

**Village of Millbrook
Board of Trustees
Minutes July 13, 2010**

Call to Order by Mayor Hurley at 7:00 p.m.

Pledge of Allegiance led by Mayor Hurley

In Attendance-Mayor Hurley, Trustee Morse, Trustee Whalen, Trustee Cox, Trustee Spagnola, Attorney Rebecca Valk and Clerk Linda Wiltse

In remembrance-Mayor Hurley asked those in attendance to remain standing to honor Allen Rappleyea who had recently passed away. She added that he was the Village attorney for several years and will be sorely missed. He had a special place in his heart for the Village of Millbrook and the Village had a special place in their hearts for him.

Fire Department-Mayor Hurley stated that the Fire Department did a fabulous job on the carnival and the parade. It was well run and their hard work paid off with everyone having a good time. She added that President Matt Rochfort will be the first person featured in the volunteer spotlight on the Village website. This article will highlight the contributions made to the Village. The article will also be displayed at the Town of Washington Town Hall display case honoring people giving service.

Highway Department-See attachment A. Robert Collocola stated the moto-paving on Nine Partners Lane has begun. The skimming will be completed shortly with the Town of Washington's help but this is not the final product. The second part is laying down a 3" moto-pave and the third part is an oil and stone sealer. The second part of this project will begin on August 16, 2010 and the third part will be completed in mid September. Bob added that all traffic will continue as normal. He has already had many residents thank him. Mayor Hurley stated that the final stage is an oil and stone product. Bob stated that every 5 to 7 years the road will need to be oiled and stoned.

Bob stated that the Highway Department assisted VRI in repositioning a manhole on Harts Village Road and Route 44. They also assisted VRI in lowering a shut off on Bennett Commons. He added that weed killing continues throughout the Village. They have cut down 8 dead trees Franklin Avenue, Maple Avenue, Reservoir Drive and Merritt Avenue. The Highway Department trucked concrete from the Village Hall to the Hitchcock estate. They have also assisted VRI with the sewer work at the Village Hall oil spill site. The department has mowed the roadsides for the entire Village. Bob stated that they rebuilt a catch basin cover for Valley Farm Road. Since its size was unusual, they saved the Village \$1,800 by making the catch basin themselves. They also rebuilt collapsing catch basins on Merritt Avenue and Alden Place. Bob stated that Easy Street has cleaned out all of the catch basins in the Village. He added that this gives them a chance to inspect them. The department has repaired a washed out shoulder on Church Street but this is only a temporary repair. They were called in by the NYS DOT for storm damage assistance. Bob stated they reset a manhole on Church Street and

Reservoir Drive. He added that they assisted VRI in digging around the wells at the water plant for inspection purposes. Bob stated that all sidewalks and streets were cleaned prior to the carnival and the parade.

The truck bid Bob recommended was from Metro Ford Sales, Inc. of Schnectady which was combined with Hudson River Truck and Trailer of Poughkeepsie for the entire truck package. Their bid was higher than another bid by \$500 but another company was used for the body. Bob suggested that this alternate truck body was not of good quality and he wants to keep the Highway Department's equipment uniform. Mayor Hurley stated that she has the original bids and offered for discussion whether to accept the bid from Metro Ford Sales, Inc. as well as the financing options. The Mayor feels the Village is able to make a down payment of \$30,000 and finance \$28,500 for a 2 year period. She recommended a statutory installment bond to finance this purchase and not incur any long term debt. Trustee Morse made a motion to accept the bid from Metro Ford Sales, Inc. and Hudson River Truck and Trailer. Trustee Cox seconded. All were in favor.

Police Department-See attachment B. Mayor Hurley commented on seeing officers around and about during the carnival and the parade. Officer Scribner stated that there were no incidents during all 4 nights of the carnival. See the attached report. Trustee Cox questioned that when school was let out early if any incidents arose. Officer Scribner stated that in the park kids were being loud and wrestling. He added that those regularly attending the park were not used to the park being loud. Trustee Cox responded by stating in the strictest terms the children were not disturbing the peace. Trustee Morse stated that at Bennett last Sunday night trespassers were walking toward building #1 and the trespassers were asked if they could be helped. The trespassers mumbled a response and left on their own. Bennett Common residents were unable to see where the trespassers went. Officer Scribner stated that the Police Department never received any calls in regard to this incident. He added that Bennett is checked every night.

Water/Sewer Department-Scott Osborne see attachment C. Mayor Hurley stated that recently the Village discovered that the meter reader used to read the water meters cannot be repaired and the associated software is outdated. She added that if the meter reader is upgraded to a new one, the new meter reader cannot read about 500 of the old meters still in use. The Mayor stated that she wants to look into new software options and new meters replacement programs.

Saturday the Mayor sent a request to the Poughkeepsie Journal asking residents to voluntarily conserve water since water levels are down a few feet. She added that the water level is not at a dangerously low level. The Village is keeping an eye on the water levels. The Mayor ended by stating that water conservation tips will be forthcoming for year round use which will help family budgets as well.

Clerk-See attachment D. Clerk Linda Wiltse stated that all interest has been posted and this is reflected in the bank balances sheet the Board has been submitted. She also stated that the Village has Village taxes still to be collected totaling approximately \$112,723. This figure includes taxes, sewer benefit assessments and relevies. The Clerk requested

the May and June 2010 minutes be approved with all recommended amendments completed to date. Trustee Cox made a motion to accept the May and June minutes. Trustee Morse seconded. All were in favor

The Clerk stated that Mark Molinaro's office will be sending a representative on Thursday, August 12, 2010 from 6:30 to 8:00 p.m. at the Village Hall. They will be available to discuss NYS government reform.

Community Day-Mr. Robert Campbell, representative from the Millbrook Business Association (MBA), announced that the MBA is taking the lead on the Community Day event. He stated that there is a meeting this Thursday at 8:00 a.m. for volunteers. This meeting will be held at his design center. Bob Campbell requested Church Street from the Audia building to Coaches be closed as in past years for this event. Trustee Cox suggested the Police Department's participate in this committee. Bob stated he will ask someone from the Police Department to attend the meeting. The Mayor stated that Millbrook Community Day sponsor and/or sign up sheets were located in the Village Hall for the taking. See attachment E.

Charles Johnson Memorial-John Kading and Alec Pandaleon represented the American Legion Post 260. John stated that they are here this evening for one purpose. They want to see Post 260 continue on and thrive. They had displayed a plaque that was on a large stone previously located at the former American Legion building. This land is currently the location of the Cardinal Hayes Home for Children. John suggested the Village Hall as the new location for the plaque and the American Legion is looking for permission from the Board of Trustees to reposition the Charles Johnson Memorial plaque. Alec stated they are here for permission to come back in September with a proposal for the Board to consider. This will give them enough time to have a rededication and ceremony. Mayor Hurley asked if they have the stone to display the plaque on. Alec answered, yes. He added that the stone is being stored at the Tribute Gardens building. Alec added that on Veterans Day they are planning another dedication and will have a wall of honor at the school. John stated they will hold meetings to get eligible candidates involved in the American Legion Post 260. Mayor Hurley stated Joe Still told her they will also have special speakers on Veterans Day.

Trustee Morse requested clarification as to the difference between the Veterans of Foreign Wars (VFW) and the American Legion. John stated that the American Legion was founded in 1919 in Paris. He added that the VFW was founded before World War II and they have different eligibility dates and criteria. John ended by stating the VFW members must have served overseas but the U.S. Congress sets the rules for both organizations. Mayor Hurley stated she was certain the Village could accommodate their request.

Thorne Building-The Downings were not in attendance. Mayor Hurley stated that the Board of Trustees is eagerly waiting for a letter of credit.

Oil Spill-Mayor Hurley began by informing those in attendance that the Village had ended their relationship with Tri-State Environmental and hired Corewood Ventures about 3 weeks ago to take over the project. She went on to state that clean samples are being produced from the excavation site and backfilling will proceed in the next couple of days. The oil spill extended further into the Debonis property than originally thought. Sand fingers made further excavation necessary. Dan Michaud, project engineer from the Chazen Company, has been monitoring all the work and making sure it is done properly. The FracDT tank is still operating and samples are coming out clean for the ground treated water. She added that the idea is to provide a canvas, a base, for the Debonis' and Colomello's to put in a driveway, a garage and topsoil. The Mayor stated the Board will be sending out letters to neighboring residents informing them of the compacting of materials and vibrations, as well as other pertinent information. She has spoken to Matt Rollins about the landscaping requiring replacement. Chris Colomelo stated that it is nice to see progress finally.

Fox-Mayor Hurley stated that a mother fox has been sighted in the Village causing concern in the Alden Place area. The biggest concern is that the wild animal may have cubs and the wild animal may be very protective of them. Mayor Hurley added that residents should watch out for their small pets and they should not leave young children outside unattended.

Trustee Comments-School Zone Speed Limit-Trustee Cox stated that school zone speed limits are used to provide a safe and healthy environment for children walking to and from school. He informed the Board that he has noticed the school speed signs located on Church Street and on Alden Place. He added that he has done research to make sure the school speed zones are enforceable and will stand up in a court of law. He wants the Village to be on a firm legal footing. Trustee Cox stated that in section 220-35 of the Village Code that Church Street is not included and therefore not enforceable.

See the attached Village Code Section 220-35 and pages 199-200 of the Uniform Traffic Code. Trustee Cox stated that we rely on this manual since it is federally recognized and a uniform standard throughout the country. In referencing the Uniform Traffic Code page 199 all of the following conditions shall be met: the Village must have one or more grades below grade 12, children walking to or from school and third, the Village must have written documentation from the school district giving their support for a school speed limit. Also suggested are: a strongly marked crosswalk, the crosswalk is supervised by an adult crossing guard and third, no nearby traffic control signal is in place.

Also referencing page 200 of the Uniform Traffic Code the Village the maximum length of a school speed zone shall not be greater than 1,325 feet or ¼ mile on a highway passing a school building entrance or exit of a school abutting on the highway. The reduced speed zone should begin at a point either 200 feet from the crosswalk, or 300 feet from the school property line.

Trustee Cox stated that to make this portion of the law correct, the Board may follow the wording already in place in reference to Elm Drive, thus making Section 220-35 of the Village Code legal. He added that the Alden Place Elementary School does not have any property on Church Street but the High School building does. The Board may have an issue on the length of the school zone. The Board needs to add Church Street to Section 220-35 of the Village Code. Trustee Cox recommended the Board add to the Village ordinance and hold a public hearing. He added that he would like to see the Village Code made whole before the children return to school. Mayor Hurley asked Trustee Cox to work on the wording for the Board and then the Board will take this information to the next level. Trustee Cox stated the Village should restrict Alden Place school speed zone to 300 feet from the property line of the school. He added that the Church Street High School property line research will need to take place. Trustee Spagnola stated that this situation is not unique and that the Village has had crossing guards in the past. Trustee Cox stated he will reach out to the school in regard to the School District's property lines.

EFC Grant Aeration Tank Replacement-Mike Fanning from Chazen stated he is looking for a meeting for late this week to discuss strategy for the aeration project and to discuss the auditing requirements for the federal government. He added that they will require a total of two weeks for both tanks. He ended by stating the flows at the waste water treatment plant are low this time of year so it is the best time to do this project.

SPEDES Permit Modification-Mike Fanning stated that the schedule of work was approved by the NYS DEC. Mike brought an electrician to the waste water treatment plant. The electrician informed him the Village may need to reroute power since it is not hooked up to an emergency power supply. The Village will have to furnish a small generator. Mike added that the existing power supply is where the building was to be located. Mike also stated that the three phase power only comes to one end of the facility which is ideal for this plant.

Mayor Hurley stated that based on the SPEDES modification permit residents are required to remove sump pumps and down spouts from the waste water system. A letter will go out to residents in reference to this requirement. This letter, sump pumps and down spouts removal from the waste water system information is included in the NYS DEC reports. Mayor Hurley stated that J.J. Brownell will go out with Scott Osborne for assistance on how to speak to home owners and provide solutions for them to remove sump pumps and down spouts from the waste water system.

Poles-Steve Alex stated he will look at and take photos of the wires and poles on Reservoir Drive to see which utility company needs to be contacted. There have been two sets of poles for approximately five years and the Village is looking for the project to be completed.

Shared Services Grant-Mayor Hurley stated that the bid packages are due July 26, 2010 for shared services grant work. Thus far approximately 8 vendors have picked up bid packages. Inserted into the bid package is an alternate slip lining provisions for the pipes if replacement of the pipes is not a viable option. The Mayor added that at this point it is

unknown how much of the project can be completed. She also stated that if water lines are broken due to vibration and digging the vendor will be responsible for repairs.

Water Committee-Mayor Hurley stated that a water committee has been established with a mission to look at several issues and locate an alternate secondary water source. She added that the water shed will also be looked at, the quality of the piping and leakage in the existing water pipes. The first meeting is being held on July 26, 2010 at a location and time to be determined.

Public Participation-Daryl Matthews inquired about the status quo of a contract versus a resolution in regards to the Bennett Campus situation. Daryl also questioned if the Village was involved with small cities grants. The use of small cities grant moneys to establish an essential department within the Village is needed to access small cities grant funds. He added that to fund economic development a department must be created to receive the grant money. Mayor Hurley responded by informing Mr. Matthews that approximately 5 years ago the Village opted into the small cities grant program. She added that last year the Village re-entered into the community development block grant program instead of the small cities program. Daryl offered to submit to the Mayor and then to the Village's legal council a plan for projects he would apply for in the community development block grant program. Rebecca stated that depending upon the situation the Village may have to do a local law which is a multi-step process. She added that the situation could require a multi-step resolution process which may or may not require a hearing.

Daryl stated he wants to formerly prepare documents for the Board to review and have the Village Clerk place his presentation on a future agenda. Rebecca requested knowledge of the exact grant Daryl is applying for on behalf of the Village since the grant application and NYS law must work together. Daryl stated he wants to create the Village department as a receptor for federal and state moneys for community development. Trustee Morse questioned as to what end Daryl have the Village use this funding. Daryl recommended the former Bennett College demolition and/or revitalization. He spoke freely when he stated the former Bennett College is holding the Village hostage. He stated that the Village is ideal for a federal building project. The Bennett College property after demolition could become a movie theater, the Village of Millbrook and Town of Washington offices, a post office or gardens for example. In addition, Daryl stated, in his mind this multimillion dollar project to take down buildings must be scheduled carefully. Trustee Whalen clarified that what Daryl was proposing is complex. Daryl offered the property as a potential new home for the Farmer's Market with grass and trees since this is the environment it should to be located in.

Mayor Hurley questioned how does the fact that the Village does not own the property figure into his plans. Daryl offered to bring to the Village the procedures for what he has done in New Jersey. Daryl will meet with the Mayor and the Board to prepare a situation where Rebecca will only have to do the legal counseling. Trustee Whalen asked if there were instances Daryl was involved in Newark, New Jersey where the property owners walked away or did something with the building. Daryl responded that the municipality

continued to write violations daily and that most property owners did fix the violations rather than walk away from the project. Daryl stated that he is proposing using federal money to demolish the buildings and that only the Village can apply to ACHD program. Mayor Hurley stated that he may give his proposal to the Board for review of his supporting documentation and he will be put on the agenda for the meeting on July 27, 2010.

Employee Handbook-Mayor Hurley commented on three main issues which the Board of Trustees needed to discuss. The first issue was the wording of illegal activities found on page 9. Discussion continued on inappropriate conduct and if it should include arrest activity. Trustee Cox stated that knowledge of legal activity does not always result in an arrest. Trustee Whalen asked if the arrest considered is only associated with the Village employment position. Trustee Cox disagreed and stated that it should include personal time and work related time. Trustee Spagnola asked how is the Village Board of Trustees to make the arrest known. Trustee Cox stated that it should read conviction, not arrest and Trustee Morse agreed. Trustee Spagnola suggested that the Village Board may proceed internally which could be less than filing charges or prosecuting. Rebecca Valk stated that civil service law may apply to several of the Village employees. Trustee Cox stated that the Board takes exception to certain incidents. Mayor Hurley recommended the wording be changed to illegal activity and Trustee Cox agreed. Trustee Spagnola and Trustee Whalen stated they are okay with the wording being changed to illegal activity. Trustee Morse stated he was uncomfortable with the wording only reflecting illegal activity and wants it acted upon such as a prosecution or an arrest. The Board agreed to strike from page 9 the inappropriate activity wording.

Mayor Hurley referred the Board to page 12 of the employee handbook covering police officers being offered time and half for special details as the second issue. She added that the carnival had several officers patrolling and the Village had a hard time getting officers to patrol on July 4 for the fire works display. Trustee Cox stated that if the Board chooses to offer an increase in the pay rate for special details this would reward officers giving up time for special events. He added that an increase in pay may be an incentive to work special detail. He also stated that this could be a budget discussion and perhaps not included in the employee handbook. This policy would be specific to part time police officers. Trustee Morse offered the wording of a premium rate of pay. Mayor Hurley stated that on page 12 they will strike the word overtime and add premium rate of pay. She instructed the clerk to change the rate of pay for special detail for the police department for events such as the fire works display and the firemen's carnival to time and half premium rate of pay.

Trustee Whalen referred the Board to page 21 of the employee handbook. This section covered the civil service law termination of an employee which may be in accordance with all applicable Dutchess County personnel requirement and applicable hearings.

Mayor Hurley recommended that in reference to jury duty, each individual case where duty exceeds more than one week will be considered and evaluated.

Mayor Hurley stated that the employee handbook gives employees and the Board of Trustees guidelines and expectations. Trustee Morse made a motion to adopt the employee handbook and Trustee Cox seconded. All were in favor. The Mayor added that she strongly recommends at each annual reorganization meeting the Board of Trustees revisit the employee handbook for necessary amendments.

General Correspondence-Mayor Hurley informed the Board of correspondence she received in relation to light pollution and the concern over fire flies as written by two young girls from the area. The Mayor stated that Central Hudson will have led lights on display at Bard College to reduce costs and light pollution. She also recommended water conservation and water safety which is posted on the Village website.

Audit of the Bills.

Executive Session-The Mayor asked for a motion to enter into executive session to discuss the Police Chief position. Trustee Morse made a motion to enter into executive session at 10:13 p.m. Trustee Spagnola seconded. All were in favor.

Trustee Morse made a motion to exit out of executive session at 11:17 p.m. Trustee Whalen seconded. All were in favor.

Adjourned at 11:20 p.m.with a motion made by Trustee Morse. The motion was seconded by Trustee Whalen. All were in favor.

Respectfully submitted,

Linda T. Wiltse
Village of Millbrook
Clerk/Treasurer

**Village of Millbrook
Wastewater Treatment Plant Operations Report
July 2010**

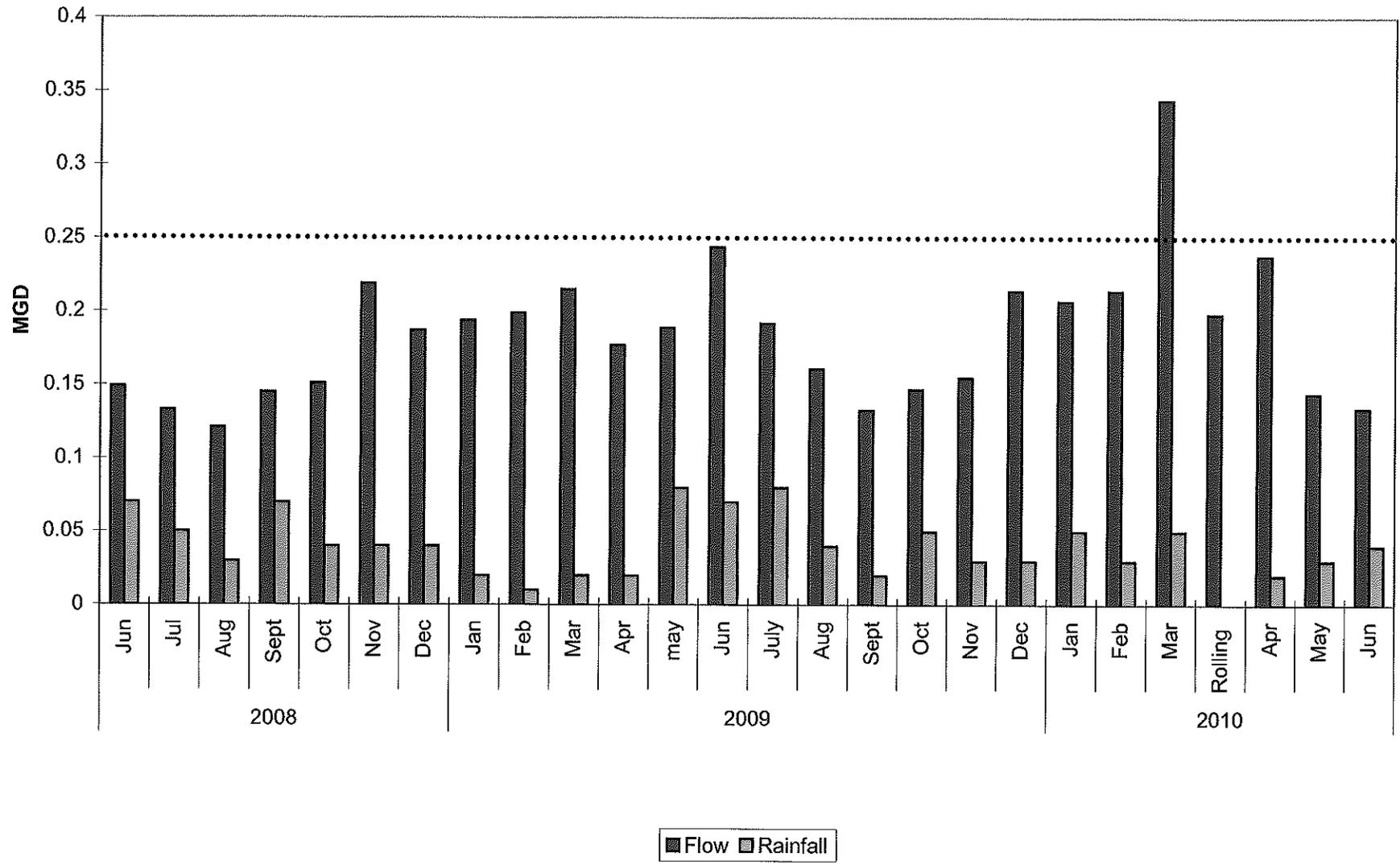
| | April | May | June |
|--|--------------|------------|-------------|
| Total Monthly Precipitation (Snow/Rain) | 1.6" | 3" | 3.5" |
| Total Effluent Flow (gallons) | 7,138,000 | 4,476,400 | 4,016,600 |
| Average Daily Flow (gallons) | 238,000 | 144,000 | 134,000 |
| SPDES Laboratory Permit Samples (mg/L) | | | |
| BOD ₅ | <4 | <4 | <4 |
| Percent Removal | 98% | 98% | 98% |
| Total Suspended Solids | <1.0 | <1.0 | <1.0 |
| Percent Removal | 99% | 98% | 98% |
| TKN as N | 1.7 | <1 | <1 |
| Fecal Coliform | <20 | <20 | <20 |

Discharge Limits BOD₅ = 15.0, Total Suspended Solids = 15.0, Total Kjeldahl Nitrogen (TKN) = 8.0, Coliform = 200 *exceeds limits

Operator Notations

1. Performed monthly maintenance.
2. Collected the monthly samples.
3. EarthCare hauled 27,000 gallons of sludge
4. Worked with highway on relocating sewer lateral for 33 Merritt Ave
5. Repaired collapsed manhole frame at the end of Harts Village with Highway
6. Pre bid walk thru for I & I repair work

Two Year Monthly Flow



**Village of Millbrook
Water Treatment Plant Operations Report
July 2010**

| | April | May | June |
|---------------------------------------|--------------|------------|-------------|
| Total Water Produced (gallons) | 5,000,000 | 5,920,000 | 6,050,000 |
| Average Daily Flow (gallons) | 166,700 | 191,000 | 201,700 |

Laboratory Samples Taken

| | | | |
|-------------------|--------|--------|--------|
| Total Coliform | Absent | Absent | Absent |
| Coliform Detected | 0 | 0 | 0 |

Special Samples

Operators Notations

- 1 Performed monthly maintenance.
- 2 Collected the monthly samples.
- 3 Reading water meters
- 4 Cleaned debris from bunkers and sealed all cracks as per DCHD
- 5 Met with Mark Grady from EJP regarding future water meter upgrade
- 6 Repaired pump #1 at the water plant
- 7 Highway dug around two bunkers at the plant in preparation for repair
- 8 Repaired broken valve box on Bennett Common with Highway

Village of Millbrook Two Year Monthly Flow Water

