

Village of Ellenville
Board Meeting
Monday, May 13, 2013

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	Present
Trustee Efrain Lopez	Absent
Trustee Francisco Oliveras	Present
Trustee Patricia Steinhoff	Present

ALSO PRESENT

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

**MINUTES
#051313-1**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to accept the minutes of April 22 2013 as presented.
All in favor - Aye - motion carried

Mayor Kaplan stated that earlier this evening the board toured the new Sewer Plant and it is a state of the art facility and all parts were made in America. Also the board audited the bills at 6:30 p.m.

DISCUSSION

Central Hudson Gas & Electric acquisition – Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to adopt the below resolution and to send it to the Governor, our Senators, Assemblyman and local legislators:

**RESOLUTION IN
REFERENCE TO CHG&E
MERGER
#051313-2**

Whereas, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility serving the residents of the Village of Ellenville; and

Whereas; the Public Service Commission (PSC) must approve this merger, and in order to be approved the Applicant must prove a net public benefit; as required by New York State Law, and

Whereas, the PSC initially held on two hearings, on the same day, one of which was held at 3:30 in the afternoon, when many rate-payers are still at work; and

Whereas, the PSC has now scheduled two additional hearings, in Poughkeepsie and Kingston, but has not provided the public with any additional information about how the proposed acquisition of Central Hudson by Fortis, Inc. will provide any substantial benefits which meet the test of establishing a public interest resulting from the proposed transaction, and

Whereas, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, for which Fortis has offered less than \$50 million; and

Whereas, of the stated \$50 million in customer benefits, the Settlement Agreement relies upon \$35 million in future undefined contributions to storm damage repair and more than \$9 million in what are claimed to be lessened management costs, neither of which substantially benefit customers; and

Whereas, the purported \$9 million “benefit” is claimed to be the future result of the merged companies no longer needing to meet the reporting requirements for public companies, which would actually mean that the operations of Fortis and Central Hudson would no longer be subject to appropriate and necessary financial regulatory scrutiny and oversight, and

Whereas, when these poorly defined and relatively inconclusive “benefits” are deducted, what remains is a trivial “Economic Development Fund” of \$5 million for the whole region; and

Whereas, by contrast, the region’s rate-payers would face the certainty of many times that amount in increased electricity delivery charges over the decades to come; and

Whereas, Fortis has guaranteed a rate freeze for not more than 12 months; and
Whereas, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

Whereas, Fortis has not committed to improve the region’s electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

Whereas, Fortis offers no reasonable plan for Ellenville residents to achieve an affordable, sustainable, and reliable supply of power; and

Whereas, Assembly Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

Whereas, Central Hudson workers would be guaranteed jobs for only a two year period, after which Fortis can begin to outsource work;

Whereas, New York State Law requires the Public Service Commission to establish a factual basis for finding of genuine public interest resulting from such a transaction as the Fortis merger; now, therefore be it

Resolved, the Ellenville Board of Trustees calls upon the PSC to hold Evidentiary Hearings, in order that the Public can examine the factual basis for the public interest, followed with a Recommended Decision; and be it further;
Resolved, the Ellenville Board of Trustees does urge the PSC to express in the most transparent terms to Central Hudson rate-payers the ways that such a merger would benefit residents in the current Central Hudson utility service area, particularly with regard to improved infrastructure and support for renewal energy; and be it further
Resolved, that the Village Board of Trustees does urge the Public Service Commission (PSC) to extend the period for further comment for so long as necessary for residents of the Village, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and be it further;
Resolved, the Village Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator John J. Bonacic, and New York State Assemblyman Claudia Tenney.
All in favor - Aye - motion carried

**PETITIONERS &
CORRESPONDENCE**

Time Warner Cable – correspondence received in reference to channel changes, additions and/or deletions.

Kurt Wickham – 32 Chapel Street – requesting relief from Certificate of Rental Safety since a family friend is living in his home.

**MOTION TO WAIVE
CERTIFICATE OF RENTAL SAFETY
#051313-3**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to waive the requirement of obtaining a Certificate of Rental Safety at 32 Chapel Street provided that Mr. Wickham is not receiving any rent from the family friend. This must be put in writing and signed by Mr. Wickham and his friend and to have the statement notarized.
All in favor - Aye - motion carried

POLICE DEPARTMENT

Review and Discussion of Noise Ordinance – Chief Mattracion spoke about recent alleged violations of the Village of Ellenville’s noise ordinance. These alleged violations were dismissed by the Village Court. Mayor Kaplan obtained several different municipal legislations from NYCOM and requested the Village Attorney review them along with the Village Code to see if our Code is sufficient. Marcus Guiliano from Aroma Thyme Bistro spoke about the loud music that is played in cars within close proximity of his restaurant and how the music is disturbing his customers. This subject will be discussed further after our attorney reviews the Village Code.

Chief Mattracion reported the arrest of three juveniles that have been responsible for petty larceny and graffiti within the Village.

The Ellenville Police Department staff will be having a training seminar on Effective Communication with the Public. The Ulster County Chief's Association recognized the Ellenville Police Department for the work done in conjunction with the Sheriff's Department on the Urgent Task Force.

**PETITIONERS &
CORRESPONDENCE
(continued)**

Marcus Guiliano spoke about some of the business owners parking on Canal Street causing a lack of parking for customers. Mayor Kaplan requested that the Village Manager look into obtaining nice parking signs that would steer visitors to lots that are further up the street behind other businesses.

Correspondence received from Ulster Greene ARC announcing they are considering a home for disabled individuals at 5 Rosenstock Road. Mayor Kaplan stated that the municipality has 40 days to respond to this matter. Mayor Kaplan told board members that currently Ulster Greene ARC owns four properties in our Village and there are additional facilities not owned by Ulster Greene ARC and feels that the community is saturated already. This matter will be discussed in length at the next board meeting.

MANAGER 'S REPORT

Cape Avenue Sewer Rehabilitation Project – Manager Sheeley stated that the bids received have been reviewed by the Village Engineers.

Beechmont/Linden Drainage Project – Two responses had been received but the lowest bidder had requested engineering plans. Mayor Kaplan questioned the Building Inspector if this project did need engineering plans and to obtain from Barton & Loguidice what this would cost. If engineering plans are not necessary, it was requested that references be checked and to place this matter on the next Board agenda.

Financial Statement – Manager Sheeley spoke about the hiring of Cooper and Niemann to do the Village's financial report. It was decided this subject would be discussed in Executive Session.

TREASURER'S REPORT

Treasurer Polkoski reviewed with board members that budget amendment she has submitted as well as amending the Purchasing Policy.

ATTORNEY’S REPORT

**SNOW EMERGENCY ROUTES
#051313-4**

Snow Emergency Routes – Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger

WHEREAS, New York State Vehicle and Traffic Law Section 1640 authorizes the Village of Ellenville Board of Trustees to provide for the removal and storage of vehicles parked or abandoned on highways during snowstorms ... (see SubSection 14) and further provides authorization to declare a snow emergency and designate snow emergency routes (see SubSection 18);

NOW, THEREFORE, the Village Board of the Village of Ellenville authorizes the Village Manager to declare a snow emergency and provide for the removal and storage of vehicles as set forth in the statute.

This Resolution shall take effect immediately.

All in favor - Aye - motion carried

Storage & Display of Merchandise on Sidewalks – Attorney Berger reviewed with board members draft legislation for the storage and display of merchandise on sidewalks.

Mayor Kaplan stated that if a business will be having outdoor displays this should be part of their business plan and reviewed by the Planning Board or possibly obtain a Special Use Permit. It was decided that this legislation be reviewed by the Planning Board for their recommendations and revisited at the next Village Board meeting.

Basketball Hoops – Mayor Kaplan requested an update on basketball hoops that are an obstruction in the streets and it was suggested that a policy be created as well as a letter to be sent to the property owners that have them in front of their property.

RESOLUTIONS

**MOTION TO
ACCEPT BIDS
FOR CAPE AVENUE
#051313-5**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to accept the four bids received in reference to the Cape Avenue Sewer Rehabilitation upon recommendation of the Village Engineer.

All in favor - Aye - motion carried

**MOTION TO
AWARD BID
TO KPI
#051313-6**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger awarding the bid to Kenyon Pipeline Inspection for the Cape Avenue Sewer Rehabilitation in the amount of \$74,475.00 as they were the lowest responsible bidder and upon recommendation of the Village Engineers.
All in favor - Aye - motion carried

**MOTION AUTHORIZING
BUDGET AMENDMENT
#051313-7**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger authorizing the attached budget amendment upon recommendation of the Village Treasurer.
All in favor - Aye - motion carried

**MOTION TO AMEND
PURCHASING POLICY
#051313-8**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to amend the Purchasing Policy with the attached instructions upon recommendation of the Village Auditors.
All in favor - Aye - motion carried

BOARD REPORTS

Deputy Mayor Younger inquired if all the easements have been obtained for the Kossar/Ida project.

Mayor Kaplan stated that he will be attending the Ulster County Chamber of Commerce breakfast in the morning where Senator Bonacic will be the guest speaker and Mayor Kaplan will express his disappointment of the Senator's handling of the potential for casino gambling at the Nevele.

Trustee Steinhoff inquired if there has been any update on the house on 2 Roslyn Street.

ADJOURN

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to adjourn into Executive Session to discuss personnel items at 8:35 p.m. not to reconvene to Public Session.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk