

Village of Ellenville  
Village Board Meeting  
Monday, January 25, 2010

Meeting called to order at with the Pledge of Allegiance by Mayor Kaplan at 7:00 p.m.

<b>ROLL CALL</b>	Mayor Jeffrey Kaplan	Present
	Deputy Mayor Raymond Younger	Present
	Trustee Efrain Lopez	Present
	Trustee Francisco Oliveras	Present
	Trustee Patricia Steinhoff	Present

**ALSO PRESENT**

Mary Sheeley, Village Manager  
Peter Berger, Village Attorney  
Philip Mattracion, Police Chief  
Noreen Dechon, Village Clerk  
Linda Polkoski, Village Treasurer  
Brian Schug, Code Enforcement Officer

**ENGINEER'S REPORT**

Glen Gildaly and Adam Woodburn, Barton & Loguidice, were before the board tonight to discuss their proposal for the Liberty Square Streetscape project. Mr. Gildaly stated that the Village of Ellenville had received a grant several years ago in the amount of \$294,000 from Congressman Hinchey's office. The proposal is for several revisions to the layout of Liberty Square and some of those changes would involve the addition of "textured" and colored crosswalks, rounded curbs, benches and the use of bluestone that had been removed from Warren Street in the triangular island where the "Boy in the Boot" fountain is located.

**MOTION TO  
OPEN PUBLIC  
HEARING  
#012510-1**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to open a public hearing in reference to Local Law No. 1 of 2010 at 7:15 p.m.  
All in favor - Aye - motion carried

**MOTION TO  
ADJOURN PUBLIC  
HEARING  
#012510-2**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff to adjourn the public hearing in reference to Local Law No. 1 of 2010 at 7:16 p.m.

All in favor - Aye - motion carried

**ENGINEER'S REPORT  
(continued)**

Also discussed was the parking in front of the Post Office and on Liberty Square and one of their goals is to increase pedestrian safety along with pedestrian mobility. Work on this project is scheduled to begin in the spring with a completion date before the Blueberry Festival. Mayor Kaplan thanked both gentlemen for their work and look forward to the project to begin.

**ASSESSOR'S REPORT**

Michael Sommer, Village Assessor, discussed with board members the situation of tax exempt parcels that are in the Village and not being used for tax exempt purposes. Mr. Sommer wasn't sure what properties within the Village would meet the criteria to be added to the tax role and Mayor Kaplan noted that a building owned by the school is not used at this time for school related purposes and this parcel may be held by the school in order to "land bank" which should require them to pay taxes if they have no immediate plans to use it.

Mr. Sommer also spoke about the work that is being done to gather more information on the antenna farm in the Village that is on that is on tax exempt land but is generating revenues and that it might be eligible for village taxation.

Also discussed were PILOT agreements. Mayor Kaplan once again stated that Village property owners have higher assessments and are paying higher taxes that are comparable to properties in the Town since the Town of Wawarsing has not done a re-evaluation in over fifty years.

**APPROVAL OF  
MINUTES  
012510-3**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to accept the minutes of January 11, 2010 as presented.

All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE**

Time Warner Cable – Correspondence received in reference to the additions/deletions of cable channels.

Historic Preservation Minutes – The Board of Trustees acknowledged receipt of the December 2009 minutes from the Historic Preservation Minutes.

Ellenville-Wawarsing Youth Commission – The Board of Trustees acknowledged receipt of the December 2009 minutes of the Ellenville-Wawarsing Youth Commission.

**MOTION TO  
REOPEN PUBLIC  
HEARING  
#012510-4**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to reopen the Public Hearing at 8:15 p.m. in reference to Local Law No 1 of 2010.

All in favor - Aye - motion carried

Attorney Berger reviewed with board members that this local law is for the purpose of authorizing the withdrawal of part of the moneys in a special reserve fund and the transfer of One Million One Hundred Ninety-Two Thousand One Hundred Thirty-Five Dollars (\$1,192,135.00) from the Special Reserve Fund. This transfer would be done by Federal Funds bank wire transfer, the Board of Trustees shall deposit Six Hundred Sixty Thousand Two Hundred Fifty Dollars (\$660,250.00) of such total sum into the Village's general fund to eliminate substantially all of the general fund deficit in the Village's 2009-2010 fiscal year ending May 31, 2010 and upon the establishment of a sewer improvement capital reserve fund pursuant to section 6-c of Article 2 of the General Municipal Law, by Federal Funds bank wire transfer, the Board of Trustees shall deposit Five Hundred Thirty-One Thousand Eight Hundred Eight-Five Dollars (\$531,885.00) into the Village's sewer improvement capital reserve fund.

Attorney Berger further stated that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) it has been determined by the Village Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA.

This Local Law shall not go into effect unless or until approved at a mandatory referendum held pursuant to Section 23 of the Municipal Home Rule Law and Article 9 of the Village Law as the case may be which would be take place at least sixty days from tonight.

Mayor Kaplan stated that when this special reserve fund was opened Three Million, Eight Hundred Thousand (\$3,800,000) was deposited into it and it has accrued now to approximately Four Million, Five Hundred Thousand (\$4,500,000).

Discussion among board members and members of the audience took place for approximately thirty five minutes with many issues being discussed. Different items that were discussed included the cause of the deficit and the anticipated revenues being put into a budget. The Mayor acknowledged that a good budgeting practice would be to limit estimated revenue from the sale of real estate where there may be contingencies in the sale contract.

**MOTION TO  
CLOSE PUBLIC  
HEARING  
#012510-5**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to close the Public Hearing at 8:50 p.m.  
All in favor - Aye - motion carried

**RESOLUTION TO  
ADOPT LOCAL LAW  
#1 OF 2010 TO HOLD A  
MANDATORY  
REFERENDUM  
#012510-6**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to adopt Local Law #1 of 2010 to hold a Mandatory Referendum on March 26, 2010 from the hours of 12 noon – 9:00 p.m.

Roll Call Vote:

Mayor Kaplan	Aye
Deputy Mayor Younger	Aye
Trustee Lopez	Aye
Trustee Oliveras	Aye
Trustee Steinhoff	Aye

Motion passed

**PETITIONERS &  
CORRESPONDENCE**

Nancy Erikson – 24 Hillcrest Avenue – as a new resident she was not aware of the snow removal issues and had removed the snow but the sidewalk on Hillcrest is level with the street and the snow plow pushed the snow back onto the sidewalk.

**MOTION TO WAIVE  
SHOVELING CHARGES  
#012510-7**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to waive the snow removal fees for 24 Hillcrest Avenue based upon our Street Department foreman advising us of the situation.  
All in favor - Aye - motion carried

Ellenville Scrap Iron – Maxine Chapin requested that the Village Board contract the Environmental Protection Agency to check the scrap yard since the banks are collapsing and the creek is contaminated.

Village Hospitality Inn – Mr. & Mrs. Cheung Chum Lam from the Village Hospitality Inn told board members that they would be willing to donate signs promoting the mandatory referendum.

Ellenridge Homeowner's Association - David Winograd requested that the Board of Trustees address the temporary erosion plan from Moses Braver and the status of this project. Code Enforcer Schug submitted the plan to the Village Engineers and they have requested additional information that they will need to complete the review. Mr. Schug suggested that if the Homeowner's Association submits their list of questions and concerns, he will forward them to the engineers. Also discussed was the road buckling on Ellenridge Parkway and Juan Caba responded that at this time of year it cannot be repaired and it was requested that a sign be placed in this area to caution drivers

Trustee Lopez left the meeting at 9:10 p.m.

Joel Schriebman – asked questions about the DELL Server that is on the agenda tonight and questioned the specifications. Mr. Schriebman volunteered to review the specifications and give his input.

Mr. Schriebman asked Mr. Berger if he had received comments in reference to the Cable franchise renewal and the Mayor, Mr. Berger and Mr. Schriebman will meet to discuss this matter.

**MOTION TO TABLE  
THE PURCHASE OF A DELL  
SERVER  
#012510-8**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to table the purchase of a new Dell server.  
All in favor - Aye - motion carried

Time Warner Cable – Correspondence received in reference to the additions/deletions of cable channels.

Historic Preservation Minutes – The Board of Trustees acknowledged receipt of the December 2009 minutes from the Historic Preservation Minutes.

Ellenville-Wawarsing Youth Commission – The Board of Trustees acknowledged receipt of the December 2009 minutes of the Ellenville-Wawarsing Youth Commission. Code Enforcer Schug commented on a section of these minutes in reference to 85 N. Main Street and it being a historical building.

Healthcare Contributions - Mayor Kaplan stated the need for a board policy in reference to health care contributions with a provision stating that if their contribution is not paid in a timely fashion their insurance will be terminated.

**MOTION TO ESTABLISH  
A BOARD POLICY IN REFERENCE  
TO HEALTHCARE CONTRIBUTIONS  
#012510-9**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff that if a required healthcare contribution from an employee, retired employee or spouse is not paid within thirty days of the payment due date, the employee/spouse will be notified that termination of their health insurance will be effective after forty five days of the due date.

All in favor - Aye - motion carried

**POLICE DEPARTMENT**

Chief Mattracion reviewed with board members his budget lines that have exceeded 100% of the original budget. This overage is due to insurance fees and professional fees that are unknown when the budget is compiled.

Chief Mattracion also spoke about the flooding that took place today at Country Club Arms due to the overflow of the pond at Cedar Grove Apartments.

Chief Mattracion stated that there is police in-service training on February 20, 2010.

**RESOLUTIONS**

**MOTION AUTHORIZING  
THE PURCHASE OF US MOTOR  
HOLLOSHAFT  
#012510-10**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing the purchase of one US Motor 50hp Holloshaft rewind stator from PJ Gallagher Sons, Inc. in the amount of \$3,200 for the Water Department upon recommendation of Village Manager and Water Department Superintendent.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
THE EXPENDITURE OF  
\$1,350 TO GRAY SQUIRREL  
TREE  
#012510-11**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the expenditure of \$1,350 to Gray Squirrel Tree Service for the removal of one tree on Warren Street upon recommendation of the Village Manager and proof of proper insurance.  
All in favor - Aye - motion carried

**MOTION EXTENDING  
THE AGREEMENT BETWEEN  
VOE & TOW-RE: WATER RATES  
#012510-12**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to extend the agreement between the Village of Ellenville and the Town of Wawarsing-Napanoch Water District and modify the per 1000 gallon charge to reflect the rate charged to “inside commercial users.”  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
MAYOR TO SIGN AGREEMENT &  
STIPULATION FOR WORK ON  
WWTP  
#012510-13**

Motion authorizing the Mayor to sign an agreement and stipulation with the Ulster County Health Department for the work to be done at the Ellenville Water Treatment Plant and distribution system.  
All in favor - Aye - motion carried

**MOTION ACCEPTING  
RESIGNATION OF  
THERESA MINUCK  
#012510-14**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras accepting the resignation of Theresa Minuck, Clerk to the Justice, effective February 12, 2010 with regret.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
THE POSITION OF POSITION  
FOR CLERK TO THE JUSTICE  
#012510-15**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras authorizing the posting of the position for Clerk to the Justice returnable by the next board meeting.  
All in favor – Aye – motion carried.  
It was requested that the Village Attorney inquire as to who makes the appointment for this position.

**MOTION AUTHORIZING  
THE MAYOR TO SIGN  
ANY & ALL DOCUMENTS  
FOR THE WWTP PROJECT  
#012510-16**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras that the Mayor is authorized to sign any and all related documents provided by the NYS EFC for the new Waste Water Treatment Solar Energy project subject to review and approval by the Village Attorney.  
All in favor - Aye - motion carried

**MOTION APPROVING  
THE STREETScape PROJECT  
PLANS  
#012510-17**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving the Streetscape Project Plans as proposed with the possibility of moving some lights.  
All in favor - Aye - motion carried



**ATTORNEY REPORTS**

**MOTION AUTHORIZING  
THE MAYOR TO SIGN  
TAX LIEN FORECLOSURE  
AGREEMENT  
#012510-18**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Mayor to sign the renewal of the Tax Lien Foreclosure Agreement with Ulster County upon recommendation of the Village Attorney.  
All in favor - Aye - motion carried

**TREASURER'S REPORT**

**TAX ANTICIPATION  
NOTE  
#012510-19**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Treasurer to obtain a Tax Anticipation Note for the unpaid taxes.

Roll Call Vote:

Mayor Kaplan	Aye
Deputy Mayor Younger	Aye
Trustee Oliveras	Aye
Trustee Steinhoff	Aye

Motion carried

**MANAGER'S REPORT**

Manager Sheeley is coordinating a time and date to meet with the Town of Wawarsing Board.

**MOTION TO WITHDRAW  
FROM KINGSTON/ULSTER  
EMPIRE ZONE  
#012510-19**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger that the Village of Ellenville withdraw from the Kingston/Ulster Empire Zone with regret.  
All in favor - Aye - motion carried

**ADJOURN**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to adjourn at 9:59 p.m.  
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk