

Minutes Board of Trustees Monthly Meeting

November 10, 2015

The village of Cold Spring Board of Trustees held their regular monthly meeting on Tuesday, November 10, 2015 at Village Hall, 85 Main Street, Cold Spring, NY beginning at 7: 30 PM.

Attending: Mayor Dave Merandy and Trustees Frances Murphy, Marie Early, Michael Bowman and Cathryn Fadde

Also attending: Greg Phillips, Water & Wastewater Superintendent; Ellen Mageean, Village Accountant; Planning Board members Barney Molloy, Karen Dunn and James Pergamo; Jennifer Zwarich, Tree Advisory Board Chair and Kathleen Foley, vice-chair of the Historic District Review Board

Absent: William Bujarski, Building Inspector

Mayor Merandy called the meeting to order followed by the Pledge of Allegiance.

MONTHLY BOARD REPORTS

Recreation Commission report was unavailable.

Planning Board members Barney Molloy, Karen Dunn and James Pergamo submitted letters of resignation.

Mayor Merandy moved to accept these resignations and seconded by Trustee Early and unanimously carried. The village clerk will advertise for members.

Zoning Board of Appeals report was unavailable.

Robert Flaherty, Town of Philipstown Councilman, reported that the town board authorized placement of a medication drop box at town hall. The Recreation Center in Garrison has been designated as an official Red Cross emergency shelter. A training session for shelter volunteers will be held on December 5th.

Kathleen Foley reported that the Historic District Review Board submitted a final report to SHPO for the CLG Grant. The HDRB will be preparing a proposal for the next grant cycle to fund review of Design Standards. In November, the board is focusing on administrative improvements with adjustments to application forms and deadlines.

Putnam County report- Legislator Scuccimarra is requesting assistance from State Senator Susan Serino for funding of Big Belly solar compacting garbage receptacles.

As a result of a recent meeting between the mayor and representatives from the Department of Environmental Conservation, a point of contact for the remediation project on New Street was established to respond to resident concerns and inform the public of scheduled activities.

The Cold Spring Fire Company responded to 123 calls to date, during October there were seven calls which included two mountain rescues, two brush fires and three mutual aid calls.

The Parking Committee recommended that solar meters, provided by Parkeon, be installed in the recently repaved municipal parking lot on Fair Street. Further, they recommended that the least expensive meter that accepts credit cards and uses computer technology to alert police to non-compliant cars be purchased. Also, the committee recommends a charge of \$1.00 per hour for every hour from April 15th to November 15th. From November 15th to April 15th, they recommend that the cost be changed to \$1.00 per hour from 8 am to 5 pm and free at night.

The Tree Advisory Board (TAB) is reviewing requests for removal of public trees and asked for guidance in developing a policy for selection of tree removal contractors. It was recommended that an RFP be

developed to establish a rotating list of approved vendors. Work continues on the updated tree inventory and TAB website. Haldane Middle School students will be participating in a service day involving cleaning tree pits and prepping areas for tree planting. The Code Update Committee reported on NYSERDA Grant progress. The committee continues discussion on zoning topics including livable floor area, Bed & Breakfasts and accessory apartments.

FINANCIAL REPORT

Bank balances were reviewed.

Financial highlights for November 10, 2015:

The audit has been completed. The auditors are scheduled to come to the December 8, 2015 meeting to discuss the report and the results of the audit with the Board.

- Based on advice from the auditors, we processed a check for the donations that we received related to the Mountain Avenue Cemetery that will go to the Town of Philipstown as they are responsible for the maintenance of the cemetery. On November 9th this account was closed. The remaining money in the account went into the general fund.
- We received our 3rd quarter franchise fee payment in November. It was slightly higher than last year and we are on track to be on or slightly over budget.
- We received our 1st two payments from the Governor's Office of Storm Recovery for the local share of expenses related to Superstorm Sandy.

There was board discussion about legal expenses and concern that attorney budget lines would be over budget. Further, the board spoke about communication on legal matters and procedures for approaching counsel.

WATER AND WASTEWATER

Greg Phillips reported on construction progress at the wastewater plant. Both contractors on the project are seeking to extend the date of substantial completion. Written justification for this change has been requested.

Reservoir capacity is at 52% and it was recommended that the ban on outdoor water use be extended. An amended water supply agreement will be submitted to the NYCDEP for review. Our consultant, Bart Clark, P.E. has received confirmation that the Land Use Permit and Water Supply Agreement are on parallel tracks for review which should help to streamline the process.

Mr. Phillips recommended revisiting the issue of water meter replacement/upgrades, as the current meters have been in service for 18 years. He offered the following reasons for this change: improve accuracy of billing, automated processes will free up staff time for other tasks, assist in compliance with the NYDEP water agreement regarding accountability, and with the new technology at the Butterfield Development, it would be an appropriate time to initiate improvements to entire system rather than running two separate systems at once. Mr. Phillips will be meeting with manufacturing representatives to understand new technologies and associated costs.

A request to change the flat rate water and sewer assessment for property located at 22 Chestnut Street was considered. This property was inspected by the water superintendent and he noted that the home is currently utilized as a single family residence. Trustee Early moved to change the assessment from two units to one and seconded by Trustee Fadde and unanimously carried.

Code Enforcement

The Building Inspector was absent for this meeting so Trustee Early offered to follow up with questions about the status of the fence at Market Street and Trustee Bowman will address questions about the status of the former VFW Building on Kemble Avenue.

Ed Trimble, Highway Foreman reported on monthly highway activities including sidewalk repairs, preparations for winter, delivering scrap metal for recycling and tree removal.

Police and Justice Court

OIC Kane submitted the monthly reports for September and October. The department responded to 160 calls for service and issued 106 parking tickets.

Justice Court collected \$7,210 during the month of October.

Report of the Mayor and Board of Trustees

Mayor Merandy thanked former Mayor Anthony Phillips and Fred Pena, Putnam County Highway Commissioner for their assistance with the recently completed multimodal drainage project on Route 9D.

Mayor reported securing a contribution in the amount of \$9,000 from Groombridge Games for the 2016 fireworks celebration. The donor is also interested in launching fireworks from a barge and would consider payment for this option. Trustee Early moved to accept this donation and to earmark it for the 2016 fireworks display and seconded by Trustee Fadde and unanimously carried. Trustee Early moved to re-form the Independence Day Committee and to re-advertise and seconded by Trustee Murphy and unanimously carried.

Trustee Early reported on the progress of the Federal aid transportation project. It is anticipated that this project will go out to bid by end of December.

Trustee Bowman reported that the Putnam County Legislature passed the lease for the senior center at Butterfield and thanked Legislator Scuccimarra for her efforts.

Correspondence

Cablevision merged with Altice and asked the village to adopt a resolution approving this change. The village is awaiting additional information from Cablevision which we will forward to counsel prior to considering the proposed resolution. Trustee Bowman asked if the village could explore reduction in cable rates for senior citizens.

Robert Ferris, member of the parking committee, recently moved out of the village and asked the board to consider him for continued membership. Trustee Fadde moved to retain Bob Ferris on the parking committee and seconded by Trustee Bowman and unanimously carried.

Jennifer Simard, newly appointed HDRB member, tendered her resignation effective December 31st as she has been named to the cast of a Broadway production. Trustee Early moved to accept this resignation and seconded by Trustee Fadde and unanimously carried.

Central Hudson provided a Blanket LED Street Lighting Order that would provide authority to replace all Rate A failing street lights with an LED equivalent fixture. Trustee Early moved to authorize the mayor's signature and seconded by Trustee Fadde and unanimously carried.

Old Business

Trustee Early pointed out that the sale of any sidewalk areas to Main Street businesses will interfere with the right-of-way established for the federal transportation project. Trustee Fadde moved to table and seconded by Mayor Merandy and unanimously carried.

Mayor Merandy reported on recent efforts to secure payment from Butterfield Realty LLC for legal expenses. Payment in the amount of \$7,000 has been received with a request from Mr. Guillaro for a full accounting of the escrow account. A meeting has been scheduled for this review.

RESOLUTION #34-2015 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING (the "Village") AUTHORIZING THE APPROVAL OF THAT CERTAIN TRANSPORTATION FEDERAL-AID PROJECT FOR IMPROVEMENTS TO EXISTING INFRASTRUCTURE AND PEDESTRIAN FACILITIES ALONG MAIN STREET, FURNACE STREET AND THE INTERSECTION OF MOUNTAIN AVENUE AND FISHKILL AVENUE; IDENTIFIED AS PIN #8760.04 (THE "Project") AND THE COMMITMENT OF FUNDS TO FINANCE SAID PROJECT

WHEREAS, by agreements dated June 1, 2011 (the "Agreements") the Village engaged CHA Consulting, Inc. ("Consultant") to perform certain work required under the Agreements; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, which calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

WHEREAS, in order to complete the Project the Consultant will be required to undertake work in addition to that which was contemplated in the Agreements, including construction, construction inspection and construction supervision (the "Additional Work"); and

WHEREAS, the cost of the Additional Work shall be borne at the ratios set forth in the Agreements; and

WHEREAS, the Village desires to advance the Project by committing to fund One Hundred (100%) percent of the non-federal share of the costs of the Additional Work.

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

RESOLVE, that the Cold Spring Village Board hereby approves the undertaking and completion of the Additional Work by Consultant; and it is hereby further

RESOLVED, that the Cold Spring Village Board hereby authorizes the Village to pay in the first instance 100% of the federal and non-federal share of the cost of the Additional Work; and it is further

RESOLVED, that the sum of **\$575,919.00** is hereby appropriated from the general fund and shall be made available to cover the cost of the Additional Work; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Additional Work exceeds the amount herein appropriated, the Cold Spring Village Board shall convene as soon as possible to discuss appropriations to cover such costs, upon the notification by the Mayor of such a short-fall; and it is further

RESOLVED, that the Mayor of the Village of Cold Spring be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and applicable Marchiselli Aid on behalf of the Village with the New York State Department of Transportation in connection with the advancement or approval of the Project and the Additional Work and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Trustee Michael Bowman moved the foregoing resolution which was seconded by Mayor Merandy.

On roll call vote:

Trustee Frances Murphy voting	YES
Trustee Marie Early voting	YES
Trustee Michael Bowman voting	YES
Trustee Cathryn Fadde voting	YES
Mayor Dave Merandy voting	YES

Resolution officially adopted at a meeting of the village of Cold Spring Board of Trustees on 11/10/2015 by a vote of 5-0.

VILLAGE OF COLD SPRING RESOLUTION #35-2015 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING (the "Village") AUTHORIZING THE APPROVAL OF THAT CERTAIN TRANSPORTATION FEDERAL-AID PROJECT FOR THE REPAIR AND REPLACEMENT OF SIDEWALKS ON MAIN STREET, THE INSTALLATION WHERE NECESSARY OF HANDICAPPED ACCESSIBLE ENTRANCE RAMPS AND THE MODIFICATION AND UPGRADE WHERE NECESSARY OF THE EXISTING LIGHTING WITHIN THE MAIN STREET CORRIDOR; IDENTIFIED AS PIN #8759.53 (The "Project") AND THE COMMITMENT OF THE FUNDS NECESSARY TO FINANCE SAID PROJECT

WHEREAS, by agreements dated June 1, 2011 (the "Agreements") the Village engaged CHA Consulting, Inc. ("Consultant") to perform that certain work required under the Agreements; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, which calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, in order to complete the Project the Consultant will be required to undertake work in addition to that which was contemplated in the Agreements, including construction, construction inspection and construction supervision (the “Additional Work”); and

WHEREAS, the cost of the Additional Work shall be borne at the ratios set forth in the Agreements; and

WHEREAS, the Village desires to advance the Project by committing to fund One Hundred (100%) Percent of the non-federal share of the costs of the Additional Work.

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

RESOLVE, that the Cold Spring Village Board hereby approves the undertaking and completion of the Additional Work by Consultant; and it is hereby further

RESOLVED, that the Cold Spring Village Board hereby authorizes the Village to pay in the first instance 100% of the federal and non-federal share of the cost of the Additional Work; and it is further

RESOLVED, that the sum of **\$174,975.00** is hereby appropriated from the general fund and shall be made available to cover the cost of the Additional Work; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the Additional Work exceeds the amount herein appropriated, the Cold Spring Village Board shall convene as soon as possible to discuss appropriations to cover such costs, upon the notification by the Mayor of such a short-fall; and it is further

RESOLVED, that the Mayor of the Village of Cold Spring be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and applicable Marchiselli Aid on behalf of the Village with the New York State Department of Transportation in connection with the advancement or approval of the Project and the Additional Work and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of the federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

Trustee Michael Bowman moved the foregoing resolution which was seconded by Trustee Cathryn Fadde.

On roll call vote:

Trustee Frances Murphy voting	YES
Trustee Marie Early voting	YES
Trustee Michael Bowman voting	YES
Trustee Cathryn Fadde voting	YES
Mayor Dave Merandy voting	YES

Resolution officially adopted at a meeting of the village of Cold Spring Board of Trustees on 11/10/2015 by a vote of 5-0.

Snow Removal at Cold Spring Firehouse

Trustee Early asked to defer discussion of snow removal at the Cold Spring Firehouse to the new lease which is due to be signed by 12/31/2015. Trustee Bowman suggested contacting Stephen Smith, Assistant Chief. Trustee Fadde moved to table and seconded by Trustee Early and unanimously carried.

Flood Insurance Waivers

Trustee Early moved to waive flood insurance for 49-61 Fair Street and seconded by Trustee Murphy and unanimously carried. Trustee Early moved to waive flood insurance for 1A West Street and seconded by Trustee Murphy. Trustee Early moved to waive flood insurance on 45A Market Street, contingent upon agreement by the Water Superintendent, and seconded by Trustee Murphy and unanimously carried.

Snow Removal Local Law

A draft local law has been prepared which will amend the Village Code related to snow removal on sidewalks. This draft will be revised to address questions regarding enforcement. Trustee Bowman moved to set a public hearing on December 1, 2015 at 7:00 pm for the draft local law on snow on sidewalks, Resolution #36-2015 and seconded by Trustee Fadde and unanimously carried.

Joseph Russo resigned from his part-time position performing grounds work due to relocation. Trustee Bowman moved to accept this resignation and to wish him well in Saratoga Springs and seconded by Trustee Fadde and unanimously carried.

Bill Approval

Trustee Early moved to approve payment of the audited bills, batch # 3327, in the amount of \$202, 832.89 and seconded by Trustee Fadde and unanimously carried.

Approval of Minutes

Trustee Early moved to approve the minutes of the 10/13/2015 meeting and seconded by Mayor Merandy and carried by a vote of 4-0-1-0 with Trustee Fadde abstaining due to absence.

Trustee Early moved to approve the minutes of the 10/27/2015 meeting and seconded by Trustee Murphy and unanimously carried.

Public Comment

Frank Haggerty, resident of 12 Main Street, urged the board to be wary of signing documents regarding the Cablevision merger if there is information missing/ redacted. Further, he is wary about appointing non-residents to committees. Lastly, he pointed out that the village recently lost several winter parking locations.

Airinhos Serradas read the attached perspective entitled, "Events Intersect With Tax Revenue in Village". Michael Robinson, resident of High Street, spoke about a recent PCN&R taping of a village board meeting where technical difficulties were encountered and the discussions surrounding the appointment of Matt Francisco as Planning Board Chair were missing. He asked what progress the village is making toward taping their own meetings. Further, he offered to donate a camera to this effort.

Rich Franco complemented the PCN&R recordings of village meetings and thinks it is ridiculous to use village resources to duplicate this effort. He asked questions about the plans to improve lighting on Main Street.

Kathleen Foley commented that it is important to have an alternate recording source as the press selects controversial meetings to record and if the goal is public access, then we need to have public taping. In another matter, the HDRB hasn't had a Special Attorney for the Butterfield project: the HDRB used village counsel. Further, she asked if the village will have input on the quality of lights that will be placed in residential areas. Lastly, she asked about areas for resident parking during snow storms. She questioned whether Cold Spring residents could park in the Nelsonville lot.

Doug Cunningham, Editor of the PCNR offered that the PCN&R does not edit videotapes. On rare occasions, they have encountered technical difficulty and they indicate this.

Airinhos Serradas urged the board to coordinate with the township and use that leverage to obtain cable benefits for seniors. He spoke about the positive aspects of the Big Belly compactors.

With no further business, Trustee Murphy moved to adjourn and seconded by Trustee Early and unanimously approved. Meeting adjourned at 10:00 pm.

Respectfully submitted,

Mary Saari, Village Clerk