

VILLAGE OF MILLBROOK
BOARD OF TRUSTEES
February 10, 2015

1. Call to Order/Pledge of Allegiance
2. County Legislator Michael Kelsey
3. Department Reports

Fire/Rescue- Matt Rochfort/Ted Bownas/Laurie Olson

Water/Sewer- Scott Osborne Annual Report
Generator Lease

Highway-Bob Collocola

Building/Zoning-Kenneth McLaughlin
Appoint Jared Witt Deputy Zoning Enforcement Officer

Police- Tim Collopy- Contract DC Sherriff Dept.

Planning Board - Stan Morse- Appoint Planning Board members: Joe Still
Joe Forte

Clerk- Linda Wiltse - Annual Report

4. Public Participation
5. Water Plant Upgrade – William Bright
6. SEQRA BAN-Water/Sewer upgrades/improvements \$350,000
7. Dutchess County All Hazards Mitigation Plan
8. Cablevision Franchise Agreement Renewal
9. Project Updates/Trustee Comments
 - a. Bennett
 - b. Thorne Building
10. General Correspondence
11. Upcoming Dates to Remember
February 24, 2015 Regular Meeting
12. Audit of the Bills
13. Executive Session
Consent Order DEC
Potential Litigation Redl
14. Adjourn

**Village of Millbrook
Board of Trustees
Minutes February 10, 2015**

Call to Order by Mayor Hurley at 7:00 p.m.

Pledge of Allegiance led by Mayor Hurley

In Attendance-Mayor Laura Hurley, Deputy Mayor Spagnola, Trustee Herzog, Trustee Collopy, Trustee Brown, Attorney Jeffrey Battistoni and Clerk Linda Wiltse.

Dutchess County-Legislator Michael Kelsey was unable to attend. Legislator Kelsey is facing serious criminal charges. He has not attempted to contact the Village and the Village has not attempted to contact him. Mayor Hurley stated that if Legislator Kelsey were to resign or be removed from his position with the County, the Village does not have a vote on appointing a replacement. Only the Towns in his jurisdiction have a vote on the matter.

Fire Dept.-Chief Ted Bownas and President Matthew Rochfort were unable to attend due to training conflicts.

Water-Scott Osborne read the attached report. All monthly sampling and maintenance has been performed. The total water produced was 8,500,000 gallons, the average daily flow was 274,000 gallons and the peak flow was 385,000 gallons. Water leaking inside the home at 8 Dineen was shut off with the curb valve and the homeowner was notified.

A generator was rented and all connections were set up to operate the water plant if needed. Kingsley Power has submitted an annual lease proposal for a generator. Scott was asked to acquire a proposal from Durants Rentals in Poughkeepsie where we are currently renting a generator from for an additional annual lease proposal for a generator. A generator may cost \$60,000 to \$65,000 to own. The lease proposal submitted exhibited \$12,000 annually as the cost. A lease with the option to purchase will also be looked in to. The water infiltration gallery upgrade proposal has an estimated new generator cost of \$100,000. A meeting was held to review the plans for the water plant upgrades and improvements. The Board requested a visit to the water infiltration gallery in the spring.

A report due to the Dutchess County Board of Health was not on time and therefore the Village is in violation. A Water Advisory notification must be mailed to each Village water customer quarterly until the project is complete. The notification informs the public that the Village water supply is under the influence of ground water as provided in the GWUDI study. The notification also states that the water supply has passed all testing and is safe to drink.

Specifications were received from Delaware Engineering for the generator at the water infiltration gallery and a solicitation from the state bid was requested. The Board wants to have the generator available and up and running in the near future.

Preliminary Engineering Report-Issued by Delaware Engineering-an estimated cost of \$1.9 million. This plan is designed to treat the water under the influence of ground water as per the Dutchess County Board of Health requirements. The Village must lengthen the chlorine contact time as water moves through the system. A SEQRA review is required for this project as well as a great deal of site work. The bunkers still needing repairs may be taken off line at this point. The plan will be review by the Board. Currently, the tank is open and does not contain any baffles. Chemicals added to clear the water can enter the pumps with little or no contact time.

Baffling enhances the contact time to get 99.99% contaminant removal. A new building must be constructed to house the bag and cartridge filters. The filters are longer lasting which will reduce costs. The system is all based on pressure so if the filters are dirty then the system pressure will increase. The Village is hoping for the filters to require exchanging or replacing annually. The new system will be more automated and flow paced allowing the Village to control chemicals and usage better. The new building will allow the chemicals to be stored at the water infiltration gallery where currently they are stored at the waste water treatment plant which requires them to be trucked in.

It has been determined that the paint on the exterior of the water tower contains lead. Rate updates are being looked at in addition to the consumption rates, billable amounts and hook-up fees to pay for the cost of this project.

Sewer-The sewer annual report was submitted to the Village Board in draft form. Scott Osborne read the report as follows. All monthly sampling and maintenance has been performed. The total effluent flow was 4,938,800 gallons. The average daily flow was 159,000 gallons and the peak daily flow was 278,900 gallons. The Village recorded 3.90 inches of precipitation. Earthcare hauled away 24,000 gallons of sludge. Clarifier #1 was pumped out and cleaned. The home at 5 Bennett Commons had a sewer backup incident occur. Manholes in the field at Bennett were searched, with two manholes located and checked. No issues were found in the Village lines. VRI was also called out to check on a possible leak near Cardinal Hayes located on the corner of Bennett Common and NYS Route 343. No leak was located within the Village lines. The fuel pump for the generator was replaced and is operating fine now. The Annual Inflow and Infiltration report was submitted. This report must be reviewed by the engineer from Delaware Engineering with a billable limit of 2 hours. Trustee Herzog made a motion to authorize Delaware Engineering to review the I&I Annual report. Trustee Collopy seconded and all were in favor. The Board would like to re-evaluate the work required by the NYS DEC.

Scott met with Steve Alex, a surveyor from Chazen and Company, to review the sewer easements located at the former Bennett College property. The plant does not fall within the easement according to the map. Scott added that every bend in the sewer lines should have a manhole and no manholes exist at Bennett. Village Attorney, Jeffrey Battistoni was asked to look into the regulations regarding bends in sewer lines and the manhole requirements. Maple Hill may have similar issues.

Public Works Department-Robert Collocola read the report as follows. Last year the Village has 12 storms in total for 2014 and in 2015 the Village has had 16 to date with 61 inches of snow. The ice on the sidewalks is treacherous. Snow removal has taken place on Franklin Avenue, Alden Place, Washington Avenue and Church Street with the assistance of the Town of Washington Highway Department. The snow was transported to the Town Transfer Station. Bob has made himself available to answer any questions in reference to Central Hudson's Electric upgrade project. Carola Lott from The Millbrook Independent inquired about any new information in regard to stringing of the wires and poles. Discussion continued about the Central Hudson project. Two poles behind the Village tennis courts will be removed. The push brace located on Merritt Avenue was discussed. Bonnie Hill who was present met with Central Hudson's representative, Mark Mulpeter and member of the Lyall Memorial Federated Church Board of Trustees to talk about the possibility of placing the brace pole on church property. The church Board members will not recommend to have the pole placed on church property since the pole and 3 guide wires would be very close to the church building. The current brace pole is on the Village right of way for Merritt Avenue and does not require an easement which would be needed to place the pole on the church parcel. Central Hudson is open to making changes but the cost will be a consideration.

Verizon was contacted by the Clerk Linda Wiltse who submitted a list of pole numbers gathered by Bob Collocola for removal of old double poles on several Village streets including Washington Avenue, Church Street, Merritt Avenue, Front Street and Maple Avenue. Once Central Hudson has completed the electric upgrade project they will assist with exchanging out the street lights and lowering the street lights on the existing poles.

Building Dept.-The report from the Building Dept. has been completed. Non-compliance letters were mailed to the owners of Exmoore House and to the owners and operators of Groomingdales. Correspondence was received from Mr. Frank Redl and discussion on this matter will be conducted in executive session since it is a matter of potential litigation. Kenneth McLaughlin will discuss correspondence with Jeffrey Battistoni on work being performed without a permit in place on Exmoore House and the issued with Groomingdales.

Mayor Hurley recommended appointing Jared Witt as temporary Zoning Code Enforcement Officer for a 6 month trial period. No salary was proposed. Trustee Collopy asked about training requirements for the provisional appointment. The Board requested more specific information on this appointment. The appointment was tabled until further details are provided.

Police Dept.-Trustee Collopy met with Officer in Charge Justin Scribner to compile the Village Police Dept. report as follows. There were 40 total incidents with 4 moving violations, 12 parking tickets, 12 assists to EMS, Officers and citizens. Also, there was 1 each for a suspended license, disorderly conduct, trespass, personal injury, public intoxication, hit & run, vehicle locked and fire alarm. There were 2 property loss and damage.

The special detail events brought up the question of what would the Village do if additional officers were needed for such events. The Dutchess County Sheriff's office was contacted. An agreement was submitted for the Board to review. Costs were provided of \$55 per hour which will go to the full time officers with the most seniority. The agreement states advance notice of assistance needs must be completed. The cost includes mileage. Trustee Collopy will follow up on the agreement details and Jeffrey Battistoni will review the agreement. Mayor Hurley added that the Village is not committed even if the contract is signed. A 90 day notice of termination of the agreement is required. The current total Police Dept. budget is \$80,000 annually.

The Police budget status through 15 of 26 pay periods in the fiscal year is 62.5 %. Payroll has used 60% of the allotted budget. Equipment has used 68% of the allotted budget and contractual expenses has used 62.5% of the allotted budget.

Planning Board-Stanley Morse Chairperson-The Planning Board February meeting was cancelled due to lack of an agenda. Two appointments were made from holdovers from last year and this year. Deputy Mayor Spagnola made a motion to appoint Joseph Still and Joseph Forte to the Planning Board. Trustee Collopy seconded and all were in favor. The Clerk was instructed update the website to reflect the term of office expiration dates for the Planning Board and the Zoning Board of Appeals.

Code Update-Stanley Morse, committee chair, reported the committee meets February 21, 2015.

Clerk/Treasurer-Clerk Linda Wiltse stated that interest has been posted and bank balances were submitted for the all Village accounts in bold print for the month of January 2015. Bank statements for the other accounts were not received as of the meeting date. The Clerk requested approval of the minutes for the meeting held on 1/13/2015. Trustee Collopy made a motion to

approve the minutes for Board meetings held on 1/13/2015. Trustee Herzog seconded and all were in favor.

The Dutchess County Board of Elections was notified of positions filled by Trustee Collopy and Trustee Brown for November election updates. The Village received \$9,335.85 from Dutchess County for the fourth quarter sales tax revenue. The Village is also in receipt of the approved budget modification request for the Dutchess County Municipal Consolidation & Shared Services Grant. The NYS Dept. of Transportation has provided the quarterly report of CHIPS funding available totaling \$3,979.66.

Central Hudson- Central Hudson's policies in regard to the Electric Upgrade Project were provided. Included in this packet was information on tree trimming, removal and planting options. This project is designed to improve service and limit interruptions by shortening restoration times. In addition, Central Hudson will replace old poles, upgrade wiring and removal of old step down transformers. The results of the project have been quite shocking to our residents, especially on Merritt Avenue. To meet the safety criteria Central Hudson must conduct a tremendous amount of tree trimming and removal which was very carefully considered.

Trustee Comments-

Hazard Mitigation Plan-Dutchess County has been awarded a grant to update the county plan as a full multi-jurisdictional HMP to include all municipalities. NYS has indicated that it will no longer fund single jurisdiction plans or updates, and is strongly encouraging all municipalities to become part of a countywide multi-jurisdictional plan. Dutchess County, through the Dept. of Emergency Response, is leading this plan update effort whereby the municipalities within the County may formally participate in this process and thus continue to be eligible for federal pre-disaster mitigation funding opportunities and other benefits under the program. A letter was submitted to the Board of Trustee for their review showing the outline of the project including a Letter of Intent to Participate (LOI). Trustee Collopy made a motion to sign the LOI and Trustee Brown seconded. Deputy Mayor Spagnola opposed the motion. The motion carried.

Franchise Agreement with Cablevision-The Franchise Agreement between the Village of Millbrook and Cablevision Systems Dutchess Corporation has recently expired and a renewal in draft form has been presented to the Board for their review. The prior agreement was also distributed to the Board. The Board requested the franchise agreements from other villages within Dutchess County for comparison purposes. The Village receives approximately \$30,000 annually in Franchise fees which are distributed semi-annually.

