

Village of Ellenville
Board Meeting
Monday, July 23, 2012

The meeting was called to order with the Pledge of Allegiance by Mayor Jeffrey 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

Chief Philip Mattracion
Linda Polkoski, Village Treasurer
Peter Berger, Village Attorney
Brian Schug, Code Enforcer
Noreen Dechon, Village Clerk

Mayor Kaplan reported that the Board visited the Mill Street Park earlier this evening and would like to see the park used by more people. It was suggested that this park be used as an outdoor exercise area which would change the look aesthetically and promote healthy living.

**MOTION TO SUPPORT
GRANT APPLICATION
#072312-1**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to support a grant application to make the Mill Street Park into an exercise area to help deal with the obesity issue in the Village.
All in favor - Aye - motion carried

In the meanwhile it was requested that Mr. Schug coordinate with the Village Manager to obtain prices for the repairs for benches, etc. that need to be done at present time.

**APPROVAL OF
MINUTES
#072312-2**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to approve the minutes of June 25 & July 3, 2012 as presented.
All in favor - Aye - motion carried

DISCUSSION

Ulster County Planning Board – Brief discussion about the need for a representative to this board and also for our local Planning and Zoning Boards.

**PETITIONERS &
CORRESPONDENCE**

Correspondence received from Time Warner Cable about upcoming additions/deletions to our cable service.

Correspondence received from Catholene Lake in reference to the current rates on water/sewer bills.

Correspondence received from the United Methodist Church requesting the Village Board to waive all Village related fees relating to the handicap access project to their building.

**MOTION TO WAIVE
VILLAGE FEES FOR
THE UNITED METHODIST
CHURCH
#072312-3**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to waive the Village fees relating to the United Methodist Church handicap access project to their property.
All in favor - Aye - motion carried

Kathryn Weinman spoke about abandoned vehicles and gave a list of their location to the Building Inspector. Also discussed was the possibility of a Neighborhood Watch and it was suggested that Ms. Weinman get together with the Chief of Police to discuss this in depth.

POLICE DEPARTMENT

Chief Mattracion spoke about his agenda items pertaining to the appointment of two police officers and the leasing of a new police car.

Also discussed were the Blueberry Festival and the upcoming firearms training. Trustee Steinhoff spoke about the traffic control during the 4th of July parade and Deputy Mayor Younger questioned if there are any issues with dogs in the downtown area and if the “pooper scooper” law is being enforced.

**MOTION TO ACCEPT
RESIGNATION OF P/T
POLICE OFFICER BROOKS
#072312-4**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras accepting resignation of Part Time Police Officer Philip Brooks effective immediately.

All in favor - Aye - motion carried

**MOTION TO HIRE FULL
TIME POLICE OFFICERS
#072312-5**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to hire Trevor Wood and Lucas Brooks as full-time police officers, Step 1, salary of \$37,029 effective August 1, 2012 in accordance with the collective bargaining agreement between the Village of Ellenville and the Ellenville Police Benevolent Association. **NOTE:** these appointments are to replace Jason Wurtz (who resigned 09/30/09) and Rob Morse (who resigned 12/30/09).

All in favor - Aye - motion carried

Chief Mattracion stated that for the record that he is related to Officer Wood.

**MOTION AUTHORIZING THE
LEASING OF A POLICE VEHICLE
#072312-6**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger to lease 2013 Ford Interceptor Sedan Police vehicle at a cost of \$35,440.00, three annual lease payments of \$12,600.49. At the end of the three years, the Village has the right to purchase the vehicle for one dollar.

All in favor - Aye - motion carried

This vehicle is on State Bid and is fully equipped with police lights, etc.

**MOTION AUTHORIZING
THE EXPENDITURE FOR
REPAIR & REPLACEMENT
OF STORM BASINS
#072312-7**

Motion by Trustee Lopez, seconded by Trustee Steinhoff authorizing the expenditure up to \$16,000.00 to Golden Industrial Park, Inc. for the repair and replacement of street basins.

All in favor - Aye - motion carried

**MOTION AUTHORIZING
PAYMENT FOR EASEMENT
UPDATES
#072312-8**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger for an easement update for the Hickory Street Bridge and authorize the payment of \$300 to ARC Management and \$900 to Osterhoudt Corporation.

All in favor - Aye - motion carried

**MOTION AUTHORIZING
THE VILLAGE MANAGER
TO SEEK PROPOSALS FOR
FIRE HYDRANT INSTALLATION
#072312-9**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff authorizing the Village Manager to seek proposals for the replacement of fire hydrants returnable by noon on August 13, 2012.

All in favor - Aye - motion carried

ENGINEER’S REPORT

Don Fletcher and Don Schmalzle from Barton & Loguidice were before the board tonight for an update on the Wastewater Treatment Plant, Water Improvements and the FEMA project on Ida Lane.

TREASURER’S REPORT

**MOTION AUTHORIZING
SEWER BUDGET AMENDMENTS
#072312-10**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the following Sewer budget amendments:

| | | |
|--------|--------------------------|----------|
| G 510 | Estimated Revenue | \$62,300 |
| G 5031 | Reserve for Debt Service | |

| | | |
|----------|----------------|----------|
| G 960 | Appropriations | \$62,300 |
| G 9789.6 | USDA Debt | |

All in favor - Aye - motion carried

This is to appropriate the reserve for debt repayment to the USDA for the new sewer plant.

**MOTION AUTHORIZING
CORRECTION OF VILLAGE
TAX BILL
#072312-11**

Motion to authorize the correction of 2012 Village tax bill for Section 91.22-2-16 (Alan Loucks) to add Veteran's exemption.
All in favor - Aye - motion carried

ATTORNEY'S REPORT

Attorney Berger reviewed with board members an amendment to the Uniform Tax Exemption Policy and the changes that are to be made.

**RESOLUTION OPPOSING PROPOSED
CHANGES TO THE UC INDUSTRIAL DEVELOPMENT'S
AGENCY'S UNIFORM TAX EXEMPTION
#072312-12**

Resolution by Trustee Steinhoff, seconded by Trustee Lopez
Whereas, Ulster County Industrial Development Agency (UC IDA) has notified the Village of Ellenville intent to amend its' Uniform Tax Exemption Policy to include abatement of taxes and Payment in Lieu of Taxes (PILOT agreements) for workforce housing, affordable housing, dormitory housing and senior housing, and
Whereas, written public comments are being solicited on the UC IDA draft Uniform Tax Exemption Policy until August 1, 2012 at 5 pm, and

Whereas, Ulster County Industrial Development Agency will hold a public hearing with respect to the proposed amendments on Wednesday, August 1 2012 at 7:00 pm at the Legislative Chambers in the Ulster County Office Building, located on 244 Fair Street in the City of Kingston, and

Whereas, the amendments proposed by the Ulster County Industrial Development Agency (UC IDA) are in conflict with Municipal Home Rule, and

Whereas, the proposed amendments give the UC IDA authority to abate taxes, and design tax structure at their own discretion without approval from governing bodies of affected municipalities, and

Whereas, the proposed changes allow no input from affected municipalities and taxpayers, and

Whereas, by having the authority to grant PILOTS to housing projects the UC IDA will effectively select sites for housing projects without municipal approval, and

Whereas, the UC IDA is a not-for-profit economic development corporation, with a defined mission to:

“promote, encourage, attract and develop job and business opportunities and economically sound commerce and industry in cities, town and village in Ulster County”; the Village of Ellenville respectfully asserts that UC IDA is proposing changes to their

Uniform Tax Exemption Policy that would allow the UC IDA to unlawfully act outside of their state approved mission, and

Whereas, the Village of Ellenville reserves the exclusive right to consider, negotiate and grant PILOTS for housing projects proposed to be located in the Village of Ellenville based on local need and benefit, and

Be it therefore Resolved, that the Village of Ellenville hereby rejects and strongly opposes the proposed amendments to the Ulster County Industrial Development Agency’s Uniform Tax Exemption Policy.

All in favor – aye – motion carried

It was requested that a copy of this resolution be sent to the Ulster County Executive, Town of Wawarsing Supervisor and the Town of Saugerties.

**RESOLUTION SUPPORTING
DECLARATION OF COVENANT
#072312-13**

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger in support of the Declaration of Covenant:

THIS DECLARATION made this 23rd day of July 2012, by Village of Ellenville, 2 Elting Court, Ellenville, NY 12428 (hereinafter referred to as the “Declarant”).

WHEREAS, the Declarant is the owner of certain real property in the Village of Ellenville, Ulster County identified as SBL 83.70-2-6.300 and bounded and described as follows:

ALL that certain piece or parcel of land with the buildings and improvements thereon erected, lying and being in the Village of Ellenville, Town of Wawarsing, County of Ulster and State of New York and known as Lot #2 on a certain map filed in the Ulster County Clerk’s office on September 27, 2006 as Instrument No. 2006-2055.

WHEREAS, the Declarant has made application to the United States Department of Agriculture (“USDA”) for Federal financial assistance relating to said property;

WHEREAS, for and in consideration of the granting of said Federal financial assistance, the USDA and the Declarant agree that the within covenant be imposed.

NOW, THEREFORE, the Declarant does hereby covenant and agree as follows:

1. The improvement to property described herein was obtained or improved with Federal financial assistance and is subject to the provisions of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 and the regulations issued pursuant thereto.
2. This covenant is in effect for as long as the property continues to be used for the same or similar purpose for which the financial assistance was extended i.e., purchase and installation of H.V.A.C. equipment for Village Hall or for as long as the Village of Ellenville owns the property, whichever is longer.

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

Motion passed

USDA – Declaration of Covenant – HVAC System – Government Center.

BUILDING DEPARTMENT

Code Enforcer Schug reviewed with board members an amendment to the Timber Harvesting Law.

**MOTION TO SCHEDULE
PUBLIC HEARING RE:
TIMBER HARVESTING
#072312-14**

Motion by Trustee Lopez, seconded by Trustee Oliveras to schedule a Public Hearing on August 13, 2012 at 7:15 p.m. in reference to amending the Timber Harvesting Law.

All in favor - Aye - motion carried

Mr. Schug updated the board in reference to the work that will be done in the basement of the Government Center and also the Ellenridge booster station should be completed within the next month.

**MOTION ACCEPTING
TWO BIDS RECEIVED
FOR GOV'T CENTER
RENOVATION
#072312-15**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger accepting the two bids received for the Government Center Renovation from KMA Associates and Golden Industrial Park, Inc. All in favor - Aye - motion carried

**MOTION AWARDING
BID FOR GOV'T CENTER
RENOVATION
#072312-16**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff awarding the bid for Government Center Basement Renovation to KMA Associates in the amount of \$32,690.00 who was the lowest responsible bidder and as recommended by the Village Manager and Building Inspector. All in favor - Aye - motion carried

RESOLUTIONS

**MOTION AUTHORIZING
EXPENDITURE TO
ESC ENVIRONMENTAL
#072312-17**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras authorizing the expenditure of \$3,686.70 to ESC Environmental for the purchase of 330 drums of zinc orthophosphate as recommended by the Village Manager and Water Department Foreman. All in favor - Aye - motion carried

**MOTION AUTHORIZING
THE EXPENDITURE TO
GLOBAL INDUSTRIAL
#072312-18**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger authorizing the expenditure of \$1,004.66 to Global Industrial for the purchase of 6 PVC discharge hoses as recommended by the Village Manager and Sewer Department Foreman.

**MOTION AUTHORIZING
RENEWAL OF ANNUAL
MAINTENANCE FEE-
GENERAL CODE
#072312-19**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger authorizing the renewal for annual maintenance fee to General Code in the amount of \$1,195.00 as recommended by the Village Manager.

**MOTION SCHEDULING
PUBLIC HEARING-HIGH
GRASS VIOLATIONS
#072312-20**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to accept the lawn maintenance charges for “high grass violations” from June 12-June 25, 2012 as recommended by the Street Department Foreman and to schedule a Public Hearing on August 13, 2012 at 7:30 p.m.
All in favor - Aye - motion carried

**MOTION APPROVING
PAYMENT TO BARTON &
LOGUIDICE
#072312-21**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving payment to Barton & Loguidice – Invoice #62895 in the amount of \$17,872.50.
All in favor - Aye - motion carried

**MOTION APPROVING
PAYMENT TO BARTON &
LOGUIDICE
#072312-22**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving payment to Barton & Loguidice – Invoice #62896 in the amount of \$16,500.66.
All in favor - Aye - motion carried

**MOTION APPROVING
PAYMENT TO FAMILY DANZ
#072312-23**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving payment #5 to Family Danz Heating & A/C Inc. in the amount of \$27,130.15 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor - Aye - motion carried

**MOTION TO TABLE
PAYMENT TO UW MARX
#072312-24**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to table payment #13 to U.W. Marx, Inc. in the amount of \$529,257.77 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice

All in favor - Aye - motion carried

**MOTION APPROVING
PAYMENT TO S&O CONSTRUCTION
#072312-25**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger approving payment #5 to S&O Construction. in the amount of \$24,433.98 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice.

All in favor - Aye - motion carried

**MOTION APPROVING
PAYMENT TO J&J SASS
#072312-26**

Motion by Trustee Steinhoff, seconded by Trustee Lopez approving payment #5 to J&J Sass Electric in the amount of \$78,113.75 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice

All in favor - Aye - motion carried

BOARD REPORTS

Deputy Mayor Younger questioned that status of the demolition of 48-50 Chapel Street and was told the bids are due this Friday. Deputy Mayor Younger also questioned the water flooding on Camp Street Extension and Don Schmalzle from Barton & Loguidice is working on this matter.

Trustee Oliveras asked for an update on the money spent to date on the new Wastewater Treatment Plant project.

Mayor Kaplan requested that a letter be sent to the Hunt Preservation Committee complimenting them on the work that has been done to date.

Deputy Mayor Younger requested that a letter be sent to Joel Schreibman inviting him to a board meeting to thank him for his years of service to the Village of Ellenville.

EXECUTIVE SESSION

Motion by Trustee Steinhoff, seconded by Trustee Lopez to enter into Executive Session to discuss litigation not to reconvene to public session at 8:25 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk