

**Board of Trustees Meeting  
November 10, 2014**

The Board of Trustees of the Village of Cold Spring held their regular monthly meeting on Monday, November 10, 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  
Absent: William Bujarski, Building Inspector

**APPROVAL OF MINUTES**

Trustee Bowman moved to approve minutes of the October 14, 2014 meeting and seconded by Trustee Hawkins and unanimously approved.

Trustee Fadde moved to approve minutes of the October 21, 2014 meeting and seconded by Trustee Hawkins and unanimously approved.

Trustee Hawkins moved to approve minutes of the October 28, 2014 meeting and seconded by Trustee Bowman and unanimously approved.

**FINANCIAL REPORT**

Financial Highlights for the November 10, 2014 meeting:

- The 3<sup>rd</sup> quarter payment for franchise fees was slightly more than anticipated. It is expected that the village will achieve our budget amount or slightly exceed it.
- This year, the amount owed for police and employee retirement is less than the amount budgeted for by \$12,101 for the employee retirement (general fund) and \$11,731 for the police. The water fund is under budget by approximately \$2,938 and the sewer fund under budget by approximately \$2,196.00. The total amount of the expense may be slightly higher as this amount is for the period ending April 2015 and therefore at the end of the year the accountant accrues 2 months of retirement based on the estimate at that time.
- CHIPS reimbursement has been filed in the amount of \$49,971. The budgeted amount was \$39,300. The Highway Street Maintenance Resurfacing line is over budget and the Accountant requested that a portion of this money be assigned to that line.
- The agreement with the external auditors ended with the audit of the FYE 05/31/2014. In 2011 we issued an RFP for the audit services, since this service is considered professional services we are not required to do an RFP. The Accountant asked how to proceed.
- Tuesday, November 18, 2014 Noah Nadelson from Munistat will be attending the board meeting to discuss items to consider when determining when to issue bonds, current rates on bonds, bond payments and other information related to the issuance of debt.

Trustee Hawkins moved to issue an RFP for Auditing Services and seconded by Trustee Bowman and unanimously approved.

#### WATER AND WASTEWATER

Reservoir status is at 70% capacity with a 25% decrease in flow to the system.

The aeration replacement and electrical upgrade at the WWTP has been approved by the Department of Health and Environmental Conservation.

Results of lab analysis of the bagged sludge show that it is acceptable for sanitary landfills. The department will be seeking proposals to haul the dried sludge away.

#### CODE ENFORCEMENT

During the month of October, the Building Inspector reported issuing 11 permits, receiving 20 building complaints, and issuing 2 certificates of occupancy.

#### POLICE AND JUSTICE COURT

Office in Charge, George Kane reported five arrests during the month of October. One vehicle was impounded for delinquent parking tickets. The Justice Court collected \$8,406.00 in the month of October.

#### ADDITIONAL MONTHLY REPORTS

Recreation- The Commission discussed the following items at recent meeting: budget priorities for next year, need for fjord trail signage restricting parking at Mayor's Park, damages to the village dock from vessels, donated benches on Main Street, open position on the commission, schedule of upcoming meetings.

Planning Board report - The Planning, Zoning and Historic District Review Board met to discuss a consolidated information sheet for the Building Department. BluHomes attended a workshop to discuss their application to place two model homes on Fair Street at the site of the former car dealership. Trustee Hawkins attended a recent meeting of the Planning Board to address questions about the Butterfield Redevelopment SEQRA process and the Planning Board member's confusion about their authority during site plan review. As there was no discussion of this matter allowed at the Planning Board meeting, Trustee Hawkins continues to have questions.

Zoning Board of Appeals- A public hearing was held for a fence height variance.

Mayor Falloon asked board members if they would like to consider a discussion on offering unused village property on Fair Street to the BluHomes applicant. Trustee Hawkins will follow up on questions related to this matter.

Chamber of Commerce- Trustee Campbell reviewed upcoming events including small business Saturday, upcoming elections and the winter carnival.

HDRB- The board had a productive session with Butterfield Realty in which they reviewed design concepts for the commercial and condo buildings. SHPO approved proceeding with Attorney Bill Hurst on ordinance update. Update on the design standards is currently on hold pending review of the last two year's of HDRB applications and a site visit.

Putnam County – Trustee Fadde is seeking assistance from Putnam County for computer savings.

Cold Spring Boat Club- Recent correspondence from the boat club about leaving the existing building in place during site remediation is scheduled for discussion on 11/18.

Cold Spring Fire Company detailed activities for the month.

Parking Committee is seeking removal of signs that are not based upon code. After conferring with counsel, it was agreed that these signs could be removed and residents who object to the removal of a sign could petition the board to have the law amended.

Christopher Daly and Elliott Hammond resigned. The committee is currently functioning with five members and the chair didn't see the need for additional members at this time.

Lighting Committee- holiday lighting project is currently fully funded by donations.

Andrew Pidala was thanked for donating his time and work on this project. A holiday tree will be placed at the foot of Main Street.

Tree Advisory Committee- Public tree ordinance hearing is scheduled for December 2<sup>nd</sup>.

#### REPORT OF THE MAYOR AND BOARD OF TRUSTEES

A proposed work order was presented for village use.

