Village of Millbrook
35 Merritt Avenue Millbrook NY 12545
Village Hall – Board of Trustees
March 10, 2021

- *Open Meeting Laws have been suspended- Executive Order No. 202.1*
- *The public can comment/question via email villageofmillbrook@gmail.com. The responses to the email will be done during the following week by the trustee that is most applicable.*

1. **Roll Call:** Mayor Collopy, Deputy Mayor Herzog, Trustee Contino, Robert Collocola Public Works Supervisor (PWS), Ted Bownas (Fire Department Chief), Matt Rochfort (FD President), Officer in Charge (OIC) Witt, Scott Osborn (VRI), Attorney Mackey, and Clerk Witt
   All meeting attendees met via ZOOM.
2. **Open meeting – 6:00 PM with Pledge of Allegiance.** Mayor Collopy congratulated James Maestri for achieving the rank of Eagle Scout.
3. **Minutes Approval:** *Motion* made by Trustee Arbogast to accept the minutes of 2/10/2021, seconded by Deputy Mayor Herzog and all were in favor.
4. **Voucher Approval:** *Motion* made by Trustee Contino to accept the fund totals as presented, seconded by Trustee Arbogast and all were in favor.

Voucher #'s 20574-20756	
General Fund	$ 108,567.57
PD Vehicle Reserve	$ 40,973.20
Hwy Truck Reserve	$108,372.52
Water Fund	$ 12,649.47
Sewer Fund	$ 15,940.19
TOTALS:	**$ 286,502.95**

5. **Public Employer Health Emergency Plan:** *Motion* made by Deputy Mayor Herzog to accept the Village of Millbrook COVID-19 Protocols (to be posted on the Village Website), seconded by Trustee Contino and all were in favor.
6. **Departmental Reports:**
   Fire Department: Chief Bownas read the attached monthly report.
   Additional Comments: Chief Bownas told the Board that the FD Board of Directors is making a plan to sell the 2014 Ambulance.
   Police Department: OIC Witt read from attached monthly report.
   Additional comments: OIC Witt told the Board he is working on getting the new car online. He is still waiting on NYCOMCO to set up date and reports it will be close to 7-8 weeks before the upfit equipment is in and can be installed in the car.
   Police Reform and Modernization Plan (attached): *Motion* made by Mayor Collopy to accept the Village of Milbrook Police Reform and Modernization Plan – Resolution 2021-002- seconded by Trustee Arbogast and all were in favor. Mayor Collopy said the reform plan will be posted on the Village website.
   Public Works: PWS Collocola read from attached Public Works report.

Additional Comments: Trustee Arbogast thanked PWS Collocola for the snow removal work on Franklin.

Water and Sewer: Scott Osborn (VRI) read from attached W/S monthly report.
Additional Comments: Mayor Collopy read Resolution 2021-001 Sewer Rate Increase (attached). *Motion* made by Mayor Collopy to approve Resolution 2021-001, seconded by Trustee Arbogast and all were in favor.

Treasurer/ Building Department: Clerk Witt read from attached monthly Treasurer and Building Department reports. Current Operating Statement passed out to Board.
Mayor Collopy read Resolution 2021-005- To eliminate Nine Partners, Lamont and Haight Trust Funds. Roll Call vote approving Resolution 2021-005:
Mayor Collopy- Aye
Deputy Mayor Herzog- Aye
Trustee Contino- Aye
Trustee Arbogast- Aye
Attorney MacDonald will be drafting a letter to send to the Attorney General and a copy of that letter will be forwarded to the Board before it's sent out.

Attorney: Attorney Mackey said he is the Attorney that is representing Janet Farms LLC, due to conflict of interest he temporarily left the meeting while the Board had a discussion. Mayor Collopy would like Delaware Engineering and Chazen Engineering to review the project plans before they are set in motion because the Janet Farms project would be constructed over a portion of Village's water source. Protecting the water source is the Village's main concern about this project.

7. **Trustee Updates:**
   Deputy Mayor Herzog: Attended a CAC ZOOM meeting regarding the District Overlay in the Town and spoke with Janet Farms owner. Sent pictures of the sidewalks to Dutchess County for possible grant opportunities in 2022. Completed Police Reform Plan that was passed at this meeting.
   Trustee Contino: Working on possibly installing some car charging stations in the Village through State funding programs. Said there are FEMA grants we may be able to apply for to cover COVID expenses.
   Trustee Arbogast: Working with Trustee Contino on the car charging stations and possible locations. Reviewed the Police Reform Plan with Deputy Mayor Herzog.
8. **Mayor Collopy:** Read a letter from a resident of Verbank concerning handicap parking in Millbrook. Trustee Contino said she would take a look and see what may be done. Mayor Collopy announced the next Board Business meeting will be April 21, 2021.
9. **Public Comment:** Residents had comments concerning the Janet Farms project.
10. **Next Scheduled Business Meeting:** April 21, 2021 at 6:00 P.M.
11. **Adjournment:** *Motion* made by Deputy Mayor Herzog to adjourn the meeting at 7:45 P.M., seconded by Trustee Arbogast and all were in favor.

Respectfully submitted by:

Sarah J. Witt
Village Clerk

Village Millbrook Board of Trustees

Resolution #2021-001

WHEREAS, at a duly convened meeting of the Village of Millbrook Board of Trustees the Board has reviewed and hereby adopts sewer rates as follows:

- Village and Town Sewer rates: Increase from $7.75 per 1000 gallon to $ 9.00 per 1000 gallon.

- Customers who **ONLY** have sewer service are currently estimated at 5,000 gallons per quarter. Those users will be increased to an estimated 6,300 gallons per quarter.

THEREFORE, BE IT RESOLVED, the abovementioned Sewer rate increases will go in effect for the April 2021 water and sewer quarterly billing.

Dated: March 10, 2021

Moved by: Mayor Collopy

Seconded by: Trustee Arbogast

Mayor Collopy	Aye
Deputy Mayor Herzog	Aye
Trustee Contino	Aye
Trustee Arbogast	Aye
Vacancy	_____

Certified by:



Sarah J. Witt
Village Clerk
3.10.2021

Village of Millbrook
Board of Trustees

Resolution #2021-002

WHEREAS, at a duly convened meeting of the Village of Millbrook Board of Trustees in response to the New York State Police Reform and Reinvention Collaborative instituted by Governor Andrew Cuomo's Executive Order 203, the Board has reviewed the Village of Millbrook Police Reform and Modernization Plan

THEREFORE, BE IT RESOLVED, The Village of Millbrook Board of Trustees moves to adopt the Village of Millbrook Police Reform and Modernization Plan

Dated: March 10, 2021

Moved by: Mayor Collopy

Seconded by: Trustee Arbogast

Mayor Collopy Aye

Trustee Herzog Aye

Trustee Contino Aye

Trustee Arbogast Aye

Ayes: 4
Nays: 0

Sarah J. Witt Village Clerk 03.10.2021

RESOLUTION No. 2021-005

Resolution Determining the Restrictions Applicable to the Haight Trust, Lamont Christmas Tree Trust, and the Nine Partners Trust to be Impracticable, Impossible to Achieve and Wasteful

At a meeting of the Village of Millbrook Board of Trustees ("Village Board") held on the 10th day of March 2021, Mayor Collopy introduced the following resolution, which was seconded by Trustee Contino, reading as follows:

WHEREAS, Frances Haight, by the terms of her last will and testament dated July 3, 1930, which is believed to have been probated by the Dutchess County Surrogate's Court on or about September 22, 1930, bequeathed the sum of Fifteen Thousand and 00/100 ($15,000.00) Dollars to the Village of Millbrook to be held by the Village Board as a trust fund with the limitation that the income be used for "general public improvements within the limits of [the] village" (A copy of the Will of Frances Haight is annexed hereto as Exhibit "A"; and

WHEREAS, Elizabeth K. Lamont, in or about January of 1943, donated the sum of Two Thousand Four Hundred and 00/100 ($2,400.00) Dollars to the Village to hold as a trust fund and to use the income "primarily to defray the expenses of lighting the Community Christmas Tree" at three (3) of the churches in the Village, Lyall Memorial Federated Church, St. Joseph's Catholic Church or the Grace Episcopal Church (A copy of the letter from Elizabeth K. Lamont to the Village dated January 29, 1943 is annexed hereto as Exhibit "B" ; and

WHEREAS, Elizabeth K. Lamont further provided that any balance of income remaining after the payment of the expenses of lighting the tree that year shall be limited to use by the parish where the tree was lit to be used for parish benevolences; and

WHEREAS, the Village currently maintains a bank account titled "the Nine Partners Trust" which currently contains the sum of approximately $25,289.14 Dollars; and

WHEREAS, after diligent research by the current Village Board, which included contacting former Board members and officers of the Village as well as discussions with bank employees, the Village Board has been unable to determine the source of the funds in the Nine Partners Trust or determine the exact date the Village acquired the funds contained in the Nine Partners Trust account; and

WHEREAS, based on the information the Board has been able to obtain regarding the Nine Partners Trust account, the Board has determined the account was established more than thirty (30) years ago; and

WHEREAS, the current balance of the Haight Trust is approximately $15,680.24 and the current balance of the Lamont Christmas Tree Trust is approximately $2,458.25; and

WHEREAS, the annual income produced by the Haight Trust, the Lamont Christmas Tree Trust and the Nine Partners Trust is insufficient to provide the Village with the means to fulfill the intended purposes of the donors of those funds or any other meaningful Village purpose; and

WHEREAS, the Village Board now wishes to be able to invade the principal of all three Trust accounts for the purpose of using the funds to fulfill the intended purposes of the Trusts in the case of the Haight Trust and the Lamont Christmas Tree Trust and to use the funds for general Village improvements in the case of the Nine Partners Trust; and

WHEREAS, after a diligent search, the Village Board has not been able to identify or locate any descendants of either Frances Haight or Elizabeth K. Lamont and anyone who may have an interest in the Nine Partners Trust; and

WHEREAS, Section 555(d)(1) of the New York Not for Profit Corporation Law provides the authority to release or modify a restriction on a fund if (1) the institution holding the fund

determines the restriction to be "unlawful, impracticable, impossible to achieve, or wasteful", (2) the fund subject to the restriction is less than $100,000.00 and was established more than twenty (20) years ago, (3) the New York State Attorney General raises no objection to releasing the restriction within ninety (90) days after Notice from the institution; and (4) the institution uses the funds in a manner consistent with purposes expressed by the donor; and

NOW, THEREFORE, BE IT RESOLVED, The Village Board hereby determines the restrictions contained in the gift instruments establishing the Haight Trust and the Lamont Christmas Tree Trust, and any restrictions which may exist on the Nine Partners Trust, are impracticable, impossible to achieve and wasteful because the income produced by those funds is insufficient to fund any Village improvement or project; and

BE IT FURTHER RESOLVED, the current balances of the Haight Trust, the Lamont Christmas Tree Trust and the Nine Partners Trust are all below $100,000.00 and the funds in all three (3) Trust accounts were received by the Village more than twenty (20) years ago; and

BE IT FURTHER RESOLVED, the Village Board determines that it intends to use the principal and interest of the funds in the Haight Trust for general public improvements within the Village; and

BE IT FURTHER RESOLVED, the Village Board determines that it intends to use the principal and interest of the funds in the Lamont Christmas Tree Trust for holiday decorations in the Village; and

BE IT FURTHER RESOLVED, the Village Board determines that it intends to use the principal and interest of the funds in the Nine Partners Trust for general public improvements within the Village; and

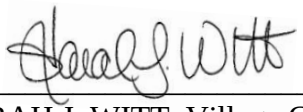
BE IT FURTHER RESOLVED, the Village Board directs the Village Attorney to provide Notice to the New York State Attorney General, and any other necessary parties, in accordance with Section 555(d)(1) of the New York State Not for Profit Corporation Law stating the determinations of the Village Board contained herein;

BE IT FURTHER RESOLVED, the Village Board shall use the principal and interest in all three (3) Trust funds for the stated purposes contained herein if the Village Board does not receive any response from the New York State Attorney General within ninety (90) days from the date Notice is provided to the Attorney General in accordance with this Resolution.

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

Mayor Collopy	Aye
Trustee Herzog	Aye
Trustee Vicky Contino	Aye
Trustee Arbogast	Aye
Vacancy	

DATED: Millbrook, New York
March 10, 2021



SARAH J. WITT, Village Clerk
Village of Millbrook

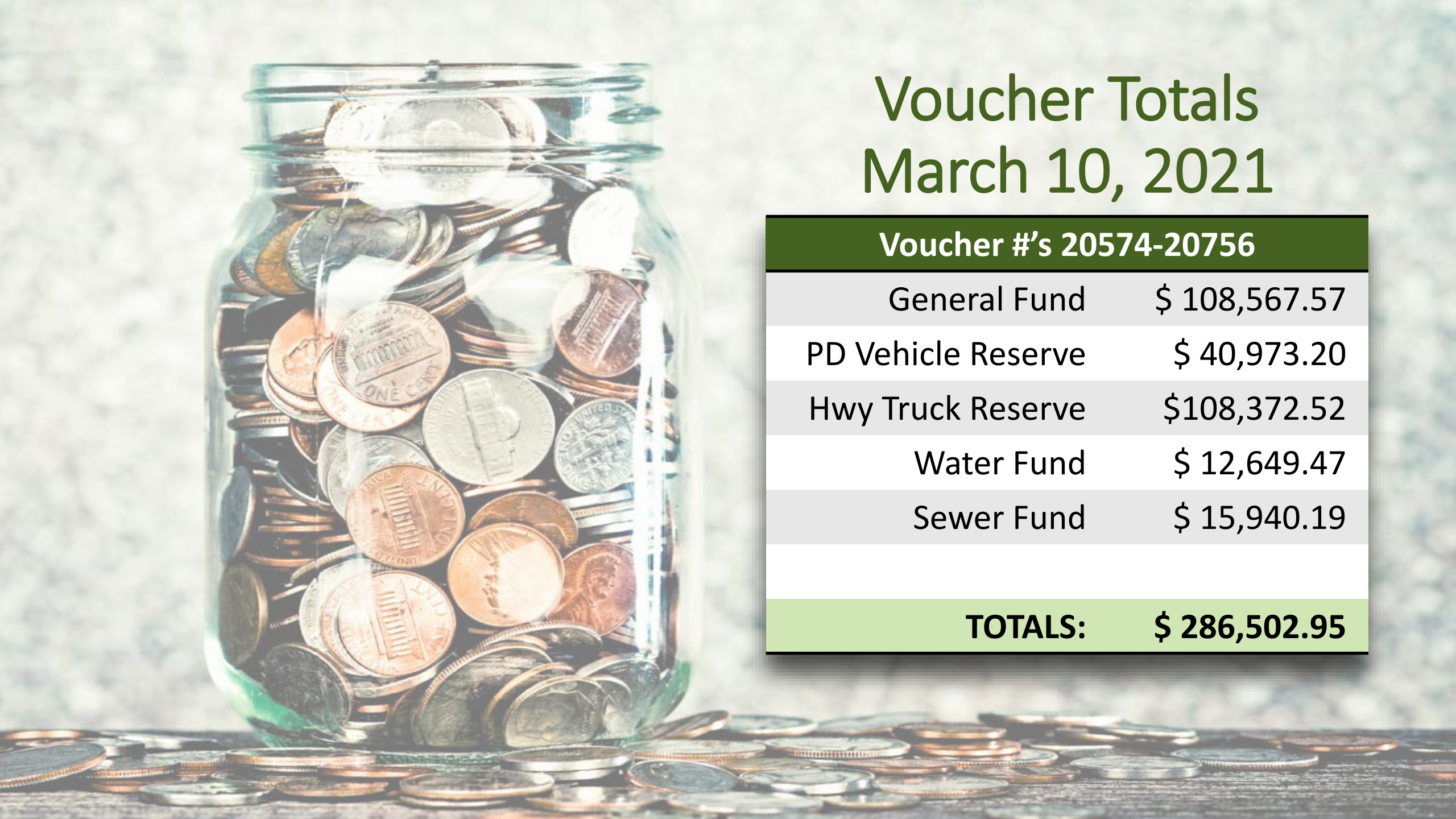
Board of Trustees Meeting
March 10, 2021 @ 6:00 pm

PLEASE SILENCE
YOUR CELL PHONE

Agenda

Village of Millbrook
Board of Trustees
Wednesday, March 10, 2021
6:00 PM

1. **Open Meeting:** Pledge of Allegiance & roll call of trustees
   a. Good news: VoM resident James Maestri achieved Eagle Scout – 2/16/2021!
2. **Administrative Business:**
   a. Minutes approval
   b. Voucher approval
   c. Public Employer Health Emergency Plan – Board Approval
      i. VoM COVID-19 Protocols
3. **Department Reports:**
   a. Fire Department
   b. Police Department
      i. VoM Police Reform and Modernization Resolution (2021-002)- D. Mayor Herzog
   c. Highway Department
   d. Water and Sewer
      i. Resolution (2021-001) for Sewer Rate Increase – Mayor Collopy
      ii. Delinquent accounts
   e. Treasurer & Building Department
      i. Resolution (2021-005) to eliminate Nine Partner, Lamont & Haight trust funds
   f. Attorney
4. **Old Business:**
   a. N/A
5. **New Business**
   a. N/A
6. **Board Member Updates:**
   a. Deputy Mayor Herzog
   b. Trustee McGrane
   c. Trustee Contino
   d. Trustee Arbogast
7. **Mayoral Update -** Assessment of handicap parking in VoM
8. **Next board meeting: 4/21/2021 6PM**
   a. Budget Meeting Dates -3/15 (Highway & Fire/Rescue) & 3/17 (Police
9. **Adjournment**
10. **Auditing of Bills**



Voucher Totals March 10, 2021

Voucher #'s 20574-20756	
General Fund	$ 108,567.57
PD Vehicle Reserve	$ 40,973.20
Hwy Truck Reserve	$108,372.52
Water Fund	$ 12,649.47
Sewer Fund	$ 15,940.19
TOTALS:	**$ 286,502.95**

Millbrook Fire Department
February 2021

78 Incidents Reported

Millbrook Fire Dept	
Automatic Fire Alarm	21
EMS Call	52
Chimney Fire	1
Structure Fire	2
Furnace Malfunction	2
TOTALS:	**78**

EMS Responses	
NDP (49-79)	53
MFD Rescue	12

Mutual Aid Given	
Fire	7
EMS	16

Mutual Aid Received	
Fire	2
EMS	1

V.M.P.D Monthly Report
February 2021

112 Incidents Reported

(including, but not limited to)

Incident #'s 15207-15319

TRAFFIC		ASSIST OTHER AGENCIES		CRIMINAL ACTIVITY		COMMUNITY SERVICE	
TRAFFIC TICKETS	2	POLICE	4	DOMESTIC	1	SUSPICIOUS ACTIVITY	1
PARKING TICKETS	19	FIRE	5			ASSIST CITIZEN	8
PROPERTY DAMAGE ACC	3	EMS	13			HOUSE CHECKS	26
HIT & RUN ACC	1					BURGLAR ALARMS	7
PARKING COMPLAINT	1					SUSPICIOUS ACTIVITY	1
VEH &TRAFF COMPLAINT	8					911 HANGUP/MISDIAL	3
DISABLED VEHICLE	2					LOCKOUT	1
ABANDONED VEHICLE	1					RECORDS REQUEST	6
						OTHER	1
TOTALS:	**37**		**22**		**1**		**54**

Village of Millbrook
Board of Trustees

Resolution #2021-002

WHEREAS, at a duly convened meeting of the Village of Millbrook Board of Trustees in response to the New York State Police Reform and Reinvention Collaborative instituted by Governor Andrew Cuomo's Executive Order 203, the Board has reviewed the Village of Millbrook Police Reform and Modernization Plan

THEREFORE BE IT RESOLVED, The Village of Millbrook Board of Trustees moves to adopt the Village of Millbrook Police Reform and Modernization Plan

Dated: March 10, 2021

Moved by:

Seconded by:

Ayes:
Nays:

Sarah J. Witt Village
Clerk 03.10.2021



Public Works Monthly Report
February 2021

1. Since last report we had an additional **7 snow incidents** and **28 inches of snow** bringing us to a total of **16 incidents** and **106 inches of snowfall**
2. Continuous repair of potholes
3. Snow removal on Franklin Ave and various other areas
4. Performed sander and plow repairs
5. Removed menorah from green and notified Rhinebeck Jewish center
6. Did extensive cold patch paving on Velletri Dr caused by large frost heave
7. Remove large tree limbs from Maple Ave and Nine Partners Rd resulting from windstorm
8. New International Dump truck delivered, and Millbrook decals were put on doors *(see photo to the left)*
9. Removed down tree from North Ave
10. 1992 Top kick will be put out to bid following registration of new truck
11. Installed new door closer on Village Hall interior lobby door

Monthly Water Report
February 2021

	February	January	December
Total Water Produced	3,788,740	4,267,000	4,877,000
Average Daily Flow	135,300	137,600	157,000
Peak Day Flow	152,166	195,000	315,000

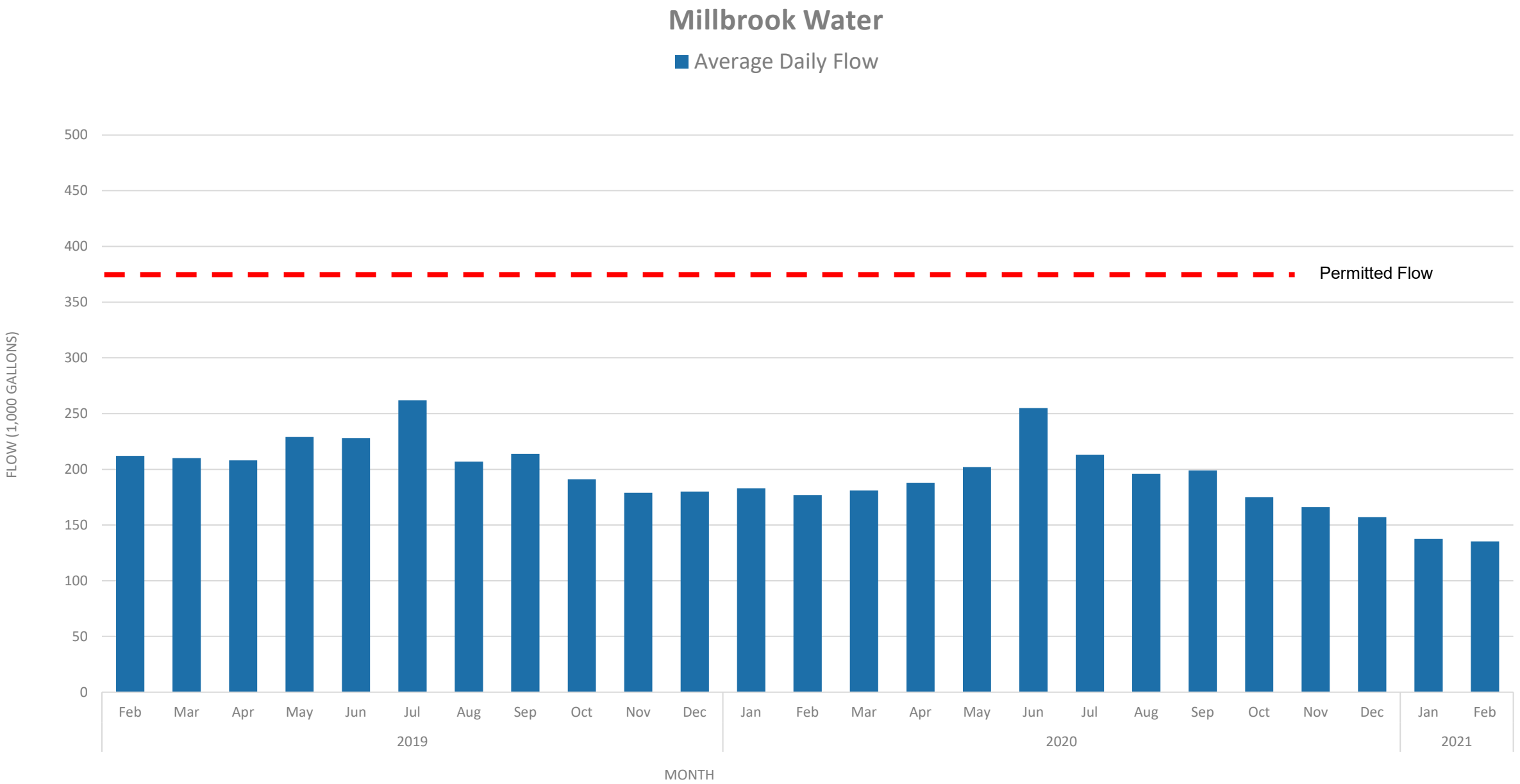
Sampling Results:

	February	January	December
Total Coliform	Absent	Absent	Absent

* Results not in compliance

Comments:

1. Monthly sampling and maintenance
2. Ran new water line in chlorine room and installed new eye wash station
3. Ran wires for new alarms. GCS and Doyle Security will finish connection
4. Met Adams Fence at plant to inspect damaged gate
5. Repaired damaged fire hydrant at plant
6. Painted inside pump building
7. Worked on budget and asset management


Millbrook Water
Average Daily Flow
Permitted Flow
FLOW (1,000 GALLONS)
500
450
400
350
300
250
200
150
100
50
0
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Jan
Feb
2019
2020
2021
MONTH

Monthly Sewer Report February 2021

	February	January	December	Permit Limit
Total Effluent Flow	3,989,439	5,126,019	6,269,466	N/A
Average Daily Flow	142,480	165,300	202,241	N/A
12-Month Rolling AVG	152,000	158,000	163,000	250,000
Peak Daily Flow	224,034	225,400	677,068	N/A
Precipitation *(inches as liquid)*	4.3	1.4	4.4	N/A

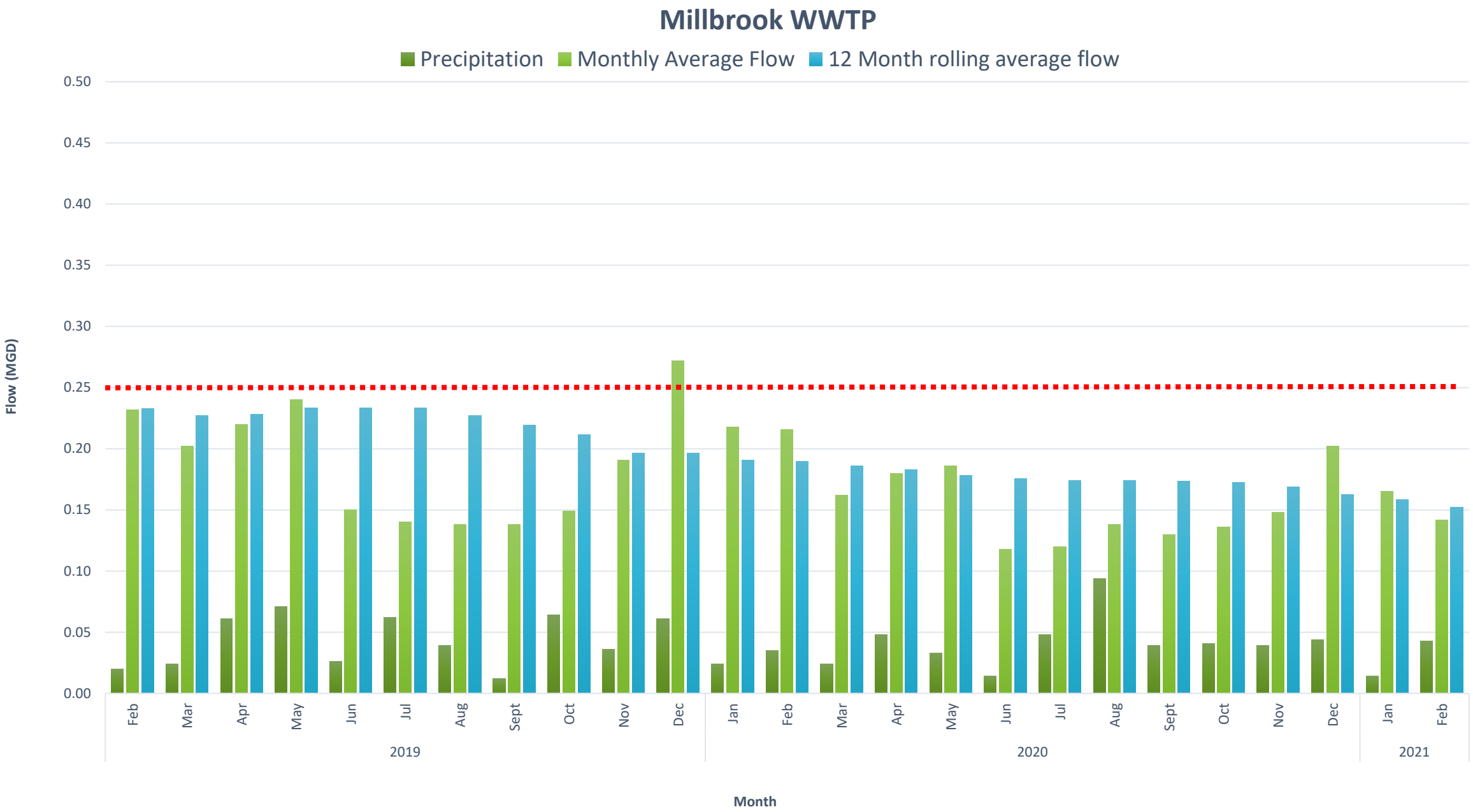
SPDES Permit Samples: (mg/l)

	February	January	December	Permit Limit
BOD	3.3 mg/l	2.7 mg/l	2.4 mg/l	15 mg/l
Percent Removal	98%	99%	99%	85%
Total Suspended Solids	3.4 mg/l	1.5 mg/l	1 mg/l	15 mg/l
Percent Removal	97%	99%	100%	85%
TKN as N	1.3 mg/l	1 mg/l	1 mg/l	8 mg/l
Fecal Coliform	N/A	N/A	N/A	200/100 ml

* Exceeds permit limit

Comments:

1. Performed all monthly sampling and maintenance
2. Kinsley serviced generator
3. Removed old lab bench and sink. Installed new sink, water heater, and bench
4. Worked on budget and asset management


Millbrook WWTP
Precipitation
Monthly Average Flow
12 Month rolling average flow
0.50
0.45
0.40
0.35
0.30
0.25
0.20
0.15
0.10
0.05
0.00
Flow (MGD)
Feb
Mar
Apr
May
Jun
Jul
Aug
Sept
Oct
Nov
Dec
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sept
Oct
Nov
Dec
Jan
Feb
2019
2020
2021
Month

Village Millbrook Board of Trustees

Resolution #2021-001

WHEREAS, at a duly convened meeting of the Village of Millbrook Board of Trustees the Board has reviewed and hereby adopts sewer rates as follows:

- Village and Town Sewer rates: Increase from $7.75 per 1000 gallon to $ 9.00 per 1000 gallon.

- Customers who **ONLY** have sewer service are currently estimated at 5,000 gallons per quarter. Those users will be increased to an estimated 6,300 gallons per quarter.

THEREFORE, BE IT RESOLVED, the abovementioned Sewer rate increases will go in effect for the April 2021 water and sewer quarterly billing.

Dated: March 10, 2021

Moved by:

Seconded by:

Mayor Collopy _____

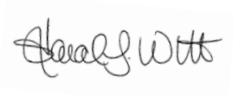
Deputy Mayor Herzog _____

Trustee McGrane _____

Trustee Contino _____

Trustee Arbogast _____

Certified by:



Sarah J. Witt
Village Clerk
3.10.2021

Treasurer's Report: February 2021

	02/01/21	DEPOSITS	DISBURSED	INTEREST	2/28/21
TAX ACCOUNT	$210,710.99	$0.00	$174,000.00	$10.04	$36,721.03
GENERAL FUND	$19,236.72	$181,797.48	$172,181.29	$1.99	$28,854.90
WATER FUND	$56,373.76	$50,358.40	$20,247.82	$5.41	$86,489.75
SEWER FUND	$75,125.99	$41,875.84	$17,336.70	$6.36	$99,671.49
ACCOUNTS PAYABLE	$8,084.43	$165,772.61	$169,763.17	$0.00	$4,093.87
BEDROCK WELL ACCOUNT	$51,360.50	$0.00	$16,672.02	$3.35	$34,691.83
ESCROW (PLANNING & ZONING)	$3,552.87	$0.00	$0.00	$0.00	$3,552.87
HAIGHT TRUST	$15,680.90	$0.00	$0.00	$0.60	$15,681.50
LAMONT CHRISTMAS TREE	$2,458.36	$0.00	$0.00	$0.09	$2,458.45
MEDICAL DEDUCTIBLE	$16,055.48	$0.00	$12.60	$0.00	$16,042.88
MILLBROOK RESTORATION	$69,096.37	$0.00	$0.00	$5.30	$69,101.67
NINE PARTNERS TRUST	$25,290.22	$0.00	$0.00	$0.97	$25,291.19
PAYROLL ACCOUNT	$11,095.33	$53,006.37	$55,103.81	$0.00	$8,997.89
POLICE VEHICLE FUND	$55,353.53	$0.00	$0.00	$4.24	$55,357.77
AMBULANCE RESERVE	$35,055.36	$0.00	$0.00	$2.68	$35,058.04
RESERVE FOR FIRE TRUCK	$2,513.67	$0.00	$0.00	$0.09	$2,513.76
RESERVE FOR HIGHWAY EQUIP	$110,787.25	$0.00	$0.00	$8.50	$110,795.75
TENNIS COURTS	$9,742.93	$0.00	$0.00	$0.75	$9,743.68
THORNE TRUST	$25,766.05	$0.00	$0.00	$0.99	$25,767.04
TREE REPLACEMENT PROGRAM	$7,660.15	$0.00	$0.00	$0.29	$7,660.44
TRIBUTE GARDEN DONATIONS	$10,054.33	$0.00	$0.00	$0.77	$10,055.10
VILLAGE HALL RESTORATION	$6,009.62	$0.00	$0.00	$0.46	$6,010.08
TOTAL	**$827,064.81**	**$492,810.70**	**$625,317.41**	**$52.88**	**$694,610.98**

Treasurer and Clerk Updates:

- Monthly Operating Statement emailed to the Board
- Continuing work with Senior Acct. Clerk McLaughlin, Deputy Clerk, Board and Department Heads on Budget and Budget prep for meetings. Will be making up Public Hearing notices for the paper by the end of the week.
- Following up with Delaware on EFC grant, will be receiving paperwork to close out and get disbursement in the coming weeks

Budget Update:

- Water and Sew Budget held 3.8.21
- FD & PWD scheduled for 3.15.21
- PD & Front Office scheduled for 3.17.21
- Follow- Up meetings- TBA
- Total Budget- 3.22 or TBA
- Public Hearing and Budget Adoption- 4.7.21

Building Department Report February 2021

Description	Entry Date	Amount	JE Number
Sign Permit- 3424 Franklin	2.8.2021	$130.00	1412
MS 19 Alden Terr	2.11.2021	$125.00	1425
BP 39 Merritt	2.18.2021	$100.00	1462
BP 25 Reservoir (2)	2.18.2021	$190.00	1463
MS 43 Bennett Common	2.18.2021	$125.00	1462
BP 139 Nine Partners	2.22.2021	$74.00	1473
Sign Permit-3280 Franklin	2.24.2021	$105.00	1482
BP 17 Taintor Way	2.24.2021	$425.00	1477
	TOTAL:	**$ 1,274.00**	

Building Department

- Building Permits Issued: 5
- C of O: 1
- C of C: 5
- C of U: 0
- Municipal Searches: 3
- Building Inspector submitted annual Building Department Report to NYS- Report has been accepted

Planning & ZBA

- Planning Board:
  Meeting for March has been Cancelled- Due to Lack of Agenda
- ZBA:
  Meeting Scheduled for March 29th, 2021 6 PM for a sign variance in a residential zone (Old Twin Brooks location)

RESOLUTION No. 2021-005

Resolution Determining the Restrictions Applicable to the Haight Trust, Lamont Christmas Tree Trust, and the Nine Partners Trust to be Impracticable, Impossible to Achieve and Wasteful

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WHEREAS, Frances Haight, by the terms of her last will and testament dated July 3, 1930, which is believed to have been probated by the Dutchess County Surrogate's Court on or about September 22, 1930, bequeathed the sum of Fifteen Thousand and 00/100 ($15,000.00) Dollars to the Village of Millbrook to be held by the Village Board as a trust fund with the limitation that the income be used for "general public improvements within the limits of [the] village" (A copy of the Will of Frances Haight is annexed hereto as Exhibit "A"; and

WHEREAS, Elizabeth K. Lamont, in or about January of 1943, donated the sum of Two Thousand Four Hundred and 00/100 ($2,400.00) Dollars to the Village to hold as a trust fund and to use the income "primarily to defray the expenses of lighting the Community Christmas Tree" at three (3) of the churches in the Village, Lyall Memorial Federated Church, St. Joseph's Catholic Church or the Grace Episcopal Church (A copy of the letter from Elizabeth K. Lamont to the Village dated January 29, 1943 is annexed hereto as Exhibit "B" ; and

WHEREAS, Elizabeth K. Lamont further provided that any balance of income remaining after the payment of the expenses of lighting the tree that year shall be limited to use by the parish where the tree was lit to be used for parish benevolences; and

WHEREAS, the Village currently maintains a bank account titled "the Nine Partners Trust" which currently contains the sum of approximately $25,289.14 Dollars; and

WHEREAS, after diligent research by the current Village Board, which included contacting former Board members and officers of the Village as well as discussions with bank employees, the Village Board has been unable to determine the source of the funds in the Nine Partners Trust or determine the exact date the Village acquired the funds contained in the Nine Partners Trust account; and

WHEREAS, based on the information the Board has been able to obtain regarding the Nine Partners Trust account, the Board has determined the account was established more than thirty (30) years ago; and

WHEREAS, the current balance of the Haight Trust is approximately $15,680.24 and the current balance of the Lamont Christmas Tree Trust is approximately $2,458.25; and

WHEREAS, the annual income produced by the Haight Trust, the Lamont Christmas Tree Trust and the Nine Partners Trust is insufficient to provide the Village with the means to fulfill the intended purposes of the donors of those funds or any other meaningful Village purpose; and

WHEREAS, the Village Board now wishes to be able to invade the principal of all three Trust accounts for the purpose of using the funds to fulfill the intended purposes of the Trusts in the case of the Haight Trust and the Lamont Christmas Tree Trust and to use the funds for general Village improvements in the case of the Nine Partners Trust; and

WHEREAS, after a diligent search, the Village Board has not been able to identify or locate any descendants of either Frances Haight or Elizabeth K. Lamont and anyone who may have an interest in the Nine Partners Trust; and

WHEREAS, Section 555(d)(1) of the New York Not for Profit Corporation Law provides the authority to release or modify a restriction on a fund if (1) the institution holding the fund

determines the restriction to be "unlawful, impracticable, impossible to achieve, or wasteful", (2) the fund subject to the restriction is less than $100,000.00 and was established more than twenty (20) years ago, (3) the New York State Attorney General raises no objection to releasing the restriction within ninety (90) days after Notice from the institution; and (4) the institution uses the funds in a manner consistent with purposes expressed by the donor; and

NOW, THEREFORE, BE IT RESOLVED, The Village Board hereby determines the restrictions contained in the gift instruments establishing the Haight Trust and the Lamont Christmas Tree Trust, and any restrictions which may exist on the Nine Partners Trust, are impracticable, impossible to achieve and wasteful because the income produced by those funds is insufficient to fund any Village improvement or project; and

BE IT FURTHER RESOLVED, the current balances of the Haight Trust, the Lamont Christmas Tree Trust and the Nine Partners Trust are all below $100,000.00 and the funds in all three (3) Trust accounts were received by the Village more than twenty (20) years ago; and

BE IT FURTHER RESOLVED, the Village Board determines that it intends to use the principal and interest of the funds in the Haight Trust for general public improvements within the Village; and

BE IT FURTHER RESOLVED, the Village Board determines that it intends to use the principal and interest of the funds in the Lamont Christmas Tree Trust for holiday decorations in the Village; and

BE IT FURTHER RESOLVED, the Village Board determines that it intends to use the principal and interest of the funds in the Nine Partners Trust for general public improvements within the Village; and

BE IT FURTHER RESOLVED, the Village Board directs the Village Attorney to provide Notice to the New York State Attorney General, and any other necessary parties, in accordance with Section 555(d)(1) of the New York State Not for Profit Corporation Law stating the determinations of the Village Board contained herein;

BE IT FURTHER RESOLVED, the Village Board shall use the principal and interest in all three (3) Trust funds for the stated purposes contained herein if the Village Board does not receive any response from the New York State Attorney General within ninety (90) days from the date Notice is provided to the Attorney General in accordance with this Resolution.

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

Mayor Collopy _____

Trustee Herzog _____

Trustee Vicky Contino _____

Trustee McGrane _____

Trustee Arbogast _____

DATED: Millbrook, New York
March 10, 2021

_____
SARAH J. WITT, Village Clerk
Village of Millbrook

Board of Trustee Updates

- Mayor Collopy
- Deputy Mayor Herzog
- Trustee McGrane
- Trustee Contino
- Trustee Arbogast





Next Board of Trustees Meeting:

Wednesday, April 21, 2021 at 6:00 pm

Regular Business Meeting