Ethics Board-Trustee Herzog stated that Reverend Dr. Matthew Calkins from Grace Episcopal Church has agreed to join the Ethics Committee.

Bennett Property-Mayor Hurley recently contacted T G Bennett which is the LLC that owns the former Bennett College property. Clean up on the site continues and 3 separate landscape architects are being interviewed. The underground infrastructure is being mapped. The plan is to create a public space. Once the landscape architects submit their plans then they will know what must be demolished and what can be repurposed. There is the possibility of a half of a dozen single family homes being planned for. It is a priority to protect the stone work and the view shed. Demolition permits have been issued for the wooden structures that were not impacted by any hazardous materials. The fence and structures continue to be broken into regularly. Mr. Thorne does plan to have another comprehensive meeting with the condominium association members and the general public.

Correspondence-There have been inquiries into renting the Thorne Building but the building cannot be rented in its current condition.

Ed Loedy submitted a letter to the Millbrook Business Association in reference to changing back NYS Route 44 and the NYS Route 44A (Bypass). GPS units and the internet our outdated and currently route people around the Village.

Mabettsville Market-Rennia Engineering has submitted on behalf of the Mabettsville Market a new septic system plan. The Village has concerns about this project due to its close proximity to the Village's water source shed area. A fixed integrated treatment system is proposed. The Mayor will discuss a trigger system for Village notification on projects near the water shed area with the Dutchess County Board of Health and the Town of Washington Planning Board.

Bond Anticipation Note-The Board asked the Clerk to solicit bids for the issuance of a BAN totaling \$350,000 to begin financing of the water upgrade project. The Board plans to convert the BAN either to a long term statutory installment bond or to review the options in regard to a special assessment in order to pay off the obligation. Bids were solicited from the Bank of Millbrook, Salisbury Bank & Trust and M&T Bank. Two bids were received with M&T Bank not responding which can be considered one of the official bids.

Public Participation-Occurred throughout the meeting.

Clear Water- Kim Moores representing Clear Water spoke on the PCB issues in the Hudson River. The second phase of the clean-up in the Upper Hudson River that started in 2009 is approaching completion. However, the clean-up does not adequately address area that require navigational dredging, which is needed to allow larger commercial vessels full use of the river. Clearwater is calling on GE to agree to work with the NYS Canal Corporation and the Federal Natural Resource Damage Trustees to be sure the Hudson River is restored to its full potential.

In addition, under Superfund, a parallel process of restoration has now begun to assess the impacts to natural resources. Restoration is different from remediation and refers to returning the environment to, as closely as possible, its original condition. This work will be carried out as part of the Natural Resource Damage Assessment (NRDA) by the NRD Trustees, which include members from the NYS Department of Environmental Conservation, US Fish and Wildlife Service, and National Oceanic and Atmospheric Administration, who will provide oversight in analyzing injury, evaluating restoration projects, and matching those projects to the injuries. Representatives from Clerk Water such as Manna Jo Greene were asked to attend the next board meeting to answer questions and concern as well as address the Board's inquiries as to the resolution presented for adoption.

Executive Session-Trustee Herzog made a motion to enter into executive session for the discussion on the consent order issued by the NYS DEC fines and potential litigation involving correspondence submitted by Frank Redl at 9:55 pm. Trustee Collopy seconded and all were in favor.

Deputy Mayor Spagnola made a motion at 10:28 to exit out of executive session and Trustee Collopy seconded. All were in favor.

Deputy Mayor Spagnola made a motion to authorize the Village attorney, Jeffrey Battistoni, to execute the consent order and authorize the Clerk Linda Wiltse to process a voucher and check in the amount of \$5,000 to pay a fine. Trustee Brown seconded and all were in favor. Bill Bright from Delaware Engineering and VRI will be notified of the Board's decision. The Board intends

to meet with VRI and Delaware Engineering to discuss the culpability of VRI on the consent order. The report and the consent were accepted.

Adjourn-Deputy Mayor Spagnola made a motion to adjourn the meeting at 10:40 pm and Trustee Collopy seconded. All were in favor.

Respectfully submitted,

**Linda T. Wiltse
Clerk/Treasurer
Village of Millbrook**