

**Village of Cold Spring
Village Board of Trustees
85 Main Street, Cold Spring, New York 10516**

**Trustees Reorganization & Monthly Meeting
12-08-2020**

The Village of Cold Spring Board of Trustees held its annual reorganization and monthly meeting via video conference pursuant to Executive Order 202.1 on Tuesday December 8, 2020 at 6:30 pm. Present were: Mayor David Merandy and Trustees Marie Early, Heidi Bender, Kathleen E. Foley and Frances Murphy. Also present were Village Accountant Michelle Ascolillo and Village Clerk Jeff Vidakovich.

REORGANIZATION

Resident Appointments

Mayor Merandy made a motion to appoint Ann Bouchard as Registrar for a one-year term. Trustee Early seconded and the motion passed unanimously.

Non-resident Appointments

Mayor Merandy made a motion to appoint Matt Kroog as Water and Wastewater Superintendent for a one-year term. Trustee Murphy seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Camille Linson as Acting Justice for a one-year term. Trustee Early seconded and the motion passed unanimously.

Mayor and Board – Offices and Appointments

Trustee Early made a motion to appoint Mayor Merandy as Budget Officer. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint the Village Board of Trustees as Board of Water Commissioners. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Trustee Early as Deputy Mayor. Trustee Murphy seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Trustees Early and Bender as members of the Audit Committee with Trustee Murphy serving as alternate. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Trustees Murphy and Bender to the Insurance/Risk Management Committee. Trustee Early seconded and the motion passed unanimously.

Trustee Early made a motion to appoint Mayor Merandy as Representative to the Town of Philipstown. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Trustee Foley as Representative to the Fire Company. Trustee Early seconded and the motion passed unanimously.

Trustee Early made a motion to appoint Mayor Merandy and Trustee Murphy as Representative to the Cold Spring Board Club. Trustee Foley seconded and the motion passed unanimously.

Trustee Murphy made a motion to appoint Mayor Merandy and Trustee Early as Representative to the Cold Spring Police. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Trustee Foley as Representative to Putnam County. Trustee Early seconded and the motion passed unanimously.

Appointments to Standing Boards

Mayor Merandy made a motion to appoint Ruthanne Cullinan-Barr as chair of the Recreation Committee for a one-year term. Trustee Murphy seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Matt Francisco as chair of the Planning Board for a one-year term and as a member of the Planning Board for a five-year term. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Al Zgolinski as chair of the HDRB for a one-year term and as a member of the HDRB for a five-year term. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Eric Wirth as chair of the ZBA for a one-year term. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Heath Salit as a member of the ZBA for a five-year term (replacing A. Wolfe). Trustee Murphy seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Jennifer Zwarich as chair of the Tree Advisory Board for a one-year term. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Charles Day to the Tree Advisory Board for a three-year term. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Kory Riesterer to the Tree Advisory Board for a three-year term. Trustee Murphy seconded and the motion passed unanimously.

Meetings

Mayor Merandy made a motion that the Village Board of Trustees will hold its monthly meeting on the second Tuesday of the month at 7pm and other meetings on the first and fourth Tuesdays. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion that Village Board of Trustees agendas will be per the Trustee Handbook. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion that the general procedures, procedures for calling special meetings and guidelines for public comment will be per the Trustee Handbook. Trustee Early seconded and the motion passed unanimously.

Official Depositories (M&T Bank)

Trustee Foley made a motion to make Mayor Merandy, Trustees Murphy and Early and Village Clerk Vidakovich authorized signatories. Trustee Bender seconded and the motion passed unanimously.

Policies

Trustee Early made a motion to appoint Mayor Merandy as Equal Employment Officer. Trustee Foley seconded and the motion passed unanimously.

Mayor Merandy made a motion to appoint Trustee Early as ADA Compliance Officer. Trustee Murphy seconded and the motion passed unanimously.

Trustee Early made a motion to appoint Mayor Merandy as Workplace Violence Officer. Trustee Murphy seconded and the motion passed unanimously.

Mayor Merandy made a motion that the Ethics Policy will be per Village Code. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion that the Procurement and Investment policies be per the Trustee Handbook. Trustee Early seconded and the motion passed unanimously.

Trustee Early made a motion to appoint Mayor Merandy as Sexual Harassment Prevention Officer. Trustee Foley seconded and the motion passed unanimously.

Fee Schedule

Mayor Merandy made a motion to table approval of the fee schedule. Trustee Foley seconded and the motion passed unanimously.

Official Newspaper

Mayor Merandy made a motion to table selection of the official newspaper. Trustee Foley seconded and the motion passed unanimously. This action was taken to consider a request from the Highlands Current to be an additional paper of record.

Appointment of Village Counsel

Mayor Merandy made a motion to appoint John Furst, of Catania, Mahon & Rider PLLC, as Village counsel. Trustee Early seconded and the motion passed unanimously.

RESOLUTION #20-2020 ATTENDANCE AT SCHOOLS AND CONFERENCES

WHEREAS there is to be held during the coming official year a) NYCOM's annual meeting and training school; b) NYCOM's Fall Training; c) Pace Land Use Training;

WHEREAS, attendance by certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality;

NOW THEREFORE BE IT RESOLVED:

SECTION 1: That the following officers and employees are authorized, subject to availability of funds, to attend the aforementioned schools:

Mayor and Board of Trustees, Clerk, Accountant, Clerk to Justice, Planning and Zoning and Historic District Review Board members.

SECTION 2: That this resolution is effective immediately.

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

On roll call vote:

Trustee Marie Early voting	AYE
Trustee Frances Murphy voting	AYE
Trustee Kathleen Foley voting	AYE
Trustee Heidi Bender voting	AYE
Mayor Dave Merandy voting	AYE

The motion was adopted on December 8, 2020 by a vote of 5-0.

FINANCIAL REPORT

M. Ascolillo presented a financial report. She noted that:

- She has been working with Trustee Early to submit December grant reimbursement requests to NYSERDA and Greenway for CUC expenses.

- She has been working with Jennifer Zwarich (TAB) to submit for reimbursement for the TAB grant from Urban Forestry for December submission
- The Village has requested to be included in the FEMA reimbursement for up to 75% of Village resources used during the power outages and clean-up after Tropical Storm Isaias
- John Costilow from EFPR (Village audit firm) will present a summary of the FY19-20 audit results for Board approval

General Fund Revenue

- Overall, despite several changes due to the COVID-19 pandemic, Village revenue has not been severely impacted
- Visitor parking, although slow at the beginning of the summer, has picked up significantly and resulted in additional revenue
- There has been a loss in recreation and police fees due to cancelled events
- Absent Seastreak docking fees, the Permit account is down \$22,500
- The unbudgeted anticipated sale of a Village property will offset the prior loss of revenue by \$21,500.
- The insurance claim for the garbage truck paid approximately \$27,000, but this is offset, on the expense side, by the future purchase of a new truck

General Fund Expenses

- Attorney Contractual and Prosecuting:
 - Expenses for general advice were low in the first half of the year, which excludes CUC work and advice for properties referred to the various boards with escrow accounts.
 - A prosecuting attorney was not needed for several months as the Justice Court was closed.
 - The projected next seven months of expenses will be approximate to the monthly budgeted amount since bills are on a lag (\$16,800)
- Police Personal Services:
 - Due to the COVID-19 pandemic, various details (holidays and weekends) were cancelled, along with several scheduled court dates, resulting in savings
 - Due to retirements, the average rate of pay has decreased expenses (\$18,400)
- Police Equipment: savings due to early payment of installment on SUV (\$15,000)
- Gasoline Accounts: the price of gasoline, so far this fiscal year, has been \$1.00 per gallon less than budgeted
- Building Inspector: a budget adjustment will be recommended next meeting to move funds from the Contractual account line (the IMA with Philipstown) to the Personal Services account (salary for C. Mountain.)
- Highway Department Personal Services: Highway Department salaries are broken down into various Personal Services accounts throughout the Budget. When looking at the department as

a whole: some accounts are over-budget, but others are under-budget for a net projected savings. These savings come from the change in staff as compared to when these lines were budgeted) (\$10, 460)

- Highway Equipment: Savings have resulted from an early payment of installment on SUV (\$10,600)
- Medical Insurance: Budgeted rate increase for January was 7%, but newly released rates are: 3% for family plans; 4% for single plans and less than 1% for Medicare plans. The new rates, in addition to one extra family plan (in the budget) result in savings (\$37,650).

Water & Sewer

Revenues and expenses are expected to be within budget. A detailed report will follow

MISCELLANEOUS

In response to a question from Mayor Merandy, M. Ascolillo noted that expenses for Charlotte Mountain are within the expected range

POLICE DEPARTMENT REPORT

In a written report for the month of November 2020 it was noted that:

- There were 52 calls for service
- There were 119 tickets issued
- Total number of tickets issued to date: 1,024
- There were no arrests

Trustee Bender asked that the monthly police report provide more detailed information about the status of any arrests and incident/events

MONTHLY REPORTS

Recreation Commission

In a written report for the month of November 2020 it was noted that:

- The bandstand was decorated on 11/28/2020 and the tree on 12-2-2020.
- Bandstand electricity remains problematic, so the lights need to remain “on” until the problem is resolved
- Recreation Committee members were assisted by Matt Woods, Michael Cullinan, Gerry Dempsey and Ann Marie Carley
- Trees and wreaths were provided by Vera’s Farm Marketplace and Garden Center
- Santa’s visit occurred on 12-5-2020 from 3:30pm-4:30 pm and was a great success. Over 150 candy canes were distributed and Santa received 70 letters. Responses will hopefully be mailed by 12-14-2020
- The Highway Department replaced the American and POW flags at the Bandstand

- Bathroom doors at Mayor's Park need repair/replacement. This project is on hold.

Planning Board

None

Zoning Board of Appeals

In a written report for November 2020 the ZBA noted that:

- The Board held a workshop on 11-19-2020 for 33 Market Street to consider interpretation of the code regarding 6 ft. fences in the B-1 district and, depending upon ZBA interpretation, a variance to construct a 6 ft. fence. A public hearing was scheduled for Dec. 3.
- Aaron Wolfe and Donald MacDonald resigned from the ZBA, leaving a quorum of three members. At least one application has been made to the Mayor for membership.

Historic District Review Board

Sean Conway reported for the month of November that:

- HDRB met with representatives of Wells Fargo Bank regarding changes to the exterior lighting and requested the application also be referred to the Planning Board
- HDRB met with owner of 4 Morris Ave to discuss window replacement and refurbishment
- On 12-9-2020 the HDRB will meet with the owner of 29-31 Rock St and with the owner of 212 Main St
- HDRB congratulates Kathleen Foley and Heidi Bender on their election to the Village Board of Trustees
- HDRB has received two letters of interest regarding the open seat on the Board
- Regarding postings of legal notices for public hearings:
 - John Furst's assessment was at least one legal notice should be posted in the PCNR (the paper of record)
 - Moving forward, the HDRB would like to also post a display ad in the Highlands Current for public hearings

Cold Spring Fire Company

In a written report from the Fire Company for November 2020 it was noted that:

- There were 18 alarms
- PESH performed a second follow-up to check air quality in the apparatus room. CSFC will forward the PESH report to the Village
- Ring Doorbell has issued a recall notice for its Ring Video Doorbells (2nd generation.) Installation with incorrect screws can cause the battery to overheat posing fire and burn hazards
- Included in the alarms responded to was an elevator rescue. There have been several elevator rescues recently and Trustee Early will investigate further.

- Mayor Merandy noted that some of the elevator rescues have been at the MNR train station and there is little the Village can do to force the MTA to better service their equipment.

Town of Philipstown

Bob Flaherty noted that:

- The Town Hall renovation continues with completion expected by the end of January 2021
- New water line has been installed that will require a meter
- Deputy Clerk Teresa Crawley has resigned
- Town Boards continue to meet via Zoom
- Several film permits were issued
- The Town has extended the new building moratorium for Upland Drive, Cliffside Court and Ridge Road
- The search for a replacement for Roberto Mueller continues, as only one application has been received to date
- The Cemetery Committee seeks new members

Chamber of Commerce

None

Parking Committee – None

Tree Advisory Board (TAB)

In a written report Jennifer Zwarich noted for the month of November that:

- No meeting was held in November
- Final items on the NYS DEC grant are being completed, including tree pruning, stump grinding and paver installation for the 12-16-2020 deadline
- Aluminum tree tags were installed on 12-4-2020 as part of the CS Shady Lane Campaign. These numbers will aid tree management and inventory. Tags were funded by a NYS DEC grant and a private donation
- A rough draft of the Recommended Planting list is complete
- Dormant season planting has been moved to the spring (to allow volunteers to work on completion of the NYS DEC grant work

There has been an uptick in unauthorized tree pruning of Village-owned trees. Residents are reminded that it is illegal to prune a Village-owned tree without a permit.

WATER DEPARTMENT

Water & Wastewater Superintendent Matt Kroog noted that for the month of November 2020:

- Reservoir status is at 96.73% capacity

- Flow to System is 10.68 MG/356 k/day (a 28.3% increase from 2019)
- 2019 Flow to System was ~~8.067.6~~ MG/~~260-255~~ k/day
- Monthly rainfall: 3.07"
- Bacteria Lab Test: monthly samples were found in good standing
- Two water line leaks discovered on Nov. 7 on Orchard Street and Morris Ave. In both locations the leaks were determined to come from the residential service lines. Residents were supplied contact information for excavators and plumbers to schedule needed repairs
- There has been no update to the Catskill DEP Project

WASTEWATER DEPARTMENT

Water & Wastewater Superintendent Matt Kroog noted that for the month of November 2020:

- Plant inflow was 5.581 million gallons
- Average daily flow was 186K gallons
- Biochemical Oxygen Demand: 96.37% removal
- Total Suspended Solids: 93.86% removal
- Sludge Hauled Offsite: 23,000 gallons
- Annual I&I reports for 2016-2019 to be sent to DEC
- Alon Industries installed new 4" check valve and cleared obstruction from Kemble Avenue Pump (non-degradable rags) and Pump 2 was returned to service on 12-3-2020

BUILDING DEPARTMENT

In a written report the department noted that for the month of November 2020:

- 5 new building permit applications were received
- 0 building permits were issued
- 0 operating permits were issued
- 1 dumpster permit was issued
- 8 Certificates of Occupancy were issued
- 8 record searches were completed
- 3 complaints were received
- 15 inspections completed
- 0 referrals to the HDRB were made
- 0 referrals to the ZBA were made
- 1 referral to the CSPB was made
- \$450 in application and permit fees were collected
- \$600 in record search fees were collected
- \$30 in other fees were collected

- Butterfield Building 4, 5 6 has been completed and each dwelling unit has been issued separate Certificate of Occupancy. Separate files have been created for each unit containing a floor plan, electrical certificate and C of O.

HIGHWAY DEPARTMENT

Crew Chief Robert Downey noted that during the month of November 2020:

- 55.64 tons of garbage were picked up
- 19.16 tons of recyclables were picked ups
- There were two brush collections
- Pavers were installed in front of Le Bouchon, Kismet, Old Souls and Silver Spoons
- Holiday wreaths were installed with assistance from the Putnam County Highway Department
- Philipstown Highway Department set Vactor body on truck allowing mounting of motor and Vactor hoses.
- Subway pump failed and was replaced
- 10' of sidewalk removed on Main and High Streets for paver project
- Leaf blowing and vactoring has begun
- Inter-City Tire replaced a tire on the 1988 International salter and all eight rear tires on the 2003 International garbage truck.
- Two broken sections on Vactor motor were welded
- Work in December will include: completion of pave project, leaf clean-up and truck and equipment preparation for winter

Downey noted that request for residents to use only non-plastic bags for leaf and brush removal is largely disregarded. The VBOT discussed options, including refusal to remove brush in plastic bags beginning in 2021.

Leaf and brush pick-up currently taken to West Hook. Fee is \$100 per truckload

It is easier, less time-consuming and less expensive to recycle paper bags (as opposed to emptying them and returning them to homeowners.)

JUSTICE COURT

In a written report Village Justice Costello noted that for the month of November 2020:

- \$3,724 in fines, forfeited bails and civil penalties were collected
- \$4,745 in parking fines were collected
- \$0 in civil fees were collected
- \$2,299 mandatory state surcharges were collected
- There were no Penal Law charges
- There were 24 Vehicle & Traffic Law charges
- There were no civil charges

REPORT OF MAYOR AND TRUSTEES

Trustee Murphy noted that Santa visit went smoothly and was well-received.

Trustee Early noted that NYSERDA has agreed to extend the contract as noted below:

Task 4 - Draft Village Code Amendments - 2Q 2021

Task 5.1 - Public Meetings - 3Q2021

Task 5.2 - Final Code, Maps - 4Q2021

Task 5.3 - SEQR Documentation - 4Q2021

Task 5.4 - Adoption Documentation - 1Q2022

The overall end date is 2Q2022

Mayor Merandy noted that the VBOT is aware of the complaints about excessive noise and dangerous site conditions last week at 29-31 Rock Street and has referred the matter to the Village Attorney for comment. The Code Enforcement Officer has referred the Building Permit to the HDRB.

OLD BUSINESS

None

CORRESPONDENCE

The Village received an email from Natella Alhova requesting permission to operate a food truck in the Village. Alhova was present at the meeting and during the discussion it was noted that:

- Alhova wishes to locate the truck on the St. Mary's side of the intersection of Main Street and Rte. 9D
- Alhova wishes to begin as soon as possible, operating Tuesday-Saturday from 9am – 6pm
- Alhova is a resident of the Philipstown
- Alhova stated that her truck has passed inspection with Putnam County Health Dept
- Alhova says she has begun process of getting licensed with "Tara" in the County; and in discussion it became apparent that she was referring to Philipstown Town Clerk Tara Percacciolo. Alhova was advised that if she wishes to operate her food truck in the Village, the license must come from the Village office.
- In the past, the only licenses issued by VBOT were at Mayor's Park and at Dockside
- Permission to locate the truck by St. Mary's church would not be granted, nor on any Village street due to increased vehicular and pedestrian traffic, especially during weekends
- VBOT expressed concern that during the winter there is little business in the Village and that applicant may wish to wait until March
- Trustee Bender noted that food trucks participate in the weekly Farmer's Market and that might be an option
- Trustee Foley noted that the economics of dining are different now during COVID as people search for dining options that are not inside; there may be interest among Villagers for food

trucks, but the location on Route 9D and Main is problematic on a number of levels, including neighborhood impacts and traffic; she recommended more market research on the part of the vendor.

- In the past concern has been expressed by owners of brick-and-mortar restaurants about seeming competition from food trucks whose expenses and operating costs are much less
- A location on Rte. 9 might be a more profitable location
- The VBOT will consider the issue of food trucks in general at a later meeting

APPROVAL OF BILLS

None

MINUTES

Mayor Merandy made a motion to adopt the minutes of 10-27-20. Trustee Early seconded and the motion passed 3-0 with Trustees Bender and Foley abstaining.

Mayor Merandy made a motion to adopt the minutes of 12-1-20. Trustee Early seconded and the motion passed 3-0 with Trustees Bender and Foley abstaining.

PUBLIC COMMENT

Public comment centered exclusively around the construction at 29-31 Rock Street.

Michael Reisman, 30 Rock St. commented that the Village did not react as quickly as it could have to stop to work and cited his conversations with the Building Inspector and letters and emails to Mayor Merandy. Reisman also suggested this matter be referred to the Planning Board. *Mayor Merandy responded that the part-time nature of the Board and the Building Inspector may not allow as fast a response as residents wish, but that the VBOT acted in as expeditious a fashion as possible.*

Planning Board Chair Matt Francisco noted that the work is not a change-of-use, but an as-of-right use. The matter has not been referred to the Planning Board.

Reisman, a past member of the CUC, noted that a proposed new Steep Slopes standard gives criteria for evaluating this kind of construction, but even without it there are other avenues available to address drainage and related issues. *Mayor Merandy responded that the Village can only act per the existing code.*

Alan Wernick and Maria Schultz, 15 Rock Street commented that:

- The owner had told him the work involved creation of parking lot at the top of the drive way and not the major construction that occurred and doesn't reflect the application's scope of work
- Something is wrong with the process if major construction didn't get any attention from the Village
- The large amount of noise and debris make this "a big deal construction" project

- Is there any process or procedure for misleading information on an application?
- Is there a remedy if the Building Inspector's actions are in error? *Mayor Merandy responded that this is a question for the Village attorney.*

Trevor McCarthy, 25 Kemble Ave, agreed with the previous comments and noted that stone debris was all over his property.

Elizabeth Garza, 28 Rock Street, said that she called the police and Village Hall immediately when construction began on 12-2-2020 and no action was taken for two days and that the Village should have acted sooner.

Sean Conway, 18 Morris Ave, (member of the HDRB) asked what the process is for a new curb cut. *Mayor Merandy responded that usually a highway department permit is required, but in this case there isn't a curb.* Conway noted that the HDRB, which will take up this matter at its next meeting, cannot rule on any of the safety issues raised during the discussion, but only on those matters within HDRB purview.

Lloyd DesBrisay, 34 West Street commented that Charlotte Mountain (building inspector) is doing a great job and responsibility for any errors may lie with the owner and their architect.

ADJOURNMENT

Mayor Merandy made a motion to adjourn. Trustee Early seconded and the motion was passed unanimously at 9:30 pm

Submitted by: M. Mell

Mayor David Merandy

Date