



VILLAGE OF COLD SPRING
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Board of Trustees Workshop
Meeting Minutes
October 26, 2022

The Board of Trustees of the Village of Cold Spring held a Workshop Meeting on Wednesday, October 26, 2022 at Village Hall and via Videoconference. Present were Mayor Kathleen E. Foley, Trustees Laura Bozzi (via videoconference), Cathryn Fadde, Eliza Starbuck and Tweeps Phillips Woods. The meeting was called to order at 7:00 p.m. by Mayor Foley.

Request to Add/Modify Agenda Items

None

Announcements

K. Foley made the following announcements:

- Lawn and Leaf pick-up is 10/27
- Village wide clean-up day is Saturday 10/29
- Halloween Parade is Saturday 10/29. Parade kicks off at 5:30pm

K. Foley acknowledged that the crowds on Saturday 10/22 were overwhelming. To better manage the crowds and address quality of life issues during peak tourist season, the Village will put additional garbage containers on Main Street and add police officers on weekends. Adding additional weekend pickups by Royal is a contractual issue that will need to be negotiated.

E. Starbuck announced that the Bulb Planting initiative between the Village, Tree Advisory Board and Chamber of Commerce will be held on 11/7 and 11/8. Volunteers are needed.

Board Business

Resolution 29-2022 Authorizing the Village of Cold Spring to Join the Existing Litigation Against Columbia Utilities (attached)

E. Starbuck made a motion to adopt Resolution 29-2022 authorizing the Village to join the existing litigation against Columbia Utilities. C. Fadde seconded the motion and the Resolution was adopted by a vote of 5-0-0-0 (L. Bozzi via videoconference)

Resolution 30-2022 Suspending On-Street Parking on Marion Avenue (attached)

C. Fadde made a motion to adopt Resolution 30-2022 suspending on-street parking on Marion Avenue. T. Woods seconded the motion and the Resolution was adopted by a vote of 5-0-0-0 (L. Bozzi via videoconference)

Resolution 31-2022 Authorizing Mayor to Execute the Water Supply Agreement with the New York City Water Board (attached)

T. Woods made a motion to adopt Resolution 31-2022 authorizing the mayor to execute the Water Supply Agreement with the New York City Water Board. C. Fadde seconded the motion and the Resolution was adopted by a vote of 5-0-0-0 (L. Bozzi via videoconference).

L. Bozzi thanked the Board and K. Foley for all the effort to get this portion done and offered her assistance on the next phase of the project.

Resolution 32-2022 Authorizing the Mayor to Execute Site Agreement with the Town of Philipstown for an Electric Vehicle Charging Station (attached)

L. Bozzi made a motion to adopt Resolution 32-2022 authorizing the mayor to execute Site Agreement with the Town of Philipstown for an Electric Vehicle Charging Station. E. Starbuck seconded the motion and the Resolution was adopted by a vote of 5-0-0-0 (L. Bozzi via videoconference).

L. Bozzi added that funds from the Clean Energy Grant can be used to offset annual costs incurred by the Village for maintaining the charging stations.

Winter Parking Permits for Municipal Lot

K. Foley made a motion to authorize the issuance of Winter Parking Permits for the Municipal Lot at a cost of \$40 per permit. T. Woods seconded the motion and it passed by a vote of 5-0-0-0 (L. Bozzi via videoconference).

Event at Mayors Park on 11/6/2022

K. Foley made a motion to approve an event at Mayor's Park on 11/6 (Birthday Party). E. Starbuck seconded the motion and it passed by a vote of 5-0-0-0 (L. Bozzi via videoconference).

Dockside Park Signage

E. Starbuck made a motion to approve the verbiage of the Rules & Regulations Signage for Dockside Park. The Mayor will inform parks of the approval so that that entity can have the signs manufactured. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0 (L. Bozzi via videoconference).

Municipal Lot Signage

The Board discussed signage for the Municipal Parking Lot (including area in front of Mayor's Park) that will better communicate metering rules and regulations. The discussion was tabled though it was agreed that sign dimensions are needed.

Update on Hudson Highlands Fjord Trail (HHFT)

K. Foley noted that there will be a meeting with MJ Martin of HHFT the week of 10/31 and that the next Steering Committee meeting is scheduled for 11/18

L. Bozzi commented that the Shuttle and Parking study is still open and that a public meeting on the topic is scheduled for 12/6.

Appointment to the Audit Committee

K. Foley made a motion to appoint T. Woods as an alternate on the Audit Committee. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0 (L. Bozzi via videoconference).

Approval of Minutes

K. Foley made a motion to approve the minutes of the 9/14/22 meeting as submitted. C. Fadde seconded the motion and it passed by a vote of 5-0-0-0 (L. Bozzi via videoconference).

Approval of Bills

T. Woods made a motion to approve Batch # 6680 in the amount of \$71,096.24. E. Starbuck seconded the motion and it passed by a vote of 5-0-0-0 (L. Bozzi via videoconference).

Public Comment

Dan Valentine, 6 Garden Street, thanked the Board for acknowledging the issues of the past weekend brought on by over-tourism in the Village. Specifically, for residents, overflowing garbage is a main concern. He suggested that the Village Highway Department pick up garbage on Main Street on Saturday afternoon/evening and that costs could be offset with the implementation of metered parking on Main Street.

K. Foley responded that the Village will be putting out additional garbage cans and these will be picked up by Royal Carting on Sunday mornings with the regularly scheduled Main Street pick up.

Lloyd DesBrisay, 36 West Street, commented that trash on Lower Main Street is an issue and that the majority of the trash is generated by one business.

L. DesBrisay also asked on the status of signage at the Boat Club as required in the lease agreement with the Village. K. Foley noted that the Boat Club has committed to updating the signage and the Board has approved the language, but the Club is closed for the season. She was not sure whether the signage would be installed this winter or in the spring before the 2023 season. He also asked if there will be garbage cans placed inside of Dockside Park? K. Foley commented that Dockside Park is a "Carry In Carry Out" park as per NYS Parks.

Katherine Lukacher, 32 West Street, commented that availability of restaurant food and seating on weekends is an issue during peak tourism season. She also asked if the Halloween Parade presents added concerns with the current state of over-tourism on weekends?

K. Foley noted that the issue of availability of restaurant seating and food is not an issue for the Board of Trustees to address or solve. As for the Halloween Parade, due its later start (5:30pm) there is little overlap with tourists who are typically gone by that time.

Mike Turton, Highlands Current, asked if the Aqueduct Connection is considered a back-up emergency connection and what is the cost for that connection? K. Foley commented that the connection is a back-up emergency connection and will get details as to the cost if used.

Adjournment

K. Foley made a motion to adjourn the meeting. C. Fadde seconded the motion and it passed unanimously. Meeting adjourned at 8:10pm

Submitted by: Jeff Vidakovich

Jeff Vidakovich, Village Clerk

Date

**RESOLUTION 29-2022 AUTHORIZING THE VILLAGE OF COLD SPRING TO JOIN THE
EXISTING LITIGATION AGAINST COLUMBIA UTILITIES, INC.**

The following resolution was offered by Trustee Eliza Starbuck for adoption and seconded by Trustee Cathryn Fadde, to wit:

WHEREAS, Columbia Utilities, LLC, including any subsidiaries and affiliates, (herein collectively “Columbia”) is an independent retail energy supply company; and

WHEREAS, the Village of Cold Spring (“Village”) entered into a Community Choice Aggregation Electricity Supply Agreement (“Supply Agreement”) with Columbia and Joule Assets Inc. (“Joule”), with Joule acting as Community Choice Aggregation Administrator, to provide energy benefits to residents and small non-residential customers within the Village (“Residents”); and

WHEREAS, on April 19, 2022, Columbia notified the Public Service Commission that that it intends to transfer these Residents to the utility, which transfer would constitute a breach of the Supply Agreement by terminating service without cause or in accordance with the terms of the Supply Agreement; and

WHEREAS, on June 3 2022 Joule and some of the other participating municipalities who also had separate agreements with Columbia and Joule, through the law firm of Hodgson Russ, LLP, commenced a lawsuit in Ulster County Supreme Court (EF2022-1113) regarding Columbia’s breach; and

WHEREAS, the Village desires to join that existing lawsuit, and retain Hodgson Russ LLP as counsel for the purpose of joining Joule’s litigation on behalf of the Village to enforce the Supply Agreement; and

WHEREAS, Hodgson Russ, LLP has already been retained by the other participating municipalities, for purposes of joining Joule to enforce the Supply Agreement; and

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees that:

1. Commencement and prosecution of a civil action against Columbia, and any other appropriate party, for the purpose of enforcing the Supply Agreement and protecting the interests of the residents, including but not limited to preventing any breach, and/or recovery of damages from any responsible party on behalf of the Village and its residents and small non-residential customers, is hereby authorized and approved.
2. The Mayor and staff are authorized to take all appropriate steps to support the successful prosecution of the proceeding.
3. The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purpose of prosecuting this action. Nothing in this Resolution authorizes the expenditure of Village funds for such purpose, since it is understood by Joule and Hodgson Russ, LLP that in no event shall the Village be responsible for any legal fees. It is also understood that if there is an award payable to the plaintiffs, the proceeds of such award will first be paid to Hodgson Russ, LLP to pay any outstanding legal fees, and then to reimburse Joule for any legal fees it previously paid Hodgson Russ, LLP; before payment to the program participants. If there is no award, then Cold Spring is not responsible for the payment of any legal fees.
4. This Resolution shall be effective immediately upon its adoption.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voted:	Aye
Trustee Tweeps Phillips Woods voted:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution officially adopted on October 26, 2022 by a vote of 5-0-0-0

Jeff Vidakovich, Village Clerk-Treasurer

Date

RESOLUTION #30-2022
SUSPENSION OF ON STREET PARKING ON MARION AVENUE

The following resolution was offered by Trustee Cathryn Fadde 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, 2022 until April 15, 2023; 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 Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voted:	Aye
Trustee Tweeps Phillips Woods voted:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution officially adopted on October 26, 2022 by a vote of 5-0-0-0

Jeff Vidakovich, Village Clerk-Treasurer

Date

RESOLUTION 31-2022 AUTHORIZING THE MAYOR TO EXECUTE THE WATER SUPPLY AGREEMENT WITH THE NEW YORK CITY WATER BOARD

The following resolution was offered by Trustee Tweep Phillips Woods for adoption and seconded by Trustee Cathryn Fadde, to wit:

WHEREAS, the New York City Water Board (the “Water Board”) is the leasehold owner of New York City’s water supply system, which includes the Catskill Aqueduct and the City’s water supply system is operated by New York City Department of Environmental Protection (the “DEP”); and

WHEREAS, the Village is in the process of seeking approvals for a Revocable Land Use Permit (the “Permit”) from the DEP to allow the Village to connect to the New York City Catskill Aqueduct, as an emergency back-up water supply; and

WHEREAS, in order for the Village to connect to the City’s water supply system, it is also required to enter into a Water Supply Agreement (the “WSA”) with the Water Board; and

WHEREAS, the Water Board wishes to enter into a WSA with the Village in order to allow the Village to make a new connection to the City’s Catskill Aqueduct to supply water to the Village and its users during the Village’s upgrade of its existing water supply system and as may be necessary in the future during the term of the WSA; and

WHEREAS, the new connection by the Village constitutes a Type II Action exempt under SEQRA Section 617.5(c)(1) since there is no substantial changes in the existing facility; and

WHEREAS, based upon the above, no further environmental review under SEQRA is required; and

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees that:

1. The Village Board of Trustees hereby approves the attached Water Supply Agreement (including the attached appendixes 1-5) with the Water Board, and the Mayor is hereby authorized to sign the WSA and any documents necessary to effectuate the terms thereof, subject to final review and approval of the WSA and appendixes by the attorney and engineer for the Village; and
2. This Resolution shall be effective immediately upon its adoption.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voted:	Aye
Trustee Tweep Phillips Woods voted:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution officially adopted on October 26, 2022 by a vote of 5-0-0-0

RESOLUTION 32-2022
AUTHORIZING MAYOR TO EXECUTE SITE AGREEMENT WITH TOWN OF
PHILIPSTOWN FOR AN ELECTRIC VEHICLE CHARGING STATION

The following resolution was offered by Trustee Laura Bozzi for adoption and seconded by Trustee Eliza Starbuck, to wit:

WHEREAS, the Town of Philipstown received a grant from the NYSERDA Clean Energy Communities Program, which may be used to purchase electric vehicle (EV) charging infrastructure; and

WHEREAS, Cold Spring has agreed to host the EV charger on its property at the municipal lot, under the terms and conditions of attached agreement; therefore

IT IS HEREBY RESOLVED that the Village Board does approve the agreement and that the mayor is authorized to execute said agreement.

On roll call vote:

Trustee Laura Bozzi voted:	Aye
Trustee Cathryn Fadde voted:	Aye
Trustee Eliza Starbuck voted:	Aye
Trustee Tweeps Phillips Woods voted:	Aye
Mayor Kathleen E. Foley voted:	Aye

Resolution officially adopted on October 26, 2022 by a vote of 5-0-0-0.

Jeff Vidakovich, Village Clerk-Treasurer

Date