

**Village of Millbrook
Board of Trustees
Minutes July 27, 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

Shared Services Grant-Mayor Hurley began with the first agenda item which was the review of bids for the Shared Services grant. This grant is also known as the NYSDOS LGEGP Sewer Repair and Replacement Project as previously reviewed by project manager, Steve Lynch and project engineer Greg Bolner.

Steve Lynch stated that they made out well with the 7 bids received. VRI, Greg and Steve evaluated the bids to compare apples to apples. They invited bidders to use traditional or alternative technologies in the project specifications. He went on to explain that the alternative technology has an insert into the pipe thus creating a new pipe within the old pipe. He added that it appears the low bidder can do all of the work for half of the cost if they use the new technology. This allows us to do more sewer lines with the remaining funds. Steve is recommending this bidder whom they discussed with the NYS Dept. of State. Greg explained the alternate technology as being cured in place at the site and it is kept at a freezing temperature. It is inserted into the pipe using air or water forming a tight bond to the existing pipe. Then they use hot water or steam to adhere or solidify the insert to the existing pipe. The next step is to cut holes for attached pipes and chemically pump in grout into where the two pipes connect. Cutting in on services to create a pit is required at each manhole to get the machine in place and lined up.

Steve stated he and Greg carefully went through the proposals and the references which was a long list. They contacted 3 references including the N.Y.S. D.O.T. Greg added that the technology has been around since the 70's. In addition this technology is great to rehabilitate existing systems when underground utilities are in the way. Part of the process is to grout any ends to seal the material. This technology does not require excavation. The Village has small diameter pipes which are an ideal application of this technology. Steve and Greg are recommending the alternative rather than the traditional excavation. \$244,525 is the low bidder. (see attachment A)

Mayor Hurley stated that this technology gives the same life as replacing and repairing the pipes. When asked by the Mayor about the crushed pipes, Greg stated they may not be in the sections the bid was put out for. He added that this technology can support and will solidify for the crushed sections as well. In addition, where the pipes have separated and dropped they must be dug up and fixed. Two areas of concern for dropped pipes are on Anson Avenue and Harts Village Road. Greg stated that the dip in the pipes will eventually accumulate solids and plug the pipe over the long term. This trench-less

technology saves the Village grant funds which may go back to incorporate into another bid which will not be decided tonight.

Steve recommends awarding the bid without the camera since the cost is substantially more than originally thought. Rebecca Valk questioned if they would consider a camera in the future. Greg responded by stating they will go out for \$20,000 camera on another bid. Ken Sherrieble had informed the Mayor that an option may be to go for a refurbished camera. The Mayor asked if these bids gave a time guarantee to complete the project. Greg stated that there is one year guarantee with the bonding of the project and the technology has a 50 year life. He added that a guarantee may not exist beyond the technology and he must look into the contract. He also added that typically construction does not have a guarantee. The Mayor and Ken are concerned about a tight seal with using this technology. Greg responded that this is a seamless system. Trustee Spagnola questioned future repair possibilities with the lined pipe. Greg answered that it is repairable. Trustee Spagnola inquired about the reduction of the inside diameter of the pipe. Greg answered yes and stated that the Village may see an increase in the flow since the pipe wall is smooth. He added that if the pipe is at full capacity then they would have to look at different technology.

The Mayor asked why there was such a disparity in the bid proposals. Greg offered that perhaps the attitude from the bidders had a bearing on their desire to receive or not receive the contract. Trustee Cox asked if any local municipalities have used the alternative technology. Greg responded that yes references from local municipalities are in the bid submittals. Steve stated that Robert Barns from Lash Contracting Inc. was the low bidder. Steve spoke to the Village of Athens, NY, where Lash Contracting did a project in 2008. He spoke to the engineer on that project. Sharon Connecticut did a project last year using this technology according to Andrew Ciferri. Andy asked if the tensile strength on this technology is known and if broken sections of pipe would affect that strength. Greg believes those sections they are replacing don't have any broken spots. The Village will spot repair the small section broken sections of pipe in another proposal.

Greg stated Lash Contracting will re-camera the lines and cut any roots. They will also remove any sharp objects since they can't line around this until the preparation work is complete. Greg will check on the strength of the liner. Andy stated they can spray the roots to kill them and the fluid used to kill the roots can penetrate to the roots outside of the pipe through the cracks to kill those roots outside the pipe as well. Greg stated the proposed root elimination for this project will only cut the roots inside the pipe. Trustee Cox stated that this alternative technology uses a much shorter time frame than if they dug up the street. Greg stated that from manhole to manhole they will be bypassed to keep the system fully functioning. He added that they will address water lines that could be in close proximity to the sewer lines and this process will be less inconvenient to the Village residents.

Mayor Hurley asked to be reminded about Steve and Greg's conversation with the NYS Dept. of State. Steve answered that they told the NYS Dept. of State that the low bidder

proposed using the alternative technology. He added that they explained this technology and will recommend it to the Board of Trustees tonight. Steve added that the Dept. of State okayed them to move forward using the alternative technology. The Village will only be utilizing half of the \$417,000 assigned for this task and construction work. The Mayor asked if NYS will allow for additional projects with these unexpended funds. Steve answered yes, but he wants to see if using this alternate technology goes well maybe midway through this project before submitting that request. A form must be submitted to revise or shift funds.

Mayor Hurley asked for the Board's thoughts and if Trustee Spagnola was familiar with this technology. He answered no, he was not. Steve and Greg did research on this technology and will send a video to the Board of Trustees. Rebecca talked to someone who used this technology and asked if the Board wants to make contacts with these municipalities. She added that some of these municipalities have used this technology in storm and sanitary sewers. It can be used in 8 inch and 15 inch pipes. Andy offered to check on a VCR tape from a former work location on this technology. Greg stated that if the Board approves the trench-less technology then the timeframe assigned to this project will not be an issue if the Board decides to take another week or so to make a decision. The Mayor requested the Board schedule another meeting next Monday, at 6 pm. The Mayor did add the Ken Sherrieble had a high comfort level with this technology.

Village Hall Renovations-Mayor Hurley stated that the painting of the Village Hall meeting room, Clerk's Office and the second floor are complete. The bids for a pre-finished oak floor are in the Mayor's office and the bids are consistent with each other. Ducillo Construction came in at a lower bid. The Mayor recommends Ducillo to perform the work. Trustee Morse made a motion to accept the bid from Ducillo Construction. Trustee Whalen seconded. All were in favor. They will contact Bob Collocola to move the office furniture which was not part of the bid submitted.

Mixed Use Buildings within the GB Zone-see attachment B. Mayor Hurley called for a motion to open the public hearing on mixed use buildings within the GB zone. Trustee Cox made a motion to open the public hearing. Trustee Morse seconded. All were in favor. Trustee Cox questioned the number of bedrooms in this law and whether it is limited to 2 bedrooms. Rebecca answered that it was requested by the Planning Board that the residential units shall contain between zero and two bedrooms. The Mayor referred the Board to number 3 on the resolution handout. Rebecca added that the change was made before the county received a copy of the resolution. The county responded by stating that this is of local interest and that they had no input or comment on this law.

Negative Declaration-see attachment C. Rebecca Valk stated that this law is a type 1 action with permitted uses within the zoning district. She added that part 1 was sent to the county and part 2 has no physical impact. Rebecca recommended adoption of the Negative Declaration. In addition she stated that this zoning law has no physical impacts and the application will be subject to SEQRA. Therefore, the SEQRA review will not be able to be done at this level.

The local law number 3 public hearing for the year 2010 was closed with a motion made by Trustee Morse and seconded by Trustee Cox. All were in favor. The Negative Declaration Notice of Determination of Non-significance resolution was adopted with a motion by Trustee Cox and seconded by Trustee Morse. All were in favor. Trustee Cox offered the resolution for mixed use buildings within the GB zone, which was seconded by Trustee Morse, the resolution was moved and adopted. All were in favor.

Zoning Law for Certain Village Actions-see attachment D. The public hearing was opened for the local law titled Compliance with Zoning for Certain Actions with a motion made by Trustee Morse. Trustee Cox seconded. All were in favor. The intent of this law is if a property owner has an open zoning violation(s) and then applies for a permit from the Building Inspector or applies to the Planning Board said application will be denied unless needed to clear the noted violation. The violation must be in written order or the violation does not prohibit the Planning Board from acting on the submitted application. Christine Bates from the Millerton Newspaper questioned if this law affects the former Bennett College property application. Mayor Hurley answered no it does not affect the Bennett property since their application is already in place.

Rebecca stated that this is a type 2 action under SEQRA since this is a procedural rule and subject to another action. She added that this law does not require SEQRA review. Trustee Cox made a motion to close the public hearing on the Compliance with the Zoning Law for Certain Village Actions. Trustee Morse seconded. All were in favor. Trustee Whalen offered this local law number 4, 2010 for adoption and Trustee Spagnola seconded. All were in favor.

Weight Limit for trucks traveling over Nine Partners Lane-see attachment E. The public hearing for the weight limit for trucks traveling over Nine Partners Lane was opened with a motion made by Trustee Morse and seconded by Trustee Cox. This local law number 5 establishes a 5 ton weight limit for the entire length of the road. Trustee Cox stated the Village is trying to repave Nine Partners Lane from the beating it has taken over the last couple of winters and the Village is looking to protect its investment. Vehicle and Traffic Law allows local deliveries, resident traffic and school buses. The two state highways were not affected negatively. Rebecca Valk read from the Village Code book section 220.5 on the language specifying trucks versus vehicles. She added that currently the language in the code book uses trucks not vehicles. Trustee Morse and Trustee Cox agreed to leave the wording as trucks. Signage language was discussed. Trustee Morse made a motion to close the public hearing on the weight limit law and it was seconded by Trustee Cox. The resolution was read by Mayor Hurley which did not require a SEQRA review. Trustee Morse, seconded by Trustee Cox, offered local law number 5, 2010 for adoption and Trustee Cox seconded. All were in favor.

Statutory Installment Bonds-see attachment F & G. Mayor Hurley introduced two bond resolutions. Trustee Cox made a motion to authorizing the issuance of \$80,000 serial bonds to pay the costs of the purchase of fire fighting apparatus and equipment for the Fire Department. Trustee Spagnola seconded. All were in favor.

The second statutory installment bond resolution was offered by the Mayor to pay the costs of the purchase of a vehicle and related equipment and appurtenances for the Highway Department in the amount of \$33,631. Mayor Hurley explained the advantages of this type of bond since the Village is not intending to convert this bond to a long term bond in the future. Trustee Cox stated that section 2 of the bond resolution shows a total cost of \$63,631 with a down payment of \$30,000. The low bidder for the Highway truck was Metro Ford from Schenectady, NY along with Mid-Hudson Truck and Trailer from Poughkeepsie, NY. The resolution authorizing the issuance of \$33,631 serial bond to pay the cost of a Highway Department truck was proposed by Trustee Spagnola and seconded by Trustee Cox. All were in favor.

Trustee Comments-Mayor Hurley stated that the Board did not have a draft for review of the parking code requirements. Rebecca stated that she met with Trustee Spagnola on July 16th and he will provide comments. Dave Clouser, a Village consultant, will also provide comments to Rebecca where the regulations can use some tweaking. Trustee Spagnola stated he wants to expedite this matter. The Mayor stated that a public hearing may be set in late September. Rebecca stated that discussions with the Planning Board have been helpful and have opened the lines of communications.

Mayor Hurley stated the notice of the public hearing being held by the Planning Board and the Zoning Board of Appeals is posted on the bulletin board and the Village website. Trustee Morse stated that the Village was offered \$500 for the old Fire Department brush truck. Chief Ted Bownas confirmed that the Fire Department was on board with selling the vehicle. Andrew Ciferri questioned if the Village can sell the vehicle without putting a notice in the newspaper. Rebecca answered that the sale does not have to be posted if the sales prices is of a reasonable value. Trustee Morse made a motion to sell the brush truck which was seconded by Trustee Cox. All were in favor.

Mayor Hurley offered the old Fire Department tanker could be of use as a water/sewer vehicle to flush lines or for the Town of Washington Highway Department for wetting roads.

The Mayor gave her comments on the first meeting of the Water Quality Committee. The Committee goals will be met by the Shared Services Grant and the long term goals will be met in general tasks. The Committee will look at future system improvements, expanding, droughts and how to prepare for them. In addition, they will look at rate structure analysis, shared services with the Town of Washington and the Village Comprehensive Plan. The Mayor added that the outside scope of the grant is to protect the water shed and water works, look at different filtration methods and keep an active review of these important issues. She concluded that the sewer system will be looked at separately.

Oil Spill-Mayor Hurley stated the contaminate soil abatement and the backfilling are almost complete.

Mayor Hurley stated that the water main leak on Franklin Avenue requires a permit from NYS since it is a state road. Andrew Ciferri suggested that when the Village has a water line leak that is a main or service line they should consider installing a valve at the same time. The Mayor stated that his suggestion was a good idea and she added that Scott Osborne of VRI, mentioned he has had difficulty shutting down the water lines in the past. This valve will give the Village a positive shut down on the water line.

Christine Bates from the Millerton Newspaper asked if there was anything new on the Thorne Building. Mayor Hurley responded by stating the Millbrook Independent will have an article in tomorrow's newspaper. She added that the Downings are working on getting the necessary funding in place hopefully soon.

Mayor Hurley commented on the fox living in the Village and that she has spoken to all of the regulatory agencies and the fox is a protected animal. Residents can limit the fox's entrance or exit to the area. She added that hopefully the fox will move on when her cubs mature.

Notices of upcoming meetings on the agenda were mentioned by the Mayor as well as the posting on the bulletin board of literature on mobile stray voltage testing.

Andrew Ciferri inquired about the jet rodder trailer from Jerry Sargeant that the Village had traded him for some years ago. The jet rodder is to be mounted on this trailer.

Trustee Spagnola made a motion to enter into executive session at 8:40 pm. Trustee Cox seconded. All were in favor. Trustee Spagnola made a motion to exit executive session right away to audit bills at 8:40 pm. Trustee Cox seconded. All were in favor.

Audit of the Bills.

Executive Session-The Mayor asked for a motion to enter into executive session to discuss attorney client privilege. Trustee Whalen made a motion to enter into executive session at 9:05 p.m. Trustee Morse seconded. All were in favor.

Trustee Morse made a motion to exit out of executive session at 11:00 p.m. Trustee Whalen seconded. All were in favor.

Adjourned at 11:00 p.m. with a motion made by Trustee Morse. The motion was seconded by Trustee Spagnola. All were in favor.

Respectfully submitted,

Linda T. Wiltse
Village of Millbrook Clerk/Treasurer