

Village of Ellenville  
Board Meeting  
Monday, November 14, 2012

Workshop meeting took place at 4:00 p.m. with the Town of Wawarsing and the first item on the agenda was a presentation by Nadia Maczaj, Rusty Plough Farms, to discuss with both boards the possibility of having similar signs for businesses both in the Village and the Town. Ms. Maczaj showed sample of signs from other areas and there was discussion about a report not done too long ago called "Streetscape" and board members will review this document. Also Supervisor Carlsen will contact the NYS Department of Transportation to check on sign regulations. In addition Supervisor Carlsen will contact the correctional facility to find what products they can use to make signs. This will be discussed again after all the information is obtained.

Second item on the agenda was to see if there was any interest in both entities (ERLF & LDC) to join their resources for economic development in the Town and Village. Discussed was the need for someone (qualified) to oversee this plan and both boards agreed to meet quarterly or semi-annually to keep everyone apprised of potential development.

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

**ROLL CALL**

Mayor Jeffrey Kaplan	Present
Deputy Mayor Raymond Younger	Absent/w notice
Trustee Efrain Lopez	Present
Trustee Francisco Oliveras	Present
Trustee Patricia Steinhoff	Present

**ALSO PRESENT**

Mary Sheeley, Village Manager  
Peter Berger, Village Attorney  
Brian Schug, Code Enforcer  
Linda Polkoski, Village Treasurer  
Noreen Dechon, Village Clerk

Mayor Kaplan and board members spoke about Election Day and the problems they observed that day in the new polling venue.

**MOTION TO  
BOARD OF ELECTIONS  
#111412-1**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to send a letter to the Board of Elections voicing their concerns with the new polling location. Board members observed crowded conditions; lack of adequate parking; due to the number of districts in one location it was confusing as to where to vote and also not offering or allowing voters to vote by affidavit.

**MINUTES  
#111412-2**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to approve the minutes of October 22, 2012 as presented.  
All in favor – Aye – motion carried

**PETITIONERS &  
CORRESPONDENCE**

Time Warner Cable – Correspondence received in reference to channel additions and/or deletions.

Carmine and Puppy – thank you letter for the Village’s assistance in finding their puppy.

George Schoonmaker – 1 Ida Lane – spoke about the condition of the sidewalk in front of his home and the need for help in repairing this since his mother-in-law is handicapped. Mayor Kaplan requested that the Village Manager look into this matter.

Lucy Miller & Heidi Wagner were before the board tonight to discuss the beaver removal that might take place in Lake Maratanza. Manager Sheeley commented that she has spoken to NYS Department of Environmental Conservation and the Board of Health. It was decided that no action will be taken with the removal of the beavers.

**MANAGER’S REPORT**

Manager Sheeley spoke about the possibility of outsourcing the Village’s payroll and will schedule a presentation from several firms.

Mayor Kaplan inquired if the Manager has any updated information on the possibility of Village trash collection. Manager Sheeley is waiting for requested information from the Town of Wawarsing.

Mayor Kaplan asked to have FEMA contacted again to come to the Village and review the damage that has occurred in the Village creek beds from

Hurricane Irene. Mayor Kaplan requested that a letter be sent to local congressman and legislators.

Manager Sheeley has received a report from Barton & Loguidice in reference to the drainage problem on Campwoods Lane and the replacement of the culvert pipe to reduce the flooding in that area.

Also discussed was Tyrone Thomas Lane and the repair cost in-house would be approximately \$18,000 and it was requested that Manager Sheeley obtain three proposals from local contractors.

**TREASURER'S REPORT**

Treasurer Polkoski spoke about the budget amendment that is necessary for Police Retirement Section 384-D.

**ATTORNEY'S REPORT**

Attorney Berger recommended that the board accept the Time Warner Cable Franchise Agreement.

**RESOLUTION APPROVING  
TIME WARNER NY CABLE LLC  
FRANCHISE AGREEMENT  
#111412-3**

Resolution by Trustee Oliveras, seconded by Trustee Steinhoff:

**WHEREAS**, an application has been duly made to the Village Board of the Village of Ellenville, Ulster County, New York by Time Warner NY Cable, LLC a New York General Partnership with offices at 2 Industrial Drive, Middletown, New York 10940 and holder of a cable television franchise in the Village of Ellenville for the approval of an agreement to renew its cable television franchise for an additional ten (10) years commencing in 2011 as of a date to be set by the Public Service Commission. The Franchise Renewal Agreement would bring the Franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended and certain Court rulings;

**WHEREAS**, a Public Hearing was held on September 25<sup>th</sup>, 2012, at 7:00 P.M. and the notice of the hearing was published in the Shawangunk Journal on September 13<sup>th</sup>, 2012 and said Public Hearing was held.

**NOW, THEREFORE**, the Village Board of the Village of Ellenville finds that:

1. Time Warner has substantially complied with the material terms and conditions of its existing franchise and with applicable law:

2. The quality of the Time Warner service, including signal quality, response to customer complaints and billing practices has been reasonably satisfactory in achieving community needs;

3. Time Warner should be able to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests;

**THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Ellenville hereby renews the cable television franchise of Time Warner in the Village of Ellenville for ten (10) years commencing in 2012 as of a date to be set by the Public Service Commission and expiring in 2024.

**BE IT FURTHER RESOLVED** that the Village Board of the Village of Ellenville hereby confirms that this Franchise Renewal Agreement replaces the original Franchise Agreement last amended/renewed on February 8, 1998.

**BE IT FURTHER RESOLVED** that Jeffrey Kaplan, Mayor of the Village of Ellenville, be and is hereby authorized to execute said Franchise Agreement in the form that such as heretofore been submitted to the Board for consideration.

All in favor – Aye – motion carried

**BUILDING DEPARTMENT**

Mayor Kaplan and Building Inspector Schug recently attended a conference on abandoned buildings.

Also discussed was the need for a motion that the HVAC installation work on the HVAC in the government center for the third and fourth floor has been completed.

**RESOLUTION  
ACCEPTING COMPLETED  
WORK FOR THE HVAC  
SYSTEM ON THE THIRD  
AND FOURTH FLOORS  
OF THE GOVERNMENT  
CENTER  
#111412-4**

Resolution by Trustee Steinhoff, seconded by Trustee Oliveras accepting the completed HVAC system done by Hornbeck Plumbing and Heating on the third and fourth floors of the Government Center upon inspection and recommendation of the Building Inspector.

All in favor - Aye - motion carried

Christ Lutheran Church has requested the return of the fee paid for a building permit due to the fact that they are a religious corporation.

**MOTION TO RETURN  
PERMIT FEE  
#111412-05**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to return the permit fee paid by the Christ Lutheran Church.

All in favor – Aye – motion passed.

Building Inspector Schug spoke about the Government Center roof evaluation received from Barton & Loguidice. They estimated the repairs to be \$82,000. Discussion about specifications that would need to be done and it was requested that Mr. Schug contact a roofer to look at the roof and get their input. Also Mayor Kaplan spoke about the need to remove the snow and ice this winter to minimize the leaking.

Mr. Schug reviewed the resolutions for payments in reference to the new Wastewater Treatment Plant.

**MOTION APPROVING  
PAYMENT #6- J&J SASS  
#111412-06**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to table approving payment #6 to J&J Sass Electric in the amount of \$154,343.72 in reference to the new Wastewater Treatment Plant project pending receipt of paperwork in reference to MWBE.

All in favor – Aye – motion passed

**MOTION APPROVING  
PAYMENT TO NORTON  
AND CHRISTENSEN  
#111412-07**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the expenditure of \$2,265.24 to Norton and Christensen for professional services for the Wastewater Treatment Plant upon recommendation of Building Inspector.

All in favor – Aye – motion passed.

**MOTION APPROVING  
PAYMENT #15 TO  
U.W. MARX  
#111412-08**

Motion by Trustee Steinhoff, seconded by Trustee Lopez approving payment #15 to U.W. Marx, Inc. in the amount of \$44,838.61 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor – Aye – motion passed

**MOTION APPROVING  
PAYMENT #16 TO  
U.W. MARX  
#111412-09**

Motion by Trustee Oliveras, seconded Trustee Lopez approving payment #16 to U.W. Marx, Inc. in the amount of \$35,636.01 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor – Aye – motion passed

**MOTION APPROVING  
PAYMENT #17 TO  
U.W. MARX  
#111412-10**

Motion by Trustee Oliveras, seconded by Trustee Lopez approving payment #17 to U.W. Marx, Inc. in the amount of \$23,280.32 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor – Aye – motion passed

**MOTION APPROVING  
PAYMENT #6 TO  
S & O CONSTRUCTION  
#111412-11**

Motion by Trustee Oliveras, seconded by Trustee Lopez approving payment #6 to S&O Construction. in the amount of \$4,614.80 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor – Aye – motion passed

**MOTION APPROVING  
PAYMENT #6 TO  
FAMILY DANZ  
#111412-12**

Motion by Trustee Steinhoff, seconded by Trustee Lopez approving payment #6 to Family Danz Heating & A/C Inc. in the amount of

\$6,890.35 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor – Aye – motion passed

Zoning Change – Assisted Living – Building Inspector Schug spoke about the County’s comments in reference to this change to our Zoning Law. Mayor Kaplan would like the Village Attorney review their comments and discuss this at the next meeting.

Amendment for language for area and use variances - Motion to adopt Local Law #6 of 2012 in reference to Zoning Law.

Motion by Trustee Steinhoff, seconded by Trustee Lopez to adopt Local Law #6 of 2012 for amending language to our Zoning Law for area and use variances.

Roll Call vote:	Mayor Kaplan	Aye
	Trustee Lopez	Aye
	Trustee Oliveras	Aye
	Trustee Steinhoff	Aye

Motion passed.

Motion by Trustee Steinhoff, seconded by Trustee Lopez to withdraw the approve motion until such time that the change for the Assisted Living is included in Local Law #6 of 2012.

All in favor – Aye – motion passed

**MOTION TO AUTHORIZE  
CONTRACT WITH HUDSON  
VALLEY SAFETY ASSOCIATES  
#111412-13**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing the Village Manager to sign a contract with Hudson Valley Safety Associates as a Health & Safety Training Consultant.

All in favor – Aye – motion passed

**MOTION TO ACCEPTING  
PROPOSALS-SEWER REHAB  
LINING  
#111412-14**

Motion by Trustee Oliveras, seconded by Trustee Lopez accepting five proposals from the attached list in reference to Sewer Rehabilitation Lining.

All in favor – Aye – motion passed

**MOTION TO ACCEPT  
LOWEST RESPONSIBLE  
PROPOSAL  
#111412-15**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing the Village Manager to accept the lowest responsible proposal from Kenyon Pipeline Inspection for Sewer Rehabilitation Lining in the amount of \$62, 125.00 after review to see if this proposal needs to go out to bid. All in favor – Aye – motion passed

**MOTION AUTHORIZING  
RENEWAL OF ANNUAL  
MAINTENANCE SERVICE  
#111412-16**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing the Village Manager to renew the annual maintenance service with Central Time Clock Inc. in the amount of \$1,275.00. All in favor – Aye – motion passed

**MOTION TO ACCEPT  
RESIGNATION OF  
HISTORIC PRESERVATION  
COMMISSIONER  
#111412-17**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras accepting the resignation of Bryan Zelnik from the Historic Preservation Commission effective December 31, 2012. All in favor – Aye – motion passed

**MOTION TO ADVERTISE  
INTERIOR PAINTING  
#111412-18**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the Village Manager to advertise for proposals for interior painting at the Government Center returnable by 12:00 noon on November 23, 2012. All in favor – Aye – motion passed

**MOTION AUTHORIZING  
A BUDGET AMENDMENT  
#111412-19**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing a budget amendment in the General Fund as follows:

From:	A 599	Appropriated Fund Balance	
	\$100,000		
To:	A 960	Appropriations	
	\$100,000		
	A9015.825	Police Retirement	\$100,000



All in favor – Aye – motion passed

**POLICE**

Chief Mattracion reported to board members recent arrests that occurred in the Village.

Mayor Kaplan and the board thanked all department members for all their work during the recent hurricane.

**BOARD REPORTS**

Trustee Oliveras spoke about the sidewalk on the Cape Avenue Bridge and it was requested that Manager Sheeley send a letter to the County requesting they make the necessary repairs.

**EXECUTIVE SESSION**

Motion by Trustee Oliveras, seconded by Trustee Lopez to enter into Executive Session at 8:15 p.m. to discuss contract negotiations and personnel matters not to reconvene to Public Session.

All in favor – Aye – motion passed.

Respectfully submitted,

Noreen Dechon  
Village Clerk