

Village of Ellenville  
Village Board Meeting  
Monday, September 13, 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  
Philip Mattracion, Chief of Police  
Noreen Dechon, Village Clerk

**APPROVAL OF  
MINUTES  
#091210-1**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to accept the minutes of August 23, 2010 as presented.  
All in favor - Aye - motion carried

**DISCUSSION ITEMS**

Mayor Kaplan thanked Asha Goglier, Iris Friedman and their committee for all their work at the Farmer's Market.

Community Garden – Members of the Community Garden committee were present tonight to discuss with board members the Village's tentative plan to move the garden from Center Street. Mayor Kaplan stated that the Village received some complaints about the weeds that had been allowed to overgrow during the summer and the committee stated that this would not happen again in the future. They will be receiving help of a master gardener from Cornell Cooperative Extension to oversee next year's garden and requested a commitment from the Village not to move the garden from its' present location. The Village Board agreed to a one year commitment and this subject will be reviewed again next year.

Village Code re: Regulation of Dumpsters – Letters were sent to business owners between Canal and Center Streets requesting their input about dumpsters in the business district that are not being properly maintained. Code Enforcer Schug stated that the Village Code requires dumpsters to be in gated enclosures and should not be visible from the street. Mr. Schug suggested the possibility a dumpster that would be owned by the Village and that business owners who require access would be given a key ensuring that the public would not access to this dumpster. Mayor Kaplan stated that the Village could create a special assessment for those businesses that would use the dumpster and requested Attorney Berger to research how this assessment could be initiated.

#### **ENGINEERS REPORT**

SEQRA Determination & SHPO Significance Determination-Water System Improvement – Don Schmalzle, Barton & Loguidice presented to board members a task order for engineering and project facilitation services for them to process a SEQRA determination and documentation associated for the water system improvement. The engineering cost of this scope of service would be \$15,200.00. Before any authorization is given, the Board of Trustees would like to meet with our engineers to review the action plan for this project.

New Wastewater Treatment Plant Update – There was discussion about authorizing the advertisement for an amendment to the bid for the new wastewater treatment plant. It was the consensus of the board to table this action till the next board meeting.

Amendment to Engineer Agreement – New Wastewater Treatment Plant – Barton & Loguidice is requesting authorization for a change order to our agreement with them for changes to the plans for the new wastewater treatment plan. This amount would be \$22,600. No action taken.

Kossar Sidewalks – These plans have been put on hold until such time funding is available. Manager Sheeley will continue this effort.

#### **PETITIONERS & CORRESPONDENCE**

Time Warner Cable – Correspondence received in reference to additions/deletions of cable channels.

Shawangunk Mountain Wild Blueberry & Huckleberry Festival – A thank you letter for the Village's help and support during this festival.

Request for Use of Softball Field – Request from the Ellenville Dangerous Devils to use the softball field once a week and two or three nights.

**MOTION TO TABLE  
REQUEST FOR USE  
OF SOFTBALL FIELD  
#091210-2**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to table the request from the Ellenville Dangerous Devils till next meeting.

All in favor - Aye - motion carried

U.S. Census Bureau – A thank you letter was sent to the Village for their participation in the 2010 census count.

Lanette Hughes – 13 Center Street – was before the board tonight to discuss her home and her housemates. The Building Department has issued Order to Remedy Violations to Ms. Hughes for:

Section 70-33	Rooming House
Section 70-26	Minimum Standards for Lightning & Ventilation
Section 70-32	Condition of Structure

Mayor Kaplan requested that Attorney Berger to give to board members the law that this would pertain to and the board's role in this matter. It was requested that Ms. Hughes come to the next board meeting.

**POLICE DEPARTMENT**

Chief Mattracion reported that fourteen violations for brush had been issued, the end of August was very busy for his department, the PD Manager System is now live and OSHA training mandatory requirements are scheduled.

**MANAGER'S REPORT**

**MOTION TO APPROVE  
PURCHASE OF KVS SOFTWARE  
#091310-3**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to approve the purchase of KVS Software for General Receipts in the amount of \$2,000.00.

All in favor - Aye - motion carried

Use of Village Parks, Playgrounds, Softball Field, etc. – Manager Sheeley suggested an application be drafted for any group that would like to use any parks for parties and discussion ensued about the possibility of requesting a deposit if a clean-up is not done. It

was decided that at this time only an application be drafted and fees will be discussed in the future.

**MOTION TO APPROVE  
REQUEST FROM  
RICKY CANNON TO  
USE LIBERTY SQUARE  
#091310-4**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to approve request from Ricky Cannon, RC Romeo Productions, to close Liberty Square on September 25, 2010 to host a 70s Disco Party between the hours of 1:00 p.m.-7:00 p.m. subject to proof of insurance and the Hunt Memorial Preservation Committee's approval.

All in favor - Aye - motion carried

Rental of Space – Manager Sheeley broached the subject of renting space to private entities in our building. Mayor Kaplan stated that he feels the Village square footage rate for rental is too low and requested that the Manager request from local brokers to give us an appraisal of what they think we should charge based upon services provided. There should also be a fee for furnished and unfurnished offices.

Monthly Reports – Manager Sheeley gave to board members monthly reports from the Building, Street and Sewer departments.

**RESOLUTIONS**

**RESOLUTION TO  
DISSOLVE THE ELLENVILLE  
LOCAL DEVELOPMENT CORP  
#091310-5**

Resolution by Trustee Steinhoff, seconded by Trustee Lopez:

**WHEREAS**, the Village Board of the Village of Ellenville by Resolution dated January 23, 1995 created the Ellenville Local Development Corporation whereby the Village Manager and Village Attorney, pursuant to said Resolution, prepared and filed the necessary documents to effectuate same; and

**WHEREAS**, the Village Board of the Village of Ellenville has determined that the Ellenville Local Development Corporation has not been funded nor has it performed its purposes;

**NOW, THEREFORE, BE IT RESOLVED**, that the Resolution adopted by the Village Board of Trustees of the Village of

Ellenville denoted as Resolution No. 7 dated January 23, 1995 is rescinded; and

**BE IT FURTHER RESOLVED**, that the Village Manager and Village Attorney be directed and are hereby authorized to prepare and file the necessary documents to dissolve the Ellenville Local Development Corporation.

This Resolution shall take effect immediately.  
All in favor - Aye - motion carried

**MOTION TO  
ACCEPT RESIGNATION  
OF KENNETH JETER  
#091310-6**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to accept the resignation of Kenneth Jeter effective September 1, 2010.  
All in favor - Aye - motion carried

**MOTION TO APPROVE  
OPEN PURCHASE ORDER  
#091310-7**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the issuance of an open purchase order on a monthly basis to Schmidt's Wholesale for use for emergency purchases for the water and sewer department with the consent of the Village Manager and subject to review thereafter by the Village Board.  
All in favor - Aye - motion carried

**MOTION TO RATIFY  
LEASE AGREEMENT  
#091310-8**

Mayor Kaplan recused himself from this motion

Motion by Trustee Steinhoff, seconded by Trustee Lopez to ratify the lease agreement with Eric Cafaro for office space (168 square feet) on the third floor of the Government Center for six months at a rate of \$400 per month. After six months if the tenant would like to extend the lease the rent would be \$450 monthly.  
All in favor - Aye (3)- motion carried  
Mayor Kaplan did not vote

**MOTION AUTHORIZING  
VILLAGE CLERK TO ATTEND  
NYSHIP MEETING  
#091310-9**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Village Clerk to attend NYSHIP Regional Meeting on October 6, 2010 in Suffern, New York.  
All in favor - Aye - motion carried

**MOTION TO RESCHEDULE  
VILLAGE BOARD MEETING  
#091310-10**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to reschedule the Village Board meeting from Monday, October 11, 2010 to Tuesday, October 12, 2010 in observance of the Columbus Day holiday.  
All in favor - Aye - motion carried

**ATTORNEY'S REPORT**

Hiring by contract or resolution – Attorney Berger had researched with the Conference of Mayors and concluded that all employees should be hired by resolution. As a result of this finding, Manager Sheeley's employment contract would need to be renewed by resolution.

**MOTION TO SCHEDULE  
WORKSHOP & EXECUTIVE  
SESSION MEETING  
#091310-11**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to schedule a workshop and possible Executive Session meeting on Monday, September 27, 2010 at 6:30 p.m.  
All in favor - Aye - motion carried

**RESOLUTION  
PROHIBITING SMOKING  
IN PUBLIC PARKS AND PLAYGROUNDS  
OWNED BY THE VILLAGE OF ELLENVILLE  
#091310-12**

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger:

**WHEREAS**, the Village Board of the Village of Ellenville wants to prohibit smoking in public parks and playgrounds owned by the Village of Ellenville;

**NOW, THEREFORE**, no person shall smoke a tobacco product, herbal product, cigarette, pipe, cigar other smoking device in an outdoor playground located within the lands and jurisdiction of the

Incorporated Village of Ellenville. This prohibition applies only to public playgrounds and parks and is not intended to include private property to which the general public does not generally have access or private areas used exclusively for private functions. “No Smoking” signs, or the international “No Smoking” symbol which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, or such other sign that is reasonably calculated to give notice of the no-smoking restrictions imposed by this section, shall be prominently posted where smoking is regulated by this section. In the event a playground or park is not enclosed by fencing or other partition, no smoking shall be permitted beyond the signs posted.

This Resolution shall take effect immediately.  
All in favor - Aye - motion carried

#### **BUILDING DEPARTMENT**

Rooming House Operation – As previously discussed earlier in the evening, this item will be on the next agenda. It was requested that the Village attorney prepare an amendment to the section of the rooming house operation Village code where permits fall under the purview of the Planning/Zoning boards.

Update-C<sup>2</sup>G Environmental Consultants – A meeting has been scheduled with C<sup>2</sup>G Consultants for September 22<sup>nd</sup> at 9:30 a.m.

#### **TREASURER’S REPORT**

Treasurer Polkoski presented to board members the audit report and in addition presented a letter acknowledging receipt from the State Comptroller’s Office in reference to an application for the Exclusion of Indebtedness.

#### **BOARD REPORTS**

Trustee Steinhoff reminded board members about an open meeting at the Arts Wave center on October 2nd from 11:00 a.m.-1:00 p.m.

Mayor Kaplan requested authorization for a plaque for Jane Eck.

#### **MOTION AUTHORIZING CLERK TO PREPARE A PLAQUE #091310-13**

Motion by Trustee Lopez, seconded by Trustee Steinhoff authorizing Village Clerk to prepare a plaque honoring Jane Eck as the 2009 Noonday Citizen of the Year.

All in favor - Aye - motion carried

Mayor Kaplan reminded board members about the upcoming hospital dinner.

**ADJOURN TO  
EXECUTIVE  
SESSION  
#091310-14**

Motion by Trustee Steinhoff, seconded Deputy Mayor Younger to adjourn into Executive Session in reference to possible litigation not to reconvene to Public Session at 8:46 p.m.  
All in favor – Aye – motion carried.

Respectfully submitted,

Noreen Dechon  
Village Clerk