



**VILLAGE OF COLD SPRING**  
85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002  
WEB: WWW.COLDSPRINGNY.GOV

**Board of Trustees**  
**Meeting Minutes – November 4, 2021**

The Board of Trustees of the Village of Cold Spring held a Public Hearing and Workshop on Thursday, November 4, 2021 via videoconference as per Chapter 417 of NYS Laws of 2021. Present were Mayor Dave Merandy, Trustees Marie Early, Kathleen E. Foley, Frances Murphy and Tweeps Phillips Woods. Also present were John Furst, Village Attorney, and Ted Fink, Planner. D. Merandy called the meeting to order at 6:31pm.

**Public Hearing Continuation for Chapters 134 (Zoning), 104 (Signs and Placards) and 76 (Noise)**

D. Merandy made a motion to continue the Public Hearing for Chapter 134 (Zoning), 104 (Signs and Placards) and 76 (Noise). M. Early seconded the motion and it passed by a vote of 5-0-0.

D. Merandy read into the record written comments (attached) received by:

- Paul Henderson (14 Stone Street)
- Michael Reisman (30 Rock Street): 2 comments submitted – 10/25 and 10/27

D. Merandy made a motion to close the Public Hearing. M. Early seconded the motion and it passed by a vote of 5-0-0.

T. Fink reviewed the options being considered by the Board for moving forward.

- I-1
- MU-1
- PMU-2

D. Merandy polled the Board on how it wished to proceed – continue or leave the issue for the incoming Board to address and finish. All five Board members agreed that it should stop at this point and leave the issue for the next Board.

**Board Business**

**Boat Club Lease**

D. Merandy asked the Board if it had any comments or questions on the Boat Club lease.

T. Woods asked if the Boat club has always been responsible for the removal of trash and recycling from the property? D. Merandy responded that it is a new provision in this lease. T. Woods also asked if the Fire and Police Departments have emergency access to the property. F. Murphy responded that they do; D. Merandy agreed to confirm this point.

K. Foley asked if the Boat Club By-Laws can be provided to the Village on annual basis? Village Attorney John Furst said he will have language added to the lease requiring the By-Laws be submitted as they are changed.

K. Foley stated that while she is in favor of executing the lease, she is opposed to the public not having the opportunity to review and comment on the lease.

T. Woods asked J. Furst if it is necessary to share the lease with the public for comment? J. Furst responded that it is not common practice for a lease.

J. Furst reviewed the findings of the SEQRA assessment:

- It is a Type II Unlisted action
- Board of Trustees is the Lead Agency
- Board of Trustees issued a Negative Declaration

**Resolution 83-2021** (attached) authorizing the Mayor to execute the agreement with the Cold Spring Boat Club (subject to additional language added by John Furst re Boat Club By-Laws) was offered for adoption by Trustee Marie Early and seconded by Trustee Frances Murphy. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 74-2021** (attached) declaring the Board of Trustees as lead agency for Chapters 64 (Historic District) and 132 (Waterfront Consistency Review) was offered for adoption by Mayor Dave Merandy and seconded by Trustee Marie Early. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 75-2021** (attached) authorizing the filing of Negative Declaration for Chapters 64 (Historic District) and 132 (Waterfront Consistency Review) was offered for adoption by Mayor Dave Merandy and seconded by Trustee Frances Murphy. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 76-2021** (attached) classifying amendments to Chapters 101 (Shopping Carts), 108 (Streets and Sidewalks), 114 (Swimming Pools) and 126 (Vehicles and Traffic) as Type II Actions under SEQRA was offered for adoption by Mayor Dave Merandy and seconded by Trustee Marie Early. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 77-2021** (attached) adopting Local Law 29 of 2021 amending Chapter 64 (Historic District) of the Village Code was offered for adoption by Trustee Kathleen E. Foley and seconded by Trustee Frances Murphy. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 78-2021** (attached) adopting Local Law 33 of 2021 amending Chapter 108 (Streets and Sidewalks) of the Village Code was offered for adoption by Trustee Frances Murphy and seconded by Trustee Tweeps Phillips Woods. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 79-2021** (attached) adopting Local Law 34 of 2021 amending Chapter 114 (Swimming Pools, Spas and Hot Tubs) of the Village Code was offered for adoption by Trustee Kathleen E. Foley and seconded by Trustee Tweeps Phillips Woods. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 80-2021** (attached) adopting Local Law 35 of 2021 amending Chapter 126 (Vehicles and Traffic) of the Village Code was offered for adoption by Mayor Dave Merandy and seconded by Trustee Kathleen E. Foley. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 81-2021** (attached) adopting Local Law 36 of 2021 adding Chapter 132 (Waterfront Consistency Review) to the Village Code was offered for adoption by Mayor Dave Merandy and seconded by Trustee Kathleen E. Foley. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Resolution 82-2021** (attached) accepting the results of the FY 2020-21 Audit was offered for adoption by Trustee Marie Early and seconded by Trustee Kathleen E. Foley. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

**Approve free parking in Municipal Lot** – F. Murphy made a motion to approve free parking in the Municipal Parking lot starting at 9:00pm on Wednesday, November 24, 2021 and ending at 8:00am on Monday, November 29, 2021. M. Early seconded the motion and it passed by a vote of 5-0-0-0.

**Update on Garbage Bid:** D. Merandy provided an update on the issuance of a bid for garbage and recycling collection. The bid packet will be issued on November 5<sup>th</sup> with bids due back by November 19<sup>th</sup>.

#### **Board Comments**

D. Merandy gave updates on the following:

- Office in Charge Larry Burke was involved in a car accident on 11/1/2021 while on duty. Officer Burke is ok and back to duty. Police car appears to be totaled, but final determination will be made by the insurance company.
- Due to manufacturing and supply chain issues, the new dump truck will not be available until Spring 2022. Village is investigating alternative options for salting/sanding roads during the winter. Alternatives may include purchasing a used truck, retro fitting the sander on an existing truck, outsourcing, etc.
- Seastreak has requested additional docking dates to include every Saturday from November 20 – December 18<sup>th</sup>. M. Early to discuss costs and availability of portable toilets with Seastreak. Tabled until 11/9/21 meeting.

#### **Public Comment**

Gaston Alonso, 34 West Street: Expressed his displeasure that public comment was not allowed prior to approval of the Boat Club lease.

Richard Dorritie, 32 West Street: Questioned why the Board was moving forward with a new lease when there are still three years left on the existing lease

Lloyd DesBrisay: 34 West Street: Expressed his displeasure with the process in regards to the Boat Club lease. Also stated he was against allowing Seastreak additional docking dates.

Karen Matschke, 7 Forge Gate: Thanked the Board for not proceeding with changes to Chapter 134 at this time.

Matt Francisco, 18 Orchard Street – commented that it is highly improper to include the public in lease negotiations

Stefan Ebaugh, 34 West Street – Objected to the secrecy of the Boat Club lease negotiations and lack of transparency.

Eliza Starbuck, 173 Main Street – Encouraged people to participate and join in order to help foster openness and change

Gaston Alonso, 34 West Street – Wanted to clarify that he is not against the Boat Club but instead against the process

Stefan Ebaugh, 34 West Street – requested that the following written correspondence be included in the official record (minutes) of the meeting:

- Two letters from Young Lee (32 West Street) dated November 4, 2021 (attached)
- Correspondence from S. Ebaugh to the Committee on Open Government requesting an advisory opinion on if executive sessions held by the Board of Trustees to discuss the Boat Club lease were in violation of the Section 105(1)(h) of the New York Open Meetings Law (attached)

### **Adjournment**

D. Merandy made a motion to adjourn. M. Early seconded the motion and it passed unanimously. Meeting adjourned at 8:20 pm.

**From:** [Paul Henderson](#)  
**To:** [Mayor](#); [Dave Merandy](#); [Trustee Early](#); [Trustee Murphy](#); [Trustee Foley](#); [Trustee Woods](#)  
**Cc:** [VCS Clerk](#); [Jeff Amato](#); [Paul Henderson](#)  
**Subject:** Code updates  
**Date:** Tuesday, October 26, 2021 12:55:23 PM  
**Attachments:** [CUC District Map.pdf](#)

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Village of Cold Spring Board of Trustees,

I am writing because of my concern on various topics within the current code update conversation and review.

The attached map, which I ask that you screen-share during the Public Hearing, was the map the Code Update Committee agreed represented the proposed revised zoning districts including adjustments to district boundaries as well as proposed changes. It was the intention of the CUC to designate the upper portion of the lots comprising the Village garage, sewage treatment plant and Mayors Park as Parks and Recreation (PR-1). Because the map has no geographical information (apart from the edge of the Hudson River), none of us realized at the time that the northern-most lots in that area belong to Putnam County and more importantly are not Mayors Park (and are mostly underwater). We thought we were labeling Mayors Park as PR-1. This map was part of the CUC Public Presentations but neither it nor the presentations themselves can currently be found on the village web site. If this is incorrect, please direct me to where they can be found.

As you can see from the map, we also proposed realigning and reconciling districts boundaries with property lines, e.g. properties adjacent to The Boulevard that were previously divided between districts. It is for this reason that Mayors Park should be separated out as a distinct lot from the balance of the Village property in this area, rather than designating it as both PR-1 and MU-1.

Regarding the re-designation of the I-1 district, my primary concern is the obvious tension between the proposed redefinition of the district versus the “push” for a rushed decision based on the available time before the terms of the current Board members end. The issues are complex and have already been considered over the course of several months by the CUC and a few weeks now by the VBoT. In light of Ted Finks informal assessment, it seems that even were the Board to vote, implementation of the change would require a minimum of several months depending on SEQR designation and then be open for challenge if inadequately vetted. Adopting a hastily proposed change carrying such significance is ill advised at best. As Ted also pointed out, NYSERDA is unlikely to withhold approval of an extension. (The CUC received several.)

The conversations of the VBoT during the Public Hearings regarding the Marathon property have rarely, if ever, referenced other properties. So that the VBoT is not accused of spot zoning, the discussion should be based on the district, not the individual property. Going back to Mayors Park, if that property would be divided off from the balance of the lot, the remaining area will still be more than the minimum dimensional requirement for MU-1 as outlined in the Dimensional Table we proposed, i.e. greater than 10,000 sq ft. This would preserve the intent of the Cto not have a single lot in more than one district.

Finally, I urge you all to adopt the CUC proposal to designate the areas colored in yellow on the attached map as MU-1 and not designate the VBoT as the gate keeper. That role is more appropriately the purview of the land use boards.

Sincerely,

Paul Henderson  
**Sigler Henderson Studio, LLC**

Cold Spring & Newburgh, NY

Michael D. Reisman  
30 Rock Street  
Cold Spring, NY 10516

October 25, 2021

Mayor and Board of Trustees  
Village of Cold Spring  
85 Main Street  
Cold Spring, NY 10516

*Re: Chapter 134-12 (Marathon Property)*

Dear Mayor and Trustees:

I write in my personal capacity to oppose adoption of any version of the Mixed-Use Zoning District in place of the current I-1 District for the Marathon property. Although I served as a member of the Code Update Committee in 2018 and 2019, upon reflection I have concluded that the proposed designation is not consistent with either the Comprehensive Plan or the Local Waterfront Revitalization Strategy, both of which I significantly contributed to as a member of the CP/LWRP Special Board from 2009 through 2014. (I have not seen the “Planned Mixed Use-2” language, which was apparently considered by the Board last week, as is not available on the Village website.) I oppose **any** MU designation for several reasons:

**First**, I joined the CUC after it drafted the MU-1 language, and my efforts to modify that language were voted down by that Committee. While it is true that both the CP and LWRS support development that provides for a mix of uses, there is nothing in either document stating that the mechanism for achieving such development **must** be a mixed-use zone. Indeed, it troubles me that the MU-1 language drafted by the CUC did not reflect the nine Recommended Principles for Future Development set forth in the November 2011 LWRS section regarding the Marathon property, of which I was the primary drafter. (That section is attached to this letter.) Those principles reflect extensive research and discussions in many public meetings over the course of several years. I personally led some of those meetings, several of which were attended by the property owners.

**Second**, I became aware only last week that the Village Board was considering a different proposed new zoning map than the one that had been created by the CUC in September 2019. For some reason, unlike the 2019 CUC map, the 2021 Village Board map **includes subdivided lots** on the southern end of the Marathon property. There is no way I would have supported such a map in 2019, and I do not support it today.

***Finally***, adopting a Planned Use Development District, as has been suggested, would provide flexibility, ensure continued dialog with the property owners, and protect the interests of the Village. Rushing to adopt zoning language that might tie the hands of the Village for years to come makes little sense, and it is not prudent to expect the Planning Board to figure this out at some point in the future.

Yours truly,

Michael D. Reisman

Enclosure



Michael D. Reisman  
30 Rock Street  
Cold Spring, NY 10516

October 27, 2021

Mayor and Board of Trustees  
Village of Cold Spring  
85 Main Street  
Cold Spring, NY 10516

*Re: Chapter 134-12 (Zoning - Marathon Property)*

Dear Mayor and Trustees:

I respectfully write in my personal capacity to offer additional comments regarding this matter, in light of the Continued Public Hearing held on October 26, 2021 by the Village Board of Trustees:

1. I was surprised that the Village Board did not discuss how to avoid piecemeal development at Marathon (*i.e.*, one lot at a time) or to ensure that future development comports with the Comprehensive Plan and Local Waterfront Revitalization Strategy. Apologies if these topics were discussed at prior meetings, which I could not attend due to work commitments, but it does not seem that they have been resolved.
2. I was also surprised that, despite that the meeting was publicized as a “Continued Public Hearing,” Mayor Merandy announced at the beginning that public comment would not be allowed. Even were it not required, principles of democratic governance and transparency warrant an opportunity for public comment.
3. Despite my deep background knowledge of the issues, I found the meeting difficult to follow, largely because two documents discussed by the Village Board – apparently reflecting different options for potential Village Code revisions – had not been made available to the public. As you know, the New York Open Meetings Law provides that “any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available ... prior to or at the meeting during which the records will be discussed.” N.Y. Public Officers Law § 103(e). On October 19, 2021, Governor Hochul (who began her career in public service as a member of her local town board) [signed into law](#) an amendment requiring that documents to be discussed at open meetings by local governments be posted on the government’s website ***at least 24 hours*** prior to the meeting. (The explicit 24-hour requirement becomes effective on November 18.) Again, even were it not required by the Open Meetings

Law, principles of democratic governance and transparency warrant advance disclosure of documents such as those discussed at the October 26, 2021 meeting.

4. I heard Trustee Foley suggest that the Planning Board should make the final decision on development at Marathon, because this is “everyday in terms of what the Planning Board does,” and due to concerns about the “political vagaries” of elected boards. Apologies if I misheard or misunderstood the comments, but future development at Marathon is anything but an everyday matter, as the very lengthy – and sometimes contentious – record on this topic shows. Also, a key purpose of Village Board involvement in the development process is to ensure that decisionmakers are accountable to residents, which elected officials are. And past experience (including the Butterfield project) suggests that Planning Board members are not insulated from politics. Finally, development at Marathon will surely require the Village to rely on consultants, despite whatever subject matter knowledge Planning Board members might have – and the Village Board is just as equipped to evaluate consultants’ reports and suggestions as is the Planning Board.
5. I was pleased that Ted Fink (who advised both the CP/LWRP Special Board and Code Update Committee when I was a member) mentioned charettes, and in particular a CP/LWRP Special Board public meeting regarding Marathon in May 2011, at which various sketches were presented and discussed. I was also pleased to see that those materials, as well as materials from a CP/LWRP Special Board September 2011 public meeting (which look quite familiar), remain available [on the Village website](#). I urge Village Board members to review (or re-review) these important materials.

Yours truly,

Michael D. Reisman

## THE VILLAGE OF COLD SPRING VILLAGE BOARD

| Names  | Roll Call Vote |      |         |        |
|--|----------------|------|---------|--------|
|  | Ayes           | Noes | Abstain | Absent |
| <i>Mayor</i><br><b>David Merandy</b>           | X              |      |         |        |
| <i>Trustee</i><br><b>Frances Murphy</b>        | X              |      |         |        |
| <i>Trustee</i><br><b>Marie Early</b>           | X              |      |         |        |
| <i>Trustee</i><br><b>Kathleen E. Foley</b>     | X              |      |         |        |
| <i>Trustee</i><br><b>Tweeps Phillips Woods</b> | X              |      |         |        |
| <b>TOTAL</b>                                   | 5              | 0    | 0       | 0      |

### RESOLUTION 83-2021 OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF COLD SPRING AUTHORIZING THE MAYOR TO EXECUTE THE GROUND LEASE AGREEMENT WITH THE COLD SPRING BOAT CLUB

The following resolution was offered by Trustee Marie Early for adoption and seconded by Trustee Frances Murphy, to wit:

**WHEREAS**, the Village of Cold Spring (the “Village”) owns the property situated at the waterfront of the Hudson River which is identified as Tax Map No. Section 48.12, Block 1, Lot 1.51 and is located at the intersection of New Street and West Street (the “Property”); and

**WHEREAS**, the Village has been leasing a portion of the Property to the Cold Spring Boat Club, Inc. (the “Boat Club”) pursuant to a lease, dated June 2, 2003, (the “Original Lease”) which Original Lease was amended May 2, 2015, and is set to expire on June 9, 2024; and

**WHEREAS**, the Village and the Boat Club both wish to terminate the Original Lease and enter into a new ground lease agreement (the “New Ground Lease Agreement”), in connection with the portion of the Property that is further depicted in Exhibit A of the proposed New Ground Lease Agreement (a copy of the proposed New Ground Lease Agreement is attached hereto); and

**WHEREAS**, the proposed New Ground Lease Agreement will extend the lease another twenty (20) years pursuant to the terms, conditions and consideration spelled out in the attached New Ground Lease; and

**WHEREAS**, the area to be leased by the Village to the Boat Club is the same area that the Boat Club has been leasing since 2003; and

**WHEREAS**, the purposes for which the Boat Club intends to lease the area is essentially the same since 2003; and

**WHEREAS**, Boat Club has agreed to lease the area for fair and adequate consideration while allowing access to Village residents and emergency services; and

**WHEREAS**, the Village has determined that the portion of the Property being leased is not needed for municipal purposes except as described above; and

**WHEREAS**, the proposed lease of a portion of the Village owned Property is an action subject to the State Environmental Quality Review Act ("SEQRA") and the Village Board has determined the lease of this small area is an "Unlisted Action" for which the Village has reviewed and completed a Short Environmental Assessment Form pursuant to SEQRA; and

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

**RESOLVED**, that the Village Board declares itself the Lead Agency with respect to the SEQRA review of the lease of a portion of the Village owned Property since there are no other agencies that have authority to approve the lease; and let it be further

**RESOLVED**, that the Village Board of Trustees hereby issues a Negative Declaration (see attached) for this proposed action under SEQRA as entering into this lease will not result in any significant adverse environmental impacts and an environmental impact statement is NOT required; and let it be further

**RESOLVED**, that the Village Board of Trustees hereby determines that the lease of a portion of the Village owned Property is in the public interest of the residents of the Village; and

**RESOLVED**, that the Village Board hereby authorizes the Mayor to execute any and all required agreements and documentation to effectuate the lease of a portion of the Village owned Property, subject to the review and approval of the New Ground Lease Agreement as to form and content by the Attorney for the Village.

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

DATED: November 4, 2021

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Jeffrey Vidakovich, Village Clerk



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**Resolution # 74-2021 Declaring the Village Board of Trustees as Lead Agency for Classification of Unlisted Actions - Chapters 64 and 132**

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Marie Early, to wit:

**Whereas**, the Village of Cold Spring Board of Trustees is considering adoption of amendments to two chapters of the Village Code including chapters 64 (Historic District) and 132 (Waterfront Consistency Review) within the Village of Cold Spring, Putnam County, New York, and

**Whereas**, an Environmental Assessment Form (EAF) dated 10/25/21 was prepared to comply with the requirements of SEQRA and to address the potential environmental impacts of the Chapter's adoption, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Village Board has determined that the proposed actions are Unlisted Actions because they do not meet any of the Type I thresholds found in 6 NYCRR 617.4, and

**Whereas**, after examining the EAF, the Village Board has determined that there are no other involved and/or federal agencies on this matter.

**Now Therefore Be It Resolved**, that the Village Board hereby declares itself Lead Agency for the review of this action.

**Be It Further Resolved**, that a Determination of Significance will be made at such time as all information has been received by the Village Board to enable it to determine whether the action will or will not have a significant effect on the environment.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.



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### **Resolution # 75-2021 Authorizing Filing of Negative Declaration for Chapters 64 and 132 of the Village Code**

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Frances Murphy, to wit:

**Whereas**, the Village of Cold Spring Board of Trustees is the SEQR Lead Agency for conducting the environmental review for adoption of two chapters of the Village Code including Chapter 64, Historic District, and Chapter 132, Waterfront Consistency Review, within the Village of Cold Spring, Putnam County, New York, and

**Whereas**, there are no other involved or federal agencies pursuant to SEQR, and

**Whereas**, the Village Board has reviewed the Environmental Assessment Form (EAF) for the actions, including the Part 1, Part 2, and Part 3 dated 10/25/21, the probable environmental effects of the action against the Criteria For Determining Significance, and has considered such impacts as disclosed in the EAF.

**Now Therefore Be It Resolved**, that the Village Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Mayor to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

**Be It Further Resolved**, that the Village Board authorizes the Mayor to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.



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**Resolution # 76-2021 Classifying Amendments to Chapters 101, 108, 114  
and 126 of the Village Code as Type II Actions under SEQRA**

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Marie Early, to wit:

**Whereas**, the Village of Cold Spring Board of Trustees is considering adoption of Amendments to four Chapters of the Village Code including Chapters 101 (Shopping Carts), 108 (Streets and Sidewalks), 114 (Swimming Pools), and 126 (Vehicles and Traffic) within the Village of Cold Spring, Putnam County, New York, and

**Whereas**, none of the proposed four Chapter Amendments involve creation of new programs in the Village or constitute a major reordering of priorities, and

**Whereas**, each proposed Amendment is designed to update the respective Chapter to comply with State Law or other identified issues related to continuing agency administration and management, and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Village Board has determined that the proposed adoption of each Chapter Amendment is a Type II Action that meets the threshold found in 6 NYCRR 617.5(c)(26).

**Now Therefore Be It Resolved**, that the Village Board hereby declares that no further review under SEQR is required.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.



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**Resolution # 77-2021 Adopting Local Law 29 of 2021 Amending Chapter 64  
– Historic District**

The following resolution was offered by Trustee Kathleen E. Foley for adoption and seconded by Trustee Frances Murphy, to wit:

**WHEREAS**, the Village of Cold Spring Board of Trustees has caused to be prepared a draft of the local law to amend Chapter 64 (Historic District) of the Village Code; and

**WHEREAS**, the Village of Cold Spring Board of Trustees held a duly noticed public hearing on the draft local law on September 28, 2021; and

**WHEREAS**, the Village of Cold Spring Board of Trustees has complied with the requirements of the State Environmental Quality Review Act (“SEQRA”) as it applies to the adoption of the draft local law.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law No. 29 of 2021 is hereby adopted and the Village Clerk is 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.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.

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Jeff Vidakovich, Village Clerk-Treasurer

Date





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## Resolution # 78-2021 Adopting Local Law 33 of 2021 Amending Chapter 108 – Streets and Sidewalks

The following resolution was offered by Trustee Frances Murphy for adoption and seconded by Trustee Tweeps Phillips Woods, to wit:

**WHEREAS**, the Village of Cold Spring Board of Trustees has caused to be prepared a draft of the local law to amend Chapter 108 (Streets and Sidewalks) of the Village Code; and

**WHEREAS**, the Village of Cold Spring Board of Trustees held a duly noticed public hearing on the draft local law on September 28, 2021; and

**WHEREAS**, the Village of Cold Spring Board of Trustees has complied with the requirements of the State Environmental Quality Review Act (“SEQRA”) as it applies to the adoption of the draft local law.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law No. 33 of 2021 is hereby adopted and the Village Clerk is 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.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.

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Jeff Vidakovich, Village Clerk-Treasurer

Date



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## **Resolution # 79-2021 Adopting Local Law 34 of 2021 Amending Chapter 114 – Swimming Pools, Spas and Hot Tubs**

The following resolution was offered by Trustee Kathleen E. Foley for adoption and seconded by Trustee Tweeps Phillips Woods, to wit:

**WHEREAS**, the Village of Cold Spring Board of Trustees has caused to be prepared a draft of the local law to amend Chapter 114 (Swimming Pools, Spas and Hot Tubs) of the Village Code; and

**WHEREAS**, the Village of Cold Spring Board of Trustees held a duly noticed public hearing on the draft local law on September 28, 2021; and

**WHEREAS**, the Village of Cold Spring Board of Trustees has complied with the requirements of the State Environmental Quality Review Act ("SEQRA") as it applies to the adoption of the draft local law.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law No. 34 of 2021 is hereby adopted and the Village Clerk is 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.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.

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Jeff Vidakovich, Village Clerk-Treasurer

Date



## VILLAGE OF COLD SPRING

85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002  
WEB: WWW.COLDSPRINGNY.GOV

### **Resolution # 80-2021 Adopting Local Law 35 of 2021 Amending Chapter 126 – Vehicles and Traffic**

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Kathleen E. Foley, to wit:

**WHEREAS**, the Village of Cold Spring Board of Trustees has caused to be prepared a draft of the local law to amend Chapter 126 (Vehicles and Traffic) of the Village Code; and

**WHEREAS**, the Village of Cold Spring Board of Trustees held a duly noticed public hearing on the draft local law on September 28, 2021; and

**WHEREAS**, the Village of Cold Spring Board of Trustees has complied with the requirements of the State Environmental Quality Review Act (“SEQRA”) as it applies to the adoption of the draft local law.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law No. 35 of 2021 is hereby adopted and the Village Clerk is 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.

On roll call vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.

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Jeff Vidakovich, Village Clerk-Treasurer

Date



## VILLAGE OF COLD SPRING

85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002  
WEB: WWW.COLDSPRINGNY.GOV

### **Resolution # 81-2021 Adopting Local Law 36 of 2021 Adding Chapter 132 – Waterfront Consistency Review**

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Kathleen E. Foley, to wit:

**WHEREAS**, the Village of Cold Spring Board of Trustees has caused to be prepared a draft of the local law to add Chapter 132 (Waterfront Consistency Review) of the Village Code; and

**WHEREAS**, the Village of Cold Spring Board of Trustees held a duly noticed public hearing on the draft local law on September 28, 2021; and

**WHEREAS**, the Village of Cold Spring Board of Trustees has complied with the requirements of the State Environmental Quality Review Act (“SEQRA”) as it applies to the adoption of the draft local law.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law No. 36 of 2021 is hereby adopted and the Village Clerk is 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.

On roll call Vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0-0.

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Jeff Vidakovich, Village Clerk-Treasurer

Date



**VILLAGE OF COLD SPRING**  
85 MAIN STREET, COLD SPRING, NY 10516  
TEL: (845) 265-3611 FAX: (845) 265-1002  
WEB: WWW.COLDSPRINGNY.GOV

**Resolution # 82-2021 Accepting Results of FY 2020-21 Audit**

The following resolution was offered by Trustee Marie Early for adoption and seconded by Trustee Kathleen E. Foley, to wit:

**WHEREAS**, the Village has engaged EFPR Group LLP, Certified Public Accounts, to conduct an independent audit of the Village's Accounting Practices, Policies and Estimates; and

**WHEREAS**, EFPR Group presented its findings for the Fiscal Year ending May 31, 2021 to the Village Board of Trustees on October 26, 2021;

**WHEREAS**, EFPR Group found that the Village's accounting practices and policies were appropriate, comply with generally accepted accounting principles and policies and were consistently applied;

**WHEREAS**, EFPR Group found that there were no significant changes made to the process or assumptions used to develop accounting estimates and that financial statement disclosures were neutral, consistent and clear.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Village Board accepts the findings of EFPR Group for the Fiscal Year ending May 31, 2021.

On roll call Vote:

|                                      |     |
|--------------------------------------|-----|
| Trustee Marie Early voted:           | Yes |
| Trustee Kathleen E. Foley voted:     | Yes |
| Trustee Frances Murphy voted:        | Yes |
| Trustee Tweeps Phillips Woods voted: | Yes |
| Mayor Dave Merandy voted:            | Yes |

Resolution officially adopted on November 4, 2021 by a vote of 5-0-0.

*Jeffrey Vidakovich*

11/5/2021

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Jeff Vidakovich, Village Clerk-Treasurer

Date

Dear Mayor and Board of Trustees,

I write to raise my objections to Item 11 in the Agenda for the 11/4/2021 Meeting of the Board of Trustees.

A month ago, on October 3, 2021, I and a group of fellow residents of Cold Spring sent separate emails as well as a single, joint letter to you to express our concern that the ongoing negotiation over a new lease with the Cold Spring Boat Club was insufficiently transparent to the public, and that we would like assurances that any contemplated lease not be made until the public had received a reasonable opportunity to consider whether the proposed lease was in accordance with the 2012 Cold Spring Comprehensive Plan. We received no response from any of you. I attach a fresh copy of the referenced letter, this time signed by myself individually and dated as of today's date.

It appears that you are going forward this evening to authorize the outgoing Mayor to sign a 20-year lease with the Boat Club, thereby binding the Village until the year 2044, despite numerous questions and issues that remain unaddressed. Below is a non-exhaustive list of the potential flaws with such a rushed and opaque process:

1. In a February 12, 2016 article in The Highlands Current (“Boat Club Discussions Continue”), Mayor Merandy is reported to have said that the Cold Spring Boat Club is a 501(c)(7) social club, which would limit its ability to fundraise<sup>1</sup>. However, I have been unable to find any records in the IRS or New York State databases that list the Cold Spring Boat Club as any type of charitable organization. Cold Spring Boat Club, Inc. was registered as a domestic not-for-profit corporation in 1955 in New York, but there doesn't seem to be any subsequent filings. I was able to find a 2014 registration for a corporation classified as a 501(c)(3) non-profit organization that lists many Boat Club members as its officers: Cold Spring Waterfront Improvement Foundation (EIN: 46-5303623). It's not clear whether this organization is affiliated with the Boat Club, as none of its formation papers reference the Boat Club in any way, though of course, it can direct funds to any organization that fulfills its stated purpose.
  - a. With which entity is this new lease being entered into by the Village?
  - b. Is the Village contracting with a duly-registered 501(c)(7) social club?
  - c. Does the proposed lease allow the Village to terminate in the event that the Boat Club is not properly registered and in good standing?
2. There seems to be some confusion about the characteristics of the land that is being used by the Boat Club. I was informed by a Boat Club member that the land was zoned for recreational use and thus would be of little to no monetary value to the Village. However, according to the current zoning map (9/10/2008)<sup>2</sup>, that strip of waterfront property is zoned for general business.
  - a. Does the new lease allow the Boat Club to use the property in any commercial manner?
3. Does the lease have provisions addressing the Boat Club's duty to repair and maintain the property, such as repairing the currently damaged bulkhead? Does the proposed

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<sup>1</sup> See <https://highlandscurrent.org/2016/02/12/trustee-irked-over-boat-club-meeting/>

<sup>2</sup> See [https://www.coldspringny.gov/sites/g/files/vyhlif416/f/uploads/zoning\\_district\\_map.pdf](https://www.coldspringny.gov/sites/g/files/vyhlif416/f/uploads/zoning_district_map.pdf)

lease allow the Village to terminate in the event that the Boat Club fails to make timely repairs and timely perform maintenance?

Based on the foregoing and the attached letter, I ask that the Board NOT authorize the Mayor to sign a new lease with the Boat Club at this time, but rather first release the contemplated draft lease to the public and give the public an opportunity to consider its terms and voice any concerns before any further action is taken.

Thank you,  
Young Lee

Mayor Dave Merandy and  
Board of Trustees of the Village of Cold Spring  
65 Main Street  
Cold Spring, NY 10516

November 4, 2021

Dear Mayor and Board of Trustees:

Based first on talk around town, followed by diligent inquiries and research, we have learned that in the next days or weeks, the Mayor and members of the Board of Trustees are planning to announce that after several years of their discussions with the leadership of the Cold Spring Boat Club, the terms of a new 20-year lease of the public riverfront land utilized by the Boat Club have been drawn up and will soon be put to a vote of the entire Board. The Board is purportedly prepared to approve the new lease this year, before a majority composed of Mayor Merandy, Trustee Early and Trustee Murphy retire from office, even though the current 20-year lease of the riverfront land does not expire until 2024, and the new lease might not commence until then. We write to express our concerns about this and to request that no new lease of the riverfront land be approved by the Board until the public has received a reasonable opportunity to consider what impact the draft lease, if approved, will have on “develop[ing] a plan for the long-term use of the site,” including “re-think[ing] the uses of the entire property from the river to Market Street, while ensuring that a reconstructed Boat Club facility is part of the resulting plan,” as recommended at items 2.2.1 and 2.2.3 of the Village of Cold Spring Comprehensive Plan adopted by the Village Board on January 10, 2012.<sup>1</sup>

In mid-January 2014, it was announced that the “Village Board will begin work on what Mayor Ralph Falloon referred to as the ‘meat and potatoes’ of a new lease agreement between the village and the [boat] club.”<sup>2</sup> In an open letter published on February 8, 2014, Michael Armstrong, who at the time was Chair of the Special Board for a Comprehensive Plan/LWRP, drew attention to the following distinction: “The question is not, ‘What lease agreement should we have with the boat club to allow them to rebuild [a clubhouse]?’ but ‘What use should the village make of that prime waterfront site, acknowledging that a part of that use must be to accommodate the boat club?’”<sup>3</sup> Mr. Armstrong concluded that the “Village Board is bound by the Comprehensive Plan to ensure that the village ‘re-thinks[s] the uses of the entire property from the river to Market Street.’”<sup>4</sup> To this end, he suggested organizing a working group made up of “resident boat club members, Special Board members, and other interested residents to develop options for the site, *present them to the public for debate and discussion*, and frame recommendations for the Village Board” (emphasis added).<sup>5</sup> Regrettably, this proposal was met with resistance from the Boat Club. For example, at a January 28, 2015

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<sup>1</sup> [https://www.coldspringny.gov/sites/g/files/vyhlif416/f/uploads/12-07-2011\\_adopted\\_comprehensive\\_plan\\_0.pdf](https://www.coldspringny.gov/sites/g/files/vyhlif416/f/uploads/12-07-2011_adopted_comprehensive_plan_0.pdf)

<sup>2</sup> <https://highlandscurrent.org/2014/01/18/boat-club-slated-raised/>

<sup>3</sup> <https://highlandscurrent.org/2014/02/08/letter-trustees-asking-wrong-question-boat-club/>

<sup>4</sup> Id. As the Board is aware, the Boat Club’s former clubhouse was condemned and torn down in 2015 in order to facilitate the removal by the New York State Department of Environmental Conservation of toxic coal tar that was discovered by 2010 to have been left in the soil as a byproduct of a manufactured gas plant that operated on the riverfront land in the late 19<sup>th</sup> century. See <https://highlandscurrent.org/2010/07/20/village-dec-ponder-best-way-to-deal-with-coal-tar-mess/>

<sup>5</sup> Id.



Village Board meeting, Boat Club member Claudio Marzollo said that a new committee would only “muddy the waters” and suggested that negotiations be limited to “talks between the [boat] club and the Village Board.”<sup>6</sup> “Boat Club Vice Commodore Brad Petrie agreed, saying, ‘It doesn’t seem appropriate for the Special Board to insert itself’ into the process.”<sup>7</sup>

What the Boat Club wanted in this regard, it would appear the Boat Club managed to obtain. No committee involving Special Board members and other interested residents was established to develop options, much less *a plan*, for the riverfront site. As of early 2016, “[a] number of meetings involving two village board members and the boat club leadership ha[d] been held in recent years as part of the ongoing discussion of the club’s use of the riverfront property.”<sup>8</sup> After learning about one such meeting involving only Mayor Merandy, Trustee Murphy and the Boat Club leadership, former Trustee Cathryn Fadde requested details of what was discussed. Mayor Merandy said that he told the Boat Club representatives that the Village was looking to increase revenue sources, and threw out a number of \$20,000 in annual rent from the Boat Club.<sup>9</sup> This 2016 discussion was in line with item 2.2.7 of the 2012 Comprehensive Plan, which recommends: “Investigate ways to generate revenue for the Village from the Boat Club site.”<sup>10</sup> By way of comparison, Hudson House pays approximately \$8,000 to the Village in annual rent for use of a small parking lot on public land (but not on the river) adjacent to the Boat Club site.<sup>11</sup> For decades, the Boat Club has not paid rent for the use of more than an acre of public riverfront land.<sup>12</sup> In relation to the 2016 discussion between Mayor Merandy, Trustee Murphy and the Boat Club leadership, Mayor Merandy said, “We ended up right where we started last year [2015], adding, “We’ll have to have an open meeting with them.”<sup>13</sup> It is unknown whether such an open meeting involving Boat Club leadership and discussion of the long-term use of the riverfront site was subsequently had. A word search of the municipal website and The Highlands Current website for “boat club” produces only one result dated after early 2016: As of August 2019, Mayor Merandy said that discussions with the Boat Club regarding its lease of the riverfront site would continue in September 2019, noting that five years remained on the 20-year agreement at that time.<sup>14</sup>

Now, in 2021 and after more than six years of mostly non-public discussions, it sounds as though Village leadership and Boat Club leadership have completed their work on “the ‘meat and potatoes’ of a new lease agreement between the village and the [boat] club.”<sup>15</sup> Our concerns include that this draft agreement is not based upon any re-evaluated plan for use of the public riverfront site, as called for by the 2012 Comprehensive Plan. Perhaps the draft lease is consistent with the Boat Club’s plans for the public land. Indeed, back in 2014, Boat Club Vice Commodore Brad Petrie claimed that the Boat Club had an “outline of a plan” that he

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<sup>6</sup> <https://highlandscurrent.org/2014/02/01/boat-club-discussion-produces-results/>

<sup>7</sup> Id.

<sup>8</sup> <https://highlandscurrent.org/2016/02/12/trustee-irked-over-boat-club-meeting/>

<sup>9</sup> Id.

<sup>10</sup> [https://www.coldspringny.gov/sites/g/files/vyhlf416/f/uploads/12-07-2011\\_adopted\\_comprehensive\\_plan\\_0.pdf](https://www.coldspringny.gov/sites/g/files/vyhlf416/f/uploads/12-07-2011_adopted_comprehensive_plan_0.pdf)

<sup>11</sup> <https://highlandscurrent.org/2014/02/01/boat-club-discussion-produces-results/>

<sup>12</sup> See page 135 of the Cold Spring Local Waterfront Revitalization Strategy, available at [https://www.coldspringny.gov/sites/g/files/vyhlf416/f/uploads/lwrs11-10-2011\\_0.pdf](https://www.coldspringny.gov/sites/g/files/vyhlf416/f/uploads/lwrs11-10-2011_0.pdf); see also <https://highlandscurrent.org/2015/09/25/boat-club-party-under-fire/>

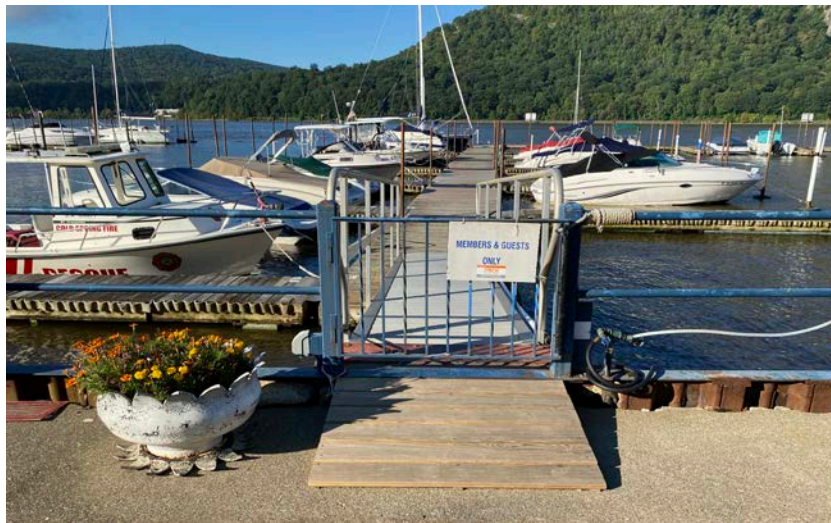
<sup>13</sup> <https://highlandscurrent.org/2016/02/12/trustee-irked-over-boat-club-meeting/>

<sup>14</sup> <https://highlandscurrent.org/2019/08/23/dec-reclassifies-boat-club-site/>

<sup>15</sup> <https://highlandscurrent.org/2014/01/18/boat-club-slated-razed/>

anticipated club membership would support.<sup>16</sup> But that ‘outline of a plan’ was never made public. Moreover, an ‘outline of a plan’ that the Boat Club membership would likely support is not the same as a “plan for the long-term use of the site” that the larger public of Cold Spring does support, as contemplated by the 2012 Comprehensive Plan.

Although the Boat Club’s interests might be met by the draft lease, as well as the Village’s interest in revenue generation from the site (both contemplated in the 2012 Comprehensive Plan), an interest of the larger public that may have been *neglected* in the draft lease, due to the largely non-public nature of the lease discussions, is that of public access to the public riverfront land. Former Village Trustee Cathryn Fadde said in 2015 that although “everyone is afraid to say it,” the Boat Club’s exclusive use of the riverfront property “is an issue for a large part of the community.”<sup>17</sup> Former Village Trustee Stephanie Hawkins reinforced that sentiment as to public access and exclusivity.<sup>18</sup> As to the Boat Club’s continued exclusive use of the property, the Boat Club’s position seems to have been candidly expressed by Boat Club member Charles Merando, who said in February 2011 that Boat Club members “don’t want anyone who is not a member using our facilities.”<sup>19</sup> But the Boat Club’s “facilities” are the entirety of the public land, which is surrounded by fencing. In order to step foot on that land, one must be a member of the Boat Club or a guest of a member, although it is possible to join rather inexpensively as a social member without even owning a boat. If one wishes to simply stroll along the riverfront and enjoy the below view, one must be a member or guest of the Boat Club, even if one has no intention of stepping foot on the docks, past the below gate in the railing:



The Boat Club has long maintained that it urgently needs to enter a long-term lease of the public riverfront land in order to secure financing with which to build a new clubhouse on that land. “‘Eight years isn’t enough,’ [Boat Club Commodore] Patinella said in March 2015, and that a ‘minimum of 20 years’ is needed by the club in order to finance construction of a new building. ‘Less than that does not make any sense,’ [Boat Club Vice Commodore] Petrie

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<sup>16</sup> <https://highlandscurrent.org/2014/02/01/boat-club-discussion-produces-results/>

<sup>17</sup> <https://highlandscurrent.org/2015/03/31/shore-protection-designs-completed/>

<sup>18</sup> <https://highlandscurrent.org/2015/03/31/shore-protection-designs-completed/>

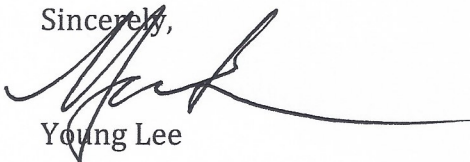
<sup>19</sup> <https://highlandscurrent.org/2011/02/17/boat-club-dominates-comp-plan-info-meeting/>



added.”<sup>20</sup> When asked by then-Mayor Falloon in January 2014 whether the Boat Club’s financing was guaranteed, Boat Club Commodore Patinella said, “Yes. We’re going to build a building. It will be as affordable as [possible]. *It will be beautiful* – and at no cost to the village” (emphasis added).<sup>21</sup> However, as of February 2019, it was reported that the “club’s fewer than 100 full members have to this point been reluctant to commit to the cost of rebuilding.”<sup>22</sup> Whatever the case, no design drawings or renderings of the proposed clubhouse – or its proposed location on the land – have been made public over the years of deliberations concerning the Boat Club’s new lease. We do not believe it controversial to say that the prior clubhouse – converted from a structure originally built to manufacture trusses<sup>23</sup> – was not beautiful and was located too close to the edge of New Street.

Although the Boat Club lease appears to have been drafted without first determining “a plan for the long-term use of the site,” as called for by the 2012 Comprehensive Plan, there is still ample opportunity to publicly discuss such a plan and thereby bring matters in greater conformity with the 2012 Comprehensive Plan, *before* the draft lease is voted on by the full Board and executed on behalf of the Village. Steps that could be taken include: (1) making available to the public the draft lease, or at least the substance of its material terms, including whether the draft lease grants the Boat Club exclusive use over all that riverfront property until the year 2044, (2) if there are design drawings or renderings of the proposed new Boat Club clubhouse, making those public too, and (3) holding a public hearing or hearings at which the public can comment on the terms of the lease, the desired long-term use of the riverfront property, and the design and location of the clubhouse. Taking such steps might only take a few months – a relatively short period before making a new 20-year commitment. Failing to take such steps would not only violate the spirit, if not also the letter, of the 2012 Comprehensive Plan (and the thousands of hours of local effort underlying that document that was adopted by the Board), it could well exacerbate tensions between residents of the Village and members of the Boat Club due to a failure to come to a consensus about the Village’s wishes with respect to that public property. As Michael Turton persuasively put forward in 2019, “If the [boat] club can reinvent itself as an integral, community-oriented part of an invigorated riverfront, its members will benefit along with residents.”<sup>24</sup> But even if the Boat Club does not want to change, there remains a need under the Comprehensive Plan to “work together to develop a plan for the long-term use of the site,” while “ensuring that a reconstructed Boat Club facility is a part of the resulting plan.”<sup>25</sup>

Sincerely,



Young Lee

cc: The Highlands Current

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<sup>20</sup> <https://highlandscurrent.org/2015/03/31/shore-protection-designs-completed/>

<sup>21</sup> <https://highlandscurrent.org/2014/01/18/boat-club-slated-razed/>

<sup>22</sup> <https://highlandscurrent.org/2019/02/17/reporters-notebook-cold-springs-riverfront-puzzle/>

<sup>23</sup> See page 135 of the Cold Spring Local Waterfront Revitalization Strategy, available at [https://www.coldspringny.gov/sites/g/files/vyhli416/f/uploads/lwrs11-10-2011\\_0.pdf](https://www.coldspringny.gov/sites/g/files/vyhli416/f/uploads/lwrs11-10-2011_0.pdf);

<sup>24</sup> <https://highlandscurrent.org/2019/02/17/reporters-notebook-cold-springs-riverfront-puzzle/>

<sup>25</sup> Items 2.2.1 and 2.2.3 of the Village of Cold Spring Comprehensive Plan adopted January 10, 2012, available at [https://www.coldspringny.gov/sites/g/files/vyhli416/f/uploads/12-07-2011\\_adopied\\_comprehensive\\_plan\\_0.pdf](https://www.coldspringny.gov/sites/g/files/vyhli416/f/uploads/12-07-2011_adopied_comprehensive_plan_0.pdf)



Stefan Ebaugh &lt;stefanebaugh@gmail.com&gt;

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**Automatic reply: Request for Advisory Opinion re Section 105(1)(h)**

1 message

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**dos.sm.Coog.InetCoog** <dosCOOG@dos.ny.gov>

Thu, Nov 4, 2021 at 5:22 PM

To: Stefan Ebaugh &lt;stefanebaugh@gmail.com&gt;

Thank you for your note. This mailbox is monitored Monday-Friday between 8am-4pm. We will review and/or respond to your request as soon as possible. You may also call our office Monday-Friday between 8am-5pm, at 518-474-2518.

For agencies providing our office with copies of appeals and appeal determinations, please include the name of your agency (abbreviated is fine) and either an appellant name or file number in the name of the file.



Stefan Ebaugh &lt;stefanebaugh@gmail.com&gt;

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**Request for Advisory Opinion re Section 105(1)(h)**

1 message

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**Stefan Ebaugh** <stefanebaugh@gmail.com>  
To: coog@dos.ny.gov

Thu, Nov 4, 2021 at 5:20 PM

Dear Committee on Open Government,

Having today spoken with Jeff concerning this issue, I would like to request an advisory opinion on whether certain executive sessions held this year by the Village of Cold Spring Board of Trustees in order to discuss the provisions of a new lease between the Village and the Cold Spring Boat Club were in violation of Section 105(1)(h) of the New York Open Meetings Law if, as appears to be the case, publicity would not “substantially affect the value” of that new lease.

Background

On October 3, 2021, I emailed the Village Clerk for the Village of Cold Spring, attaching a letter. On October 4, 2021, the Village Clerk confirmed receipt of my correspondence and wrote that it would be forwarded to the Cold Spring Board of Trustees. A copy of my email and letter attachment and the Village Clerk’s response is attached as **Ex1**. Several other residents of Cold Spring also emailed the Village Clerk on October 3, 2021, attaching the same 4-page joint letter. For example and as attached as **Ex2** is a copy of such an email from Young Lee, confirmed as received from the Village Clerk.

Between October 4 and November 4, 2021, no response from the Village Board to any of this correspondence was had.

On November 4, 2021, an agenda was posted for the Board of Trustees Meeting to be held that same evening at 6:30 pm EDT. A copy of that agenda is attached as **Ex3**. Item #11 of that agenda reads: “authorize mayor to sign Boat Club lease.”

At 11:23 am EST on November 4, 2021, I emailed the Village Clerk, requesting copies of the current and proposed leases between the Village of Cold Spring and the Cold Spring Boat Club. At 3:50 pm EDT that same day, the Village Clerk responded, attaching a copy of the current lease but omitting a copy of the proposed lease. A copy of this correspondence is attached as **Ex4**.

Attached at **Ex5** is a copy of an article from the Highland Current dated February 12, 2016.

Attached as **Ex6** is a copy of the minutes of an executive session held on September 9, 2021 at which the Boat Club lease may have been discussed.

Challenge under NY Open Meetings Law

Based on public records searches and upon information and belief, I do not believe that the Village of Cold Spring Board of Trustees has held an open meeting to discuss the terms of a new lease between the Village and the Cold Spring Boat Club since the year 2014 or 2015. Instead, from at least 2016 until the fall of 2021, outgoing Mayor Merandy and outgoing Trustee Murphy have conferred with the leadership of the Boat Club in regard to a new 20-year, low-rent or rent-free lease of public property on the Hudson River. For example, **Ex5** details such a meeting between outgoing Mayor Merandy and outgoing Trustee Murphy and members of the Boat Club in 2016, about which outgoing Mayor Merandy said, "We ended up right where we started last year," adding, "We'll have to have an open meeting with them." But it appears no such open meeting was held, even though outgoing Mayor Merandy seems to have appreciated that such an open meeting might have led to progress in the negotiations. However, I am not here challenging that outgoing Mayor Merandy and outgoing Trustee Murphy, as a negotiating team, conferred with the Boat Club about a new lease. What I wish to challenge is that once the negotiations had led to a draft new lease, that draft new lease was reviewed in executive sessions, not in public meetings, of the Board of Trustees.


Upon information and belief, two executive sessions were held in the second half of 2021 in order to review the draft new lease concerning the Boat Club's use of public riverfront land. At the first such executive session meeting, the full Board reviewed the draft lease line by line and prepared a series of comments for transmission to the Boat Club. At the second, the full Board considered the Boat Club's responses to the Board's comments to the draft lease. I suspect, but do not know, that one of these two executive sessions is reflected in **Ex6**.


Today and in less than two hours, the Board is scheduled to vote on the issue of whether to "authorize mayor to sign Boat Club lease." But the public has no idea what the terms of this proposed lease are because those terms have only been reviewed and discussed in arguably improper executive sessions of the Board of Trustees. My request today to the Village Clerk to receive a copy of the proposed lease that the Board is scheduled today to vote to authorize the outgoing Mayor to sign was met with the following response: "Once the Board of Trustees is in agreement on the draft of the proposed new lease it will be available on the Village website for the public to view." See **Ex4**. As I read that response, the public will not be permitted to see the proposed new lease until *after* the Board has authorized the outgoing Mayor to sign it. However, as the proposed lease grants the Boat Club many years of use of public riverfront land at either low rent or no rent at all, I do not believe that publicity concerning the new lease would have "substantially affect[ed] the value" of that new lease. I thus ask for an advisory opinion as to whether the referenced executive sessions of the Board, during which the Board reviewed and commented on the terms of the draft lease, were in violation of Section 105(1)(h) of the New York Open Meetings Law if, as appears to be the case, publicity would not "substantially affect the value" of that new lease.


Sincerely,  
Stefan D. Ebaugh  
34 West Street #2  
Cold Spring, NY 10516


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**6 attachments**


 **Ex1.pdf**  
229K

 **Ex2.pdf**  
181K

 **Ex3.pdf**  
324K

 **Ex4.pdf**  
452K

 **Ex5.pdf**  
171K

 **Ex6.pdf**  
97K