

**Village of Cold Spring**  
**Board of Trustees Workshop**

**November 18, 2014**

The Board of Trustees of the Village of Cold Spring held a workshop on Tuesday, November 18, 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, Account Ellen Mageean and Village Attorney Michael Liguori.

Noah Nadelson from **Munistat Services** spoke regarding financial planning and bonding for future infrastructure projects.

The Board reviewed the **RFP for Auditing Services**. Trustee Hawkins made a motion to issue the RFP for a three (3) year contract for external auditing services for the Village, seconded by Trustee Bowman. The motion was carried unanimously.

Trustee Campbell made a motion to pay the **audited bills** as presented to the Board. Trustee Hawkins made a second to the motion and the motion carried with a unanimous vote.

Mark Patinella, Commodore of the **Boat Club**, was present along with several of the members. Mr. Patinella spoke in reference to the letter sent to the Board from the club signed by their secretary, Josh Hadden, requesting that the Village review options for encapsulation of the coal tar beneath the club building rather than razing the building. Correspondence **attached**.

The Mayor and Board agreed to ask David J. Chiusano, Project Manager of NYSDEC, to attend a workshop to respond to the many unanswered questions regarding the coal tar remediation on New Street.

**Correspondence**

Margaret Schatzle of 58 Fair Street sent in a request for the Village Board to waive the late charge of \$17.81 on her water/sewer bill. Since the Post Office has been sorting and delivering Cold Spring's mail out of Garrison, mail has not been received in a timely manner. In this case, her bill was delivered to a neighbor from Spring Brook who gave it to Ms. Schatzle. Unfortunately, this was after the due date of the water bill.

After a check was done by the Village Clerk of Ms. Schatzle's record of payment and noting that she had never been late with a payment, Trustee Hawkins made a motion to waive the late fee of \$17.81 on Margaret Schatzle's water/sewer bill, seconded by Trustee Bowman. The Board voted unanimously in agreement and the motion was carried.

Cold Spring Pizza & Deli is now under new management, Procopio Food Services, Inc. Their attorney, Glen F. Kubista & Associates, has written a letter to the Village Board requesting a Waiver of its rights to the 30 day hold for the application of a Liquor License.

Trustee Bowman made a motion to waive its rights to the 30 day hold for the application of a Liquor License, seconded by Trustee Hawkins. The motion was carried unanimously.

\$174,000 was awarded to the Village from **FEMA** Public Assistance Program for Superstorm Sandy cleanup and hazard mitigation to move the controls and generator to a higher elevation; a 90% grant with a Village match of 10%. The Governor's Office of Storm Recovery notified the village of eligibility for

payment of the local match. Mayor Falloon attended a mandatory technical assistance class to learn about required documentation.

### **Old Business**

Because Michael Liguori, **Village Attorney**, is resigning as of December 5, 2014, it was decided by the Board to both issue a Request for Proposals (RFP) and also interview the attorney firms that have already sent letters of interest to work for the Village. Village Clerk, Mary Saari will contact those attorneys to set up interviews. The interviews will be scheduled on December 2, 2014 at 7:00 pm and December 16, 2014 at 7:00 pm.

It was recommended by the Code Update Committee for the Board to review their amended version of **Resolution 31-2014**.

### **Resolution No. 31-2014**

WHEREAS, on July 25, 2013, the Village Board unanimously passed a motion to direct Ted Fink of GreenPlan to prepare a Common Funding Application (CFA) for the purpose of obtaining funding to complete the rezoning necessary to receive approval of the Local Waterfront Revitalization Plan; and, when the money is awarded, the Village Board will designate a committee to undertake Zoning and Historic District revisions; and

WHEREAS, by the said motion of July 25, 2013, as well as subsequent actions, the Village Board created a Code Update Committee; and

WHEREAS, it is necessary and appropriate to set forth the terms and provisions under which the Code Update Committee is operating and shall henceforth operate;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Mission Statement:  
The Code Update Committee has been created for the purpose of collecting information and preparing a proposed update to the Village of Cold Spring's Village Code in accordance with the terms of the agreement between the Village of Cold Spring and NYSERDA dated -.
2. Finances:
  - (i.) The Code Update Committee shall have as an annual budget for operating expenses in such amount as the Village Board shall approve.
  - (ii.) Other than the funds in its annual budget, the Code Update Committee shall not expend any funds nor incur any indebtedness unless it has obtained the approval of the Village Board for such expenditure.
  - (iii.) Expenditures of funds allocated to the Code Update Committee shall be made only if approved by a majority of the Code Update Committee.
  - (iv.) Vouchers shall be submitted for all expenditures and the Code Update Committee shall render reports to the Village Board on its expenditures at such intervals as it deems appropriate but at not less than quarterly intervals.
3. Membership:
  - (i.) The Code Update Committee shall consist of seven (7) members appointed by the Village Board. Further, the Code Update Committee has also one (1) non-voting alternate appointed by the Village Board

- (ii.) Members of the Code Update Committee shall serve without compensation, provided, however, that they be reimbursed for such out-of-pocket expenses as are authorized by the Village Board
- (iii.) The term of office for members of the Code Update Committee shall be eighteen (18) months, commencing on the First of November, 2014 and ending on the Thirtieth of April, 2016, but there is no limit on the number of times members may be reappointed.
- (iv.) Vacancies on the Code Update Committee shall be filled through nomination by the Code Update Committee and confirmation by the Village Board for the remainder of the vacant member's term.
- (v.) Members of the Code Update Committee may be removed during their term by the Village Board only for cause, which shall include unexcused absence from three (3) regular monthly meetings.

4. Organization:

- (i.) The Code Update Committee shall have a Chairperson nominated by the Code Update Committee and confirmed by the Village Board. The duties of Chairperson shall include setting the agenda for meetings of the Code Update Committee, chairing meetings, scheduling special meetings and providing a monthly report to the Village Board on the activities and progress of the Code Update Committee.
- (ii.) The Code Update Committee shall have a Vice-Chairperson nominated by the Code Update Committee and confirmed by the Village Board. The duties of the Vice-Chairperson shall include assisting the Chairperson in performance of his or her duties and serving in the place of the Chairperson in the event that he or she is absent.
- (iii.) The Code Update Committee shall have a Secretary appointed by the Village Board. The duties of the Secretary shall include keeping minutes of Code Update Committee meetings, retaining copies of Code Update Committee documents and correspondence, posting notices of meetings, and filing copies of minutes and materials with the Village Clerk.
- (iv.) The Code Update Committee shall have a Treasurer nominated by the Code Update Committee and confirmed by the Village Board. The duties of the Treasurer shall include coordinating with the Village Treasurer the processing of draws upon the funds in the Code Update Committee's budget and such other funds as may be allocated to the Code Update Committee, keeping and rendering an account of the Code Update Committee's funds, and preparing the Code Update Committee's annual budget request for presentation to the Village Board.

5. Meetings & Procedure:

- (i.) The Code Update Committee shall meet at Village Hall, 85 Main Street, Cold Spring, New York. The meeting shall be held on the second and fourth Thursdays of the month or such other fixed and consistent date as the Code Update Committee shall decide.
- (ii.) In addition to a month meeting, the Code Update Committee may hold other or additional meetings as may be necessary or desirable.
- (iii.) The Code Update Committee may change the venue of its meetings to another location within the Village as may be necessary or desirable, provided that the Code Update Committee shall make all reasonable efforts to ensure that such alternative meeting place provides access to the physically handicapped.
- (iv.) The Code Update Committee shall promulgate its own rules and regulations as to the manner in which its meeting shall be run, provided, however, that any action taken by the Code Update Committee shall require a majority vote of the members on the committee, and no motion, resolution or proposal shall be brought to a vote unless it is moved by a member and seconded by another member.

- (v.) The Code Update Committee may form such informal advisory committees (i.e., “Working Groups”) as it sees fit to assist it in its work. Members of such advisory groups may be members of the Code Update Committee or other individuals, provided that there shall be no compensation for serving on an internal advisory committee, that such appointment shall not be for any specified term and that such informal advisory committees shall have no power to bind or act for the Code Update Committee.
- (vi.) Minutes shall be taken of every meeting of the Code Update Committee. The Code Update Committee shall determine its own policy or procedure regarding the degree of detail with which such minutes are kept, provided, however, that such minutes must include the date and the place of the meeting, the names of the members present, the subject matter of the meeting, all motions and votes thereon.
- (vii.) If neither the Chairperson nor the Vice-Chairperson is available for a meeting, a quorum of the members of the Code Advisory Committee shall nominate and elect from the members present an Acting Chairperson who shall carry out the duties of the Chairperson at the said meeting.

Trustee Bowman presented the foregoing Resolution #31-2014, as amended by the Code Update Committee, which was seconded by Trustee Hawkins.

The vote on the foregoing resolution was as follows:

Michael Bowman, Trustee, voting YES  
Bruce Campbell, Trustee, voting YES  
Cathryn Fadde, Trustee, voting YES  
Stephanie Hawkins, Trustee, voting YES  
Ralph Falloon, Mayor, voting YES

**Resolution #31-2014** was approved this day, November 18, 2014 by a unanimous vote of the Village Board of Trustees.

Trustee Bowman made a motion to appoint Sandra Falloon as **secretary to the Code Update Committee** with the Code Update Committee finding an alternate or for a Committee member to transcribe the meeting upon the secretary’s absence. Trustee Fadde seconded the motion. With a 4-0-1 vote, the motion was passed; Mayor Falloon recused himself.

A letter was received from **GreenPlan** signed by J. Theodore Fink, AICP, requesting payment of \$7,693.75 for professional services associated with successfully securing a grant of \$75,000 for the updating of the Village’s zoning codes. Mr. Fink had agreed to prepare the grant application without charge with the express understanding that he would continue as Village Planner for the Code Update Committee.

Mr. Liguori and the Board agreed to meet in closed session for attorney/client privilege for his opinion on the invoice without publicly prejudicing either side. His response as Village attorney is privileged until the Board decides to convey it to the public.

On their return, Trustee Fadde made a motion to table the decision of payment on the invoice to a later date until a conversation could be set up with Mr. Fink. Trustee Hawkins seconded the motion. The motion carried with a 4-1-0 vote with Trustee Bowman voting no.

Public Comment

- Rich Franco noted that there is a public composting facility at the town but there are rules and regulations that need to be adhered to. Mayor Falloon requested Mr. Franco be put on an upcoming agenda after he meets with the Town of Philipstown to bring in all information necessary.
- Before contemplating \$500,000 for the Boat Club and a tax increase to cover that expense, the Village needs to consider an open public discussion as relates to that property and the Comprehensive Plan.
- With the larger number of committees, we should double check the rules of meetings. This is relating to an unexpected quorum. Mr. Liguori will circulate guidance memos from the “Open Meeting Law” to committee members.

There will be **NO meeting on November 25, 2014.**

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

Respectfully

Sandra L. Falloon