

Village of Ellenville  
Village Board Meeting  
Monday, August 23, 2010

Meeting called to order at 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	Present
Trustee Francisco Oliveras	Absent/notice
Trustee Patricia Steinhoff	Present

**ALSO PRESENT**

Mary Sheeley, Village Manager  
Peter Berger, Village Attorney  
Linda Polkoski, Village Treasurer  
Brian Schug, Code Enforcement Officer

Mayor Kaplan announced that earlier this evening the board went to the downtown area with the primary purpose of seeing the various dumpsters that are used by our businesses to determine what if anything we can do to resolve some discrepancies in the matter which they are being handled and what Village code requires. Kaplan noted that none of the dumpsters appear to meet the requirements rather have the business conform; Kaplan recommended inviting business owner to the Board meeting to try and resolve this issue.

**APPROVAL OF  
MINUTES  
#082310-1**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to accept the minutes of August 9, 2010 as presented.  
All in favor - Aye - motion carried

**ITEMS FOR DISCUSSION**

Kathy Butler, President, Hunt Memorial Preservation Committee was before the board tonight to request that when grant funds are received by the Village of Ellenville that they be applied first to the repayment of a loan their committee has received from Greater Wawarsing Local Development Corporation.

**MOTION TO OPEN  
PUBLIC HEARING RE:  
SPECIAL SEWER ASSESSMENT  
#082310-2**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to open the Public Hearing in reference to a special sewer assessment at 7:15 p.m.  
All in favor - Aye - motion carried

**MOTION TO ADJOURN  
PUBLIC HEARING RE:  
SPECIAL SEWER ASSESSMENT  
#082310-3**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to adjourn the Public Hearing in reference to a special sewer assessment at 7:16 p.m.  
All in favor - Aye - motion carried

**RESOLUTION  
FOR HMPC GRANT  
REIMBURSEMENTS  
#082310-4**

Resolution authorizing that any HMPC grant money that is received by the Village from the State they are to be deposited into the joint account of the Hunt Memorial Preservation and the Village of Ellenville account.

Roll Call Vote:

Mayor Kaplan	Aye
Deputy Mayor Younger	Aye
Trustee Lopez	Aye
Trustee Steinhoff	Aye

Resolution carried.

**MOTION AUTHORIZING  
ADVERTISING FOR  
BIDS-HUNT MEMORIAL  
SOUTH FAÇADE  
#082310-5**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the advertising of bid requests for the renovation work on the south façade of the Hunt Memorial building. These bids are returnable September 23, 2010 at 2:00 p.m.

All in favor - Aye - motion carried

**MOTION TO REOPEN  
PUBLIC HEARING RE:  
SPECIAL SEWER ASSESSMENT  
#082310-6**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to reopen the Public Hearing in reference to the special sewer assessment at 7:27 p.m.

All in favor - Aye - motion carried

Treasurer Polkoski reported that the water commission met and is recommending to the Village of Ellenville Board of Trustees the attached rate schedule for a special assessment upon all properties in order to repay expenses incurred in the financing of the new wastewater treatment plant.

**MOTION TO CLOSE  
PUBLIC HEARING RE:  
SPECIAL SEWER ASSESSMENT  
#082310-7**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to close the Public Hearing in reference to a special sewer assessment at 7:45 p.m.

All in favor - Aye - motion carried

**RESOLUTION TO  
ADOPT LOCAL LAW  
#2 OF 2010  
#082310-8**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to adopt the following:

LOCAL LAW NO. 2 OF 2010 FOR THE VILLAGE OF ELLENVILLE AUTHORIZING THE ESTABLISHMENT OF A SPECIAL ASSESSMENT TO REPAY EXPENSES INCURRED IN FINANCING THE WASTEWATER TREATMENT PLANT IMPROVEMENTS INCLUDING THE REPLACEMENT OF THE EXISTING PRELIMINARY TREATMENT BUILDING AND EQUIPMENT, ADDITION OF TWO NEW PUMP STATIONS, REPLACEMENT OF EXISTING TRICKLING FILTERS WITH SEQUENCING BATCH REACTORS AND CONSTRUCTION OF NEW AEROBIC DIGESTORS TO PROCESS BIOSOLIDS.

WHEREAS, the Board of Trustees of the Village has authorized the issuance of serial bonds of the Village in the aggregate principal amount of Seven Million Two Hundred Thousand Dollars (\$7,200,000.00) to finance the costs of the acquisition, construction and re-construction of improvements to the Village sewer system; and

WHEREAS, the Board of Trustees of the Village wishes to provide for a special assessment upon all properties within the Village limits in order to repay those amounts due (including interest and principal) upon the maturity of those serial bonds; and

WHEREAS, the Board of Trustees has determined that a fair and reasonable method for assessing and collecting payments hereunder should be according to User Class (eg. single unit residential and vacant parcels, multiple unit residential parcels or commercial parcels); and

WHEREAS, the Village also shall provide by contract for an amount equivalent to a special assessment upon all properties outside the Village limits serviced by the Village wastewater treatment facility;

NOW, THEREFORE, BE IT resolved that the Village Board of the Village of Ellenville adopts the Wastewater Treatment Plant Special Assessment Schedule annexed hereto.

THIS Local Law may be adopted after a public hearing is held at which time all affected residents may review the proposed Special Assessment Schedule. Notice of the public hearing aforesaid must be published and posted in accordance with Municipal Home Rule Law.

The adoption of this Local Law is subject to a permissive referendum.

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

Resolution carried.

Ellenville/Wawarsing Youth Commission – Trustee Steinhoff presented to board members the 2010 expense report from both Sam Bugna and the YMCA. The youth commission is looking into alternatives as to how to run the program next year and Mayor Kaplan suggested a joint meeting with the Town of Wawarsing to discuss these matters.

Parking on Maiden Lane – Chief Mattracion spoke about the problem of snow removal on Maiden Lane. The Chief is recommending that parking be eliminated on one side of the street.

The Mayor and Board of Trustees feel this is a seasonal problem and should not be year round.

Blueberry Festival – Chief Mattracion reported that the festival was a success but there was one serious injury that was handled immediately.

Time Warner Cable – Joel Schreiber told board members that the Town of Wawarsing had adopted two resolution requesting funding and establishing Channel 23 for government and public access broadcasting.

**ENGINEER’S REPORT**

Streetscape SEQRA Review – Don Schmalzle from Barton & Loguidice spoke about the need for a SEQRA review in reference to the Streetscape Project.

**MOTION DECLARING  
VOE AS LEAD AGENCY  
#082310-9**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to declare the Village of Ellenville Board of Trustees as lead agency on this project.

Roll Call Vote:

Mayor Kaplan	Aye
Deputy Mayor Younger	Aye
Trustee Lopez	Aye
Trustee Steinhoff	Aye

Motion carried.

**MOTION ISSUING A  
NEGATIVE DECLARATION  
#082310-10**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger acting as lead agency on said project and pursuant to review by Barton & Loguidice deemed this project as an unlisted action issuing 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 carried.

Wastewater Treatment Plant Update – Mr. Schmalzle told board members that the delay for the bid opening in reference to the new plant is due to concern of one of the new buildings in the flood plain.

**MOTION AUTHORIZING  
ADVERTISING FOR  
BIDS-STREETScape  
PROJECT  
#082310-11**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing to go out to bid for the Streetscape Project with a returnable date of September 20, 2010 at noon.  
All in favor - Aye - motion carried

Trustee Lopez questioned the status of the plans for sidewalks in Kossar Place. These plans will be available at the next board meeting for review. It was requested that the residents in the area be invited to this meeting.

**PETITIONERS & CORRESPONDENCE**

Town of Wawarsing – Mayor Kaplan received a letter from Supervisor Distel stating that the Town is not in a position to conduct a reevaluation of properties within the Town. Mayor Kaplan discussed different options that the Village could take, one of them being a request to the State asking them to support legislation whereas the Village could become a city. Another option would be litigation where the Village could sue the Town forcing them to do a reevaluation of properties.

Time Warner Cable – Correspondence in reference to channel additions/deletions.

NYS Department of Environmental Conservation – Correspondence from DEC approving Ellen ridge's plan for slope stabilization.

**MANAGER'S REPORT**

**MOTION TO SCHEDULE  
NEIGHBORHOOD WALKS  
#082310-12**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to schedule a neighborhood walk on September 13<sup>th</sup> to Lincoln Street and Washington Avenue and on September 27<sup>th</sup> to Maple Avenue and Yankee Place. It was requested that a letter be written to Ulster ARC inviting them on the latter walk.  
All in favor - Aye - motion carried

**MOTION TO APPROVE  
COMPUTEL TO REVIEW  
CABLE BILLS  
#082310-13**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving Computel to review the Village's cable bills at no cost to the Village.

All in favor - Aye - motion carried

**MOTION TO APPROVE  
THIRTY DAY UNPAID  
LEAVE OF ABSENCE  
#082310-14**

Motion by Trustee Steinhoff, seconded by Trustee Lopez approving a thirty day unpaid leave of absence to Ken Jeter.

All in favor - Aye - motion carried

**MOTION TO APPROVE  
VILLAGE MANAGER ATTEND  
NYCOM CONFERENCE  
#082310-15**

Motion by Trustee Steinhoff, seconded by Trustee Lopez approving the Village Manager to attend a NYCOM conference on September 22-25, 2010.

All in favor - Aye - motion carried

Mayor Kaplan requested Attorney Berger to check with the Conference of Mayors regarding new case law for hiring employees either by contract or by resolution.

**MOTION AUTHORIZING  
ADVERTISING FOR  
BIDS-SLUDGE REMOVAL  
#082310-16**

Motion by Trustee Lopez, seconded by Deputy Mayor Younger to authorizing advertising for a sludge removal bid returnable September 20, 2010 at 12 noon.

All in favor - Aye - motion carried

**MOTION AUTHORIZING  
EXPENDITURE TO KUT KWICK  
#082310-17**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the expenditure of \$1,190.48 plus freight to Kut Kwick Corporation for an axle and bearings for the Flood Control Project as recommended by the Flood Control Superintendent.

All in favor - Aye - motion carried

**MOTION POSTPONING  
OPENING OF BIDS FOR  
WWTP  
#082310-18**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to postpone the opening of the sealed bids in reference to the Wastewater Treatment Plant Improvement Projects from August 24, 2010 until further notice.  
All in favor - Aye - motion carried

**MOTION TO  
CORRECT AUDIT REPORT  
#082310-19**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to correct the below audit record dated August 9, 2010 as recommended by the Village Treasurer.  
2010/11

Delete

61497	Auto Detail	\$75.00	not signed and approved
	TOTAL	\$75.00	

Add

61310	Chambers Ford	\$171.80	entered as wrong pay date
61339	Provident Bank Irish Cape	\$540,000.00	Ban won by Orange Trust
61508	Enterprises	\$7,350.00	
61480	Joe Johnson Equip	\$614.00	entered as wrong pay date
	TOTAL	\$548,135.80	

AUDIT REPORT	\$316,966.51
NEW TOTAL	\$865,027.31

All in favor - Aye - motion carried

**ATTORNEY'S REPORT**

Dissolution of Ellenville Local Development Corp. – Attorney Berger will prepare a resolution to dissolve this corporation for the next scheduled board meeting.



**MOTION REGARDING ESTABLISHMENT  
OF CHANNEL 23 FOR GOVERNMENT AND  
PUBLIC ACCESS BROADCASTS  
#082310-20**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff  
be it resolved the following:

WHEREAS, the Village Board of the Village of Ellenville wants  
to establish Channel 23 for Government and Public Access  
broadcasts within the franchise area served by Time Warner  
Cable Television within the Village of Ellenville; and

WHEREAS, the Village Board of the Village of Ellenville  
wants to establish Channel 23 set forth above in cooperation  
with the Town of Wawarsing in a manner that will provide such  
Government and Public Access broadcast within the franchise  
area served by Time Cable Television within the Town of  
Wawarsing;

NOW, THEREFORE, be it resolved that the Village of Ellenville  
agrees to request that Time Warner Cable Television modify the  
existing Franchise Agreement and further include in the  
Agreement presently being negotiated the following language:

**"SECTION 15: PUBLIC ACCESS CHANNELS AND  
SERVICES**

"(a) The Company shall comply with the public access  
provisions of the Federal Cable Act and the laws of New York  
State, including Part 895.4 of the NYSPSC Regulations as they  
may be amended from time to time, as they pertain to public,  
educational and government (PEG) access channels.

"(b) The Company agrees to provide the availability on the  
lowest price service tier of Video Programming, all PEG channels  
currently in use as well as any additional PEG channels that may  
be established during this Franchise Agreement.

"(c) The Company agrees to establish on Channel 23 a second  
full time activated channel in addition to the existing Channel 20.  
Collectively and individually, these shall be referred to as the  
PEG Channels. Said Channel 23 shall be primarily for  
governmental broadcasts with a secondary functionality of  
providing public access broadcasts if desired. This alternate site  
shall be decided between the Municipality and the Town Board in  
and for the Town of Wawarsing in such a manner as specified in a

side agreement between the two municipalities, and will have connection provided by the Company back to the existing site at the Company's sole expense inclusive of modulator. For planning purposes, the initial site is tentatively slated for 2 Elting Court, Ellenville, NY.

“(d) The Company will continue to provide Channel 20, a full time activated channel that currently serves as primarily as the Educational Channel and secondarily as the Government Access Channel, and will continue to maintain a return path from the existing site of operations of this channel, namely the Ellenville Central Schools, Maple Avenue, Ellenville, New York at its, the Company's, sole expense.

“(e) The Municipality in conjunction with the Town of Wawarsing, hereafter referred to as the Town, may establish a PEG Committee (aka Oversight Committee or Community Access Committee) to establish and enforce rules to ensure non-discriminatory access for users within the statutory requirement of Section 895.4 of the Rules of the NYSPSC. This committee will be initially constituted by two (2) representatives of the Municipality; two (2) representative of the Town of Wawarsing; one (1) representative of the Ellenville Central School District; and (1) representative from each of the remaining local school districts within the service area of the Ellenville Community and in accordance with NYSPSC rules and regulations may be changed as deemed necessary by the Town and Village. Said PEG Committee will be responsible for the operation of Channel 23. Operation of Channel 20, with the exception of any mandatory NYSPSC and / or FCC requirements will be solely controlled by the Ellenville Central School District as it is now.

“(f) Upon written notification to the Company and within 60 days of such notification, the Company agrees to provide a connection with modulation equipment to the designated site at the Company's sole expense, for the purpose of allowing the Municipality to operate the second PEG channel. This alternate site shall be decided between the Municipality and the Town Board in and for the Town of Wawarsing in such a manner as specified in a side agreement between the two municipalities, and will have connection provided by the Company back to the existing site. For planning purposes, the initial site is tentatively slated for 2 Elting Court, Ellenville, NY.

"(g) Neither The Company nor the Municipality shall exercise any editorial control over any public, educational or governmental use of the channel capacity designated for PEG purposes except as authorized by Federal or State law to prohibit obscenity or other content unprotected by the First Amendment of the United States Constitution."

and in order to accomplish the cooperative effort set forth above, be it further resolved that the Village of Ellenville shall provide adequate secure space in the Village Hall to permit installation of equipment needed to operate Channel 23.

All in favor - Aye - motion carried

**MOTION REGARDING EQUIPMENT NEEDED TO  
ESTABLISH CHANNEL 23 FOR GOVERNMENT  
AND PUBLIC ACCESS BROADCASTS  
#082310-21**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff be it resolved the following:

WHEREAS, the Village Board of the Village of Ellenville wants to establish Channel 23 for Government and Public Access broadcasts within the franchise area served by Time Warner Cable Television within the Village of Ellenville; and

WHEREAS, the Village Board of the Village of Ellenville wants to establish Channel 23 set forth above in cooperation with the Town of Wawarsing in a manner that will provide such Government and Public Access broadcast within the franchise area served by Time Cable Television within the Town of Wawarsing; and

WHEREAS, various pieces of equipment are necessary to establish Channel 23; and

WHEREAS, Federal Communication Commission (FCC) and New York State Public Service Commission (NYSPSC) rules and regulations provide that Time Warner Cable Television may provide a grant to fund the purchase of the aforesaid equipment and, thereafter recover that expense by charging subscribers monthly;

NOW, THEREFORE, be it resolved that the Village of Ellenville together with the Town of Wawarsing apply to Time Warner Cable Television for a grant in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) to be used to fund the purchase of equipment necessary for establishing Channel 23.

All in favor - Aye - motion carried

**BUILDING DEPARTMENT**

Luzon Environmental/C<sup>2</sup>G Consultants – The issue with the gas pump has still not been resolved and an inspection had been done earlier today and C<sup>2</sup>G Consultants will put the results in writing and forward a copy to Luzon Environmental.

**TREASURER’S REPORT**

Treasurer Polkoski presented to board members the Treasurer’s Report.

**MOTION TO APPROVE  
APPROPRIATION TRANSFERS  
AND BUDGET AMENDMENTS  
#082310-22**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to approve the below appropriation transfers and budget amendments as recommended by the Village Treasurer.

Budget –

A 510	Estimate Revenue	10,000
A3389	Police DCJS Grant	
A 960	Appropriations	10,000
A3122.247	Police Services	
A 510	Estimated Revenue	36,060
A3087	Hinchey Grant	36,060
A960	Appropriations	36,060
A8511.459	Hinchey Streetscape	36,060
A 510	Estimated Revenue	30,722
A2728	Playground donations	15,722
A3891	NYS Parks Grant	10,000
A3820	Cahill Grant	5,000
A 960	Appropriations	30,722
A7314.218	Playground C.E.	
A 510	Estimated Revenue	5,000
A 2391	Hunt Committee Share	5,000
A 960	Appropriations	5,000
A1941.414	Hunt Grant	5,000

Appropriation transfers –			
From:	A1210 4 Mayor	C.E.	81.00
	A1230 2 Manager	Equipment	100.00
	A1355 4 Assessment	C.E.	966.00
	A1620 2 Shared Building	Equipment	1,000.00
	A1440 4 Engineering	C.E.	<u>911.00</u>
To:	A1110 4 Justice Court	C.E.	200.00
	A1670 4 Printing & Mail	C.E.	700.00
	A1940 4 Hunt Memorial	C.E.	29.00
	A5142 4 Snow Removal	C.E.	1,700.00
	A5182 4 Street Lights	C.E.	24.00
	A7311 4 Youth Rec	C.E.	150.00
	A8010 4 Zoning	C.E.	60.00
	A9050 805 Unemployment		<u>195.00</u>
			\$3,058.00
From:	F8340 1 Transmission	P.S.	9,600.00
	F9030 802 Social Security		<u>900.00</u>
			\$10,500.00

All in favor - Aye - motion carried

#### BOARD REPORTS

Deputy Mayor Younger spoke about previous discussions about “smoke free” Village owned properties. Attorney Berger will prepare a resolution to banning smoking at the Berme Road and Resnick parks.

Mayor Kaplan stated that he feels the “Community Garden” should be relocated to the Mill Street Park.

Trustee Steinhoff requested that the Police Department address the situation of brush/limbs being placed in the streets. If the homeowner does not comply a ticket should be issued.

#### ADJOURN

Motion by Trustee Steinhoff, seconded by Trustee Lopez to adjourn the meeting at 9:00 p.m.

All in favor - Aye - motion carried

Transcribed by:

Noreen Dechon  
Village Clerk