

Village of Ellenville
Board Meeting
Monday, February 13, 2012

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

ROLL CALL	Mayor Jeffrey Kaplan	Present
	Deputy Mayor Raymond Younger	Arrived @7:50 pm
	Trustee Efrain Lopez	Present
	Trustee Francisco Oliveras	Present
	Trustee Patricia Steinhoff	Present

ALSO PRESENT

Mary Sheeley, Village Manager
Philip Mattracion, Police Chief
Peter Berger, Village Attorney
Brian Schug, Code Enforcer Schug
Noreen Dechon, Village Clerk

**APPROVAL OF
MINUTES
#021312-1**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to accept the minutes of February 13, 2012 as presented.
All in favor - Aye - motion carried

**PETITIONERS &
CORRESPONDENCE**

Estyn Hulbert, Arts Wave, was before the board tonight requesting the Village to consider including \$5,000 in our 2012/13 budget for their use. Ms. Hulbert stated that the mission of Arts Wave is to provide leadership and services that encourage the Arts for the cultural, educational and economic benefit of our community. Mayor Kaplan complimented the Arts Wave individuals for all their work and will ask the Board to consider their request during the budget process.

Marion Dumond, President of the Historic Preservation Commission, reported on a recent meeting that took place with a representative from NYS Office of Parks, Recreation & Historic Preservation to discuss with members of the public the establishment of a historic district within the Village.

**MOTION TO
SEND LETTER OF
SUPPORT FOR HISTORIC
DISTRICT
#021312-2**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to send a letter to NYS Office of Parks, Recreation & Historic Preservation endorsing the Ellenville Downtown Historic District's nomination to the State and National Registers of Historic Places.

All in favor - Aye - motion carried

Letter received from the Ellenville Central School District request the use of the Berme Road Softball Field.

**MOTION TO
APPROVE USE
OF BERME ROAD
SOFTBALL FIELD
BY ECSD
#021312-3**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff approving the use of the Berme Road Softball Field to the Ellenville Central School District from March, 2012 to mid-May, 2012.

All in favor - Aye - motion carried

Time Warner Cable – correspondence received in reference to additions/deletions of their service.

**MOTION TO
ACCEPT RESIGNATION
OF BRUCE BOWLER
FROM PLANNING BOARD
#021312-5**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras accepting the resignation of Bruce Bowler, Planning Commissioner effective immediately with deepest regrets

All in favor - Aye - motion carried

**MOTION TO OPEN
PUBLIC HEARING
WATER RATES
#021312-6**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to open the Public Hearing in reference to water rates at 7:15 p.m.

All in favor - Aye - motion carried

Mayor Kaplan began the Public Hearing with the statement that no one on the board wants to raise the water rates but the Village has a

deficit in their water fund and reviewed with audience members some of the reasons for the deficit. The amount of the deficit is approximately \$30,000 monthly which is mainly caused by the revenues not meeting expenses since we have an antiquated water system which has caused many water main breaks. Also in addition the loss of the Nevele Grande using our water system has lost approximate revenues of \$100,000 quarterly.

Manager Sheeley gave the recommendations that were made by Water Commission and numerous members of the audience expressed their concerns about a rate increase to the water rates and requested that Village Board explore other options to increase revenues or decrease expenditures.

Mayor Kaplan questioned Manager Sheeley about the cost the Village has incurred since the Village Code changed in reference to the maintenance of service line responsibility. Manager Sheeley responded that the expenses have been over \$60,000 which does not include the equipment and manpower charges. Also discussed was that this increase would be a temporary surcharge until the deficit is rectified and no action was taken by the Village Board this evening and this will be discussed again at the next board meeting.

**MOTION TO CLOSE
PUBLIC HEARING
WATER RATES
#021213-7**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to close the Public Hearing at 8:10 p.m.
All in favor - Aye - motion carried

**MOTION TO OPEN
PUBLIC HEARING
TIMBER HARVESTING
#021312-8**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to open the Public Hearing on Timber Harvesting at 8:10 p.m.
All in favor - Aye - motion carried

Attorney Berger reviewed with board members draft legislation that would add a section to the Village Code in reference to Timber Harvesting.

After reviewing, Mayor Kaplan suggesting that the law clearly define harvesting as opposed to someone clearing land for their own use. Also suggested included setting a minimum number of

trees in defining harvesting, restricting the time of logging and requiring a bond to cover not only physical or personal injury but also drainage issues.

Don Mekulik who originally drafted the Town of Wawarsing's timber harvesting law suggested that if the harvesting is to be done on a steep slope that an environmental impact be done.

**MOTION TO ADJOURN
PUBLIC HEARING
TIMBER HARVESTING**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to adjourn the Public Hearing.

All in favor - Aye - motion carried

POLICE REPORT

**MOTION TO APPROVE
EXPENDITURE FOR
BULLET PROOF VESTS
#021312-9**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to approve the expenditure to Rosen's for 12 Level 2 threat Bullet Proof Vests as per NYS bid contract #64781 at a total cost of \$9,879.00 as recommended by the Chief of Police. Half of the purchase price will be paid by Federal grant.

Chief Mattracion introduced two gentlemen that he is requesting to hire as a Police Dispatcher, Vincent Nigro and Part-time Police Officer, Jesse Vale. These candidates have been interviewed by Deputy Mayor Younger, Trustee Lopez and Manager Sheeley.

**MOTION TO APPOINT
PART TIME POLICE
DISPATCHER
#021213-10**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras appointing Vincent Nigro as part time police dispatcher at the rate of \$13.00 per hours, training rate, in accordance with the collective bargaining agreement between the Village of Ellenville and the Ellenville Police Benevolent Association, effective February 15, 2012. This appointment is recommended by Chief Mattracion, Deputy Mayor Younger, Trustee Lopez and Manager Sheeley.

All in favor - Aye - motion carried

**MOTION TO APPOINT
PART TIME
POLICE OFFICER
#021213-11**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez appointing Jesse Vail as part time police officer at the rate of \$12.15 per hours, training rate, in accordance with the collective bargaining agreement between the Village of Ellenville and the Ellenville Police Benevolent Association, effective February 15, 2012. This appointment is recommended by Chief Mattracion, Deputy Mayor Younger, Trustee Lopez and Manager Sheeley.
All in favor - Aye - motion carried

Questions raised for the Chief was the request made by a resident in reference to traffic lights and Chief responded he has met with that individual. Also Trustee Steinhoff requested that the midnight shift check on the street pole lights that are not working and report them to Central Hudson.

ENGINEERS REPORT

Don Fletcher and Don Schmalzle from Barton & Loguidice were before the board tonight to discuss a joint grant application with the Town of Wawarsing and the Village in reference to shared services for street and highway projects and Water Improvement project.

There was discussion between the Mayor and board members about obtaining proposals from different engineers for any future projects. Too much work has been done at this time to seek engineering proposals for the Water Improvement Project.

**MOTION TO APPROVE
TASK ORDER FOR
ENGINEERING & PROJECT
DESIGNS-WATER SYSTEM
IMPROVEMENTS
#021312-12**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to approve a task order for Engineering and Project Design Services to Barton & Loguidice for the Water System Improvements in the amount of \$544,200.00.
All in favor - Aye - motion carried

**MOTION TO APPROVING
JOINT APPLICATION WITH
TOWN OF WAWARSING
#021212-13**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras approving a joint grant application with the Town of Wawarsing in

reference to shared services for street and highway projects. The Village's cost of this application is \$2,000.00.
All in favor - Aye - motion carried

MANAGER'S REPORT

Manager Sheeley shared with board members communication she has received from the Shawangunk Garden Club in reference to the planting at Liberty Square and by one of the entrances of the Village.

Manager Sheeley requested approval for attendance to the NYCOM Winter Legislative Meeting.

**MOTION AUTHORIZING
ATTENDANCE AT NYCOM
WINTER LEGISLATION MEETING
#021212-14**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez authorizing the Village Manager, Village Treasurer and Trustee Steinhoff to attend the NYCOM Winter Legislative Meeting on Monday, February 27, 2012 in Albany.
All in favor - Aye - motion carried

TREASURER'S REPORT

Treasurer Polkoski presented to board members an accounting of income for the Village of Ellenville Mountain Reserve account for 2011 (see attached). Mayor Kaplan requested that the Treasurer and Manager request other proposals for investment services.

Optimum Windows – The water commission met several times in reference to this account. It was discovered recently that one of their meters has not been billed in several years. The Commission would like the board's authorization to rectify this matter and present a bill for \$12,500 to Optimum Windows.

**MOTION TO
ADOPT IRS
MILEAGE REIMBURSEMENT
RATE
#021312-15**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to adopt the IRS Mileage rate for use of personal vehicle on Village business travel effective January 1, 2012.
All in favor - Aye - motion carried

Bid for Street Department Truck – Village Board members acknowledged receipt of one bid from Arkel Motors for a 2011 Dump Truck for the Street Department. This bid was in the

amount of \$126,943.00. Trustee Lopez requested that the Village Manager check to see if this truck is on State bid.

ATTORNEY REPORTS

**MOTION APPROVING
AGREEMENT TO OBTAIN
SERVICES FOR A
TAX ASSESSMENT LITIGATION
#021312-16**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving an agreement with the Town of Wawarsing and the Ellenville Central School District to obtain the services of the law firm of Hacker Murphy in reference to a Tax Assessment Litigation brought by the State of New York. The Village will pay one-third of the total cost of the agreement.

All in favor - Aye - motion carried

BUILDING DEPARTMENT

HVAC - Code Enforcer Schug gave to board members a bid he had received from Comfortzone Mechanical Services for HVAC work in the amount of \$27,950.00 for the fourth floor. This will be discussed at the next scheduled board meeting.

Driveway Legislation - Code Enforcer Schug gave board members a copy of our code for driveway legislation and also legislation from the Villages of Saugerties and New Paltz for their review.

Code Enforcer Schug told board members that the Government Center's hot water heater is leaking and he will obtain prices to replace this.

RESOLUTIONS

**MOTION RESCINDING
MOTION #010912-14
#021312-17**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras rescinding motion #010912-14, appointment of Kenneth Jeter as a part time laborer due to Mr. Jeter declining the settlement agreement from the Village.

All in favor - Aye - motion carried

**MOTION REAFFIRMING
CHANGE ORDER FOR
PUROCLEAN
#021312-18**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger reaffirming authorization for a change order for PuroClean in the amount of \$5,500.00 as recommended by the Village Manager and Building Inspector in reference to mold remediation in the basement of Government Center.
All in favor - Aye - motion carried

**MOTION APPROVING
SNOW & ICE REMOVAL
CHARGES
#021312-19**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving the attached snow and ice removal charges for the January 21, 2012 storm.
All in favor - Aye - motion carried

**MOTION APPROVING
NICOLAS PASQUARIELLO
IT SERVICES
#021312-20**

Motion by Trustee Steinhoff, seconded by Trustee Lopez approving Nicolas Pasquariello an independent contractor at a rate of \$50.00 per hour for IT support for the Village of Ellenville effective December 7, 2011.
All in favor - Aye - motion carried

**MOTION APPROVING
EXPENDITURE TO
SCHMIDT'S WHOLESALE
#021312-21**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving the expenditure of \$1,574.00 to Schmidt's Wholesale for the purchase of a Badger 8" meter to be installed at Honors' Haven as recommended by the Water Department Superintendent.
All in favor - Aye - motion carried

**MOTION APPROVING
EXPENDITURE TO
PINE BUSH EQUIPMENT
#021312-22**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras approving the expenditure of \$1,057.00 to Pine Bush Equipment for the purchase of a wire harness as recommended by the Street Department Superintendent.
All in favor - Aye - motion carried

**MOTION AMENDING
MINUTES OF 9/14/09
#021312-23**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to amend the minutes of September 14, 2009 to include the approval and acceptance of the Hazard Mitigation Plan for the Village of Ellenville.

All in favor - Aye - motion carried

**MOTION APPROVING
EXPENDITURE TO UNITED
ROTARY CORP.
#021312-24**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger to approve the expenditure to United Rotary Corporation in the amount of \$1,172.42 to be used for gutter brooms and tube brooms as recommended by the Village Manager and Street Department Superintendent.

All in favor - Aye - motion carried

Mayor Kaplan stated the he and Attorney Berger met recently with the Ulster County Executive to discuss the Village's unpaid taxes and left that meeting very disappointed. Recently the Mayor, Village Manager, Village Attorney and Village Tax Collector met with representatives from Sullivan County Treasurer's Office to review their system for unpaid taxes and they were very helpful and requested that a thank you letter be sent to their office.

**MOTION CERTIFYING
UNPAID 2011 TAXES
#021312-25**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to certify the list of the 2011 unpaid taxes as presented.

All in favor - Aye - motion carried

**MOTION REAFFIRMING
AUTHORIZATION FOR
MAYOR TO SIGN AN
AGREEMENT WITH
ULSTER COUNTY
#021312-26**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger reaffirming authorization to Mayor Kaplan to sign an agreement with Ulster County relating to the enforcement of Real Property Tax Liens.

All in favor - Aye - motion carried

TRUSTEE REPORTS

Trustee Oliveras requested an update on the new Wastewater Sewer Treatment Plant and Don Schmalzle of Barton & Loguidice, provided that information.

Trustee Lopez questioned if we have advertised for the sale of the excess equipment in the Street Department. Manager Sheeley responded this will be done in the near future.

Trustee Steinhoff requested the status of the ARC building going back on the tax rolls and Manager Sheeley will write to the ARC to find out their future plans for that building.

Mayor Kaplan reported that he recently met with RUPCO where they will be requesting tax relief under Real Property Tax Relief Section 581 on their Buttermilk Falls property since they have been unable to sell their townhouses. Attorney Berger will look into this matter.

Trustee Steinhoff wanted everyone to know that there are approximately 50 positions available for the Summer Recreation Program.

**MOTION TO ENTER
INTO EXECUTIVE
SESSION**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to enter into Executive Session to discuss personnel matters at 9:35 p.m. not to reconvene to public session.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk