

Village of Ellenville  
Village Board Meeting  
Monday, March 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  
Attorney Philip Cataldi  
Noreen Dechon, Village Clerk  
Linda Polkoski, Village Treasurer  
Brian Schug, Code Enforcement Officer

**EXECUTIVE SESSION**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to enter into Executive Session at 7:01 p.m. to discuss sale of property.  
All in favor - Aye - motion carried

**RETURN FROM  
EXECUTIVE SESSION**

Board of Trustees returned from Executive Session at 7:20 p.m.

Mayor Kaplan told those in attendance that there have been two offers and the old Village Hall and both offers are similar and will go back to each bidder and offer them each an opportunity to give one last bid each.

Mayor Kaplan spoke about the mandatory referendum to use the “mountain money” and said he will ask the Village Board to rescind this previous resolution until after the figures for the 2008-2009 budget year are completed. Mayor Kaplan also stated that the Village has been a manager form of government and the Village Board has focused on policy making rather than the day to day operations. The current Village Board will look at the Village’s revenues and expenses and do an analysis of the current deficit before any further action is taken. Mayor Kaplan has invited the Village’s independent auditor to the next board meeting

and is awaiting the State's audit in June. Mayor Kaplan urges the public for their participation in this endeavor.

**MOTION TO OPEN  
PUBLIC HEARING  
DESIGNATION OF  
HISTORIC LANDMARK  
STATUS  
#030909-1**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to open the public hearing at 7:27 p.m. in reference to designation of historic landmark status  
All in favor - Aye - motion carried

**MOTION TO ADJOURN  
PUBLIC HEARING  
#030909-2**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to adjourn this public hearing at 7:28 p.m.  
All in favor - Aye - motion carried

**MOTION TO OPEN  
PUBLIC HEARING  
ON PUBLIC REFERENDUM  
ON MOUNTAIN MONEY  
#030909-3**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to open the Public Hearing in reference to the Public Referendum at 7:30 p.m.  
All in favor - Aye - motion carried

Dennis Warner questioned if the \$1,100,000 is the maximum amount that can be drawdown and was told it was not.

Rivan Krieger stated he is concerned with the shortfall and if the Village Board was aware of the situation. Mr. Krieger also questioned the sale of an antique fire truck, and Village parking lots.

Iris Friedman suggested board members attend a budget seminar on how to peruse a budget.

Ferne Distel questioned the percentage number of collected taxes and was told it 93% and can the Village make payroll till the end of the fiscal year.

Mayor read his ten points for reducing the Village budget.

Ferne Distel also questioned if any funds had been received for the Wintish Road project and what are the plans for upcoming parades and festivals.

Joseph Petillo stated the he believes the cost of the new government center were 80% above the original estimate. Mayor Kaplan replied that he did not believe this was the case but would look into the matter.

Jeff VanAsselt questioned the intentions of board and the community and if they want a Police Department?

Maxine Chapin questioned if the Village is putting oversights in place?

Michael Jeter questioned if the Village will be receiving any funds from the economic stimulus program.

Deputy Mayor Younger questioned whether it is department policy or contract that a shift commander be a full time employee. Chief Mattracion said it has been policy.

Mayor Kaplan and a member of the audience spoke about the Youth program.

Mayor Kaplan and Manager Sheeley are willing to meet with any union heads to discuss this situation.

**MOTION TO CLOSE  
THE PUBLIC HEARING  
#030909-4**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to close the Public Hearing at 8:10 p.m.  
All in favor - Aye - motion carried

**MOTION TO REOPEN  
PUBLIC HEARING ON  
DESIGNATION OF  
HISTORIC LANDMARK  
STATUS  
#030909-5**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to reopen the Public Hearing on designation of Historic Landmark Designation status at 8:11 p.m.  
All in favor - Aye - motion carried

Marion Dumond, Chairman of the Historic Preservation Committee is nominating the Delaware and Hudson Canal Company structure located on the Towpath for designation as a Village Landmark. Mrs. Dumond gave board members a picture of this structure and stated that various purposes have been attributed to the small shed-type building such as a mule barn or a blacksmith shop. It is felt by the Historic Preservation Committee that this structure possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality and should be designated as a Village Landmark.

**MOTION TO CLOSE  
PUBLIC HEARING ON  
DESIGNATION OF HISTORIC  
LANDMARK STATUS  
#030909-6**

Motion by Trustee Oliveras, seconded by Trustee Lopez to close the public hearing on designation of Historic Landmark status at 8:20 p.m.  
All in favor - Aye - motion carried

**RESOLUTION TO DESIGNATE  
HISTORIC LANDMARK STATUS  
TO D&H CANAL BUILDING  
ON TOWPATH  
#030909-7**

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger:  
WHEREAS, a resolution was duly adopted by the Board of Trustees (hereinafter the "Board") of the Village of Ellenville (hereinafter "Ellenville") for a public hearing to be held by said Board at the Ellenville Government Center, 1<sup>st</sup> Floor, 2 Elting Court, Ellenville, New York at 7:15 pm on March 9, 2009 to hear all interested parties on an application by the Family of Ellenville, and nomination by the Ellenville Historic Preservation Committee (hereinafter "Committee") for designation of the Building as a Village Historic Landmark in accordance with § 127-4 of the Code of the Village of Ellenville; and

WHEREAS, said public hearing was duly held at the Ellenville Government Center at said date and time and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said application; and

WHEREAS, it was the findings of the Board that the Delaware and Hudson Canal Company Building located on the Towpath be designated a historic landmark because it possesses special character and historic as well as aesthetic value as part of the local cultural, political, economic and social history of the Village, all of which is more fully set forth in the Memorandum of Marion M. Dumond in her capacity of Chairman to the Historic Preservation Commission dated March 9, 2009; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) this is a Type II action and no further environmental review would be required;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ELLENVILLE IN REGULAR SESSION DULY CONVENED, that the Delaware and Hudson Canal Company Building located on the Towpath within the Village of Ellenville be and is hereby designated a Village Historic Landmark.

Roll Call Vote:

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

Motion carried.

**PETITIONERS &  
CORRESPONDENCE**

Robert Morse, Enderly Lane, spoke about a snow bank that has been in front of his home for some time and requested that it be removed. The Board will contact the Street Department to look into this matter.

Time Warner Cable – correspondence received in reference to channel changes and a list of agreements that are due to expire soon.

**APPROVAL OF  
MINUTES  
#030909-8**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to approve the minutes of February 23, 24 & March 2, 2009 as presented.  
All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE  
(CONTINUED)**

Ellenville Seventh Day Adventist Church – are planning a Health Fair on Sunday May 31, 2009 and requested to have a portion of Clinton Avenue blocked off for this event. It was requested the Village Clerk contact the Church requesting they discuss this matter with the Police Chief.

Matthew Rudikoff Associates – Correspondence received in reference to the Walmart project in the Town of Wawarsing.

Hudson Basin River Watch – Correspondence received in reference to a biological study of the Rondout Creek and their results will be presented at Town Hall on April 16<sup>th</sup>.

Hudson-Fulton-Champlain Quadricentennial Celebration – an invite to participate in this celebration was sent to Village Board members.

**POLICE**

Chief Mattracion told board members he has given permission to members of the Electric Union to hold a Public assembly outside of Town Hall at their next public meeting in reference to Wal-Mart.

**RESOLUTIONS**

**MOTION AUTHORIZING  
ATTENDANCE OF JOHN  
CONSTANTINE AT  
“ACTIVATED SLUDGE  
LICENSE”  
#030909-8**

Resolution by Trustee Oliveras, seconded by Deputy Mayor Younger authorizing the attendance of John Constantine at “Activated Sludge License” course in the amount of \$473.00 on Tuesday and Thursday evenings beginning May 12-June 9, 2009 with the stipulation that Mr. Constantine will attend this course on his own time. All in favor - Aye - motion carried

**MOTION AUTHORIZING  
GOLDEN BUILDERS TO  
INSTALL RAILING  
#030909-9**

Resolution by Deputy Mayor Younger, seconded by Trustee Oliveras authorizing Golden Builders to install railing in front of the police station not to exceed the amount of \$1,800.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
ATTENDANCE OF BRIAN  
SCHUG TO HUDSON VALLEY  
CEO EDUCATION CONF  
LICENSE”  
#030909-10**

Resolution by Trustee Steinhoff, seconded by Trustee Lopez authorizing the attendance of Brian Schug to the Hudson Valley CEO Education Conference on April 15-17, 2009 at a cost of \$285.00.  
All in favor - Aye - motion carried

**MOTION ACCEPTING  
THE RESIGNATION OF  
CHARLES J. DECHON AS  
YOUTH COURT COORDINATOR  
#030909-11**

Resolution by Trustee Steinhoff seconded by Trustee Lopez accepting with deep appreciation and regrets the resignation of Charles J. Dechon as Youth Court Coordinator effective March 31, 2009.  
All in favor - Aye - motion carried

**MOTION APPOINTING  
JOHN CUMMINGS AS  
VOE CIVIL DEFENSE  
DEPUTY DIRECTOR  
#030909-12**

Resolution appointing John Cummings as Village of Ellenville’s Civil Defense Deputy Director.  
All in favor - Aye - motion carried

**BUILDING DEPARTMENT**

Fuel Tank Modifications/Removal – Inspector Schug reviewed with Board members results from a recent Request for Proposal and is recommending the bid for fuel

tank modifications/removal be awarded to Luzon Environmental since they were the low bidder.

**MOTION ACCEPTING  
BIDS FOR FUEL TANK  
MODIFICATION/REMOVAL  
#030909-13**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to accept the fuel tank modification/removal bids from American Petroleum, Luzon Environmental and Enviro Clean.

All in favor - Aye - motion carried

**MOTION AWARDING  
BIDS FOR FUEL TANK  
MODIFICATION/REMOVAL  
TO LUZON ENVIRONMENTAL  
#030909-14**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to award the bid for fuel tank modification/removal to Luzon Environmental as low bidder upon recommendation of Code Enforcement Officer and contingent on if the old Village Hall is sold; removal of the tanks at old Village Hall are not included in the award.

All in favor - Aye - motion carried

Ellenridge – Pressure Booster Station – Code Enforcement Officer Schug reminded board members that as of this date Ellenridge has not built the pressure booster station. Mayor Kaplan inquired from the Village Attorney if the Board has a right to invade the \$219,000 bond that the Village holds in escrow and at the next board meeting he will have a definite answer to that question and also if we have an approval from the plans submitted to the Health Department.

Dumpster – A dumpster that was used for construction is still located on the upper portion of the Ellenridge Development; it was the consensus to send the owner of the property with a letter telling them to remove this dumpster and if this is not done a violation order will be served.

It was requested that Mr. Schug make certain that all occupied townhouses have certificate of occupancies and that no more certificates of occupancy are issued until such time the Village is reimbursed \$19,000 for engineer's fees.



Permit Fees – The schedule for fees will be reviewed by each department head and recommendations for increases if appropriate are to be made to the Board of Trustees.

**ATTORNEY REPORT**

Cable Franchise Agreement – Attorney Cataldi prepared a draft of a new cable franchise agreement and the Cable Commission along with the Town of Wawarsing board will review this draft.

Easement-Backman Avenue to Lincoln Street – Attorney Cataldi will follow up on this matter to locate the original agreement.

Salt Shed – Attorney Cataldi had a conversation with the Village’s insurance company, Selective Insurance, in reference to the recent damage that was done to the shed. Attorney Cataldi stated that the work done to correct the damage is not acceptable and Mayor Kaplan requested that he contact Jim Reed to bring in the original builder for a proposal to fix the damage.

**RESOLUTION AUTHORIZING  
THE VILLAGE OF ELLENVILLE  
TO ENTER INTO AN INTER-  
MUNICIPAL AGREEMENT  
WITH THE TOWN OF  
WAWARSING  
#030909-15**

Resolution by Trustee Oliveras, seconded by Deputy Mayor Younger:

WHEREAS, both the Village of Ellenville (hereinafter “Village”) and the Town of Wawarsing (hereinafter “Town”) own and maintain their own separate wastewater, water and building departments each operated by qualified Code Enforcement Officer(s), and

WHEREAS, in the event of an emergency, that the Town or the Village may not have the sufficient number of qualified Code Enforcement Officer(s) or department personnel available to expedite the services needed on a “time of essence” basis, and

WHEREAS, the parties are desirous of contracting with each other for the purpose of sharing these services in times of emergency:

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ELLENVILLE IN REGULAR SESSION DULY CONVENED, that the Mayor of the Village of Ellenville be and is hereby directed to execute an Intermunicipal Agreement with the Town of Wawarsing to furnish and share such services on an ad hoc basis in times deemed urgent and in substantially the same form as the Agreement attached hereto.

All in favor - Aye - motion carried

**RESOLUTION AUTHORIZING  
ASSURANCE OF DISCONTINUANCE  
OF INVESTIGATION COMMENCED  
AGAINST VILLAGE OF ELLENVILLE  
#030909-16**

Resolution by Trustee Oliveras, seconded by Trustee Lopez:

WHEREAS, the Labor Bureau of the Office of the Attorney General of the State of New York received a complaint surrounding the Village's Wastewater Treatment Facility and,

WHEREAS, the Attorney General of the State of New York performed an investigation into the complaint to determine whether the Village of Ellenville was in compliance with the New York State Labor Law "Right to Know" Laws; and

WHEREAS, the Village of Ellenville created new training modules for its employees as its Wastewater Treatment Facility that will now bring it into compliance with the training requirement of the "Right to Know" Laws,

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ELLENVILLE IN REGULAR SESSION DULY CONVENED, that the Mayor of the Village of Ellenville be and he hereby is directed to execute an Assurance of Discontinuance Investigation in lieu of action in substantially the same form as the stipulation attached hereto.

All in favor - Aye - motion carried

**TREASURER’S REPORT**

Treasurer Polkoski requested that the minutes of 2/23/09 be corrected to state the Treasurer is authorized to borrow against our anticipated taxes in the amount of \$264,000 as a Tax Anticipation Note.

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

Motion passed

**MANAGER’S REPORT**

Manager Sheeley gave to board members an update on the outstanding grants. In addition, Manager Sheeley spoke about the Warren Street sidewalk project and the need for specifications. Also discussed was the Wintish Road project and in reference to the Pedestrian Walkways and Streetscape projects it was requested that Dan Hauspurg review the scope of this grant prepared by our engineer Barton & Loguidice.

It was requested that Manager Sheeley contact Ulster County in reference to the Cape Avenue bridge.

**NEIGHBORHOOD WALK**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to schedule the following “Neighborhood Walks” beginning at 5:00 p.m.

March 23	Warren Street
April 13	Beckley Development
April 27	Downtown Business District

All in favor - Aye - motion carried

**BUDGET WORKSHOP**

Motion by Trustee Oliveras, seconded by Trustee Steinhoff to Schedule a Budget Workshop at 5:30 p.m. on March 23, 2009. All in favor - Aye - motion carried

**HVAC SYSTEM  
4<sup>th</sup> FLOOR**

Mayor Kaplan stated he would like to postpone any work on this project until such time as a prospective tenant has signed a lease agreement.

**MICRO ENTERPRISE  
GRANT**

Dan Hauspurg commented that funds are available and he is reaching out to prospective applicants. Mr. Hauspurg also spoke

about a recent report from the Ulster County Development Corporation and Ellenville was not listed as a distressed community, which does not make any sense and he is working on this position.

#### **BOARD REPORTS**

Deputy Mayor Younger commented on the issue that was discussed earlier in the meeting in reference to having a full time officer as shift commander and Manager Sheeley will look into this matter.

Also discussed was cutting hours in all departments and Manager Sheeley will speak to each department's union representative.

Trustee Steinhoff reported that the Audit Committee met earlier today and gave board members a report on the overtime incurred this past year.

Also discussed was that every department has to decrease their budget and the goal is to balance our budget.

#### **EXECUTIVE SESSION**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to enter into Executive Session at 9:30 p.m. to discuss personnel not to reconvene.

Respectfully submitted,

Noreen Dechon  
Village Clerk