

**VILLAGE OF MILLBROOK**

**BOARD OF TRUSTEES**

**March 11, 2014**

1. Call to Order/Pledge of Allegiance
2. County Legislator Michael Kelsey-State of County Address, DCSMA
3. Department Reports
  - a. Fire/Rescue-Matt Rochfort/Ted Bownas/Laurie Olson
    - i. Water/Sewer-Scott Osborne-Water Permit, DEC Response Waste Water Treatment
  - b. Highway-Bob Collocola
  - c. Building/Zoning-Ken McLaughlin
  - d. Police-Justin Scribner
  - e. Clerk-Linda Wiltse
4. Authorize payoff of Highway equipment BAN
5. Project Updates/Trustee Comments
  - a. Water Committee/WIC
  - b. Buildings/Grounds
  - c. Storm Water
6. Public Participation
7. General Correspondence
8. Upcoming Dates to Remember
  - a. March 24, 2014-Budget Meeting
  - b. March 25, 2014-Regular Meeting
  - c. March 31, 2014-Budget Meeting
  - d. April 7, 2014-Budget Meeting
  - e. April 8, 2014-Regular Meeting
9. Audit of the Bills
10. Adjourn

**Village of Millbrook**

**Board of Trustees**

**Minutes March 11, 2014**

**Call to Order** by Mayor Hurley at 7:02 p.m.

**Pledge of Allegiance** led by Mayor Hurley

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

**Dutchess County**-Mayor Hurley summarized the State of the County address that she and Trustee Herzog attended the previous week. The general spirit of the address was a call for the county to reconnect and to have a general political and economic cooperation. An agreement and development especially on the Poughkeepsie waterfront was one example given as being beneficial to the entire county. The Mayor added that the temporary pods will soon be delivered to the Dutchess County Jail site. This had been delayed since the county was waiting for NYS to sign the agreement. The county has purchased the property next to the jail so we will see where this leads. The Energy Tax is very controversial and started March 1<sup>st</sup>. It may be repealed if the county received mandate relief from Albany. The County fund balance was expended in previous years so they are not particularly strong in reserves. The county is attempting to reduce expenses by decreasing the workforce and combining departments.

The Supervisors and Mayors meeting were slightly more contentious since they are still concerned about unfunded mandates and the water system permit fee. The tax cap is of great concern with capital projects and maintenance being deferred and putting municipalities behind. Many of our neighboring towns such as Clinton, Pleasant Valley and Stanford are fighting the installation of overhead power lines within their municipalities.

Trustee Herzog added that credit is due to both Terry Gipson and Kieran Michael Lalor of the NYS Legislature who introduced a mandate relief bill. Governor Andrew Cuomo introduced a universal pre-K and if they include the special education program costs that the county picks up this would be almost equal to the energy tax so the county could repeal it. The County Executive was trying to be bipartisan by giving credit to members of both parties.

County Legislator Michael Kelsey stated more information will be forthcoming this Friday about the privatization of the County Airport. The merger of Mental Health and Hygiene and the Health Dept. will take place this year. Local government offices and the county legislators are receiving several telephone calls about the energy tax. Legislator Kelsey stated he can guarantee the tax will be repealed this year. They say the tax will be repealed by the fall but he hopes it will be repealed much sooner. The rate is 3.75% which is the highest rate that it could be and Michael suggested the county revisit the rate. The repeal when passed will take 90 days to implement. The energy tax is very unpopular. He added that 2 years from now voters will have to decide how they feel about this tax.

The legislature's agenda currently has bonds up for consideration. In December the county passed a \$1.48 million bond for the purchase of the land next to the jail. In January, the county

had a small bond of \$145,000 for the Dept. of Computer Services to conduct aerial photography. This month there were two bond request and one passed and the other is still up for consideration which is for electrical upgrades at D.C.C. (Dutchess Community College) This was a 3 year process, last year the bond passed but this year there does not seem to be any support. The third bond passed last evening was for \$1.8 million to take care of the records room at 170 Washington which needs a new roof. The bulk of this bond is for the auto service center located on Salt Point Tpk. There have been labor complaints about the water not being potable. The bond is adding security cameras on the impound yard. Multiple bonds are coming up to update cars in the county fleet, roads and bridges. The Village did receive the signed contract for the Shared Services Grant for the purchase of the camera.

**Fire/Rescue Department**-Representatives were unable to attend due to training conflicts. The Mayor attended the Rescue Squad appreciation dinner last Saturday night where they celebrated the year with 316 safe calls. Several members were recognized for having outstanding contributions. Rose Galente won the Bud Marona award and the Village Board offered their appreciation to the volunteers. They are diligently working on each of their budgets. The door repair has been submitted to the insurance company. The bill estimates have been received and passed on to the insurance company.

Volunteers are always welcome. The Mayor expressed her concern over keeping the volunteer crew running in the future and it is such an important service. During budget time the Board will discuss keeping things at the current level or anticipating changes to more paid professional hours for ambulance services.

**Building/Zoning**-The Building Inspector/Code Enforcement Officer, Kenneth McLaughlin collected a total of \$590 while issuing 4 Building Permits and conducting 2 Municipal Searches.

**Sewer**-Scott Osborne read the attached report. All monthly sampling and maintenance were performed. The total effluent flow was 4,266,000 gallons, the average daily flow was 137,613 gallons and the precipitation was 3.70 inches. The new 10 Hp pump in the influent pump chamber and new wiring were installed. Kingsely Power serviced the generator.

**Water**-Scott Osborne read the attached report. All monthly sampling and maintenance has been performed. The total water produced was 5,230,000 gallons, the average daily flow was 186,800 gallons and the peak day flow was 345,000 gallons. New meters are continuing to be installed (100 left). Snow was cleared from the fire hydrants. Water was discovered leaking inside the Thorne Building. The shut off was located outside the building and the water was shut down. The remotes were fixed for the water meters that were not reading. VRI is continuing the installation of the 100 new meters left. The water was turned off and on several times at 8 Dineen Road. The valve was shut off to the leaking fire hydrant at 44 Maple Avenue and the Fire Dept. has been notified.

The Board will discuss the water and sewer department's budget on March 24<sup>th</sup> to cover capital projects. Delaware Engineering will attend the next workshop meeting to discuss the infiltration gallery. A post GUIDI study correspondence was received stating the sampling schedule and the requirements from the Board of Health. The turbidity sample is the only change from previous sampling requirements.

**Public Works Department**-Bob Collocola stated that pot holes have been filled and trees have been trimmed. The street intersections seem to be the hardest hit with the most numerous pot holes. Fourteen snow events have occurred since January 1<sup>st</sup> with a total accumulation of 56 inches. The gates located at the Church Street lot have been replaced. Two catch basins were repaired. There is one catch basin at the triangle that N.Y.S. and the Village have each repaired. All call has been made to the state but if they do not respond the Village will conduct a temporary repair. Bob has acquired bids from N.Y.S. on the dump body, sander and plow for the truck that needs replacing. He is working on the specifications for the cab and chassis.

Trustee Herzog asked for a price for the diesel fuel box that would be assigned to the Fire Dept. The Board requested the mileage on the vehicles. Bob stated that the fire extinguishers were inspected recently and the inspector informed him the Thorne Building had an excessive amount on hand. Bob was also informed by the CryoWeld employee that the extinguishers only have to be 120 feet apart. The Mayor recommended the Code Enforcement Officer and Deputy should conduct a fire inspection for the Village on the premises.

**Clerk/Treasurer**-Mayor Hurley and the Clerk attended a morning seminar on the D.C. Workers' Compensation Plan and how to report incidents as well as prevention. Bob Collocola attended an afternoon session. Clerk Linda Wiltse stated that all interest has been posted and bank balances have been submitted for the all Village accounts for the month of February 2014. The expense and revenue control reports were submitted. The Village is in receipt of CSC Holdings' franchise fees for the second half of 2013 in the amount of \$17,607.

Next month the Village is expected to receive a check from the county for unpaid Village taxes in the amount of \$61,000. The Village will also be in receipt of the Fire contract check in the amount of \$406,000 next week. From those funds \$60,000 will be put into Reserves for fire equipment. Central Hudson's gross receipts tax check for approximately \$15,000 is expected next month as well.

The Village had taken out a bond anticipation note for the Kubota sidewalk tractor purchase. There is currently a balance of \$13,000 principal and the Village is due to make a \$6,500 payment on the BAN. The BAN would then be renewed for another year which seems impractical. The Mayor recommended that since the Highway Dept. contractual expense line has sufficient funds to pay off the loan is to pay the loan in full. Mayor Hurley requested the Board to authorize the additional full payment of \$7,500 to retire the debt on the Highway equipment at this time. Trustee Herzog made the motion to retire the debt for the Kubota sidewalk tractor and Trustee Cox seconded. All were in favor. The bank and the Village attorney will be informed. This leaves a slot for future equipment purchases.

**Planning Board**-The following information was presented by Stan C. Morse, Chair Village of Millbrook Planning Board to the Village of Millbrook Board of Trustees on the subject of a single alternate for the Planning Board previously discussed by the Board of Trustees.

### **Background**

In January 2014, the Village of Millbrook Board of Trustees (VB) thoughtfully suggested the concept of a Single Alternate for the Village Planning Board (VPB) in an attempt to assist the VPB with potential quorum issues. The matter was discussed at the regular meeting of the VB in

February, and the draft of a possible new Village law was presented for consideration. As a new VPB Chair in January of 2014, I expressed initial support for the concept, but requested the VB allow a one month period for me to research the topic to ensure all bases were covered. The VB granted this request.

### **Findings and Recommendations**

After researching the concept from several perspectives, and examining the data, my conclusion is that the concept is not right for Millbrook at this time, and should be tabled and filed for further VB consideration if quorum issues arise in the future.

### **The Research**

During February and early March 2014 several aspects of the single alternate concept were researched, including (1) proposed requirements to be imposed on a single alternate member, (2) attendance records of the VPB, (3) the opinion of the VPB who would live with the concept, (4) input from the VPB Secretary, (5) comments from 6 neighboring municipalities on the topic, and (6) lead counsel opinion for the New York Conference of Mayors. The findings follow.

#### **1. Requirements of a Single Alternate Member of the VPB**

Information from several sources form a consensus of what requirements should be expected from a Single Alternate Member of the Millbrook VPB:

1. To attend all scheduled VPB Meetings.
2. To sit at the table alongside regular VPB members.
3. To meet all training requirements for a regular member.
4. Be a non-voting member of the VPB, except when there is an excusal, recusal or absence of a regular member.
5. Not be permitted to vote unless they have attended all prior sessions regarding an individual applicant.

#### **2. Attendance/Quorum Record of the Millbrook VPB**

An examination of Millbrook VPB Minutes dating to 2009 indicate there are no known meetings of the VPB cancelled based on lack of a quorum. This, despite 25% of 48 PB meetings held since 2009 having only 3 voting members present. A perfect record is a perfect record.

#### **3. Input from Millbrook VPB Members**

Millbrook VPB members are not in favor of the single alternative system, based on the issues of continuity and consistency involving a continuing applicant.

#### **4. Input from the VPB Secretary**

The current Secretary of the VPB would accept and follow all new requirements for full and single alternate members, noting two issues. First would be an increased cost and time for

secretarial labor, if only incremental. Second, the tracking of member and single alternate attendance according to applicant appearance would be required in addition to regular duties.

## 5. Opinions from Other Municipality PB Chairs

Amenia (Norm Fontaine): “No need for an alternate system at this time.”

Milan (Joan Wyant): “We don’t need it now.”

UnionVale (Paul Heslin): “Has 2 alternates now. No problem getting good people.”

Millerton (Lance Middlebrook): “I would do it again if assured alternate attends all meetings. Current alternate position is vacant.”

Pleasant Valley (Rebecca Seaman): “A one year experiment-disastrous.”

Dover Plains (David Wylock): “Not in favor of the alternate system.”

## 6. NYCOM

Wade Beltramo, current senior counsel for NYCOM, “does not recommend” the single alternate system. Wade cites NYS Village Law, Section 7, “Village Boards of Trustees may, by local law, or as part of the local law creating the planning board, establish alternate planning board positions for the purpose of substituting for a member **in the event such member is unable to participate because of a conflict of interest.**” Wade says Home Rule allows our VB to overrule NYS Law if they choose. Two major problems arise, however, in implementing the single alternate, including (1) the challenge of “switching in and out” of a single alternate in the case of continuing applicants, and (2) the potential for an Article 78 from an applicant based on inconsistent VPB procedures.

In closing, may I also not that David Clouser, Engineer Advisor to the Millbrook VPB, and I, both do not favor the “single alternate” for Millbrook at this time. Mayor Hurley asked the Board to take this information with them and as a course of action the discussion will continue in two weeks.

**Police Department**-The report for the month of February 2014 was prepared by Officer Scribner and read by Trustee Cox. The department issued a total of 16 tickets which included UTT of 14 and 2 parking tickets. One misdemeanor arrest was made. There were 28 incidents of which 10 were assists to other agencies. Officer Naughton and Officer Witt were both honored at the Rescue Squad dinner last Saturday evening for responding to a call where CPR was administered. The patient was saved due to CPR being given the entire trip to the hospital. They were awarded pins for CPR save. The Mayor has recently received telephone calls about youths that are unruly and creating chaos. Her response is to call the police immediately if they are noisy.

**Public Comments**-Public comments were made throughout the meeting.

**Trustee Comments**-Trustee Herzog commented on the WIC committee agenda. Mayor Hurley stated the Clerk Linda Wiltse was very accommodating to the Village of Wappingers Falls in

their efforts to apply for flood mitigation grant funds. A report was provided showing expenses for the Village on flood mitigation. The figures were startling.

**Upcoming Dates to Remember-** March 24, 2014-Budget Meeting

March 25, 2014-Regular Meeting

March 31, 2014-Budget Meeting

April 7, 2014-Budget Meeting

April 8, 2014-Regular Meeting

**Executive Session-**A motion was made at 8:25 pm by Trustee Herzog to enter into executive session to review existing and ongoing litigation with the Village attorney. Trustee Cox seconded and all were in favor.

A motion was made at 9:24 pm by Trustee Herzog to exit out of executive session. Trustee Cox seconded and all were in favor.

**Audit of the Bills**

**Adjourned** at 9:25 p.m. with a motion made by Trustee Herzog. The motion was seconded by Trustee Cox. All were in favor.

**Respectfully submitted,**

**Linda T. Wiltse**

**Village of Millbrook**

**Clerk/Treasurer**

**Village of Millbrook**  
**Monthly Water System Report**  
**March 2014**

	<b>February</b>	<b>January</b>	<b>December</b>
Total Water Produced	5,230,000	6,470,000	6,330,000
Average Daily Flow	186,800	208,700	204,200
Peak Day Flow	345,000	375,000	320,000
<b>Sampling Results:</b>			
Total Coliform	Absent	Absent	Absent

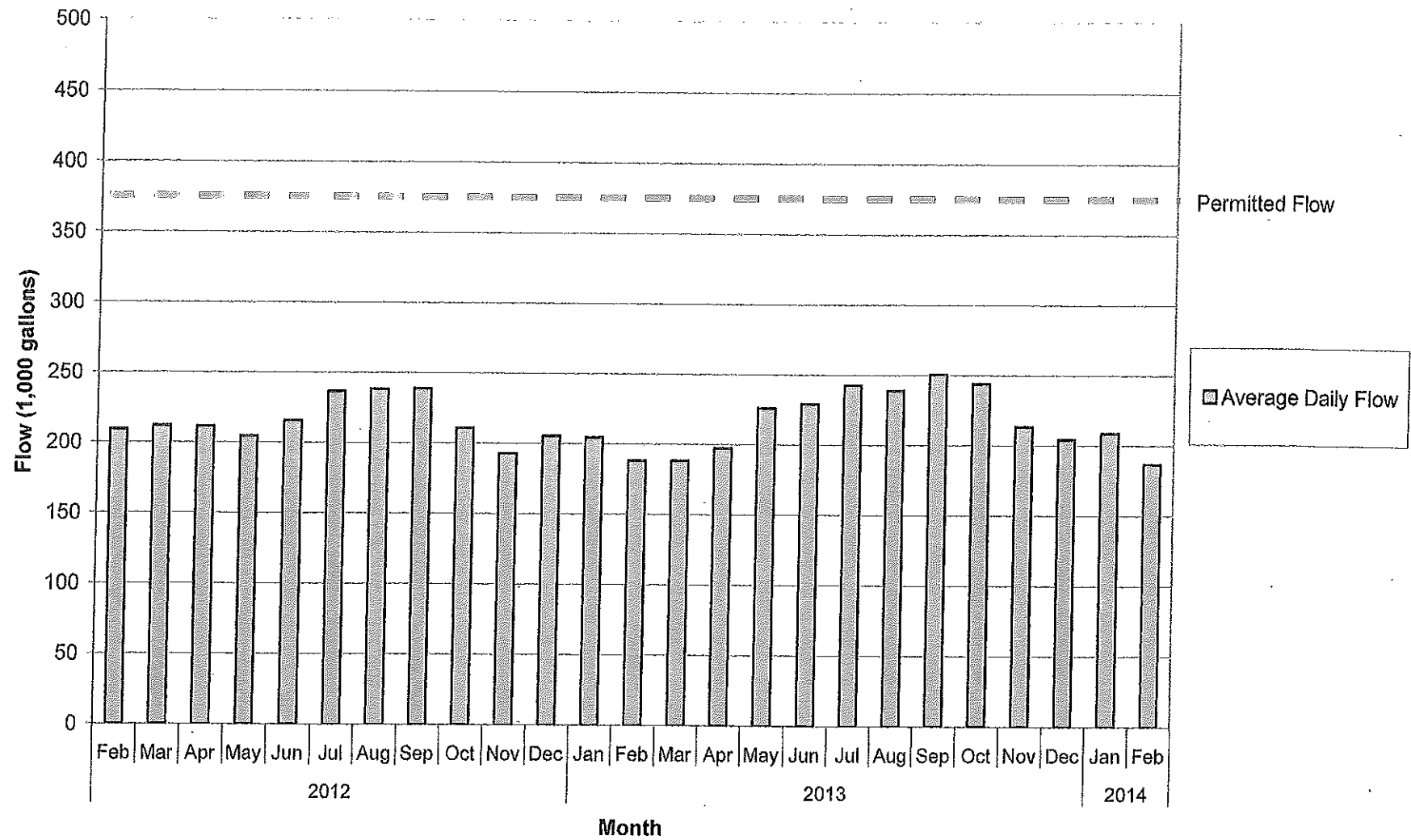
\* Results not in compliance

**Comments:**

- 1) Monthly sampling and maintenance
- 2) Cleared snow from fire hydrants
- 3) Water leaking inside of Thorne Building. Located shut off outside and shut down water.
- 4) Fixed remotes for water meters that were not reading
- 5) Continuing the installation of new water meters (100 left )
- 6) Turned water on and off at 8 Dineen Road several times
- 7) Leaking fire hydrant at 44 Maple. Shut off hydrant at valve.



## Millbrook Water



**Village of Millbrook**  
Wastewater Treatment Plant Operations Report  
**March 2014**

	February	January	December	Permit Limit
Total Effluent Flow	4,266,000	7,294,500	5,130,900	N/A
Average Daily Flow	137,613	235,306	165,513	N/A
12-Month Rolling AVG	164,000	168,000	161,000	250,000
Peak Daily Flow	357,000	369,100	266,600	N/A
Precipitation (inches as liquid)	3.70	3.7	4.2	N/A
<b>SPDES Permit Samples: (mg/l)</b>				
BOD	4 mg/l	4 mg/l	4 mg/l	15 mg/l
Percent Removal	99.0 %	97 %	98 %	85 %
Total Suspended Solids	1 mg/l	2 mg/l	1 mg/l	15 mg/l
Percent Removal	99.0 %	98 %	99 %	85 %
TKN as N	1.9 mg/l	2.1 mg/l	1 mg/l	8 mg/l
Fecal Coliform	N/A	N/A	N/A	200 /100ml

\* Exceeds permit limit

**Comments:**

- 1) Performed all monthly sampling and maintenance
- 2) Installed new 10 Hp pump in influent pump chamber and installed new wiring
- 3) Kinsely Power serviced generator

# Millbrook WWTP

