

**Village of Cold Spring**

**Board of Trustees Workshop**

**March 26, 2013**

The Board of Trustees for the Village of Cold Spring held a workshop on Tuesday, March 26, 2013, beginning at 7:30 pm at the Village Hall, 85 Main Street, Cold Spring, NY.

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

A discussion was held regarding the **tentative budget for the 2013/2014** fiscal year. Mayor Gallagher went over the items that had major changes with explanations for each item. At the end of the discussion, it was agreed to hold the public hearing for the budget on Thursday, April 11, 2013 at 7:15 pm in the Village Hall.

Greg Phillips, Superintendent of Water and Wastewater, discussed the costs of the repairs, replacements and updating of the sewer plant and water pipes.

**Village of Cold Spring Resolution No. 14-2013 Setting Date for Public Hearing for a Sewer Rate Increase**

WHEREAS, the Village Board annually fixes and determines the sewer rates to be charged in the Village of Cold Spring; and

WHEREAS, a tentative budget has been prepared which will set the sewer rates for the Village; and

WHEREAS, one component of the said tentative budget will be a flat rate increase of \$4.00 per unit; and

WHEREAS, it is necessary to schedule and hold a public hearing upon the tentative budget and the proposed increase in sewer rates;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a public hearing on the sewer budget and proposed rate increase is set for April 11, 2013 at 7:00 o'clock pm at Village Hall, 85 Main Street, Cold Spring, New York 10516, and that due notice of the same is directed to be given by publication and posting.

Trustee Hustis presented the foregoing resolution which was seconded by Trustee 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 YES  
Matt Francisco, Trustee, voting ABSENT  
Seth J. Gallagher, Mayor, voting YES

**Resolution #14-2013** was adopted unanimously on this day, March 26, 2013.

Mayor Gallagher discussed the invoice received from the law firm of **Daniels, Porco and Lusardi**, for legal representation for the Historic District Review Board, HDRB, during their deliberations on the Butterfield Hospital demolition application. The invoice was over \$14,000 and the billing continued after the resolution was approved. He suggested that the Board meet with Al Zgolinski, Chairman of the HDRB, to see what could be eliminated from the bill thereby substantially reducing it.

### **Village of Cold Spring Resolution No. 15 – 2013 Setting Date for a Public Hearing on the Tentative Budget**

WHEREAS, the Village Board annually prepares a budget for the Village's fiscal year; and

WHEREAS, it is necessary to schedule and hold a public hearing upon the Village's tentative budget for the 2013/2014 fiscal year;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a public hearing on the tentative budget is set for April 11, 2013 at 7:15 o'clock p.m. at Village Hall, 85 Main Street, Cold Spring, New York 10516, and that due notice of the same is directed to be given by publication and posting.

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

Matt Francisco, Trustee, voting ABSENT

Seth J. Gallagher, Mayor, voting YES

**Resolution #15-2013** was adopted unanimously on this day, March 26, 2013.

The **draft employee handbook** will be distributed to the employees and a date will be set for a meeting with the employees after they have had a chance to review it.

The **Bannerman Castle Trust Inc.**, BCT, is an educational not-for-profit organization working to preserve the buildings on Bannerman Island. Neil Caplan, Executive Director of BCT, requested a not-for-profit rate for docking for their 40 foot, flat bottom boat, the **Estuary Steward**. The funds received from the Estuary Steward will be put back into Bannerman Island projects and preservation efforts. Mr. Caplan is requesting 44 days of docking privileges with only a half hour docking twice a day to allow the embarking and disembarking of passengers. In return, the BCT will help promote the Village of Cold Spring.

Mayor Gallagher made a motion for the fee to go from \$2.00 per foot to \$.50 per foot. The motion was seconded by Trustee Falloon. The vote was 3-0-1 with Trustee Hustis abstaining. Motion carried.

Trustee Campbell made a motion to waive the docking fees for the Clearwater, seconded by Trustee Hustis, approved with a unanimous vote.

Trustee Hustis made a motion to approve a filming/photography permit at a fee of \$500 for the **Putnam Bike Classic**. Trustee Falloon seconded the motion with approval of a unanimous vote.

**NYS Office of Parks, Recreation and Historic Preservation**, Fahnestock State Park, has received a request to have a **motorcycle run** to end at Dockside Park on June 29, 2013 beginning at 10 am and ending at 4 pm, "Cruising for St. Jude's Children's Hospital", with all proceeds, after expenses, going to St. Jude's Children's Hospital. There are 50 – 75 participants expected with a cost of \$20 per rider and \$10 per guest.

After a discussion among the Board, it was decided to refer this request to the Recreation Commission and Police Department. Trustee Campbell said it will be discussed further at the next Recreation Commission meeting.

**Central Hudson** completed a field review of the **Christmas Lighting** installed along Main Street. The following requirements are needed to bring the lighting up to code:

1. Obtain the necessary easements from the underlying property owners for pole guying rights; and
2. Have new convenience outlets installed on the poles as per Central Hudson's standard for the "Installation of Convenience Outlet on Distribution Pole with Secondary for Temporary Decorative Lighting". The installations are to be inspected by an approved electrical inspector.

Pidala Electric Inc. gave the Village a preliminary budget of \$4,500 to do the work required to bring the lighting up to code.

A motion was made by Trustee Falloon to approve the work deemed necessary from Central Hudson to upgrade the electric with a quote from Pidala Electric for a cost of \$4,500. Trustee Hustis seconded the motion. The motion was approved with a unanimous vote.

Trustee Hustis made a motion to accept the contract from Putnam County for preparation of the **Village Tax Rolls and Bills** for the calendar year of 2013. Trustee Falloon seconded the motion with a unanimous vote of approval.

Trustee Hustis made a motion to approve the acceptance of design proposal for **Federal Transportation Project** – Main & Furnace Streets and Fishkill Avenue improvements. The motion was seconded by Trustee Falloon. With a unanimous vote, the motion was approved.

### **Resolution No. 16 – 2013 Supplemental Agreement #1 for Implementing and Funding Federal Transportation Project**

WHEREAS, the Village of Cold Spring is undertaking a project to resurface Main Street from NYS Route 9D to the railroad tracks (PIN 8760.04); and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, Resolution No. 2008-33 adopted by the Village of Cold Spring on July 8, 2008 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work; and

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the project;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board does hereby approve the above-subject Project; and
2. That the Village Board hereby authorizes the Village of Cold Spring to pay in the first instance 100% of the federal and non-federal share of the cost of the additional preliminary engineering work for the Project or portions thereof; and
3. That the sum of \$121,000 (\$162,000 minus previous \$41,000) is hereby appropriated and made available to cover the cost of participation in the above phases 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 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 is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiseli Aid on behalf of the Village of Cold Spring with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and
6. That, in addition, the Mayor is authorized to procure such certifications or authorizations from Village officers, employees and consultants as may be necessary for the Project or sought by NYSDOT in connection with the advancement or approval of the Project; and
7. 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
8. That this Resolution shall take effect immediately.

Trustee Hustis presented the foregoing resolution which was seconded by Trustee 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 YES  
Matt Francisco, Trustee, voting ABSENT  
Seth J. Gallagher, Mayor, voting YES

**Resolution #16-2013** was adopted unanimously on this day, March 26, 2013.

**Village of Cold Spring Resolution No. 17-2013 Authorizing signature on a revised Multimodal #4 Agreement**

WHEREAS, the Village Board of the Village Cold Spring has previously approved a contract under the New York State's Multi-Modal Program under Project Identification Number 8MA105.30A; and

WHEREAS, the New York State Department of Transportation has advised the Village that there have been some changes in the form of the contract, but not the substance, which require submission of a newly executed copy of the contract documents; and

WHEREAS, the Village Board of the Village of Cold Spring still desires to advance the Project under the Multi-Modal Program;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Village Board authorizes the Mayor of the Village of Cold Spring to execute the revised forms of the Multi-Modal Program Capital Project Agreement.

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

The vote on the foregoing resolution was as follows:

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

**Resolution #17-2013** was adopted unanimously on this day, March 26, 2013.

Stuart S. Waxman of Thomas, Drohan, Waxman, Petigrow & Mayle, LLP, **Village of Cold Spring Labor & Employment Counsel**, requested approval of a new agreement for the year 2013 – 2014 with the hourly rate of \$200 for attorney services and \$95 for paralegal services, fees unchanged from 2012-2013.

Trustee Hustis made a motion to accept the one year agreement from Stuart Waxman to provide Labor & Employment Counsel with no changes in fees from the previous term. The motion was seconded by Trustee Falloon and approved unanimously.

**Correspondence**

The annual meeting of NYCOM will be held on May 5-7 at Saratoga's Gideon Putnam Hotel.

Joan Claus of 44 Parrott Street requested that the penalty for a late payment charged to her water/sewer bill be waived as she did not receive the bill until March 3, 2013.

A motion was made by Trustee Campbell to waive the late charge from the account of Joan Claus of 44 Parrott Street, seconded by Trustee Hustis. The vote was 3 – 1 in favor of waiving the late charge. Motion carried. Mayor Gallagher voted no.

New York State Office of Children and Family Services has released funding allocations for 2013. The Village of Cold Spring is eligible for \$179 in Youth Development Delinquency Prevention and Recreation funding and \$160 in Youth Services funding. Trustee Falloon made a motion to waive its state aid eligibilities to the Town of Philipstown, as in prior years. Trustee Hustis seconded the motion and it was approved unanimously.

**The Nelsonville Fish & Fur Club** requested the use of the reservoir on Fishkill Road for the Kid's Fishing Day on May 5, 2013 from 8 am until 4 pm. Powers and Haar will issue a certificate of insurance. The request was approved by acclamation.

Stephen Gaba reported on progress with the **Butterfield project** after speaking with Mr. Guillaro, Mr. Miller and Mr. O'Rourke. At present, the time line is too lengthy because two SEQRA reviews were going to be done. Mr. Gaba suggested that they have only one SEQRA Review which would shorten the time line. He also said that the site plan should be more specific which would also help to shorten the time line. The Local Law should be tightened up to reflect the Village's requirements to the concept plan and the Village Board should declare their intent to be lead agency.

The **reorganization** meeting for the Boards of the Village of Cold Spring will be scheduled for Wednesday, April 3, 2013 at 7:30 pm in the Village Hall, 85 Main Street, Cold Spring, NY.

The audited **Bills** brought before the Board were approved for payment by Trustee Campbell, seconded by Trustee Hustis with a unanimous vote.

Meeting was adjourned.

Respectfully submitted,

Sandra L. Falloon