

Village of Ellenville
Village Board Meeting
Monday, August 10, 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	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
Philip Mattracion, Police Chief
Noreen Dechon, Village Clerk
Linda Polkoski, Village Treasurer
Brian Schug, Code Enforcement Officer

Mayor Kaplan requested a status report from Glen Gildaly in reference to the "Main Street Grant." Mr. Gildaly responded that approximately two weeks ago a new budget was sent to HUD and awaiting their approval and release of funds.

ENGINEER'S REPORT

Glen Gildaly reported on the status of the new Wastewater Treatment Plant status. To date the Village of Ellenville has been approved for a \$1,900,000 grant and also been approved for a \$5,200,000 loan with zero percent financing. Mr. Gildaly commented that his firm is 75% done with the plans for this project and by mid-October they should be completed and submitted to NYS Department of Environmental Conservation. The timeline for this project is the bids will advertised in 2009 and in 2010 the construction will begin. Trustee Lopez asked that the contractors to be used on this project be local residents.

Mayor Kaplan stated that earlier this evening the Board of Trustees held a "neighborhood walk" at the Roslyn Street Pump Station and the surrounding area. There is some concern in that area regarding banks that overflow during heavy rains. Mayor Kaplan also discussed the possibility of creating walking or bike paths along that creek.

Mayor Kaplan had been in contact with Hal Brill and he would like to be part of the Rail/Trials committee. Mayor Kaplan requested that Manager Sheeley contact Mr. Brill as to the time and place of the next meeting.

**APPROVAL OF
MINUTES
#081009-01**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to approve the minutes of July 27 & 30, 2009 as presented.

All in favor – 3 Mayor Kaplan did not vote since he was not in attendance at those meetings

**MOTION TO
REOPEN PUBLIC
HEARING ON AUGUST 24
#081009-02**

Motion by Trustee Lopez, seconded by Trustee Oliveras in reference to the reopening of the Public Hearing for the adoption of a Local Law which would establish a Comprehensive Plan on August 24, 2009 at 7:15 p.m.

All in favor - Aye - motion carried

**CERTIFICATE OF
RECOGNITION**

Mayor Kaplan and the Board of Trustees had certificates of recognition that were to be presented to Thomas Ballard and Ernesto Pereiza in recognition to their heroism during a recent structure fire. Both gentlemen work in the evening and it was requested that Manager Sheeley coordinate a time that would be convenient for them to meet with board members.

**PETITIONERS &
CORRESPONDENCE**

Levi Hecht - Mayor Kaplan excused himself from the board since he does represent Mr. Hecht on several matters. Mr. Hecht was before the board tonight to discuss the charges that the Village had levied to his tax bill at 256 Canal Street. Mr. Hecht was requesting that the board reconsider the charges that were incurred for snow removal and for filing in the hole with dirt at this property. Mr. Hecht is in the process of selling this property and is requesting some relief from these charges. The Board did not take any action.

Mayor Kaplan returned to the Board.

**MOTION TO
APPOINT MICHAEL
DEVONSHIRE
ARCHITECT FOR
HUNT MEMORIAL BUILDING
#081009-03**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to appoint Michael Devonshire of Jan Hird Pakorny Associates as architects to work on the Hunt Memorial Building not to exceed \$35,000. This approval is contingent upon receipt of funds first by the Village from the Hunt Memorial Commission before any payment is made to the architect. This Appointment was recommended by the Hunt Memorial Preservation Commission. All in favor - Aye - motion carried

Time Warner Cable – Attorney Berger reported that he had discussion with Kate Hope and she commented that they are in the middle of reviewing the proposed agreement.

Joel Schreiberman - commented on the delay for the renewal of Time Warner's franchise agreement. Mr. Schreiberman also requested "no parking" on Mine Line and Chief Mattracion commented that tickets have been issued and at the next board meeting he will give a report on the number of tickets, etc.

Manny's Old School Boxing Gym – An invite to attend a boxing show at the Norbury Hall on August 21, 2009. The gym is also requesting board members to support this event.

The Mayor and Board of Trustees acknowledged receipt of the following reports:

Historic Preservation Commission Minutes
Wastewater Treatment Plant Monthly Report-July
Water Department Monthly Report-July

Mayor Kaplan told board members that on Thursday of this week, an Ulster County committee will be at Town Hall to discuss shared services between municipalities and encouraged everyone to attend.

**MOTION TO
AUTHORIZE
BARTON & LOGUIDICE
TO MOVE TO 100%
COMPLETION OF THE
DESIGN OF WWTP
#081009-04**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff authorizing Barton & Loguidice to move from 75% to 100% completion of the design of the Wastewater Treatment Plant at a cost of \$99,500.

All in favor - Aye - motion carried

POLICE REPORT

Chief Mattracion reported that his staff is ready for the Blueberry Festival. Trustee Steinhoff commented that she read in the paper that Ellenville did not get the COPS Recovery grant and Chief Mattracion stated that we are on the waiting list. Trustee Steinhoff requested a list of grants that have been received.

Mayor Kaplan spoke about a police vehicle that was seen at the Nevele and requested that a memorandum be sent to his staff that vehicles are not permitted outside the Village.

Mayor Kaplan commented on the odor from perishable food items at the now closed Lou's Market. Mayor Kaplan requested Code Enforcer Schug contact the owner and give him 24 hours to clean up the store and if this is not done, the Village of Ellenville will take care of it and bill him back.

RESOLUTIONS

Removal of Trees – Attorney Berger did not feel that a new resolution for this subject is necessary and Code Enforcer Schug stated that this issue is covered in the Village code under property maintenance.

**MOTION TO
PASS COLLATERAL
SOURCE BILL
#081009-05**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras for a

**RESOLUTION TO SUPPORT BILL S.4080-A BY SENATOR
SCHNEIDERMAN AND A.7504 BY ASSEMBLYMAN
WEINSTEIN**

WHEREAS, under current State law, public employees hurt on the job are paid twice, both times out of the taxpayers pocket for the same lost future earnings; and

WHEREAS, there is a bill proposed by the NYS Trial Lawyers Association which has now been introduced in the Legislature (S.4080-A by Senator Schneiderman/A.7504-A by Assemblyman Weinstein) which in addition to ending the unfair double recoveries against public employers, it removes an impediment to the settlement of tort actions; and

WHEREAS, the bill would protect all parties in the lawsuit (including public employer defendants) who settle the case from them being subjected to a claim by a health benefit provider or other collateral source payor for reimbursements of monies paid to the plaintiff – unless there is a statutory right to such reimbursement, thereby encouraging settlements;

NOW, THEREFORE, BE IT RESOLVED, that the Ellenville Village Board supports these bills and urges lawmakers to vote these into law; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Peter J. Kiernan, Counsel to the Governor; New York State Senate Majority Leader Pedro Espada, Jr.; New York State Assembly Speaker Sheldon Silver; Senator John J. Bonacic; Assemblyman Kevin Cahill; and Barry P. Schwartz, Senior Counsel New York City Law Department.

All in favor - Aye - motion carried

ATTORNEY REPORT

Cats – Attorney Berger informed board members about an opinion of the NYS Attorney General’s Office that deals directly with the issue of whether a municipality can adopt a local law providing license and control of cats. The opinion concludes that such a law is permissible, however a municipality may not regulate cats considered “lost, strayed, homeless or abandoned” inasmuch as the State has enacted statutes applying to those situations. The board decided no further action should be taken.

TREASURER’S REPORT

Treasurer Polkoski requested that the board authorize various appropriation transfers for the 2008/2009 year.

**MOTION TO
 AUTHORIZE THE
 FOLLOWING APPROPRIATION
 TRANSFERS
 #081009-06**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to authorize the following appropriation transfers:

From:	A	3120	1	Police	P.S.	<u>31854.00</u>
						31854.00
To:	A	1110	1	Court	P.S.	504.00
				Court-Professional		
	A	1110	437	fees	C.E.	242.00
	A	1230	1	Manager	P.S.	2000.00
	A	1355	4	Assessor	C.E.	1.00
	A	3120	420	Books & Subscription	C.E.	70.00
				Confidential		
	A	3120	423	Investigation	C.E.	2331.00
	A	3120	431	Telephone	C.E.	255.00
	A	3120	472	Auto Repair Supplies	C.E.	153.00
	A	3123	247	Impact Grant	C.E.	15450.00
	A	5110	431	Street Telephone	C.E.	310.00
	A	7310	400	Youth-Battle the Rage	C.E.	2188.00
	A	7310	443	YMCA	C.E.	7000.00
	A	8988	459	Streetscape	C.E.	1136.00
	A	9050	805	Unemployment		214.00
						<u>31854.00</u>
From:	G	8110	437	Admin – Prof. Fees	C.E.	<u>385.00</u>
						385.00
To:	G	8130	447	Permits	C.E.	<u>250.00</u>
	G	9045	804	Life Ins		<u>135.00</u>
						385.00
From:	F	8310	1	Admin	P.S.	<u>2722.00</u>
						2722.00
To:	F	8340	455	Equip. Repair	C.E.	<u>2416.00</u>
	F	8340	477	Engineer	C.E.	<u>306.00</u>
						<u>2722.00</u>

All in favor - Aye - motion carried

Trustee Lopez questioned if we have been reimbursed from FEMA for the Wintish Road project and Manager Sheeley will check with Barton & Loguidice to make sure the paperwork has been filed.

BUILDING DEPARTMENT

Code Enforcer Schug discussed with board members a copy of a letter that Mary Bury had written in reference to a Village owned tree. Mrs. Bury is requesting that when she cleans up limbs or brush from this tree after a storm that the Village pick up the debris and it was the consensus of the board to do so.

Property Maintenance Fee – Code Enforcer Schug stated that property maintenance fees are too low and reviewed with board members the fee schedule. It was requested that the Village Attorney investigate if this schedule could be changed by a resolution or does it need to be by local law.

VILLAGE MANAGER'S REPORT

Use of Vehicle Equipment – Manager Sheeley presented to board members a form that would be used if an organization requests to use Village equipment. Mayor Kaplan stated that each request should be on a case by case basis and Attorney Berger discouraged the use of public equipment.

Payroll – Time Clocks & Bi-weekly pay – Manager Sheeley stated that the Village is having issues with the time clock working properly and it was requested that a copy of the agreement with the company be sent to Attorney Berger to review. Also Manager Sheeley commented that the State Auditor suggested that the Village go to a bi-weekly pay and this change would have to be negotiated with the unions. Discussion ensued about employees not punching in or out and a letter will be sent to everyone reminding them to do so.

Quarterly Review – Manager Sheeley reminded board members that her contract states that a quarterly review is done on her work performance. Board members stated that they are all pleased with Manager Sheeley.

Manager Sheeley spoke about a \$22,000 grant that the Farmers' Market needs to apply for before October. Mayor Kaplan requested that a letter be sent to Michael Siegel, Iris Friedman and Ashla Goglier reminding them about this grant.

TRUSTEE REPORTS

Trustee Lopez questioned if there has been any update from Ulster County Social Services in reference to opening a satellite office in the Village. Trustee Lopez also spoke about the flower bed on Market Street and what is the status of selling the excess Village trucks and requested that we contact Woody's junkyard and if they do not want to buy them, an advertisement will be posted in each department.

Trustee Steinhoff reported that the audit committee met today and spoke about the check received from Tony Hawk for the skateboarding park and suggested that it be sent back to him since the check is over a year old. Mayor Kaplan requested that Manager Sheeley meet with the representative for the skateboard park before any action is taken.

Trustee Steinhoff commented that Manager Sheeley gave the board members an update on the State audit and also commented on the need for an employee evaluation form.

Trustee Oliveras requested that Manager Sheeley obtain a copy of the Village of Liberty budget to compare to the Village budget.

Trustee Steinhoff also mentioned that Friday is the last day of the summer program and everyone is invited to a barbeque. Also Trustee Steinhoff also gave each board member a copy of the employee handbook.

ADJOURN

Motion by Trustee Oliveras, seconded by Trustee Lopez to adjourn to Executive Session at 8:32 p.m. to discuss litigation and union negotiation issues and not to reconvene to public session.
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk