

Village of Ellenville  
Board Meeting  
Monday, September 23, 2013

The meeting was called to order 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	Arrived at 7:30 pm
Trustee Patricia Steinhoff	Present

**ALSO PRESENT**

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

**APPROVAL OF  
MINUTES  
#092313-1**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to accept the minutes of September 9, 2013 as amended.  
All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE**

Letter received from Harvey Levine, 150 S. Main Street, requesting the Board of Trustees to consider passing legislation prohibiting large trucks not to use their "jake brake" when traveling through the Village.

**MOTION  
SENDING LETTER  
TO NYSDOT  
#092313-2**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff requesting the Village Manager send a letter to New York State Department of Transportation to review the situation of trucks using their "Jake Brakes" and allowing the Village to post signs that state "No

Jake Brakes" allowed to be used in the Village along the Route 209 corridor.

All in favor - Aye - motion carried

John Lopez – was before the board tonight to discuss the use of the Berme Road softball field by approximately ten men’s softball teams. Discussion about the liability issues as well as softballs going over the center field fence into the playground area. The Village Manager is in the process of obtaining an estimate for a net to be erected to alleviate the above issue as well as an insurance waiver for this league. No decision was made about Mr. Lopez’s request and it will be discussed again in the future.

**MOTION TO  
OPEN PUBLIC  
HEARING  
#092313-3**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to open the Public Hearing in reference to Local Law No. 2 to modify the Village Code pertaining to penalties for water and sewer charges at 7:15 p.m.

All in favor - Aye - motion carried

Attorney Berger reviewed the modifications with board members which would be:

“All bills issued for water and sewerage use pursuant to this chapter are due and payable without penalty up to and including the 30th day after the date of the bill. Any payment received after the 30th day from the date of the bill is assessed a penalty of 2%. An additional five-percent penalty will be added to any bill remaining unpaid after 90 days. Thereafter, additional penalties of 5% every 90 days will be assessed until paid. The delinquent account penalties which are provided for in this section shall be in addition to all other remedies available for collection, including the right of the village to discontinue service to the user whose account is delinquent, as provided for elsewhere in this chapter.”

Manager Sheeley stated that if this change is adopted it would affect the Village’s cash flow. Mayor Kaplan feels that the current penalty of 10% is too high. Trustee Steinhoff inquired about the dollar amount that is currently collected in penalties.

Mayor Kaplan stated that the board would have three options to consider about the modifications and they are:

1. Leave the code as it is now or;
2. 2% penalty after 30 days; an 5% penalty after 60 days and an additional 5% after 90 days; or
3. Or other suggestions from the board

It was the consensus of the board to request the Village Attorney to rewrite the legislation that would modify the Village Code as follows:

5% penalty after 30 days; a 10% penalty after 60 days with an additional 1% monthly after that. Treasurer Polkoski requested the code also include putting the bill in landlord's name after two delinquent quarters.

**MOTION TO  
CLOSE PUBLIC  
HEARING  
#092313-4**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to close the Public Hearing at 7:30 p.m.

All in favor - Aye - motion carried

**MOTION TO  
SCHEDULE NEW  
PUBLIC HEARING  
#092313-5**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to schedule a new public hearing Code pertaining to penalties for water and sewer charges at 7:15 p.m. on October 28, 2013 at 7:15 p.m.

All in favor - Aye - motion carried

**DISCUSSION**

Tax Contract – Edward Rosenblatt – Manager Sheeley and Treasurer Polkoski met with Mr. Rosenblatt to discuss terms of this tax contract and he thanked the Village Board for their consideration in this matter.

**MOTION AUTHORIZING  
TAX INSTALLMENT  
CONTRACT-EDWARD  
ROSENBLATT  
#092313-6**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the approval of a tax installment contract with Edward Rosenblatt, 57 Church Street, Ellenville, NY for payment of delinquent taxes, conditioned as follows:

- a. Immediate payment of 2013 taxes
- b. All future tax bills and water/sewer bill to be paid when due

- c. Contract is for the 2007 and 2008 tax years, total of \$7,607.10 plus interest
- d. Mr. Rosenblatt will be making significant payments to the County Tax Collector over the next two years.

All in favor - Aye - motion carried

#### **POLICE DEPARTMENT**

Chief Mattracion reported on the upcoming training dates for his personnel and requested a curfew for October 30 and 31, 2013.

#### **MOTION TO ESTABLISH CURFEW ON OCT 30 & 31 #092313-7**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger establishing an 8:30 p.m. curfew on October 30 and 31, 2013 for persons under the age of eighteen.

All in favor - Aye - motion carried

Chief Mattracion requested that the Village Board hire Robert Morse as a full time police officer and Kyle Reilly as a part time police dispatcher. Deputy Mayor Younger and Trustee Lopez interviewed board candidates and recommend both candidates.

#### **MOTION TO HIRE ROBERT MORSE POLICE OFFICER #092313-8**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez approving the lateral transfer of Robert Morse as a police officer effective October 9, 2013 upon recommendation of the Village Manager and Chief of Police pending the approval of Ulster County Civil Service, at Step 3 (\$45,460) of the collective bargaining agreement between the Village of Ellenville and the Village of Ellenville Police Benevolent Association.

All in favor - Aye - motion carried

**MOTION TO HIRE  
KYLE REILLY, PART  
TIME POLICE DISPATCHER  
#092313-9**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez approving the appointment of Kyle Reilly as a part time police dispatcher, effective September 25, 2013 upon recommendation of the Village Manager and Chief of Police at Step 1, \$12.15 per hour, in accordance with the collective bargaining agreement between the Village of Ellenville and the Village of Ellenville Police Benevolent Association.

All in favor - Aye - motion carried

**ENGINEER'S REPORT**

**MOTION AUTHORIZING  
CHANGE ORDER-KPI  
#092313-10**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras authorizing Change Order No. 2 to Kenyon Pipeline Inspection for the Cape Avenue Sewer Rehabilitation in the amount of (\$7,689.00). Revised contract amount is \$66,786.00.

All in favor - Aye - motion carried

**MANAGER'S REPORT**

Manager Sheeley spoke about the recent damage that had been done to a panel on the Meeting Room's dais and Mayor Kaplan requested that the Village's insurance company be notified.

**MOTION AUTHORIZING  
THE REPAIR OF THE PANEL  
ON THE DAIS  
#092313-11**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Village Manager to have repairs made to the panel on the dais.

All in favor - Aye - motion carried

Volunteer Recognition Program – The original date of October 14<sup>th</sup> will be rescheduled and Manager Sheeley will advise board members of the new date. This program should recognize people who volunteer in the Village.

Interviews for HMO/Mechanic Position – Trustee Lopez requested to be present during these interviews.

Manager Sheeley reviewed with board members several items that do not require board action at this time. They were:

- a. The Electric service at the Hunt Building
- b. Changes made to the paving schedule
- c. An update on 90 Center Street parking lot that has been scheduled for Planning Board review on October 16<sup>th</sup>.
- d. Community Reconstruction Zone – the first meeting is this coming Monday
- e. Winer property on Rosenstock Road

Mayor Kaplan questioned the status of the repairs that need to be done on Campwood Lane Extension and Manager Sheeley will contact the Village Engineers for their report.

#### **TREASURER'S REPORT**

Treasurer Polkoski reviewed her agenda items and reviewed the Treasurer's Report with board members.

#### **ATTORNEY'S REPORT**

Attorney Berger was requested to start a discussion in reference to accumulated time for the non-union employees. Mayor Kaplan discussed his reasons for this discussion and suggested that the staff present their ideas on how to resolve the issue.

#### **BUILDING DEPARTMENT**

Government Center Roof Replacement – No bids were received for this project and Mr. Schug suggested that we re-advertise this again.

#### **MOTION TO RE-BID GOVERNMENT CENTER ROOF REPLACEMENT #092313-12**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to re-bid the Government Center Roof Replacement returnable November 25<sup>th</sup> and awarded in December.

All in favor - Aye - motion carried

## **RESOLUTIONS**

### **MOTION TO SCHEDULE FALL CLEAN UP #092313-13**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to schedule Fall Clean-Up for the weeks of October 21 – November 15, 2013.

All in favor - Aye - motion carried

### **MOTION AUTHORIZING IMPLEMENTATION & FUNDING TRANSPORTATION FEDERAL AID PROJECT #092313-14**

Motion BY Trustee Steinhoff, seconded by Trustee Lopez approving the attached resolution authorizing the implementation, and funding in the first instance 100% of the Federal-aid eligible costs of a transportation federal-aid project and appropriating funds therefore.

All in favor - Aye - motion carried

### **MOTION AUTHORIZING RESOLUTION ESTABLISHING URBAN AREA BOUNDARY #092313-15**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez authorizing the attached resolution establishing the Urban Area boundary for the Ellenville Small Urban area based on the 2010 Census.

All in favor - Aye - motion carried

### **MOTION APPROVING OSTERHOUDT CONSTRUCTION FOR PAVING #092313-16**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to approve Osterhoudt Construction for assistance with Street paving at a cost of \$274.00 per hour upon recommendation of Village Manager.

All in favor - Aye - motion carried

**MOTION AUTHORIZING  
DESIGN CONSULTANT  
#092313-17**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras authorizing Village Manager to advertise for a design consultant for Ida Lane, Inwood Street area sidewalks to be paid for by grant project funds.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
PURCHASE OF WINDOWS  
FROM OPTIMUM WINDOWS  
#092313-18**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez authorizing the purchase of windows from Optimum Windows for the Street Department not to exceed \$1,850.00 upon recommendation of the Village Manager.  
All in favor - Aye - motion carried

**MOTION AWARDING  
WINDOW INSTALLATION  
#092313-19**

Motion by Trustee Lopez, seconded by Trustee Oliveras awarding proposal to Richard Horvath for window installation at the Street Department in the amount of \$1,750.00 upon recommendation of Village Manager.  
All in favor - Aye - motion carried

**MOTION ACCEPTING  
RESIGNATION OF  
VILLAGE MANAGER  
#092313-20**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff accepting resignation of Mary F. Sheeley, Village Manager with deep regret effective January 1, 2014.  
All in favor - Aye -4; Nay – 1 Trustee Lopez - motion carried

**MOTION AUTHORIZING  
CORRECTION OF  
AUDIT REPORT  
#092313-21**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger authorizing the attached correction of audit record dated 9/9/2013 upon recommendation of Village Treasurer.



All in favor - Aye - motion carried

**MOTION AUTHORIZING  
APPROPRIATION TRANSFERS  
#092313-22**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras authorizing the attached appropriation transfer in the General Fund upon recommendation of Village Treasurer.

All in favor - Aye - motion carried

**RESOLUTION TO  
LET BIDDING BEGIN  
SCADA IMPROVEMENT PROJECT  
#092313-23**

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing Barton & Loguidice to let bidding of the work on the Ellenville Water System SCADA Improvements Project following authorization to bid by the NYSEFC.

All in favor - Aye - motion carried

**RESOLUTION TO  
LET BIDDING BEGIN  
VALVE & BOOSTER PUMP  
STATION INSTALLATION  
PROJECT  
#092313-24**

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the Barton & Loguidice to let bidding of the work on the Ellenville Water System Valve and Booster Pump Station Installation Project following authorization to bid by the NYSEFC.

All in favor - Aye - motion carried

**MOTION AUTHORIZING  
EXPENDITURE TO  
SCHMIDTS WHOLESALE  
#091313-25**

Motion by Trustee Lopez, Deputy Mayor Younger authorizing the expenditure of \$1,743.23 to Schmidt's for the purchase of fire hydrant upon recommendation of the Village Manager and Water Department Foreman.

All in favor - Aye - motion carried

**MOTION ACCEPTING  
BIDS-GOV'T CENTER  
BOILER REPLACEMENT  
#091313-26**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to accept two bids for the Government Center Boiler Replacement.  
All in favor - Aye - motion carried

**MOTION AWARDING  
BID TO HORNBECK PLUMBING-  
GOV'T CENTER BOILER  
REPLACEMENT  
#091313-27**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to award lowest responsible bidder for the Government Center Boiler to Hornbeck's Plumbing & Heating in the amount of \$42,900.00 upon recommendation of Village Manager & Building Inspector.  
All in favor - Aye - motion carried

**BOARD REPORTS**

Deputy Mayor Younger spoke about the conditions at 5 Rear Chapel Street and Mr. Schug will look into this matters. Also commented that the FEMA clean up near the Mill Street Park has been completed and

Trustee Oliveras commented on the graffiti that is on some of the buildings in the Village.

**ADJOURN**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to enter into Executive Session to discuss possible litigation not to reconvene into Public Session at 8:55 p.m.  
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk