

Village of Ellenville
Board Meeting
Monday, October 22, 2012

Workshop meeting took place at 6:37 p.m. with Christopher Racucci from the law firm of Wolfson & Egitto, PC to discuss them representing the Village of Ellenville for collection of delinquent taxes. There was discussion of the process of how this matter would be handled and the financial cost. Wolfson & Egitto is requesting a \$5,000 retainer with a discounted hourly rate of \$150 per hour.

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	Present
Trustee Patricia Steinhoff	Present

ALSO PRESENT

Mary Sheeley, Village Manager
Peter Berger, Village Attorney
Brian Schug, Code Enforcer
Linda Polkoski, Village Treasurer
Noreen Dechon, Village Clerk

Mayor Kaplan discussed with board members the concept of a municipal trash collection in the Village as a service to our residents and additional revenue for the Village. This topic will be reviewed and an analysis will be done in the near future and it was requested that Manager Sheeley contact surrounding communities to see if they do municipal collection.

Mayor Kaplan spoke about the conditions found during the Neighborhood Walk that took place earlier this evening near the Clinton Avenue Bridge. Board members observed the condition of the creek beds and torrent of water in the area. Mayor Kaplan stated that it is important to reach out to higher public officials urging the State, County and Federal government to consider a program to remedy and repair our creek beds.

**APPROVAL OF MINUTES
#102212-1**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to approve the minutes of October 10, 2012 as presented.
All in favor – Aye – motion passed

**PETITIONERS &
CORRESPONDENCE**

Correspondence received from Time Warner Cable in reference to channel changes and/or deletions.

Susan Torres – A thank you letter received from Ms. Torres in reference to a distress call she made to the Police Department and their assistance during her emergency. Mayor Kaplan and board members also thanked the Police Department for assistance to our residents.

POLICE DEPARTMENT

Chief Mattracion thanked the hospital for their coming to Village Hall to give employees their flu shots.

Chief Mattracion also spoke about Devil's Night and Halloween and the upcoming training for his staff.

Chief Mattracion introduced three local residents that are currently attending the Police Academy in Kingston. Deputy Mayor Younger and Trustee Lopez interviewed these three candidates and Chief Mattracion recommended they be appointed to the Police Department.

**MOTION TO HIRE
PART TIME POLICE
OFFICERS
#102212-2**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to appoint Donald Corso, Antonio Bell and Stephen Sawyer as part time police officers. These appointments are upon recommendation of the Chief of Police and will take place effective immediately at the training rate in accordance with the Ellenville Police Benevolent Association agreement.
All in favor – Aye – motion carried

MANAGER'S REPORT

Manager Sheeley spoke about the North Gully Project and FEMA had notified the Village that they will be receiving less than originally estimated and this amount will be under \$500,000.

**MOTION TO OPEN
PUBLIC HEARING
AMENDMENT TO
THE ZONING LAW
#102212-3**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to open the Public Hearing at 7:15 p.m. in reference to an Amendment to the Zoning Law of the Village of Ellenville.

All in favor – Aye – motion carried

Mayor Kaplan recused himself from this discussion since the original request for the zoning change came from his business partner.

Deputy Mayor Younger chaired the Public Hearing and read the amendments to the Zoning Law of the Village of Ellenville. They are:

1. Adding “Assisted Living” as a use permitted subject to special permit and specifying use regulations pertaining to same; and
2. Amending the definitions, procedure and criteria for the issuance by the Zoning Board of Appeals for Use Variances and Area Variances.

Attorney Berger reviewed these amendments with board members and Brian Schug answered the questions they had.

**MOTION TO CLOSE
PUBLIC HEARING
AMENDMENT TO
THE ZONING LAW
#102212-4**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to close the Public Hearing in reference to amending the Zoning Law of the Village of Ellenville at 7:25 p.m.

All in favor – Aye – motion carried

**MOTION FOR
SEQRA DETERMINATION
ADDING ASSISTED LIVING
AS A USE PERMITTED BY SPECIAL
PERMIT
#102212-5**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to declare the Village of Ellenville Board of Trustees as lead agency on adding Assisted Living as a Use permitted by Special Permit and issued a Negative Declaration determining the proposed action would not have a significant effect upon the environment.

Roll Call Vote: Mayor Kaplan Disqualified himself

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

Motion passed

Prior to the Village Board voting on this proposed zoning change, this legislation will be sent to Ulster County Planning Board for their review.

**MOTION FOR
SEQRA DETERMINATION
AMENDING THE DEFINITIONS,
PROCEDURE & CRITERIA FOR
USE & AREA VARIANCES
#102212-6**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to declare the Village of Ellenville Board of Trustees as lead agency on adding amending the definitions, procedure and criteria for use and area variances and issued 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 passed

Prior to the Village Board voting on this proposed zoning change, this legislation will be sent to Ulster County Planning Board for their review.

**MANAGER’S REPORT
(continued)**

Health and Safety Training-Manager Sheeley spoke about the PESCH & OSHA training that is required to be done by the Village for Village staff. Trustee Oliveras questioned if one of our employees would want training to become a safety officer and also to check with the Town of Wawarsing for the possibility of joint training.

Manager Sheeley also spoke about meeting with the Water Commission to adjust the water/sewer rates.

TREASURER’S REPORT

Treasurer Polkoski reported that the Annual Financial Report has been completed and filed with the State Comptroller.

ATTORNEY'S REPORT

Attorney Berger reported that Time Warner Cable is not willing to amend the franchise agreement to include a clause that states they will keep an office in Ellenville. Time Warner stated they have demonstrated customer service by keeping an office in Ellenville but Mayor Kaplan requested that Attorney Berger contact Kate Hope at the Public Service Commission to inquire if we have any clout to negotiate this amendment.

BUILDING DEPARTMENT

Building Inspector Schug updated the board in reference to the Auto Zone project and the design standards that could possibly stop the project.

**MOTION IN
REFERENCE TO
NEW BUSINESSES
IN THE VILLAGE
#102212-7**

Motion by Trustee Lopez, seconded by Trustee Steinhoff that the Village Board wants to express its great desire to increase the tax base by having a new retail business constructed in our community for the first time in several years and while we appreciate the Planning Board's efforts to impose reasonable design guidelines that the Board we would urge the planning board to keep in mind that ultimately we need the tax base and we need more jobs in the Village and that should be a primary goal subject to whatever aesthetic plans that they can be added without thwarting the actual construction plans of the developer.
All in favor – Aye – motion carried

RESOLUTIONS

**MOTION TO
ADVERTISE FOR
HEALTH & SAFETY
TRAINING CONSULTANTS
#102212-8**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the Village Manager to advertise for Proposals for Health and Safety Training consultants returnable 12:00 noon on November 8, 2012.
All in favor – Aye – motion carried

**MOTION TO
ADVERTISE FOR
SEWER REHABILITATION
#102212-9**

Motion by Trustee Lopez, seconded by Deputy Mayor Younger authorizing the Village Manager to advertise for proposals for Sewer Rehabilitation for the wastewater treatment department returnable by 12:00 noon on November 8, 2012.

All in favor – Aye – motion carried

**MOTION AUTHORIZING
CORRECTION OF
AUDIT REPORT
#102212-10**

Motion by Trustee Lopez, seconded by Trustee Steinhoff authorizing the correction of the attached audit report dated October 10, 2012 as recommended by the Village Manager.

All in favor – Aye – motion carried

BOARD REPORTS

Deputy Mayor Younger questioned if the dead tree at 18 Park Street had been removed.

Trustee Steinhoff spoke about the street lights that are not working.

Mayor Kaplan received a concern from a resident about traffic enforcement by the Headstart building on upper Canal Street. There is a need for speed limit signs in that area. Manager Sheeley will speak to Juan Caba about this matter.

Trustee Oliveras questioned the status of the sewer tanks and was told they are still in the process of being tested.

Deputy Mayor Younger questioned the status of the water leak on Tyrone Thomas Lane.

**ADJOURN TO
EXECUTIVE SESSION
#102212-9**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to enter in Executive Session to discuss personnel and labor negotiations at 8:10 p.m. not to reconvene to public session.
All in favor – Aye – motion carried.

Respectfully submitted,

Noreen Dechon
Village Clerk