

**Minutes Board of Trustees Meeting
July 15, 2014**

The Village of Cold Spring Board of Trustees held two public hearings and their regular monthly meeting on Tuesday, July 15, 2014 at Village Hall, 85 Main Street, Cold Spring, NY beginning at 7:30 pm.

Attending: Mayor J. Ralph Falloon and Trustees Stephanie Hawkins, Bruce Campbell, Michael Bowman and Cathryn Fadde

Also: Michael Liguori, Village Attorney; Ellen Mageean, Village Accountant; William Bujarski, Building Inspector and Gregory Phillips, Water and Wastewater Superintendent

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

Mayor read the following **public hearing** notice:

The Village of Cold Spring Board of Trustees will hold a public hearing on Tuesday, July 15, 2014 at Village Hall, 85 Main Street, Cold Spring, NY beginning at 7:30 pm to hear public comment on a proposed local law that seeks to change the Village of Cold Spring Code, Chapter 126 Vehicle and Traffic, Section 126-28 Schedule 1, One-Way Roadways and Section 126-29 Schedule 2, Prohibited Turns. The proposed change would make West Street one-way from North Street to New Street and prohibit a right hand turn from Main onto West Street. All interested parties are encouraged to attend and be heard.

The meeting was then opened for public comment. The public did not express an interest in speaking. Mayor read correspondence submitted by Tassos Katsetos, owner 32 West Street, who expressed concern about making changes to the direction of traffic on West Street. He recommended that the village perform an engineering study to determine the effect on emergency vehicle access. After discussion, it was decided that Trustee Bowman will contact the fire company and ambulance corps.

Trustee Bowman moved to close the public hearing and seconded by Trustee Fadde and unanimously carried. Attorney Liguori will prepare related SEQRA documents for a vote at the next meeting.

While the board was awaiting the start of the second public hearing, they addressed items on their monthly agenda.

APPROVAL OF MINUTES

Trustee Bowman moved to approve minutes of the 7/01/2014 meeting and seconded by Trustee Fadde and unanimously carried.

Trustee Fadde moved to approve the minutes of the 7/03/2014 special meeting and seconded by Trustee Bowman. Trustees Fadde, Bowman and Mayor Falloon voted to approve and Trustees Hawkins and Campbell abstained from the vote as they weren't present at the meeting.

Trustee Bowman moved to approve the minutes of the 6/17/2014 meeting with a notation that the details of the vote to exit from executive session were unavailable. Motion seconded by Trustee Hawkins and unanimously approved.

POLICE AND JUSTICE COURT

No report was received from the police department. The Justice Court collected \$8,333.00 during the month of June 2014.

ADDITIONAL MONTHLY REPORTS

The Historic District Review Board welcomed new members Junjulas and Downey and thanked the village board for their support of the CLG Grant.

At 7:45 pm, the board began the second scheduled public hearing. Mayor Falloon read the following **public hearing** notice:

The Village of Cold Spring Board of Trustees will hold a public hearing on Tuesday, July 15, 2014 at Village Hall, 85 Main Street, Cold Spring, NY beginning at 7:45 pm to hear public comment on the disposition of certain real property owned by the village located at 12 Grove Court, Cold Spring, NY, tax parcel 49.5-3-46.1. This property consists of 0.86 acres and an 1852 historic building known as The Grove which is listed on the State and National Register of Historic Places. The Village received one proposal in response to an RFP issued on November 15, 2013 for the restoration of the property for use as a single family residence. The village is considering declaring The Grove as surplus property and selling it in accordance with certain conditions of the RFP at a sale price of not less than \$5,000. Copies of the RFP and proposal are available for review at the office of the Village Clerk. All interested parties are encouraged to attend and be heard.

Carolyn Bachan, resident of Parrott Street, endorses the proposal submitted by the Marinos. However, there is one aspect of their proposal that she sees as problematic. The public easement through The Grove property is used on a daily basis. In the Marino's proposal, they requested that the easement be extinguished. She asked the board to reject this request, as we don't know when/ if the Butterfield pedestrian easement will be open. Further, the current easement needs to be clearly delineated so the public will know where to go.

Trustee Bowman favored proceeding with the Marino's proposal citing concerns about the deterioration of the historic structure during the last ten years.

It was suggested that the termination of the pedestrian easement could be contingent upon the Butterfield property easement coming into effect.

With no further comment, Trustee Fadde moved to close the public hearing and seconded by Trustee Bowman and unanimously carried.

Resolution #22-2014

July 15, 2014

Moved by: Stephanie Hawkins

Seconded by: Michael Bowman

*Resolved that (1)*The Board of Trustees of The Village of Cold Spring hereby approves the following Budget Adjustment(s) for the 2013/2014 fiscal year:

(1)	To:	A00-1420-410	Attorney: Special	\$13,555.00
	To:	A00-2610-000	Fines and Forfeited Bail (revenue	\$12,994.00
	From:	A00-1410-450	Village Clerk: Comprehensive Plan	\$561.00
			To increase the budget to write-off of the escrow accounts.	
(2)	To:	A00-1620-400	Shared Services: Contractual	\$228.00
	To:	A00-1620-411	Shared Services: Heating	\$385.00
	To:	A00-1640-120	Clearing Account: Diesel	\$700.00
	To:	A00-1640-410	Shared Services: Restroom	\$160.00
	To:	A00-1670-400	Shared Services: Printing	\$473.00
	From:	A00-1640-417	Shared Services: Village Hall Repair	\$1,946.00
			To reallocate the budget for additional expenses in shared services.	
(3)	To:	A00-3120-411	Police: Gasoline	\$1,094.00
	To:	A00-3120-420	Police: Telephone & Radio	\$322.00
	From:	A00-3120-100	Police: Personal Services	\$1,416.00
			To reallocate the police budget for additional expenses for gas and telephone	
(4)	To:	A00-3410-450	Fire: Electricity	\$468.00
	From:	A00-3410-412	Fire: Heating Oil/Service	\$468.00
			To reallocate the police budget for additional expenses related to vehicle repair	
(5)	To:	A00-5110-100	Highway Street Maint: Personal Services	\$3,420.00
	To:	A00-5110-400	Highway Street Maint: Resurface	\$268.00
	To:	A00-5110-420	Highway Street Maint: Equipment Repair	\$181.00
	To:	A00-5110-470	Street Lighting: Legal & Engineering	\$1,526.00
	To:	A00-5410-400	Sidewalks: Repair & Maintenance	\$1,673.00
	From:	A00-5410-100	Sidewalks: Personal Services	\$1,144.00
	From:	A00-8170-100	Street Clean: Personal Services	\$930.00
	From:	A00-8160-100	Garbage: Personal Services	\$988.00
	From:	A00-5110-475	Street Paving: Legal & Engineering	\$1,526.00
	From:	A00-5110-200	Highway Street Maint: Equipment	\$544.00
	From:	A00-5110-410	Highway Street Maint: Supplies & Materials	\$447.00
	From:	A00-8160-400	Garbage: Contractual	\$859.00
	From:	A00-5110-411	Highway Street Maint: Gasoline	\$480.00
	From:	A00-5110-413	Highway Street Maint: Oil/Service	\$150.00
			To reallocate highway budget for additional expenditures.	
(6)	To:	A00-7140-200	Recreation: Equipment	\$1,874.00
	To:	A00-7140-210	Recreation: Equip Maintenance	\$179.00
	From:	A00-7110-400	Parks & Rec: Repairs & Improvements	\$2,053.00
			To reallocate the Recreation budget for additional expenditures.	
(7)	To:	A00-7510-400	Historical Board: Contractual	\$220.00
	To:	A00-8010-100	Zoning Board: Personal Services	\$262.00
	From:	A00-8010-400	Zoning Board: Contractual	\$225.00
	From:	A00-8020-100	Planning Board: Personal Services	\$217.00
	From:	A00-7550-400	Celebrations: Contractual	\$40.00

			To establish the budgets for the other Boards	
(8)	To:	A00-8510-400	Community Beautification: Contractual	\$103.00
	From:	A00-8560-400	Tree Removal: Contractual	\$103.00
			To increase the community beautification budget for additional expenditures	
(9)	To:	A00-9030-800	Social Security	\$162.00
	From:	A00-9035-800	Medicare	\$162.00
			To increase the budget for social security tax.	

And (2) The accountant is hereby authorized to transfer such funds immediately.

On roll call vote:

Trustee Stephanie Hawkins voted: YES
Trustee Bruce Campbell voted: YES
Trustee Michael Bowman voted: YES
Trustee Cathryn Fadde voted: YES
Mayor Ralph Falloon voted: YES

Resolution officially adopted on: 7/15/2014 by a vote of 5-0.

Mary Saari-Village Clerk/Treasurer

FINANCIAL HIGHLIGHTS

The numbers for the 2013/2014 FY for the general, water and sewer funds are as follows:

General Fund – The general fund ended the year with an excess of Revenues over Expenditures of \$44,903, which leaves the general fund with a fund balance of \$307,910.

Water Fund – The water fund finished the year with an excess of revenues over expenditures of \$33,617 which leaves a fund balance of \$868,340.

Sewer Fund – The sewer fund finished the year with an excess of revenue over expenditures of \$7,486 which results in a fund balance of \$338,734.

In the Trust and Agency Fund, the village has a Grove Cash Bond account which has a balance of \$3,181.00. This account was opened in 2003 when Mr. Petrocelli established a performance bond and erosion bond totaling \$346,000 in connection with work on Grove Court. The Village has paid Mr. Petrocelli and/or his estate an amount of \$349,813, which includes the interest that was earned on the account while the money was being held by the Village. It is the Accountant’s belief, that Mr. Petrocelli has been paid in full and that the money remaining in that account is the property of the Village. Ms. Mageean requested that the Board authorize the transfer of this money into the general fund.

Trustee Bowman moved to authorize the transfer of funds (\$3,181.00) from the Grove Cash Bond Account to the General Fund and seconded by Trustee Hawkins and unanimously carried.

WATER REPORT

Greg Phillips, Superintendent Water and Wastewater reported that during a recent structure fire on High Street there were no issues with water flow or the delivery system. The NYSDEP has reviewed our engineered drawings and accepted a “hot tap” to one of the three 9’ diameter steel pipes on Fishkill Road. With regards to Capital Improvements to the Upper Reservoir dam, Mr. Phillips recommended soliciting proposals from engineering firms for the next phase of the work.

WASTEWATER REPORT

A presentation of the final draft Design for the Aeration Replacement and Electrical Upgrade at the Wastewater Treatment Facility was scheduled for the next workshop. As part of the ongoing inflow and infiltration investigation, a cleaning and inspection of the collection system was performed. Several areas were noted as having structural deficiencies; some areas on Wall Street, but most notably on Fair Street, between Cross and Main Streets. At this time, repairs can be made with trenchless technologies that would prevent excavations of 18-20’ deep. Very preliminary estimates for the first phase are between \$30,000 and \$50,000 with more tasks on the horizon. The village anticipates receipt of hazard mitigation funds for the movement of controls, switches and emergency generator of the West Street Pump Station to the New Street location. Mr. Phillips suggested a meeting with the NYSDEC to determine the construction plan for the MGP cleanup so that the village can perform our much needed task without interrupting their plan. Finally, the NYSDEC rejected the use of the polymer that was utilized in the village’s sludge bagger pilot study. The department will continue to explore other options to augment their solids handling program.

CODE ENFORCEMENT

A proposed fee schedule for Code Enforcement was presented. The board decided to continue their review of the proposed schedule and to ask Attorney Liguori to prepare a resolution for consideration at their next meeting.

ADDITIONAL MONTHLY REPORTS CONTINUED

Trustee Bowman moved to approve the application from the Cold Spring Fire Company Junior Fire Academy for use of Mayor’s Park on July 31, 2014 and seconded by Trustee Fadde and unanimously approved.

Trustee Hawkins moved to approve of the Police Benevolent Association Car Show on Saturday, July 19, 2014 at Mayor’s Park and seconded by Trustee Bowman and unanimously approved.

The board discussed Recreation Commission feedback on the Hudson Fjord trail and related alterations to Mayor’s Park. It was determined that Trustee Campbell and Jeff Phillips, Recreation Commission chair, will meet with Ron Gainer, P.E. to review the Commission’s concerns and then to attend a village board meeting.

Liaison to the Planning Board- The Planning Board met on June 18th to review sketches of Butterfield Realty’s development plan. They were assisted by Special Counsel, Anna Georgiou and planning consultant Chuck Voss of Barton & Loguidice. Their discussion included such topics as:

According to Butterfield Realty, the County is interested in the building that will be below the Lahey Pavilion.

According to Butterfield Realty, any Post Office tenancy will be retail-only.

Butterfield Realty said it wants to install either a sidewalk connecting Paulding Avenue to 9D or a sidewalk in front of the 3 single-family lots, not both.

Vehicle traffic behind the single-family lots will be one-way, not two-way.

Town of Philipstown report- Mayor Falloon asked Trustee Hawkins to prepare a letter to the town and county asking for their plans for use of consolidated space at the Butterfield site.

Fire Company- Trustee Bowman thanked our local firefighters for their actions in a recent structure fire, particularly John Landolfi who removed the American flag off this building.

Lighting Committee – Debbi Milner has resigned from the committee.

Tree Advisory Committee- A draft Tree Ordinance is expected to be ready for board discussion sometime in August.

REPORT OF THE MAYOR AND BOARD OF TRUSTEES

Trustee Fadde is seeking the assistance of the Lion's Club to maintain tree pits.

Trustee Bowman asked for board input on their preferences for videoconferencing.

Discussion on this matter will be held at an upcoming workshop.

Trustee Hawkins continues to investigate options for purchase of solar compacting refuse receptacles.

Trustee Campbell thanked all who participated in the Independence Day Celebration especially the PCN&R who donated the fireworks display.

CORRESPONDENCE

Get Your Guts In Gear thanked Trustee Campbell for his assistance in facilitating the group's use of Mayor's Park Pavilion during their recent charity bicycle ride.

Maggie Valentine, resident of 6 Garden Street, described frustrations faced by residents in locating parking. She encouraged the board to develop a residential parking plan.

Trustee Fadde called for patience to allow the parking committee time to adequately study the issues and develop recommendations/solutions to the ongoing parking problems.

OLD BUSINESS

Trustee Bowman moved to authorize the Mayor's signature (on the Agreement between the Village of Cold Spring and the Village of Cold Spring Police Benevolent Association for the period of June 1, 2013 to May 31, 2017) and seconded by Trustee Fadde and unanimously approved.

Trustee Hawkins moved to authorize signature on the contract with NYSOPRHP (grant project to update Historic Preservation Ordinance and Design Standards) and seconded by Trustee Campbell and unanimously approved.

Trustee Hawkins moved to approve the Mayor's signature (on an extension to a contract with NYSDOS for Local Waterfront Revitalization Program) and seconded by Trustee Fadde and unanimously carried.

Attorney Liguori read Resolution #23-2014 which was followed by brief discussion on adding a requirement that the Marinos submit documentation on their financial wherewithal. Trustee Bowman favored proceeding with the resolution as written and presented **Resolution #23-2014**.

WHEREAS, the Village of Cold Spring owns a certain 0.86 acre parcel of land within its municipal boundaries located at 12 Grove Court, which property is identified on its tax map as Section 49.5, Block 3, lot 46.1 and also shown as Lot 3 on Putnam County filed map 2924;

WHEREAS, the property is improved by a 4,450+/- square foot structure, which is designated on the National Register of Historic Places and is referred to herein as ("The Grove"); and

WHEREAS, the Village of Cold Spring, at present or in the foreseeable future, does not have any practical way to put The Grove to public use. Accordingly, the Village is declaring The Grove to be surplus property; and

WHEREAS, in connection with the RFP for The Grove, which was responded to by one potential purchaser, namely Steve Marino, the Village desires to sell The Grove to Steve Marino.

NOW THEREFORE BE IT RESOLVED:

1. The Grove is hereby determined to be surplus property.
2. The Grove shall be sold to Steve Marino at the sale price of \$5,000. The Village Attorney is hereby authorized and directed to prepare a Contract of Sale which shall contain usual and customary conditions for the sale of real property and such other conditions as determined by the Board of Trustees as referenced in the request for proposal. The Mayor is hereby authorized to sign the Contract of Sale when signature copies are finalized and to take all measures necessary to convey The Grove to the Marinos.

Trustee Bowman presented the foregoing resolution which was seconded by Trustee Fadde.

Michael Bowman, Trustee voting YES

Bruce D. Campbell, Trustee voting YES

Cathryn Fadde, Trustee voting YES

Stephanie Hawkins, Trustee voting NO

J. Ralph Falloon, Mayor voting YES

Resolution officially adopted on July 15, 2014 by a vote of 4-1.

Mary Saari, Village Clerk/Treasurer

Building Department Consolidation

Mayor Falloon called for a straw poll vote on whether the board wants to continue investigating consolidation of the building department with the township. Further, he recommended sending correspondence to the town to understand their vision.

Trustee Bowman called for a one-year trial with the building department operating, as it is supposed to be, including improved record keeping and a revised fee schedule.

Trustees Fadde agreed and did not support consolidation.

Trustee Campbell called for assisting the current inspector with administrative help and did not support consolidating departments.

Trustee Hawkins sees the issue as access to the Building Inspector. Further, she believes that not pursuing this option is a lost opportunity, as the village would receive full-time service at no additional cost.

Mayor Falloon favored proceeding with consolidation. As three members were opposed to consolidation at the present time, Mayor Falloon recommended revisiting this issue in a year.

Zoning Update Committee

NYSERDA has asked for cost sharing details to move the grant contract forward.

Interviewing committee members was deferred until discussions on the contract occurred.

These discussions have taken place and Trustee Hawkins asked to proceed with committee selection to enable preparation of the cost sharing details.

There was discussion about the composition of this committee. After discussion, Mayor Falloon suggested scheduling interviews with candidates, as the board can decide in the future about the number of members they want on this committee.

Multimodal Project

Mayor Falloon provided an update on the multimodal project to replace drainage pipes and catch basins on Morris Avenue (Route 9D). Previous Mayor Anthony Phillips applied for this funding several years ago and is assisting the village in planning the project. He is currently seeking written quotes from contractors. Mayor Falloon would like to coordinate repairs to a Morris Avenue hydrant along with the drainage project.

Mayor Falloon asked Attorney Liguori to draft a letter to the Village of Nelsonville Board seeking payment for repairs performed by the Village of Cold Spring Highway and Water Department to a leaking water line located within Nelsonville limits.

After describing the basic details of an employee request for payment in lieu of vacation time, it was determined that this discussion differed from prior considerations and that additional discussion will occur in executive session.

Trustee Hawkins moved to add Cathryn Fadde as an additional signer for the village accounts and seconded by Trustee Bowman and unanimously carried.

The next board workshop was scheduled for Thursday, July 24th, followed by a workshop for bill approval on 7/29/2014.

Trustee Hawkins moved to approve the application of the Clearwater for docking on 7/31/2014 to 8/01/2014 and seconded by Trustee Bowman and unanimously approved. Trustee Hawkins moved to approve of the application from the Clearwater for docking on 8/22/2014 to 8/23/2014 and seconded by Trustee Bowman and unanimously approved. The Seastreak submitted an application for various dates in September, October and November 2014. Seastreak representatives have discussed rafting of vessels with a board member and have accepted the proposed fee schedule which includes \$2.00 per foot for off-peak hours (weekdays) and \$3.00 per foot for peak (weekends). Trustee Hawkins moved to approve this application and seconded by Trustee Bowman and unanimously approved.

Attorney Liguori reviewed proposed changes to the Village Code. Chapter 40-3(2) of the Village Code is hereby amended as follows:

(2) Require that construction authorized by any certificate, permit, license or other document shall be completed within a reasonable period, not to exceed twelve (12) months after the issuance of such certificate, permit, license, or other document, which may, be renewed for one (1) additional period of twelve months upon application to the Building Inspector no less than 30 days prior to the date of expiration.

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Attorney Liguori will continue to work with the Building Inspector on final language. Trustee Hawkins moved to schedule a public hearing on these changes on August 12, 2014 and seconded by Trustee Fadde and unanimously carried.

APPROVAL OF BILLS

Trustee Campbell moved to authorize payment of the audited bills and seconded by Trustee Hawkins and unanimously approved.

PUBLIC COMMENT

Joseph Patrick, resident of 18 Orchard Street, thinks it's a disservice to discontinue investigation of building department consolidation. He asked for the plan to track when we're not providing services.

Trustee Hawkins moved to enter into executive session to discuss the employment of a particular person and seconded by Trustee Fadde and unanimously carried.

After executive session, Trustee Hawkins moved to enter into regular session and seconded by Trustee Fadde and unanimously approved.

Trustee Bowman moved to grant the employee's request for advance payment of vacation time, subject to receipt of a promissory note in the event he doesn't return.

Trustee Fadde moved to adjourn and seconded by Trustee Hawkins.

Meeting adjourned at 10:50 pm.

Respectfully submitted, Mary Saari, Village Clerk