



VILLAGE OF COLD SPRING

85 MAIN STREET, COLD SPRING, NY 10516

TEL: (845) 265-3611 FAX: (845) 265-1002

WEB: WWW.COLDSRINGNY.GOV

KATHLEEN E. FOLEY, MAYOR
TWEEPS PHILLIPS WOODS, DEPUTY MAYOR
LAURA BOZZI, TRUSTEE
AARON FREIMARK, TRUSTEE
ELIZA STARBUCK, TRUSTEE

JEFF VIDAKOVICH, CLERK/TREASURER
MICHELLE ASCOLILLO, ACCOUNTANT
LARRY BURKE, OFFICER-IN-CHARGE
MATTHEW KROOG, WATER SUPERINTENDENT
ROBERT DOWNEY, HIGHWAY DEPT CREW CHIEF

Board of Trustees
Reorganization and Monthly Meeting
Village Hall, 85 Main Street
Wednesday, December 13, 2023 @ 7:00 PM

REVISED 12/12/2023:

Re-organization Meeting will Take Place on December 20, 2023 @ 7:00 p.m.

Monthly Meeting

1. Roll Call
2. Pledge of Allegiance
3. Opportunity to request vote to Add/Modify Agenda
4. Announcements
5. Reports from Village Departments
 - a. Accountant
 - b. Roadways & Facilities
 - c. Water & Wastewater
 - d. Code Enforcement
 - e. Police Department
 - f. Fire Company
 - g. Justice Court
 - i. Resolution 38-2023 Accepting Results of FY 2022-23 Court Audit
6. Reports from the Standing Boards & Committees
 - a. Historic District Review Board
 - b. Planning Board
 - c. Zoning Board of Appeals
 - d. Tree Advisory Board
 - e. Recreation Commission
7. Updates/News from Municipal and Government Partners

8. Report of the Mayor and Board of Trustees
9. Board Business
 - a. Recommendation to Hire Kelly Pologe as Full-Time Deputy Clerk at Rate of \$24/hour
 - b. Authorize Mayor to sign Letter of Commitment for NYSEDA Clean Energy Communities Grants
 - c. Resolution 39-2023 Adopting NYS Climate Smart Communities Pledge
 - d. Approve Monthly Service Agreement with JP McHale for Village Hall
 - e. Authorize Mayor to Sign IMA with Philipstown for Snow Removal
 - f. Authorize Mayor to Sign Amended Agreement with Highlands Architecture to Include Preparation of Bid Documents for Building Security Upgrades
10. Approval of Bills - Batch # Amount: \$
11. Adjournment

Members of the public are invited to attend the meeting in-person at Village Hall (85 Main Street) or via Videoconference pursuant to Chapter 56 of the Laws of 2022. To join the Zoom Meeting:

<https://us06web.zoom.us/j/88983853791?pwd=NG1RWU5VVG9RVTRZaStQaW9kMXBMZz09>

Or by phone: 646-558-8656

Meeting ID: 889 8385 3791

Passcode: 365616



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MATT KROOG, WATER SUPERINTENDENT
ROBERT DOWNEY, HIGHWAY DEPARTMENT CREW CHIEF
CHARLOTTE MOUNTAIN, CODE ENFORCEMENT OFFICER

Village of Cold Spring Highway Department November Monthly Report

For the month of November, we cleaned VCB (18X), Dockside (5X), Subway (6X), Riverfront (5X), and catch basin surfaces (3X). We replaced (2) torn flags, and finished cutting our grass for the season. We repaired the bench at 120 Main St., installed a plaque for a resident onto a bench at the riverfront, and assisted WWTP with the removal of their auger. We leveled the entrance into Mayor's Park field, and had to replace a toilet seat & door piston at VCB due to vandalism. We cleaned the leaves from Main St., and hauled (4) truckloads of leaves to Westhook Sand & Gravel for disposal. We had Garrison Tree/Philipstown Tree onsite to remove a tree on Northern Ave., and Burke Electric was onsite to service outlets on the telephone poles for the wreaths.

We moved all the wreaths to the garage where we changed out the dead bulbs, and had to rewire (2) of the older wreath's candles. Putnam County Highway Dept. was onsite with their bucket truck to assist us hang (27) wreaths along Main St. During this we removed all the American flags (40) from Philipstown Town Hall to our riverfront. We fabricated a storage/organizing unit for our flags, and for all our street signs. We hung the icicle lights around the Bandstand for Recreation Dept.

For the Metered & Permit parking projects we:

INSTALLED:

- (23) sign posts
- (16) No Parking This Side signs
- (4) Yield To Pedestrians in the Crosswalk signs
- (2) 15 Minute Parking signs
- (6) No Parking Here to Corner signs
- (2) No Commercial Vehicle signs
- (1) No Left Turn signs
- (2) No Parking in Crosswalk signs
- (6) 4 Hour Parking signs

REMOVED:

- (3) Sign Posts
- (2) No Parking Between Signs signs
- (1) 15 Minute Parking signs
- (1) No Parking Here to Corner signs
- (2) No Parking Anytime signs

- (1) 4 Hour Parking signs

RELOCATED:

- (1) Sign Post
- (3) No Parking Here to Corner signs
- (3) Yield to Pedestrians in Crosswalk signs
- (1) No Parking in Crosswalk signs

UPDATED:

- (26) Sign Posts
- (13) No Parking Here to Corner signs
- (3) 15 Minute Parking signs
- (1) Stop signs
- (1) One Way sign

We cored out the sidewalk for (15) of the new sign posts we installed, and had to drill (146) new holes into (54) sign posts to get the proper angle for signs with arrows for DOT compliance.

For our fleet, we winterized our one-ton roller, and stored it away for the season. We installed plows on our 2019, 2016, 2011, and 2003 trucks. We cleaned the electrical connections, greased, and serviced the hydraulic pumps on each plow. We installed a new pressure switch on the 2011 plow, and repaired the leaking coolant valve on the backhoe. We installed the 4 yard salter into the Kenworth dump truck, lubed the chain & sprockets, and repaired a broken chain link.

Robert Downey

Roadways & Facilities Crew Chief



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Water & Wastewater Departments Monthly Report

November 2023

Water:

2022 Reservoir Status:	55.12% Capacity	Reservoir Status:	91.76% Capacity
2022 Flow to System:	6.88MG / 229k/day	Flow to System:	6.84MG / 228k/day
Monthly Rainfall:	2.80"	Percent Change:	0.59% Decrease

- **Bacteriological Lab Tests:** All routine sampling were found in good standing.
- **Dams:** Upper & Lower Cold Spring Reservoir drain downs: Concluded on 11/27 with closing of the valve on the Lower Reservoir, allowing Tectonic to perform the safety inspection(s) on both dams.
- **Filtration Unit #3:** Replaced Positioner on Raw Water Intake Valve on 11/14.
- **Building Heating System:** Replaced Overhead Heater Fan Motor(s) in Main Filtration Room and Chemical Room on 11/20.
- **Hach Onsite Service:** Visit 1 of 4, All Inline and Benchtop Hach Analytic Equipment serviced and validated on 11/29.
- **Water Connection:** New Water Service Line installed on Paulding Ave. on 11/30.
- **Endpoint Replacements:** We will be attempting to finish up any CDMA Endpoint Replacement Upgrades to the LTE Endpoints within the next few weeks, please contact the water/wastewater department to schedule an appointment.

Wastewater:

Total Inflow to Plant:	7.92 MG / 264k/day	Liquid Sludge Hauled Offsite:	26,500 Gallons
Biochemical Oxygen Demand:	97.41% Removal	Total Suspended Solids:	96.92% Removal

- **Auger:** Replacement Brush Installed and unit was returned to operations on 11/9.
- **Hach Onsite Service:** Visit 1 of 4, Field Dissolved Oxygen Meter Serviced and validated on 11/29.
- **RAS Chart Recorder:** Replacement Chart Recorder for monitoring the Return Activated Sludge Flow Rate approved and ordered on 11/27.
- **Wastewater Connection:** New Water Service Line installed on Paulding Ave. on 11/30.
- **External Equipment Freeze Protection:** Pump Station Control Panel and Clarifier Drive Heaters installed on 11/28.



Village of Cold Spring Police Department

Monthly Report:

Nov-23

Incident/Events

<u>Type of calls</u>	<u>Number of calls</u>	<u>Type of calls</u>	<u>Number of calls</u>
911 Hang up		Abandoned vehicle	
Aggravated harassment		Aided case	18
All other		Animal bite	
Animal acting rabid		Assist fire department	2
Animal complaint other	1	Attempt to locate person	
Animal struck by motor vehicle		Buglary attempt	
Assist citizen	3	Car blocking	
Assault		Civil matter	5
Burglary		Criminal mischief	
Burglary in progress		Disabled vehicles	
Child abuse		DMV suspensions/revocations	
Criminal impersonation		Domestic dispute	3
Custodial interference		Drug complaint	
Disorderly conduct/Disturbance		Drug sale	
Dog complaint		Extortion	
Driving while intoxicated		Family offense	
Drug possession		Fire Alarm	3
False Alarm (any type)	5	Gun shots	
Family court summons		Harassment	
Fireworks		Health & Safety hazard	
Fraud		Illegally parked vehicle	
Funeral escort		Insufficient funds-Checks	
Hazardous material/spill leak		Lockout - vehicle	
Hit & Run		Mental health incident	1
Impounded vehicles		Missing person	
Larceny	2	Navigation accident	
Leaving scene of accident		Neighborhood Dispute	
Lockout - residence		Notification death or emergency	
Loitering		Officer needs assistance	4
Lost or Stolen license plates		Other	
Missing child		Person with a gun	
Natural disaster		Possession of weapon	
Navigation complaint		PDAA	3
Noise complaint	3	PIAA	
Obscenity/pornography		Property lost	
Open door	1	Property stolen	
Other accident		Reckless driving	
Personal injury		Unwanted Party	
Private property		Robbery-in progress	
Property found	5	Shoplifting	
Property recovered		Speeding vehicle	
Public property		Suspicious person	1
Robbery		Theft of services	
Repossession of vehicle		Trespass	
Robbery - other		Unauthorized use of a vehicle	
Simple assault		V&T complaint	1
Suicide attempt			
Suspicious vehicle			
Transports			
Unattended death	1		
Welfare Check	2		
Wires down			
		Total number of calls for service:	64
		Total Number Year to Date	679



Village of Cold Spring Police

JUSTICE COURT
VILLAGE OF COLD SPRING
85 Main Street
Cold Spring, NY 10516

Thomas J. Costello
Village Justice

Phone (845) 265-9070
Fax (845) 809-4210

NOVEMBER 2023 MONTHLY REPORT

Fines, Forfeited Bails & Civil Penalties	\$ 1,740.00
Parking Tickets	5,910.00
Civil Fees	
Including Termination of Suspension Fees, Bail Poundage, Certificate of Disposition, Filing Fees, Small Claims, Transcripts of Judgment and Returned Check Fees	70.00
Mandatory State Surcharges	<u>658.00</u>
TOTAL	<u>\$ 8,378.00</u>

A check in the above amount is submitted herewith.

Respectfully,

Dated: December 4, 2023



Thomas J. Costello
Village Justice

Cold Spring Village Court
Summary Report of Cases Started
Judge Thomas J. Costello

11/01/2023 to 11/30/2023
All Judges

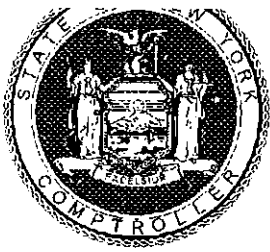
Report date: 12/06/2023

STATUTE COUNT

ADDITIONAL INFORMATION

VTL 8

Number of DWIs - 1192: 0
Number of AUOs - 511: 0
Number of Speeds - 1180: 3
Number of Defendants: 8
Total Number Charges: 8
Average Charges/Defendant: 1.00
Number of Small Claims: 0



OFFICE OF THE STATE COMPTROLLER
 Thomas P. DiNapoli, Comptroller

JUSTICE COURT FUND
 110 STATE STREET
 ALBANY, NY 12236

Thomas Costello - Justice
 Village of Cold Spring
 85 Main St
 Cold Spring, NY 10516

November 24, 2023

For your information, shown below is the "Distribution Summary" of all reports received by us from the Village Court for the month of October 2023.

Receipts

<u>Justice</u>	<u>Report Month/Seq</u>	<u>Amount</u>
Thomas Costello	October 2023/01	\$6,980.00
Camille S Linson	October 2023/01	\$0.00
Total Court Receipts		\$6,980.00

DISTRIBUTION SUMMARY¹

<u>Code</u>	<u>Trans</u>	<u>State</u>	<u>County</u>	<u>Village</u>	<u>Other</u>	<u>Amount</u>
AB	14	0.00	0.00	2,425.00	0.00	2,425.00
AC	11	65.00	0.00	165.00	0.00	100.00
AD	1	0.00	0.00	3,665.00	0.00	3,665.00
AJ	1	0.00	0.00	5.00	0.00	5.00
CB		300.00	0.00	0.00	0.00	300.00
FF		35.00	0.00	0.00	0.00	35.00
FL		35.00	0.00	0.00	0.00	35.00
FO	1	0.00	0.00	0.00	0.00	0.00
FS		25.00	0.00	0.00	0.00	25.00
MS		390.00	0.00	0.00	0.00	390.00
TOTALS :		720.00	0.00	6,260.00	0.00	6,980.00

¹ For an explanation of distribution codes, see the Comptroller's Handbook for Town and Village Justices



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Resolution 38-2023 Accepting the FY 2022-23 Audit of the Justice Court

The following resolution was offered by _____ for adoption and seconded by _____, to wit:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records to their respective town and village auditing boards, and that such records be examined and audited; and

WHEREAS, the Village of Cold Spring Auditing Committee conducted an audit of the court records for the fiscal year ending May 31, 2023; and

WHEREAS, the results of this audit were submitted to the Village Board of Trustees at a public meeting held on December 13, 2023;

NOW THEREFORE BE IT RESOLVED, that the Village of Cold Spring Board of Trustees accepts the report of the audit of Justice Court records and instructs the clerk to forward the findings to the NYS Office of Court Administration as required.

On roll call vote:

- Mayor Kathleen E. Foley voted:
- Trustee Laura Bozzi voted:
- Trustee Aaron Freimark voted:
- Trustee Eliza Starbuck voted:
- Trustee Tweeps Phillips Woods voted:

Resolution officially adopted on _____ by a vote of _____.

Jeff Vidakovich, Village Clerk-Treasurer

Date

Village of Cold Spring Historic District Review Board

85 Main Street Cold Spring, New York 10516 (845) 265-3611

MONTHLY REPORT TO THE VILLAGE BOARD OF TRUSTEES

DECEMBER 2023

CURRENT APPLICATIONS

On November 7th, we reviewed and approved a modification to a previously approved COA at 30 Fair Street regarding urgent roof repairs on the rear of the building. We met with representatives of 10 Julia Lane regarding tenant signage. The application was approved. We reviewed and approved new solar arrays at 32 Garden Street and 14 Furnace Street. We further reviewed and approved a new siding and window scheme at 15 Kemble Avenue, as well as the removal of the rear ramp and replacement with a new deck at 10 Chestnut Street. Lastly, we met in workshop with the owners of 22 Parsonage Street regarding their exterior renovations, as well as with Simon Pieza regarding his Eagle Scout project building chess tables around the bandstand. We are happy to see both projects move forward.

On December 6th, we met in workshop with the owner and architect of 133-135 Main Street regarding their plans for a substantial renovation, new front porch, and rear addition. Due to a series of additional approvals they require from VBOT, Planning Board, and ZBA, we do not expect to see them again for a few months, however in its current proposal, there were no major issues of concern for our board with the project.

BOARD BUSINESS

- We received notice from SHPO that we passed our CLG audit.
- On November 3rd, we accepted the resignation of Lloyd DesBrisay. His term was set to expire this month. We are grateful for his service on the board.
- December will also be the last month of service for Andrea Connor, who will be moving outside of the village. Andrea joined the board back in 2015 and her contributions to our work during that time are immeasurable. Her term was set to expire in 2027.
- Given these expected vacancies, we met with several candidates interested in appointment. We will forward over our recommendations under separate cover.
- Due to New Year's Day falling on a Monday, our January Meeting will be held on 01/16.

Respectfully submitted,

Sean Conway

**Albert G. Zgolinski, Chair; Sean Conway, Vice Chair
Andrea Connor Hudson, Todd Seekircher**

**Zoning Board of Appeals
Cold Spring, N.Y.
Monthly Report: November 2023**

Dec. 7, 2023

To: Mayor and Board of Trustees

From: Eric Wirth, Chair

The ZBA held no meetings last month.

A public hearing about a proposed addition at 14 Constitution Drive was scheduled for **Nov. 16**, but it had to be canceled when it became clear that unexpected events would prevent a quorum of board members from attending. That hearing is rescheduled for **Dec. 21**.

Eric Wirth

TREE ADVISORY BOARD

Village of Cold Spring

Members: Tony Bardes; Charles Day; Kory Riesterer; Taro Ietaka.; Jennifer Zwarich

REPORT TO THE VILLAGE BOARD OF TRUSTEES

12/8/2023

The TAB held their regular monthly meeting on November 28,, 2023, the bulk of which was taken up by the below item. Otherwise, we are working on winter pruning RFP process.

Updates of note:

1. The Board continued discussion of a tree removal and pruning application concerning 6 trees on village-owned property on the SE corner of B Street and Mountain ave and arrived at a recommendation. The recommendation letter will be forwarded to the VBOT for your approval.

Welcome new VBOT members and happy holidays!

Respectfully,
Jennifer Zwarich
Chairperson

Village of Cold Spring

Recreation Commission Report – December 2023



New Applications:

- none

Upcoming Approved Events:

- none

New Recreation Commission Items:

- The boy scouts are starting to build small picnic tables with chess boards to be installed at the waterfront as part of an eagle scout project. The proposal was submitted to the Trustees on 11/1 and was approved by the HDRB.
- The Commission is preparing flyers to start fundraising for a dog park in the northwest corner of Mayor's Park. Fence quotes have been received. The Friends of Philipstown 501c3 will be utilized with a QR code so that donations can be earmarked specifically for the project.
- A butterfly garden in the Tots Park at McConville Park was approved by the Rec Commission. The garden will be installed in the Spring.
- We are working with the Tree Advisory Committee to have the weeping willow trimmed by the Pavilion at Mayor's Park and the trees at the Tot's Park.
- Proposed modifications to the dog permit at Mayor's Park, which are in line with the suggestions from Dr. Benante. Awaiting Trustees approval.
- The Commission is starting a comprehensive plan to document the existing conditions of Village Parks, our short-term and long-term goals, and potential avenues to secure funding. We have surveyed each site at our last couple of meetings to foster ideas and discussions.

Outstanding Recreation Commission Items:

- Recreation Commission sponsored community events are being scheduled, such as volleyball, yoga, softball, soccer, cornhole, etc. based on survey results. Liability waivers will be signed, which have been approved by the Village insurer and attorney.
- Haldane is allowing other community teams to use the field during the Spring and Fall, which requires their approval based on the Intermunicipal Agreement.
- Ongoing discussions with the Philipstown Little League regarding use and rehab of the softball field at Mayors Park.
- Proposed changes to the Village code aligning with current responsibilities and incorporating Event Coordinator's role. Proposed revisions provided for review.
- Existing signage at Mayor's Park is being revised to consolidate and clarify access and restrictions. Awaiting sign installation.
- Proposed changes to event applications were made based on the Event Coordinator's and Mayor's feedback.
- 2023-24 Recreation Commission draft budget submitted to Village Accountant.
- Dock lights have been donated and are in the process of being ordered.

Village of Cold Spring December Monthly report 2023

- 1. Resolution accepting the retirement of Ann McGrath Gallagher effective January 2, 2024. We are sorry to Ann leave us but we wish her well in her retirement**
- 2. Resolution authorizing Putnam County Youth Court use of the Town Hall for the 2024 Winter/Spring session on a monthly basis.**
- 3. Resolution awarding the 2024 Highway Material Bids as recommended by Adam Hotaling, Highway Superintendent.**
- 4. Resolution introducing Local Law #4-2023 entitled “A local law amending the Town Code of the Town of Philipstown by repealing Article VI, entitled ‘Exemption for Qualified Volunteer Fire Fighters and Ambulance Workers’, of Chapter 156 entitled ‘Taxation’ and re-enacting the same as a new Article VI entitled ‘Volunteer Firefighters and Volunteer Ambulance Workers Real Property Tax Exemption’ in compliance with the 2022 amendment to New York State Real Property Tax Law §466-A” and setting a public hearing for such.**
- 5. Presentation by representatives of Hudson Valley Shakespeare Festival/GGCPDD regarding their petition for a change in Zoning.**
- 6. Resolution Introducing a Proposed Local Law to Repeal Town Code §175-61.2 Entitled “Garrison Golf Club Planned Development District” and Re-Enact it as a New Code § 175-61.2 Entitled “Garrison Cultural Conservation Planned Development District”. (Roll Call Vote)**
- 7. Discussion – Dave Moroney to discuss the disposal of leaves in Philipstown.**

From: [Mayor](#)
To: [VCS Clerk](#); [Karen Herbert](#)
Cc: [Trustee Starbuck](#); [Trustee Bozzi](#); [Trustee Woods](#); [Trustee Freimark](#)
Subject: Recommendation for Public Record
Date: Tuesday, December 12, 2023 2:24:19 PM

Trustees,

I recommend the hiring of Kelly Pologe as full-time Deputy Clerk at a rate of \$24/hour.

Mayor Foley

Kathleen E. Foley, Mayor
Village of Cold Spring
85 Main Street
Cold Spring, NY 10516
(o) 845 265 3611, ext 5



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ROBERT DOWNEY JR, HIGHWAY DEP'T CREW CHIEF

December 13, 2023

To whom it may concern:

The Village of Cold Spring is pleased to submit three grant applications to the NYSERDA Clean Energy Communities Program: a \$10,000 Action grant, a \$10,000 Points-based grant, and a \$5,000 Action grant.

The Village of Cold Spring will use this funding toward three projects:

- Installation of 4 EV charger ports on Main Street in Cold Spring. The EV chargers will support both residents and visitors of Cold Spring to travel using clean, electric vehicles, which reduce both greenhouse gas emissions and local transportation-related air pollution.
- Create a pilot food scraps recycling program. The Village of Cold Spring will join the Town of Philipstown's existing food scraps recycling program by funding an additional drop-off location in the Village for a pilot period of 9 months. Foods scraps that go to landfills decompose and release methane, which is a powerful greenhouse gas. By diverting the food scraps for recycling, our project will instead capture energy, reduce greenhouse gases, and create useful compost.
- Purchase 10 new street trees. The Village Tree Advisory Board will oversee the purchase and planting of approximately 10 medium to large pollinator friendly shade trees to plant on municipal property. We expect that the trees will provide cooling/shading (which may lower energy use by reducing the need for mechanical cooling), sequester carbon, and improve Village livability.

Thank you to NYSERDA for this recognition of our work to save energy. If you have any questions, you may contact Trustee Laura Bozzi at trustee.bozzi@coldspringny.gov or Village Hall at 845-265-3611.

Sincerely,

Kathleen E. Foley
Mayor
Village of Cold Spring



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RESOLUTION 39-2023 ADOPTING THE NEW YORK STATE CLIMATE SMART COMMUNITIES PLEDGE

The following resolution was offered by _____ for adoption and seconded by _____, to wit:

WHEREAS, the Village of Cold Spring (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that the Village of Cold Spring, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**

9) Inform and inspire the public.

10) Engage in an evolving process of climate control

On roll call vote:

Mayor Kathleen E. Foley voted:

Trustee Laura Bozzi voted:

Trustee Aaron Freimark voted:

Trustee Eliza Starbuck voted:

Trustee Tweeps Phillips Woods voted:

Resolution officially adopted on _____ by a vote of _____.

Jeff Vidakovich, Village Clerk-Treasurer

Date

INTERMUNICIPAL AGREEMENT FOR
MUTUAL AID IN WINTER SNOW REMOVAL AND ICE CONTROL
ON PUBLIC ROADWAYS

THIS AGREEMENT, is made and entered into as of the ___ day of December, 2023, by and between the TOWN OF PHILIPSTOWN, a municipal corporation of the State of New York, with offices located at Town Hall, 238 Main Street, Cold Spring, New York 10516 (hereinafter the "TOWN"), and the VILLAGE OF COLD SPRING, a municipal corporation of the State of New York with offices located at Village Hall, 85 Main Street, Cold Spring, New York 10516 (hereinafter the "VILLAGE");

W I T N E S S E T H;

WHEREAS, the TOWN's Highway Department maintains public roadways in the unincorporated portion of the TOWN, including winter snow removal and ice control on the said roadways; and

WHEREAS, the VILLAGE's Highway Department maintains public roadways within the VILLAGE's municipal boundaries, including winter snow removal and ice control on the said roadways; and

WHEREAS, due to a variety of circumstances such as ongoing sicknesses due to the COVID-19 pandemic, it may be necessary or desirable from time to time to have the TOWN's Highway Department provide assistance to the VILLAGE's Highway Department in winter snow removal and ice control on the public roadways located within the VILLAGE's municipal boundaries and, likewise, to have the VILLAGE's Highway Department provide assistance to the TOWN's Highway Department in winter snow removal and ice control on the public roadways located within the unincorporated portion of the TOWN; and

WHEREAS, both the TOWN and VILLAGE Highway Departments are capable of providing such assistance in snow removal and ice control on an emergency basis;

NOW, THEREFORE, in consideration of the mutual promises and undertakings recited below, the parties hereto agree as follows:

1. The term of this Agreement shall be from the date this Agreement is fully executed to April 15, 2024.
2. Each municipality agrees that their respective Highway Departments shall confer soon after this Agreement is executed to discuss and familiarize themselves with the other municipality's snow removal routes and priority for snow clearance.
3. During the term hereof each municipality has agreed to assist the other with snow removal and ice control in the event such aid is requested by the Highway Superintendent and/or the Supervisor or Mayor, as far in advance of an upcoming snow or ice event as reasonably possible. Each municipality reserves the right to decline or defer responding to such a request in

the event that the prevailing circumstances at that time do not allow for diversion of its Highway Department resources away from its obligation to perform snow removal and ice control work on its own public roadways.

4. Snow removal and ice control from public roadways shall include all operations necessary to prevent the accumulation of snow and ice, together with the work, equipment and materials necessary, including, but not limited to: (a) plowing during storms and (b) the application of abrasives and chemicals where appropriate, which are both necessary to provide reasonable passage and movement of vehicles over the roads.

5. When providing the assistance, each municipality shall keep a record of the time spent by personnel and equipment, the amount of miles logged and the amount of salt, sand, or other chemicals used to make the roads passable in aiding the other municipality. Thereafter, the municipality providing such mutual aid under this Agreement shall submit a vouchered invoice setting for the charges for labor, gas and salt usage. Such charges shall consist only of actual expenses incurred and the municipality's hourly rate of payment for its personnel.

6. During the term hereof, each municipality shall obtain and keep in effect, at its own expense, a policy of automobile liability and general liability insurance against any claims for damages to property and/or for bodily or personal injury in an amount not less than two million dollars (\$2,000,000.00) for a single occurrence and a general aggregate of not less than four million dollars (\$4,000,000.00). The TOWN shall be a named additional insured on the VILLAGE's said insurance policy and the VILLAGE shall be a named additional insured on the TOWN's said insurance policy. Certificates of insurance evidencing such coverage shall be provided before either party shall be obligated to undertake any activity under this Agreement.

7. Each municipality shall retain liability with respect to their equipment and personnel, and the actions of their personnel, within the scope of their employment, while working in the other municipality. The act of working in the other municipality shall not be deemed to create liability on the part of the municipality which is the recipient of such work. Further, each municipality shall defend, indemnify, and hold harmless the other for any and all claims arising from their own alleged negligence or other tortious conduct on their part in performing such work.

8. Each municipality shall be responsible for payment of salaries of their own employees for any work performed under this Agreement, excepting for the billing provision set forth in paragraph "5".

9. There shall be no sharing or loaning of municipal employees under this Agreement. Either municipality may request the other to provide snow removal or ice control services in such locations and to such degree as it wishes, and the other shall provide such services under the terms herein using its own personnel, vehicles and resources.

10. This Agreement shall be effective upon execution by all parties and shall continue in full force and effect, until the termination date or until mutually amended or rescinded by the parties.

11. Either party to this Agreement may terminate it, with or without cause, upon provision of two (2) weeks written notice to the other party to be sent to the above-listed addresses via certified mail to the attention of the municipal clerk.

12. The Term of this Agreement may be extended upon mutual consent of the parties expressed in writing.

13. This Agreement constitutes the entire understanding between the parties and supersedes and replaces in all respects any and all prior contracts, agreements and/or understandings, whether formal or informal, oral or written, among the parties with respect to the subject matter hereof. This Agreement may only be amended or modified by a writing signed by the parties hereto.

14. This Agreement, and any further documents hereunder, may be signed in counterparts, and a copy containing all counterpart signatures shall constitute the single original document.

15. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been executed by the TOWN and the VILLAGE as of the month, day, and year listed above.

TOWN OF PHILIPSTOWN

VILLAGE OF COLD SPRING

By: _____

By: _____

Name: JOHN J VAN TASSEL

Name: KATHLEEN E. FOLEY

Title: Supervisor

Title: Mayor