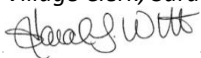


Village of Millbrook Board of Trustees
Wednesday, 10/12/2022
Millbrook Firehouse, 20 Front Street, Millbrook NY,12545

1. **Roll Call:** Mayor Collopy, Deputy Mayor Contino, Trustee Herzog, Trustee Arbogast, Trustee Doro, Fire Chief Ted Bownas, Matt Rochfort (FD President), Public Works Supervisor (PWS) Collocola, OIC Witt, Scott Osborn (VRI), Attorney MacDonald, Senior Account Clerk McLaughlin, and Clerk Witt
2. **Open meeting – 6:00 PM with Pledge of Allegiance.**
3. **Annual Update Document (AUD) Presentation-** Senior Acct Clerk McLaughlin: Read from the attached presentation. She is encouraged with the Fund Balances based on the AUD. Presented Resolution 2022-015 to authorize the Village to use NYCLASS- resolution was tabled
4. **Administrative Business: Minutes Approval:** *Motion* made by Trustee Herzog to approve the minutes of 9/14/2022 seconded by Deputy Mayor Contino and all were in favor.
Voucher Approval: *Motion* made by Deputy Mayor Contino to accept the fund totals for the Vouchers as presented, seconded by Trustee Arbogast and all were in favor (attached).
5. **Department Reports:** Dutchess County (DC) Update- Legislator Houston: Millbrook Library, through Senator Serino, secured funds to update their HVAC system. DC passed a Local Law that domestic partnerships will be recognized in DC as of Jan 1st, 2023- couples must register through the County Clerk's office.
 - a. Fire & Rescue – Fire Chief Ted Bownas: Read from attached monthly report.
 - b. Police –OIC Witt read from the monthly report (attached). Reported that several open shifts in the schedule is becoming problematic. He is hopeful that hiring Officer Lyman will help (they are just waiting on uniforms). Discussion about the Village using Body worn cameras was tabled. (Please see Police Report attachment)
 - c. Highway: PWS Collocola read from the attached monthly report. Announced the paving at North Ave has been delayed- but will be completed before the end of October. Said brush pick-up has started.
 - d. Water & Sewer – S. Osborne: read from the attached monthly reports.
 - e. Treasurer & Building Dept – Clerk Witt: read from attached reports.
 - Resolution 2022-014-** A Resolution Establishing the Terms, Consideration and Conditions for Out of Village Residents to Connect to the Village Sewer System- after discussion was tabled until November meeting. Mayor to reach out to Bill Bright (Delaware Engineering) with some questions.
 - Resolution 2022-012-** Introducing Local Law No. 2 of 2022 Amending Chapter 230 of the Village Code Entitled "Zoning" to Add the Requirement that Public Hearings Regarding Land Use Applications be Advertised on Signs Posted on the Property
Motion by Trustee Doro and seconded by Trustee Arbogast to approve the attached resolution. All were in favor.
 - Resolution 2022-013-** Introducing Local Law No. 3 of 2022 Amending Article X of Chapter 230 of the Village Code by Creating a New Section 230-75 Containing Regulations for Outdoor Dining on Village Sidewalks. Trustee Arbogast to bring copies of this attached resolution to members of the MBA.
Motion by Trustee Herzog and seconded by Trustee Doro to approve the attached resolution. All were in favor.
6. **New Business Updates:** Agenda items discussed: Christmas Trees- Trustee Arbogast: Trees will be coming Nov 16, 17, & 18. There will be a call for volunteers to string the lights on Nov 18 & 19th (more info to follow). Parade of Lights (POL)- C. Collopy: POL will be December 2nd- parade to begin 6PM. Meet and Greet Santa at 5 PM. Volunteers will be needed. Short-Term Rentals (STR)- Trustee Doro: is in the very early stages of discussion. Will be planning to meet with Trustee Arbogast to go over. Village Hall Sign: *Motion* made by Mayor Collopy to purchase a sign (\$1400 out of the HNL Trust Acct) for the Village Hall, seconded by Trustee Herzog and all were in favor.
7. **Old Business:** Agenda items discussed: Sidewalk replacement- Trustee Herzog: will be doing a walk through with Rich Rennia on Nov 1st. Mayor Collopy asked about possibly using unrestricted fund balance- will talk with Senior Account Clerk McLaughlin. Vehicle and Traffic Code (V&T)- Trustee Arbogast and Deputy Mayor Contino to send draft to Board for review.
8. **Public Comments-** No Comments were made.
9. **Board Member Updates:** See attached.
10. **Next board meeting: November 9th, 2022 at 6 PM- Millbrook Firehouse.**
11. **Adjournment** *Motion* to adjourn at 8:29 PM made by Trustee Herzog seconded by Trustee Doro and all were in favor.

Respectfully submitted by
Village Clerk, Sarah J. Witt





Board of Trustees Meeting
October 12, 2022 @ 6:00 pm

PLEASE SILENCE YOUR CELL PHONE

MOTIONS RECORDED

Minutes Approval: *Motion* made by Trustee Herzog to approve the minutes of 9/14/2022 seconded by Deputy Mayor Contino and all were in favor.

Voucher Approval: *Motion* made by Deputy Mayor Contino to accept the fund totals for the Vouchers as presented, seconded by Trustee Arbogast and all were in favor (attached).

Resolution 2022-012- Introducing Local Law No. 2 of 2022 Amending Chapter 230 of the Village Code Entitled “Zoning” to Add the Requirement that Public Hearings Regarding Land Use Applications be Advertised on Signs Posted on the Property
Motion by Trustee Doro and seconded by Trustee Arbogast to approve the attached resolution. All were in favor.

Resolution 2022-013- Introducing Local Law No. 3 of 2022 Amending Article X of Chapter 230 of the Village Code by Creating a New Section 230-75 Containing Regulations for Outdoor Dining on Village Sidewalks.
Trustee Arbogast to bring copies of this attached resolution to members of the MBA.

Motion by Trustee Herzog and seconded by Trustee Doro to approve the attached resolution. All were in favor.

Adjournment *Motion* to adjourn at 8:29 PM made by Trustee Herzog seconded by Trustee Doro and all were in favor

1. **Open Meeting**
Pledge of Allegiance & Roll Call of Trustees
2. **Administrative Business**
 - Minutes approval for 9/14/2022
 - Voucher approval
 - AUD report – K. McLaughlin
3. **Department Reports:**
 - DC Legislature update – Legislator Houston
 - Fire & Rescue – Chief Bownas, President Rochfort incl.
 - Police – OIC Witt
 - Highway – Hwy Super Collocola
 - Water & Sewer – VRI: S. Osborn
 - Treasurer & Building Dept – Clerk Witt
4. **New Business**
 - Christmas decorations plans
 - Parade of Lights on 12/2/2022
 - Investigate AirBnB code
 - Resolution for connecting applicable Town residents to sewer system
 - Introduce changes to Zoning law
 - Proposed sign in front of Village Hall

5. **Old Business Updates**
 - Sidewalk replacement
 - Code update of V&T chapter
 - EV charger installation
 - Tennis court fencing
6. **Public Comments**
7. **Additional Board Member Updates**
 - Deputy Mayor Contino
 - Trustee Herzog
 - Trustee Arbogast N/A
 - Trustee Doro
 - Mayor Collopy
8. **Next Board Meeting**
Wednesday, 11/9/2022 - 6PM
9. **Adjournment**



2021-2022 Annual Financial Report

Village of Millbrook

FINANCIAL CONDITION OF THE VILLAGE OF MILLBROOK

June 1,2021- May 31, 2022

2021-2022: This year we are up against inflation rates and cost of goods and services with limited availability of important parts to run our facilities and departments. With so many variables and moving parts, one thing needs to remain constant and that is stability.

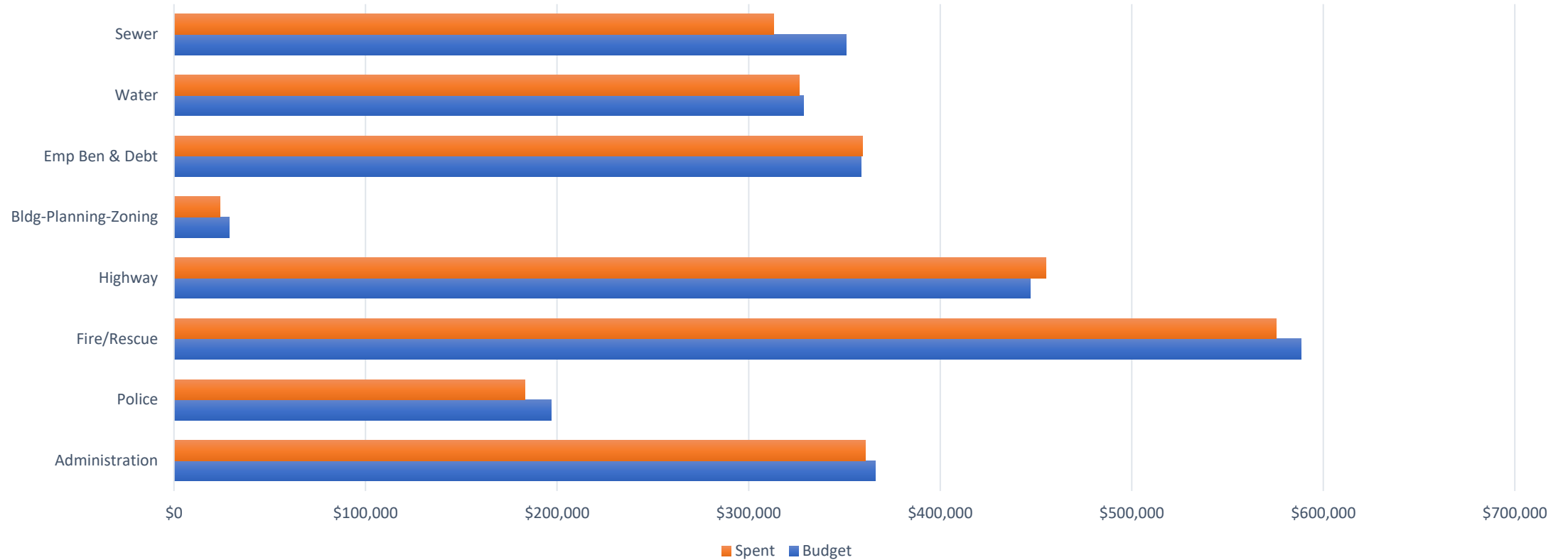
Stability is gained through good solid information which in turn affords the Mayor, Village Board, and all of you (the residents) to make decisions that support, sustain, and promote the Village of Millbrook.

My part as the Senior Account Clerk along with the Village Treasurer, outside of paying bills, payroll and budgeting is to maintain accurate accounting records of all financial activity. The finance office plays an important role in stability and in public service. The finance office has stewardship over citizens' shared financial resources. These resources make possible the services that are essential to the safety, livability, and vitality of our communities.

Stability requires the input, coordination and efforts of the board, department heads and all the village employees.

How have we performed this past year?

Expended v/s Budget



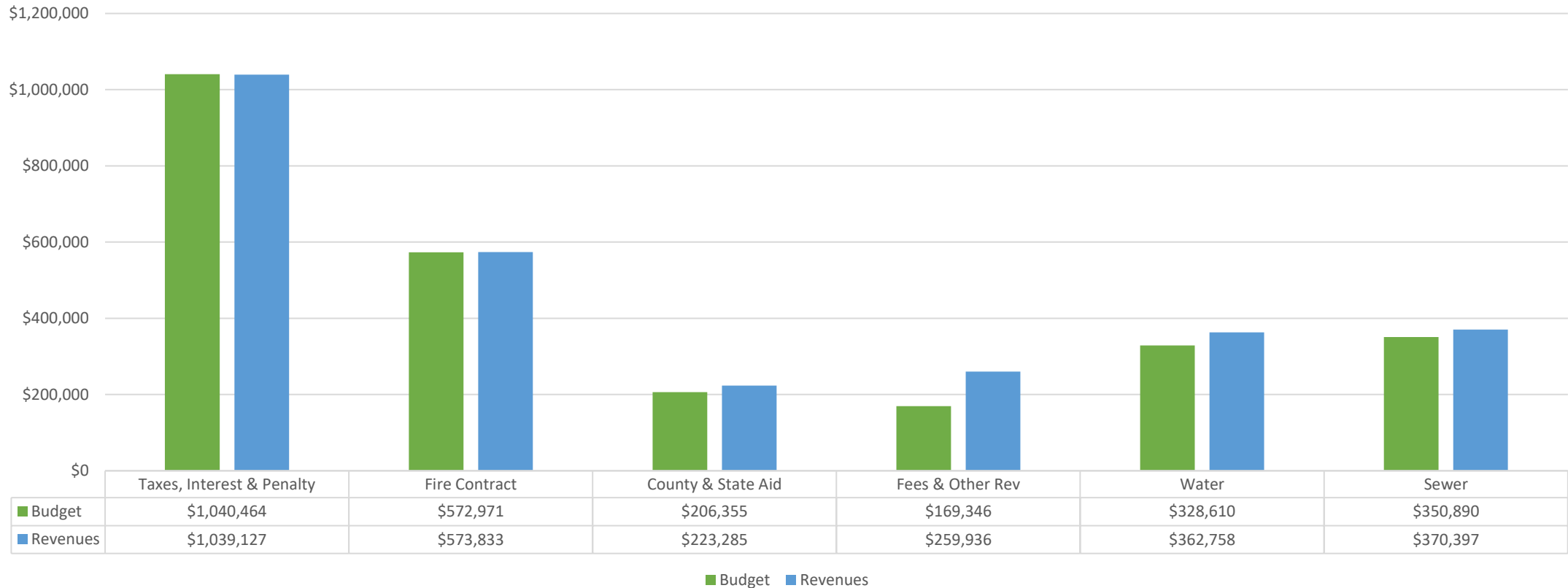
Department	Budget	Spent
Administration	\$366,100	\$360,808
Police	\$196,874	\$183,148
Fire/Rescue	\$588,631	\$575,526
Highway	\$447,164	\$455,268
Bldg-Planning-Zoning	\$28,959	\$23,975
Emp Ben & Debt	\$358,872	\$359,294
Water	\$328,610	\$326,558
Sewer	\$350,890	\$313,022

Major Expenses this year:

- Kubota Snow Tractor
- Repair and resurface tennis court
- Started retaining wall project

*This chart shows a breakdown by department the budget and amounts expended for 21-22.
The departments have done a great job keeping their expenses within their budgets.*

Budget Vs. Revenues



Property tax remained under the 2% NYS Tax Cap. The tax rate for 21-22 was \$4.78 per 1000 assessed value.

The Building department remained active with increased revenues.

We received half \$72,102 of ARPA funds. After the 2nd half is received it will go towards rebuilding the retaining wall on Harts Village Road.

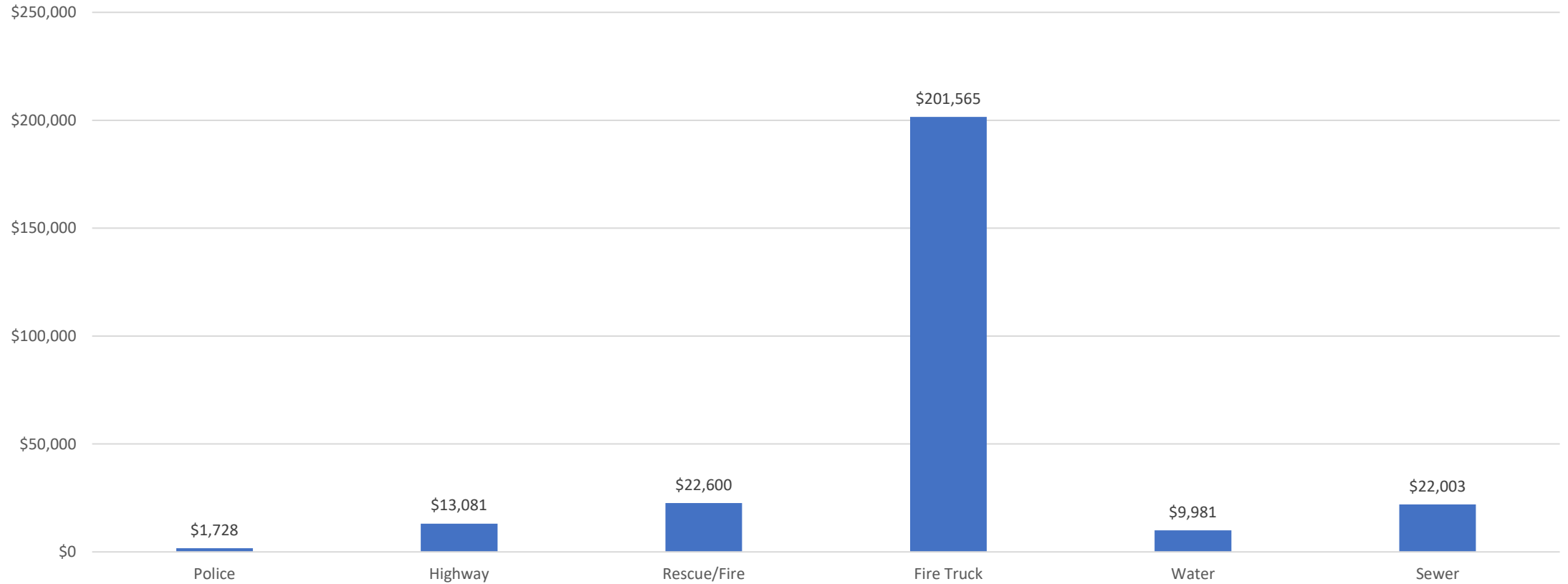
State aid remained constant and there was a substantial increase in the Mortgage tax distribution from Dutchess County this year.

Mortgage tax is not projected to be this high next fiscal year.

Fees & Other revenues are also up from an increase in building activity (fees and permits). We enjoyed Thorne Trust interest income of \$35,000 that will not be received next year. Water and Sewer revenues are above the budgeted amounts.

All in all we did well with revenues this year. With inflation and a not-so-stable economy, next year looks to be more of a challenge.

Reserve Account Balances at 5.31.22

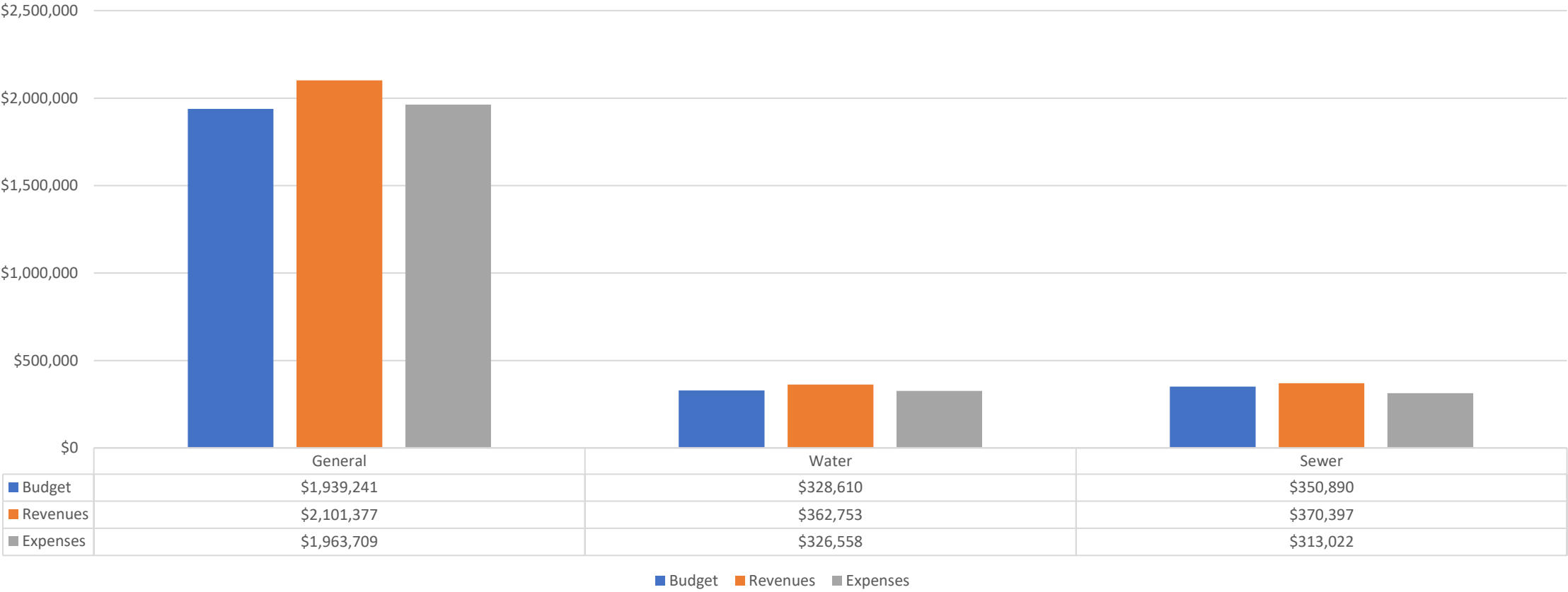


Part of stability and responsible planning is maintaining Capital accounts. The village has the above established accounts.

This chart shows the balances in the Reserve accounts. After recent purchases in the Police and Highway, their balances are low.

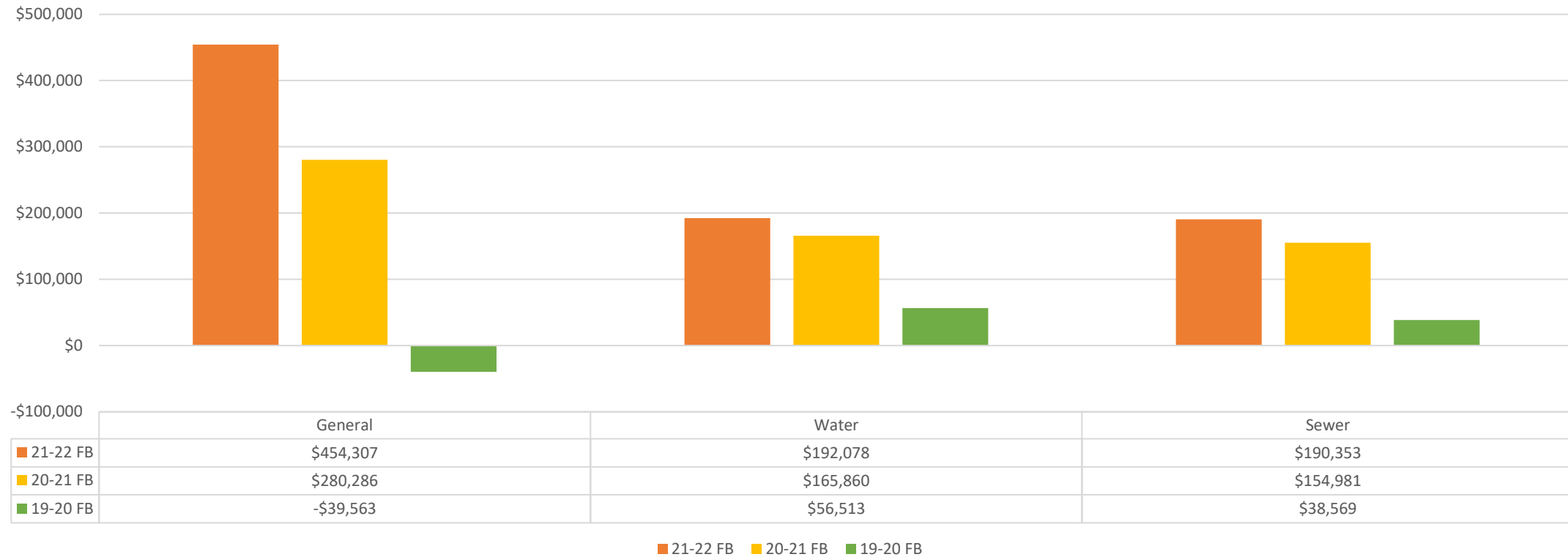
New this year is the addition of reserve funding for the water and sewer funds. Hopefully, these will grow and assist to offset future capital costs.

2021-22 All Funds
Budget Vs Revenues & Expenses



This chart illustrates the relationship between the Budget, Revenue and Expenses. A snapshot shows that the Village's efforts to stay within the budget and maintain projected revenues and expenses has been successful this year.

All Funds Fund Balance history



- 2019-20** Let's start with 19-20 , Fund balances were low and the General Fund was negative, however there was a large capital project going on. Bedrock, which was new wells and Water Treatment Plant upgrade that was funded and reimbursed out of the General Fund until completion when the debt was transferred to the Water Fund.
- 2020-21** After a year of responsible budgeting and conservative spending and an increase in the Water rates, the Water and Sewer Funds were able to pay back the General Fund for long time outstanding loans.
- 2021-22** Again, with good oversight, responsible budgeting this year ended better than the last. One item the helped the Fund balance was the addition of LOSAP balance being accounted for as an asset. In the coming year, there will be many changes to GASB (Government Accounting Standards Board) and the fiscal year end Annual Financial Report. By maintaining stability with our internal operations, we are better prepared to handle the highs and lows of the economy and the changes in financial activity reporting and accountability.

Financial Condition of the Village of Millbrook 2021-2022

Although the Village's finances are in good shape at this time, there are challenges to consider:

- Aging infrastructure and equipment.
- Cost and availability of supplies, equipment, and services.

We have maintained adequate fund balances; we continue to monitor expenses and budget responsibly; and we are always looking for safe, viable sources of revenue, that in turn stabilizes the village tax rate.

Voucher Totals

October 12, 2022

NOTES:

Unpaid Voucher Totals

General Fund	\$ 99,652.46
Cap Project Retaining Wall	\$ 600.00
Water Fund	\$ 18,713.22
Sewer Fund	\$ 20,972.74
TOTALS:	\$ 139,938.42

MILLBROOK FIRE DEPARTMENT

SEPTEMBER 2022

67 INCIDENTS REPORTED

Millbrook Fire Dept	
Automatic Fire Alarm	12
EMS Call	42
Hazmat	1
Motor Vehicle Accident	4
Wires Down/Electrical	2
Carbon Monoxide	3
Appliance Fire	1
Brush Fire	2
TOTALS:	67

EMS Responses	
NDP (49-79)	41
MFD Ambulance	10
MFD Members	28
Mutual Aid Given	
Fire	3
EMS	5
Mutual Aid Received	
Fire	0
EMS	2

V.M.P.D MONTHLY REPORT

SEPTEMBER 2022

60 INCIDENTS REPORTED

(including, but not limited to)

Incident #'s 17271-17331

TRAFFIC		ASSIST OTHER AGENCIES		POLICE ACTIVITY		PUBLIC SERVICE		COMMUNITY POLICING	
Traffic Tickets	1	NY State Police	2	Pornography	1	Suspicious Activity	3	Assist Citizen	1
Property Damage Accident	1					Mental Health Incident	1	School Checks	17
Personal Injury Accident	1	Fire Department	1			Burglar Alarms	2		
Road Hazards	2	EMS	6					Community Day	
						Unattended Child	1		
		Town of Washington Court	2			Lost/Found Property	1		
		Millbrook Central School	9			Animal Complaint	2		
						911 Misdiagnosed	1		



LEAF PICK-UP BEGINS OCTOBER 1st

For more information visit
villageofmillbrookny.com/works

Public Works Monthly Report September 2022

1. **BRUSH PICK-UP IS OVER**
2. **LEAF PICK-UP BEGAN OCTOBER 1ST**
3. 5 stumps removed by Out on the limb
4. Put up posted signs on North Ave north of Bridge
5. Came in to remove down tree on Ciferri
6. Repaired couplings on 2015 dump hydraulics
7. Cleared Valley farm of washed-out stone
8. Picked up storm damage
9. Rebuilt catch basin on Fountain Pl
10. Replaced catch basin on Fountain Pl
11. Serviced leaf vacuum
12. Serviced 2 generators
13. Delivered stone to sewer plant and Hitchcock farm
14. Picked up street garbage
15. Began milling and paving of North Ave 10/11

Monthly Water Report

September 2022

	September	August	July
Total Water Produced	4,961,789	7,608,501	6,230,736
Average Daily Flow	165,390	245,430	200,990
Peak Day Flow	250,130	321,920	333,904

Sampling Results:

	September	August	July
Total Coliform	Absent	Absent	Absent

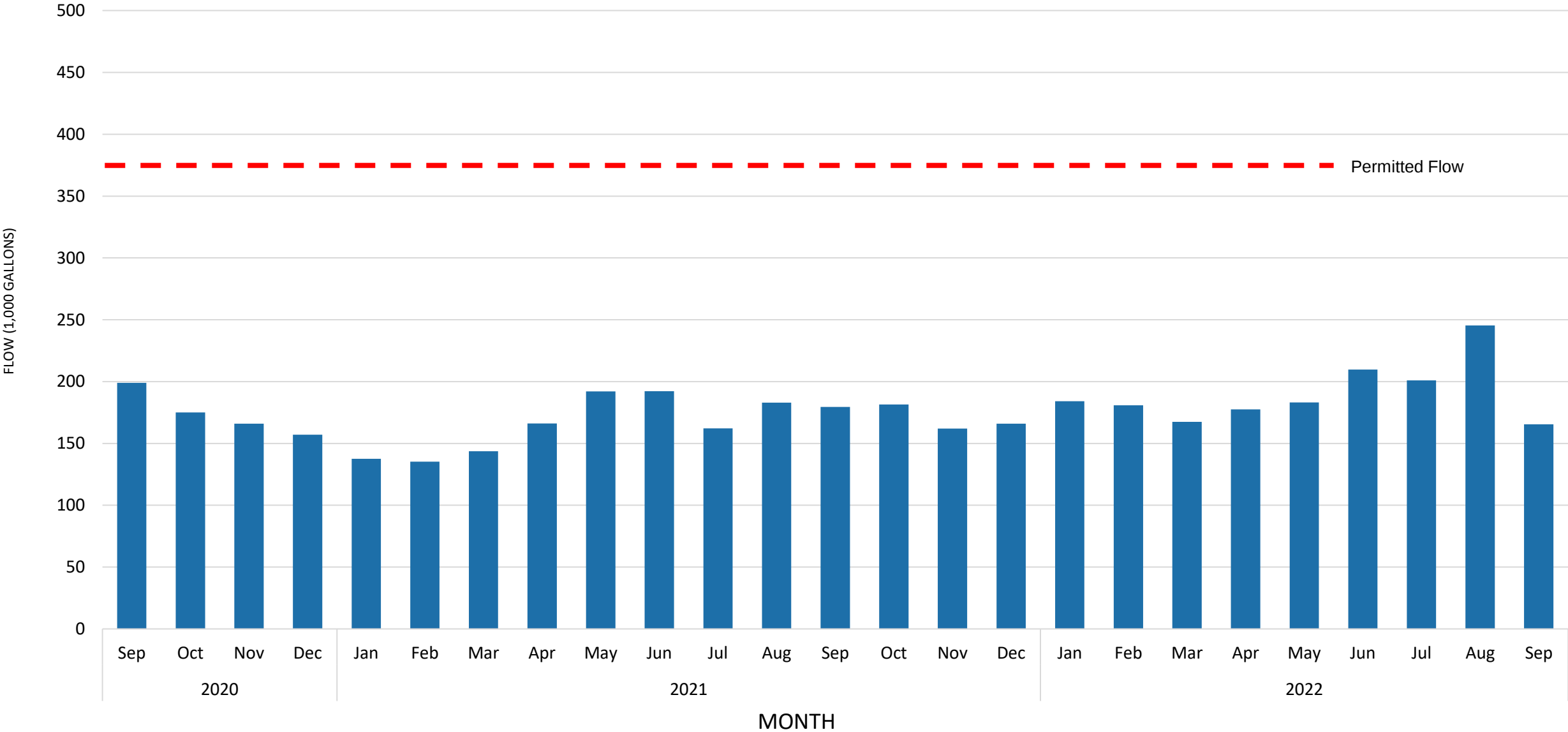
* Results not in compliance

Comments:

1. Performed all monthly sampling and maintenance
2. Flushed and cleaned 6,200 ft of sewer main - Haight, Maple, Elm, Anson
3. Arold Construction installed 482 feet of new CIPP on Velletri Way
4. Had leaking radiator on generator repaired
5. Started annual sewer main inspections
6. Flows for Sept are not accurate as flow meter is not working properly

Millbrook Water

Average Daily Flow



Monthly Sewer Report

September 2022

	September	August	July	Permit Limit
Total Effluent Flow	2,426,555	3,167,001	3,598,047	n/a
Average Daily Flow	80,885	102,200	116,100	n/a
12-Month Rolling AVG	149,000	157,000	159,000	250,000
Peak Daily Flow	160,420	118,180	135,726	n/a
Precipitation <i>(inches as liquid)</i>	6.2	1.3	1.9	n/a

SPDES Permit Samples: (mg/l)

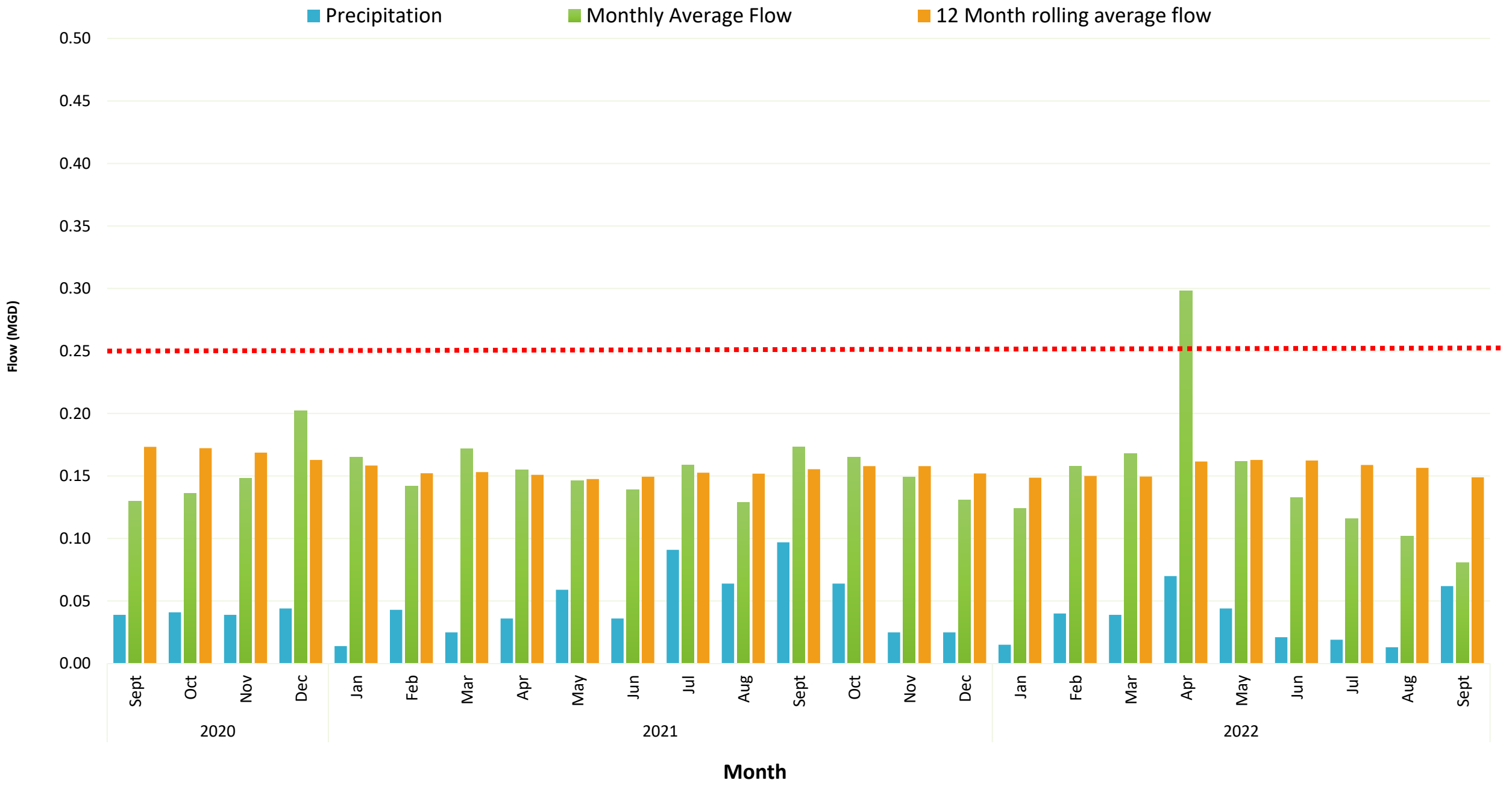
	September	August	July	Permit Limit
BOD	2.4 mg/l	2.4 mg/l	20 mg/l	15 mg/l
Percent Removal	99%	99%	97%	85%
Total Suspended Solids	1 mg/l	3.6 mg/l	8.9 mg/l	15 mg/l
Percent Removal	100%	99%	95%	85%
TKN as N	1 mg/l	1 mg/l	1 mg/l	8 mg/l
Fecal Coliform	1/100 ml	1/100 ml	1/100 ml	200/100 ml

* Exceeds permit limit

Comments:

1. Performed all monthly sampling and maintenance
2. Kinsley serviced generator - radiator leaking
3. Tractor serviced
4. Cleaning filter beds

Millbrook WWTP



Treasurer's Report: Bank Balances - September 2022

	09/01/22	DEPOSITS	DISBURSED	INTEREST	09/30/22
TAX ACCOUNT	\$1,087,000.03	\$1,587.90	\$100,000.00	\$112.84	\$988,700.77
GENERAL FUND	\$56,126.79	\$109,825.00	\$139,992.56	\$4.09	\$25,963.32
WATER FUND	\$132,871.82	\$9,207.74	\$20,820.56	\$13.84	\$121,272.84
SEWER FUND	\$377,837.76	\$6,878.03	\$29,782.54	\$39.80	\$354,973.05
ACCOUNTS PAYABLE	\$1,146.00	\$174,437.70	\$166,463.20	\$0.00	\$9,120.50
ESCROW (PLANNING & ZONING)	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00
HNL TRUST	\$41,973.50	\$0.00	\$0.00	\$5.00	\$41,978.50
MEDICAL DEDUCTIBLE	\$11,052.36	\$0.00	\$2,881.29	\$0.00	\$8,171.07
MILLBROOK RESTORATION	\$43,978.41	\$0.00	\$20,260.00	\$3.76	\$23,722.17
PAYROLL ACCOUNT	\$11,407.77	\$41,017.96	\$40,474.48	\$0.00	\$11,951.25
POLICE VEHICLE FUND	\$1,728.24	\$0.00	\$0.00	\$0.00	\$1,728.24
RESERVE FOR FIRE TRUCK	\$201,591.34	\$0.00	\$0.00	\$24.03	\$201,615.37
RESERVE FOR HIGHWAY EQUIPMENT	\$13,083.63	\$0.00	\$0.00	\$0.88	\$13,084.51
FIRE/ RESCUE REPAIR RESERVE	\$22,605.67	\$0.00	\$0.00	\$2.44	\$22,608.11
RETAINING WALL	\$7,200.95	\$0.00	\$4,600.00	\$0.55	\$2,601.50
WATER RESERVE	\$9,983.48	\$0.00	\$0.00	\$1.08	\$9,984.56
SEWER REVERSE	\$22,008.49	\$0.00	\$0.00	\$2.39	\$22,010.88
TENNIS COURTS	\$1,001.33	\$0.00	\$0.00	\$0.11	\$1,001.44
THORNE TRUST	\$19,485.13	\$0.00	\$0.00	\$1.30	\$19,486.43
TREE REPLACEMENT PROGRAM	\$7,662.47	\$0.00	\$0.00	\$0.00	\$7,662.47
TRIBUTE GARDEN DONATIONS	\$10,070.24	\$0.00	\$0.00	\$1.09	\$10,071.33
TOTAL	\$2,082,315.41	\$342,954.33	\$525,274.63	\$213.20	\$1,900,208.31

Treasurer & Clerk Update: September 2022

- Taxes MUST be paid by 10/31/2022. November 1st all unpaids are turned over to Dutchess County. DC Makes the Village whole mid-March. Sent final collection notices 10/1.
- Worked on Bank Recs for August/ Sept with Senior Acct Clerk
- Attended NYCOM
- Researched Short Term Rentals
Will be working with Trustee Doro and Trustee Arbogast- update to follow
- New Website is up- Deputy Clerk still working on fine tuning

Tax Collection Report

Parcel Counts

Total Parcels	704	
Wholly Exempt	3	0.43%
Fully Paid	682	96.88%
Partial Paid	0	
Unpaid	19	2.70%
Unpaid State Owned	0	
Over Paid	0	
Overpaid Amount	0.00	

Building Department Report: September 2022

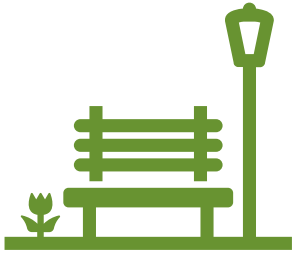
Building Permits Issued	5
Sign Permit	1
Certificate of Occupancy	0
Certificate of Compliance	1
Certificate of Use	0
Municipal Searches	1
Total Fees Collected	\$730

Planning & ZBA

Planning Board - Matt Anderson
No Update

ZBA- Andy Doro- No Update

Notes:



New Business

Christmas decorations plans – Trustee Arbogast

Parade of Lights on 12/2/2022 – C. Collopy

Investigate AirBnB code – Trustee Doro

Resolution for connecting applicable Town residents to sewer system – Clerk Witt

Introduce changes to Zoning law – Clerk Witt

Proposed sign in front of Village Hall – Mayor Collopy



Old Business Updates

Sidewalk replacement – Trustee Herzog

Code update of V&T chapter – Deputy Mayor Contino & Trustee Arbogast

EV charger installation – Deputy Mayor Contino

Tennis court fencing – Trustee Doro

Board of Trustee Updates

Mayor Tim Collopy

Deputy Mayor Vicky Contino

Trustee Mike Herzog

Trustee Buffy Arbogast

Trustee Peter Doro





Next Board of Trustees Meeting:

Wednesday, November 9, 2022 at 6:00 pm

MEETINGS ARE HELD AT THE
Millbrook Firehouse

20 Front Street, Millbrook

Streaming **LIVE** on [YouTube](#)
[**SUBSCRIBE NOW!**](#)

Resolution 2022-015

Municipal Cooperation Resolution

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Village of Millbrook wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Village of Millbrook wishes to satisfy the safety and liquidity needs of their funds;

Now, therefore, it is hereby resolved as follows:

That Sarah Witt Clerk/Treasurer of the Village of Millbrook is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019.

Motion to accept this Resolution and participate in NYCLASS made by

_____, seconded by _____.

Sarah Witt
Village of Millbrook
Village Clerk/ Treasurer

Dated: October 12, 2022

RESOLUTION No. 2022-014

A Resolution Establishing the Terms, Consideration and Conditions for Out of Village Residents
to Connect to the Village Sewer System

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 12th day of October, 2022, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and

_____, seconded by _____ Trustee
_____, moved the following resolution, to wit.

WHEREAS, the Village of Millbrook owns and operates a municipal sewer system; and

WHEREAS, pursuant to Section 14-1404 of the New York Village Law, the Village Board, as the Board of Sewer Commissioners, has the authority to sell to individuals or corporations located outside of the Village the right to make connections to the Village Sewer System for the purpose of discharging sewage or wastewater and to fix the term, consideration and conditions therefor; and

WHEREAS, the Village Board has been advised by its engineers that the Village Sewer System has adequate capacity to serve properties located outside the Village without rendering the Village Sewer System inadequate for the Village and its residents; and

WHEREAS, the Village Board now wishes to establish the terms, conditions, and consideration whereby residential property owners located outside the Village limits, but within the Town of Washington, can connect to the Village Sewer System for the purpose of discharging sewage or wastewater; and

WHEREAS, the authorization to allow a proposed user located outside of the Village to connect to the Village Sewer System for the purpose of discharging sewage or wastewater to the

Village Sewer System is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) and is therefore exempt from environmental review; and

NOW THEREFORE, BE IT RESOLVED, that the Village Board hereby determines that selling the right to make connection to the Village Sewer System for the purpose of discharging sewage or wastewater from residential properties located outside the Village limits will not render the Village Sewer System inadequate for the Village and the residents of the Village; and

BE IT FURTHER RESOLVED, that the Village Board hereby establishes the following conditions in order for the owners of residential property located outside the Village limits to connect to the Village Sewer System for the purpose of discharging sewage or wastewater.

1. The property to be served by the Village Sewer System must be located within the boundaries of the Town of Washington and be adjacent to an existing sewer line connected to the Village Sewer System.
2. The property to be served by the Village Sewer System must not contain any structure other than a single-family residence and any allowed accessory structure.
3. The owner of the property seeking to connect to the Village Sewer System must receive prior approval for the connection and service from the Village Board of Trustees, the Town Board of the Town of Washington and Site Plan approval from the Dutchess County Department of Behavioral and Community Services.
4. The owner of the property seeking to connect to the Village Sewer System must demonstrate to the Village that a proper connection can be made from the property to the Village Sewer System. If any additional infrastructure, such as a pump station, is required in order to make a proper connection from the property to the Village sewer

system the cost of installing and maintaining such additional infrastructure shall be the sole responsibility of the property owner.

And

BE IT FURTHER RESOLVED, the owner of the property located outside the Village limits seeking to connect to the Village Sewer System shall pay an application fee to the Village equal to \$500 and obtain a bond in the amount of \$500 to cover any extraordinary expenses incurred by the Village in providing service; and

BE IT FURTHER RESOLVED, the owner of the property located outside the Village limits seeking to connect to the Village Sewer System shall pay a connection fee equal to the rate for town water and sewer, which is currently \$19 per gallon and subject to change by Resolution of the Village Board of Trustees, multiplied by 110 gallons per bedroom for every bedroom in the structures on the property, multiplied by the total number of bedrooms in the structures (ex. \$19 x (110 x number of bedrooms in the structures), so that a property with a three (3) bedroom home would have to pay a connection fee equal to \$6,270.00); and

BE IT FURTHER RESOLVED, the owner of the property located outside the Village limits seeking to connect to the Village Sewer System shall deposit the sum of \$5,000 into an escrow account to be held by the Village for the purpose of covering the cost to the Village, or the operator of the Village Sewer System, from the review of plans, inspections, and any other engineering and/or administration fees; and

BE IT FURTHER RESOLVED, that any connection to the Village sewer system by an owner of property in the Town of Washington, outside the Village limits, shall be subject to compliance with all permitting procedures and requirements of the Town of Washington's Building Department.

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy _____

Trustee Herzog _____

Trustee Contino _____

Trustee Arbogast _____

Trustee Doro _____

DATED: Millbrook, New York
October 12, 2022

SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

TABLED UNTIL 11.09.2022

RESOLUTION No. 2022-012

Introducing Local Law No. 2 of 2022 Amending Chapter 230 of the Village Code Entitled “Zoning” to Add the Requirement that Public Hearings Regarding Land Use Applications be Advertised on Signs Posted on the Property

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 12th day of October , 2022, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and Trustee Doro, seconded by Trustee Herzog, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 2 of 2022, entitled “A Local Law Amending Sections 230-43, 230-44 and 230-62 of the Village Code to add the requirement that Public Hearings for land use applications be advertised by posting a sign on the property subject of the application in addition to all other Public Hearing Notice requirements” as follows:

BE IT ENACTED by the Board of Trustees of the Village of Millbrook (“Village Board”) as follows:

Section 1. Legislative intent: The Village Zoning Law, set forth in Chapter 230 of the Village Code, contains Notice requirements for Public Hearings on certain land use applications before the Town Planning Board and Zoning Board of Appeals. Those Notice requirements currently include publication in the official newspaper of the Village and direct mailings to neighbors within a certain distance of the property that is the subject of the Public Hearing. The Village Board has determined that public awareness of Public Hearings regarding land use applications would be increased if, in addition to the existing Notice requirements, there was an additional requirement to post a sign on the property that is the subject of the Public Hearing providing Notice of the Public Hearing. The Village Board believes it to be in the best interests of the Village and its residents, to amend Sections 230-43, 230-44 and 230-62 of the Village Code, to include the requirement that applicants on all land use applications before the Town Planning Board and Zoning Board of Appeals be required to post any Notice of Public Hearing on Signs placed on the property subject to the land use application.

Section 2. Section 230-43 of the Village Code entitled “Special permit procedure” is hereby amended by repealing Subsection 230-43(D) and replacing that Subsection with the following language.

“D. Application and referral. Application for a special permit shall be made, in writing, to the Planning Board. The Planning Board shall fix a time within 62 days from the day an application for special permit is made for a public

hearing. Public notice shall be given by publication in the newspaper of such hearing at least five days prior to the date of public hearing. The secretary of the Planning Board will record in the minutes of the hearing the names of any of the abutting property owners who qualify under terms of § 230-44D, who object to the granting of the special permit and the reasons why, such information is to be given consideration in arriving at a permit decision. In addition, the Applicant shall post a Sign on the property which is the subject of the application, at the Applicant's own cost, containing the Notice of Public Hearing at least ten (10) days prior to the date of the Public Hearing. The Planning Board shall determine the number, size and placement of the Sign to be posted on the property which shall be in compliance with the requirements of Section 230-20 of the Village Code. An affidavit of posting shall be filed with the secretary of the Planning Board at least five (5) days before the Public Hearing. Reposting of such Sign shall not be required for adjourned dates. An Applicant shall not be deemed to have violated the requirement to maintain the Notice Sign if the Sign is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time. The Sign required herein shall be removed within five (5) days of the close of the Public Hearing. The Planning Board is authorized to develop and revise from time to time policies and procedures regarding the size of Notice Signs, the font size of the lettering appearing thereon, as well as the level of detail announced in the Notice Sign in order to best serve the needs of the Planning Board and the public.

Within 62 days of said hearing, the Planning Board shall approve, approve with modifications or disapprove the special permit. The decision of the Planning Board shall be filed in the office of the Village Clerk within five business days after such decision is rendered, and a copy thereof shall be mailed to the applicant. No building permit shall be issued for special uses until the provision of § 230-43 have been met.”

Section 3. Section 230-44 of the Village Code entitled “Site plan procedure” is hereby amended by repealing Subsection 230-44(D) and replacing that Subsection with the following language.

“D. Public hearing and action by Planning Board.

(1) The Planning Board shall notify, by certified mail, all adjacent property owners of the date, time, place and subject of the public hearing at which the site plan will be reviewed. Such notice shall not be required for adjourned dates. The records of the Receiver of Taxes of the Village of Millbrook shall be deemed conclusive as to ownership, and the notice shall be deemed complete when deposited in a properly addressed postpaid envelope in the United States Mail. In addition, the Applicant shall post a Sign on the property which is the subject of the application, at the Applicant's own cost, containing the Notice of Public Hearing at least ten (10) days prior to the date of the Public Hearing. The Planning Board shall determine the number, size and placement of the Sign to be posted on the property which shall be in compliance with the requirements of Section 230-20 of the Village Code. An affidavit of posting shall be filed with the secretary of the Planning Board at least five (5) days before the Public Hearing. Reposting of such Sign shall not be required for adjourned dates. An Applicant shall not be deemed to have violated the requirement to maintain the Notice Sign if the Sign is removed or destroyed

by an unrelated party or natural force and replaced within a reasonable period of time. The Sign required herein shall be removed within five (5) days of the close of the Public Hearing. The Planning Board is authorized to develop and revise from time to time policies and procedures regarding the size of Notice Signs, the font size of the lettering appearing thereon, as well as the level of detail announced in the Notice Sign in order to best serve the needs of the Planning Board and the public.

(2) Within 62 days of the date of the adjournment of public meeting, the Planning Board shall act to approve, approve with modifications or disapprove the proposed site plan. A copy of the Planning Board's decision shall be filed in the offices of the Village Clerk and with the Zoning Enforcement Officer, and a copy thereof shall be mailed to the applicant.

(3) Within 60 days of the date of approval or approval with modifications, the applicant shall present to the Planning Board a corrected final site plan in reproducible form, including any modification required by the Planning Board as a condition of its approval. Upon verification by the Planning Board that the plan complies with the requirements of the Planning Board, the plan shall be endorsed by the Planning Board Chairperson and properly filed with the Zoning Enforcement Officer, the Planning Board and the Village Clerk."

Section 4. Section 230-62 of the Village Code entitled "Public hearings and notice" is hereby repealed in its entirety and that Section replaced with the following language.

"§ 230-62 Public hearings and notice.

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof by the publication in the official paper of a notice of such hearing as provided by the Village Law. In addition, the Applicant shall post a Sign on the property which is the subject of the application, at the Applicant's own cost, containing the Notice of Public Hearing at least ten (10) days prior to the date of the Public Hearing. The Zoning Board of Appeals shall determine the number, size and placement of the Sign to be posted on the property which shall be in compliance with the requirements of Section 230-20 of the Village Code. An affidavit of posting shall be filed with the secretary of the Zoning Board of Appeals at least five (5) days before the Public Hearing. Reposting of such Sign shall not be required for adjourned dates. An Applicant shall not be deemed to have violated the requirement to maintain the Notice Sign if the Sign is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time. The Sign required herein shall be removed within five (5) days of the close of the Public Hearing. The Zoning Board of Appeals is authorized to develop and revise from time to time policies and procedures regarding the size of Notice Signs, the font size of the lettering appearing thereon, as well as the level of detail announced in the Notice Sign in order to best serve the needs of the Zoning Board of Appeals and the public.

- A. Notice to interested parties. In case of any appeal, all interested parties as designated in the Village Law shall be notified as provided therein.
- B. Adjournment of hearing. Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing for a reasonable period for the purpose of causing such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal.
- C. Required interval for hearing on applications and appeals after denial. Whenever the Board, after hearing all the evidence presented upon an application or appeal, under the provision of this chapter, denies the same, the Zoning Board of Appeals shall refuse to hold further hearings on the same or substantially similar application or appeal by the same applicant, his or her successor or assignee for a period of one year, except and unless the Zoning Board of Appeals shall find and determine from the information supplied by the request for a rehearing that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing would be allowable only upon a motion initiated by a member of the Zoning Board of Appeals and adopted by the unanimous vote of the members present, but not less than a majority of all members.”

Section 5. This local law shall take effect as of the date of filing with the New York Secretary of State.

Mayor, Tim Collopy, advised the Board of Trustees that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this proposed local law. Trustee Doro offered the following resolution which was seconded by Trustee Contino, who moved its adoption:

WHEREAS, on October 12th, 2022, Trustee Doro introduced this local law for the Village of Millbrook, to be known as “A Local Law Amending Sections 230-43, 230-44 and 230-62 of the Village Code to add the requirement that Public Hearings for land use applications be advertised by posting a sign on the property subject of the application in addition to all other Public Hearing Notice requirements.”

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Fire House, 20 Front Street, Millbrook, New York, on October 12th, 2022, at 6:00 o’clock, p.m., Prevailing Time, and that notice of said hearing shall be published

in the official newspaper of general circulation in the Village of Millbrook, by the Village Clerk, at least ten (10) days before such hearing and that such notice shall be in the following form:

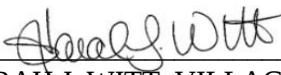
NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Board of Trustees of the Village of Millbrook will hold a public hearing at the Village Fire House, 20 Front Street, Millbrook, New York, on November 9th, 2022, at 6:00 o'clock, p.m., Prevailing Time, on Proposed Local Law No. 2 of the Year 2022, entitled "A Local Law Amending Sections 230-43, 230-44 and 230-62 of the Village Code to add the requirement that Public Hearings for land use applications be advertised by posting a sign on the property subject of the application in addition to all other Public Hearing Notice requirements."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Village of Millbrook, at the Village Hall, 35 Merritt Avenue, Millbrook, New York between the hours of 8:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York
 October 12th, 2022

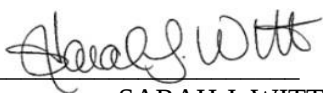


SARAH J. WITT, VILLAGE CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Contino	Aye
Trustee Arbogast	Aye
Trustee Doro	Aye

DATED: Millbrook, New York
 October 12th, 2022



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

RESOLUTION No. 2022-013

Introducing Local Law No. 3 of 2022 Amending Article X of Chapter 230 of the Village Code by Creating a New Section 230-75 Containing Regulations for Outdoor Dining on Village Sidewalks

At a meeting of the Village Board of Trustees of the Village of Millbrook (“Village Board”), held at the Village Fire House, 20 Front Street, Millbrook, New York on the 12th day of October, 2022, at 6:00 p.m., Village Mayor, Tim Collopy called the meeting to order, and Trustee Herzog, seconded by Trustee Doro, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 3 of 2022, entitled “A Local Law Amending Article X of Chapter 230 of the Village Code to Establish a New Section 230-75 Setting Forth the Rules and Regulations to apply to Outdoor Dining on Village sidewalks” as follows:

BE IT ENACTED by the Board of Trustees of the Village of Millbrook as follows:

Section 1. Legislative intent: The novel coronavirus (Covid-19) pandemic has been a public health emergency throughout the United States, and the world, since early in 2020. Several local businesses, in particular restaurants, have suffered tremendously since that time as a result of the executive orders prohibiting public gatherings and requiring social distancing as well as the staff shortages as a result of employees becoming infected with the disease or having to quarantine as the result of exposure. The Village Board is aware that some restaurants do not have the ability to offer outdoor dining on premises and that in some cases the adjacent public sidewalk is the only available space to offer outdoor dining. The Village Board has determined it is in the best interest of the Village and its residents to allow restaurants located in the Village to provide outdoor dining on the adjacent Village sidewalk and to impose regulations to ensure the safety, attractiveness, and convenience of such Village sidewalks is maintained for diners and pedestrians.

Section 2. Article X of Chapter 230 of the Village Code entitled “Zoning” is hereby amended by adding a New Section 230-75 to contain the following language.

“§230-75 Outdoor Dining on adjacent Village Sidewalks.

A. Definitions.

FOOD ESTABLISHMENT

Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery. Food establishments shall include, but are not limited to, restaurants, cafes, delicatessens, fast-food establishments and food establishments within grocery stores.

OUTDOOR DINING AREA

A Village sidewalk space utilized for outdoor dining by the adjacent Food Establishment pursuant to an Outdoor Dining Area permit.

PERSON

Any individual person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including public agencies and municipal corporations.

- B. No Person operating a Food Establishment shall establish, operate or expand an Outdoor Dining Area on a Village sidewalk except upon the granting of an Outdoor Dining Area Permit by the Village of Millbrook Building Inspector. This Section shall only permit Outdoor Dining on Village Sidewalks. The use of any streets or roads within the Village for Outdoor Dining shall be prohibited.
- C. The Outdoor Dining Area shall not require land use approvals such as site plan, special permit, subdivision, variances or any other discretionary review or approval by any board within the Village.
- D. All applications for an Outdoor Dining Area Permit shall be on a form provided by the Village Building Department and shall contain the following information:
 - (1) The name and address of the applicant.
 - (2) The name and address of the Food Establishment.
 - (3) Approval from the New York State Liquor Authority to serve alcohol in the Outdoor Dining Area, if the Food Establishment will be serving alcohol in the Outdoor Dining Area.
 - (4) Insurance certificates, in compliance with the requirements set forth in subparagraph F below.
 - (5) A drawing showing the proposed layout of the Outdoor Dining Area.
 - (6) A statement describing the proposed use of the Outdoor Dining Area, including days and hours of intended operation and proposed capacity.

- (7) If a tenant is seeking an Outdoor Dining Area permit, the tenant/application shall include written authorization from the property owner.
- (8) The Application Fee in the amount determined each year by resolution of the Village Board.
- (9) Outdoor Dining Area Permits expire after one (1) season. Applicants must apply for this permit each year.

E. All Outdoor Dining Area permits shall be subject to the following terms and conditions:

- (1) The Outdoor Dining Area shall not be used for any purpose other than for the approved dining use. No outdoor cooking or preparation of alcoholic beverages of any type is permitted in the Outdoor Dining Area.
- (2) The Outdoor Dining Area shall comply with any and all state and local health, fire, building, sanitation and maintenance codes applicable.
- (3) Sidewalk clearances must be sufficient to ensure a straight pedestrian path free of obstructions along the entire length of the public sidewalk. There must be a minimum clear path of at least thirty (30) inches wide for the pedestrian path.
- (4) Obstructions to entryways, emergency exits, fire hydrants, and any other public utility are prohibited. Entrances to the sidewalk dining area must maintain a minimum thirty (30) inch wide access way from the public sidewalk to building entryway.
- (5) No permanent structures may be affixed to the sidewalk used for the Outdoor Dining Area.
- (6) The number and location of all chairs, tables, benches, umbrellas, heaters, and planters in the Outdoor Dining Area are subject to approval by the Building Inspector, in accordance with all applicable New York State, Dutchess County and Village of Millbrook laws and codes and Americans with Disabilities Act requirements.
- (7) Tables and chairs shall be constructed of durable materials such as metal. No folding tables are permitted.
- (8) The Outdoor Dining Area shall at all times be kept free and clear of garbage, litter, refuse, rubbish and debris.
- (9) Music of any sort is expressly prohibited.
- (10) Any exterior lighting shall not unreasonably illuminate beyond the boundaries of the Outdoor Dining Area.
- (11) The Outdoor Dining Areas shall be closed to customers and all furnishings shall be removed and stored indoors on or before 10:00 p.m. each day.

- (12) The applicant shall be responsible for any damage caused to any sidewalk or public property as a result of the Outdoor Dining operations.
- (13) The operator of the Food Establishment shall procure the appropriate approval from the State Liquor Authority if the food establishment intends to serve alcoholic beverages in the Outdoor Dining Area and shall comply with all other laws, regulations and guidelines concerning the serving of alcoholic beverages. All alcoholic beverages to be served in the Outdoor Dining Area shall be prepared within the existing Food Establishment, and alcoholic drinks shall only be served to patrons seated at tables.
- (14) Upon the expiration or earlier termination of the Outdoor Dining Area Permit, the applicant shall restore the Outdoor Dining Area to the same condition it was in prior to the applicant's use of the Outdoor Dining Area.
- (15) The Building Inspector may impose any reasonable conditions on the approval of an Outdoor Dining Area Permit related to the Outdoor Dining Area's size, location, impact on available parking, pedestrian safety, noise, and the public health, safety and welfare.
- (16) All outdoor dining operations shall comply with any applicable United States Centers for Disease Control, New York State or Dutchess County guidance, rule, regulation or law concerning required measures to minimize the spread of COVID-19.
- (17) Outdoor Dining shall only be allowed between April 1st and November 1st.
- (18) Modification. The Building Inspector may modify an Outdoor Dining Area Permit at any time and for any reason.
- (19) Revocation. The Building Inspector shall have the authority to revoke or suspend a Permit for any of the following grounds:
 - (a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing.
 - (b) Use of the property for an Outdoor Dining Area creates a hazard, public nuisance, threat to public safety, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
 - (c) Failure of the applicant to comply with any provision of this Section or any other applicable law or regulation or term or condition of the Permit.
 - (d) The determination of the Village Board by Resolution to suspend Outdoor Dining on Village sidewalks pursuant to subparagraph H below.

F. Insurance requirements for use of Outdoor Dining Area.

- (1) No Outdoor Dining Area Permit shall be issued by the Village Building Inspector until the applicant provides satisfactory evidence of the following types of coverage and limits of liability:
- (a) Statutory workers' compensation and employers' liability policy, with policy limits equal to New York State requirements.
 - (b) General liability coverage with limits of insurance of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.
 - (c) The Village of Millbrook and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
 - (e) The applicant shall maintain these insurance requirements for itself and all additional insureds for the duration of the Outdoor Dining operations.
 - (f) The applicant's policy must be primary and noncontributory to any insurance the Village of Millbrook maintains.
 - (g) Certificates of insurance shall provide that thirty (30) days' written notice prior to cancellation or modification be given to the Village of Millbrook. Policies that lapse and/or expire during the term of the Outdoor Dining Area Permit shall be recertified and received by the Village of Millbrook no fewer than 30 days prior to cancellation or renewal.
- G. Indemnification. As a condition of accepting the Outdoor Dining Area Permit, the applicant agrees to indemnify and save harmless the Village of Millbrook, its officers, agents, attorneys and employees, from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the Outdoor Dining Area.
- H. Suspension by Village Board. The Village Board shall have the authority to suspend Outdoor Dining on Village sidewalks at any time by resolution. Upon adoption of such a resolution of the Village Board, the Village Building Inspector shall immediately revoke all Outdoor Dining Area Permits issued in accordance with subparagraph E.(19) above.
- I. Reservation of rights by Village. Neither the adoption of this Section nor the granting of any Permit pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the Village of Millbrook concerning its public easement over the streets and sidewalks, or of any requirement of law concerning the liability of the Village of Millbrook with respect to streets and sidewalks, whether expressed or implied.
- J. Enforcement. A violation of any provision of this Section shall be subject to the enforcement provisions set forth in Article VII of the Village Code.”

Section 3. This local law shall take effect as of the date of filing with the New York Secretary of State.

Mayor, Tim Collopy, advised the Board of Trustees that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this proposed local law. Trustee Doro offered the following resolution which was seconded by Trustee Arbogast, who moved its adoption:

WHEREAS, on November 9th, 2022, Trustee Herzog introduced this local law for the Village of Millbrook, to be known as “A Local Law Amending Article X of Chapter 230 of the Village Code to Establish a New Section 230-75 Setting Forth the Rules and Regulations to apply to Outdoor Dining on Village sidewalks.”

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Fire House, 20 Front Street, Millbrook, New York, on November 9th, 2022, at 6:00 o’clock, p.m., Prevailing Time, and that notice of said hearing shall be published in the official newspaper of general circulation in the Village of Millbrook, by the Village Clerk, at least ten (10) days before such hearing and that such notice shall be in the following form:

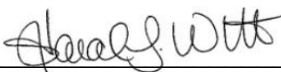
NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Board of Trustees of the Village of Millbrook will hold a public hearing at the Village Fire House, 20 Front Street, Millbrook, New York, on November 9th, 2022, at 6:00 o’clock, p.m., Prevailing Time, on Proposed Local Law No. 3 of the Year 2022, entitled “A Local Law Amending Article X of Chapter 230 of the Village Code to Establish a New Section 230-75 Setting Forth the Rules and Regulations to apply to Outdoor Dining on Village sidewalks.”

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Village of Millbrook, at the Village Hall, 35 Merritt Avenue, Millbrook, New York between the hours of 8:00 a.m. to 12:00 p.m. and then between 1:00 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Millbrook, New York
October 12th, 2022

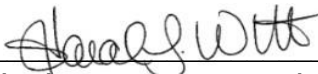


SARAH J. WITT, VILLAGE CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Contino	Aye
Trustee Arbogast	Aye
Trustee Doro	Aye

DATED: Millbrook, New York
October 12th, 2022



SARAH J. WITT, VILLAGE CLERK
Village of Millbrook

Fee: \$ _____

Paid: Y _____ N _____

Village of Millbrook
Application for Outdoor Dining (COMMERCIAL BUSINESS)
Building Inspector: Ken McLaughlin
Phone/Text: 845-240-2118 Fax: 845-677-3972
Office Hours: Mondays 5 PM- 7 PM
PO Box 349 - 35 Merritt Avenue Millbrook, NY 12545

APPLICANT INFORMATION

Name of Property Owner: _____

Phone Number: _____ E-mail: _____

Signature of Property Owner*: _____

Name of Applicant: _____

Phone Number: _____ E-mail: _____

Signature of Applicant*: _____

Name of Business: _____

Grid Number: _____

Address of Property: _____

Mailing Address: _____

Zoning Code: _____

Today's Date: _____

** Please print and sign form*

ATTACHMENTS REQUIRED FOR THIS APPLICATION

1. Approval from the New York State Liquor Authority to serve alcohol in the Outdoor Dining Area, if the Food Establishment will be serving alcohol in the Outdoor Dining Area.
2. A drawing showing the proposed layout of the Outdoor Dining Area.
3. A statement describing the proposed use of the Outdoor Dining Area, including days and hours of intended operation and proposed capacity.
4. If a tenant is seeking an Outdoor Dining Area permit, the tenant/application shall include written authorization from the property owner.
5. Insurance certificates, in compliance with the requirements set forth in subparagraph F (see the back of this application)

FAILURE TO PROVIDE THE REQUESTED DOCUMENTS WILL RESULT IN THIS APPLICATION TO BE DENIED.

Outdoor Dining Area Permits expire after one (1) season. Applicants must apply for this permit each year.

THIS SECTION IS TO BE FILLED OUT BY THE BUILDING INSPECTOR

APPLICATION: APPROVED _____ DENIED _____

ADDITIONAL COMMENTS: _____

SIGN: _____ DATE: _____

Permit Expires on:

Village of Millbrook
Application for Outdoor Dining

Village Code:

No Person operating a Food Establishment shall establish, operate or expand an Outdoor Dining Area on a Village sidewalk except upon the granting of an Outdoor Dining Area Permit by the Village of Millbrook Building Inspector. This Section shall only permit Outdoor Dining on Village Sidewalks. The use of any streets or roads within the Village for Outdoor Dining shall be prohibited.

C. The Outdoor Dining Area shall not require land use approvals such as site plan, special permit, subdivision, variances or any other discretionary review or approval by any board within the Village.

E. All Outdoor Dining Area permits shall be subject to the following terms and conditions:

- (1) The Outdoor Dining Area shall not be used for any purpose other than for the approved dining use. No outdoor cooking or preparation of alcoholic beverages of any type is permitted in the Outdoor Dining Area.
- (2) The Outdoor Dining Area shall comply with any and all state and local health, fire, building, sanitation and maintenance codes applicable.
- (3) Sidewalk clearances must be sufficient to ensure a straight pedestrian path free of obstructions along the entire length of the public sidewalk. There must be a minimum clear path of at least thirty (30) inches wide for the pedestrian path.
- (4) Obstructions to entryways, emergency exits, fire hydrants, and any other public utility are prohibited. Entrances to the sidewalk dining area must maintain a minimum thirty (30) inch wide access way from the public sidewalk to building entryway.
- (5) No permanent structures may be affixed to the sidewalk used for the Outdoor Dining Area.
- (6) The number and location of all chairs, tables, benches, umbrellas, heaters, and planters in the Outdoor Dining Area are subject to approval by the Building Inspector, in accordance with all applicable New York State, Dutchess County and Village of Millbrook laws and codes and Americans with Disabilities Act requirements.
- (7) Tables and chairs shall be constructed of durable materials such as metal. No folding tables are permitted.
- (8) The Outdoor Dining Area shall at all times be kept free and clear of garbage, litter, refuse, rubbish and debris.
- (9) Music of any sort is expressly prohibited.
- (10) Any exterior lighting shall not unreasonably illuminate beyond the boundaries of the Outdoor Dining Area.
- (11) The Outdoor Dining Areas shall be closed to customers and all furnishings shall be removed and stored indoors on or before 10:00 p.m. each day.
- (12) The applicant shall be responsible for any damage caused to any sidewalk or public property as a result of the Outdoor Dining operations.
- (13) The operator of the Food Establishment shall procure the appropriate approval from the State Liquor Authority if the food establishment intends to serve alcoholic beverages in the Outdoor Dining Area and shall comply with all other laws, regulations and guidelines concerning the serving of alcoholic beverages. All alcoholic beverages to be served in the Outdoor Dining Area shall be prepared within the existing Food Establishment, and alcoholic drinks shall only be served to patrons seated at tables.
- (14) Upon the expiration or earlier termination of the Outdoor Dining Area Permit, the applicant shall restore the Outdoor Dining Area to the same condition it was in prior to the applicant's use of the Outdoor Dining Area.
- (15) The Building Inspector may impose any reasonable conditions on the approval of an Outdoor Dining Area Permit related to the Outdoor Dining Area's size, location, impact on available parking, pedestrian safety, noise, and the public health, safety and welfare.
- (16) All outdoor dining operations shall comply with any applicable United States Centers for Disease Control, New York State or Dutchess County guidance, rule, regulation or law concerning required measures to minimize the spread of COVID-19.
- (17) Outdoor Dining shall only be allowed between April 1st and November 1st.
- (18) Modification. The Building Inspector may modify an Outdoor Dining Area Permit at any time and for any reason.
- (19) Revocation. The Building Inspector shall have the authority to revoke or suspend a Permit for any of the following grounds:
 - (a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing.
 - (b) Use of the property for an Outdoor Dining Area creates a hazard, public nuisance, threat to public safety, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
 - (c) Failure of the applicant to comply with any provision of this Section or any other applicable law or regulation or term or condition of the Permit.
 - (d) The determination of the Village Board by Resolution to suspend Outdoor Dining on Village sidewalks pursuant to subparagraph H below.

F. Insurance requirements for use of Outdoor Dining Area.

- (1) No Outdoor Dining Area Permit shall be issued by the Village Building Inspector until the applicant provides satisfactory evidence of the following types of coverage and limits of liability:
 - (a) Statutory workers' compensation and employers' liability policy, with policy limits equal to New York State requirements.
 - (b) General liability coverage with limits of insurance of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.
 - (c) The Village of Millbrook and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
 - (e) The applicant shall maintain these insurance requirements for itself and all additional insureds for the duration of the Outdoor Dining operations.
 - (f) The applicant's policy must be primary and noncontributory to any insurance the Village of Millbrook maintains.
 - (g) Certificates of insurance shall provide that thirty (30) days' written notice prior to cancellation or modification be given to the Village of Millbrook. Policies that lapse and/or expire during the term of the Outdoor Dining Area Permit shall be recertified and received by the Village of Millbrook no fewer than 30 days prior to cancellation or renewal.

G. Indemnification. As a condition of accepting the Outdoor Dining Area Permit, the applicant agrees to indemnify and save harmless the Village of Millbrook, its officers, agents, attorneys and employees, from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the Outdoor Dining Area.

H. Suspension by Village Board. The Village Board shall have the authority to suspend Outdoor Dining on Village sidewalks at any time by resolution. Upon adoption of such a resolution of the Village Board, the Village Building Inspector shall immediately revoke all Outdoor Dining Area Permits issued in accordance with subparagraph E.(19) above.

I. Reservation of rights by Village. Neither the adoption of this Section nor the granting of any Permit pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the Village of Millbrook concerning its public easement over the streets and sidewalks, or of any requirement of law concerning the liability of the Village of Millbrook with respect to streets and sidewalks, whether expressed or implied.

J. Enforcement. A violation of any provision of this Section shall be subject to the enforcement provisions set forth in Article VII of the Village Code.

Monthly Report

1. Low number of incidents due to staffing shortage.
2. Speed sign has been moved to several locations, data shows that most vehicles are compliant, not recklessly speeding. Currently on Church St, near the HS to remind drivers of the school zone

Thank you Highway Dept for installing its own post, so it can be effective;

Active Shooter Training Plan

1. Range Day (Qualifications) 9/28/2022 1100am-500pm

At Range Day: active shooter drills and tactics

2. Working with St. Joseph's Church to use the old school building for real life training scenarios
3. Ordered 2 pistols, all VMPD will have Village owned and maintained pistols
4. Ordered 2 patrol rifles, for active shooter situations and daily patrol
5. Continue to seek out availability of additional active shooter training for Officers
6. Continue to seek collaboration with other departments in their active shooter trainings

START
9/10

\$700 per 2
\$3500 per 2

PINE PLAIN
MILLETON
DEPT 11 COORDINATOR PER 911

New Hire

Brooks Lyman

Dutchess County resident

9 years patrol experience with Town of Highlands Police Department

Interviewed with Mayor, Deputy Mayor and Sgt. Witt

Available to start 10/01/2022 or sooner

Helps fill the gaps in the schedule that we experienced in August and September

=> motion to approve
APPROVED
1 yr qualification

Other

1. 7K251 is aging, had to have exhaust replaced
2. 7K250: light bar not functioning again
3. Community Day: success, uneventful event

11/2015 7 yr old

Oct. 12, 2022

Millbrook Parade of Lights - December 2

The Village of Millbrook will join with the Town of Washington to present the annual Santa Meet and Greet and The Parade of Lights. As in the past, the Meet and Greet will take place at 5PM immediately followed by the Parade of Lights at 6PM.

My goal this year is to seek greater participation from a variety of organizations as well as individuals in the Village and Town.

- Form a committee with community leaders from both the Village and Town as well as our new Town Rec Director and other interested residents. If anyone is interested, please call the Village Hall or me.
- Seek volunteers from our schools through Interact and other school clubs and programs. I have requested to participate in the Library Volunteer Fair October 22.
- Work closely with Deputy Clerk Nicole Zeto to keep residents informed.
- Seek parents to help to find and organize children to participate in the kids' parade kickoff.

Please spread the word to get participants and volunteers and to be sure all residents know the parade will take place on December 2.

Ceil Collopy
845-797-2294