

Village of Cold Spring

Board of Trustees Workshop

November 24, 2015

The Board of Trustees of the Village of Cold Spring held a workshop on Tuesday, November 24, 2015 at 7:30 p.m. in the Village Hall, 85 Main Street, Cold Spring, NY.

Attending were Mayor David Merandy, Trustees Michael Bowman, Marie Early, and Frances Murphy. Trustee Cathryn Fadde was absent.

Greg Phillips, Superintendent of Water and Sewer presented two contract **Change Orders** for the Mayor's signature. Change Order #1 for Contract #1 was to compensate the Contractor for removing unsuitable material under the concrete slab and providing structural fill - \$5,905.50; Provide ½ " diameter guide supports for the fine bubble diffusers - \$1,675.00; and Provide wireless air flow meters \$1,300.00.

The change order #1 for Contract #2 includes the downguy and anchor for the telephone pole replacement and the difference in cost of a Class 2 telephone pole versus the Class 3 telephone pole specified in the Contract Drawings.

Change Order No 2 for contracts #1 & 2 are being executed to provide a time extension of 16 calendar days.

A motion was made by Trustee Early to approve the signing of the Change Orders by Mayor Merandy. Trustee Bowman seconded the motion and with a 4-0-0-1 vote, the motion carried. Trustee Fadde was absent.

**Judy Darcy of 174 Main Street** notified the Village office of a water bill in excess of \$1,000. This was due to a problem with her meter going back to the water main project 2-3 years ago. She is requesting payment of this bill be allowed in two installments of \$500 each without incurring penalties.

Trustee Bowman made a motion to approve Ms. Darcy's request and accept two payments of \$500 each. The motion was seconded by Mayor Merandy and was approved with a 4-0-0-1 vote.

Jennifer Zwarich, Chair of the **Tree Advisory Board**, recommended that a Callery pear tree in front of the premises of Anne Impellizzeri, 15 High Street, be removed to allow for the placement of a modular house on the existing foundation. Ms. Impellizzeri's home was destroyed by fire July 2014.

Ms. Impellizzeri is willing to cover all costs and donate funds in an amount likely to plant two or more new trees to replace a relatively young tree.

Trustee Early made a motion to approve Ms. Zwarich's recommendation and with a second from Trustee Murphy and a 4-0-0-1 vote, the motion carried.

In the process of placing the modular units on the foundation at 15 High Street, Juhee Lee-Hartford of River Architects, gave a presentation at a past meeting where there would be four trailers, holding one module each, parked on the east side of High Street between Haldane Street and Northern Avenue. The time frame will be between the end of December and the beginning of January. It was requested of her to

get approval from both the Highway Department for snow plowing ability and the Fire Company for their ability to get fire apparatus through the street.

A notice was received from Ed Trimble, Highway Department Foreman, stating that he had no problem with the parking of the trailers on High Street and that he did not think it would interfere with snow plowing. No written notice has been received from the Fire Department.

## **RESOLUTION 36-2015**

### **RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING APPROVING THE CHANGE OF INDIRECT CONTROL OF THE FRANCHISEE UNDER THE VILLAGE'S CABLE TELEVISION FRANCHISE AGREEMENT**

**WHEREAS**, Cablevision of Wappingers Falls, Inc. ("Franchisee") owns, operates and maintains a cable television system (the "System") in the Village of Cold Spring, New York (the "Village" or the "Franchise Authority"), pursuant to a cable television franchise ("Franchise") granted by the governing body of the Franchise Authority according to the terms of that certain Franchise Renewal Agreement dated October 21, 2008 between Franchisee and Franchise Authority (the "Original Agreement"), and Franchisee is the current duly authorized holder of the Franchise; and

**WHEREAS**, pursuant to an Agreement and Plan of Merger ("Agreement"), Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. ("Acquiror"), will merge with Cablevision Systems Corporation ("Cablevision") (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the "Change of Control"); and

**WHEREAS**, pursuant to paragraph 7 of the Original Agreement, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Agreement and have filed an FCC Form 394 with the Franchise Authority (the "Application"); and

**WHEREAS**, the Franchise Authority has caused the Application to be reviewed; and

**WHEREAS**, pursuant to Exhibit 2 of the Application Acquiror covenants and represents that no changes to the terms of the Original Agreement, the conditions of service or the operation of the system are currently contemplated and further that the cable system will be operated pursuant to the terms of the Original Agreement and applicable law.

**NOW, THEREFORE**, the Cold Spring Village Board, duly convened does hereby

**RESOLVE**, that the Village shall accept the Application and hereby consents to the Change of Control, all in accordance with the terms of the Agreement and applicable law; and it is hereby further

**RESOLVED**, that subject to compliance with the terms of this Resolution, any Village action necessary with respect to the Change of Control has been duly and validly taken; and it is hereby further

**RESOLVED** that this Resolution shall be deemed effective as of the date of its passage and shall have the force of a continuing agreement between the Village the Franchisee and Acquiror, and the Agreement shall not be changed without the consent of the Village the Franchisee and Acquiror; and it is hereby further

**RESOLVED**, that the Mayor of the Village of Cold Spring be and is hereby authorized to execute any necessary agreements on behalf of the Village pursuant to the Change of Control.

The following was presented

Moved by Michael Bowman; Seconded by Trustee Murphy

Date of Adoption 11/24/2015

On roll call vote:

Names	Ayes	Noes	Abstain	Absent
<i>Mayor David Merandy</i>	X			
<i>Trustee Frances Murphy</i>	X			
<i>Trustee Michael Bowman</i>	X			
<i>Trustee Cathryn Fadde</i>				X
<i>Trustee Marie Early</i>	X			
<b>TOTAL</b>	4	0	0	1

**BY ORDER OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING, NEW YORK.**

Dated: November 24, 2015

\_\_\_\_\_  
David Merandy, Mayor

On Tuesday evening, November 17, Trustees Early and Murphy met with a number of Main Street merchants and other interested parties to discuss the **lighting on Main Street** (or lack thereof) as they feel it is too dark in the evenings and therefore does not look like the businesses are open.

At this time, the potential solution would be to add area lighting to some of the 11 poles along Main Street that do not currently have lights. These lights would shine down on the sidewalks and not into the apartments above the businesses.

The following package will go to the DOT for approval for the Main Street Project regarding lighting the week of November 30, 2015:

- Addition of up to 11 old technology street lights and area lights between High Street and Depot Square
- No LEDs on Main Street because of their glaring brightness, thus keeping the ambiance and character of the village;
- 2 LEDs on Furnace Street; and
- 1 LED on Fishkill and Mountain Avenues.

Trustee Early made a motion to approve the Planning Board's and Code Update Committee's requests to change their regular meeting dates, effective immediately. The **Planning Board will meet on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday** of each month; the **Code Update Committee will meet on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays** of each month. Trustee Murphy seconded the motion and with a vote of 4-0-0-1, the motion carried.

William Florence, Counselor at Law, representing **Richard Krupp of 35 Market Street** (formerly owned by Carey Downey) requested that the Village lease the property between Mr. Krupp's property line adjacent to Market Street and to the paved portion of Market Street to ensure ownership of a fence he installed.

Trustee Early made a motion to deny the sale/lease of the property which was seconded by Mayor Merandy. With a vote of 4-0-0-1, the motion carried.

## **RESOLUTION 37-2015**

### **THE VILLAGE OF COLD SPRING VILLAGE BOARD RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING THE VILLAGE CODE REGULATING STREETS AND SIDEWALKS TO ADDRESS SNOW AND ICE REMOVAL**

**WHEREAS**, addressing the cleaning of the sidewalks of the Village and regulating the removal of snow and ice from the sidewalks of the Village will protect the public health, safety and general welfare by providing safe walkways for pedestrians along streets and roads in the Village; and

**WHEREAS**, the Village Board wishes to consider the adoption of an amendment to Section 108-21 of the Village Code addressing the cleaning of the sidewalks of the Village and regulating the removal of snow and ice from the sidewalks of the Village;

**NOW, THEREFORE, it is hereby:**



The **Village office will be closed** Thursday, Thanksgiving Day, and Friday. There will be no recycle pick-up on Friday.

### Correspondence

Mark Patinella of the Cold Spring Boat Club spoke to Mayor Merandy asking if the Board would support the club's efforts to secure and reuse sheet metal piling, after the DEC's project is complete, to be used for the bulkhead with no cost to the Village. All arrangements of cost would be handled by the Boat Club.

Trustee Murphy stated that the Board should wait for Mr. Patinella to be able to attend a meeting before commenting on this. It will be scheduled for the next meeting.

Allison Anthoine requested that the municipal parking lot be opened for the 4 days of the Thanksgiving Holiday to be used by patrons/tourists of the Village businesses. The lot has been closed for paving and striping for parking spaces. Mayor Merandy agreed with the request stating that if the striping has not been completed at that time, the lot could be closed after the holiday weekend for completion of the work.

There is one new applicant for the Planning Board; two applicants for the HDRB; and one for the Code Update Committee. These will be forwarded to the respective boards for their review and recommendations.

A letter was received from County Executive, Mary Ellen O'Dell informing the Village that the County is holding a meeting on Monday, November 30, at 4:00 p.m. in Carmel as a first step towards the study for consolidation of law enforcement within the County.

Trustee Bowman noted that on December 2, 2015 at 5:30 p.m., County Legislature, Barbara Scuccimara will be holding a meeting with all Philipstown Emergency Medical Services at the Cold Spring Fire House to discuss the hiking situation on Breakneck Mountain.

A letter from Janeen Cunningham of the Putnam County Youth Bureau is holding their 31<sup>st</sup> Annual Youth Awards Dinner on Friday, April 15, 2016 at Putnam County Golf Club at 6:30 p.m. All nominations should be submitted to the County Youth Bureau by December 9, 2015 at 12 noon.

Trustee Early brought up a prior conversation with a member of the community regarding the benefits that would be gained by having the **Village elections** held with the county and national elections in November as opposed to the present March elections. This will be put on next week's agenda if Ms. Early can get all the necessary research done showing both pros and cons for such a change.

**Meetings scheduled for the Month of December** will be the 1<sup>st</sup>, 8<sup>th</sup> and the 15<sup>th</sup>. If necessary, a meeting will be held on the 22<sup>nd</sup>.

### Public Comment

There were no public comments at the end of the meeting.

Trustee Bowman made a motion to close the November 24th meeting and with a second from Trustee Early, and a unanimous vote from the Board, the meeting was adjourned.

Respectfully submitted,

Sandra L. Falloon