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Village of Ellenville  
Village Board Meeting  
Monday, March 23, 2009

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

**ROLL CALL**

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  
Philip Cataldi, Village Attorney  
Philip Mattracion, Police Chief  
Noreen Dechon, Village Clerk  
Linda Polkoski, Village Treasurer  
Brian Schug, Code Enforcement Officer

**PRESENTATION**

Dominick Consolo of Bennett, Kielson, Storch & DeSantis was Present tonight to discuss and give an overview of the Financial Statement and Supplementary Information for year ended May 31, 2008.

Mr. Consolo spoke about the revenues, expenditures and changes in the fund balance and also discussed that the revenues had been overestimated in numerous lines in the general fund. In the water fund the revenues were also overestimated but the expenditures were down and the sewer fund has had a deficit for the past few years and part of that problem was that the sewer rates had not been increased for over a decade.

Mayor Kaplan thanked Mr. Consolo for attending the meeting.

Mayor Kaplan told audience members that earlier this evening the Board did their neighborhood walk in the Warren Street area and it is the intention of the board to attempt to repair some of the sidewalks in that area.

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**REQUEST FOR  
PROPOSALS  
#032309-01**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to request that Barton & Loguidice prepare three separate bids for sidewalks on Warren Street (Warren to Market Street, Warren to Park Street and Warren Street to Circle Avenue) returnable by April 27, 2009 at noon.

All in favor - Aye - motion carried

**APPROVAL OF  
MINUTES  
#032309-02**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff to accept the minutes of March 9, 2009 as presented.

All in favor - Aye - motion carried

**MOTION TO APPROVE  
SALE OF PROPERTY  
#032309-03**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez authorizing the sale of the old Village Hall at 81 N. Main Street “as is” condition in the amount of \$165,000.00 to Green Earth Holdings, LLC. The closing for this sale will be no later than June 1, 2009. The bell that is in front of the building will remain Village property and in the event the building is sold by the new owner, the Village of Ellenville will have the right to remove the bell. Permission for access to the building will be given to the prospective buyer so repairs to the roof and the plumbing can be started.

All in favor - Aye - motion carried

**MOTION TO APPROVE  
EXCESS VEHICLES  
#032309-03**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to excess vehicles that are owned by the Village of Ellenville but not in use.

All in favor - Aye - motion carried

**MOTION TO APPROVE  
SALE OF PROPERTY  
#032309-04**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to advertise the sale of excess vehicles that are owned by the Village of Ellenville but not in use. These vehicles will be sold “as is” and it was requested that this sale be listed in the newspaper, radio, Craig’s list and the NYCOM bulletin.

All in favor - Aye - motion carried

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## PETITIONERS & CORRESPONDENCE

Matthew D. Rudikoff Associates, Inc. – Letter received from Mr. Rudikoff with a copy of his comments regarding the Wal-Mart project and also stating that he has been retained by Shop Rite regarding this project and Mayor Kaplan asked if any board member would like to comment on his letter. No board comments at this time.

Court Procedures – Code Enforcer Schug was questioning the procedure to allow him to send some of his department's violation to the Ulster County Supreme Court. Mayor Kaplan suggested that the Code Enforcement Officer request board permission on a case by case basis. The Board concurred with this suggestion.

Seventh Day Adventist Church – Pastor Jordan was before the board tonight to speak about his congregation sponsoring a Health Fair on Sunday May 31, 2009 and requested to have a portion of Clinton Avenue blocked off for this event between the hours of 10:00 am – 4:00 pm. Pastor Jordan also requested that a Police Officer conduct a safety program for the children. Deputy Mayor Younger requested that Pastor Jordan inform the residents on the street about the closing.

