

**Village of Millbrook  
Board of Trustees  
Minutes October 25, 2011**

**Call to Order** by Trustee Morse at 7:00 p.m.

**Pledge of Allegiance** led by Mayor Hurley

**In Attendance**-Mayor Hurley, Trustee Morse, Trustee Cox, Trustee Spagnola, and Clerk Linda Wiltse

**Financial Statements 6-1-10 to 5-31-11 Rae D'Achille (see attached)**-She began by informing the public that the state requires each municipality to file financial statements which is a compilation of the Village's finances. Rae added the Village has established special reserves for fire equipment. Assets equal liability plus fund equity. Rae stated that 76% of the assets are due from other funds which are quite a high percentage rate. The current ratio is quick assets of cash divided by liability which means for every \$1.00 owed the Village has \$2.84 to pay the debt. Rae stated the water receivable needs to be supported. The modified accrual basis of accounting means the warrant is booked to set up the receivable so when the money comes in we debit the receivable. Mayor Hurley asked if the debt is paid off early should be taken into consideration. She added the 2% tax cap makes it extremely difficult to maintain a fund balance since the village cannot have a surplus.

Water and sewer payments owed should match receivables in the water and sewer funds.

**DC Infirmary Contract**-Michelle from Iseman, Cunningham, Reister and Hyde, LLP has been working on a draft of the contract for renewal of the inter-municipal agreement with DC for the infirmary. The contract was up this past summer after the initial 5 year agreement with five three year term renewals had expired. The Village Code was adjusted and changed to exclude rates for water and sewer services. An extension was granted until December 2011 and when the Village agrees on the contract it will go to the County and then to the DC legislature. Michelle stated she will approach the County on extended the agreement another 3 months to allow time for the changes and to submit to each County Department.

Michelle referred to section 2 on page 2; section 2B refers to Village law and rates. She added the term will be a 5 year term with 3 renewals in section 1. Section 3 refers to the pump station since DC is the sole user they are responsible for repairs, maintenance and the power bills. Upgrades must be cleared through the Village first to make sure the proper equipment is being installed. Section 4 is county obligations such as access to the property. Section 6 states the County cannot authorize any third party use of any of the water and/or sewer systems. Trustee Spagnola asked if DC doesn't conform then the Village may shut off the water. Mayor Hurley stated that as a rule the Village does not make a habit of using that practice. Trustee Spagnola asked if DC has a fire suppression system connected to our municipal water system. Michelle responded that she will look into this issue. She added the Village may not want or desire to shut off the water if it is connected to a fire suppression system. Automatic renewals are in place. Michelle stated

that turning off the water if the County is going beyond usage allowed by the Village can require them to make changes such as shutting off parts of the building. Penalties are in the law still of 10% for the first late payment and 1.27% for each late payment thereafter. Michelle stated she will have the revised contract available for the Board of Trustees' review at the November 14, 2011 meeting.

**Fire Department-Chief Bownas**-Mayor Hurley discussed the Board will review the 2 items listed below since they were just received today. Chief Bownas stated they will present these policies to the members then the Village Board and finally the Fire Board will vote on adopting these policies.

- a. Social Media Policy
- b. Medical Leave Policy

Chief Bownas stated the Fire Apparatus Committee which met 2 weeks ago has submitted some recommendations. Ed Loedy met with them and he has expressed an intense desire to assist them and he submitted some great ideas. The Committee is looking at an expansion on the Front Street section to double the size of the Fire House for both floors to accommodate bigger fire apparatus. They expect to have an artist rendering in November or December. The Fire Dept. will go ahead with the expansion and the Committee is looking forward for the Village offices to be relocated in the Fire House.

Mayor Hurley asked about the Police Dept. taking bays where the ambulances are currently located. Chief Bownas stated they will have some ideas and preliminary drawings hopefully available in November or December. Mayor Hurley reminded everyone there may be a leadership change at the Town of Washington. She added they are excited to explore the Village Offices and Police Dept. moving to the Fire House. Chief Bownas stated the Committee's consensus is to push back the aerial apparatus purchase 10 years. He added that both projects at once will be too ambitious. They will work toward a straight engine pump truck purchase. In 2019 they will look to purchase an aerial apparatus. Mayor Hurley asked about the Rotary Club donations to different projects and a generator for servicing the entire Fire House in case of an emergency. The Rotary Club asked about the best mechanism for donations. Chief Bownas added they can earmark donations for a generator purchase. The Mayor asked for a long term list of those looking to submit donations. The Chief added that many donations are for a specific purpose.

The Mayor invited the Chief to a joint meeting to be held on Monday, December 5, 2011 at the Town of Washington Hall to mention the above discussed topics at the meeting. She added the CAC and Dave Greenwood will do a presentation on the historical events taking place in both the Town and the village.

**Workers Comp Loss Run**-The Board did receive the loss run for the period of 7/1/06 to 9/30/11.

**Continuation Public Hearing-Planning Board Membership and Terms**-Mayor Hurley reminded everyone in attendance of the local law public hearing remains open. She explained the reasons for the local law and DC Planning and Development's

comments on this proposed local law as submitted in a letter read by the Mayor. DC asked for due consideration of their comments. Trustee Morse stated he likes going from 5 to 7 members and mentioned turnovers are possible. The Mayor mentioned the possibility of alternates and the Planning Board's inability to have a quorum at their meeting last week. Trustee Cox stated he was very comfortable with the 3 year terms. He added the reality is if the Village goes to 3 year terms the most leaving in a term is 3. Trustee Cox also stated he has no problem with giving an opportunity to reappoint after a 3 year term has been served. Trustee Spagnola informed the public that in the past 15 years or so only 2 changes and resignations were requested. He added he has no problem with the shorter terms of 3 years. Mayor Hurley stated they will continue the public hearing until the December 13, 2011 meeting.

### **Public Participation-**

**Charles Weeden**-A light was installed on Nine Partners Lane and he is asking to replace the light with a led light according to the Mayor. Charles stated the light is not at an intersection. He asked for the reason for the light that was installed. Mayor Hurley responded that several NYS Police and Village Police reports showed many incidents at that location. The activity at this location and a reaction to the resident directly affected by the activity was the reason for the light installation. Trustee Cox stated that Central Hudson determines the height and the type of light to be installed. The Mayor added that this is not an unusual request for Central Hudson and Bob Collocola and Linda Wiltse will assist in this issue with contact information.

**Supreme Court Decision Bennett-Appearance Tickets**-Mayor Hurley gave a summary of the decision and order. She expressed concerns over the limited liability corporation (property owner) declaring bankruptcy. All invoices for the fencing have been sent to Rebecca Valk to request payment in addition to invoices for safety coverage and attorney's fees. Rebecca and Kenneth McLaughlin will meet on Monday to discuss appearance tickets and fines. Trustee Spagnola asked for legal fees on the unsafe building submissions. He added the fence is posted and trespassers may face fines which are higher since the fence was installed and posted. Until the property owner abides by the unsafe building code they are prohibited from entering the property and from submitting any documents to the Village Planning Board or Zoning Board of Appeals. No appeals have been filed and the 30 day filing timeframe has come and gone. Peter Doro asked if the fence payment is guaranteed. Mayor Hurley responded that the Village can re-levy onto the property taxes and if they go unpaid then the county will make the Village whole.

**Attorney Opinion Police Department**-Rebecca gave her opinion in writing stating there is no statute stating that the Village must provide a Police Dept.

### **Upcoming Dates to Remember**

November 14-Village Board Regular Meeting, Trustee Morse will submit conclusions and recommendations from the Water Committee in a presentation to be given.

December 5, 2011 Joint Meeting Town Hall

December 13, 2011 Regular Meeting

**Public participation**-Peter Doro asked for any determination on the Police opinion. Mayor Hurley stated there is no next step, it was just a fact finding mission and may be used as a guideline. Peter asked if the vandalism on Village flower pots, cars being broken into and having the gps and stereos stolen were apprehended. Officer Witt responded that these are random acts and the car break-in cases are still pending. The Mayor stated the NYS Police do assist and the Village Police Dept. responds to numerous amounts of domestic calls. She added that with the youth in the Village it is very important to the Village Board to have Police coverage. The Village Police respond to a great number of car accidents since they can often get to the scene first. Peter asked in response to Town issues has the Town inquired about Police coverage and have they contracted with the Village for this coverage. Burglaries in the Town happen often but are not always reported in a timely fashion since many property owners are weekenders. The Village Police respond to Town issues for safety reasons such as traffic accident victims since they are the closest car and are dispatched from the 911 Response Center. Mike Herzog asked about the Police patrol needs. The Mayor responded that it is not easy to determine but in the summer more people are around and the youth early dismissals from school are examples of patrol needs. The local establishments' loud music on Fridays and Saturdays as well as fire and Ambulance calls are issues as well requiring Police coverage. Trustee Cox stated that at the previous Police agency he worked at they conducted studies and statistics were collected and they were unable to determine any exact patrol time needs. Mayor Hurley added that in the early morning and the late afternoon school traffic requires Police coverage.

### **Audit of the Bills**

**Executive Session**-Trustee Morse made a motion to enter into executive session at 9:00 pm to discuss the Colomello oil spill and a potential settlement for restoring the property and the Board added they do not anticipate action being taken this evening. This was seconded by Trustee Cox and all were in favor.

Trustee Spagnola made a motion to exit out of executive session at 10:00 pm and Trustee Cox seconded. All were in favor.

**Adjourned** at 10:00 p.m. with a motion made by Trustee Morse. The motion was seconded by Trustee Cox. All were in favor.

Respectfully submitted,

Linda T. Wiltse  
Village of Millbrook  
Clerk/Treasurer