

Village of Ellenville  
Village Board Meeting  
Monday, February 22, 2010

Meeting called to order at with the Pledge of Allegiance by Mayor 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  
Peter Berger, Village Attorney  
Philip Mattracion, Police Chief  
Noreen Dechon, Village Clerk  
Linda Polkoski, Village Treasurer  
Brian Schug, Code Enforcement Officer

**APPROVAL OF  
MINUTES  
#022210-01**

Motion by Trustee Steinhoff, seconded by Trustee Oliveras to approve the minutes of February 8 & 12, 2010 with a minor correction on the joint workshop minutes with the Town of Wawarsing that Deputy Mayor Younger was present at that meeting.  
All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE**

Mayor Kaplan received a request for the Census Bureau to use the fourth floor conference room for training.

**APPROVAL FOR USE  
OF 4<sup>TH</sup> FLOOR CONFERENCE  
ROOM  
#022210-02**

Motion by Trustee Lopez, seconded by Trustee Oliveras to approve the use of the Census Bureau to use the fourth floor

conference room for training during the week of February 22-26, 2010.

All in favor - Aye - motion carried

Business owner Willie Stedner contacted Mayor Kaplan in reference to the outage of lights in the municipal parking lot across from his store. Manager Sheeley will look into the matter.

Mayor Kaplan also spoke about the plans for the Streetscape Project in reference to the Post Office Parking. Mayor Kaplan has reviewed these plans with Chief Mattracion and they will meet with the Postmaster on this subject.

Mayor Kaplan announced that Glen Gildaly from Barton & Loguidice has received confirmation from the NYS Department of Transportation that the Village of Ellenville has been awarded 95% funding for the renovation of the Hickory Street Bridge.

Trustee Lopez spoke about the Cape Avenue Bridge and the condition of the sidewalks and since this bridge is owned by the County that should make the necessary repairs. Manager Sheeley has contacted the County and they are reviewing the matter.

Mayor Kaplan received a letter from a resident, Eric Posner, who lives at Country Club Arms and the damage done at his apartment as a result of the flooding at Cedar Grove Apartments. Mayor Kaplan requested that Code Enforcer Schug look into this matter.

Letter received from New York State Office of Parks & Recreation in reference to the confirmation of the Christ Lutheran Church as a historical property.

The Village Board acknowledged receipt of the Youth Commission minutes.

#### **POLICE DEPARTMENT**

Chief Mattracion gave an update on his staff that are either out on sick leave or injuries. He has been keeping overtime at a minimum to cover their absences.

**MOTION TO EXCESS SCHOOL  
BUS USED BY THE YMCA PROGRAM  
#022210-03**

Motion by Trustee Lopez, seconded by Trustee Oliveras to determine the bus used by the YMCA as excess and authorize the transfer of the title over to the Town of Wawarsing.  
All in favor - Aye - motion carried

The YMCA has had an offer to trade this bus in for a newer bus.

**MOTION TO RE-ADVERTISE  
FOR THE OPENING ON THE  
HOUSING COMMISSION  
#022210-04**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger to re-advertise for the opening on the Ellenville Housing Commission.  
All in favor - Aye - motion carried

In reference to the opening on the Ulster County Planning Board, Mayor Kaplan requested that the Village Attorney inquire if this appointment requires residency of the Village of Ellenville.

**MOTION TO AUTHORIZE  
THE PURCHASE OF ROOT  
KILLING & MANHOLE COVERS  
#022210-05**

Motion to authorize the purchase of 1,317 feet of Root Killing sewer lines and three manhole covers from Dukes not to exceed \$2,469.03 upon recommendation of the Sewer Department foreman subject to submitting the Purchasing form to the Village Manager.  
All in favor - Aye - motion carried

**MOTION TO APPOINT  
ELECTION INSPECTORS  
#022210-06**

Motion to appoint two election inspectors for the Mandatory Referendum Vote on March 26, 2010 at a rate of \$125.00 each.  
All in favor - Aye - motion carried

**MOTION TO APPROVE  
ATTENDANCE OF MICHAEL  
RYMAN TO THE NYRWA  
CONFERENCE  
#022210-07**

Motion to authorize the attendance and reimbursement for Michael Ryman to attend the NYRWA Conference on May 24-27 in the amount of \$777.95 plus mileage and tolls. Upon successful completion of the course Mr. Ryman will be reimbursed for this cost.

All in favor - Aye - motion carried

**MOTION TO AUTHORIZE  
VILLAGE CLERK TO HOLD  
A VOTER REGISTRATION DAY  
#022210-08**

Motion authorizing the Village Clerk to hold a Voter Registration Day on March 16, 2010 from 12:00 – 6:00 p.m. for qualified Village residents.

**ATTORNEY REPORTS**

Village Attorney Berger spoke about the waiving penalties or interest on water/sewer bills and told board members that this policy is not allowed but penalties could be negotiated.

**BUILDING DEPARTMENT**

Code Enforcer Schug spoke about the condition and violations at 143 Center Street and Deputy Mayor Younger commented that he was at the property today and that some of the violations have been addressed. Mayor Kaplan requested that Code Enforcer Schug visit the property again before the next board meeting and report back as to what percentage of the violations have been completed.

**MOTION DECLARING  
VILLAGE OF ELLENVILLE  
AS LEAD AGENCY AND  
NEG DECLARATION FOR  
THE WARREN ST. PROJECT  
#022210-09**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger that the Village of Ellenville declare itself as lead agency on the Warren Street sidewalk project and that this action will not have a negative impact on the environment.

Roll Call Vote:

Mayor Kaplan	Aye
Deputy Mayor Younger	Aye
Trustee Lopez	Aye

Trustee Oliveras  
Trustee Steinhoff

Aye  
Aye

Motion passed

Code Enforcer Schug spoke about a copy of a letter that he received from C<sub>2</sub>G Environment to Luzon Environmental Services in reference to payment for their services. Discussion took place about the work not be completed and the Village will pay them only for the work done to date.

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

Treasurer Polkoski presented to board members February's Treasurer's Report and also the Audit Figures for January.

Sewer Capital Debt Rate Discussion – The Water Commission will be meeting to re-define the definitions in our water/sewer codes. Also discussed was the possibility of billing vacant parcels for a capital fee for the new Wastewater Treatment project.

The Board of Trustees acknowledged receipt of the Justice Court Audit.

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

**MOTION TO BEGIN  
THE PROCESS OF  
EMINENT DOMAIN  
ON H. ROSENSTOCK  
PROPERTY  
#022210-10**

Motion by Trustee Oliveras, seconded by Deputy Mayor Younger  
AUTHORIZATION TO ACQUIRE A FEE INTEREST IN AND  
TO A 1768 SQUARE FEET PORTION OF A PARCEL OF  
REAL PROPERTY (TAX MAP REFERENCE NO. 83.069-4-31)  
SITUATED ON THE EAST SIDE OF HICKORY STREET IN  
THE VILLAGE OF ELLENVILLE, TOWN OF WAWARSING,  
COUNTY OF ULSTER, STATE OF NEW YORK, IN  
RELATION TO THE PROPOSED PUBLIC PROJECT (PIN  
8758.01) TO REHABILITATE THE HICKORY STREET  
BRIDGE OVER THE BEER KILL IN THE VILLAGE OF  
ELLENVILLE, TOWN OF WAWARSING, COUNTY OF  
ULSTER.

THE VILLAGE BOARD OF THE VILLAGE OF ELLENVILLE,  
NEW YORK, HEREBY RESOLVES AS FOLLOWS:

WHEREAS, Hickory Street is considered a key road in the Village of Ellenville, New York, as it provides an alternate route of access

between State Route 209 (via Spring Street) and Canal Street, which eventually merges with NYS Route 52 while traveling in a westerly direction, and also links the surrounding residential neighborhood to NYS Route 52 and US Route 209 and the Village downtown area; and

WHEREAS, the Hickory Street Bridge over the Beer Kill is a bridge that carries Hickory Street over the Beer Kill in the Village of Ellenville, New York; and

WHEREAS, the Beer Kill serves as a flood control corridor both upstream and downstream of the bridge; and

WHEREAS, the existing Hickory Street Bridge over the Beer Kill consists of a 23.5 meter long, single span, multi-girder bridge structure that is founded on cast-in-place substructures; and

WHEREAS, in the 2006 Biennial Bridge Inspection Report, the Hickory Street Bridge over the Beer Kill received a State General Recommendation of 4 due to deterioration of the primary and secondary structural members and poor hydraulic configuration of the bridge, indicating that repairs to the structure are needed; and

WHEREAS, the existing drainage system on and approaching the Hickory Street Bridge over the Beer Kill is in fair to poor condition and not functioning properly due to various deficiencies; and

WHEREAS, the Hickory Street Bridge over the Beer Kill railing and transition railing off the bridge do not meet current New York State Department of Transportation (“NYSDOT”) design standards for length, transitions and end sections standards, and the vertical grades and sight distances with the project area do not meet current NYSDOT standards; and

WHEREAS, the concrete sidewalks that exist on both sides of Hickory Street in the Village of Ellenville are in fair to poor condition, are not continuous and lack standard curb ramps with cross walks at crossing locations; and

WHEREAS, the existing concrete curbing within the project limits varies in condition from poor to fair; and

WHEREAS, ownership and maintenance jurisdiction of Hickory Street and the Hickory Street Bridge over the Beer Kill is with the Village of Ellenville, New York; and

WHEREAS, the Village of Ellenville, New York, in conjunction with NYSDOT and the Federal Highway Administration, has committed to advance a project for the rehabilitation of the structurally and hydraulically deficient Hickory Street Bridge over the Beer Kill; and

WHEREAS, the geographic limits of the proposed project (“Project Area”) will extend a distance of approximately 50 feet to the east and west of the existing bridge structure, while to the south the project limits will extend all the way to the intersection of Childs Street and Canal Street, and Hickory Street and Canal Street, so that the existing sidewalks can be made handicap accessible, and to the north a sufficient distance to encompass the intersection of Lonny Drive and Canal Street so that the sidewalk at this intersection can also be made handicap accessible; and

WHEREAS, the public use, benefit or purpose to be served by the proposed public project is to replace the structurally deficient Hickory Street Bridge over the Beer Kill within the Village of Ellenville, New York, with a new structure that meets structural, hydraulic and geometric design requirements, and incidental thereto, make structural and geometric improvements to the approach roadway, improve the bridge railing, approach railing and railing transitions, improve pedestrian access and safety along Hickory Street, and improve drainage deficiencies on the bridge and on the adjacent roadway approaches; and

WHEREAS, the proposed public project objectives are to: replace a structure that contains structural and geometric deficiencies with a new bridge structure meeting current design standards that provides a 50-year service life; construct a structure that the Village of Ellenville can readily maintain throughout the service life; correct identified pavement, safety, structural and drainage deficiencies that will extend the useful life of the highway approaches; improve safety features and geometrics of the project site; and complete the improvements in a cost effective manner that minimizes social, economic and environmental impacts of the project; and

WHEREAS, the Village of Ellenville has retained the services of Barton & Loguidice, P.C. as its engineering consultant for the Hickory Street Bridge over the Beer Kill Rehabilitation Project;

WHEREAS, a Public Information Meeting was held on June 12, 2006, to discuss the proposed project and solicit input from community members, and at that time, data was presented, project

conditions, needs and objectives were discussed, social, cultural and environmental impacts of the project and the recommended project alternative were discussed, and the public was allowed to, and did, address important project issues; and

WHEREAS, the Village of Ellenville and its consultant prepared and periodically revised a project design to accomplish the Hickory Street Bridge over the Beer Kill Rehabilitation Project, which design included the development and consideration of various preliminary alternatives; and

WHEREAS, in the course of design development on the proposed project, the following three (3) alternatives were considered:

- a. Null/No Build Alternative;
- b. Bridge Rehabilitation on Improved Alignment Alternative; and
- c. Bridge Replacement on Improved Alignment Alternative; and

WHEREAS, based upon consideration of the project needs and objectives and an analysis of comments received at or following the project's public information meeting, Bridge Rehabilitation on Improved Alignment Alternative was deemed to be the preferred alternative for Final Design Approval; and

WHEREAS, the reason for selecting the Bridge Rehabilitation on Improved Alignment Alternative is that it is the alternative that best satisfies all of the proposed project's objectives and is considered to be a feasible alternative; and

WHEREAS, Bridge Rehabilitation on Improved Alignment Alternative consists of: a complete replacement of the bridge superstructure and partial replacement of the bridge substructures; replacement of steel beams along with a new cast-in-place concrete deck; complete replacement of the north abutment and wingwalls in order to accommodate an improved horizontal alignment; repair of areas of spalled and delaminated concrete on the south substructure; and

WHEREAS, the proposed project underwent a thorough and proper State Environmental Quality Review Act ("SEQRA") environmental review, during which environmental concerns were addressed; and

WHEREAS, the Village of Ellenville, acting as lead SEQRA agency, has completed all appropriate SEQRA processing in



accordance with applicable laws, rules and regulations, and has otherwise considered the general effect of the proposed project on the environment; and

WHEREAS, the proposed project has been classified as a Type II Action project in accordance with SEQRA regulations, and the proposed project will not result in significant impacts to the environment; and

WHEREAS, NYSDOT obtained a final environmental determination under the provisions of the National Environmental Policy Act, such determination being that the proposed project meets the conditions and criteria for classification as a Categorical Exclusion with Documentation, meaning that it will have no significant effects on the environment; and

WHEREAS, the Village of Ellenville has considered the general effect of the proposed project on the residents of the locality in which the proposed project is to be undertaken; and

WHEREAS, the proposed public project will have, among other things, the following effects upon the residents of the locality:

- a. The proposed public project will have a beneficial impact on the residents of the area of the proposed public project. The proposed public project will improve overall public safety.
- b. The proposed public project will not have any long-term impacts on any highway-related businesses, nor will it require any relocations.
- c. The proposed public project will require strip acquisitions, but will not affect land uses, change travel patterns or have any permanent effect on local planning.
- d. The proposed project will not have a substantial negative impact on the aesthetics of the area; and

WHEREAS, the proposed project was reviewed by the Office of Parks, Recreation and Historic Preservation (“OPRHP”) in regard to its effect on historical and cultural resources, and OPRHP has determined that the proposed project will have no effect upon cultural resources in, or eligible for inclusion in, the National Registers of Historic Places; and

WHEREAS, the Village of Ellenville has made every effort to minimize the impact that the proposed public project will have on adjacent properties; and

WHEREAS, the proposed Bridge Rehabilitation on Improved Alignment Alternative will require the Village of Ellenville to acquire a temporary easement in and to a portion of one (1) parcel, and fee interests in and to portions of three (3) parcels of land, all located within the proposed Project Area; and

WHEREAS, one parcel in and to which the Village of Ellenville must acquire a fee interest (“Rosenstock Parcel”) is an approximately 1,768 square feet area of land that is part of a larger parcel bearing Tax Map Identification No. 83.069-4-31; and

WHEREAS, an inspection of the records of the Clerk of Ulster County has revealed that title to the Rosenstock Parcel is held by Manuel Rosenstock and Max Rosenstock, title having been acquired by means of a Bargain and Sale Deed from Dwight Divine & Sons, Inc. to Manuel Rosenstock and Max Rosenstock, dated November 30, 1949 and recorded January 18, 1950 in Liber 754 Page 530; and

WHEREAS, despite diligent efforts, agents and representatives of the Village of Ellenville have not been able to locate or contact Manuel Rosenstock, Max Rosenstock, or either of their heirs or descendants, as a consequence of which the Village of Ellenville is unable to acquire by conveyance the fee interest in and to the Rosenstock Parcel; and

WHEREAS, a thorough search of the records of the Clerk of the Surrogate’s Court for the County of Ulster failed to locate a will or any records relating to probate proceedings for either Manuel Rosenstock or Max Rosenstock; and

WHEREAS, in order to accomplish the Hickory Street Bridge over the Beer Kill Rehabilitation Project, it is necessary for the Village of Ellenville to acquire title to the Rosenstock Parcel in accordance with the provisions of Article 4 of the New York Eminent Domain Procedure Law; and

WHEREAS, the Village of Ellenville is exempt from compliance with the provisions of Article 2 of the New York Eminent Domain Procedure Law by virtue of the provisions of New York Eminent Domain Procedure Law, Section 206 (A), (C) and (D).

NOW, THEREFORE, it is hereby

RESOLVED, that the law firm of Hite & Beaumont, P.C., acting on behalf of the Village of Ellenville pursuant to a sub-consulting agreement between R. K. Hite & Co., Inc. and Barton & Loguidice, P.C., is authorized to file a petitions and other court papers in accordance with New York Eminent Domain Procedure Law Article 4 seeking permission for the Village of Ellenville to file an acquisition map to acquire a fee interest in and to the Rosenstock Parcel which consists of approximately 1,768 square feet of area that is more fully and accurately described and depicted on the proposed acquisition map thereof (Project Map 06, Parcel 06), and which is part of a larger parcel owned by Manuel Rosenstock and Max Rosenstock bearing Tax Map Identification No. 83.069-4-31; and it is further

RESOLVED, that the Ellenville Village Manager and/or other elected and appointed Village officials and/or their agents are hereby authorized to execute such documents and take all steps that are necessary in order to accomplish the acquisition by the Village of Ellenville of the aforementioned fee interest in and to the Rosenstock Parcel.

Roll Call Vote:

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

Motion passed

**MOTION TO SCHEDULE  
BUDGET WORKSHOPS  
#022210-11**

Motion by Deputy Mayor Younger, seconded by Trustee Steinhoff to schedule Budget Workshops for March 22 and April 12, 2010 at 6:00 p.m.

All in favor - Aye - motion carried

Manager Sheeley discussed with board members about the lack of help that Code Enforcer Schug has in his department.

**MOTION THAT  
OFFICER LANGOLIS  
WORK TWO DAYS PER  
WEEK IN THE BUILDING  
DEPARTMENT  
#022210-12**

Motion by Trustee Steinhoff, seconded by Deputy Mayor Younger that Police Officer D. Langolis work exclusively in the Building Department two weekdays per week.  
All in favor - Aye - motion carried

**TRUSTEE REPORTS**

Deputy Mayor Younger inquired about the status of the Time Warner Cable Franchise Agreement and Attorney Berger gave an update.

Deputy Mayor Younger spoke about the Playground Committee and the money owed to the Village of Ellenville. Mayor Kaplan requested that the Village Treasurer transfer cash from the Playground Fund to the General Fund leaving a balance of in this fund to \$250.00.

**ADJOURN TO  
EXECUTIVE SESSION  
#022210-13**

Motion by Deputy Mayor Younger, seconded by Trustee Oliveras to adjourn into Executive Session at 8:00 p.m. to discuss personnel matters not to reconvene to Public Session.  
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk