

**Village of Millbrook  
Board of Trustees  
Minutes January 8, 2013**

**Call to Order** by Mayor Hurley at 7:01 p.m.

**Pledge of Allegiance** led by Mayor Hurley

**In Attendance**-Mayor Hurley, Trustee Herzog, Trustee Spagnola, Trustee Cox, Trustee Whalen, Clerk Linda Wiltse, also in attendance Audrey Scott Attorney.

**Dutchess County**-County Legislator Michael Kelsey was unavailable.

**Fire/Rescue Department**-No officers or members were in attendance.

**Shade Tree Commission**-Shade Tree Commissioner Earl Meyers stated that in mid-December 6 trees were planted on Maple Avenue and 1 Elm tree was planted on Elm Drive. Also on Merritt Avenue 1 Oak tree was planted. Earl added that all of the trees are in good shape. A tree will be planted on Arbor Day which is celebrated on the last Friday in April. The trees in the Village have taken a beating during recent storms. Robert Collocola added that the Village had 3 stumps ground down. There is a very large tree near the Thorne Building and one on Maple Avenue that are in poor shape. In addition, one tree near the Highway garage is not doing well. All pruning on Franklin Avenue is complete.

**Sewer**-Scott Osborne read the attached report. All monthly sampling and maintenance was performed. William Murphy has backfilled around the new tank and graded the worksite. Fred Cooke has at the sewer plant videotaped the filter bed drain pipe and found a collapsed pipe near the rear filter. The NYS DEC inspected the facility and the upgrade work. All work was approved as per the step requirements and a report was submitted in writing. It took three years to complete and the Village is very pleased. The grading and grass planting are still to come.

**Flatline**-Their proposal is being looked as a pilot program for the Village.

**Water**-Scott Osborne read the attached report. All monthly sampling and maintenance has been performed. VRI is continuing to install new water meters with 154 left to date. Water meters have been read. A new exhaust fan was installed in the chlorine room at the water plant. The new water line to the building located at 63 Front Street was inspected. There was a water main break at 34 Old Route 82. The Public Works Dept. dug up the line which was over 6 feet down and VRI repaired a 4 inch main. The pipe was almost completely cracked all the way around it. A water leak was discovered at a valve on Bennett Common and is scheduled for repair on Wednesday, January 9, 2013.



Dutchess County Dept. of Health wants to close the bunker repair project. Back filling and installation of clay, as well as the disinfection of the bunkers will take place next week. Scott stated the sump pit is always wet and repairs are scheduled for May.

**Public Works Department-**Robert Collocola stated some of the brick sidewalks located on Franklin Avenue might have to be taken down. Earl agreed that the tree adjacent to the brick sidewalk does not have a good future. All Christmas trees have been picked up. All of the trees were taken to the Ten Mile River Preserve who uses the trees for animal habitats. They assisted VRI with the water main break on Old Route 82 and with the water valve on Bennett Commons. Pot holes throughout the Village have been filled.

Two snow incidents occurred on December 26<sup>th</sup> & 29<sup>th</sup>. The parking ordinance is in effect and warning notices were given out. Repairs on the leaf vacuum were made. The brush pile on Route 44 near the Millbrook Golf & Tennis Club was burned. They cleaned out a blocked culvert on Church Street. The streets were swept. All holiday decorations have been taken down. Millbrook Electric repaired the flagpole line at the Village Hall. Bob stated he is having trouble replacing the light bulbs in the Village Hall basement but he will try again. Howard Schuman requested the light on NYS Route 343 across from the Bennett Common entrance is out and Central Hudson needs to be notified.

**Clerk/Treasurer-**Interest has been posted and bank balances have been submitted for the Village checking accounts. The expense control report was submitted. The savings account bank statements have not been received to date and therefore the interest could not be posted. The revenue report will be submitted at the January 22, 2013 meeting. The Village is in receipt of the reimbursement funds from the NYS Thruway Authority's CHIPS program for a total of \$33,105.00. The minutes from the meetings held on November 13, 2012 were approved with a motion made by Trustee Cox and seconded by Trustee Herzog. All were in favor.

Clerk Linda Wiltse stated that all department heads are in receipt of the letter requesting their budget for fiscal year 2013-2014. In addition, they were provided with their department expense control reports. The Village received notification from the Dutchess County Community Development Administrator and the County Executive that the handicap access project at the VFW was not chosen for the 2013 Community Development Block Grant (CDBG).

Dutchess County is compiling photographs and documentation commemorating "The 300 Year Democracy Book". Information will be scanned in at the Village Hall on Tuesday, January 15, 2013 from 2 PM through 5 pm. All residents are invited to submit any appropriate data.

**Millertime Storm Water Easement-**Attorney for Millertime LLC, Allen Rappleyea and Village attorney, Audrey Scott both submitted versions of the easement. Audrey suggested #2 on the original easement must stay in place. The old easement refers to a larger parcel which is bigger than the 2 remaining parcels. In addition, it refers to the



land described in the 1981 conveyance which in turn shows larger parcels on the same side of the street. Audrey recommends presenting the Village's draft of the easement back to Mr. Rappleyea. The Village should not extinguish the prior easements. The new easement should be in addition to the original easement.

The distinction between the general and the new easement is the box culvert and granting the Village access to conduct repairs. The Board gave authority to change item #2 with a motion made by Trustee Spagnola and seconded by Trustee Cox. All were in favor.

**Home Show-**Fine Home Source Show has requested the use of the grounds in front of the band shell for Wednesday, September 25, 2013 through Sunday, September 29, 2013 for a cost of \$250. The Board agreed that it was far in advance to approve and the also agreed to review and make a decision in the first quarter of 2013.

**Police Department-**No Officers were able to attend the meeting but incident report logs were submitted. The new report submitted provides the times, location and the responding officer's name. In addition, a DMV report was provided.

**Water Committee-**The draft form of the certified letter intended to be sent to those who have not responded to previous water resources survey mailed was discussed at length. Attorney Audrey Scott will review the 1992 Public Health law. Mayor Hurley requested that in the event a property owner does not respond to the final survey letter, the letter should state that an inspection date will be scheduled. A deadline date is needed. Trustee Spagnola inquired about those violations or concerns for parcels that did submit the survey. Should they receive an inspection notice letter also? Audrey brought up the property owners first amendment rights about search and seizure. Currently, there is no cause or trigger to grant the right to conduct an inspection. To conduct an administrative inspection the parcel owner must be notified in writing before the inspection takes place.

A tentative date for a joint meeting of the Village and Town of Washington Boards was scheduled for the second Tuesday in February.

The rewording for Task 3 for submission to Russell Urbin-Mead as submitted as attached in response to the Board's request for clarification and details. A proposal of \$170 per hour to form the report required by the NYS Dept. of Health was discussed. A motion to approve Task 3 & Task 4 as presented was made by Trustee Herzog and seconded by Trustee Cox. All were in favor. The Board stated the cost for Task 3 is not to exceed \$750. The Mayor will write this stipulation into the agreement and signoff on the matter.

**Code of Ethics-**The existing code was adopted in 1990. Trustee Herzog used a model code from NYCOM to provide the draft code for review. Some information was consolidated and in other sections substantive changes were made. Section 3 was removed. Section 7 was eliminated. Section 5 covered exceptions was redundant and not part of the standard model code. Section 9 covered judges and the performing of marriages which does not apply anymore. In Section 11 Trustee Herzog took out the fees since they are covered in the gift section of the code.



The information covered in Section 15-13 is repeated in the General Municipal Law Section 805. It was recommended that it be added back in to Section 15-13 from the current code. On page 2 Section F, the Village Treasurer should be added. In Section 15-2 covering definitions, the definition of contract should be added back in from the current code. Section 15-10 located on page 4 was also discussed.

In reference to Section 15-11(b) the Board discussed the 2 year time frame being too long before a former municipal officer or employee may represent or render services to a private person or organization in connection with any matter involving the Village. Trustee Whalen stated the legal ethics may give an appearance of impropriety and the two year time frame seems reasonable. Audrey added that she will check opinions and case law. Stanley Morse gave his opinion and referred to U.S. and NYS level of government and how the code applies to our local level of government. Trustee Cox asked why amendments needed to the existing Village Code of Ethics. He was informed that the exceptions section was a major point needing modifications. The Village is looking to simplify the current code.

Section 15-18 defines gifts and the draft code used gifts as defined in the model code from NYCOM. A public hearing must be held before a new Code of Ethics can be adopted. The Village Board will have to establish a Board of Ethics as stated in the Code of Ethics.

**Public Comments-**Hudson River Housing representatives, Mary Lang and Lauren McLaughlin were in attendance. They are looking at the housing needs for the northeast portion of Dutchess County and if they are being met. A study is being paid for with a one year grant from the Dyson Foundation.

**Trustee Comments-**The Village will be working on policies for IT data, password protection and email retention in the coming months. The Planning Board fee schedule revision is in progress to make the process the most cost effective.

A Violence in the Workplace workshop will be scheduled soon for all Village employees.

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

Tuesday, January 22, 2013 Workshop 7 PM

**Executive Session-**A motion was made at 8:53 pm by Trustee Herzog to enter into executive session to discuss personnel, the Thorne Building and the potential reverter clause and the Oil Spill and potential lawsuit. Trustee Spagnola seconded and all were in favor.

A motion was made at 10:30 pm by Trustee Spagnola to exit out of executive session. Trustee Herzog seconded and all were in favor.

Mayor Hurley offered a motion which was seconded by Trustee Spagnola to authorize the law firm of VanDeWater and VanDeWater to commence an Article 15 proceeding



seeking Quiet Title to the Thorne Building property. Furthermore, VanDeWater is authorized to begin research identifying the heirs of Thorne at a cost not to exceed \$2,000.

All ayes were recorded and the motion carried.

Mayor Hurley offered a motion which was seconded by Trustee Herzog to authorize the law firm of Anderson Kill & Olick to file a claim against Selective Insurance Company as previously advised providing there are no additional costs associated with the filing.

All ayes were recorded and the motion carried.

Mayor Hurley offered a motion which was seconded by Trustee Cox authorizing a refund in the amount of \$800.00 be issued to Washington Avenue Development Corp. for a site plan application fee that was erroneously charged.

All ayes were recorded with Trustee Spagnola abstaining and the motion carried.

**Adjourned** at 10:35 p.m. with a motion made by Trustee Spagnola. The motion was seconded by Trustee Whalen. All were in favor.

Respectfully submitted,

Linda T. Wiltse  
Village of Millbrook  
Clerk/Treasurer