

**Village of Millbrook  
Board of Trustees  
Minutes December 13, 2011**

**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 Cox, Trustee Spagnola, Clerk Linda Wiltse and Rebecca Valk Attorney

County Legislator Michael Kelsey was not in attendance so Mayor Hurley mentioned County jail crowding and fund balance application on the recently passed budget as current issues.

On Thursday Charlotte's Restaurant will host a destressing seminar with approximately 100 vendors including but not limited to the United Way, Alcoholics Anonymous and Zumba.

**SPEDES Permit Modification De-chlorination Project**-Delaware Engineering, PC representative, Bill Bright, spoke on the SPEDES de-chlorination project and the NYS DEC response. VRI asked them to give input and comment on the current design at the waste water treatment plant.

Bill started by saying the SPEDES permit modification calls for a rolling average over 12 months. This gives the plant a flexible way of recording flows in excess of the design since it occasionally goes beyond that. The plant is designed for 250,000 gallons of flow per day. Anything over 400,000 gallons per day goes into the overflow retention tank so the biological process does not get upset.

Bill stated he has a history of how the plant operates. He added that after the chlorine contact tank the water will enter the bubble diffuser area to add oxygen. The Village now has a de-chlorination requirement as imposed by the DEC. Bill stated the garage has room to house the necessary chemicals and complete this phase of the process. This will save the Village money since they will not have to build another building to house the de-chlorination equipment.

Bill stated the accuracy of flow coming into the plant and the sensor must be recalibrated over the influent channel area. Proper recording at the influent chamber is necessary for proper processing. Delaware is not suggesting making significant changes as far as the design but these changes have large significant cost savings. There will be changes in the pipe size from 8 inches to 15 inches to eliminate future upgrades and costs needs. The sand beds are called intermittent sand beds and are also a biological bed for continued treatment of the water. The water coming out of these beds is very clear. Included in the design is a sampler on the influent and the out-fluent area that will come on automatically.

A 7,000 gallon pre-cast tank for the de-chlorination process is required under the SPEDES permit. An 8 inch main outflow pipe to the stream which is very tight will have a valve installed that will be closed under normal conditions. The as built drawings will be submitted to the NYS DEC. Bill stated conservative figures are \$157,000 to \$160,000 plus the contingency totaling \$172,000. By using the two new blowers they may use 3 or 7 horse power motors and turn them down when the total power output is not needed. He added the NYS DEC is on board with these designs. Mayor Hurley stated this design will eliminate a lot of outside contractors and the Village Highway Dept. may do most of the digging. Delaware Engineering will be there for the construction management portion of the project. Trustee Spagnola asked about the overflow storage tank. Bill responded that they are doing an evaluation on the entire facility. Delaware Engineering approached this project as value engineering and relied heavily on the operators, VRI for input regarding design and function.

The Mayor added they are also looking at ways to reduce sludge. She added that sump pumps will be the Village's main focus this spring in the I & I elimination project.

### **Department Reports**

**Fire Department**-Mayor Hurley stated Chief Bownas attended the joint meeting between the town and village boards last Monday and gave the building committee's report on their activity and direction they are going in.

**Building/Zoning**-Kenneth McLaughlin see attached report. Appearance tickets will be issued in reference to the Bennett property. Walter Cadette has submitted a letter opposing the fence located on Nine Partners Lane and the Mayor has asked Ken to submit a determination by weeks end.

**Bennett College**-The Mayor discussed security arrangements that were made with the developers back when the initial building collapse occurred. Mr. Blumenthal spoke with Officer Scribner and authorized 24 hour security. He later rescinded the offer to pay for security. Brickman and Associates have not been found in court to have responsibility for securing the former Bennett College site. The Judge place the responsibility for safety at the site on the property owner. The Judge upheld the Village's request for an injunction for immediate fence construction and the Board passed a resolution to have a re-levy placed on the property owner's tax bill for the fence installation. The Village is also looking to re-levy the 1,272 hours of security as well at \$30 per hour which was provided from 6/12 to 7/17. Rebecca stated she will check on the fence resolution to see if it also included the security. There may be some procedural issues and she will advise the Board on their options. She added the Village Code does allow this to be assessed on the property owner's taxes as well.

Alec Pandeleon stated he appreciated what has been said. He asked when the Village would be paying those who worked security at the site. The Mayor stated that if the debt can be assigned to the property owner then the Village Board will pay the bills for the security at Bennett. Alec feels that since the Village made the decision to continue the security then the debt is the Village's. He added it is a hardship now for those not paid. It is his understanding that they would be paid at end of the period. Mayor Hurley stated

the Village did not authorize the security as a Village expense. The Mayor stood there with Officer Scribner when he spoke by telephone with Mr. Blumenthal.

Alec proposed that the debt under \$1,000 be paid by December 20th and those over \$1,000 be paid in January 2012. He also proposed the second part of the balance be paid no later than April 2012 plus interest. Trustee Spagnola asked how many persons were involved and he was told about 20 people were involved.

This issued would be revisited by the Board in executive session under advice from counsel.

**Water/Sewer**-Scott Osborne see attached.

Scott reported that Arold Construction installed one new blower at the wastewater treatment plant but some assembly still is required. A factory representative must restart the whole system. They are not going to make any final determinations as to whether these blowers are sufficient until summer so they can be evaluated in the warmer weather.

**Highway**-Bob Collocola-see attached. Leaf pickup has ended. Bob asked permission to draw up a policy to cover brush and leaf season discussing the length, amount, how and where to put these items. He asked for a bulk mailing in addition to the website and billing inserts. Mayor Hurley asked him to submit a draft for review. It may go out with the tax and water/sewer bills as some type of guideline.

The Highway Dept. did repair manhole covers that were too high. They also temporarily fixed those that were coming up until spring when they can do a more permanent repair. They also trimmed tree limbs that are hanging low so as not to interfere with plowing. Holiday decorations were put up for the MBA. Bob installed a new catch basin on Franklin Avenue even though NYS owns it and they will finish up tomorrow.

Franklin Avenue painting by the NYS painting crew was a disaster and they have stated the only alternative is to come back and paint black over the yellow. The Mayor felt that this would only accentuate the terrible paint job. Trustee Spagnola contacted Easystreet to see if there was a way to remove the yellow paint. They informed him there was not. Residents may access NYS DOT's website to submit a claim if their vehicle was damaged by the paint. Mayor Hurley stated the road was not coned properly to alert drivers and DOT started the job too late in the morning.

The new Kabota sidewalk tractor has been delivered and used. The new design is better for many reasons. It is heavier duty than the previous tractor, under the initial cost and made according to specifications.

**FEMA**-Mayor Hurley and Bob met with FEMA representatives and a representative from NYS Emergency Management Dept. and Bob also reviewed all the projects eligible from hurricane Irene for funding reimbursement. They will be doing site visits in the near future and each area has a cost limit which must be at least \$1,000. The team seemed very knowledgeable and the meeting was very humbling since other communities

were devastated. Mayor Hurley added that assistance down at the Mill Pond to stop the overflow onto the road causing flooding is possibly available. The Mayor and Ken Davdison from Dutchess County 911 are looking for costs from the snow leaf storm as well.

**Dutchess County Updates**-Mike Kelsey DC representative stated the County approved a \$411 million budget signed by the legislature and now it is at the County Executive's desk for his vote. The budget relies heavily on fund balance for a sum of \$25 million of the \$29 million total. It is risky relying so heavily on fund balance. Dutchess County was audited and their bond rating remained the same. The Mental Hygiene Dept. will have 22 layoffs shifting from day clinics to recovery models to teach socialization and work skills. They will slowly begin privatizing in March. Policy changes have been made to create a solid waste department to enforce recycling and licenses haulers. The environmental program at the D.C. Cooperative Extension budget was reduced by \$25,000. The agricultural unit gained another \$16,000 in their budget. \$16,000 was put into soil and water conservation. \$25,000 was added to the budget for a DC Historian position. The criminal justice council had \$25,000 added to their budget. The legislature worked with the current and the elected executive. Mike stated a law was up for vote on limiting in DC parks the use by horses, ATV's and snow mobiles. The County Historian and the annual heritage days in 2013 will celebrate the 300 anniversary of elected positions in DC.

Alec Pandleon asked about the mental health layoffs, union rights and conflicts of opinion. He expressed his concern about the county being a target for litigation. Alec commented on mandate relief issues. Mike stated two committees have been set up to look at the map drawings on redistricting and NYS may have a deadline of April 2012.

**Clerk/Treasurer**-Clerk Linda Wiltse stated all interest has been posted, bank balances and revenue/expense reports have been submitted. The Clerk added that a check was received in the amount of \$8729.23 from Dutchess County for the mortgage taxes covering the period of April 1, 2011 through September 30, 2011.

She requested the Board of Trustees approve the minutes from the November 14, 2011 meeting. Mayor Hurley made a motion to approve the minutes from November 14, 2011 and Trustee Spagnola seconded. All were in favor.

Clerk Linda Wiltse requested permission for the Mayor and her to meet with a potential technical support provider since the previous person providing this service has moved on to another profession. The Board of Trustees approved a meeting.

The Clerk requested three quotes for cleaning the gutters at the Village Hall, the Thorne Building and the Fire House. Two proposals were received, one from Triangle Seamless Gutters for a total of \$750 and one from The Brothers that just do Gutters for a total of \$1,450. The Board awarded Triangle Seamless Gutters the job and authorized the Clerk to make the necessary scheduling.

Clerk Linda Wiltse read the Village Arbor Day Proclamation as attached which the Board authorized the Mayor to sign to complete the Village's Tree City USA application

process. Trustee Morse made a motion to authorize the Mayor to sign the proclamation and Trustee Cox seconded. All were in favor.

**Project Updates-Water Committee-** see attached as submitted by Trustee Morse and by Howard Schuman. Trustee Morse stated the original purpose of the Committee was to investigate the feasibility of establishing a back-up aquifer for the Village if our current water source became unavailable for any reason. A secondary purpose at the start of Committee work was to determine what actions should be taken to preserve and protect the Village's current aquifer source. The protection may be needed from potential catastrophes of drought, weather events such as tornadoes and wind storms, surface water contamination from area farms, a major contaminant spill, and a nuclear event.

Russell Urbin Mead the hydro geologist from Chazen & Company, was contacted and asked to submit a proposal to study a back-up aquifer, a description of which was submitted to the Village Board on May 10, 2011. Three meetings that followed address the 1992 NYS Dept. of Health rules and regulations which are currently in place. They also addressed the town wide aquifer protection ordinance available to protect the water supply for both the Town of Washington and the Village of Millbrook. The last meeting would investigate operational and management measures the Village uses to cope with emergencies or water quality threats.

Trustee Morse stated that annual inspections are required pursuant to the DOH regulations, but they have not been made since 1992. Howard asked if something happens then is the Village responsible when inspections have not been done. Rebecca responded that there is no liability and it is very unlikely for an individual property owner to sue the Village. The Village is trying to protect the Village water source not individual properties.

In order to address the back up aquifer issue Russell recommended installing deep rock water wells near the current water source and this would solve almost all emergency situations. This alternative solution is far more cost effective than any other location. Trustee Morse concluded by stating 7 actions the Village Board must take.

1. Identify inspector to conduct inspection of Mabbetsville water system in accordance with 1992 Village law.
2. Design an educational document for residents and businesses in Zones 2 & 3 protected under the 1992 law.
3. Establish & maintain effective calendar process to address 5 Year inspection requirements established in #1, and periodic mailing required in #2.
4. Charge Water Committee to start work on possible new ordinance for Town's consideration which would expand & protect notations located.
5. Charge Water Committee with investigating & recommending action to preserve & protect Bennett aquifer for possible emergency future use by the Village.
6. Charge Village Clerk Linda Wiltse with task of designing & effecting failsafe system of communicating between & among Village Board and its departments in event of major emergency.
7. Charge Water Committee with recommending action toward establishment of deep rock well at Mabbetsville site as back-up water supply.

Andrew Ciferri asked if the Dept. of Health is the only agency having input on this project and Trustee Morse responded yes. Andy stated there are wetlands where the water works are located so the Village must contact the DEC and any work to be done at the water works should be presented to them. The Mayor informed him that Eric Holt, an engineer, is working on an emergency plan for the water works and he will present his recommendations at the January meeting.

**Local Law to establish Joint Disaster Preparedness Council**-The public hearing for the local law to establish a Joint Disaster Preparedness Council of the Town of Washington and the Village of Millbrook and the Joint Emergency Services Organization of the Town of Washington and the Village of Millbrook was opened with a motion made by Trustee Cox and seconded by Trustee M. All were in favor. See the attached local law proposal.

Rebecca stated this local law sets up two administrative bodies to handle a catastrophic emergency in the Town of Washington and the Village of Millbrook. The second part establishes the emergency preparedness council and the joint emergency services organization in the event an emergency occurs. She added this law provides for a director which is equal to a consultant to keep on top of the latest trends and to advise the emergency committee on the need to amend the local law and or the emergency plan.

Mayor Hurley referred to section 3 where a local resident at the joint meeting asked about Marshall Law being able to be established by the Town of Washington Supervisor. Rebecca stated this was a gross exaggeration of the plan being made and the Town has a contract with local resource holders in the event of an emergency. This does not go to the level of seizing private property.

The Mayor discussed this issue at length. The Mayor asked about section 10. Rebecca stated this section may allow or give the ability for the positions to be created but they do not have to use it. The Mayor also commented that it was considered in prior meetings that it is not a good idea to create reserves. Trustee Cox added that it is not a requirement that this group exist. Rebecca recommended a change may be created instead of the current wording. She added the Board can take care of this wording in the plan or reserve the rules and regulations.

Trustee Morse stated the Emergency Preparedness Plan is an ongoing project. He also stated they have developed a list of 50 local businesses and individuals that have goods and/or services we may need access to in an emergency. Mayor Hurley expressed her concern over the creation of a director of a joint emergency service organization. She asked where does this individual come into annual review of the Village's emergency plan and the Town's as well. Trustee Cox stated the point brought up is in the Village Emergency Plan stated the Village Board is the overseer of the plan but the proposed law says the director would do that job. The Mayor asked if the law has to be exactly the same language as the Town of Washington's. Rebecca responded yes for the joint committee. She added the Town of Washington public hearing remains open.

Alec Pandleon had two comments about the director position possibly being the perfect opportunity to apply for a grant to accomplish that. He added the Fire Dept. may have

fire police available and also have peace officer status training. They may be able to establish a fire police reserve which would eliminate the need for uniforms and pay. Andrew Ciferri added the fire police are active or exempt and they do go to special training and have a badge. They cannot make an arrest but can detain the individual until police can arrive on the scene. Andy stated he would not recommend having a director but recommends having a committee. The Board agreed to keep the public hearing open until the January 10, 2012 meeting.

Andy asked Scott Osborne about the Village water distribution source and if testing had occurred to measure hardness. Scott stated they did a study on the ground water infiltration on the Village water supply. Scott and Trustee Spagnola gave recommendations on Andy's hot water issues in his home.

**Oil Spill**-Trustee Spagnola stated there are still some wells on the Collomelo's property. He added that one was a main obstruction to the garage being rebuilt so it was removed. He ended by stating within the next 6 months the Board is looking for a closure number for the oil spill from the DEC.

#### **Upcoming Dates to Remember**

December 14<sup>th</sup> –Town Comp Plan/Goal 4 see attached

The Board of Trustees annual re-organization meeting for Wednesday, January 4<sup>th</sup> 2012  
Laura reviewed a tentative agenda for this meeting,

Executive session was entered into with a motion made by Trustee Morse and seconded by Trustee Spagnola at 10:03 pm. All were in favor. The Board entered executive session to discuss the security coverage re-levies capabilities at the former Bennett College.

The Board exited out of executive session with a motion made by Trustee Morse and seconded by Trustee Cox at 10:23 pm. All were in favor. The Board voted in favor of paying \$38,000 for the security at Bennett College and to re-levy this expense on the property owner's taxes.

#### **Audit of the Bills**

**Adjourned** at 10:40 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