

Village of Ellenville  
Board Meeting  
Monday, January 14, 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	Present
Trustee Patricia Steinhoff	Absent w/notice

**ALSO PRESENT**

Mary Sheeley, Village Manager Sheeley  
Phillip Mattracion, Chief of Police  
Peter Berger, Village Attorney  
Linda Polkoski, Village Treasurer  
Noreen Dechon, Village Clerk

**APPROVAL OF  
MINUTES  
#011413-1**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger to accept the minutes of December 10 & 20, 2012 as presented.  
All in favor – Aye – motion passed

**DISCUSSION**

As a continued discussion in reference to the tragic events that have recently taken place as a results of guns being used by unstable individuals, Mayor Kaplan requested that the Board of Trustees consider a drafted seven item resolution to be addressed to the County, State and Federal governments incorporation the below listed concerns. These resolutions will not affect any permitted gun ownership in the Village. Mayor Kaplan will also take public input in reference to these items.

1. Mental Health Treatment - In an effort to reduce spending, public monies used for treatment of mental illness has been significantly impaired. In the Ellenville community alone, Ulster County has significantly reduced the number of man hours expended on counseling and treating those with mental health issues. Often times treatment is replaced by medication which will mask but often times not treat the underlying illness.

Additionally, without proper counseling there is no assurance that medication is properly dispensed often resulting in either under or over medication. In our **schools, (community)** medication is often used to avoid problems rather than to treat them. It is imperative that a response to Newtown include appropriate public funding for mental health treatment and counseling.

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to adopt this resolution but to change the word "school" to "community".

All in favor - Aye - motion carried

2. School Security - Unfortunately the use of firearms in schools has become all too common. Once again, in effort to reduce expenditures, a New York State program of placing New State Troopers in public schools as a resource officer has been curtailed. This program needs to be properly funded so that each and every public school within the State of New York has at least one resource officer who should also as part of their function teach firearm safety in an appropriate setting.

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to adopt this resolution.

All in favor - Aye - motion carried

3. Firearm Certification - More stringent and rigorous requirements for certification should be considered for all firearms including hunting rifles. Extensive and mandatory firearm training and education should be required as part of the permitting process.

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to revise the above as follows:

Extensive and mandatory firearm training and education should be required as part of a permitting process for all firearms.

All in favor -3; Abstain – Trustee Lopez - motion carried

4. Penalties for illegal possession of a firearm - Only individuals properly licensed to have firearms should be authorized to possess them and penalties for illegal possession should be substantial and mandatory and not subject to plea bargain. The crime of illegal possession of an unlicensed unloaded **handgun (firearm)** or firearm should also be increased from a misdemeanor to a felony.

Motion by Trustee Oliveras, seconded by Trustee Lopez to adopt this resolution but to change the word "handgun" to "firearm".

All in favor - Aye - motion carried

5. Banning of certain weapons and high capacity magazines - As previously stated, a firearm in the hands of a properly licensed and responsible individual can become a weapon of mass destruction in the hands of another. While the second amendment provides for the rights of individuals to bear arms, there are lawful restrictions. These restrictions should be extended to include assault weapons and stringent limitations on high capacity magazines.

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to adopt the above resolution but to recommend high capacity firearms be limited to ten rounds.

All in favor - Aye - motion carried

6. Firearm Storage - While acknowledging that the Supreme Court has limited State and local storage requirements of firearms, this is a concern that should be revisited. As further discussed below, licensing and regulations of firearms is of little value if the weapon is accessible by others. Reasonable rules and regulations must be considered to reduce the likelihood of unlicensed use of a firearm including safe storage and penalties for a firearm owner who allows the weapon to be used by someone who is unlicensed which should include the loss of the owner's license and firearm.

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to adopt the above resolution but to add to the last sentence "stored separately in a safe place."

All in favor - Aye - motion carried

7. Firearm Access - This last item, in my opinion will probably be the most controversial but is by far the most effective way to minimize the likelihood of a firearm being used by an individual who has not otherwise lawfully applied for and obtained a permit to possess a firearm. While our technology has been used to increase the efficiency of firearms and high capacity magazines, we have done little to incorporate this technology into firearm safety. There is technology that can limit the use of a firearm to its licensed owner. Operation of a firearm can be limited by the owner's fingerprints, or the use of a special code before the firearm can be fired as well as various other technologies that would limit the use to the licensed owner. This would have the additional effect of limiting the use of stolen guns which would be inoperable by anyone else. GPS devices can also be inserted into every firearm sold to track the location of a stolen weapon which would also reduce the value and use of a stolen gun. Overtime, programs to repurchase weapons that do not have this feature would be far more effective than the current program where the repurchased guns can be readily replaced and used by unlicensed individuals.

This resolution (#7) will not be adopted.

Mayor Kaplan and Attorney Berger will review these changes, rewrite them and present to the Village Board at the next meeting.

Recess taken at 8:40 p.m.

Reconvene at 8:45 p.m.

Special Taxing District – Mayor Kaplan and Attorney Berger will contact the NY Conference of Mayors to discuss the issue of charging back property owners for repairs the Village does on homeowners' water/sewer lines.

#### **POLICE DEPARTMENT**

Chief Mattracion spoke to board members about the process of snow removal on sidewalks after a storm. Manager Sheeley suggested that a letter be sent to all property owners each year before November 1<sup>st</sup> reminding them about snow removal, no parking overnight on Village streets and no overnight parking in Village owned parking lots.

Chief Mattracion introduced Karl Baker who was interviewed earlier this evening by Deputy Mayor Younger and Trustee Lopez for the position of a part time police officer.

#### **MOTION TO APPOINT KARL BAKER AS PART TIME POLICE OFFICER #011413-2**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to appoint Karl Baker as a part time police officer on Step 3 in accordance with Collective Bargaining Agreement effective January 16, 2013 upon recommendation of the Chief of Police, Deputy Mayor Younger and Trustee Lopez.

Chief Mattracion told board members that the engine in Police Car 743 has expired and has received a quote of \$5,600 for a new engine. It was requested that more quotes be obtained.

#### **MANAGER'S REPORT**

Manager Sheeley spoke about the grant the Village has received in reference to Safe Routes to School. Ellenville is one of two recipients of this grant in Ulster County.

Manager Sheeley reported that she received confirmation from the NYS Dormitory Authority that the Village will be receiving \$50,000 in grant money for street lights in Liberty Square.

There was discussion about the lights that need to be replaced in the Village and it was requested that Chief of Police make recommendations.

Manager Sheeley further spoke about grants that are available for shared services and will schedule a meeting with the Town Supervisor to discuss this matter.

Water Main Repair – 35 N. Main Street – there has been low water pressure at this site for several months and that is indicative of a leak. Manager Sheeley requested that H. Osterhoudt Excavation be retained immediately since this has become an emergency.

**MOTION TO  
RETAIN H. OSTERHOUDT  
EXCAVATION  
#011413-3**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez to retain the services of H. Osterhoudt Excavation at a rate of \$2,800 per diem to determine the location of a leak and to repair it at 35 N. Main Street.  
All in favor - Aye - motion carried

**ATTORNEY'S REPORT**

**MOTION AUTHORIZING  
MAYOR KAPLAN TO SIGN  
AGREEMENT WITH UC  
REAL PROPERTY TAX  
LIENS  
#011413-4**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras authorizing Mayor Kaplan to sign the renewal agreement for the Real Property Tax Lien with Ulster County.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
MAYOR KAPLAN TO  
SIGN LEASE WITH  
GEORGE SHEELEY  
#011413-5**

Motion by Trustee Lopez, seconded by Deputy Mayor Younger to authorize the Mayor to sign a one year lease agreement in the amount of \$168.00 monthly with George Sheeley for an office on the third floor in the Government Center effective February 1, 2013.

**TREASURER'S REPORT**

Treasurer Polkoski reported that tonight's audit bills were in excess of \$230,000 and Mayor Kaplan requested that Manager Sheeley send a memorandum to all departments that all expenditures will need her consent before any purchases are made.

**RESOLUTIONS**

**MOTION DESIGNATING  
MAYOR KAPLAN AS  
CIVIL DEFENSE DIRECTOR  
#011413-6**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez designating Mayor Kaplan as the Civil Defense Deputy Director for the Village of Ellenville.

All in favor - Aye - motion carried

**MOTION AUTHORIZING  
EXPENDITURE TO  
ROBERT GREEN  
#011413-7**

Motion by Deputy Mayor Younger, seconded by Trustee Lopez authorizing the expenditure of \$4,795.00 to Robert Green for a Swenson 8' Stainless Steel Salter installed upon recommendation of the Street Department Foreman subject to review by the Village Manager.

All in favor - Aye - motion carried

**MOTION APPROVING  
PAYMENT TO U.W. MARX  
#011413-8**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger approving payment #19 to U. W Marx, Inc. in the amount of \$51,379.50 in reference to the new Wastewater Treatment Plan project upon recommendation of Barton & Loguidice.

All in favor - Aye - motion carried

**MOTION CHANGE ORDER  
# 4 TO J&J SASS  
#011413-9**

Motion approving change order #4 for J&J Sass Electric in the amount of \$22,448.72 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice. This change order includes work associated with reinstalling the fume hood in laboratory of the Operations Building, installation of the chemical system mixers in the preliminary treatment building.

All in favor - Aye - motion carried

Mayor Kaplan requested that this be discussed at the next weekly meeting to find out who initiated this work and put this topic on the next Village Board agenda.

**MOTION CHANGE ORDER**

**#5 TO J&J SASS**

**#011413-10**

Motion by Trustee Oliveras, seconded by Trustee Lopez approving change order #5 for J&J Sass Electric in the amount of \$1,914.79 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice. This change order includes installing the limit switches for the SCR decanters.

All in favor - Aye - motion carried

**MOTION CHANGE ORDER**

**#5 TO U.W. MARX**

**#011413-11**

Motion by Trustee Lopez, seconded by Deputy Mayor Younger approving change order #18 for U. W. Marx, Inc. in the amount of \$46,375.87 in reference to the new Wastewater Treatment Plant project upon recommendation of Barton & Loguidice. This change order includes additional costs for extra site work.

All in favor - Aye - motion carried

**TRUSTEE CONCERNS**

Trustee Oliveras requested an update on the new Wastewater Treatment Plant Project.

Deputy Mayor Younger requested an update on municipal trash pickup.

Mayor Kaplan spoke about a local support campaign for a casino at the Nevele Grande.

**EXECUTIVE SESSION**

Motion by Trustee Lopez, seconded by Trustee Oliveras to enter into Executive Session to discuss personnel matters not to reconvene to public session at 8:45 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk