the general fund, the increase was related to increased salaries and adjustments. In the Police and Fire, the increase appears to be related to increases in salaries and the police contract settlement that occurred last year. The option of amortizing over ten years was discussed.

The Putnam County bid for electrical supply was not accepted by the village as the lowest bid exceeded the amount that the board had voted on.

WATER AND WASTEWATER REPORTS

Mainlining Services, Inc. has made the decision to leave for the season. While the main reason was weather related, there is a need to rethink the bypass supply to Haldane School, as the water pressure for the second story was not able to be maintained under the current configuration.

The impact of Hurricane Sandy on the wastewater system is described in the **attached** remarks prepared by G. Phillips. Bart Clark, Peter Giachinta of Pidala Electric and Scott Monroe were thanked for their tireless efforts and assistance with this disaster.

The board had no objection to the purchase of an Emmons pump replacement damaged during the storm.

Trustee Hustis moved to approve the purchase of a control panel at a cost not to exceed \$9,000 for the West Street pump station and seconded by Trustee Francisco and unanimously approved.

Mayor Gallagher thanked Greg Phillips for his work during this hurricane.

An onsite workshop with Bart Clark, P.E. at the West Street pump station was scheduled for November 20, 2012.

BUILDING AND FIRE INSPECTION DEPARTMENT

William Bujarski presented reports for the months of September and October. He spoke of progress on the violations at 37 Fair Street. Storm damages to properties located west of the railroad tracks were discussed. Fees for dumpsters/PODS have been waived to parties who suffered damages from Hurricane Sandy.

REPORT OF THE POLICE AND JUSTICE COURT

OIC Kane reported that no major incidents occurred on Halloween. With the winter months approaching, residents were reminded of winter parking regulations. He added that privately-owned lots are not for winter parking.

The Justice Court collected \$13,220.00 during the month of October.

ADDITIONAL MONTHLY REPORTS

Trustee Campbell received a request from Rand Otten of PARC to coordinate the Tree Lighting Ceremony with the Cold Spring by Candlelight event on December 1st. The board unanimously approved of this request.

Planning Board Liaison- The Planning Board reviewed the proposed local law regarding changes to the B-4 zoning. The Elmesco workshop has been rescheduled awaiting the report of a traffic consultant.

Historic District Review Board – The HDRB has asked for the village board to approve of separate counsel to assist with their upcoming public hearing on the demolition of the former Butterfield Hospital building. The HDRB recommended Brian Morgan of Porco and Lusardi. There was discussion on this issue with Mayor Gallagher opposing use of separate counsel citing the experience and excellent reputation of the village attorney. After discussion it was decided that the board would arrange for an interview with Brian Morgan of in closed session.

Special Board for the Comprehensive Plan/LWRP- The planned public workshop that was originally scheduled for November 17th has been rescheduled for January 19th. The Special Board anticipates making a recommendation on franchise/fast food establishments in early December. At the request of the Village Board, the Special Board reviewed the proposed draft local law for changes to B-4 zoning and provided the **attached** comments.

REPORT OF THE MAYOR AND BOARD OF TRUSTEES

Mayor Gallagher provided an update on the village activities associated with Hurricane Sandy. He encouraged residents to contact FEMA for assistance. He thanked Putnam County, emergency services and the ambulance corps for their efforts.

Trustee Hustis spoke about having R. Muller attend a workshop to present information on Indian Point. He also spoke about introducing pod casting for village board workshops and inviting Assemblywoman Galef to attend a workshop to discuss consolidation of services.

CORRESPONDENCE

A highway department employee requested payment in lieu of two weeks vacation.

Trustee Hustis moved to approve two weeks in vacation pay and seconded by Trustee Campbell and unanimously approved.

ManRom, LLC asked for permission to film a scene for the feature, Manhattan Romance on Saturday, November 17th on West Street. Applicants have been informed of a \$500 fee.

Trustee Hustis moved to approve the request for filming and seconded by Trustee Francisco and unanimously approved.

Scenic Hudson will be hosting a Forum on Revitalizing Hudson Riverfronts and Climate Change scheduled for November 15th.

NEW BUSINESS

Resolution No. 40-12

WHEREAS, the Village Board has considered a proposed local law entitled: "A local law to amend Village Code Chapter 126, 'Vehicle and Traffic' by amending Section 126-32, Schedule V, 'Stop Intersections,'" 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 Bruce Campbell,

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	ABSENT
Matt Francisco, Trustee, voting	YES
Seth J. Gallagher, Mayor, voting	YES

Resolution officially adopted by a vote of 4-0.

Resolution No. 41 - 12

WHEREAS, the Village Board has considered a proposed local law entitled: "A Local Law To Amend Village Code Chapter 126, 'Vehicles And Traffic,' By Amending Village Code Section 126-18.3, 'Trailers,' Restricting The Parking Of Trailers On Village Streets," and

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

WHEREAS, as a result of comments and considerations raised at the public hearing, a minor revision was made to the text of the local law to clarify that its provisions apply only to trailers that are not hitched to a vehicle,

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby adopt the proposed local law as revised, 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 Matt 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	ABSENT
Matt Francisco, Trustee, voting	YES
Seth J. Gallagher, Mayor, voting	YES

Resolution officially adopted on November 13, 2012 by a vote of 4-0.

FLOOD MANAGEMENT

Attorney Gaba discussed requirements and timelines for updating the village flood management code. Discussion of this matter will continue at the next workshop. A draft local law must be approved by the board and forwarded to the NYSDEC prior to December 4th.

WINTER PARKING REGULATIONS

Mayor Gallagher read the **attached** winter parking notice. Trustee Hustis moved to adopt as the official notice to be published and seconded by Trustee Campbell and unanimously approved.

VILLAGE OF COLD SPRING RESOLUTION NO. 42-2012

WHEREAS, the Village of Cold Spring has on-street parking regulations which limit or prohibit on-street parking at certain times and locations; and

WHEREAS, the Village of Cold Spring conducts snow clearing on its streets during winter months; and

WHEREAS, snow clearing activity in the vicinity of Marion Avenue and Benedict Road could be better conducted and coordinated with local residents if the

Village's on-street parking regulations are suspended on the dead end portion of Marion Avenue south of Benedict Road to allow parked vehicles to remain thereon; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Village Board of the Village of Cold Spring hereby suspends on-street parking regulations for the dead end portion of Marion Avenue south of Benedict Road until April 1, 2013; and

2. A copy of this resolution shall be posted at Village Hall and provided to the Village Police Department forthwith.

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

The vote on the foregoing resolution was as follows:

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

Resolution officially adopted on November 13, 2012 by a vote of 4-0.

PUBLIC COMMENT

Liz Armstrong asked if there was any flooding in the boat club building and does it mean that the contamination under the boat club went into the river. Mayor Gallagher responded that there were no problems with this.

With no further business before the board, Trustee Hustis moved to adjourn and seconded by Trustee Francisco and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk