

Village of Ellenville  
Village Board Meeting  
Monday, February 9, 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	Present
	Trustee Patricia Steinhoff	Present

**ALSO PRESENT**

Mary Sheeley, Village Manager  
Linda Polkoski, Village Treasurer  
Philip Mattracion, Police Chief  
Brian Schug, Code Enforcement Officer  
Philip Cataldi, Village Attorney  
Noreen Dechon, Village Clerk

**APPROVAL OF  
MINUTES  
#020909-01**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to approve the minutes of January 26, 2009 as presented.  
All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE**

Sam Boice from Ad-Ventura Bus Shelters presented to Board members a check for \$1,800 representing the Village's share of commission for the advertising in the bus shelters throughout the Village. Trustee Lopez commented the bench is missing from the shelter on Canal Street and was told that this is a narrow shelter and would not be able to house a bench. Deputy Mayor Younger questioned when would the lights that were to be installed in the shelters would be done and was told they would be completed in the Spring at no cost to the Village.

**POLICE DEPARTMENT**

Chief Mattracion was asked his opinion about the various phone booths that are located throughout the Village. After discussion it was the consensus of board members that only two Verizon phone booths are necessary since the Village pays for the electricity for these booths.

**MOTION TO LIMIT  
NUMBER OF VERIZON  
PHONE BOOTHS  
#020909-02**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to limit the number of Verizon phone booths to 53 N. Main Street and 1 Market Street and cancel the other Verizon booths located in the Village.

All in favor - Aye - motion carried

Sidewalks-Mayor Kaplan requested that the Village Police institute the following notice procedures be followed in reference to snow/ice removal on properties that are not in compliance with Village law:

1. Knock on door to inform resident/property owner that the snow/ice needs to be removed within 24 hours after a storm.
2. Give a list of properties not in compliance to staff in Village Hall so calls could be made to the owners reminding them of the Village ordinance.
3. Village personnel will clear the snow/ice after attempted notification has been made and Village code provisions are followed.

Lisa & Donald Odom – 279 Canal Street – were before the board tonight to discuss the problem they are experiencing in reference to the snow that is being put back on their sidewalks by the NYS Department of Transportation after they have cleared them.

**MOTION TO OPEN  
PUBLIC HEARING  
LOCAL LAW-UTILITY TAX  
#020909-03**

Motion to open the Public Hearing at 7:25 p.m. was made by Trustee Lopez, seconded by Deputy Mayor Younger in reference to Local Law-Utility Tax.

All in favor - Aye - motion carried

**MOTION TO ADJOURN  
PUBLIC HEARING  
LOCAL LAW-UTILITY TAX  
#020909-04**

Motion to adjourn the Public Hearing at 7:26 p.m. was made by Deputy Mayor Younger, seconded by Trustee Lopez in reference to Local Law-Utility Tax.

All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE  
(continued)**

Ms. Diane Van Dunk spoke to board members about an accident that her sister had on the steps into the Police Department. Mayor Kaplan requested that the Building Inspector coordinate obtaining the cost of having railings placed on these steps. Ms. Van Dunk also spoke about the mounds of snow on Route 209, problems she had experienced with her water at her residence and food that is being wasted at the Ellenville School.

Mr. Joel Schreiber commented on the noise created at the Street Department at 4:00 a.m. and Mayor Kaplan requested the Village Manager to have the staff aware of this situation.

Mrs. Kathy Loucks commented about the need for snow removal on Burlison Avenue and the possibility of a stop sign on Burlison Avenue and Roslyn Street. It was requested that Chief Mattracion review this request before next board meeting.

Frank Romanek – Faithful Design & Print – presented to the Village Board his proposal to design and maintain a Village website. Mr. Romanek invited board members to review a demo website that he has prepared for the Village and Mayor Kaplan commented that his proposal seemed very reasonable. Mayor Kaplan requested that each board member review the demo website and this matter will be discussed at the next board meeting.

Playground Committee – Fawn Morosky and Kerri DiFazio presented to board members their new brochure and thanked everyone for their donations. Also discussed were a request for an updated letter of support, discussion of grants and a request to place a large trailer on the playground site to store materials and tools. The last request will be reviewed by the Building Inspector and a decision will be made in the near future. Ms. DiFazio also spoke about their recycling program for ink cartridges, cell phones, etc.

**MOTION TO REOPEN  
PUBLIC HEARING  
LOCAL LAW # 3 OF 2009  
UTILITY TAX  
#020909-05**

Motion to reopen the Public Hearing at 7:55 p.m. was made by Trustee Steinhoff, seconded by Deputy Mayor Younger in reference to Local Law-Utility Tax.  
All in favor - Aye - motion carried

Attorney Cataldi stated that this local law would require most utility companies doing business in the Village of Ellenville which is subject to the supervision of the State Department of Public Services to pay unto the Village a tax equal to 1% of its gross income derived from services rendered or profits derived for consumption or use within the Village. This local law would further require said utilities to file a return quarterly with the Village, which shall state the gross income or gross operating income for that period.

Mayor Kaplan spoke about the provision about a line item charge and to make sure this charge is not passed down to consumer. It was requested that Attorney Cataldi check with NYCOM to see how many other municipalities actually have this legislation and if there is a way to determine what impact this would have on Village residents.

**MOTION TO ADJOURN  
PUBLIC HEARING  
LOCAL LAW-UTILITY TAX  
#020909-06**

Motion to adjourn the Public Hearing at 8:10 p.m. was made by Trustee Steinhoff, seconded by Trustee Oliveras in reference to Local Law-Utility Tax.  
All in favor - Aye - motion carried

**MOTION TO AUTHORIZE  
THE USE OF THE BERME  
ROAD SOFTBALL FIELD  
BY THE ELLENVILLE HIGH  
SCHOOL  
#020909-07**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to authorize the use of the Berme Road softball field by the Ellenville High School from the beginning of March till the end of May and the field is to be maintained by the school district.  
All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE  
(continued)**

Historic Preservation Commission – Mrs. Marion Dumond told board members that Denise Kassel has resigned from this commission and they have received an application from Dan Johnson to fill this vacancy.

**MOTION TO APPOINT  
DAN JOHNSON TO  
THE HISTORIC  
PRESERVATION  
COMMISSION  
#020909-08**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to appoint Dan Johnson to fill the unexpired term of Denise Kasell to the Historic Preservation Commission. This term expires August, 2010.

All in favor - Aye - motion carried

Nomination for Historic Landmark Status – Mrs. Dumond requested that a date for a public hearing be established to consider the nomination for historic landmark status for a Delaware & Hudson Canal era structure on the Towpath.

**MOTION TO SCHEDULE  
A PUBLIC HEARING FOR  
NOMINATION FOR HISTORIC  
LANDMARK STATUS  
#020909-09**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to schedule a Public Hearing on March 9, 2009 at 7:15 p.m. to consider nomination for historic landmark status for a Delaware & Hudson Canal era structure on the Towpath.

All in favor - Aye - motion carried

**DISCUSSION ITEMS**

Design Standards – Bruce Bowler, Chairman of the Planning Board, spoke tonight in reference to the Design Standards/Guidelines that the Planning Board has been working on for the past 1 ½ years. The Historic Preservation Commission has also reviewed and concurs with these guidelines and Mayor Kaplan stated that he would like to allow for flexibility for the Planning Board to waive some of the provisions in these guidelines. Also discussed was adding a provision to waive the height of new buildings as determined by the Planning Board. Mayor Kaplan requested that Attorney Cataldi contact Planner Shuster to amend these guidelines and return them to the Village Board for review and schedule a Public Hearing date.

Amending Mining Laws – Attorney Cataldi is working on these amendments in conjunction with NY State Mining Laws and hopefully will have this amendment by the next board meeting.

Municipal I Worker – Manager Sheeley told board members that final interviews were conducted today and recommend that Fred Hart be appointed to this position.

**MOTION TO HIRE  
FRED HART AS  
MUNICIPAL I WORKER  
#020909-10**

Motion by Trustee Lopez, seconded by Trustee Oliveras to hire Fred Hart as Municipal I Worker effective February 11, 2009 upon recommendation of the Village Manager. This position will have one year probation and salary will be in accordance with the Local 750 contract.

All in favor - Aye - motion carried

Ground Water Under Direct Influence - Mayor Kaplan spoke about the new guidelines being set for wells and requested that a meeting date be set to discuss this item with the Village engineers.

Mannetti, Mannetti & O'Connor Lease – This law office is requesting to rent office space on the third floor of the Government Center. Deputy Mayor Younger questioned if the rent would cover the cost of electricity, heat, etc.

**MOTION APPROVE A  
ONE YEAR LEASE FOR  
OFFICE SPACE TO  
MANNETTI, MANNETTI &  
O'CONNOR  
#020909-11**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras approving a one year lease for office space on the third floor to Mannetti, Mannetti & O'Connor at a monthly rate of \$168.00.

All in favor - Aye - motion carried

Deficit Financing Options – Two options have been discussed to cover our deficit and they are deficit financing or to consider using some of the “mountain money” which would require a mandatory referendum. Attorney Cataldi reviewed these options with board members and Manager Sheeley suggested that the Board pursue both options.

**MOTION TO AMEND  
STARTING TIME FOR  
BOARD OF ASSESSMENT  
REVIEW  
#020909-12**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to amend resolution #012609-12 to change the starting time for the

Board of Assessment Review on Tuesday, February 24, 2009 to 4:00 p.m.

All in favor - Aye - motion carried

**MOTION TO AUTHORIZE  
VILLAGE MANAGER TO  
SIGN ONE YEAR AGREEMENT  
WITH EVERGREEN DISPOSAL  
#020909-13**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to authorize the Village Manager to sign a one year agreement effective January 1, 2009 with Evergreen Disposal at a monthly rate of \$228.70.

All in favor - Aye - motion carried

**MOTION TO DECREASE  
WATER MINIMUM CHARGE  
AND INCREASE SEWER CHARGE  
#020909-14**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to decrease water minimum charge by \$1.00 and increase sewer minimum charge by \$3.00 on all rate categories as recommended by the Water Commission.

All in favor - Aye - motion carried

**BUILDING DEPARTMENT**

Ellenridge Holdings – Attorney Cataldi told board members that there are two units in Ellenridge that are requesting a certificate of occupancy. There are three items that have not been kept current which is a prerequisite prior to obtaining a certificate of occupancy and there is also \$19,000 engineer's bill outstanding that the Village has paid.

**MOTION TO AUTHORIZE  
CONDITIONAL CERTIFICATES  
OF APPROVAL  
#020909-15**

Motion by Trustee Steinhoff, seconded by Trustee Lopez granting conditional approval for certificates of occupancy upon agreement with Ellenridge Holdings that \$1,000 per month will be paid until such time that the \$19,000 is paid in full.

All in favor - Aye - motion carried

**ATTORNEY'S REPORT**

Tax Lien Foreclosure Agreement – Mayor Kaplan along with Attorney Cataldi will attend a meeting scheduled next Tuesday with the County Treasurer.

Town and Village Franchise Agreement with Time Warner Cable  
– A meeting has been scheduled for Thursday, February 12 at the Government Center at 3:00 p.m.

Sale of 81 N. Main Street - This will be discussed in Executive Session.

**TREASURER’S REPORT**

The Village Board of Trustees acknowledges receipt of the unpaid Village tax list.

**MOTION TO AUTHORIZE  
PUBLICATION OF UNPAID  
2008 VILLAGE TAXES  
#020909-16**

Motion by Trustee Lopez, seconded by Trustee Oliveras authorizing the Village Treasurer to publish the list of unpaid 2008 Village taxes following notification.  
All in favor - Aye - motion carried

**MOTION TO  
DECLARE THE  
VILLAGE OF ELLENVILLE  
AS LEAD AGENCY  
AND SEQRA REVIEW FOR BOND  
ANTICIPATION NOTE  
#020909-17**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras declaring the Village of Ellenville as lead agency 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 Oliveras	Aye
Trustee Steinhoff	Aye

Motion carried

**MOTION RESCINDING  
RESOLUTION #012609-18  
AUTHORIZING  
TREASURER TO ADVERTISE  
FOR BOND ANTICIPATION NOTE  
#020919-18**

Motion by Trustee Lopez, seconded by Trustee Oliveras rescinding resolution #012609-18 authorizing the Village Treasurer to advertise for a Bond Anticipation Note in the amount of \$400,000



and authorize the Village Treasurer advertise for \$7,200,000.00 with the stipulation that the initial drawdown be in the amount of \$72,000 and no further drawdown are to be done with Board approval.

Roll Call Vote:

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

Motion passed.

**MOTION AUTHORIZING  
THE PAYMENT OF  
AUDITED BILLS  
#020909-19**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing the payment of audited bills as presented.  
All in favor - Aye - motion carried

**VILLAGE MANAGER'S REPORT**

**MOTION AUTHORIZING  
THE MAYOR TO ENTER  
INTO AN AGREEMENT  
WITH NATIONAL AUDITING  
SERVICES  
#020909-20**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Mayor to sign a one year agreement with National Auditing Services to review the Village's utility bills with 40% of any savings given to said company.  
All in favor - Aye - motion carried

Dates for Village/Town Workshops – Manager Sheeley is coordinating dates for such meetings.

Manager Sheeley has received a request from the Town of Wawarsing requesting a police officer during their court dates.

Deputy Mayor Younger left the meeting at 9:15 p.m.

Fire Hydrants - Mayor Kaplan requested Manager Sheeley to obtain a list of any fire hydrants that are covered by snow and need to be shoveled.

## **BOARD REPORTS**

Trustee Oliveras questioned if a date has been scheduled for New York State to conduct a Village audit.

Trustee Steinhoff commented that the Youth Commission met today and the Town Parent on this committee has resigned from this committee. Also the YMCA has begun taking applications for the summer camp.

Mayor Kaplan commented that the Arts Alliance Board had met last Saturday and there was discussion about the Arts building being used during the Farmer's Market.

Trustee Lopez requested that if a department is having a specific meeting the trustee that is the liaison be invited.

Mayor Kaplan requested that Manager Sheeley coordinate a meeting for a proposal for the Main Street grant.

Trustee Steinhoff asked for an update on the Rails/Trails grant.

## **MOTION TO ADJOURN INTO EXECUTIVE SESSION #020909-21**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to adjourn into executive session to discuss contractual matters.  
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk

