

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

**Trustees Monthly Meeting
4-13-2021**

The Village of Cold Spring Board of Trustees held its monthly meeting at the Cold Spring Village Hall, 85 Main Street on Tuesday April 13, 2021 at 6 pm. Present were: Mayor David Merandy and Trustees Marie Early, Heidi Bender, Kathleen E. Foley and Frances Murphy. Also present were Village Clerk Jeff Vidakovich and Village Treasurer Michelle Ascolillo. John Furst and Joe McKay were present for executive session.

EXECUTIVE SESSION

Mayor Merandy made a motion to enter into executive session to discuss pending litigation. Trustee Early seconded and the motion passed unanimously at 6:01pm.

Mayor Merandy made a motion to exist executive session. Trustee Early seconded and the motion passed unanimously at 6:19pm.

The Board took a 10-minute break and resumed the monthly meeting at 6:30 pm.

PUBLIC HEARING FOR FY2021-21 BUDGET

Mayor Merandy made a motion to open the public hearing. Trustee Early seconded and the motion passed unanimously at 6:30 pm.

Mayor Merandy made a motion to close the public hearing. Trustee Foley seconded and the motion passed unanimously at 7:35 pm

FINANCIAL REPORT

Village Treasurer Michelle Ascolillo reported that:

- The new CHIPS budget has come out and the Village will receive an additional \$26K
- The Village will receive additional \$3.3K for AIM funding
- The Water Fund has budgeted \$40K for the purchase and installation of new end-points, and hopes at least some of the end-points can be purchased this fiscal year. Water and Waste Water Superintendent Kroog commented that he is speaking with vendors
- Some budget line items are in limbo, but no significant changes are expected

POLICE DEPARTMENT REPORT

For the month of March 2021 OIC Burke noted that:

- There were 67 calls for service. YTD=155
- There were 36 tickets issued. YTD=134
- There were two MHL 941 (mental health law) violations (for the same person on two separate occasions.)

- There were 18 false alarms
- There were three reports of malodorous fumes near Hudson House. These turned out to be venting of fumes from Hudson House.
- Fraud cases (i.e. phone and internet scams) are down, but residents should remain vigilant
- The department urges residents to call in any and all complaints/issues/comments as they occur so that the police may respond appropriately and in a timely manner

MONTHLY REPORTS

Recreation Commission

Ruthann Cullinan Barr noted for the month of March that:

- The commission will meet with Village Treasurer to review budgets for Christmas decorations, computer support and Dockside electricity
- As of April 9th, Tot's park:
 - Has been cleared of leaves, brush and twigs
 - Equipment has been cleaned
 - Signage and sanitation stations have been installed
 - Commission will continue to work on a Tot's Park agreement with Andrea Hudson
 - Tot's Park reopened on April 11th.
- Bandstand repair and painting
 - \$6,636.07 remains in the 2020-21 budget
 - A letter has been sent requesting a Community Work Detail from the Sheriff's Department. Once the request is granted, the Commission will outline the work needing to be performed.
 - Commission will meet with Robert Downey (Highway Department) on April 12 to review the work and next steps
- Commission member Trevor Knight would like to pursue softball playing in Cold Spring. He will reach out to the Philipstown recreation department.
- The following events have been approved:
 - Lina DeCesaris wedding at the Bandstand on 4-3-2021 from 3-5:30pm
 - First Presbyterian Church Easter Service at Mayor's Park Pavilion on 4-2-2021 from 10am to noon
 - Teresa Peer wedding at the Bandstand on 5-29-2021 starting at noon
 - Girl Scouts at the Pavilion on 6-13-2021 from 9am to 1pm
 - Boy Scouts at the Pavilion on 4-23-2021 from 4-8pm, on 4-24-2021 from 9am to 2pm and 5-16-2021 from 2-6 pm
- Approval for the Putnam County Food and Wine Festival on August 7 & 8 is pending Board of Trustee review in June and approval
- Commission has prepared a Pavilion Covid Plan, based upon the plan submitted by the Presbyterian Church (for their Easter service)

Planning Board

None

Zoning Board of Appeals

Eric Wirth noted for the month of March that:

- The ZBA continued the public hearing for an application to build an additional half story on top of a non-conforming, free-standing, one-story garage at 212 Main Street. The ZBA voted to deny the requested variance for a second floor with overhangs. The ZBA voted to deny the overhangs but the applicant is free to add the half story but it cannot extend any further than the first story on any side.
- The ZBA held a workshop (3-4-2021) and a public hearing (3-18-2021) to consider an application to use the Old VFW Hall as a preschool. The ZBA determined is entitled under the code to open the preschool.

Historic District Review Board

In a written report for the month of March it was noted that the HDRB:

- Met twice in March
- Approved a fence extension for 207 Main St
- Approved a porch reconstruction at 8 Kemble Ave
- Determined that porch repairs at 25 Garden St were a “replacement in kind” requiring no action
- Held a final workshop for 212 Main St and scheduled a public hearing
- Held workshop, public hearing and approved application for 61 & 63 Paulding Ave
- Will meet with representatives of 32 Market St re: installation of solar panels
- Will meet with representatives of 34 Kemble Ave re: modifications required for nursery school
- Will meet with representatives of 49 Main St re: new signage
- Is in discussion with SHPO re: updating official maps for historic district
- Will discontinue the extended public hearing notice requirement (3 weeks) instituted at the start of the pandemic and will revert to the previous 2 week notice

Cold Spring Fire Company

Trustee Foley read from a written report from the Fire Company for March 2021. It was noted that:

- There were 15 alarms:
 - 4 EMS Assists
 - 2 Activated fire alarms
 - 1 Outside rubbish fire
 - 1 Carbon monoxide alarm
 - 1 Mutual aid to North Highlands FD for helicopter landing zone
 - 1 Mutual aid to North Highlands FD for oil burner fire

- 2 Mountain rescues on Breakneck Mountain
- 1 Elevator rescue
- 1 Outside odor investigation
- The Fire Company is soliciting new volunteers (especially those who can be available during the daytime on weekdays)

Town of Philipstown

Bob Flaherty noted for the month of March that:

- The Town Hall renovations are almost complete and move-in is scheduled for April 12th
- Contracts with both the Garrison and Philipstown Ambulance Corps have been signed
- Putnam County will continue to use the Recreation Center as a COVID-19 vaccination center
- The Garrison Golf Club and Hudson Valley Shakespeare Festival continue their application with the planning board. While the original plan called for a 9-hole golf course to remain, the Garrison Gold Club has decided it will close entirely at the end of this season
- The Town has passed a resolution to publish an RFP for solar panels to be installed on the roof of the Recreation Center. SunPower has been selected to perform the work.
- The Town passed several resolutions related to the environment, continuation of the Community Aggregate Program, GHG Emission Reduction Target and Climate Action Plan
- The landlord of the Garrison Post Office (Aman Raju) spoke with the Town and will work to resolve outstanding issues of noise, truck traffic and off-hours delivery at the Post Office
- Sheila Rauch spoke about Philipstown Aging At Home, a group of volunteer to assist elderly residents to remain in their homes
- The Town seeks volunteers to join the Board of Assessment Review

Chamber of Commerce

COC chair Eliza Starbuck noted that:

- COC held a virtual monthly meeting on March 23rd
- The next COC breakfast meeting will be held via Zoom on April 29th
- The *Keep Cold Spring Beautiful* visitor PSA campaign has begun
- COC is organizing volunteers to man the Visitor's Center info booth. Toward that end the COC requests that:
 - Liability coverage for volunteers be included in the Village policy. *The Board responded that they will review the matter with the Village's insurance agent.*
 - Permission be granted to install WIFI (at no cost to the Village)
 - A designated parking spot be made available to volunteers. *The Board will refer this matter to the Parking Committee.*
 - The COC will generate an updated agreement and send it to the Village Board for review
- The COC expressed their gratitude to the Village and Highway Department re: opening of the public bathrooms at the foot of Main Street, but argue that cleaning is required on Saturdays. The COC will seek funding for this from other sources.

Parking Committee –None

Tree Advisory Board (TAB)

In a written report for the month of March 2021, TAB Chair Jennifer Zwarich noted that:

- TAB held its regular public meeting on March 24th
- The Dormant Season Pruning Project is largely finished
- The Highway Department has transplanted one new tree on Market St and will be planting four new trees the last week in April
- Arbor Day will be marked on April 30th
- TAB volunteers have root-pruned eight trees in the now-closed Village Tree Nursery Project to prepare them for transplanting to various sites in the Village this fall
- A declining maple tree in McConville Park and a dangerous limb on lower Main St have been scheduled for removal
- Seven stumps in tree pits will be ground down on April 19th and the sites prepared for future plantings
- Tree survey updates continue

WATER DEPARTMENT

Water & Wastewater Superintendent Matt Kroog noted that for the month of March 2021:

- Reservoir status is at 97.55% capacity
- Flow to System is 6.98 MG/225 k/day (a 18.08% decrease from 2018)
- 2020 Flow to System was 8.52 MG/275 k/day
- Monthly rainfall: 2.27"
- Bacteria Lab Test: All routine bacteriological samples were found in good standing
- Filtration Unit Rehabilitation: Quotes have come in higher than expected and new quotes are being solicited
- PFOS/PFOA Sampling: first set of samples found in good standing
- Hydrant flushing took place April 5-9
- Water Main Break occurred at Marion Ave and Wall St on April 7th and has been repaired
- SCADA PC: System failed on March 16th. Managed Technologies made repairs and the system was returned to operation on March 19th.
- Catskill DEP Project: Communication with Vincent Perrin (Putnam County DOH) re: backup water sources continue
- Badger Endpoint Upgrade: Quotes have been solicited for new endpoints and their installation

WASTEWATER DEPARTMENT

Water & Wastewater Superintendent Matt Kroog noted that for the month of March 2021:

- Plant inflow was 7.509 million gallons

- Average daily flow was 224K gallons
- Biochemical Oxygen Demand: 93.36% removal
- Total Suspended Solids: 94.86% removal
- Sludge Hauled Offsite: 32,000 gallons
- Annual infiltration and intrusion I & I: quote received from Cook to clean and inspect the E-2 section (required by SPDES permit) and awaiting quotes from other vendors
- Flow Meter/Chart Recorder annual calibration conducted on March 16th
- Annual Flow Certification: 2020 Report submitted on March 23rd
- Private Wastewater Line from Pearl St: Repairs to private line on Pine St. made on March 30th. Request has been made for an additional manhole to allow better maintenance (pending approval).
- Emergency Portable Generator: a low coolant lockout alarm prevented use until repairs were completed on March 31st. Repairs made under warranty from Peak Power. Warranty expires 7/2021
- Repairs to potable water line at WWTF to be made in the next two months

BUILDING DEPARTMENT

- No Report

HIGHWAY DEPARTMENT

Crew Chief Robert Downey noted that during the month of March 2021:

- 57.77 tons of garbage were picked up
- 19.78 tons of recyclables were picked up
- Fences repairs at Boat Club and intersection of Mountain Ave & Fishkill Ave
- Cleaned leaves and debris from Tot's Park
- Cleaned silt areas from winter plowing
- Washed out all garbage cans on Main St and at the Dock
- Worked with TAB on their tasks
- Serviced, painted and installed benches on Main St
- Repaired 8'-0" of curb on Main St
- Filled potholes on E. Belvedere and Hamilton Streets
- Began installing flags on Main St. and Lunn Terr.
- Began update of catch basin inventory
- Began clearing overgrown section of Highway Garage lot (to relocate storage container)
- Serviced all chain saws
- Transferred spinner and motor onto new housing of the 2-yard salter
- Serviced and winterized 2-yard and 4-yard salters
- Serviced and installed new brushes/blade and safety flaps on street sweeper
- HRT&T installed new auxiliary switch wire harness on 2016 F-350
- Installed new blade on snow thrower attachment; serviced and winterized

- April work anticipated to include street cleaning, catch basin repairs and crosswalk painting

JUSTICE COURT

In a written report Village Justice Costello noted that for the month of March 2021:

- \$3,100 in fines, forfeited bails and civil penalties were collected
- \$3,070 in parking fines were collected
- \$20 in civil fees were collected
- \$1,237 mandatory state surcharges were collected
- There were no Penal Law charges
- There were 20 Vehicle & Traffic Law charges
- There was one Civil charges

APPROVE FINAL LISTING FOR FIREMAN SERVICE AWARD

Mayor Merandy made a motion to approve the listing. Trustee Foley seconded and the motion passed unanimously.

RESOLUTION NO. 08-2021. INTENT TO CONTINUE THE VILLAGE'S COMMUNITY CHOICE AGGREGATION (CCA) PROGRAM BY CONTINUING TO OFFER ELECTRICITY SUPPLY AND INCORPORATING OPT-OUT COMMUNITY DISTRIBUTED GENERATION

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

WHEREAS, Village of Cold Spring ("**Municipality**") wishes to maintain control of sourcing their electricity supply, reduce electricity costs, access 100% renewable sources of electricity and catalyze the development of renewable power plants in New York;

WHEREAS, on March 7, 2017 the Municipality enacted Local Law No. 3 of 2017, "Community Choice Aggregation Program", enabling a Community Choice Aggregation Program;

WHEREAS, on December 5, 2017, Municipality engaged the services of Joule Assets, Inc. ("**Joule**") as CCA Program Administrator for the Municipal Program;

WHEREAS, Municipality entered into an Electricity Supply Agreement to provide 100% renewable electricity supply to eligible residents and small businesses who did not opt-out from July 1, 2019 through June 30, 2021;

WHEREAS, Municipality intends to continue the CCA Program and access additional benefits for eligible residents and small businesses by continuing to offer electricity supply and in addition incorporating an Opt-out Community Distributed Generation ("**Opt-out CDG**") offering;

WHEREAS, Opt-out CDG offers guaranteed savings on electricity bills and supports the local development of solar projects through an agreement with a CDG project developer/owner (“**CDG Sponsor**”);

WHEREAS, a CCA Program incorporating electricity supply and Opt-out CDG will maximize the financial and environmental benefits to participating residents and small businesses;

WHEREAS, the Municipality seeks to obtain competitive bids from electricity suppliers (each a “**Supplier**”) pursuant to a request for proposal (the “**Supply RFP**”), that is intended to result in a three-party Electricity Supply Agreement between the selected Supplier, the Municipality and Joule that, among other things, will govern the terms of provision of the electricity supply by Supplier for the Municipal Program;

WHEREAS, the Electricity Supply Agreement (in the form attached hereto), has been reviewed and approved for form by the Municipality Counsel, and has been deemed to provide benefits, adequate protections, and minimize risk to the Municipality.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board authorizes Joule to issue a Supply RFP consistent with the provisions of this Resolution, with bids to be evaluated based upon compliance with the specifications of the Supply RFP including, without limitation, price and term parameters, and Supplier’s acceptance of all material terms of the Electricity Supply Agreement;

BE IT FURTHER RESOLVED, that the Village Board approves the Electricity Supply Agreement in substantially the form attached to this Resolution as Exhibit A, such form to be included in the Supply RFP;

BE IT FURTHER RESOLVED, that Joule in its role as Administrator for the CCA Program shall, among other things, manage the energy procurement process, prepare and issue the Supply RFP, and make recommendations for award to the Municipality; provided however, that the Municipality will, through the Mayor, make the final award decision;

BE IT FURTHER RESOLVED, that subject to the conditions that the awarded Supplier has been prequalified as required by Joule and that the awarded bid meets the specifications established in the Supply RFP, the Mayor is authorized to execute an Electricity Supply Agreement on behalf of the Municipality in substantially the form attached hereto with the awarded Supplier and Joule in a timely fashion; provided, however, that the Municipality is under no obligation to award the Supply RFP for any bid that fails to meet the specifications established in the Supply RFP. In addition, the Municipality is under no obligation to award the Supply RFP if any of the conditions of the CCA Administration Agreement shall not be met.

BE IT FURTHER RESOLVED, that the Municipality authorizes Joule to prepare or include the Municipality in an Opt-out CDG Implementation Plan for submission to and approval from the New York State Department of Public Service;

BE IT FURTHER RESOLVED, that the Municipality authorizes Joule to enter into negotiations on Municipality’s behalf, with Utility and CDG Sponsor(s) for incorporation of Opt-out CDG into existing CCA Program; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to enter into any agreements on behalf of the Municipality in relations to Opt-out CDG consistent with this resolution in the Mayor’s reasonable discretion.

On roll call vote:

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| Trustee Marie Early voted: | YES |
| Trustee Heidi Bender voted: | YES |
| Trustee Kathleen E. Foley voted: | YES |
| Trustee Fran Murphy voted: | YES |
| Mayor Dave Merandy voted: | YES |

Resolution officially adopted on April 13, 2021 by a vote of 5-0.

REPORT OF MAYOR AND TRUSTEES

Trustee Foley thanked Board members and residents who distributed notices about the Police policy surveys. Trustee Murphy noted that 43% of surveys have been returned to date.

OLD BUSINESS

Establish date and hours for bathroom reopening. The Board decided to reopen the public bathrooms on April 15th. They will be open Thursday thru Monday until Memorial Day and 7-days/week thereafter. Hours to be 8am – 7 pm.

During a discussion of a resident’s request to relocate the crosswalk at Oak St and Rte. 9D it was noted that:

- Relocation will require relocation of signage
- NYSDOT requires a resolution from the Village before it can consider the matter. Such resolution will need to demonstrate public support.
- It doesn’t appear that the tree on the NE corner blocks the street light (on the SE corner)
- Village Clerk Vidakovich has spoken with the NYSDOT and noted that:
 - If a resolution is passed, the DOT would add relocation to its list of projects, but would not be able to provide a timetable to perform the work
 - DOT would issue the Village a permit to perform the work itself at its own expense
 - Next scheduled paint refreshing is in 2023
- State DOT is in non-compliance with requirements for ADA access and parking restriction signage related to the crosswalk

During a discussion of the Utility Termination Moratorium Law it was noted that:

- There are currently 50 delinquent accounts
- Delinquent accounts must be given the opportunity to enter into a payment plan
- Village to send notification letter (about the program) with the upcoming water bills (scheduled to be sent early next week). Response is required by May 1st. If no response is received, the accounts will be re-levied

CORRESPONDENCE

None

APPROVAL OF BILLS

None

MINUTES

Mayor Merandy made a motion to adopt the minutes of 3-18-2021 as submitted. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to adopt the minutes of 3-23-2021 as submitted. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to adopt the minutes of 3-25-2021 as submitted. Trustee Early seconded and the motion passed unanimously.

Mayor Merandy made a motion to adopt the minutes of 3-30-2021 as submitted. Trustee Foley seconded and the motion passed unanimously.

PUBLIC COMMENT

Mike Turton (Highlands Current) requested clarification of the dates and times for the reopening of the public restrooms.

ADJOURNMENT

Mayor Merandy made a motion to adjourn. Trustee Foley seconded and the motion was passed unanimously at 8:03 pm

Submitted by: M. Mell

Mayor David Merandy

Date