

**MINUTES BOARD OF TRUSTEES MEETING
FEBRUARY 12, 2013**

The Board of Trustees of the Village of Cold Spring met on Tuesday, February 12, 2013 beginning at 6:30 pm at Village Hall, 85 Main Street, Cold Spring, NY.

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

Trustee Campbell moved to enter into executive session for police personnel interviews and seconded by Trustee Hustis and unanimously approved.

6:50 pm Trustee Campbell moved to exit executive session, seconded by Trustee Hustis and unanimously approved. The board recessed to reconvene at 7:30 pm.

All board members present for the interviews attended the monthly meeting.

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

Mayor Gallagher called the meeting to order followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

Trustee Campbell moved to approve the minutes of the following meetings: 1/8/2013, 1/15/2013, 1/29/2013 and 2/5/2013 and seconded by Trustee Hustis and unanimously approved.

FINANCIAL REPORT

During the month, the village filed for CHIPs reimbursement of approximately \$31K, sent the delinquent taxes to the county in the amount of \$46,895.51 (including penalty and interest).

The budget requests have been sent to all the department heads and the Village Boards for input on the Village budgets for the 2013/ 2014 budget year. The tentative budget needs to be filed with the village clerk by March 20, 2013.

As of January 31, 2013 the Village has collected 62% of our budgeted revenue. Excluding the Main Street Project we have collected 87% of our budgeted revenues.

On the expense side, with four months remaining in the year, we have spent almost 50% of our budget. Excluding the Main Street Project, we have spent approximately 70% of our budget. Almost all of the large expenditures have been done with the exception of the funding for the Fireman's Service Award in the amount of \$70,270.00.

As of January 31, 2012, we have spent approximately 67% of our budget, excluding the Main Street Project.

WATER AND WASTEWATER REPORTS

An in house audit of water supplied versus water billed for the fourth quarter of 2012, revealed a deficit of 32.8 %. However, the department has seen a dramatic reduction in the amount of flow from the water treatment plant to the distribution system (29.8 % in December and 35% in January) versus the same period last year. If this hold true the next audit should reveal a significant improvement.

Repair and replacement of equipment damaged in Hurricane Sandy at the West Street pump station is ongoing.

POLICE AND JUSTICE COURT

Due to retirements and a leave of absence, the department currently has 11 part-time officers. In order to maintain twenty-four hour coverage, Officer Kane asked the board to approve hiring two part-time officers and recommended Officers James Stasiak and Lawrence Burke. Trustee Falloon moved to appoint Lawrence Burke and James Stasiak and seconded by Trustee Campbell and unanimously approved.

The Justice Court collected \$15,000 in January 2013.

Recreation: Trustee Campbell moved to approve of an application from Rebecca Wilton to hold a wedding ceremony at the bandstand on Saturday, July 20th and seconded by Trustee Hustis and unanimously approved.

Trustee Falloon requested a workshop to discuss and consider approving a survey of the firehouse property.

Special Board for the Comprehensive Plan/LWRP-The board won an additional \$6,000 in grant funding from the Greenway which will permit strengthening the LWRP with more consulting assistance and more intensive analysis of climate change issues.

REPORT OF THE MAYOR AND BOARD OF TRUSTEES

Trustee Campbell reported on a New York Conference of Mayors meeting that he recently attended.

Trustee Hustis asked for discussion on the RFP for sale of The Grove at the next workshop.

Mayor Gallagher spoke about the stay placed on the Butterfield project by the developer. Mayor pointed out that if the village cannot move forward with Butterfield we no longer have an alternate site for the post office. He called upon the entire board to get involved, to take a stand and to communicate with the public on why it's important to maintain these services within the village.

CORRESPONDENCE

West Point provided an environmental assessment for a new cadet barracks building.

Shirley Norton supported Mr. Guillaro's proposals for the Butterfield site and asked the board to be proactive and to ensure and keep safe these proposals.

OLD BUSINESS

Trustee Campbell discussed the docking application from the Pride of the Hudson. The applicant requested consideration of a reduced fee as the vessel would only be docking during pickup of passengers. After discussion, Trustee Francisco moved to approve the application, with no change in fees, seconded by Trustee Hustis and unanimously approved.

RESOLUTION NO. 06- 13

WHEREAS, the Village Board has considered a project to replace the storm main and catch basins on the east side (northbound)of Route 9D (Morris Avenue) from Craigside Drive north to Northern Avenue under a Multi-Modal Program contract with the State of New York; and

WHEREAS, this is an action subject to SEQRA and the Village Board 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 D. Campbell,

The vote on the foregoing resolution was as follows:

Charles Hustis, Trustee, voting	YES
Matt Francisco, Trustee, voting	YES
J. Ralph Falloon, Trustee, voting	YES
Bruce D. Campbell, Trustee, voting	YES

Seth Gallagher, Mayor, voting YES

Resolution officially adopted February 12, 2013 by a vote of 5-0.

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: January 29, 2013

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: Install two pedestrian crosswalks and perform drainage work on Route 9d from north of Craigsides Dr. to Chestnut Ridge under Multi-Modal Program.

SEQRA Status: Unlisted

Description of Action: The Village is installing 2 pedestrian crosswalks and perform drainage work on Route 9d from north of Craigsides Dr. to Chestnut Ridge.

Location: Route 9D.

Reasons Supporting This Determination: No significant environmental effects are associated with the proposed project to install 2 pedestrian crosswalks and perform drainage work on Route 9d from north of Craigsides Dr. to Chestnut Ridge.

Contact Person for further information:

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

Village of Cold Spring Resolution No. 07 - 2013

[A Resolution authorizing implementation, and funding in the first instance of the State Multi-Modal Program-aid eligible costs, of a capital project, and appropriating funds therefor.]

WHEREAS, the Village Board of the Village Cold Spring is considering a capital improvement project for performance of certain drainage work on NYS Route 9D from Craigsides Drive north to Northern Avenue (the "Project"); and

WHEREAS, the Project is eligible for funding under New York State's Multi-Modal Program, which is administered by the New York State Department of Transportation ("NYSDOT"), and has been assigned Project Identification Number 8MA105.30A; and

WHEREAS, the Village Board of the Village of Cold Spring desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve the Project; and
2. That the Village Board hereby authorizes payment by the Village, in the first instance, of 100% of the federal and non-federal share of the cost of the work on the Project as set forth in Schedule "B" of the Multi-Modal Program Capital Project Agreement; and
3. That the sum of Twenty-Five Thousand Dollars (\$25,000) is appropriated from the Village's funds and made available to cover the cost of participation in the above-listed phase of the Project; and
4. That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Village Board of the Village of Cold Spring shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Mayor thereof, and

5. That the Mayor of the Village of Cold Spring be and hereby is authorized to execute the Multi-Modal Program Capital Project Agreement and all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the Village of Cold Spring with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Village's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible; and

6. That a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and

7. That a certified copy of this resolution shall also be filed with the New York State Commissioner of Transportation by attaching it to any other required and/or appropriate Agreements executed in connection with the Project between the Village of Cold Spring and the State of New York; and

8. That this resolution shall take effect immediately.

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

The vote on the foregoing resolution was as follows:

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

Resolution officially adopted February 12, 2013 by a vote of 5-0.

Village of Cold Spring Resolution No. 08 - 2013

WHEREAS, the Village Board of Trustees has investigated the parking spaces that are available on Main Street, specifically in front of the residence at 241 Main Street; and

WHEREAS, the Village Board has concluded that it is in the public interest to provide a clearly identified handicapped parking space on the side of the street located in front of the residence at 241 Main Street; and

WHEREAS, the Village Board has before it a draft local law entitled “A local law to amend Village Code Chapter 126, “Vehicle and Traffic” by amending Section 126-18.2 “Handicapped Parking,” a copy of which is annexed hereto, which would provide for a clearly identified parking space in front of the residence at 241 Main Street, Cold Spring;

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 March 12, 2013 at 7:15 o'clock p.m. and that due notice of the same is directed to be given by publication and posting.

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
John Ralph Falloon, Trustee, voting	YES

Matt Francisco, Trustee, voting	YES
Seth Gallagher, Mayor, voting	YES

Resolution officially adopted by a vote of 5-0.

NEW BUSINESS

Pink Pedal Bouquets requested permission to sell flowers on Route 9D on February 14, 2013. Trustee Hustis moved to approve this request and seconded by Trustee Francisco and unanimously approved.

Discussion of Formula Businesses and Drive Throughs

Michael Armstrong introduced the **attached** report prepared by the Special Board on Drive-Thrus and Formula Businesses dated January 23, 2013. There was discussion with Attorney Gaba regarding limiting restrictions to a defined area rather than instituting throughout the village. If the village pursues restrictions village-wide, Mr. Gaba stressed the importance of articulating the reasons for doing so. In the absence of factual backing, the board may want look into an overlay district. Attorney Gaba recommended creating a grid/map or text showing the location of older homes which would assist in creating boundaries for the restricted area. The Special Board was asked to assist with this effort. Attorney Gaba will work on the text of the local law.

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

PUBLIC COMMENT

Christopher Coleman attended to discuss his status as a parking enforcement officer. Trustee Campbell moved to enter into executive session to discuss a personnel issue and seconded by Trustee Hustis and unanimously approved.

Trustee Hustis moved to exit executive session and to adjourn and seconded by Trustee Campbell and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk