

Village of Cold Spring

Board of Trustees Workshop

October 21, 2014

The Board of Trustees of the Village of Cold Spring held a workshop on Tuesday, October 21, 2014 at 7:30 PM at the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Mayor J. Ralph Falloon, Trustees Bruce Campbell, Stephanie Hawkins, Michael Bowman, and Cathryn Fadde and Village Attorney, Michael Liguori.

At the opening of the meeting, Trustee Campbell made a motion to enter into **Executive Session** for the purpose of interviewing Vincent D'Amato for the possibility of filling one of the open spots on the police roster. Mayor Falloon seconded the motion. With a vote of 3-2-0, the motion carried with Mayor Falloon, Trustees Campbell and Hawkins voting yes and Trustees Bowman and Fadde voting no. The Mayor asked if there was any discussion.

Trustee Bowman said there was no justification to hire another officer. Mayor Falloon explained that there is budgeting and staffing for 14 officers and at present there are only 11. After a brief discussion among the Mayor and Board of Trustees, the open session was closed.

Trustee Hawkins made a motion to close the executive session seconded by Trustee Campbell. With a unanimous vote, the open workshop meeting continued.

It was discussed to update the Police **Code of Conduct**. Mr. Liguori suggested that we look at the current code and compare it to the Sheriff's Department and see what is realistic for the Village of Cold Spring. Mayor Falloon suggested that they contact the Nassau Police Department, as during their work here, they said if we ever needed anything, they would be happy to help out.

The Mayor and Board had a discussion about an unknown individual sharing "**Privileged and Confidential**" correspondence from counsel with the press. This letter was prepared by Anna Georgiou of Wormser, Kiely, Galef & Jacobs and was sent to the Mayor, Board of Trustees, Charles A. Voss of Barton & Loguidice, Chairman Barney Molloy and members of the Planning Board, and Daniel Pozin, Esq. It was given to the PCN&R without authorization. **This letter** addressed questions regarding the Planning Board's authority during site plan review. Once vetted, the letter would have been available for the public.

Trustee Hawkins commented that the Planning Board, although they voted 4-1-0 in favor of the Negative Declaration, felt that they had the ability to work with the mass and scale of the project during the site plan review.

Mayor Falloon said that the issue comes back to what are our options? From a legal standpoint, votes occurred, the Negative Declaration was approved.

Trustee Bowman said that we, as a Board, turned over Lead Agency to the Planning Board at their request. The experts (PB) approved the Negative Declaration with a 4-1 vote.

Mayor Falloon stated that if the Planning Board wants the Village Board to change the legislation, (amendment to the B4A Zoning Code) it is their responsibility to inform the Village Board and we will look into it.

Vistouch Productions, Inc. provided a proposal to upload **Trustees meetings to YouTube** for an additional amount of \$50 per 2.5 hour meeting for a total of \$350 to the end of the year. According to Ellen Megeean, Accountant, funds are available to cover this expenditure.

Trustee Bowman suggested that before making a decision on this, he was in favor of waiting until his visit to the Town of Fishkill on either October 31 or November 4 to look at their setup because they work with Cablevision. The Board was in agreement.

Ray Fontanez, Professional Service, provided a proposal for maintenance of the **public restrooms** at the bottom of Main Street for a fee of \$200 every two weeks totaling \$2,600 for the remainder of the year.

Trustee Fadde suggested that Trustee Campbell ask Joe Russo and give him first refusal as his workload has decreased due to the fact that lawn mowing has ended for the season. This will be added to the agenda on October 28, 2014.

Zoning Update Committee

Trustee Bowman would like to read the NYSERDA contract prior to setting forth a resolution establishing the parameters for the committee. Marie Early, ZBA Chair and also member of the Zoning Update Committee would like to see the resolution being proposed and have access to the proposal from Barton & Loguidice. This item will be put on the agenda for October 28, 2014.

The **minutes** of the Board's Workshop from October 7, 2014 were approved by a motion from Trustee Bowman and a second by Trustee Fadde. The motion was approved unanimously.

Trustee Campbell made a motion to **approve the bills** brought before the Board, seconded by Trustee Hawkins. The motion was approved unanimously.

Correspondence

Letter from Officer William Bujarski was received stating his reasons why no additional officers should be hired. (During Public Comment, Mr. Bujarski stated that he did not speak on behalf of the PBA.)

Letter from the **Executive Board of the PBA** was received stating that no individual member of the PBA speaks for or represents the PBA. He is speaking for himself only. (Referring to Officer Bujarski's letter.)

A memo was received from William Bujarski, Code Enforcement Officer, with an attachment of pictures of signs displayed on Main Street sidewalks on September 7, 2014. He is requesting an applicable sign ordinance in controlling this problem.

Draft correspondence to all businesses on Main Street was prepared including excerpts from the Village Code pertinent to signage for the Mayor's signature.

Trustee Hawkins moved to sign and send this notice out as soon as we get approval from the code enforcement officer and the Village attorney. Trustee Fadde seconded the motion. The motion was approved with a unanimous vote.

New Business

The Multi Modal Drainage Project for drainage improvements on Route 9D from Craigsides Drive and Morris Avenue, was started with past Mayor, Anthony Phillips. Mayor Falloon has spoken with Mr. Phillips requesting his continued commitment to the project. Upon Mr. Phillips' agreement to continue, he met with the Town and County to enlist their help to do the work along with the Village Highway Department. The County has agreed to do the project for cost. In return, they are requesting the Village Highway Department plow the American Legion property on Cedar Street and the Nelsonville Fire Department on Main Street. The County holds the "Friendship Center" providing lunch for seniors at the American Legion and uses the Nelsonville Fire Department building as a sub-station for the Sheriff's Department.

The County has an annual Inter-municipal Agreement with the Village. This agreement will be updated to reflect the drainage improvements on Route 9D to be performed by the county and the snow removal at two county facilities to be performed by the Village Highway Department. Mike Ligouri will prepare an updated agreement and the Board will vote on the final draft.

Public Comment Regarding Butterfield Project

- Provided quotes from a recording of the Planning Board meeting of September 17, where members expressed their confusion about their authority to change the mass and scale of the project during site plan review.

- In attending Planning Board meetings, distinctly heard that certain actions would occur after the SEQRA review and during site plan review and believes there was tremendous amount of misinformation and confusion.
- It is unwise to assume that if people don't bring things to the Board that they don't exist. There is a serious issue with a confidential letter being released. Asked Trustee Bowman to give the people a voice. Convene an Ethics Board to find the leak.
- B4A has tied the hands of the Planning Board. What constraints are on the developer?
- There was disregard for the Open Meetings Law at the recent Planning Board meeting with no vote taken on entering closed session or executive session.
- Four voted in favor of Negative Declaration. If they are unclear now, their voting is clear.
- A project of this size should go through the Planning Board with consideration of mass and scale. Project of this size may swamp the water district, traffic patterns and change life permanently on Chestnut Street. Encouraged the Mayor to look into this.

Trustee Hawkins moved to establish a Board of Ethics under Chapter 9 of the Village Code, seconded by Trustee Bowman. The motion passed with a unanimous vote. The Board will work with Attorney Liguori. The Village Clerk will be authorized to advertise.

Additional Public Comment

- It was recommended that a recusal process be put in place due to conflicts of interest. The Board should be more than 3 persons with 2 on standby.
- As an alternative, the Board could calm down and actually look at the questions that have been brought forth this evening instead of setting up an Ethics Committee. Recommended bringing the Planning Board members here and to discuss this in an open forum.
- In favor of the Butterfield development but it should be appropriate in scale. A positive outcome can be accomplished by the fine tuning by our boards that worked so well at our waterfront.
- I would not vote for something that I had questions about. The process has been open and transparent. Urged the Board to move forward.
- Don't avoid an Ethics Committee because it might be imperfect. Have to do the best thing and accept the imperfections.

Regarding Ethics Committee - The Board discussed speaking with Robert Bickford, Chair of Putnam County Board of Ethics before establishing a Board of Ethics for the Village. Based on this, Trustee Bowman rescinded his second on the motion of Trustee Hawkins to begin proceedings to start up an Ethics Committee. Trustee Hawkins rescinded her motion as well.

Trustee Hawkins asked for the Planning Board to talk with the Village Board. Mayor Falloon offered to speak to each member individually to determine their views.

Meeting Adjourned with a motion from Trustee Bowman, seconded by Trustee Fadde with a unanimous vote.

Respectfully

Sandra L. Falloon