

**MINUTES BOARD OF TRUSTEES MEETING
FEBRUARY 24, 2015 AT 7:00 PM**

The Board of Trustees of the Village of Cold Spring held a regular meeting on Tuesday, February 24, 2015 at Village Hall, 85 Main Street, Cold Spring, County of Putnam, New York beginning at 7:00 pm.

Attending: Honorable J. Ralph Falloon, Mayor and Trustees: Bruce Campbell, Stephanie Hawkins, Michael Bowman and Cathryn Fadde
Also: Mary Saari, Village Clerk/ Treasurer

The board was joined by Joseph M. Klimek of the auditing firm of Toski & Co., PC. Trustee Fadde moved to enter into Executive Session to conduct an interview for auditing services and seconded by Trustee Campbell and unanimously carried. Trustee Fadde moved to exit from Executive Session and seconded by Trustee Bowman and unanimously carried.

Trustee Hawkins moved to authorize the mayor's signature on the Fireman's Service Award point listing forms and seconded by Trustee Fadde. Vote: 4-0-1-0 with Trustee Bowman abstaining (member of the fire company). Mayor Falloon (a member of the fire company) pointed out that he has no direct benefit from the Fireman's Service Award point listing so therefore he is voting.

Frances Murphy, who volunteered her services to the village, analyzed phone bills for several months, contacted department heads and researched various options to reduce the cost of telephone service. Her analysis shows that a savings of \$605.80 per month could be realized by utilizing CornerStone Advanced Communications Systems. Other municipalities have expressed satisfaction with their service and haven't encountered problems with a combination of copper and digital lines. Trustee Bowman moved to authorize switching phone service to Cornerstone and seconded by Trustee Fadde and unanimously approved.

RESOLUTION NO. 5-2015 ADOPTING NEGATIVE DECLARATION

WHEREAS, the Village of Cold Spring Village Board wishes to construct improvements to the existing Wastewater Collection System on Fair, Market, Fish and Northern Streets involving the "trenchless" relining of the sewers and some point repairs of the sewers involving excavation

to the sewers (hereinafter known as "the Improvements");
and

WHEREAS, the Village Board of Trustees concludes that "the Improvements" to the collection system are necessary for continued reliable operation of the collection system;
and

WHEREAS, the Village Board of Trustees has considered and reviewed "the Improvements" as an "action" subject to SEQRA pursuant to 6 NYCRR §§ 617.2(b); and

WHEREAS, the Village Board of Trustees concludes that "the Improvements" are a listed Type II action pursuant to 6 NYCRR section 617.5(c)(2)" replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site,..."; and

WHEREAS, the Village Board of Trustees concludes that "the Improvements" are a listed Type II action pursuant to 6 NYCRR section 617.5(c)(5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities; and

WHEREAS, "the Improvements" do not exceed any thresholds of Type I actions listed in 6 NYCRR section 617.4 (b); and

WHEREAS, "the Improvements" do not have a significant adverse impact on the environment based on the criteria contained in subdivision 617.7(c).

IT IS HEREBY RESOLVED that, pursuant to 6 NYCRR section 617.6(a)(1)(i), the Village Board of Trustees classifies the action as a Type II action that is exempt from further requirements of 6 NYCRR section 617;

Trustee Hawkins presented the foregoing resolution which was seconded by Trustee Campbell. The foregoing resolution was voted upon with all members voting as follows:

Mayor Falloon	YES
Trustee Campbell	YES
Trustee Bowman	YES
Trustee Hawkins	YES
Trustee Fadde	YES

Resolution officially adopted by a vote of 5-0.

RESOLUTION NO. 6-2015 BOND RESOLUTION

BOND RESOLUTION OF THE VILLAGE OF COLD SPRING,
NEW YORK, ADOPTED FEBRUARY 24, 2015,
AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS
TO THE EXISTING WASTEWATER COLLECTION SYSTEM,
STATING THE ESTIMATED MAXIMUM COST THEREOF IS
\$297,000, APPROPRIATING SAID AMOUNT FOR SUCH
PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS
IN THE PRINCIPAL AMOUNT OF \$297,000 TO FINANCE
SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING,
IN THE COUNTY OF PUTNAM, NEW YORK, HEREBY RESOLVES (by the
favorable vote of not less than two-thirds of all the members of said Board of Trustees)
AS FOLLOWS:

Section 1. The Village of Cold Spring, in the County of Putnam, New York (herein called the "Village"), is hereby authorized to construct improvements to the existing wastewater collection system on Fair, Market, Fish and Northern Streets, including the relining of approximately 1,600 linear feet of existing sewers, point repairs of the sewers and other ancillary or required work, including excavation to the sewers. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$297,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$297,000 bonds of the Village to finance said appropriation and the collection of sewer rates to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$297,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and

Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in the "*Putnam County News and Recorder*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF COLD SPRING, NEW YORK

PLEASE TAKE NOTICE that on February 24, 2015, the Board of Trustees of the Village of Cold Spring, in the County of Putnam, New York, adopted the bond resolution entitled:

“Bond Resolution of the Village of Cold Spring, New York, adopted February 24, 2015, authorizing the construction of improvements to the existing wastewater collection system, stating the estimated maximum cost thereof is \$297,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of \$297,000 to finance said appropriation,”

an abstract of such bond resolution concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING the Village of Cold Spring to construct improvements to the existing wastewater collection system on Fair, Market, Fish and Northern Streets, including the relining of approximately 1,600 linear feet of existing sewers, point repairs of the sewers and other ancillary or required work, including excavation to the sewers; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$297,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$297,000 serial bonds of the Village to finance said appropriation and the collection of sewer rates to pay the principal of said bonds and the interest thereon;

SECOND: AUTHORIZING the issuance of \$297,000 serial bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING that (a) the period of probable usefulness of the object or purpose for which the bonds are authorized is forty (40) years; (b) the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and (c) the proposed maturity of said serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village payable by general tax upon all the taxable real property within the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof and other powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: February 24, 2015

Mary Saari
Village Clerk

Section 8. The Village Clerk is hereby authorized and directed to cause a summary of this Bond Resolution to be published after this Bond Resolution shall take effect, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Trustee Stephanie Hawkins offered the following resolution which was seconded by Trustee Bruce Campbell and moved its adoption.

On roll call vote:

Stephanie Hawkins, trustee voting YES
Bruce D. Campbell, trustee voting YES
Michael Bowman, trustee voting YES
Cathryn Fadde, trustee voting YES
J. Ralph Falloon, mayor voting YES
Resolution officially adopted by a vote of 5-0.

* * *

The board discussed a proposed resolution to enter into an inter-municipal agreement with Putnam County involving the county undertaking a multimodal grant project for drainage improvements on NYS Route 9D and in return the village providing snow plowing at two county facilities. After discussion, the board asked for the following alterations to the resolution: clarification of the address of the American Legion on Cedar Street, remove the reference to shoveling, and add that response time for each county facility will be consistent with similar facilities belonging to the village.

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

The board reviewed a memo from Attorney Anna Georgiou, dated February 19, 2015, referring the Butterfield Realty LLC site plan and preliminary subdivision application to the Village Board of Trustees for advice and comment. It was agreed that the board would review the related materials and add this matter to their agenda for March 3, 2015.

Mayor Falloon recommended referral of applications for membership on the Historic District Review Board and the Code Update Committee to the related boards for their recommendation. Trustee Hawkins moved to refer these applications and seconded by Trustee Bowman and unanimously carried.

As a majority of the current board is not seeking another term of office, it was agreed that interviews and decision on the appointment of counsel will be deferred to the newly elected board.

RESOLUTION NO. 7-2015 AUTHORIZING MAYOR'S SIGNATURE ON CONTRACTS 1 & 2 FOR WASTEWATER PLANT UPGRADES

WHEREAS, the Village Board has authorized going to public bid for Wastewater Plant Aeration System Upgrades, and

WHEREAS, the bids were returnable, opened and read aloud on December 9, 2014, and

WHEREAS, Fuss & O'Neill, consulting engineers for the village, recommended acceptance of the bid submitted by Spectraserv, Inc. of 75 Jacobus Avenue, South Kearny, NJ for contract #1 for the Wastewater Process Upgrade, in the base bid amount of \$663,000 and alternate amount of \$9,300, totaling \$672,300, as the lowest responsible bid; and

WHEREAS, Fuss and O'Neill has recommended acceptance of the bid submitted by Fanshawe, Inc. dba Rockland Electric, 143 Main Street, Nanuet, NY for contract #2 for the Electrical Upgrade for the Aeration System Upgrade Project, in the amount of \$234,000 as the lowest responsive, responsible bidder; and

WHEREAS, the Village Board voted on 1/13/ 2015 to follow the recommendation of our consulting engineers and to award contract #1 to Spectraserv and contract #2 to Fanshawe, Inc; and

WHEREAS, the contractors have submitted the appropriate insurance certificates and bonds which were reviewed by the village attorney;

NOW THEREFORE BE IT RESOLVED, that the Village Board hereby authorizes the Mayor to execute contract #1 with Spectraserv & contract #2 with Fanshawe, Inc., dba Rockland Electric for the Wastewater Plant Aeration System Upgrade.

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

On roll call vote:

Stephanie Hawkins, Trustee voting YES

Bruce D. Campbell, Trustee voting YES

Michael Bowman, Trustee voting YES

Cathryn Fadde, Trustee voting YES

J. Ralph Falloon, Mayor voting YES

Resolution officially adopted at a public meeting held on 2/24/2015 by a vote of 5-0.

PUBLIC COMMENT

Mark Patinella, Commodore of the Cold Spring Boat Club, asked if the village plans to obtain written confirmation from the DEC that terminating the boat club lease is not required. Mayor Falloon responded that attorneys for the village and the DEC will be creating language to confirm this. Further, the boat club is seeking storage space during remediation. At the next meeting, the board will discuss questions raised by counsel related to the lease with the boat club followed by discussion on any amendments.

Karen Dunn, resident of Fish Street, sought specific details of the coal tar removal on New Street and the impact on residents. Mayor Falloon commented that these details are not available until the bids for the remediation have been submitted. However, Mayor has been informed that tenting will occur. Further, Ms. Dunn pointed out that this is an opportune time to encourage Metro North to repair the Lunn Terrace Bridge.

The Planning Board scheduled a public hearing on March 4, 2015 to hear comment on the Butterfield site plan and subdivision application.

General Electric announced that this is the sixth and final season of sediment dredging on the Hudson River. Upon completion, 100% of the PCBs targeted by the United States Environmental Protection Agency in the remedy will be addressed.

Mayor Falloon will be meeting with representatives of Congressman Sean Patrick Maloney's office regarding grant opportunities.

Trustee Bowman moved to adjourn and seconded by Mayor Falloon and unanimously carried. Meeting adjourned at 8:15 pm.

Respectfully submitted,

Mary Saari, Village Clerk