



VILLAGE OF COLD SPRING
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Board of Trustees
Meeting Minutes – October 26, 2021

The Board of Trustees of the Village of Cold Spring held a Public Hearing and Workshop Meeting on Tuesday October 26, 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 5:00pm.

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

D. Merandy opened the meeting by saying there are two options on the table under consideration for a Mixed-Use zoning designation:

- PMU-2 as prepared by Ted Fink
- MU-1 as prepared by Marie Early

D. Merandy commented that differences between the two aren't dramatic

- Bulk requirements
- Starting point
 - Conceptual plan to Board of Trustees (PMU-2)

M. Early stated that one the key difference is that the PMU-2 requires a Special Use Permit, which T. Fink uses as an intermediary step. M. Early asked if the PMU-2 process could be completed without the issuance of a Special Use Permit? J. Furst commented that the PMU-2 is a happy medium between an MU-1 and Planned Unit Development (PUD). It gives the Village Board some discretion in the review process and provides criteria for approval.

D. Merandy asked M. Early to clarify her objections with the requirement that an applicant obtain a Special Use Permit? M. Early stated that obtaining a Special Use Permit places too much of a burden on the applicant. J. Furst commented that obtaining a Special Use Permit is less burdensome than having a parcel re-zoned under a PUD.

K. Foley said that she sees value in both proposals and believes elements of each can be incorporated. She also offered an alternative approach – the Conceptual Plan starts with a land-use board rather than the Board of Trustees. The issues to be discussed in a concept plan are areas that the Planning Board deals with on a regular basis. The land-use board reviews and then makes a recommendation on whether to proceed with the concept and/or recommended revisions to the concept plan to the Board of Trustees.

F. Murphy asked T. Fink to comment on K. Foley's approach. T. Fink commented that while the conceptual plan could start with one of the land-use boards, the issues typically addressed in a conceptual plan are "big picture" issues that are handled by the governing board. K. Foley confirmed that in this hybrid approach there would be review by both the Planning Board and the Board of Trustees. She said that she feels it best to have the Planning Board opine on planning issues earlier rather than later so that the Board of Trustees can make decisions informed by land use practice and recommendations.

As a next step, T. Fink and J. Furst will confer and develop a path forward that defines steps and roles of the various boards.

Board Business

Presentation of FY 2020-21 Audit Results

John Costilow, EFPR Group, presented the findings of the FY 2020-21 Financial Audit (presentation attached). Overall, there was nothing of significance to report.

Resolution 73-2021 - the Suspension of on-street parking on Marion Avenue (attached) was offered for adoption by Mayor Dave Merandy and seconded by Trustee Tweep Phillips Woods. On roll call vote the resolution was adopted by a vote of 5-0-0-0.

Request for Relief from Chapter 100 (Short Term Rentals)

The owners of 75 Main Street had previously requested relief from the entirety of Chapter 100 - Short Term Rentals - for one year. The Board voted unanimously (0-5-0-0) against granting relief as requested by the property owners.

Hiring of Robert Newhall D. Merandy made a motion to hire Robert Newhall as a full-time Seasonal Laborer (through 12-31-2021) with the Highway Department at a rate of \$19/hour. M. Early seconded the motion and it passed by a vote of 5-0-0-0.

Approval of Bills M. Early made a motion to approve Batch # 6220 in the amount of \$50,718.47. D. Merandy seconded the motion and it passed by a vote of 5-0-0-0.

Approval of Minutes

D. Merandy made a motion to approve the minutes of the 10/05/2021 meeting as submitted. M. Early seconded the motion and it passed by a vote of 3-0-2-0 (K. Foley and T. Woods abstained)

D. Merandy made a motion to approve the minutes of the 10/08/2021 meeting as submitted. M. Early seconded the motion and it passed by a vote of 5-0-0-0

D. Merandy made a motion to approve the minutes of the 10/12/2021 meeting as submitted. M. Early seconded the motion and it passed by a vote of 5-0-0-0.

Mayor Merandy stated that the next Board of Trustees meeting would be on Thursday, Nov.4, 2021 at which time the Public Hearing on Chapters 134, 104 and 76 would resume.

Adjournment

D. Merandy made a motion to adjourn. K. Foley seconded the motion and it passed unanimously. Meeting adjourned at 7:05 pm



FINANCIAL STATEMENT MEETING

716.634.0700 | EFPRgroup.com

The following communication was prepared as part of our audit, has consequential limitations, and is intended solely for the information and use of those charged with governance (e.g., Audit Committee and Board of Education) and, if appropriate, management of the Village and is not intended and should not be used by anyone other than these specified parties.

October 26, 2021

Village of Cold Spring
85 Main Street
Cold Spring, NY 10516

Professional standards require us to communicate with you regarding matters related to the audits, that are, in our professional judgment, significant and relevant to your responsibilities in overseeing the financial reporting process. We previously communicated our audit plan document outlining our plan for the audit of the Village of Cold Spring (the "Village") as of and for the year ended May 31, 2021, including a summary of our overall objectives for the audits, and the nature, scope, and timing of the planned audit work.

This communication is intended to elaborate on the findings from our audits, including our views on the qualitative aspects of the Village's accounting practices and policies, management's judgments and estimates, financial statement disclosures, and other required matters.

We are pleased to be of service to the Village and look forward to discussing our audit findings, as well as other matters that may be of interest to you, and to answer any questions you might have.

Respectfully,

EFPR Group, CPAs, PLLC

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Status of our Audit

We have substantially completed our audit of the financial statements as of and for the year ended May 31, 2021. Our audit was conducted in accordance with auditing standards generally accepted in the United States of America and standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The audit of the financial statements does not relieve management or those charged with governance of their responsibilities.

- The objective of our audit was to obtain reasonable - not absolute - assurance about whether the financial statements are free from material misstatements.
- The scope of the work performed was substantially the same as that described to you in our earlier audit planning communications.
- We expect to issue an unmodified opinion on the financial statements
- All records and information requested by EFPR were freely available for our inspection.
- Management's cooperation was excellent. We received full access to all information that we requested while performing our audits, and we acknowledge the full cooperation extended to us by management throughout the course of our work.

Summary of Open Items

Below are a list of the items that we are still working to wrap-up both within the financial statements and our work papers.

- Financial Statements and Other Reports -
 - Review and approval by the Board of Trustees.
- EFPR Group Workpapers -
 - Perform final subsequent event procedures.
 - Seek management signature on the management representation letter.

ACCOUNTING PRACTICES, POLICIES, ESTIMATES

The following summarizes the more significant required communications related to our audit concerning the Village's accounting practices, policies, and estimates:

The Village's significant accounting practices and policies are those included in Note 1 to the financial statements. These accounting practices and policies are appropriate, comply with accounting principles generally accepted in the United States of America and industry practice, were consistently applied, and are adequately described within Note 1 to the financial statements.

Significant estimates are those that require management's most difficult, subjective, or complex judgments, often as a result of the need to make estimates about the effects of matters that are inherently uncertain. The Village's significant accounting estimates, including a description of management's processes and significant assumptions used in development of the estimates, are disclosed in Note 1 to the financial statements.

CORRECTED AND UNCORRECTED MISSTATEMENTS

There were no corrected misstatements, other than those that were clearly trivial, related to accounts and/or disclosures that we brought to the attention of management related to the Village as a result of our audit.

There were no uncorrected misstatements, other than those that were clearly trivial, related to accounts and/or disclosures that we presented to management.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Village's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control.

As part of obtaining reasonable assurance about whether the Village's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Our consideration of internal control was for the limited purpose described above and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We are required to communicate, in writing, to those charged with governance all material weaknesses and significant deficiencies that have been identified in the Village's internal controls over financial reporting. The definitions of control deficiency, significant deficiency and material weakness follow:

Deficiency in Internal Control	A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis.
Material Weakness	A deficiency or combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the Village's financial statements will not be prevented, or detected and corrected, on a timely basis.
Significant Deficiency	A deficiency or combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

*In conjunction with our audit of the financial statements, we noted **no material weaknesses** related to internal control over the Village's financial statements.*

Other Comments and Recommendations

Other Comment – Accounting for Leases: Under current guidance, leases are classified as either capital or operating depending on whether the lease meets any of four tests. In many cases, this results in reporting lease transactions differently than similar nonlease financing transactions. Governmental Accounting Standards Board (GASB) Statement No. 87 - "Leases," which becomes effective for the Village's fiscal year beginning June 15, 2021, requires recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the foundational principle that leases are financings of the right to use an underlying asset. Under this Statement, a lessee is required to recognize a lease liability and an intangible right-to-lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

Recommendation: We will be in contact with the Village to provide further guidance in order to minimize any difficulties at the time of implementation.

Other Required Communications

Following is a summary of those required items, along with specific discussion points as they pertain to the Village:

Significant changes to planned audit strategy or significant risks initially identified	There were no significant changes to the planned audit strategy or significant risks initially identified and previously communicated to those charged with governance as part of our Audit Planning communications.
Obtain information from those charged with governance relevant to the audit	There were no matters noted relevant to the audit, including, but not limited to: violations or possible violations of laws or regulations; risk of material misstatements, including fraud risks; or tips or complaints regarding the Village's financial reporting that we were made aware of as a result of our inquiry of those charged with governance.
Consultations with other accountants	We are not aware of any consultations about accounting or auditing matters between management and other independent public accountants. Nor are we aware of opinions obtained by management from other independent public accountants on the application of generally accepted accounting principles.
Disagreements with management	There were no disagreements with management about matters, whether or not satisfactorily resolved, that individually or in aggregate could be significant to the Village's financial statements or to our auditors' report.
Significant difficulties encountered during the audit	There were no difficulties encountered during the audit.
If applicable, other matters significant to the oversight of the Village's financial reporting process, including complaints or concerns regarding accounting or auditing matters	There are no other matters that we consider significant to the oversight of the Village's financial reporting process that have not been previously communicated.
Representations requested from management	Please refer to the management representation letter which will be available upon the completion of our audit prior to issuance.

Independence Communication

Our engagement letter to you describes our responsibilities in accordance with professional standards and certain regulatory authorities with regard to independence and the performance of our services. These letters also stipulate the responsibilities of the Village with respect to independence as agreed to by the Village. Please refer to those letters for further information.

Other Communications

Following is a summary of other communications pertaining to the Village:

SIGNIFICANT UPCOMING ACCOUNTING PRONOUNCEMENTS

- GASB has issued Statement No. 87 - "Leases." Effective for fiscal years beginning after June 15, 2021.
- GASB has issued Statement No. 90 - Majority Equity Interests - an amendment of GASB Statements No. 14 and No. 61. Effective for fiscal years beginning after December 15, 2019.
- GASB has issued Statement No. 91 - Conduit Debt Obligations. Effective for fiscal years beginning after December 15, 2021.
- GASB has issued Statement No. 92 – Omnibus 2020. Effective for fiscal years beginning after June 15, 2021.
- GASB has issued Statement No. 93 – Replacement of Interbank Offered Rates. Effective for fiscal years beginning after June 15, 2021.
- GASB has issued Statement No. 94 – Public-Private and Public-Public Partnerships and Availability Payment Arrangements. Effective for fiscal years beginning after June 15, 2022.
- GASB has issued Statement No. 96 – Subscription-Based Information Technology Arrangements. Effective for fiscal years beginning after June 15, 2022.
- GASB has issued Statement No. 97 – Certain Component Unit Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans. Effective for fiscal years beginning after June 15, 2021.

The Village will evaluate the impact each of these pronouncements may have on its financial statements and will implement them as applicable and when material.

**Village of Cold Spring
Board of Trustees Meeting
Analytical Financial Summary
Statements of Net Position
May 31, 2021 and 2020**

	<u>5/31/2021</u>	<u>5/31/2020</u>	<u>Dollar Change</u>	<u>Comments</u>
Assets				
Cash and equivalents	\$ 3,772,222	2,995,746	776,476	
Receivables	109,408	130,963	(21,555)	
Due from fiduciary funds	-	95,683	(95,683)	Implementation of GASB No. 84
Due from other governments	71,110	21,528	49,582	
State and federal aid receivables	20,776	157,776	(137,000)	Prior year - CHIPS 141k
Prepays	16,790	18,293	(1,503)	
Investments - LOSAP	824,155	879,120	(54,965)	Reported to Village by third party administrator
Capital assets not being depreciated	107,475	107,475	-	
Capital assets being depreciated - net of depreciation	3,775,292	4,134,983	(359,691)	Additions of 8k, less 368k in current year depreciation
Total assets	<u>8,697,228</u>	<u>8,541,567</u>	<u>155,661</u>	
Deferred Outflows of Resources				
Pensions and LOSAP	<u>980,769</u>	<u>661,658</u>	<u>319,111</u>	Reported to Village by NYS and third party administrator
Liabilities				
Accounts payable	139,723	110,015	29,708	
Accrued expenditures	74,473	88,977	(14,504)	
Other liabilities	38,858	900	37,958	
Bond anticipation notes	2,263,050	2,672,300	(409,250)	Less borrowed on renewal
Bonds due within one year	50,000	48,520	1,480	
Capital leases due within one year	731	24,475	(23,744)	
Noncurrent liabilities:			-	
Bonds due in more than one year	520,000	570,000	(50,000)	
Capital leases	-	731	(731)	
Compensated absences	50,924	45,802	5,122	
Total OPEB liability	3,899,637	4,289,831	(390,194)	Actuarially determined - note 2(b)(7)
Net pension liabilities, proportionate shares	68,133	720,396	(652,263)	Reported to Village by NYS - note 2(b)(5)
Net pension liability - LOSAP	1,517,017	1,209,036	307,981	Reported to Village by third party administrator - note 2(b)(6)
Total liabilities	<u>8,622,546</u>	<u>9,780,983</u>	<u>(1,158,437)</u>	
Deferred Inflows of Resources				
Grant advances	6,260	9,807	(3,547)	
Pensions & LOSAP	<u>824,385</u>	<u>111,093</u>	<u>713,292</u>	Reported to Village by NYS and third party administrator
Total deferred inflows of resources	<u>830,645</u>	<u>120,900</u>	<u>709,745</u>	
Net Position				
Net investment in capital assets	1,908,118	1,706,681	201,437	Current year additions, net, less current year debt payments
Restricted for capital asset acquisition	15,527	8,248	7,279	
Unrestricted (deficit)	<u>(1,698,839)</u>	<u>(2,413,587)</u>	<u>714,748</u>	Residual of other net position items
Total net position	<u>\$ 224,806</u>	<u>(698,658)</u>	<u>923,464</u>	

**Village of Cold Spring
Board of Trustees Meeting
Analytical Financial Summary
Statements of Activities
Years ended May 31, 2021 and 2020**

	<u>5/31/2021</u>	<u>5/31/2020</u>	<u>Dollar Change</u>	<u>Comments</u>
Revenue				
Program revenue				
Charges for services	\$ 1,339,376	1,281,024	58,352	Increased waster and sewer usage
Operating grants	124,122	55,751	68,371	Increased State and federal aid
Capital grants	32,551	227,929	(195,378)	Prior year CHIPS 151k and FEMA 22k
General revenue				
Real property taxes	1,722,974	1,681,558	41,416	
Real property tax items	8,929	9,718	(789)	
Non property tax items	44,579	46,382	(1,803)	
Use of money and property	11,907	10,511	1,396	
Licenses and permits	1,882	28,102	(26,220)	
Fines and forfeitures	73,980	77,976	(3,996)	
Sale of property and compensation for loss	54,029	236	53,793	Insurance recovery 31k and sale of real property 23k
Gain on investments, net - LOSAP	68,182	94,907	(26,725)	
Miscellaneous	66,604	13,368	53,236	BAN premiums 25k, Environmental Facilities Corp grant 26k
Total revenue	<u>3,549,115</u>	<u>3,527,462</u>	<u>21,653</u>	
Expenses				
General support	515,968	827,965	(311,997)	Actuarial changes to pensions and OPEB
Public safety	816,757	840,715	(23,958)	
Health	2,340	2,573	(233)	
Transportation	345,781	758,868	(413,087)	Current year actuarial changes to pensions and OPEB and prior year street resurfacing
Culture and recreation	41,183	46,360	(5,177)	
Home and community services	848,991	1,301,731	(452,740)	Actuarial changes to pensions and OPEB
Debt service	54,631	71,103	(16,472)	
Total expenses	<u>2,625,651</u>	<u>3,849,315</u>	<u>(1,223,664)</u>	
Change in net position	923,464	(321,853)	1,245,317	
Net Position (Deficit) - Beginning	<u>(698,658)</u>	<u>(376,805)</u>	<u>(321,853)</u>	
Net Position (Deficit) - Ending	<u>\$ 224,806</u>	<u>(698,658)</u>	<u>(923,464)</u>	

Village of Cold Spring
Board of Trustees Meeting
Analytical Financial Summary
Balance Sheets - General Fund
May 31, 2021 and 2020

	5/31/2021	5/31/2020	Dollar Change	Comments
Assets				
Cash and equivalents	\$ 1,691,966	1,155,434	536,532	
Receivables	11,002	21,980	(10,978)	
Due from other funds	59,887	102,278	(42,391)	
Due from other governments	71,110	21,528	49,582	
State and federal aid receivables	20,776	157,776	(137,000)	Prior year - CHIPS 141k
Prepaid expenditures	5,495	5,520	(25)	
Total assets	<u>\$ 1,860,236</u>	<u>1,464,516</u>	<u>395,720</u>	
Liabilities				
Accounts payable	99,810	87,140	12,670	
Accrued expenditure	53,745	68,312	(14,567)	
Due to other funds	55,326	55,762	(436)	
Other liabilities	38,858	900	37,958	Implementation of GASB No. 84
Total liabilities	<u>247,739</u>	<u>212,114</u>	<u>35,625</u>	
Deferred Inflows of Resources	<u>6,260</u>	<u>9,807</u>	<u>(3,547)</u>	
Fund Balance				
Nonspendable: Prepays	5,495	5,520	(25)	
Assigned	338,000	254,000	84,000	Budgeted
Unassigned	1,262,742	983,075	279,667	
Total fund balance	<u>1,606,237</u>	<u>1,242,595</u>	<u>363,642</u>	
Total liabilities, deferred inflows, and fund balance	<u>\$ 1,860,236</u>	<u>1,464,516</u>	<u>395,720</u>	

Village of Cold Spring
Board of Trustees Meeting
Analytical Financial Summary
Statements of Revenue, Expenditures and Changes in Fund Balance - General Fund
Years ended May 31, 2021 and 2020

	5/31/2021	5/31/2020	Dollar Change	Comments
Revenue				
Real property taxes	\$ 1,722,974	1,681,558	41,416	Budgeted
Real property tax items	8,929	9,718	(789)	
Non property tax items	44,579	46,382	(1,803)	
Departmental income	77,239	61,154	16,085	
Intergovernmental charges	97,925	112,611	(14,686)	
Use of money and property	1,098	991	107	
Licenses and permits	1,882	28,102	(26,220)	
Fines and forfeitures	73,980	77,976	(3,996)	
Sale of property and compensation for loss	54,029	236	53,793	Insurance recovery 31k and sale of real property 23k
Miscellaneous	2,488	5,559	(3,071)	
State aid	119,379	225,134	(105,755)	Current year - Urban forestry 48k, prior year - CHIPS 141k
Federal aid	8,235	-	8,235	
Total revenue	<u>2,212,737</u>	<u>2,249,421</u>	<u>(36,684)</u>	
Other Financing Sources				
Interfund transfers	36,000	40,000	(4,000)	
Total revenues and other financing sources	<u>2,248,737</u>	<u>2,289,421</u>	<u>(40,684)</u>	
Expenditures				
General support	407,671	418,337	(10,666)	
Public safety	544,227	584,044	(39,817)	
Health	1,597	1,525	72	
Transportation	299,717	402,460	(102,743)	Prior year street resurfacing 143k offset by current year snow removal increase of 44k
Culture and recreation	21,456	24,515	(3,059)	
Home and community services	209,483	174,870	34,613	
Employee benefits	400,944	411,430	(10,486)	
Total expenditures	<u>1,885,095</u>	<u>2,017,181</u>	<u>(132,086)</u>	
Change in fund balance	363,642	272,240	91,402	
Fund Balance - Beginning	<u>1,242,595</u>	<u>970,355</u>	<u>272,240</u>	
Fund Balance - Ending	<u>\$ 1,606,237</u>	<u>1,242,595</u>	<u>363,642</u>	

RESOLUTION #73-2021
SUSPENSION OF ON STREET PARKING ON MARION AVENUE

The following resolution was offered by Mayor Dave Merandy for adoption and seconded by Trustee Tweeps Phillips Woods, to wit:

WHEREAS, the Village of Cold Spring has on-street parking regulations which limit or prohibit on-street parking at certain times and locations; and

WHEREAS, the Village of Cold Spring conducts snow clearing on its streets during winter months; and

WHEREAS, snow clearing activity in the vicinity of Marion Avenue and Benedict Road could be better conducted and coordinated with local residents if the Village's on-street parking regulations are suspended on the dead-end portion of Marion Avenue south of Benedict Road to allow parked vehicles to remain thereon; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Village Board of the Village of Cold Spring hereby suspends on-street parking regulations for the dead-end portion of Marion Avenue south of Benedict Road from November 15, 2021 until April 15, 2022; and
2. A copy of this resolution shall be posted at Village Hall and provided to the Village Police Department forthwith.

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 October 26, 2021 by a vote of 5-0-0-0

Jeff Vidakovich, Village Clerk-Treasurer

Date