

VILLAGE OF MILLBROOK
BOARD OF TRUSTEES
January 28, 2014

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**Village of Millbrook
Board of Trustees
January 28, 2014**

Call to Order by Mayor Hurley at 7:03 p.m.

Pledge of Allegiance led by Mayor Hurley

In Attendance-Mayor Hurley, Deputy Mayor Spagnola, Trustee Herzog, Trustee Cox, Clerk Linda Wiltse, also in attendance Jeffrey Battistoni Attorney

Mayor Hurley welcomed attorney Jeffrey Battistoni from VanDeWater & VanDeWater law firm as the Village Attorney.

Introduction Local Law Planning Board Alternates

A resolution was distributed in draft form for the Board of Trustees review and consideration to establish two alternate Planning Board member positions and two alternate Zoning Board of Appeals member positions. Each Board currently has five members. Deputy Mayor Spagnola stated currently the Village Code has no provisions for who would consider serving and do not have any experience. He added that he would like to fashion the local law to fit the Village's needs. The Mayor stated this proposal eliminates the need for a seven person board.

Jeff Battistoni stated NYS passed a law a few years ago which was limited and specific to allow alternates to the Planning and Zoning Board of Appeals. This law was helpful but did not go far enough so some municipalities looked to the home rule law. The Board could appoint 2 alternate members to each Board with each alternate having a term of one year. The alternates would substitute for a member in the event such member is absent or unable to participate because of a conflict of interest or are unable to attend a meeting. An alternate could attend every meeting. All provisions relating to members of each Board, including training, continuing education, attendance and compensation apply to each alternate member.

The chairperson of each Board will determine when an alternate member will substitute for a member on any particular application or matter before the Board. Once designated, the alternate will possess all the powers and responsibilities of the member being substituted for to make determinations. The minutes for each Board will reflect such substitutions as made. Under NYS law an alternate serves a one year term. Board members discussed the concept and the Village's need for this law.

The Board will need to make clear in the instance of an absence that the alternate may or may not sit for the entire application or just during the members absence. Trustee Herzog stated he liked the concept of the local law for both reasons, in the event of an absence due to illness or other reason and the gives some flexibility to the process if someone resigns this is a way to incorporate a person's interest. Trustee Spagnola asked to make clear that when the Board member returns they will take their seat back to review the application before them. Mayor

Hurley recommended the Board review the document and they will officially present the law in two weeks.

SPEDES Permit Requirements

Bill Bright a consultant with Delaware Engineering, the Mayor, Dave Oman, Dan and Scott Osborne of VRI met with the NYS DEC after receiving a letter suggesting the Village was in violation of not providing a feasibility study to minimize the discharges from the ORF (Overflow Retention Facility). Delaware has submitted a feasibility report before the Board tonight. The NYS DEC has not informed the Village as projects were going along and in fact informed the Village of just the opposite.

Bill Bright stated the Village has an ORF facility and in the mid 1980's it was converted into an I&I tank since they had no way to fix the I&I issues. The peak day flow is designed for 500,000 gallons per day and the plant is designed for 250,000 gallons per day. All of the water quality analysis were fine including water quality standards, coliform, BOD's lower than the stream, DO's higher than the stream, PH's were where they should be and temperatures were where they should be. I&I were the only problem during heavy rain events. The ORF is not a bypass of the system. The plant is designed for peak day flows of 500,000 gallons per day. The ORF send waste at 250,000 gallons per day through the plant. In 2007 the Village Board of Trustees petitioned the NYS DEC to change the SPEDES permit from a daily flow to an annual rolling average. The change to the SPEDES permit took place in 2009 and the permit was renewed in 2012. This meant the average was taken every 30 days and the average flow had to be less than 250,000 gallons. The NYS DEC would require the Village to provide a feasibility study showing the potential things the Village could do to reduce the discharges from the ORF. The Village should not have had to do the study since we were actually doing the work itself and reducing the I&I. The NYS DEC had a different interpretation. There was a disconnect between the New Paltz and the White Plains NYS DEC offices.

The EPA wanted the Village to limit the discharges from the ORF. Since 2007 there has been a steady downward trend. A compliance schedule could have been requested by the NYS DEC at this time. There were issues in item 5 of the SPEDES permit which should have been delivered in November 30, 2012 when the Village was in major renovations with new blowers and the de-chlorination project. A report exhibiting this information as well as the inflow and infiltration issues that were addressed were being completed in 2013. The Mayor asked for the opportunity to submit a response. The Village has put a substantial amount of funds into their infrastructure.

The following documents related to the discussions and to enable the Board to respond to the NYS DEC letter were provided to the Board of Trustees:

Letter from NYS DEC to the Village dated 3/26/09 – acceptance I&I study report
Correspondence from Bill Bright to NYS DEC dated 7/11/12 – De-chlorination Project
Correspondence from Bill Bright to NYS DEC dated 11/28/12 – De-chlorination Project/SPEDES Permit
Correspondence from Bill Bright to NYS DEC dated 2/12/13 – ORF analysis WWTP
Water and Sewer budget data for fiscal years 2011 through 2016

Response

The current and future capital projects were discussed and will be included in the response to the NYS DEC. Deputy Mayor Spagnola asked about the glitch in the DEC requesting the study that was due in November 2012 when the actual work was being performed. Bill stated the DEC has quarterly meetings with the EPA. The EPA is looking for the mathematical calculations. The camera grant information will be included in the response to the NYS DEC.

ORF Emergency Repair

The WWTP has a valve that plugs up all of the time and needs replacing. A 4 inch valve needs to be replaced with a 6 inch valve which may alleviate the flow coming from the ORF. A potential upgrade at the plant was presented for the Board's consideration. Changes to this plan will be ongoing. Capital budget information was also provided. The Village wants to present a plan for future upgrades and have the NYS DEC approve it rather than have the DEC dictate to the Village what course of action we should take. The current and future capital project budgets were discussed and reviewed. One of the stickler points was that the Village could have spent a lot of money to analyze the I&I and measured the pipe and the percentage of reduction achieved. The NYS DEC was looking for the mathematical calculations. The Village looked at their 60 year old system and rehabilitated the obvious I&I areas without quantifying it. The results were quantified at the plant when a rain gauge is compared to the I&I and the average daily flow at the plant.

In relining the pipes we will get another 40 years out of the piping system. The GIS system is up and running as a functional tool and a mapping system. The Village would like to include in their response the working capital plan plus the plan from the grant as well as the storm water schematic from Elm Drive.

Waste Water Plant Upgrade

Valves-All flow enters the plant into a wet well and then into a station with a three pumps system. All flow is pumped to the ORF. Two discharge pipes out of the ORF take the flow and send it through a modulating valves that handles the amount of flow allowed to enter the treatment plant. The pipe line is a 6 inch return line with ten bends in it and reduces to a 4 inch line. One pump is working, one pump is borrowed and the third pump is down. The cost to replace the pump is approximately \$15,000. A 6 inch return line without turns will be installed and then the line will reduced to a 4 inch line which will flow through a butterfly valve. The inside of the valve is equal to 3 inches. The maximum flow through a 3 inch line is 200,000 gallons per day. The valve plugs easily and cannot send the flow through as it should. They intend to replace the butterfly valve with a 6 inch plug valve costing \$2,000. All of the 4 inch line going up to the valve will be removed. This replacement needs to take place as soon as possible. \$20,000 should cover the cost of all necessary repairs. Excess capital funds are available. A motion was made by Trustee Herzog to authorize the purchase and installation of the necessary pump, proposed valves and piping repairs. Trustee Cox seconded. All were in favor. These repairs and purchases were deemed an emergency.

Bill stated the Village should be looking to rehabilitate the sand beds. An artificial wetland may be a solution. They would like to maintain the ability to have discharge using the newest technology with the least amount of land and buildings in the proposed plans. Wet haul and dry hauling of sludge is very expensive. Each component of the plant will be analyzed to see how to utilize each with the least expense.

Water Infiltration Plan

A draft of the professional services agreement in relation to the Preliminary Engineering Design Report for the Water Treatment Plant signed September 10, 2013 was submitted for clarification. This is a precursor to an adequate filtration system. Based on the GWIDI study we did not have any failures in our system nor any direct influence however the protozoa could be precursors. The Village originally had 18 months to install an adequate filtration system. Plans must be submitted for approvals prior to any installations. The options will be provided in the study provided by Delaware, as well as the cost, the types of treatment and the onsite work needed. A new generator will be included in the data. Some of the system may have to be raised due to the flood plain elevation. Providing greater than a four log removal type of treatment may not be necessary. Ultraviolet lights, enhances chlorination and cartridge filters are log examples. Contact time is important. The goal would be to replace the cartridge filters annually.

The current holding tank is an engineering marvel and may just need to be relined on the inside and painted on the outside. This cost may be rolled into the filtration system installation. There are a few small leaks but nothing significant. A 100,000 to 150,000 gallon ground storage tank may be required at the water infiltration gallery and become part of the process. A booster system will be installed to maintain pressure in the system. As part of the cost will be the annual upkeep in the plan. As part of the plan an extension will be requested from the Board of Health. A water design will be available within six weeks. There are not a lot of grant funds available to the Village for this project.

Duathlon Permit – Pulse Fitness

A permit for public assembly was submitted by Pulse Fitness for their spring duathlon and the kids one mile run. Two issues that came up their last event were the ambulance/Rescue Squad notification in a timely manner and the D. C. Sherriff's Dept. was to be involved and this was not the case. Everything else in the permit conforms to the Village's requirements. The Mayor will meet with the applicant to discuss the issues from the previous event before signing the permit.

Museum in the Streets-MITS-The Mayor shared the language for the Village Hall and stated the tentative launch date is October 4, 2014.

The Mayor informed the Board she has accepted an appointment by D. C. Executive Molinaro to the Community Development Advisory Committee. The Committee will review applications put through to the County. Trustee Herzog has accepted the position of interim chairperson of the Wappingers Inter-municipal Council.

The codification process is currently with General Code and does not have new local laws codified. The Mayor suggested having the Deputy Clerk research publishing software to bring

the code back in house and have the Village attorney weigh in on this idea. General Codes estimate to complete this task was in excess of \$10,000. We would like to have an up to date product on line.

Public Participation

Joan Trombini asked what exactly does the NYS DEC want. She was informed the DEC wants to put the Village on an Order to Consent and then they have the right to fine the Village, dictate what the Village must do and a timeframe for completion.

Dutchess County Home Energy Assistance (HEAP) information is posted in the Village Hall and will be posted on the Village website Senior and Notices page.

Upcoming Meetings

February 11th-Regular Board of Trustees Meeting
February 18th- Planning Board Meeting
February 25th-Second Regular Board of Trustee Meeting

Executive Session

Executive session was entered into to hold a legal conference on an active motion in court and a personnel matter with a motion made by Trustee Cox and was seconded by Deputy Mayor Spagnola at 8:25 pm. All were in favor.

Executive session was exited from with a motion made by Deputy Mayor Spagnola and seconded by Trustee Herzog at 10:30 pm. All were in favor.

Audit of the Bills

Adjourn

The meeting was adjourned with a motion made by Deputy Mayor Spagnola and seconded by Trustee Herzog at 10:31 pm. All were in favor.

Respectfully submitted,

Linda T. Wiltse

Clerk/Treasurer