

**Village of Cold Spring
Board of Trustees Workshop
November 20, 2012**

The Board of Trustees for the Village of Cold Spring held a workshop on Tuesday, November 20, 2012, beginning at 6:30 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

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

A motion was made to enter closed session for **attorney interviews** by Trustee Francisco, seconded by Trustee Hustis. The motion was unanimously approved

A motion to exit the closed session was made by Trustee Francisco, seconded by Trustee Hustis and was approved unanimously.

At this time, the Board met with Greg Phillips and engineer Bart Clark, PE on-site at the West Street **pump station**

The Board returned to the Village office at 7:30 where the meeting was continued in the meeting room.

Trustee Campbell added a request from the HDRB to the **agenda** with the approval of the Board.

Architects James Hartford of River Architects, and Jamie Copeland of Hudson Designs presented their renderings of the **proposed designs for the Cold Spring Fire House** located on the corner of Main and Church Streets. After a brief question and answer period from the audience to each architect, James and Jamie agreed to work together on the design.

A discussion on the **Flood Management code** revisions brought about a motion to adopt the code as a draft to be forwarded to the state. The motion was presented by Trustee Hustis, seconded by Trustee Francisco and unanimously approved.

RESOLUTION NO. 43 - 2012 FOIL request from Susan Peehl

WHEREAS, on or about August 20, 2012, Andrew Hall and Susan Peehl submitted a FOIL request to the Village seeking a copy of the e-mail as discussed by Mayor Gallagher at the April 10, 2012 Village Board meeting as per a transcription of that section of the meeting, approved by the Village Clerk to be attached to this resolution, that, in part, states:

Mayor Gallagher: "There was uh...I think there's an email either maybe

William Bujarski, Building Inspector: "I missed that one"

Mayor Gallagher: "waiting for you", and

WHEREAS, on September 21, 2012 the Village's FOIL Officer denied the said FOIL request on the grounds that it failed to reasonably describe the record sought and it could not be located, and

WHEREAS, on or about September 25, 2012, Andrew Hall and Susan Peehl submitted a FOIL request to the Village seeking copies of "communications between the building department and the 14 Stone Street applicants in the weeks (6) leading up to the issuance of the April 28, 2010 Building Permit

renewed for the 14 Stone Street shed and any follow-up correspondence pertaining to the same renewal," and

WHEREAS, on October 6, 2012, the Village's FOIL Officer denied the said request on the grounds that no records were found, and

WHEREAS, On October 19, 2012, appeals were taken from the denial of the two said FOIL requests pursuant to Village Code §24-7, and

WHEREAS, the Village Board, as the body designated to hear appeals regarding denial of access to records under the Freedom of Information Law, has considered the appeals herein and given due consideration to the matter,

NOW, THEREFORE, it is hereby decided and resolved that the appeals herein are disposed of as follows:

1. The appeal from the denial of the request for a copy of "The e-mail as discussed by Mayor Gallagher at the April 10, 2012 Village Board meeting as per the attached transcript" is denied. In the transcript of the Village Board meeting referenced by the appellants, the Mayor did not specify any particular e-mail and, in fact, he only stated that he "thought" that "maybe" an e-mail had been sent to the building inspector. At that time, the building inspector stated that he had not received any such e-mail. Review of the Building Inspector's records, the Mayor's records and the email records of the Village Attorney, Stephen Gaba and his associate, Amy Emick, does not disclose any such e-mail. Since the e-mail at issue cannot be identified based upon the information provided by the appellants; the Village's FOIL officer properly denied the FOIL request.

2. The appeal from the denial of the applicant's request for copies of all communications between the building department and the 14 Stone Street applicant regarding the April 28, 2010 Building Permit renewal is likewise denied. Review of the Building Inspector's records does not disclose any written communications or e-mails that are responsive to the demand. Therefore, the Village's FOIL officer properly denied the FOIL request.

Trustee Hustis presented the foregoing resolution as edited with the *transcript attached* and 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

Resolution 43-2012, Decision of FOIL Appeal was approved this day, November 20, 2012 by a unanimous vote.

A letter written and read by Andrew Hall expressed his displeasure of the actions of the Building Inspector, Bill Bujarski.

A decision on the **Computer system proposal** was tabled until a later date.

A request from Colleen Gerstenberger for a **handicapped parking** sign at 240 Main Street, home of the Bostons, was discussed at a prior meeting. This request was forwarded to the Town Board and to the Cold Spring Police Department for their input. Because there were no objections from anyone, it is going to be sent to the Village attorney for him to write it up for Vehicle and Traffic code.

Al Zgolinski, Chairman of the **HDRB** sent an email request to hire an attorney for the upcoming public hearing on the demolition of the Butterfield Hospital building.

After a discussion among the Board members, a motion was made by Trustee Campbell to approve the HDRB's request to hire attorney Brian Morgan of Daniels, Porco & Lusardi, LLP for the public hearing for the application of the demolition of the Butterfield Hospital building. With a vote of 4-1-0, the motion was approved with Mayor Gallagher voting no.

The Board agreed to have Village attorney Stephen Gaba's firm prosecute a disorderly conduct case for the Village Justice Court.

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.

Meeting was adjourned.

Respectfully submitted,

Sandra L. Falloon