



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
CATHRYN FADDE, 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 Workshop
Village Hall, 85 Main Street
Wednesday, June 22, 2022 @ 7:00 PM

The Board of Trustees values input from the Village community. Please keep your remarks to three minutes or less, and address them to the Board. Disparaging remarks will not be allowed; please be neighborly.

1. Opportunity to Request a Vote to Add/Modify Agenda Items
2. Announcements
3. Workshop Topic: Presentation by James J. Hahn Engineering, P.C.
4. Public Comment Period I
 - Reserved for comments on the primary workshop topic and open agenda items
5. Resolution 17-2022 Approving Financing Terms for Dump Truck
6. Resolution 18-2022 Approving Increase to Water and Sewer Usage Rates
7. Resolution 19-2022 Approving Renewal of Workers' Compensation Insurance
8. Resolution 20-2022 Adopting Flag Display Policy
9. Approval of Minutes – 5/18
10. Public Comment
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 Executive Order 11.6 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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RESOLUTION #17-2022
APPROVE FINANCING FOR 2022 KENWORTH TRUCK

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

WHEREAS, on August 17, 2021 the Village of Cold Spring (the "Village") authorized the purchase a 2022 Kenworth Model T370 chassis and 2022 ARM medium duty dump bed at a cost of One Hundred Ninety-Nine Thousand Two Hundred Eighty-Two Dollars and thirty-six cents (\$199,282.36) plus incidental fees; and

WHEREAS, the Village will purchase extended warranties for the Aftertreatment, Engine and Transmission totaling Five Thousand Six Hundred Fifty-Eight Dollars (\$5,658); and

WHEREAS, the Village solicited and received three quotes for financing of the vehicle; therefore

IT IS HEREBY RESOLVED that the Village awards the financing for the 2022 Kenworth Truck, which includes the costs for the truck, extended warranties and incidental fees (delivery, title, registration, etc.), to M&T Bank at an annual interest rate of 4.037% for a term of six years.

On roll call vote:

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

Resolution officially adopted on _____ by a vote of _____.

Jeff Vidakovich, Village Clerk-Treasurer

Date



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RESOLUTION #18-2022
AUTHORIZING INCREASE TO USAGE RATES FOR WATER AND SEWER

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

WHEREAS, rates for the usage of the Village of Cold Spring’s Water and Sewer system were last increased in 2004 (Water) and 2008 (Sewer); and

WHEREAS, the current rates are as follows:

- Water: \$3.05 per 1,000 gallons used
- Sewer: \$1.125 per 1,000 gallons used; and

WHEREAS, as part of the Fiscal Year 2022-23 Budget, the Board of Trustees determined that it is necessary to increase usage rates for Water and Sewer; therefore

IT IS HEREBY RESOLVED that the rates are set as follows effective with the billing period beginning July 1, 2022:

- Water: \$3.20 per 1,000 gallons used
- Sewer: \$1.24 per 1,000 gallons

IT IS HEREBY FURTHER RESOLVED that these rates will be reflected in the Master Fee Schedule.

On roll call vote:

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

Resolution officially adopted on _____ by a vote of _____.

 Jeff Vidakovich, Village Clerk-Treasurer

 Date



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RESOLUTION #19-2022
APPROVE RENEWAL OF WORKERS' COMPENSATION INSURANCE

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

WHEREAS, the renewal of the Village of Cold Spring's Workers Compensation Insurance is due July 1, 2022; and

WHEREAS, the Village has received a proposal from the New York State Municipal Workers' Compensation Alliance for a two-year renewal; and

WHEREAS, the Premium for the two-year renewal is \$117,968 (\$58,984 annually) and is subject to adjustment based on reported payrolls.

NOW THEREFORE, it is hereby:

RESOLVED, that the Village of Cold Spring renew the Workers Compensation Insurance policy through New York State Municipal Workers' Compensation Alliance; and be it further

RESOLVED, that the Village Clerk be and hereby is authorized and instructed to execute the Plan's charter document on behalf of the Village of Cold Spring.

On roll call vote:

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

Resolution officially adopted on _____ by a vote of _____

 Jeff Vidakovich, Village Clerk-Treasurer

 Date

Resolution No.: 20 of 2022
THE VILLAGE OF COLD SPRING

Roll Call Vote				
Names	Ayes	Noes	Abstain	Absent
<i>Mayor</i> Kathleen E. Foley				
<i>Deputy Mayor</i> Tweeps Phillips Woods				
<i>Trustee</i> Eliza Starbuck				
<i>Trustee</i> Cathryn Fadde				
<i>Trustee</i> Laura Bozzi				
TOTAL				

The following was presented

By:

Seconded by:

Date of Adoption: _____, 2022

**RESOLUTION OF THE VILLAGE BOARD OF TRUSTEES OF THE
 VILLAGE OF COLD SPRING ADOPTING A POLICY WITH RESPECT TO FLYING
 CEREMONIAL FLAGS**

WHEREAS, in response to a recent U.S Supreme Court case decision regarding the display of ceremonial flags by a municipality, the Village Board would like to establish a policy for flying ceremonial flags at/on Village-owned facilities and properties; and

WHEREAS, according to the Village Board, neither the Village’s flag poles nor other areas on Village properties and facilities are intended to serve as fora for free expression by the public, nor are they areas where the Village Board chooses to convey a message about the Village’s official sentiments; and

WHEREAS, this policy adopted by the Village Board will not impact the display of any official United States federal and/or New York state flags; and

WHEREAS, the Village of Cold Spring does not have an official Village flag; and

WHEREAS, in addition to the United States and New York State flags, the Village would like only to display the POW/MIA Flag, or any other flag officially-designated by the federal and/or New York State government; and

WHEREAS, the flying of the POW/MIA flag along with the American flag is enshrined in New York State Law, as well as in federal legislation for all prominent federal buildings, and such flag has been flown in the Village for years.

NOW, THEREFORE, IT IS HEREBY:

RESOLVED, that the display of any official United States federal and New York State flags, along with the flying of the POW/MIA flag or any other officially-adopted federal or state flag on Village property and facilities, will continue to comply with any and all applicable federal and state laws, rules, regulations and guidelines; and

IT IS FURTHER RESOLVED, that it is the Village Board's policy to not display any ceremonial flags of any manner, including but not limited to the flags of other nations, states or municipalities, on Village properties and/or facilities.

FURTHER RESOLVED, that this policy shall take effect on July 1, 2022.

**BY ORDER OF THE VILLAGE BOARD OF THE
VILLAGE OF COLD SPRING, NEW YORK**

Dated: June , 2022

VCS Clerk

From: Eileen McDermott <mizzemm@gmail.com>
Sent: Wednesday, June 8, 2022 9:23 PM
To: Mayor
Cc: VCS Clerk; Trustee Woods; Trustee Starbuck; Trustee Bozzi; Trustee Fadde
Subject: Public Comment on Halting Flag Displays - June 8 Meeting
Attachments: Screen Shot 2022-06-08 at 8.49.14 PM.png

Dear Trustees:

I tried to join tonight's meeting to make this comment in person, but your website indicated the meeting started at 8:30PM for some reason, so I missed it. Please see screenshot attached. I'll be submitting a version of this comment along with the note about that error to the Highlands Current again as well. It is a very unfortunate mistake as I know that there were more people who wanted to have a say, on the record, in this debate.

I don't live in the Village but I head Putnam Pride and I'm organizing the third annual Putnam Pride in Brewster this year, so I wanted to comment tonight as a member of the Putnam LGBTQ+ community. I hope you received my previous written comments, and you may have seen my comment in the Current, so I won't repeat any of those arguments, and I know that lawyers and smarter people than me have provided the legal background on this, which is decisively on the side of local governments having the right to do whatever they want as far as public speech, as long as they apply policies fairly and uniformly. So all I wanted to say to you tonight is to please set a better precedent than this for the rest of the county, and please understand how crucial this is for local LGBTQ people.

The government has historically discriminated against LGBTQ+ people, and with more than 300 anti-trans bills introduced in 2022 alone so far, it very much still is. To fly the Pride Flag is a signal to the community that the local government stands behind LGBTQ+ people. And I know from personal experience that many of you on the Board do stand behind the community—you support Putnam Pride and you made the decision to fly the flags in the first place—but to now make the conscious choice NOT to fly the flag, before there has even been a complaint, just to avoid the discomfort of pushback, or work that you have characterized as a distraction, is cowardly. And more than that, it's actively harmful to the LGBTQ community.

While other counties are falling all over themselves to raise flags and show support, I'm not aware that any municipality in Putnam has done so, except for yours. I know the people who pushed for it, and they should be commended, but to now walk it back for really no good reason would not only be a shame, it would send a very dangerous message to the people you're trying to avoid clashing with that they can bully you into doing whatever they want.

I hope you will reconsider.

Thank you,

Eileen McDermott
Brewster, NY

On Sat, Jun 4, 2022 at 7:49 AM Eileen McDermott <mizzemm@gmail.com> wrote:

Thanks for your reply Kathleen. I have to say that after listening to the discussion of the topic I'm actually more disturbed. It sounds like you independently initiated this decision based on Philipstown's issues, in anticipation of the Pandora's box it might open, with having had any actual complaints? The brevity of the discussion and lack of debate are troubling. The message being sent is that for some reason Cold Spring is different than hundreds of other municipalities that proudly celebrate Pride month and the lesson to LGBTQ+ people is this false equivalency with hate symbols. I also think you should ask the Current to print a clarification of your statement as it sounds like you are concerned about people having to walk into village offices under a Pride flag being made to feel uncomfortable - I don't believe that's what you meant, I believe you were anticipating future hateful flags having that effect, but there's no way to know that for sure from either what you said or the Current's article.

I stay on top of topics that pertain to LGBTQ+ rights and visibility around the county and will continue to follow the public discussions. I hope you'll come to see that this is a really bad decision.

Eileen

Sent from my iPhone

On Jun 3, 2022, at 3:44 PM, Mayor <Mayor@coldspringny.gov> wrote:

Eileen,

Thank you for your correspondence. I appreciate that you stay up to date and engaged with Cold Spring government from Southeast.

I would encourage you to watch the actual discussion by our board, which is not well represented in the headline or article in the Current. The topic begins at minute 1:16:10.

<https://www.youtube.com/watch?v=71L0fifTe-Y>

You are absolutely correct that the Pride/Progress flag is not equivalent to the hate speech represented by, for example, the confederate flag. That is certainly not the position being taken by the Board of Trustees. We are proud to be hanging the Pride/Progress flag on municipal properties through this month, and no one is "pandering to bigots." As our local, Village policy is developed it will be discussed in public session and our full considerations made clear via our resolution. The public will be welcomed to comment, beginning with residents and business owners in the Village.

VCS Clerk

From: VCS Clerk
Sent: Friday, June 3, 2022 12:47 PM
To: Cathryn Fadde; Eliza Starbuck; Kathleen E. Foley; Trustee Bozzi; Tweeps Woods
Subject: FW: [Cold Spring, NY] flag bans (Sent by Gaston Alonso, gaducb@aol.com)

From: Contact form at Cold Spring, NY <cmsmailer@civicplus.com>
Sent: Friday, June 3, 2022 12:42 PM
To: VCS Clerk <vcsclerk@coldspringny.gov>
Subject: [Cold Spring, NY] flag bans (Sent by Gaston Alonso, gaducb@aol.com)

Hello jvidakovich,

Gaston Alonso (gaducb@aol.com) has sent you a message via your contact form (<https://www.coldspringny.gov/user/165/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/165/edit>.

Message:

Dear Trustees,

The Pride Flag is regularly flown by municipalities across the country. Sadly, this morning's Current informs us that the Mayor of this Village has decided that in the future the flag cannot be allowed to fly on Village property. The rationale: it might lead those who do not think LGBTQ folk should be proud to feel "uncomfortable."

There are many, many, kids in this Village who are LGBTQ and the Mayor's words during Wednesday's Village Board meeting sent them a very clear message: in Cold Spring we are more concerned with making bigots feel comfortable than with you being celebrated.

The argument, advanced by the Village lawyer and the Mayor, that flying the Pride Flag, a world-recognized symbol of inclusion, would open the door for residents to ask for hate symbols to be, likewise, flown on Village properties is simply a fig leaf being used to hide behind.

Last November, Gov. Hochul signed a law banning the display of hate symbols on publicly owned property. The Village would be covered by this law if they saw fit to deny requests from residents would want hate symbols such as the Dixie Flag flown. In other words, the Village does not have to be an "arbiter," the Mayor's words, of free speech. It can simply point to this state law if it finds itself in a position to deny a request to fly a recognized hate symbol.

So, what is the real issue here: some loud voices used social media to raise "free speech" concerns about Phillipstown agreeing to fly the Pride Flag. In response, the leadership of Phillipstown and Cold Spring gave into these loud voices.

Again, under state law, the Village can agree to fly symbols of inclusion and deny requests to fly symbols of hate. By deciding that the Pride Flag cannot be flown in the future, the Mayor is suggesting that the Pride Flag is, somehow, a symbol of hate. If

that is what the Board wants to say, they should be honest about it and say it. And if the Board wants to say something different, they should say that. Rather than hide behind fallacious legal arguments.

This moment calls for political courage not dissembling.

If municipalities across the country fly the Pride Flag, why not the Village of Cold Spring? And what message does the Mayor's decision send to those who believe that we are all created equal, that human rights matter, and that we are at our best when we govern from a place of inclusion not exclusion?

I implore those on the Board who think all of our residents should be valued and that Cold Spring should be a place of inclusion to stand up to the homophobic messaging being sent by the Mayor's actions and speech.

I request that this letter, from a Village resident and a constituent, be read into the public record.

Respectfully, Gaston Alonso

VCS Clerk

From: Mayor
Sent: Wednesday, June 8, 2022 10:41 AM
To: gaducb@aol.com
Cc: VCS Clerk; Trustee Woods; Trustee Starbuck; Trustee Fadde; Trustee Bozzi
Subject: RE: [Cold Spring, NY] Gilbert Baker Foundation Statement on Flag Bans (Sent by Gaston Alonso, gaducb@aol.com)

Hello, Gaston. Thank you for this. I will share it with the full board, and include this item as part of the record when we next take up discussion of the flag policy. It is not on the agenda for tonight's monthly business meeting.

To the Clerk: please include this correspondence with the packet when this item is next taken up by the board.

Respectfully,
Kathleen

Kathleen E. Foley, Mayor
Village of Cold Spring
85 Main Street
Cold Spring, New York 10516
Office Tel 845 265 3611

From: Contact form at Cold Spring, NY <cmsmailer@civicplus.com>
Sent: Wednesday, June 8, 2022 9:30 AM
To: Mayor <Mayor@coldspringny.gov>
Subject: [Cold Spring, NY] Gilbert Baker Foundation Statement on Flag Bans (Sent by Gaston Alonso, gaducb@aol.com)

Hello kfoley,

Gaston Alonso (gaducb@aol.com) has sent you a message via your contact form (<https://www.coldspringny.gov/user/986/contact>) at Cold Spring, NY.

If you don't want to receive such e-mails, you can change your settings at <https://www.coldspringny.gov/user/986/edit>.

Message:

Dear Mayor Foley, Below please find a statement from the Gilbert Baker Foundation. In 1978, Gilbert Baker created the LGBTQ Rainbow Flag. He and the flag have become world-recognized symbols of democratic inclusion and liberation. Yesterday's release of the statement was in part motivated by the vote last week to change the Cold Spring Village's regulations regarding flag flying.

Please, I ask you to take a moment to read the statement and contemplate its message. Let us all stand up for what is just and right. Let's build a village that is more welcoming and inclusive.

Respectfully, Gaston Alonso

PS I ask that the statement be read into the public record. Thanks.

Statement regarding restrictions on flying the Rainbow Flag

Gilbert Baker created the LGBTQ+ Rainbow Flag in San Francisco in 1978. Since that time, it has become one of the most recognizable symbols in the world. It is, in fact, the greatest symbol of liberation and diversity ever created by human hands.

Like all symbols of this magnitude, the Rainbow Flag is held in high esteem by its supporters. But, like all great symbols, it also has its detractors. As president of the Gilbert Baker Foundation, I am often asked about how, when and why people and organizations should fly the Rainbow Flag. My response is always the same. Fly it high and with pride.

Unfortunately, in some cities and countries where LGBTQ+ organizations have flourished for years, there seems to be a growing backlash about the open expression of this symbol. Reactionaries in many countries, including the United States, are putting forth efforts to pressure cities, towns, schools and even states to ban or limit the showing of the Rainbow Flag in the public square.

One argument often made against the use of the Rainbow Flag is that there is some sort of equivalency between the Rainbow Flag and offensive symbols like the Confederate Flag or even the Nazi Flag. This argument is wrong on many levels. First, the idea of equivalency is wrong on merits. The Confederate and Nazi flags are offensive because they represent ideas that are antithetical to democracy. The Confederate Flag was flown by a seditious rebellion that attempted to overthrow and replace the United States government with an authoritarian, discriminatory government that would protect the rights of slaveowners. The Nazi Flag was the symbol of a regime that murdered 6 million Jews and hundreds of thousands of sexual and gender minorities. The Rainbow Flag, on the other hand, is a symbol of liberation and hope. These concepts could not be further apart.

Secondly the Rainbow Flag is different from other flags because it is, at heart, a visibility tool. Sexual and gender minorities are, by nature, born into an invisible closet of secret shame. There is abundant research showing that the oppression of sexual and gender minorities leads to discrimination, depression, even suicide. Coming out of the closet is the only way that sexual and gender minorities can live a free and happy life with the full rights and privileges afforded to those who never have to go through this process.

This is why the Rainbow Flag needs to be flown in public. It is a beacon of hope that, when seen, can give somebody living in the darkness of the closet, the courage to take that first brave step out of that darkness and into the light of freedom and happiness. It is for this reason that the Gilbert Baker Foundation has endeavored to create numerous educational projects, exhibits and statements that help people understand why it should be so publicly flown.

When Gilbert Baker was alive, he was fortunate enough to see the Rainbow Flag added to the permanent collection of many museums. The Foundation that bears his name continues to donate Rainbow Flags to museums and other institutions around the world. When we do, we stipulate that these flags should always be on public display. The Rainbow Flag displayed publicly is, itself, a metaphor of a life lived openly and honestly for a people who have been historically oppressed and discriminated against.

Other flags, like the American Flag, are flown all year long. They can also be flown on a single day like July 4, Independence Day. But when you put the American flag back in storage the other 364 days of the year, that doesn't make you any less American. But the Rainbow Flag is different. As soon as you try to ban the Rainbow Flag or limit other visible expressions that declare the existence of sexual and gender minorities, you put those people back in their closet and force them to live a life in secret without the rights enjoyed by the majority.

Thirdly, and finally, the Rainbow Flag has gained meaning beyond the LGBTQ+ community. It is now seen internationally as a symbol of sanctuary and safe spaces. That is why it is so important that schools, cities, states and other public institutions be able to display the Rainbow Flag freely.

In conclusion, it's important to remember that the Rainbow Flag is a symbol and symbols matter. The White House is known around the world as a symbol of freedom and democracy. In 2015, President Barack Obama lit up that White House in rainbow colors to let the world know that the United States stands in solidarity with sexual and gender minorities, not just in the United States, but around the world as well.

And yet a few short years later, the oppressive, homophobic government of Russia has invaded Ukraine. The Russian leader Vladimir Putin has justified this invasion partly by blaming the visible presence of LGBTQ+ organizations and the open display of the Rainbow Flag in Ukraine. What's more, he has vowed to "wipe the Rainbow Flag off the face of the earth"

At the Gilbert Baker Foundation we think it's important to call people out when they attempt to ban the Rainbow Flag. From the Kremlin to your local city council, call them out because their actions go against the very principles of freedom and democracy that we in America cherish above all others. To do this we insist that every city, town, school, state, country and institution around the world stand up and resist the forces of discrimination and oppression when confronted by bigots who are trying to ban the Rainbow Flag. Fly the Rainbow Flag openly and proudly. Take a stand for justice! Resist those who seek to eliminate the rights of sexual and gender minorities. Resist those who oppose the right to sanctuary and safe spaces in a troubled world.

Charles Beal

President of the Gilbert Baker Foundation

VCS Clerk

From: Cold Spring, NY via Cold Spring, NY <cmsmailer@civicplus.com>
Sent: Friday, June 3, 2022 5:06 PM
To: VCS Clerk
Subject: Form submission from: Contact Us

Submitted on Friday, June 3, 2022 - 5:06pm
Submitted by anonymous user: 67.82.169.27
Submitted values are:

What does this comment regard? General Comments to the Town

Please include any comments or questions:

I am attaching my Letter to the Highlands Current in response to its June 3, 2022 article, "Cold Spring Halts Flag Displays," and request that the letter be read into and made a part of the Village records. In summary, I believe the Village has been erroneously advised and request that you reconsider your policy:

I am bewildered and extremely disappointed that the Mayor and Village Board are adopting a policy of cowardice that expressly communicates to members of historically oppressed groups, that the village they live in and spend their money in, do not, actually, have their backs. The Supreme Court recently affirmed in *Shurtleff v. Boston* (all citations omitted) that governmental speech is not subject to scrutiny under the Free Speech Act (citing *Pleasant Grove City v. Sumnum*), and that "[t]he government must be able to decide what to say and what not to say when it states an opinion, speaks for the community, formulates policies, or implements programs." In other words, Cold Spring should be able to support its LGBTQ residents as well victims of a horrific genocidal war by displaying the Pride flag and the Ukrainian flag, respectively, on village property without needlessly worrying about its role as an "arbitrator [sic] of free speech." The Mayor and Village Board should not, moreover, be worried about having people "walk under a symbol that they aren't comfortable with or that makes them feel unwelcome," since New York State Law S.4615A/A.5402A expressly prohibits the display of hate symbols on village property. The residents of Cold Spring should be able to expect that its political leadership take pride in supporting the individual liberties that the U.S. flag (which would be allowed) purportedly represents, rather than give in to antiquated bigotry that would suppress such expression. If not, then the village deserves new leadership.

==Please provide the following information:==

Your Name: Young Lee

Your E-mail Address: youngoklee@gmail.com

Organization:

Phone Number: 9176876222

==Address:==

Street: 34 WEST STREET, 2ND FL

City: Cold Spring

State: New York

Zipcode: 10516

The results of this submission may be viewed at:

<https://www.coldspringny.gov/node/2/submission/706>