Fire Company is amenable to installation of equipment required to prevent ice build up at the rear of the firehouse. Mayor and Trustee Bowman will follow up with Andrew Pidala. A workshop was scheduled with the CSFC for December 16<sup>th</sup>.

Docking request: Hudson River Foundation asked for docking privileges for 15 minutes on 11/11. Board members asked for discussion of policies, fees and regulations on docking and scheduled same for 12/16/2014.

Trustee Hawkins moved to approve this application and seconded by Trustee Fadde and unanimously approved.

West Point is considering changing their transport of cadets via ferry from Garrison to Cold Spring. Mayor Falloon followed up with Planning Board members and will develop a written statement on his findings with the assistance of our attorney.

#### CORRESPONDENCE

As of January 15, 2015, the NYSDEC will require owners of publicly owned treatment facilities to report releases of untreated or partially treated sewage to NY-Alert.

Trustee Hawkins moved to require the Executive Officer or Ranking Official to complete the application and authorized NY Alert to notify subscribers of sewage releases and seconded by Trustee \_\_ and unanimously approved.

Michael Liguori notified the board of his intent to resign as village counsel effective December 5, 2014 as per **attached** correspondence.

There was brief discussion about the terms and locations in the inter-municipal agreement with Putnam County. The board had no issue with extending the term of the agreement to five years and to insert language that any change in location should involve plowing an area of similar size and scope.

The publisher of the Yellowbook reported distribution of phone books during the period from 1/20 to 2/10/2014.

OLD BUSINESS

Trustee Hawkins reviewed a proposed resolution setting the terms of the Zoning Update Committee and the committee’s recommendations.

Trustee Bowman moved the following:

- a. name the committee the Code Update Committee
- b. officers Jack Goldstein, chair; Marie Early, vice chair, and Michael Armstrong, treasurer;
- c. meetings to be on the second and fourth Thursdays of the month
- d. Trustee Bruce Campbell board liaison

Motion seconded by Trustee Hawkins and unanimously approved.

NEW BUSINESS

VILLAGE OF COLD SPRING RESOLUTION #30-2014

REFERAL OF PROPOSED LOCAL LAW AMENDING EXPIRATION OF BUILDING PERMITS, CERTIFICATES OF APPROPRIATENESS, VARIANCES AND SPECIAL PERMITS

INTRODUCED BY: Trustee Stephanie Hawkins

SECONDED BY: Trustee Michael Bowman

DATE OF CONSIDERATION / ADOPTION: November 10, 2014

WHEREAS, the Board of Trustees desires to amend the expirations of building permits and renewals, certificates of appropriateness, variances and special permits in order for each of the various permit timeframes to conform; and

WHEREAS, the amendment to the variance and special permit timeframes is in the nature of a zoning text amendment and, therefore, requires a referral to the Village Planning Board for a report; and the County Planning Board under Section 239-1, m, n of the General Municipal Law; and

WHEREAS, the Board of Trustees desires to set a public hearing thereof for December 2, 2014 at 7:31 pm to consider the comments of the public in connection with the proposed revision, it being acknowledged herein that that Board shall consider the comments of the Planning Board and County separate and apart from the public hearing should those comments not be received prior to the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Village Clerk is hereby authorized and directed to forward copies of the proposed Local Law to the Village Planning Board for a report and to the County Planning Board under the requirements of the General Municipal Law.

UPON ROLL CALL VOTE:

- Trustee Michael Bowman YES
- Trustee Cathryn Fadde YES
- Trustee Stephanie Hawkins YES

Trustee Bruce Campbell      YES

Mayor Ralph Falloon      YES

Resolution officially adopted by a vote of 5-0 on November 10, 2014.

An RFP for legal services will be distributed to board members for review.

Attorneys Anna Georgiou and Daniel Pozin confirmed engagement of new firm of McCarthy Fingar.

#### BILL APPROVAL

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

#### PUBLIC COMMENTS

- Asked for clarification on correspondence from Anna Georgiou regarding new law firm
- Attorney Steven Barshov of Sive, Paget & Riesel, who represents the applicant for the Butterfield development, strongly refuted the claim that members of the Village of Cold Spring Planning Board were confused about their authority during the SEQRA Review of the Butterfield application. Further, he pointed out that his client legally can vest his rights under applicable zoning by proceeding in a normal fashion to get his application heard and reviewed.
- Concern about the tone of Attorney Barshov's statement
- Provided quotes from Planning Board meetings where members expressed their confusion about the authority to change the mass and scale of the Butterfield project during site plan review.
- Sees process as tainted and implored residents to view a recent video of the Planning Board meeting.
- Wants process to move forward as long as it is "Cold Spring big not Westchester big".
- Called for removal of Chairman Barney Molloy, Anna Georgiou and Chuck Voss for misdirecting Planning Board members.
- Have exposed the village to legal action which affects property values
- Urged Village Board to amend B4A zoning to either redraw smaller concept plan or remove the concept plan and revise language that describes the density
- Urged mayor to speak to Planning Board members and get back to public
- Wants to know whether the developer has a "blank check"
- Great idea for West Point cadets to come to Cold Spring
- Strongly supports idea of hiring another police officer as area is drug corridor, with number of elderly residents

With no further comment, Trustee Bowman moved to adjourn and seconded by Trustee Fadde and unanimously approved.

Respectfully submitted,

Mary Saari, Village Clerk