

Village of Ellenville  
Village Board Meeting  
Monday, May 26, 2009

Meeting called to order at with the Pledge of Allegiance by Mayor Jeffrey 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	Absent w/notice
	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

**POLICE DEPARTMENT**

Chief Mattracion presented a Certificate of Recognition to Investigator William Young, NY State Police, for his assistance to the Ellenville Police Department during the month of April.

Also Chief Mattracion presented Meritorious Awards to Ellenville Police Officer Jason Wurtz, Deputy Sheriff Paul Costa and Paramedic Steve Grundt for their heroism while saving a despondent male during a recent suicide attempt.

Chief Mattracion reported that several arrests have been made in connection with several burglaries in this past month. The Chief also spoke about the inter-agency cooperation between the Ellenville Police Department, the Sheriff's Department and the NY State Police. Mayor Kaplan complimented the Chief for his work with other police agencies.

**PETITIONERS &  
CORRESPONDENCE**

Marcus Guiliano, Aroma Thyme Bistro, was before the board tonight to discuss a variance they have requested to reside on the second floor of their restaurant. The Zoning Board of Appeals has required that a secondary means of egress which would be a platform and a ladder that folds out before this variance is granted.

When the ladder is folded out it would encroach on the Village parking lot by approximately twelve inches. Mr. Guiliano is requesting permission for an easement from the Village.

**MOTION TO GRANT  
AN EASEMENT TO  
165 CANAL STREET  
#052609-01**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to grant an easement to the owner of 165 Canal for purposes of allowing a fire escape to encroach on a small space of Village property.  
All in favor - Aye - motion carried

**MOTION TO  
OPEN PUBLIC  
HEARING ON  
DESIGN STANDARDS  
#052609-02**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to open the public hearing on Design Standards at 7:15 p.m.  
All in favor - Aye - motion carried

Mayor Kaplan stated that the guidelines state that if an applicant requests an appeal from an action it goes to the Planning Board and Mayor Kaplan feels this should be the Zoning Board of Appeals. Attorney Berger commented that this statement could be amended and passed tonight.

**MOTION TO  
CLOSE PUBLIC  
HEARING ON  
DESIGN STANDARDS  
#052609-03**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to close the Public Hearing on Design Standards at 7:24 p.m.  
All in favor - Aye - motion carried

**MOTION TO  
DECLARE VOE  
AS LEAD AGENCY  
AND SEQRA REVIEW  
#052609-03**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez that the Village of Ellenville Board of Trustees declared itself as lead agent and determine that there will not be any significant environmental impact as a result of the proposed Design Standards for the business district.

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

Trustee Steinhoff

Aye

Motion passed.

**MOTION TO  
APPROVE LOCAL  
LAW #4 OF 2009  
DESIGN STANDARDS  
#052609-04**

Motion by Trustee Lopez, seconded by Deputy Mayor Younger to subject to amending clause #b2 from Planning Board to Zoning Board of Appeals and with that change adopt Local Law #4 of 2009 in reference to Design Standards for the Business District.

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

Motion passed.

Mayor Kaplan thanked the Planning Board and Dan Shuster for all their work on this project.

**TABLE APPROVAL OF  
MINUTES  
#052609-05**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to table the approval of the May 11, 2009 minutes.  
All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE  
(continued)**

Peter Fairweather, who had prepared the GEIC Comprehensive Plan, was before the board tonight to discuss the board's adoption of the Comprehensive Plan. This plan should not have been adopted without first the Village declaring itself as lead agency and SEQRA review.

**MOTION TO  
RESCIND ADOPTION  
OF COMPREHENSIVE  
REVIEW  
#052609-06**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to rescind motion #051109-05 that approved the adoption of the Comprehensive Review due to the fact this action was premature since the SEQRA process was not completed.  
All in favor - Aye - motion carried

Mayor Kaplan commented that once the SEQRA review is completed and the Comprehensive Review is adopted, the Village zoning law will need to be reviewed to make sure the our code is in compliance with our Comprehensive Plan. Mayor Kaplan requested Code Enforcer Schug place this matter on the Planning Board agenda and then to schedule a meeting with the Village Board of Trustees, Planning & Zoning Boards to review said codes.

**MOTION TO  
DECLARE VOE  
AS LEAD AGENT &  
DETERMINE A POSITIVE  
ENVIRONMENTAL IMPACT  
#052609-07**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to declare the Village of Ellenville as lead agent with a determination that this action has a positive environmental impact.

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

Motion passed.

**MOTION TO  
SCHEDULE A PUBLIC  
HEARING FOR SEQRA  
REVIEW & ADOPTION  
OF COMPREHENSIVE  
REVIEW  
#052609-08**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to schedule a Public Hearing for purpose of SEQRA hearing and adoption of Comprehensive Review on July 27, 2009 at 7:30 p.m. All in favor - Aye - motion carried

Shawangunk Mountain Wild Blueberry & Huckleberry Festival – A letter was received requesting the closing of some Village streets and the assistance of the Police Department on August 22, 2009.

**MOTION TO  
APPROVE CLOSING  
OF STREETS FOR  
BLUEBERRY FESTIVAL  
#052609-09**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to close the following streets and for the Ellenville Police Department to assist during the Blueberry Festival on August 22, 2009 pending coordination with the Chief of Police:

Liberty Square  
Hermance St  
Maiden Lane  
Market Street from Canal Street to Center Street  
Church Street from Canal Street to Center Street  
Ann Street from Canal Street to Center Street  
All in favor - Aye - motion carried

**MOTION TO  
AUTHORIZING A  
YARD SALE FOR  
CHRIST LUTHERAN  
CHURCH  
#052609-10**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to authorize the Christ Lutheran Church, 105 Center Street, to hold a Yard Sale on their church grounds on July 9, 10 & 11, 2009.  
All in favor - Aye - motion carried

**MOTION ALLOWING  
THE USE OF FARMERS  
MARKET SITE BY THE  
ELLENVILLE PUBLIC  
LIBRARY  
#052609-11**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to authorize the use of the Farmer's Market site on July 15, 2009 at 7:00 p.m. by the Ellenville Public Library.  
All in favor - Aye - motion carried

Time Warner Cable – Correspondence received about the additions/deletions of cable channels.

**MOTION AMENDING  
THE LANGUAGE FOR  
THE DRUG FREE WORK  
PLACE  
#052609-12**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to modify the "Drug Free Work Place" Policy and to be signed by all employees as follows:

"It is the policy of the Village of Ellenville unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the work place.

If any employee is found to be in violation of the above restriction, the Village will first try to provide counseling

and rehabilitation through our various County affiliations. If the activity continues could be subject to termination. As a consideration of employment, in the event that an employee is convicted of a violation of a criminal drug statute occurring in the workplace, the employee must notify the Village Manager in writing within such conviction.

Each employee is entitled to a copy of this drug-free policy.”

All in favor - Aye - motion carried

**SALE OF 81 NORTH  
MAIN STREET**

Mayor Kaplan reported that there will be a closing tomorrow on 81 N. Main Street and requested that the Village Attorney along with the Code Enforcer Officer coordinate notifying the NYS Department of Environmental Conservation that the Village of Ellenville no longer owns this property and is not responsible for the removal of fuel tanks.

Mayor Kaplan requested the Board of Trustees to consider a commission of \$1,000 to Deegan & Sanglier for their efforts to sell this building.

**MOTION AUTHORIZING  
A PAYMENT OF \$1,000  
TO DEEGAN & SANGLIER  
#052609-13**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to authorize payment of \$1,000 to Deegan & Sanglier as a broker’s commission from the proceeds of the sale of the 81 N. Main Street building.

All in favor - Aye - motion carried

**ENGINEER’S REPORT**

Glenn Gidaly, Barton & Loguidice, reported to the board tonight as to the status of the Hazard Mitigation Plan which has been approved the State and the Federal government therefore making the Village of Ellenville eligible for funds in the event of a disaster. Mr. Gldaly further spoke on the list of projects due and their cost and suggested reconvening the former Hazard Mitigation Committee. Manager Sheeley spoke about an Emergency Management Plan and will discuss this at a future meeting.

Mr. Gildaly gave an update on the completion of the application for the Wastewater Treatment Plant and the need to reaffirm our Negative Declaration Resolution for the Ellenville WWTP to achieve compliance with the State Environmental Review Process (SERP). SERP certification is required for all federal economic stimulus (GIGP Green Grant) and federal assistance (USDA Rural Dev). In order to comply with SERP, all SEQRA actions must be Type I or II. In this case, we filed a long form and completed a coordinated review, satisfying the requirements for Type I action. Although the project is technically an unlisted action, we have progressed through the necessary steps to comply except for filing a Type I Negative Declaration.

**MOTION TO REAFFIRM  
THE NEGATIVE DECLARATION  
FOR THE WWTP  
#052609-14**

WHEREAS, The Village of Ellenville has been established as the State Environmental Quality Review Act (SEQRA) Lead Agency for the Ellenville Wastewater Treatment Plant Improvements Project; and

WHEREAS, The Village of Ellenville has entered into an agreement that establishes Barton & Loguidice, P.C. as its engineering consultant for the Ellenville Wastewater Treatment Plant Improvements Project; and

WHEREAS, The project is classified as an Type 1 Action under the SEQRA regulations (NYCRR10 Part 97), based upon review by the Village's engineering consultant for the project, thereby requiring a determination of significance to be made; and

WHEREAS, the Village's engineering consultant has provided an Environmental Assessment Form (long form), based on engineering and environmental studies performed during the conceptual design of the project; and

WHEREAS, The information contained in the Environmental Assessment Form (long form), a copy which is annexed hereto and made part hereof, has been reviewed by the Village; and

WHEREAS, In consideration of the information provided in the Environmental Assessment Form (long form), it is reasonable to conclude that the Ellenville Wastewater

Treatment Plant Improvements Project will not have a significant effect on the environment, and that the preparation of a Draft Environmental Impact Statement will not be required; and

WHEREAS, The reasons supporting this determination of no significant effect are set forth in the “Notice of Negative Declaration”, which is annexed hereto and made part hereof;

NOW, THEREFORE, BE IT RESOLVED, That the Village of Ellenville, as the SEQRA Lead Agency, hereby determines that the Ellenville Wastewater Treatment Plant Improvements Project will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not, therefore, be prepared; and, be it

FURTHER RESOLVED, That the Village is hereby authorized and directed to sign the attached Environmental Assessment Form (long form) at the bottom of Page One thereof (“Determination of Significance”); and, be it

FURTHER RESOLVED, That the Clerk of the Village is hereby directed to establish and maintain a file readily accessible to the public containing the SEQRA documents referred to herein, and the Village’s resolutions pertaining to the SEQRA aspects of the project; and, be it

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows;

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

Motion passed

Discussion took place about the next phase project and the proposed rate schedule for consumers for a new wastewater treatment plant.

Trustee Lopez questioned the status of the Warren Street sidewalk project.

**MOTION TO  
DECLARE VOE  
AS LEAD AGENT &  
ISSUE A NEGATIVE  
DECLARATION  
#052609-15**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to declare the Village of Ellenville as lead agent on Local Law #5 of 2009 for Flood Insurance Maps for Ulster County and issue 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 Steinhoff	Aye

Motion passed.

**MOTION TO ADOPT  
LOCAL LAW #5 OF 2009  
2009 FLOOD INSURANCE  
MAPS FOR ULSTER COUNTY  
#052609-16**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to adopt Local Law #5 of 2009 in reference to the 2009 Flood Insurance Maps for Ulster County.

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

Motion passed.

**MOTION TO APPOINT  
NATHANIEL SHORTER  
TO THE ZONING BOARD OF  
APPEALS  
#052609-17**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to appoint Nathaniel Shorter to the Zoning Board of Appeals effective May 27, 2009.

All in favor - Aye - motion carried

**TREASURER'S REPORT**

Treasurer Polkoski questioned the status of the Utility Tax legislation and Mayor Kaplan requested that this be placed on the next agenda under the Attorney's Report.

May Audit Report – Board members reviewed with the Treasurer certain line items.

**MANAGER'S REPORT**

Conference Request Form – Manager Sheeley reviewed with board members a new form that will be used in the future when employees are requesting to attend a conference.

Energy Audit – Manager Sheeley reported on her conversation with NYSERTA and their reluctance to attend a Village Board meeting at night and in addition their audit report was a generic report. Manager Sheeley has contacted TSEC and they are willing to come to the Village and assess our needs.

**BUILDING DEPARTMENT**

Code Enforcer Schug reported that he has opened the dampers on the 4<sup>th</sup> floor and the HVAC system seems to be working and also Mayor Kaplan spoke about the possible new tenant for the fourth floor.

Ellenridge – Code Enforcer Schug spoke about his concerns with the delay in the pressure booster system and Mayor Kaplan replied that he has spoken today with the Ulster County Health Department and approval should be received in the near future. Members of the Ellenridge Homeowners Association expressed their concerns with drainage issues, booster station and Mayor Kaplan requested that they give to Code Enforcer Schug their list and he will review them with Attorney Berger. Also discussed was the possibility of using the bond that was posted by Ellenridge and it was requested that the Village engineers join the Board on the “Neighborhood Walk” on June 8, 2009. Mayor Kaplan requested that a member of the Ellenridge Homeowners Association contact the NYS Department of Environmental Conservation to complain about the erosion problems

Rental Safety Re-Inspection Fees – Code Enforcer Schug requested the Board of Trustees to consider raising the fee for re-inspections for Certificates of Rental Safety.

**MOTION TO INCREASE  
THE RE-INSPECTION  
FEE FOR CERTIFICATES  
OF RENTAL SAFETY  
#052609-18**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to increase the re-inspection fee rate for the third provided that the re-inspection is a result of something that

was initially requested to be repaired but was not completed from \$50 to \$65.

All in favor - Aye - motion carried

174 S. Main Street – The tenants had been evicted and as a result their belongings are on the lawn and Code Enforcer Schug requested permission to have the Village do the “self help” and bill the owner.

#### **TRUSTEE REPORTS**

Trustee Lopez requested that the Code Enforcer Officer inspect 173 & 175 Center Street for high grass. Mayor Kaplan responded that a form will be made and given to all employees and request that if they see a violation at a property to fill this form out and return to the Building Department.

Also discussed was the Berme Road Park, the dates for the building of the new Playground and seasonal workers.

Deputy Mayor Younger requested the use of the Hunt Memorial Grounds for the NAACP’s Annual Health Fair. Deputy Mayor Younger will report back with the exact date.

#### **ADJOURN**

Motion by Trustee Lopez, seconded by Deputy Mayor Younger to adjourn at 9:05 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk