



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

DAVE MERANDY, MAYOR
MARIE EARLY, TRUSTEE
KATHLEEN E. FOLEY, TRUSTEE
FRANCES MURPHY, TRUSTEE
TWEEPS PHILLIPS WOODS, TRUSTEE

JEFF VIDA KOVICH, CLERK/TREASURER
MICHELLE ASCOLILLO, ACCOUNTANT
LARRY BURKE, OFFICER-IN-CHARGE
MATTHEW KROOG, WATER SUPERINTENDENT
ROBERT DOWNEY, HIGHWAY DEPT CREW CHIEF
CHARLOTTE MOUNTAIN, CODE ENFORCEMENT OFFICER

Board of Trustees
Tuesday November 23, 2021 @ 6:30 PM
Via Videoconference as per Chapter 417 of NYS Local Laws of 2021

1. Closed Session to seek advice of counsel
2. Executive Session
 - a. Collective Negotiations
 - b. Employment History of an Individual
3. Update on Garbage Bid
4. Discussion on Dump Truck/Sander/Fleet/Highway Department
5. Request to Purchase Village Owned Property at 45 Fair Street
6. Planning Board Recommendation re: 40 Main Street
7. Approval of Bills - Batch #: Amount: \$
8. Approval of Minutes: 10/21/21, 10/26/21, 11/4/21, 11/9/21

The public is invited to attend the meeting as follows:

<https://zoom.us/j/94086293122?pwd=eVJpUnFZRUt5K3A3anhFLzIERG9SQT09>
or to Join by Phone: (646) 558-8656

Meeting ID: 940 8629 3122 Password: 259033

	AAA Carting	City Carting	Royal Carting	Current Village Costs	Notes
Annual Fee (inclusive of bins)					
Year 1	\$ 650,000.00	\$ 281,940.00	\$ 190,119.00	\$ 167,333.98	Includes employee wages, disposal fees, equipment repairs
Year 2	\$ 700,000.00	\$ 296,037.00	\$ 195,834.00		
Year 3	\$ 750,000.00	\$ 310,839.00	\$ 201,701.40		
Cost Per Refuse Bin					
35 Gallon	\$ 65.00	\$ 264.00	\$ 16.95		
65 Gallon	\$ 65.00	\$ 264.00	\$ 16.95		
95 Gallon	\$ 75.00	\$ 264.00	\$ 19.95		
Cost Per Recycle Bin					
35 Gallon	\$ 65.00	\$ 180.00	\$ 5.00		
65 Gallon	\$ 65.00	\$ 180.00	\$ 5.00		
Additional Services/Collections					
Sunday Morning					City Carting does not P/U on Sundays. Costs are for 2x week collection of public refuse
Year 1	\$ 75,000.00	\$ 19,536.00	\$ 11,653.20	\$ 6,971.59	
Year 2	\$ 80,000.00	\$ 20,513.00	\$ 12,002.79		
Year 3	\$ 85,000.00	\$ 21,539.00	\$ 12,362.87		
Brush					
Year 1	\$ 48,000.00	\$ 130,000.00	\$ 7,484.40	\$ 6,840.14	
Year 2	\$ 52,000.00	\$ 136,500.00	\$ 7,708.93		
Year 3	\$ 55,000.00	\$ 143,325.00	\$ 7,940.19		
Bulk (1x per year)					AAA - Bulk limited to 4 cubic yards; Service currently not supplied by Village
Year 1	\$ 48,000.00	\$ 43,300.00	\$ 7,410.00	\$ -	
Year 2	\$ 52,000.00	\$ 45,465.00	\$ 7,632.30	\$ -	
Year 3	\$ 55,000.00	\$ 47,738.00	\$ 7,861.26	\$ -	
X-Mas Tree (1x per year)					Royal Carting - X-Mas Tree P/U included in annual cost
Year 1	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	

	AAA Carting	City Carting	Royal Carting	Current Village Costs	Notes
Year 2	\$ 6,000.00	\$ 5,250.00	\$ -	\$ -	
Year 3	\$ 7,000.00	\$ 5,512.00	\$ -	\$ -	
Additional Bins - Refuse					
95 Gallon					
Bin	\$ 40.00	\$ 68.00	\$ 19.95		
Collection (annual)	\$ 480.00	\$ 264.00	\$ 239.40		
65 Gallon					
Bin	\$ 40.00	\$ 60.00	\$ 16.95		
Collection (annual)	\$ 480.00	\$ 264.00	\$ 203.40		
35 Gallon					
Bin	\$ 40.00	\$ 60.00	\$ 16.95		
Collection (annual)	\$ 480.00	\$ 264.00	\$ 203.40		
Additional Bins -Recycling					
65 Gallon					
Bin	\$ 35.00	\$ 60.00	\$ 5.00		
Collection (annual)	\$ 420.00	\$ 180.00	\$ 60.00		
35 Gallon					
Bin	\$ 35.00	\$ 60.00	\$ 5.00		
Collection (annual)	\$ 420.00	\$ 180.00	\$ 60.00		
2 Yard Dumpster					
Dumpster	\$ 30.00	\$ 1,200.00	\$ 25.00		
Collection (annual)	\$ 1,560.00	\$ 2,400.00	\$ 1,300.00		

Riverview

45 Fair Street
Cold Spring, NY 10516
845-265-4778

11/19/21

Cold Spring Village Board
Main Cold Spring, NY 10516

Dear Cold Spring Village Board,

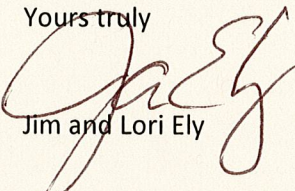
We would like to purchase approx. 665 square feet of property from the village of Cold Spring. This purchase would bring the boundary of Riverview property to, and in line with the sidewalk.

As an advantage to both Riverview and the Village of Cold Spring, should we reach an agreement, Riverview is offering to install at our cost:
Proper concrete sidewalks where they are missing at the front accesses to the Riverview parking lot.

The proposed area is highlighted in red on the enclosed map.

Thank you for your consideration

Yours truly


Jim and Lori Ely

Village of Cold Spring - Planning Board

85 Main Street, Cold Spring, NY 10516
Tel: (845) 265-3611 Fax: (845) 265-1002
Web: www.coldspringny.gov

Dear Mayor Merandy:

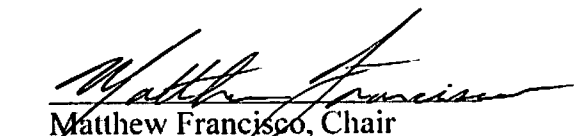
The Planning Board is currently reviewing a site plan review/change of use application for the property located at 40 Main Street, identified as Section 48.12, Lot 2, Block 4 (the "Property"). The Property is owned by 40 Main Street CS, LLC.

The applicant is proposing to renovate the existing building by reconfiguring the existing retail to include a combination of retail and office space. The project does not involve any exterior modifications and the existing footprint of the building will remain the same. The reconfigured building requires a total of forty-four (44) spaces as per the Village's off-street parking requirements set forth in Section 134-18.E(1) of the Village Code. That is seven (7) parking spaces for the retail space, where the retail space consists of approximately 1,068 square feet; and thirty-seven (37) spaces for the office space, which consists of approximately 5,496 square feet. The Applicant is providing zero (0) off-street parking spaces associated with the office aspect and zero (0) off-street parking spaces associated with the retail aspect. The applicant thus seeks a waiver from the Village Board of Trustees, pursuant to Section 134-18.E(7), for all forty-four (44) spaces.

The Planning Board feels the waiver provisions set forth in Section 134-18.E(7) are generally appropriate for the retail aspect of the project. Thus, the Planning Board recommends granting the waiver for six (6) of the seven (7) retail related off-street parking spaces (one space is automatically grandfathered and does not need a waiver).

However, the Planning Board cannot recommend granting a waiver for the remaining thirty-seven (37) office related off-street parking spaces required under the zoning code. The parking spaces associated with an office use will involve longer-term parking with much less carryover to other uses along Main Street. Cars are only permitted to park on Main Street for a maximum of four (4) hours, but an office use will leave cars parked for approximately eight (8) hours. The Planning Board recommends that the Village Board work with the applicant to find a mutually agreeable solution to this off-street parking issue for the office use aspect. For example, the Planning Board has no objection to the applicant's proposed use of the Fair Street municipal lot on Mondays through Thursdays.

Finally, it should be noted that the Planning supports the proposed office use on Main Street, but for resolving this off-street parking issue.


Matthew Francisco, Chair
Village of Cold Spring Planning Board
Dated: November 22, 2021

Cc: Village Clerk
40 Main Street CS, LLC (via Timothy Rasic, Architect)



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Board of Trustees
Public Hearing
Meeting Minutes – October 21, 2021

The Board of Trustees of the Village of Cold Spring held a Public Hearing on Thursday October 21, 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. D. Merandy called the meeting to order at 7:00pm.

D. Merandy made a motion to adjourn and delay the start of the meeting until 7:30pm due to technical difficulties. F. Murphy seconded the motion and it passed unanimously.

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

D. Merandy re-opened the meeting at 7:30 pm and turned it over to Ted Fink, Planning Consultant, to explain proposed PMU-2 zoning classification.

- It is a middle ground between Mixed Use (MU-1) and Planned Unit Development (PUD)
 - Provides more safeguards for the Village than required with the MU-1 while being less cumbersome than a PUD
- Gives Village Board the authority to delegate responsibility for issuance of Special Use Permit to a land use board (i.e., Planning Board) or retain control
- Rules can be written into the code requiring developer to submit conceptual plan as first step in the process
 - Conceptual plan addresses “big picture” issues such as traffic flow, fiscal impact, etc.
 - SEQRA and public hearings can be required as part of conceptual plan process
- After conceptual plan is approved by the appropriate board it would then go to Planning Board for site plan approval
 - Site plan addresses the details
 - Parking, water and sewer connections, etc.
 - Second SEQRA review as part of the site plan approval process

T. Fink briefly addressed SEQRA

- Type I actions do not always mandate Environmental Impact Statement (EIS)
 - EIS addresses differences in current use compared to proposed use
- Negative Declaration means there is no negative or adverse environmental impact
- Positive Declaration means that there will be an impact on the environment and can take up to a year (or longer) to complete
- A SEQRA review will need to be conducted for any proposed zone changes/modifications. If a Positive Declaration is made it will result in a review of the entire Chapter 134.

D. Merandy asked if there were any major changes from the original proposed MU-1 to the PMU-2? T. Fink replied that the PMU-2 has more process to it than the MU-1

F. Murphy asked if the code update for Chapter 134, which would include changing existing I-1 District to MU-1 or PMU-2, could be completed by the NYSERDA due date? T. Fink responded that NYSERDA should grant an extension as the Village is following state mandated processes and regulations which are causing the need for an extension.

K. Foley noted that the MU-1 had been proposed by the Code Update Committee and discussed/reviewed by the previous iteration of the Village Board. She asked why the concerns D. Merandy is raising now were not raised before, and what had changed since the last review? D. Merandy responded that the property in question (“Marathon Battery”) is important and critical to the Village. As elected officials the Board is responsible to look after the interests of the entire Village and that is what the Board is doing. K. Foley agreed that the property is strategic to the Village’s future, but expressed surprise that concerns are being raised only now at the end of the Code Update process.

K. Foley raised the matter of rezoning the single parcel that contains the Highway Department, Sewer Treatment plant and Mayor’s Park (ballfield and pavilion). Currently, the parcel is proposed to be rezoned with two designations – Industrial (I-1) and Parks & Recreation (PR-1). K. Foley asked T. Fink if he has seen one property with dual zoning designations in other municipalities? T. Fink responded that he has and that it is not unusual. K. Foley noted that the ZBA would need clear guidance in the code for how to interpret two zones on a single parcel.

M. Early summarized the three variations up for review:

1. Keep I-1 as is. A Neg Dec under SEQRA is likely
2. MU-1 with “guardrails”. Neg Dec under SEQRA probable
3. PMU-2 requiring conceptual plan. Further analysis needed

T. Woods commented that it would be helpful to see the steps involved with the different processes discussed.

M. Early asked T. Fink how long would it take an applicant to prepare a conceptual plan. T. Fink replied that it is unknown, but it could potentially take up to a year to prepare.

M. Early inquired if any conditions made during the review process of a conceptual plan (i.e., bulk requirements) then become memorialized in the code? T. Fink did not know the answer.

D. Merandy stated that the Public Hearing will remain open and be continued on October 26, 2021 at 5:00 pm.

Adjournment

D. Merandy made a motion to adjourn. F. Murphy seconded the motion and it passed unanimously. Meeting adjourned at 9:00 pm.



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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 Tweeps 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.



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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

Table of Contents

Status of Our Audit	3
Summary of Open Items	3
Results of Our Audits	4
Internal Control Over Financial Reporting	5
Other Comments and Recommendations	6
Other Required Communications	7
Independence Communication	8
Other Communications	8
Analytical Financial Summary	

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.

Results of Our Audit

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:

SIGINICANT 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	824,385	111,093	713,292	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

	<u>5/31/2021</u>	<u>5/31/2020</u>	<u>Dollar Change</u>	<u>Comments</u>
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**

	<u>5/31/2021</u>	<u>5/31/2020</u>	<u>Dollar Change</u>	<u>Comments</u>
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



VILLAGE OF COLD SPRING
85 MAIN STREET, COLD SPRING, NY 10516
TEL: (845) 265-3611 FAX: (845) 265-1002
WEB: WWW.COLDSRINGNY.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 5th with bids due back by November 19th.

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 18th. 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](#)

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

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

Jeffrey Vidakovich, Village Clerk



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

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.

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.

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.

Jeff Vidakovich, Village Clerk-Treasurer

Date



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**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.

Jeff Vidakovich, Village Clerk-Treasurer

Date



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**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.

Jeff Vidakovich, Village Clerk-Treasurer

Date



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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 5-0-0-0.

Jeffrey Vidakovich

11/5/2021

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 fundraise¹. 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)², 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

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

² See 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, 2012.¹

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.”² 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?’”³ 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.’”⁴ 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).⁵ Regrettably, this proposal was met with resistance from the Boat Club. For example, at a January 28, 2015

¹ https://www.coldspringny.gov/sites/g/files/vyhlf416/f/uploads/12-07-2011_adopied_comprehensive_plan_0.pdf

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

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

⁴ 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 19th century. See <https://highlandscurrent.org/2010/07/20/village-dec-ponder-best-way-to-deal-with-coal-tar-mess/>

⁵ 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.”⁶ “Boat Club Vice Commodore Brad Petrie agreed, saying, ‘It doesn’t seem appropriate for the Special Board to insert itself’ into the process.”⁷

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.”⁸ 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.⁹ 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.”¹⁰ 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.¹¹ For decades, the Boat Club has not paid rent for the use of more than an acre of public riverfront land.¹² 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.”¹³ 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.¹⁴

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.”¹⁵ 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

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

⁷ Id.

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

⁹ Id.

¹⁰ https://www.coldspringny.gov/sites/g/files/vyhlf416/f/uploads/12-07-2011_adopted_comprehensive_plan_0.pdf

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

¹² 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; see also <https://highlandscurrent.org/2015/09/25/boat-club-party-under-fire/>

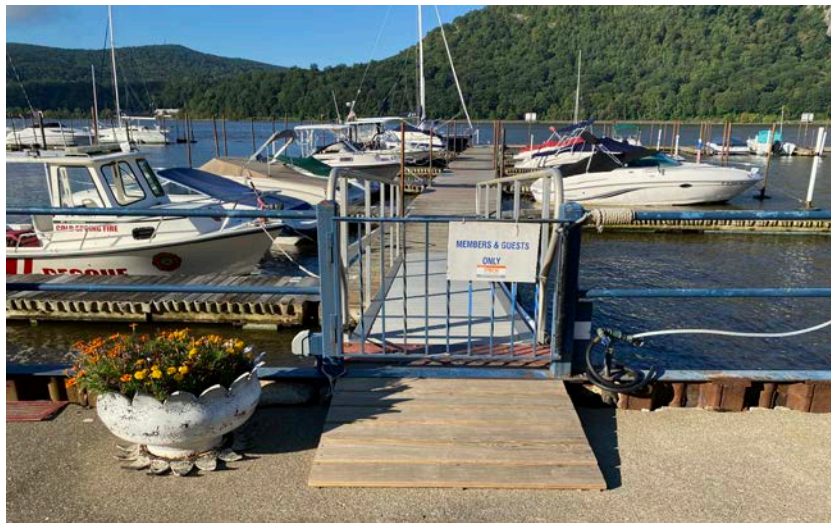
¹³ <https://highlandscurrent.org/2016/02/12/trustee-irked-over-boat-club-meeting/>

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

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

anticipated club membership would support.¹⁶ 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.”¹⁷ Former Village Trustee Stephanie Hawkins reinforced that sentiment as to public access and exclusivity.¹⁸ 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.”¹⁹ 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

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

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

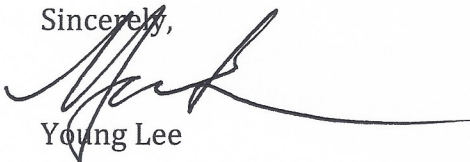
¹⁸ <https://highlandscurrent.org/2015/03/31/shore-protection-designs-completed/>

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

added.”²⁰ 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).²¹ 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.”²² 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 trusses²³ – 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.”²⁴ 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.”²⁵

Sincerely,



Young Lee

cc: The Highlands Current

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

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

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

²³ 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;

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

²⁵ 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_adopted_comprehensive_plan_0.pdf



Stefan Ebaugh <stefanebaugh@gmail.com>

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

1 message

dos.sm.Coog.InetCoog <dosCOOG@dos.ny.gov>
To: Stefan Ebaugh <stefanebaugh@gmail.com>

Thu, Nov 4, 2021 at 5:22 PM

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 <stefanebaugh@gmail.com>

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

1 message

Stefan Ebaugh <stefanebaugh@gmail.com>

Thu, Nov 4, 2021 at 5:20 PM

To: coog@dos.ny.gov

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


6 attachments


 **Ex1.pdf**
229K

 **Ex2.pdf**
181K

 **Ex3.pdf**
324K

 **Ex4.pdf**
452K

 **Ex5.pdf**
171K

 **Ex6.pdf**
97K



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

Board of Trustees
Monthly Meeting Minutes
November 9, 2021

The Board of Trustees of the Village of Cold Spring held its Monthly Meeting at 7:00 pm on November 9, 2021, via videoconference as per Chapter 417 of the NYS Laws of 2021. Present were Mayor Dave Merandy, Trustees Marie Early, Kathleen E. Foley, Frances Murphy, and Tweeps Phillips Woods. The meeting was called to order at 7:00 pm.

This was the last Monthly Meeting over which Mayor Merandy presided. He thanked each department head (past and present) and Board chair prior to the submission of their monthly reports.

Monthly Reports

Financial: Accountant Michelle Ascolillo presented the financial report (attached).

- K. Foley asked if the insurance adjuster has assessed the damaged police vehicle yet (Dodge Charger). Per L. Burke they have but determination of repair or replace has not yet been made.

Highway Department: Highway Department Crew Chief Robert Downey presented the report (attached).

Water and Wastewater: Water and Wastewater Superintendent Matt Kroog presented the report (attached).

Police Department: Officer in Charge Larry Burke presented the report (attached).

Recreation Commission: Chair Jeff Amato, Jr, presented the report (attached).

- Proposed job description for Events Coordinator has been submitted to the Board for review.
- K. Foley asked what is the best way to get edits for event applications and/or job description to the Commission? J. Amato stated hard copies can be left in the Commission's mailbox

Town of Philipstown: Bob Flaherty presented the monthly report (attached)

Planning Board: No written report submitted. Board Chair Matt Francisco was present and provided an update on current application from new owners of 40 Main Street. Application will require an alternative parking solution that will need to be approved by the Board of Trustees.

Zoning Board of Appeals: No member was present. D. Merandy read the report (attached) into the record.

Historic District Review Board: Sean Conway presented the report (attached)

Tree Advisory Board: Jennifer Zwarich presented the report (attached). J. Zwarich noted that:

- TAB is looking at marking tree pit guards in an effort to make them more visible to snow plows and avoid a repeat of damages suffered the previous winter
- The homeowners of 230 Main Street pruned trees on Village owned property. D. Merandy will discuss with Code Enforcement Officer.
- TAB recommends that the Village replace trees removed for the rebuild of wall on Main Street

Cold Spring Fire Company: No member present. K. Foley read the report (attached) into the record.

- D. Merandy stated that the replacement of the boiler should be completed by 11/12/21

Building Department: No member present. D. Merandy read the report (attached) into the record.

Justice Court: No member present. D. Merandy read the report (attached) into the record.

Report of the Mayor and Board of Trustees: D. Merandy provided updates on the following:

- Repair and rebuilding of the wall on Main Street is underway
- RFP for garbage and recycling collection has been sent out. Bids are due 11/19/21

F. Murphy noted that the annotation for the Village Code is almost complete

M. Early commented that she was thankful for the experience to serve as a Trustee

K. Foley thanked the outgoing Board members for their service

T. Woods thanked the outgoing Board members for their service

Board Business

Request for Menorah Lighting: D. Merandy made a motion to approve the request by Rabbi Avi Korner to have a Menorah lighting on November 30, 2021 @ 5:00 pm at the end of Main Street by the Visitors Center. M. Early seconded the motion and it passed by a vote of 5-0-0-0.

Request by Seastreak for Additional 2021 Docking Dates: M. Early provided an overview of the request:

- 5 additional Saturdays through December 18, 2021
- Seastreak will either dock in Cold Spring or drop off/pick up passengers and dock elsewhere
- Seastreak will be responsible for clearing dock area of snow/ice as needed. Bad weather could necessitate a late cancellation

L. Burke asked if adding a walking tour by a Police Officer will be necessary for these additional days?

M. Early stated that it will be necessary and Seastreak will be responsible for the costs.

Discussion followed on whether or not to provide portable toilets for the additional docking dates. D. Merandy stated that he is not in favor of keeping the portable toilets. He also noted that restroom

with a broken door at the Visitor's Center will need to be closed for the winter and unavailable for the additional docking dates.

F. Murphy stated she was in favor of trialing the additional docking dates

T. Woods asked when Seastreak will make a decision on the additional dates. M. Early responded that we should hear from Seastreak withing the next few days.

The Board agreed unanimously to allow Seastreak to dock for the additional 5 dates with a maximum of 400 passengers.

The Board voted 3-2-0-0 (D. Merandy and M. Early voting no) to keep two weather appropriate portable toilets for the additional docking dates.

Approval of Bills: M. Early made a motion to approve Batch # 6245 in the amount of \$161,735.25. 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 accept the Minutes of the October 14, 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 accept the Minutes of the October 19, 2021 meeting as submitted. F. Murphy seconded the motion and it passed by a vote of 5-0-0-0

D. Merandy thanked F. Murphy and M. Early for their work as Trustees.

Public Comment

Mike Turton, Highlands Current reporter, asked:

- Is the Boat Club lease available for review?
 - J. Vidakovich replied that it is
- Was a public hearing ever noticed for the Boat Club lease? (unanswered)
- Why were letters regarding the Boat Club lease submitted on October 3rd by residents not addressed until November 4th?
 - J. Vidakovich replied that they were addressed at the first meeting after receiving the correspondence that the Boat Club lease was an agenda item

Karen Matschke, 7 Forge Gate Drive, asked when will the correspondence be included as part of the official record. J. Vidakovich replied that they will be part of the minutes of the November 4, 2021 meeting.

Adjournment

D. Merandy made a motion to adjourn. M. Early seconded the motion and it passed by a vote of 5-0-0-0. Meeting adjourned at 8:27pm.

Jeff Vidakovich, Village Clerk-Treasurer

Date