## MOTION TO APPROVE SEVENTH DAY ADVENTIST CHURCH HEALTH FAIR #032309-05

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Health Fair event sponsored by the Seventh Day Adventist Church on May 31, 2009 between the hours of 10:00 am-4:00 pm subject to the coordination of the Ellenville Fire Department, Ellenville Police Department, the Building Department and the Village Manager.  
All in favor - Aye - motion carried

Ellenville Playground Committee – Fawn Morosky informed board members that this coming Friday their will be an organization day where a site review will be done and invited board members to attend. Mayor Kaplan discussed with Ms. Morosky the misunderstanding about the \$25,000 grant and the grant is still in place.

## ENGINEER'S REPORT

Glenn Gildaly, Barton & Loguidice spoke to board members about the continuing operation of working on the stimulus monies for the Wastewater Treatment Plant. Mr. Gildaly further stated that the Village of Ellenville is the first in County to receive stimulus

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money in reference to the Beckley Bridge project and this is mainly due to the fact of the work done by the Village Manager. Mayor Kaplan requested that Mr. Gildaly prepare a timeline for the Wastewater Treatment Plant project.

### **PETITIONERS & CORRESPONDENCE (continued)**

Mr. Joel Schreibman inquired about the status of draft of the cable franchise agreement and Attorney Cataldi stated that the Village of Ellenville has a six month extension of the existing agreement.

Ulster County Legislature – Community Foundation - Mayor Kaplan acknowledged receipt of this letter.

NYS Department of Environmental Conservation – Flood Control Project 2008 Semi Annual Inspection - Mayor Kaplan acknowledges receipt of this report and requested that the Village Manager contact the Army Corps of Engineers in reference to the wing wall.

### **POLICE DEPARTMENT**

#### **MOTION TO APPROVE CONTRACT WITH NYCOMCO #032309-06**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger to approve the six year renewal contract lease with NYCOMCO for renewal of the police radios upon attorney review and approval.  
All in favor - Aye - motion carried

Presentation of Quadricentennial Flag – Manager Sheeley presented to Chief Matracion a Quadricentennial Flag for the upcoming events for the celebration of the Hudson River.

Mayor Kaplan stated that the Board has been able to work out with the union for the Water, Sewer and Street Departments an agreement to forego their salary increases for the next budget year and asked Chief Matracion to inform his staff of gesture.

Deputy Mayor Younger stated that the Board of Trustees have never voted or discussed doing away with the Police Department.

### **DISCUSSION**

Collection of Unpaid Taxes – Mayor Kaplan spoke about a program that the Villages in Sullivan County have with their County in reference to collecting delinquent taxes and how this

program has been beneficial to both the Villages and the County. Mayor Kaplan requested a resolution of the Village of Ellenville Board's support be sent to the Ulster County Executive in reference to their collection of our delinquent taxes.

**RESOLUTION SUPPORTING  
ULSTER COUNTY TO COLLECT  
VILLAGE OF ELLENVILLE'S  
DELINQUENT TAXES  
#032309-07**

Resolution by Deputy Mayor Younger, seconded by Trustee Steinhoff in support of an agreement between Ulster County and the Village of Ellenville that would allow for the collection of all unpaid taxes by the County of Ulster pursuant to an agreement similar to the agreement in Sullivan County.  
All in favor - Aye - motion carried

**RESOLUTION RESCINDING  
ADOPTION OF PROPOSED  
LOCAL LAW TO ACCESS  
THE SPECIAL RESERVE FUND  
#032309-08**

Resolution by Trustee Oliveras, seconded by Trustee Steinhoff

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Ellenville for a public hearing to be held on March 2, 2009 at 7:00 p.m. to hear all interested parties on a proposed Local Law entitled, "A RESOLUTION AUTHORIZING THE ADOPTION BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF ELLENVILLE A LOCAL LAW FOR THE YEAR 2009 TO PROVIDE FOR THE WITHDRAWAL OF UP TO \$1.1 MILLION DOLLARS FROM A SPECIAL RESERVE FUND AND TRANSFER INTO THE VILLAGE'S GENERAL FUND," and

WHEREAS, notice of the public hearing was duly advertised on February 27, 2009 in the Shawangunk Journal, the official newspaper of the Village, and

WHEREAS, the public hearing was duly held on March 2, 2009 at 7:00 p.m. at The Government Center, 2 Elting Court, Ellenville, New York, and all parties in attendance were permitted to speak on behalf of or in opposition to the proposed Local Law, or any part thereof, and

WHEREAS, certain residents of the Village attended the public hearing, and many of them expressed extreme concerns regarding the adoption and approval of this Local Law prior to the

completion of the audit to be conducted by New York State in the near future and prior to the passage of the Village’s budget for the year 2009, and

WHEREAS, the Board of Trustees closed the public hearing on March 2, 2009 and adopted the above-entitled Resolution and a further Resolution to schedule a mandatory referendum for the approval of the Resolution by the Village electors on May 1, 2009, and

WHEREAS, the Board of Trustees is now concerned that the amount actually needed to offset the general fund deficit may require additional money in excess of \$1.1 Million and would like to confirm that amount after the completion of the New York State audit,

NOW, THEREFORE, the Board of Trustees of the Village of Ellenville, after due deliberation, finds it in the best interest of the Village not to proceed to a mandatory referendum and instead rescinds its earlier Resolutions so that they may lapse without being enacted.

Roll Call Vote:	Mayor Kaplan	Aye
	Deputy Mayor Younger	Aye
	Trustee Lopez	Aye
	Trustee Oliveras	Aye
	Trustee Steinhoff	Aye

**RESOLUTION THAT THE  
VILLAGE OF ELLENVILLE  
WILL ASSUME LEAD AGENCY  
AND ISSUING A NEGATIVE  
DECLARATION  
#032309-09**

Resolution by Trustee Steinhoff, seconded by Trustee Oliveras that the Village of Ellenville will assume the role of “Lead Agency” for purpose of the wastewater treatment plant project environmental review and issued a Negative Declaration determining the proposed action would not have a significant effect upon the environment.

Roll Call Vote:	Mayor Kaplan	Aye
	Deputy Mayor Younger	Aye
	Trustee Lopez	Aye
	Trustee Oliveras	Aye
	Trustee Steinhoff	Aye

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**MOTION APPOINTING  
THERESA NETTLE TO THE  
ELLENVILLE HOUSING  
AUTHORITY  
#032309-10**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff appointing Theresa Nettle to the Ellenville Housing Commission replacing Commissioner Robles-term to July 15, 2013.  
All in favor - Aye - motion carried

**MOTION WAIVING  
POTENTIAL CONFLICT OF  
INTEREST  
#032309-11**

Motion by Trustee Oliveras, seconded by Trustee Lopez that the potential conflict of interest between the law firm of Donoghue, Thomas, Auslander and Drohan and the Ellenville Central School District and the Village of Ellenville be waived.  
All in favor - Aye - motion carried

**BUILDING DEPARTMENT**

Planning Board Positions – Code Enforcer Schug requested that the Village Board advertise for two positions that have become available on the Planning Board. Commissioners Diaz and Hooper will be resigning their positions.

**MOTION TO  
ADVERTISE TWO  
POSITIONS ON  
PLANNING BOARD  
#032309-12**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff to advertise two positions on the Planning Board returnable the second meeting in April.  
All in favor - Aye - motion carried

Comprehensive Plan – Code Enforcer Schug commented that the Ulster County Planning Board reviewed our Comprehensive Plan and he requested that a Public Hearing be scheduled for review of this plan.

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**MOTION TO  
SCHEDULE A  
PUBLIC HEARING  
COMPREHENSIVE  
REVIEW  
#032309-13**

Motion by Trustee Lopez, seconded by Commissioner Steinhoff to schedule a Public Hearing on May 11, 2008 at 7:15 p.m.  
All in favor - Aye - motion carried

**ATTORNEY'S REPORT**

Ellenridge Pressure Booster Station – Attorney Cataldi reported to board members about the question previously asked in reference to using the Letter of Credit to build the pressure booster station ourselves. After research, it was found that the Village of Ellenville could access this Letter of Credit if necessary.

Easement – Backman Avenue to Lincoln Street – Attorney Cataldi will have both parties involved re-execute this easement.

Mayor Kaplan commented that this is Attorney Cataldi last Village Board meeting and everyone will miss him and it is with regret that he will be leaving and we thank him with deep appreciation for all his work.

**TREASURER'S REPORT**

Treasurer Polkoski requested that a Public Hearing be scheduled for the adoption of the Village Budget.

**MOTION TO  
SCHEDULE A  
PUBLIC HEARING  
ADOPTION OF  
VILLAGE BUDGET  
#032309-14**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to schedule a public hearing on April 13, 2009 at 7:15 p.m. for purposes of adopting the Village Budget.  
All in favor - Aye - motion carried

Trustee Steinhoff spoke about the debt schedule and if we have borrowed money to purchase some items and these items have not been purchased, shouldn't we replace these BANs with long term bonds? Mayor Kaplan spoke about borrowing money in the form of a bond or a bond anticipation note and the difference in the rates.

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**MANAGER'S REPORT**

Beckley Drive Bridge Project – Manager Sheeley told board members that there is a meeting scheduled for tomorrow in reference to going out to bid for this project.

Spring Clean Up Dates – Manager Sheeley gave to board members the dates for the Spring Clean Up and will stress to residents that this is a one time pickup only. Letters will be sent to landscapers notifying them of our new procedure.

**MOTION TO  
SCHEDULE A  
SPRING CLEAN UP  
DATES  
#032309-15**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to schedule the first two weeks of May for Spring clean up (weather permitting).

All in favor - Aye - motion carried

Contracts – Requests for Proposals – Manager Sheeley questioned if the board is interested in requests for proposals in reference to our insurance policies, engineering services and attorney. Mayor Kaplan requested that the local insurance companies be given an opportunity to bid for the Village's insurance.

Labor Attorney – Manager Sheeley spoke about the legal fees for our labor attorney and requested that Board vote on this matter.

**MOTION TO  
HOURLY RATE  
FOR LABOR  
ATTORNEY  
#032309-16**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to approve the hourly rate of \$200 for our labor attorney.

All in favor - Aye - motion carried

Wal-Mart Project – Manager Sheeley told board members that Ulster County Planning Board is requesting an opinion from the Village Board as to their position on the Wal-Mart project. Manager Sheeley stated that after speaking with the Chief of Police they both feel there will be minimal impact on the traffic in the Village of Ellenville.

Mayor Kaplan recused himself from discussion of this project since he represents the current owner of the Napanoch Mall, Joseph Tso.

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**RESOLUTION IN  
SUPPORT OF  
WALMART PROJECT  
#032309-17**

Resolved by Trustee Steinhoff, seconded by Trustee Lopez that the Village Board is aware of the Wal-Mart project and they are in support of this project.

Roll Call Vote:	Mayor Kaplan	Abstain
	Deputy Mayor Younger	Aye
	Trustee Lopez	Aye
	Trustee Oliveras	Aye
	Trustee Steinhoff	Aye

**BOARD REPORTS**

Mayor Kaplan stated that the Village Board is extremely satisfied with the work that has been done by Mrs. Sheeley and the board would like to have Mrs. Sheeley go from Interim Manager to Permanent part time Manager and they appreciate her efforts to date.

Trustee Steinhoff commented that there will be a Youth Commission meeting on March 31<sup>st</sup>.

Karri Scott-Fazio spoke about the new thrift shop that will be opening on Canal Street soon as part of their fundraising efforts. Village Clerk Dechon questioned the possibility of obtaining waivers for the volunteers that will be working on the playground.

**MOTION TO  
SCHEDULE A  
BUDGET WORKSHOP  
#041309-18**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to schedule a Budget Workshop on Monday, April 13, 2009 at 6:00 p.m.

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**MOTION TO  
ADJOURN TO  
EXECUTIVE SESSION  
#041309-19**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to adjourn into Executive Session at 8:40 p.m. to discuss personnel matters and not to reconvene to public session.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk