

Village of Cold Spring
Board of Trustees Workshop
December 02, 2014

The Board of Trustees of the Village of Cold Spring held a Public Hearing and workshop on Tuesday, December 2, 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.

Mayor Falloon read the following Notice of **Public Hearing for Chapter 122 Tree Advisory Committee**:

NOTICE OF PUBLIC HEARING

The Village of Cold Spring, New York, hereby gives notice of a public hearing to be held on Tuesday, December 2, 2014 at 7:30 PM or as soon thereafter as may be heard, at the Village of Cold Spring Village Hall, 85 Main Street, Cold Spring, New York to consider an amendment to Chapter 122 for the creation of a Tree Advisory Committee and the regulations that will govern the jurisdiction of the Tree Advisory Committee. A copy of the proposed amendment may be seen at Village Hall in the office of the Village Clerk or on the Village website at www.coldspringny.gov.

Dated at Cold Spring, New York, November 14, 2014

J. Ralph Falloon, Mayor

Speaking in favor of the tree ordinance were Paul Henderson, Mike Armstrong, Rich Franco, Aaron Wolfe, Kory Riesterer, Tony Bardes, John Wayland, Gretchen Dykstra, and Billy Fields. Letters submitted and read were from John Plummer and Leo Sacks also in support of the ordinance. Carolyn Bachan submitted her comments to the Village Board but was not in favor of implementing this particular ordinance. All correspondence received for reading at tonight's meeting is *attached*.

- The trees have become a magnificent part of the Village. The documents and research are of extraordinarily high standards.
- Vital to the community to go forward. If the committee is known as "Tree Advisory Board", it gives more standing to this group which has to apply for funds.
- Concerned about the Village mandating establishing and maintaining a tree nursery.
- This is a gift of thousands of dollars worth of services and expertise to the Village. And we are also getting an organized planned effort to beautify the Village.
- Once the tree volunteer committee is gone their knowledge is gone.
- It would calm residents' fears if we could write in the fact that this committee is self-funded.
- They will have the power to raise money outside of taxpayers through grants.

- Write in that the pre-manager of the tree nursery is an unpaid position.
- Fully in favor of having a committee established, and look forward to the “advising” that they will do.
- Carolyn Bachan felt the ordinance is premature at best and needs more thought especially in regards to cost and budget, membership and the management plan.

Trustee Hawkins made a motion to close the Public Hearing for Chapter 122, creation of a Tree Advisory Committee and the regulations that will govern the jurisdiction of that committee. Trustee Bowman seconded the motion and was carried with a unanimous vote.

Trustee Hawkins made a motion to adopt the public tree law including two changes; one in paragraph 122.4I second sentence, towards Ms. Dykstra’s comment and ask it be written as “volunteer” tree nursery manager; and would like to follow Mr. Armstrong’s recommendation to change committee to board to recognize the standings and seriousness with which we would want the Tree Advisory “Board” to be recognized by granting bodies; every instance of Tree Advisory Committee shall be written as Tree Advisory Board.

Trustee Hawkins withdrew the above motion after Mr. Liguori suggested that they have the final draft form on their desk for 5 days before making a vote.

The State Environmental Quality Review Negative Declaration – Notice of Determination of non-significance was presented to the Board by Mayor Falloon.

Trustee Hawkins made a motion to adopt the **Negative Declaration # 32-2014** for amendment to Chapter 122 of the Village Code and waive the reading of the SEQRA forms. Trustee Fadde seconded the motion. The motion was carried with a unanimous vote.

Trustee Hawkins made a motion, as previously noted, to add “volunteer” in front of the term tree nursery manager making it volunteer tree nursery manager in paragraph 122.4I and change Committee to “Board” throughout the Public Tree Law. Trustee Campbell seconded the motion. The motion to make the changes as noted above carried with a 4-1-0 vote with Trustee Bowman voting no.

Mayor Falloon read the following **Notice of Public Hearing for amendment of Chapters 40-3.A(2), 64-11.D(2) and 134-25.F.**

NOTICE OF PUBLIC HEARING

The Village of Cold Spring, New York, hereby gives notice of a public hearing to be held on Tuesday, December 2, 2014 at 7:31 PM or as soon thereafter as may be heard, at the Village of Cold Spring Village Hall, 85 Main Street, Cold Spring, New York to consider the following amendments to the Village Code: (1) Amend Chapter 40-3.A(2) to change the length of time a building permit is valid from six months to two years; extending building permit renewals from three months each to one year each; and capping renewals to a total of two; (2) Amend Chapter 64-11.D(2) to amend the requirement that construction be completed within one year to require that construction be completed prior to the expiration of the building permit or a renewal permit, if one is obtained; and (3) Amend Chapter 134-25.F to extend the expiration

of variances and special permits from one year to the expiration of the building permit or a renewal permit, if one is obtained. A copy of the proposed amendment may be seen at Village Hall in the office of the Village Clerk or on the Village website at www.coldspringny.gov.

Dated at Cold Spring, New York, November 14, 2014

Ralph Falloon, Mayor

Marie Early, Chair of the Zoning Board of Appeals (ZBA), felt that the time frame for Chapter 134.25F was now too long from the issuance of a ZBA variance to completion of the project.

Mike Armstrong felt that the time frame was appropriate for the kinds of work done in this Village. There are older homes and complications appear that cause a longer time for the work to get done.

Matthew Koch of Maple Terrace is in favor of this however asked if the open permits would be grandfathered into old law.

Mr. Liguori said that the old permits will be under the old code; the issuance of new permits will be under the new law.

Paul Henderson If you are to enact this law, whatever you started with you would get the balance.

Mike Armstrong suggested that one could seek a new permit rather than renewals because the renewals under the old code would cost more.

Mr. Liguori suggested that the Board could amend the fee schedule prior to the adoption of the law by simple resolution by the Board.

Trustee Hawkins made a motion to approve the **Negative Declaration # 33-2014** for amendment to Chapter 40, 64 and 134 of the Village Code. Trustee Fadde seconded the motion. The motion was carried with a unanimous vote.

VILLAGE OF COLD SPRING RESOLUTION # 34-2014

WHEREAS, the Board of Trustees desires to amend Chapter 40, 64 and 134 of the Village Code to conform the time periods for which building permits, certificates of appropriateness and variances remain valid in order to create efficiencies the municipal permitting and approval process; and

WHEREAS, the Village of Cold Spring has caused to be prepared a draft local law to reflect the proposed amendments to Chapters 40, 64 and 134 and a public hearing thereon was held on December 2, 2014; and

WHEREAS, the Village of Cold Spring has complied with the requirements of the State Environmental Quality Review Act (“SEQRA”) as it applies to the adoption of the draft local law (the “Action”) by causing the attached Short Form Environmental Assessment Form to be prepared and reviewed; and

WHEREAS, the requirements for the adoption of local laws as set forth in Municipal Home Rule Law have been complied with;

NOW, THEREFORE, BE IT RESOLVED,

1. Based on a review of the criteria set forth in Part II of the Short Form EAF, it is hereby determined that the Action will not have the potential for a significant adverse impact on the environment; and

2. Local Law No. 4 of 2014 is hereby adopted and the Village Clerk is hereby authorized and directed to take all of the actions necessary to complete the local law adoption procedure including filing said local law with the New York State Office of the Secretary of State.

Trustee Bowman presented the foregoing Resolution 34-2014, amendments to Chapters 40, 64 and 134 of the Village Code which was seconded by Trustee Hawkins.

The vote on the foregoing resolution was as follows:

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

Resolution 34-2014 is officially adopted on December 2, 2014 by a vote of 5-0-0.

I hereby certify that this is a true and exact copy of a resolution adopted by the Village of Cold Spring Board of Trustees at a public meeting held on December 2, 2014.

Mary Saari, Village Clerk

The **minutes of November 10, 2014** were approved with the following changes: Under Additional Monthly Reports, Planning Board report, Consolidated *application* for the Building Department was changed to Consolidated information sheet; Parking Committee – the following sentence was added, 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.

Trustee Bowman made a motion to approve the minutes of November 10, 2014 with the above noted changes. Trustee Hawkins seconded the motion and the motion carried with a unanimous vote.

Trustee Campbell made a motion to approve the **audited bills** for payment that were presented to the Board. Trustee Fadde made a second to the motion and with a unanimous vote, the motion was carried.

Correspondence

The State of New York Office of the Attorney General sent a letter stating that in January 2014, NYS adopted so-called “puppy mill” legislation, amending Section 407 of the Agriculture and Markets Law and Section 753-d of the General Business Law to remove the state preemption on municipal governments’ power to regulate and license pet dealers.

Thomas Monroe submitted his resignation as an alternate on the Zoning Update Committee.

Old Business

Dave Chiusano of the NYSDEC is not interested in another public meeting regarding the remediation of the removal of **coal tar on New Street** at this time. However, he will entertain a meeting with the Mayor. Mayor Falloon asked that all concerned residents, boards, and Boat Club members submit questions to the Village office for him to discuss with Mr. Chiusano.

Central Hudson, after Superstorm Sandy, is putting in new flood mitigation procedures and sending out their management team to meet with individuals regarding this. They are looking to discuss procedures, pre-event procedures, during event procedures and coastal event communications. Mayor Falloon said that our major concern is being able to shut down the electrical systems at lower Main Street in case of flooding.

The **LED Lighting plan** that Central Hudson and most communities want to take part in is still not up and running. The Public Service Commission has not laid out the ground rules for rates. There will be no additional cost to switch over to LED lighting, just continue to pay for the necessary electric to support them.

The following resolution **for appointment of a hearing officer per PBA agreement** was read by Mayor Falloon and he asked if the Board would like to add this to tonight's agenda.

RESOLUTION # 35-2014

BE IT RESOLVED, that the Board of Trustees of the Village of Cold Spring ("Board") does hereby approve the appointment of Joseph Wooley as hearing officer (or such other hearing officer who may be available per the PBA Agreement) to preside over a Section 75 disciplinary hearing and issue findings and recommendations on all disciplinary charges proffered against a certain employee, including any amended charges presented at said disciplinary hearing.

Date: December 2, 2014

Mary Saari, Village Clerk

Trustee Bowman made a motion to add Resolution 35-2014 to tonight's agenda with a second from Trustee Fadde. The motion was met with a unanimous vote and carried.

Resolution #35-2014 was presented by Trustee Hawkins with a second from Trustee Fadde. The motion was carried with a unanimous vote.

Resolution # 35-2014 was approved this day, December 2, 2014 by a unanimous vote of the Village Board of Trustees.

Trustee Campbell noted there are a few requests for plaques on **public benches**. There is a standardized procedure: new bench, \$500 plus \$250 for the plaque; existing bench, same price for plaque of \$250.

New Business

Bill Reed is the new owner of 13 **West Bank Street**. This is a private road with six homes on it. Three homes are on their own septic, two are on an antiquated sewer line and the last is on its own direct sewer line. At least one of the **septic systems** is not adequate for the size of the residence. The neighbors got

together and felt the appropriate course of action should be a new engineered approved sewer line. Mr. Reed has gotten these plans and is waiting for approval from the Water Superintendent, Village Engineer and this Board. A SEQRA Review and a Negative Declaration are needed for the approval process. Guidelines for the construction of a sewer line for West Bank Street are *attached* as submitted by Superintendent of Water and Sewer, Greg Phillips.

Trustee Campbell noted that the **Tree Lighting** at the Bandstand will take place Saturday, December 6, 2014 at 6:00 PM.

Trustee Campbell also said that he has spoken with Mark Castiglione, Acting Director of **Greenway**. Mr. Castiglione said too much time has passed since the Memo of Understanding for the grant that was executed on 03/06/2013. However, the Village may apply to rescind the existing grant via a Resolution and reapply for the new project. Greenway must receive this application before their Board meeting on January 13, 2015. This will be put on the agenda for December 9, 2014.

The establishment of a **Board of Ethics** shall consist of at least three (3) members appointed by the Village. The Board shall include at least one (1) member who is an elected or appointed Village Officer or employee. This Board renders advisory opinions to the Village Board upon written request and makes recommendations to the Village Board as deemed advisable. The Village office received letters of interest to sit on the Board of Ethics from Tom Campanile, Carol Herring, Denise Murphy, Frances Murphy, Coreen Palmero, and Susan Peehl. Interviews will be set up for each candidate.

The **Board of Elections** provided the Village Board with a breakdown of charges for them to run an election. The estimated cost would be \$6,225.56. However, they are offering to do it for a cost of \$4,872.83. At our 2014 election, the cost for our Village Clerk to run the election was \$5,054. Trustee Bowman made a motion to allow the County to do the Village Election. Trustee Fadde seconded the motion and the motion was carried unanimously.

We were going to have interviews for the attorneys that had written letters of interest for the position of **Village Attorney** but because they had not seen the RFP we felt they would not be prepared for the interviews. We will add a discussion for interim attorney on the agenda for December 9, 2014.

Public Comment

- Snow drifts into tunnel under railroad tracks. At the bottom, the melted snow turns into ice. Best answer might be to install a door that swings in. Sometimes it is blocked. Could be hazardous.
- It was noted that the public hearing for changes to Village Code regarding Building Permit expirations was not closed.
- Did not get a response from the Village or NYSDEC from our (Boat Club) letter. Who's paying for us to move all our equipment? This clean up should not cost the Boat Club a single dime. What about encapsulation? Our fear is that they are still charging along on their timeline.
- The Record of Decision (ROD) to take the building - is that binding or can that be modified?
- We are sitting here waiting for his (D. Chiusano) direction. Do we want to do this encapsulation or do we want to go forth with the regular pass. I'll bring back the Sonotone clean-up, it's an acceptable method.
- After the remediation, if more contamination is found, the Village owns it.

- Whenever we bring the coal tar under the bulk head to their attention, it doesn't seem be a concern.
- I don't believe the ROD ever addressed the issue of the sea level rise.
- There may be methods of peering under the building temporary peers where they could go in and remove the dirt and then backfill.

Meeting adjourned with a motion from Trustee Bowman, seconded by Trustee Campbell and carried with a unanimous vote.

Respectfully

Sandra L. Falloon