

Village of Millbrook  
Board of Trustees  
Minutes October 13 2009

**Call to Order** 7:07 p.m.

**Pledge of Allegiance**

**In Attendance:** Mayor Andrew Ciferri, Trustee Whalen, Trustee Morse, Trustee Hurley and Rebecca Valk counselor.

**Chazen-Mike Fanning** –He stated the Village of Millbrook is the recipient of the Green Innovation Grant awarded for the aeration system with \$144,000 of stimulus funds. He added that the timeline is very tight. The contract will be publicized by early December and the contract will be signed as soon as possible. The waste water tanks must be taken off line one at a time. Measurements will be taken Thursday or Friday. This is not a complex plan but the timeline is aggressive and tight. Some portions of the aeration system may be prefabricated to save time (preassembled). Mike stated it will take 1 to 2 days for each tank to be out of service which is okay in dry weather. May or June may be the best time. He hopes for no surprises in the tanks once they are drained. Mike stated he wants to meet at the facility with the Mayor and VRI representatives for some alternatives they wish to explore. They can walk through the locations where the work needs to be done. Mike added that he can get an opinion on how to comply. He may be able to stretch the project out over 5 years so the budget doesn't have to be hit all in one year. A report is needed by the 1<sup>st</sup> of year. Mike stated he doesn't see a huge burden and the cost is subject to negotiations. The Village of Millbrook is the first municipality to agree to this role and structure for their I&I issues. Mayor Ciferri stated that most of what the Village has expended from 4/1/8 on the waste water system can be used toward the Village's portion of matching the funds required in the \$600,000 grant. The \$144,000 grant also requires a 10% matching funds. The funds expended so far can also go toward our 10% matching required funds in this newest grant. Mayor Ciferri thanked the Board of Trustees for their hard work in obtaining these grants funds. Mike stated that it is money well spent. He mentioned the SEQRA review. Mike can do the resolutions so the funding will not be lost.

**Police Department**-Officer Scribner-see attached. Trustee Hurley stated that it is timely to approach the Town of Washington Board about paying the Village for additional police coverage since the County Executive's recent budget proposal. He has submitted a plan to pass the cost of providing D.C. Sheriff's patrol on to local municipalities. She added that the other hot topic is passing on the cost of local elections to local municipalities. Officer Scribner stated that he contacted the investigating officers of the NYS Police in regard to the recent vandalism in the Village. He stated that some suspects have been interviewed. He added that it is a cooperative effort. The school patrols have been very productive and the patrols are random. He stated that they have been getting more teachers than students which are the opposite of what the expected results.

**Highway Department**-Robert Collocola see attached. Mayor Ciferri requested that in a few areas the sidewalks have shifted and may need to be cut back. These areas need to be pinned and repoured. This will eliminate potential tripping hazards. Trustee Morse stated the needed repairs were done in house on the 1999 truck thus saving the Village money. See attached photos. Mayor Ciferri stated that Ciferri Drive was repaved due to water and sewer lines having cracks and broken sections requiring replacement. All the sections have been corrected prior to the paving and reclaiming. With the Village doing the work in house we saved considerable money which helped contribute to the grants the Village has been awarded recently.

**Water/Water Department-VRI**-Scott Osborne see attached. Scott stated that 5 manholes on Church Street and 2 on Elm Drive will be in compliance with the NYSDEC's and the SPEDES permit requirements. Mayor Ciferri discussed the water collector basins. Scott stated the Health Dept. does not like the plans submitted this morning and they are talking about engineers needing to be involved. Ken Sabia and Ken Sherrible may need to be available to meet in regard to this issue. Steve Alex from Chazen stated he would be happy to sit in on the meeting to assist with these issues.

**Clerk**-Linda see attached. Rebecca Valk stated that the special election is unlawful if held in November as per Paul Collins counselor from the NYSBOE. She added that Commissioner Dave Gamache from the D.C. BOE stated the election will be moving forward. The Village resolution is effective in even numbered years, changing the terms of office and changing the election date. All of which make the final determination hard to come to. At this point the NYS elections should not take place until November 2010. Commissioner Fran Knapp of the D.C. BOE is in agreement with Commissioner Gamache. Trustee Hurley inquired if they understand to accelerate the timeframe. Rebecca added that according to the law Paul Collins says differently. He stated the Mayor must appoint and that is that. The NYSBOE and NYCOM feel the official year has shifted and therefore next November will be when the position is voted on anyway. Trustee Whalen stated that Village law sets forth that the Mayor shall appoint. Rebecca questioned if the special election is needed and it appears it is not. Trustee Whalen reiterated that the Mayor's duty is to appoint. Mayor Ciferri stated this error was discovered at the NYCOM conference he and Trustee Morse recently attended. As the special election stands the Mayor is in violation of Village Election Law according to NYCOM counsel. The Mayor must immediately appoint someone to the vacant trustee position when they get back was their advice. Mayor Ciferri stated he wants to abide by the Village Election Laws. Trustee Hurley asked that if November election is held who may challenge the results. She also asked if it has to be a candidate or can it be any resident who challenges. Rebecca stated she would have to research that information. She added that the court would decide the legality of the special election. Mayor Ciferri added that Dave Gamache and Fran Knapp will not challenge the request not hold the special election if the Village challenges the special election. Rebecca stated that there is a risk of litigation is large if the special election is illegal. She added that the public's desire to vote is not a strong argument. Howard Schuman requested the Mayor honor those who stepped forward to run for this special election.

Mayor Ciferri discussed the BAN on the oil spill and the lower level (big dig) tank installation. The Village is trying to mediate the problem and excavate at the property next door. He added that the tanks have been tested for the last three years. An expert stated that the tank has been leaking for at least ten years. Trustee Hurley stated that this is an emergency situation and at the time in July the Board had three proposals on handling the BANs. She recommends version #2 of the BAN proposals. This BAN is for \$140,000 payable over 7 years and \$50,000 payable over 5 years. Trustee Hurley added that options 1 & 3 are not as viable. She would like to move forward with version #2. Trustee Morse inquired about the other tank at the Highway Garage. Trustee Hurley stated that it must be separate from this BAN since it is not an emergency. Trustee Hurley made motion to accept version #2 BAN. Trustee Morse seconded. All were in favor. Mayor Ciferri read Tri-state's report on the geo-probes completed on the property next door. 10 probes were done. 5 were of concern. 2 have product and in 3 the product has dissipated. The soil must be removed on the 2 areas with product. The NYSDEC would then be called in for further advice. Mayor Ciferri must contact the property owner to proceed. Bob stated the Highway Department has a 1000 gallon tank which has passed inspection each year. He added that the Firehouse has a 2000 gallon tank also in the ground located in concrete which is fairly new.

**Trustee Comments-**Mayor Ciferri stated the Village is waiting on the state in regard to the \$600,000 grant contract and hopefully the contract will be available this Friday for signing. Trustee Morse asked for Rebecca to review the contract before signing takes place.

Trustee Hurley discussed the employee handbook up for review. She requested the Board be ready to discuss its contents at the meeting on October 27, 2009. She had invited the ZBA, the Planning Board and the Building and Zoning Departments for input. Trustee Hurley mentioned that the Walkway over Hudson was well attended. She added that the Village will receive the Village banner and flags to display. She wanted to take this opportunity to officially thank Mike Spross for all his efforts. Trustee Morse stated that he prefer just the Village Board initially discuss the employee handbook. The November 17, 2009 7 p.m. workshop to discuss the regulations in the handbook would be a better time to include the other boards and each department. Rebecca added that previous handouts for changes in Village Code parking had new wording underlined and old wording was not underlined.

Mayor Ciferri stated that Jane Bly's request for a street light at the intersection of Church Street and Route 343 has been fulfilled. Central Hudson has met with Bob in regard to this project. Bob stated a standard street light was installed on the left hand side as you are exiting Church Street. Central Hudson informed him that if the light is not intense enough they can install a higher intensity light at a later date.

Mayor Ciferri stated the Millbrook Rotary has requested the use of the Thorne Building on New Years Eve (December 31, 2009). The Mayor added that it is the Board's pleasure for them to use the building. The Board was all in favor. Mayor Ciferri added that to his knowledge there has been no activity on the Thorne Building to date. He

stated the Village has removed all of the necessary materials. The Village is moving forward with Spire Architects on the drawings for the bathrooms. An estimate has been received for the bathroom cleaning and all the fixtures were removed that will be replaced. A museum has approached the Village looking to rent the Thorne Building for 25 years or possibly purchasing the Thorne Building from the Village. Mayor Ciferri stated he will contact the Downings about the New Years Eve request.

**Public Participation-** Neil Feranda who resides at 132 Church Street expressed his concerns about the kids loitering and getting high in the Stewart parking lot. Vulgar language and being a public nuisance were also concerns. He added that he has asked the Guo's to do something and he was asked not to bother them anymore. The kids are doing property damage and he is very sensitive to these issues since his house was burglarized two years ago. Mayor Ciferri has asked the Police to step up patrol. Neil is also concerned about the drug deals going on and putting him at risk. Don from Red School House Antique expressed his concerns over the violence and destruction to his carriage. They destroyed and turned over flower pots. He wants something done and the Village Police to act now. Officer Scribner stated that if the Police see a crime being committed the offenders can be arrested. A curfew was requested by several residents and business owners. Discussion ensued from residents and merchants in the Village and they stated they are looking to the Village for support. Residents also asked for more Police and longer patrol hours. Trustee Hurley asked Officer Scribner to request NYS Police patrol. She also asked for Edward Cox's (Buddy) input since he has many years of Police experience. Buddy stated that Stewart's parking lot is private property and there are public thorough fare issues. He added that it is almost as if the Police have to be invited in by signing a piece of paper. The Police can make a difference with added visibility. Undercover Police does not give the same security to Police Officers as those in uniform and a police car. Community involvement for a neighborhood watch program will require a lot of people to report and to get involved. Trustee Hurley volunteered to attend the next (MBA) Millbrook Business Association meeting. She added that they are looking for expanded police coverage in the past. Residents and local merchants can call, take photos and give detailed descriptions of illegal activities. The license plate number also will aid the police. Is the assailant on a skateboard, a bike, what clothing they wearing, etc? The MBA meets on the second Thursday of the month at 8 a.m. The months of May to November when we have good weather additional late night patrols are needed. A resident spoke about his need for a copy of latest FEMA flood map. Mayor Ciferri stated that he is working on the request. Suggestions were made to attempt contacting the Farm and Home Center who should possess these flood plain maps. Howard Schuman thought the individual should talk to Jack Neubauer at the Town of Washington to get the needed data and maps. Small changes may have been made from past issued maps.

**Rescue Squad-** Liz Baldwin stated it is a NYS law that schools have an EMT at all football games. She added that it is up to the school who they hire. Mayor Ciferri told Liz that he was told by NYCOM it is illegal to have an ambulance at school football games. Liz feels this falls under their recruitment program and that the ambulance can leave if called to another scene. The Mayor stated the ambulance cannot be designated to

the school. Mayor Ciferri quoted NYCOM in reference to the gifts and loans handout which Liz may have a copy of. He added that the NYS Comptroller's office makes the rules the Village must abide by. He stated that in the Comptroller's opinion that any municipality cannot offer any equipment or materials without being compensated for the use. Joan Van Tassel gave input as a volunteer who serves the members of the community. Liz stated that a paid EMT is on sight at the school football game irregardless of an ambulance on or not on the sight. Trustee Hurley asked if they can look into payment or services in exchange for the ambulance at the football game. Trustee Morse stated he is in favor of Rebecca looking into these issues before the Board in regard to the ambulance. Mayor Ciferri asked if it benefits all of the Village tax payers. Trustee Whalen wants to keep the ambulance in attendance at the football games and Trustee Morse agreed. He stated it does not advocate lawlessness. Trustee Whalen stated that unless he sees something showing is manifestly wrong then he would want to proceed as in the past. Liz requested the ambulance be located in different location for recruitment purposes. Rebecca stated that is has to be determined if this is within the rules and regulations or not. It is a matter of coming up with the appropriate agreement. Trustee Hurley stated that she supports the attendance of the ambulance at the football games if for example the school would gift the use of the land located near the Village tennis court for a community garden. Trustee Whalen feels that this is not using public possessions for a gain or for private use. Trustee Hurley stated that her personal opinion is that she wants the Rescue Squad there but she has conflicts and concerns about the schools liability. Liz stated the school is aware that the ambulance is not obligated to that scene and if called then they will leave and go to the call. A need for a written agreement stating this was discussed. Trustee Morse stated he would allow the current practice to continue. Rebecca offered that the Board should take no action at this time. The Board can authorize the Mayor to negotiate but he needs the Board's approval to enter into a contract/agreement that the Village can provide service when possible with the ambulance.

Executive session was entered into at 10:45 p.m. with a motion made by Trustee Hurley. Trustee Morse seconded. All were in favor. Executive session was exited at 11:30 p.m. with a motion made by Trustee Morse. Mayor Ciferri seconded. All were in favor.

**Adjourned 1130 pm**

Respectfully submitted,  
Linda T. Wiltse  
Village Clerk