

VILLAGE OF MAYBROOK BOARD OF TRUSTEES MEETING- OCTOBER 22, 2019

MEMBERS PRESENT: MAYOR DENNIS K LEAHY, DEPUTY MAYOR ROBERT PRITCHARD, TRUSTEE KEVIN GREANY, TRUSTEE JAMES R BARNETT, TRUSTEE DARYL CAPOZZOLI

ALSO PRESENT: ATTORNEY KELLY NAUGHTON, ATTORNEY JOHN AHEARN, ENGINEER SEAN HOFFMAN, SERGEANT MICHAEL MARESCA, DPW SUPERINTENDENT MATTHEW THORP, CLERK-TREASURER VALENTINA JOHNSON

PUBLIC: DONNA BARLETTA, PATTY MOORE & KEVIN, LAURA FITZGERALD (WVT)

Mayor opened the meeting with the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Trustee Greany, seconded by Trustee Capozzoli, approving the minutes of the October 10, 2018 meeting as presented. 5 ayes, 0 nays.

APPROVAL OF BILLS & CLAIMS

Motion by Trustee Barnett, seconded by Trustee Pritchard, authorizing the approval of the following bills and claims as audited by the Board of Trustees:

GENERAL	\$86,261.30
WATER	\$ 6,009.35
SEWER	<u>\$ 5,212.18</u>
TOTAL	\$97,482.63

CORRESPONDENCE

1. PATRICIA MOORE, 953 HOMESTEAD AVENUE- Ms. Moore introduced herself and advised of her situation at her home regarding the curbing and paving project at her 3 family home on Homestead Avenue & Country Club Drive, she has two cars/parking for each tenant and is unhappy with the lack of communication from the village, there are no minutes, plans, letters on this to notify her on this project, she received no notification. Ms. Moore distributed copies to the Board, Attorney & Engineer and advised on the plans and photos. Ms. Moore advised she wants to discuss on 9/24, and a trench in front her driveway, never notified and had to accommodate her tenant, no communication, she was able to get in on 9/26 after 3 days. On 9/27 concrete was poured, the entry way made small, she contacted Mayor, who said to contact Matt, Matt's answer was she still got a little more, this has created a bottleneck. Ms. Moore advised on email trail and met with the Engineer, who advised she could have all paving or grass, she can't back out and with the sidewalk going in it's a hazard and she wants the curbing removed, the exit is too close to Route 208 to back out, they must make a three point turn and there is a dumpster there, which will create more of a bottleneck, grass and dumpster will be a

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total disaster. Ms. Moore advised more homeowners will be affected, the Board should take care of taxpayers and the voters. Thanked Board for hearing her out. Engineer advised exception is misleading, no one at any point was misled. Engineer advised on the items discussed on 10/5 and her son Kyle was present, explained on a typical driveway at full driveway location, there was no curbing at all. Parking, snow removal (could be an issue), undesired by Ms. Moore, who has 40 ft. which is well more than Stewart's (22 ft.) and Main Line Diner (15 ft.), dumpster does not need to be moved and paving from existing driveway down to Route 208 will put pedestrians with the driveway, the Village could give her that property, the Board could transfer it to her, no site plan was previously approved. It's safer than what was there. Deputy Mayor Pritchard advised he is the owner of a two family with 15 ft. curb cuts and agrees backing out on to the road is not good. He has no issues with a narrower curb cut. Mayor advised we are also removing the stump, it's village property, your parking lot has increased. Attorney advised there is no site plan on file, she checked with the Building Department, Orange County shows just a box, just the house, no driveway, no site plan features on it. Deputy Mayor asked what is the depth? Engineer advised from back of driveway to curb it's 72 ft. Ms. Moore asked why, why do we need curbing? Deputy Mayor advised it's a safety issue. Ms. Moore advised she's been there for thirty years and no problem. It's a hardship getting out of the driveway. Matt and Engineer advised the standard (NYS) is 12 ft. Engineer advised on unrestricted access and adding a sidewalk, and does not recommend going bigger than this. Attorney advised there is no requirement, minutes are on the website, no Public Hearing requirement. Ms. Moore advised if you don't know you're not going to look at or for minutes. Attorney advised valid comment. Engineer advised yes, survey was done, the only survey in the vicinity Friday was for the project now. Ms. Moore asked so are the curbs going to be removed? Board was polled: Trustee Capozzoli, no. Deputy Mayor Pritchard, no, he wishes he had that much space. Trustee Barnett, no, asked Ms. Moore to give us a chance and see what happens, she might like it when it's complete. Trustee Greany, no, gotta go with Engineer. Mayor Leahy, no. 5 ayes, 0 nays, not to remove the curbing. Ms. Moore advised it's impossible to get out, there's no room, it's very narrow. Mayor advised blacktop to driveway, property line, past (remove) stump. Attorney advised it's not required but permitted because it's the village's property. Trustee Barnett advised they are trying to address your concerns. Deputy Mayor advised you'll be happy when it's done. Ms. Moore advised the options you're giving me don't work. Trustee Barnett advised we're trying to do something, give us a chance.

2. LOCAL EMERGENCY ORDER- Motion by Trustee Capozzoli, seconded by Trustee Pritchard, approving the Local Emergency Order for Halloween from Tuesday, October 30, 2018 at 10:00PM to Thursday, November 1, 2018 at 6:00AM, for ages 18 and under. 5 ayes, 0 nays.
3. AUTHORIZATION, CODED SERVICE AGREEMENT RENEWAL- Motion by Trustee Barnett, seconded by Trustee Pritchard, authorizing the renewal and payment for the CodeRED agreement with the Town of Montgomery for \$4,061.25, for October 3, 2018 to October 2, 2019. 5 ayes, 0 nays.
4. BUILDING INSPECTOR'S REPORT, SEPTEMBER 2018- Trustee Barnett advised. Rec. & filed.
5. RESOLUTION, EXEMPTION FROM COUNTY TAXATION ON CERTAIN REAL PROPERTY LOCATED IN THE TOWN OF HAMPTONBURGH FOR THE YEAR 2020- Motion by Trustee Barnett, seconded by Trustee Capozzoli, authorizing a resolution for an agreement with the County of Orange providing for the exemption from county taxation on certain real property located in the Town

of Hamptonburgh for use of the village water system which expires on December 31, 2019. 5 ayes, 0 nays.

6. PANCREATIC CANCER AWARENESS MONTH - NOVEMBER 2018- Motion by Trustee Pritchard, seconded by Trustee Capozzoli, approving to recognize November as Pancreatic Cancer Awareness Month and display purple ribbons. 5 ayes, 0 nays.

MAYOR'S REPORT

1. **Village of Maybrook and VFW Post 2064 & Auxiliary "Run for Homeless Heroes" 5k Race/Walk** -VILLAGE OF MAYBROOK AND VFW POST 2064 & AUXILIARY will host our 3rd Annual "Run for Homeless Heroes" Classic 5k Run and Walk which will be held on SATURDAY, OCTOBER 27th. All of the proceeds will benefit homeless veterans. This information along with the registration form and online registration is also available on the Village of Maybrook website and Facebook Page.
2. **Country Club Drive and Sidewalk Project-** At our last Village board Meeting, I announced we had a tentative paving date of Thursday, October 18th and Friday, October 19th for Country Club Drive. The date was changed again by the paving contractor due to the rain once again before the scheduled date. Residents were notified via the website, social media and a Code Red before the weekend that the paving had been rescheduled to today. Crews were out early, a dump truck owned by the contractor accidentally took out the phone, cable and electric lined at Country Club Drive and Saracino Drive. On a positive side, nobody was hurt however we had residents without electric, cable and phone. Central Hudson Gas and Electric were notified and quickly responded and restored electricity. Spectrum and Frontier were notified as well. Power was restored by 6 pm this evening in the areas affected. Spectrum and Frontier are working to restore their services. The paving of Country Club Drive is COMPLETE and parking on Country Club Drive is now permitted. This information is posted on the Village of Maybrook website and a Code Red was sent out as well. I want to thank our DPW Supervisor Matt Thorp and Village Engineer Sean Hoffman for getting this project complete. Our next goal is to get the sidewalk project moving along from Clarke Place to Oak Street and Oak Street to Williams Street.
3. **Leaf Pick up in Maybrook**- It's that time of year and leaf pick up has started in the village. Leaves MUST be bagged in biodegradable bags which are FREE and available here at the Government Center or at the DPW Garage. Just a reminder, bagged leaves will be picked up by our garbage contractor County Waste on THURSDAY's.

1. **Maybrook Kiwanis Club Benefit for “Little Luke”**- The Kiwanis Club of Maybrook is inviting residents to come out and join them on Sunday, October 28th at the Maybrook Senior Center at 3:00 for a Spaghetti Dinner fundraiser for a very special, happy and beautiful little boy. His name is Luke and he was born with a rare genetic condition called Pontocerebellar Hypoplasia. Pontocerebellar Hypoplasia is a normally a genetically acquired neuro-muscular disorder. The Kiwanis Club of Maybrook partnered with our friends from Shoprite will be serving spaghetti, meatballs, salad, bread, beverage and desert. The cost is \$12 per adult and \$5 per child. There will be a 50/50 Raffle and some of Luke’s Paintings will be for sale too! Hope to see you there!
2. **NYS Police Accident**- Earlier this morning, there was an accident in the Village of Maybrook on Homestead Ave and Christian Lane. Thankfully, nobody was severely injured. My first reaction when I heard the news was the bus stop and I was very relieved to hear that there were no children at the bus stop at the time of the accident. We were very fortunate.
3. **Montgomery Elementary School “Project Fit America” Ribbon Cutting Ceremony**- On Wednesday, October 17th I was invited to the Montgomery Elementary for their Kick Off Event and Ribbon Cutting Ceremony for “Project Fit America”. I’d like to congratulate the Valley Central School District and the entire Montgomery Elementary School Community for pursuing and winning a grant sponsored by Dannon North America and Shoprite! I applaud all of those involved and their efforts to promote fitness and healthy choices to children in our community.
4. **Motivational Speaker Marc Mero**- Just a reminder to spread the word about a planned event at the Valley Central High School that will take place on Thursday, October 25th at 7 pm. This event is FREE and highly recommended for families with young adults in Middle School and High School. Marc Mero is a retired amateur boxer and professional wrestler, and now tours as a motivational speaker encouraging kids to make positive choices in their lives. He is best known for his appearances with the World Wrestling Federation. My message is to every parent in our village and surrounding communities. Please make every effort to attend this event with your children. It’s informative and hits home about staying on the RIGHT path! The local Fire Departments (Montgomery, Maybrook, Walden and Coldenham) in the Town of Montgomery came together to make this event possible and are hoping for a large turnout. Please spread the word by

encouraging your friends and neighbors to attend this FREE event with their families.

5. **Hydrant Flushing**- Hydrant Flushing begins in the village on Monday, October 22nd thru to Friday, November 9th during the week. Water may be discolored but it is safe to drink. The washing of clothing is recommended after 5:30 pm. As always, we thank everyone for their cooperation.
6. **Town of Montgomery Chamber of Commerce “Tricky Tray”** – will be held on Friday, November 2nd in the Maybrook Senior Center. Doors will open at 6 pm and calling begins at 7 pm. Lots of baskets, gift certificates and large items too! Support the local businesses and our Town of Montgomery Chamber of Commerce
7. **Halloween Curfew**- This evening, the Village Board approved a curfew in the Village of Maybrook for Halloween between the hours of 10 pm and 6 am beginning Tuesday, October 30th through to Wednesday, October 31st. The curfew will end on Thursday, November 1st at 6 am.
8. **Halloween**- Trick or Treating will be held in the Village of Maybrook from 6 pm to 8 pm on Wednesday, October 31st. Just a reminder, if you are giving out candy to Trick-or-Treater 's, please leave your front porch lights ON and if you do not wish to participate or when you are out of candy please turn them OFF.
9. **Village of Maybrook Halloween Party**- The Village of Maybrook Halloween Party will be held on Wednesday, October 31st which is Halloween beginning at 5 pm and ending at 6 pm. There will be games, music, raffles and refreshments for elementary school aged children. Afterwards, the kids can go trick or treating in the village which is from 6 pm to 8 pm.
10. **Election Day**- just a reminder to all residents that Election Day is Tuesday, November 6th. Voting in the Village of Maybrook will be held at the Maybrook Senior Center located in the Frederick Myers Memorial Park. Polls will open at 6 am and close at 9 pm. Absentee Ballot Registration forms are available on the Village of Maybrook website.
11. **Next Scheduled Village Board Meeting**- Our next Village Board Meeting is scheduled for Wednesday, November 14th, 2018 at 7 pm. The meeting is scheduled for Wednesday due to the observance of Veteran's Day and Maybrook Court is on Tuesday. As always, all residents are welcome to attend.

TRUSTEES' REPORTS

TRUSTEE KEVIN GREANY- Advised the sewage treatment plant is up and running well.

Advised the attendance is down low for the 5K Race, will decide in the next 2 days what to do, he will talk to Dennis more after the meeting. Mayor advised for Jim, Linda and him to decide and let him know.

TRUSTEE JAMES R BARNETT-Advised on 10/25 must be really big, they put the motivational speaker coming to Valley Central High School in the church bulletin. Mayor advised it is quite costly and applauds the Fire Departments for doing this.

Advised 11/11/1918 is the 100th Anniversary of WWI.

Advised 11/12 is the Town of Montgomery Veterans Day Ceremony at 11AM. Advised Tina will send out the Christmas/Holiday Party invitations out shortly, it will be on 11/30, \$20 per person and \$35 per couple.

DEPUTY MAYOR ROBERT PRITCHARD- Advised outstanding job today done by Sergeant and Matt, busy chaotic morning in the village.

Advised not much new right now with EDC, the next EDC meeting will be on November 26th at 5PM.

TRUSTEE DARYL CAPOZZOLI- Advised the Community Center is having difficulty filling shifts, they said they were ok, but will advertise for a part time clerk, he will get with Tina to see if there are any applications on file. Advised Matt and Engineer did a great job with Country Club Drive, looks great.

Advised Matt he knows it was a terrible summer and fall.

DEPARTMENT HEADS

DPW SUPERINTENDENT MATTHEW THORP- Advised Country Club Drive is done, get driveway cuts in and checking with County for striping.

Advised National Water Main Co. starts tomorrow.

Advised the Schuberts' porch is ok after the accident this morning, the sign and basket is down.

Advised the last letter is signed for the waiver for sidewalks for DOT.

Advised one manhole found and taken out on Ted Miller Drive, 983 tons of blacktop, and got it done.

ENGINEER SEAN HOFFMAN-

Community Development Block Grants (CDBG) a. *FY-2019* – Application for sewer lining submitted to the Orange County Office of Community Development Office (OCCD) in April 2018. The calendar provided by OCCD in February 2018 estimates award notices to be distributed in November 2018.

b. *FY- 2018* – This work includes lining of sewer segments including Prospect Avenue, Volunteer Place and several easements. During your February 12, 2018 meeting, you authorized the Mayor to sign the CDBG Municipal Agreement (received February 1, 2018) which will provide the Village with \$50,000 in grants. We received a copy of the executed agreement from Clerk Johnson on July 11, 2018. We will finalize the sewers to be completed with Superintendent Thorp and coordinate bidding after award of the FY-2017 project.

c. *FY-2017* – This work includes the lining of sewer segments including Prospect Avenue and Broadway. A Pre-Construction Meeting/Contract Signing was held October 16, 2018 with the Contractor and OCCD. Work was originally scheduled to begin October 29, 2018 however the Contractor requested to begin tomorrow, October 23, 2018. The first work will consist of cleaning and inspecting the existing sanitary sewers.

d. *FY-2016* – This work included lining of sewer segments on Tower Avenue, Maiden Lane and Spring Street and was completed in February/March 2017. We received the Contractor's Application for Final Payment last week and delivered to Clerk Johnson on September 19, 2018 for processing and forwarding to OCCD for payment. On October 16, 2018 OCCD requested additional documents which we understand are being addressed by the Contractor.

2. Country Club Drive Sidewalk Improvements – Since your October 10, 2018 special meeting, the contractor has completed the installation of the additional 175 linear feet of new concrete curb between Adams Drive and Everett Place. Last week the Village DPW performed the pavement preparation work and we understand paving operations commenced this morning.

3. Homestead Avenue Sidewalk Improvements a. Clark Place to William Street (SAM Grant 6442) – On August 31, 2018 NYSDOT conditionally approved the plans for permitting. At your September 10, 2018 meeting you completed SEQRA and we submitted the plans and permit application the following day. On Friday, September 14, 2018 DOT confirmed receipt of the plans and application and requested another plan modification. Revised plans were transmitted via certified mail under our September 18, 2018 cover. Since your October 10, 2018 special meeting, DPW Superintendent Thorp obtained executed driveway release forms from all but one property owner. Once the last release is signed, and the contractor submits the NYSDOT required bonds and insurance, NYSDOT will issue a final permit and construction may commence.

b. Main Line Diner to Aristotle Drive (SAM Grant 7732) – In 2016 the Village applied for a second SAM grant to construct sidewalks along the easterly side of Homestead Avenue/NYS Route 208 from the Main Line Diner north to Aristotle Drive. Additionally, this grant includes replacement of some sidewalks between Schipps Lane and West Spring Street. On August 8, 2018 the Village received the Grant Disbursement Agreement for execution. On August 24, 2018 we discussed sidewalk replacement with Superintendent Thorp who recommends replacing the portion from West Spring Street to Wiley Street. On September 11, 2018 we received a proposal for the survey work. This proposal was authorized by Mayor Leahy on September 13, 2018 and the surveyor estimates commencing this work shortly.

4. **Galaxy Maybrook Rail Yard Redevelopment** – This project involves the redevelopment of 70-acres of the former Maybrook Rail Yard for approximately 888,000 square feet of commercial use. During your January 22, 2018 meeting, you adopted the Expanded EAF Part 3 outline. During your April 23, 2018 meeting, Engineer Winglovitz estimated submission of the EAF in July. On June 25, 2018 Mayor Leahy, Superintendent Thorp and I met with Don Liloia and Engineer Winglovitz to discuss water and wastewater connections.

5. **Planning Board Applications** – The following provides a summary of ongoing Planning Board applications: a. *Maybrook Glen* – This is an application for a fifty (50) lot residential subdivision on 64.656 acres with frontage on Highland Avenue, Prospect Avenue and Logan's Way. A Resolution of Condition Subdivision Approval was approved during the August 14, 2017 Planning Board meeting. The developer is working to submit a number of legal documents, some of which will require your consideration (i.e., performance bond form, offers of dedication, abandonment of a portion of Prospect Avenue right-of-way). On July 16, 2018, Developer Gueron submitted a written extension request to the Planning Board which indicated he is currently working to obtain a performance bond and securing sufficient financing for construction. During the August 9, 2018 Planning Board meeting, the Board granted an extension until January 10, 2019.

b. *Logan's Way/Primary Construction, LLC* – On July 11, 2018 Developer O'Donnell met with us to review the dedication and acceptance of public improvements including the subdivision road. On August 24, 2018 Superintendent Thorp and I met with Developer O'Donnell and his contractor (Corewood) to review the work. On August 31, 2018 a punchlist was distributed based on that field meeting. On September 26, 2018 we followed up with the Developer who indicated he was in the process of scheduling the work. This morning we spoke with Superintendent Thorp who advised the Developer's contractor will be onsite tomorrow.

c. *Knollwood Development* – This is an application for a 28 lot residential subdivision on 18.812 acres with frontage on NYS Route 208/Homestead Avenue. During the August 9, 2018 Planning Board meeting the Board reviewed the sketch plan, declared their intent to be SEQRA Lead Agency and classified this as an unlisted SEQRA action.

6. **SPDES Permit Modification** – In February 2018 the Village received correspondence from NYSDEC indicating the SPDES permit will be modified to require seasonal effluent disinfection commencing 2023. On April 3, 2018 Mayor Leahy, Superintendent Thorp and I met with NYSDEC representatives to discuss proposed permit modifications including potential grants available to the Village to assist with possible upgrades. In accordance with that meeting the SPDES permit will include provisions for the Village to study whether effluent disinfection will provide a public health benefit. This will require preparation of a water quality model based on weekly sampling to be conducted next year (2019). We understand the proposal has been submitted and suggest discussing the work with you shortly. Additionally, Grant Writer Lima submitted the application for the Engineering Planning Grant to study effluent disinfection at the end of July. During your September 10, 2018 meeting we discussed this work with you; we are still compiling an approximate cost to provide an engineering report and construct effluent disinfection.

7. **Sewage Pollution Right to Know (SPRTK) & NY-Alert** – On September 28, 2018, due to extremely intense rainfall, Manhole No. 128 overflowed. This overflow was reported by the WWTP Contract Operator by telephone using the NYSDEC's Spill Response Hotline. We received correspondence today that the Village must report spills in accordance with the NYS Sewage Pollution Right to Know Act (SPRTK). The SPRTK Act requires owners and operators of Publicly Owned Treatment Works (POTW) and Sewage Systems (POSS) to report discharge of untreated sewage within two (2) hours of discovery. NYSDEC requires owners and operators to utilize the NY-Alert system to electronically report spills. Since the Village has not previously registered for the system we have prepared agreements on your behalf to utilize and register the Mayor and Superintendent Thorp as "Notifiers" – those who are authorized to report spills on the Village's behalf. During your October 10, 2018 meeting you authorized the Mayor to sign the agreement with DEC subject to the Village Attorney's review. Attorney Naughton has reviewed the agreement which we will submit on your behalf.

ATTORNEY KELLY NAUGHTON- Advised on letter being requested by Sean O'Donnell, it was never presented to her, but he advised his bank needs it, will hold off with letter from Board,. Advised she is keeping the Board and police department in the loop on 905 Tower Avenue.

Everyone wished and sang Happy Birthday to Kelly!

Motion by Trustee Barnett, seconded by Trustee Greany, meeting was adjourned at 8:30PM. 5 ayes, 0 nays.

Respectfully submitted,

Valentina Johnson
Village Clerk-Treasurer