

Village of Ellenville  
Village Board Meeting  
Monday, August 22, 2011

Meeting called to order at with the Pledge of Allegiance by Mayor Kaplan at 7:00 p.m.

**ROLL CALL**

Mayor Jeffrey Kaplan	Present
Deputy Mayor Raymond Younger	Absent w/notice
Trustee Efrain Lopez	Present
Trustee Francisco Oliveras	Absent w/notice
Trustee Patricia Steinhoff	Present

**ALSO PRESENT**

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

**PRESENTATION**

Richard Travers from the Rondout Valley Business Association was before the board tonight to discuss the collaboration of the towns of Wawarsing, Rochester, Marbletown, Rosendale and the Village of Ellenville to support a thirty mile rail trail from Ellenville to Marbletown. Mayor Kaplan and board members are in favor of this idea and requested Mr. Travers to coordinate a joint meeting with the towns and Village.

Maria Reidelbach from the Valley of the Giants informed board members that she is in the process of applying for a Greenway Grant for seed money to begin this project and Mayor Kaplan requested that before the application is submitted our Village Attorney review it.

**MOTION TO OPEN  
PUBLIC HEARING  
#082211-1**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to open the public hearing for tree removal legislation at 7:15 p.m.

All in favor - Aye - motion carried

**MOTION TO ADJOURN  
PUBLIC HEARING  
#082211-2**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to adjourn the public hearing for tree removal legislation at 7:16 p.m.

All in favor - Aye - motion carried

**MOTION TO APPROVE  
MINUTES  
#082211-3**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to accept the minutes of July 25, 2011 as presented.

All in favor - Aye - motion carried

**PETITIONERS &  
CORRESPONDENCE**

Karen Krom was before the board tonight to discuss a Multiple Sclerosis Walk on October 15, 2011 in the Village of Ellenville at 12:00 p.m. Mayor Kaplan requested that Ms. Krom speak to the Chief of Police about the location of the walk before the next Village Board meeting and it will be discussed in length at that time.

Local law amending Village Code pertaining to taxicabs – Several local taxi cab owners have withdrawn their request to amend the law. Mayor Kaplan stated that Trustee Oliveras would like to discuss this issue and it was determined this would be on the next Village Board agenda.

Historic Preservation Committee – Mrs. Dumond was before the board tonight to submit an application to appoint Jeff Rubin to become a member of the Commission.

**MOTION TO APPOINT  
JEFF RUBIN TO THE  
HISTORIC PRESERVATION  
COMMISSION  
#082211-4**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to appoint Jeff Rubin to the Historic Preservation Committee for a three year term effectively immediately.

All in favor - Aye - motion carried

Mrs. Dumond requested from board meeting a special workshop to discuss a study that was recently completed in reference to the historical issues within the Village.

**MOTION TO SCHEDULE  
WORKSHOP MEETING  
WITH HPC  
#082211-5**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to schedule a workshop meeting with the Historic Preservation Committee on September 26, 2011 at 6:00 p.m.  
All in favor - Aye - motion carried

**MOTION TO REOPEN  
PUBLIC HEARING  
FOR TREE LEGISLATION  
#082211-6**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to reopen the public hearing for tree legislation at 7:45 p.m.

Attorney Berger read the current tree legislation and discussed the following amendment to Section 196-5 of the Village code by adding Section 196-5C:

“If the property owner provides a certified survey clearly showing such tree(s) is located outside the property boundary, the above referred to Sections 196-5 A and B shall not apply.”

Mrs. Mary Bury, 4 Hillcrest Avenue, discussed a tree that she considers dangerous and has given the survey to Code Enforcer Schug and he has determined that the tree does in fact belong to the Village. Mrs. Bury thanked Mr. Schug along with the Street Department for all their help.

**MOTION TO  
CLOSE PUBLIC  
HEARING  
#082211-7**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to close the Public Hearing at 7:55 p.m.  
All in favor - Aye - motion carried

**RESOLUTION TO  
ADOPT LOCAL LAW  
#2 OF 2011  
#082211-8**

Resolution to adopt Local Law #2 of 2011 amending  
Section 196-5 of the Village Code.

Roll Call Vote:	Mayor Kaplan	Aye
	Trustee Lopez	Aye
	Trustee Steinhoff	Aye

Motion carried

**PETITIONERS &  
CORRESPONDENCE  
(continued)**

Board members acknowledged receipt of correspondence from Time Warner Cable, John Strougo Realty Associates, Karen Purcell, Joel Schreiber and the NAACP.

**DISCUSSION ITEMS**

**MOTION TO ADOPT  
WORKPLACE VIOLENCE  
PREVENTION POLICY  
#082211-9**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to adopt the following policy on Workplace Violence Prevention:

**Mission**

Employees are our most valued asset. The strategic goal of the Village of Ellenville is to improve the quality of our employees' working environment. In that regard safety and security are of the utmost importance. To the extent reasonably possible, the Village of Ellenville will provide a work environment where employees will not be subjected to acts of physical assault or threats of bodily harm while performing their official duties, wherever those duties are performed. **There shall be zero tolerance of such threats or acts of violence.**

**Policy on Violence**

The Village of Ellenville views aggressive and/or violent behavior as disruptive and contrary to the development and maintenance of a safe, productive and supportive work environment. Such behavior is actively discouraged. Employees who exhibit such behavior will be held

accountable under the policy and work rules, as well as local, state, and federal law.

All threats and acts of aggression or violent behavior should be taken seriously and addressed immediately. Such threats or acts include, but are not limited to:

- Harming or threatening to harm any employee or guest
- Damaging or threatening to damage property or the property of any employee or guest
- Possessing a dangerous weapon or incendiary device on property without prior authorization (Law enforcement officers and (employees who carry weapons in the performance of their duties are considered authorized.)
- Engaging in stalking behavior of any employee

### **Accountability**

All personnel are responsible for notifying their immediate managers, or, in the absence of their manager, another member of the management team, of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a state controlled site, or is connected to state employment. Employees are responsible for making this report regardless of the relationship between the aggressor and the individual to whom the threat or threatening behavior was directed.

### **Directive**

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts against employees, visitors, guests, or other individuals while on the Village of Ellenville property shall be removed from the premises as quickly as safety permits, and shall remain off Village of Ellenville premises pending the outcome of the investigation. Employees are not to remove individuals from the premises. Assistance must be requested from State Police or local authorities. Village of Ellenville will initiate an appropriate response which may include, but not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or

termination of employment and/or criminal prosecution of the person or persons involved.

Employees and managers should work together to identify and report situations or locations where there is a potential for physical assault or threat of bodily harm. Managers may keep files on persons and locations where past specific behavior indicates the existence of anger and hostility; where a significant enforcement action is being taken; or where other behaviors, experiences, attitudes, etc., indicated a potential problem.

Employees should record specific incidents, behaviors or conversations that may indicate a potential for violence. Documentation should be forwarded to their manager. In instances where their manager is the source of potential violence, documentation should be forwarded to the next level of management with a copy to the Safety Officer.

Managers must carefully review and assess information provided by employees or other sources. Appropriate precautions should be taken based on the specific situation. For example: If a problem situation or location is identified, it should be communicated to other employees who are likely to become involved in the situation or come in contact with the location.

Individuals who apply for or obtain a protective or restraining order which lists those specific locations that areas being protected areas must provide to their manager and the Safety Officer with a copy of the petition and declaration used to seek the order, a copy of any temporary protective restraining order which subsequently is granted, and a copy of any protective or restraining order that is made permanent.

The Safety Officer will monitor and evaluate the violence reports in the department of an ongoing basis and will submit annual reports to the Secretary.  
All in favor - Aye - motion carried

**MOTION TO PREPARE  
A PLAQUE FOR 2010  
CITIZEN OF THE YEAR  
#082211-10**

Citizen of the Year Plaque – Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the Village Clerk to

prepare a plaque for the 2010 Noonday Citizen of the Year, Sylvia Fogarty.

All in favor - Aye - motion carried

Dog Control Officer – Manager Sheeley reviewed with board members a contract with a dog control officer for their consideration. At the present time, the town's dog control officer will respond to incidents in the Village but will only handle unlicensed dogs, not unleashed dogs since it is only illegal to have unleashed dogs in the Village code. If the Village would enter into an agreement with a dog control officer it would cost \$80 per incident as well as paying \$75.00 to deliver the dog to the humane society. Manager Sheeley will meet with the Dog Control Officer as well as the Chief of Police to discuss this matter in greater detail and report back to the Board.

#### **POLICE DEPARTMENT**

Chief Mattracion reported that the Blueberry Festival went fine this year, flu shots will be given at Village Hall for any employee and the resignation of Officer Mendoza.

#### **MOTION TO ACCEPT RESIGNATION OF OFFICER MENDOZA #082211-11**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to accept the resignation of Officer David Mendoza effective August 23, 2011 with regret.

All in favor - Aye - motion carried

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

Telecom Data Service – Manager Sheeley gave two proposals for telephone service for the board to review.

Commercial Storage Tank Insurance – Manager Sheeley requested authorization from the Board to obtain liability insurance on the Village's fuel tanks.

**MOTION AUTHORIZING  
THE PURCHASE OF  
LIABILITY INSURANCE  
FOR FUEL TANKS  
#082211-12**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the Village Manager to obtain liability insurance for the Village's fuel tanks in the amount of \$1,855 and request this policy be pro-rated to coincide with the Village's present policies.  
All in favor - Aye - motion carried

Nature Conservancy – requesting authorization for a temporary path on Smiley Road.

**MOTION AUTHORIZING  
NATURE CONSERVANCY  
FOR A TEMPORARY PATH  
#082211-13**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the Nature Conservancy to cut a temporary path on Smiley Road for work that they need to do with the understanding that after the work is completed, they will replant the path.  
All in favor - Aye - motion carried

Review of Water/Sewer Assessment Schedule – The Water Commission presented to board members their recommendations for changes to the above schedule.

**MOTION TO SCHEDULE  
A PUBLIC HEARING FOR  
SEWER ASSESSMENTS  
#082211-14**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to schedule a Public Hearing on September 12, 2011 at 7:15 p.m. in reference to modifying the rate schedule for sewer assessments.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
THE REIMBURSEMENT TO  
THOMAS MARSHALL IN  
REFERENCE TO SEWER  
LINE ISSUE  
#082211-15**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to authorize the reimbursement of \$1,300.00 to Thomas



Marshall, 18 Spring Street for repairs at his home due to a sewer line.

All in favor - Aye - motion carried

**MOTION SCHEDULE  
NEIGHBORHOOD WALK  
SCHEDULE  
#082211-16**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to schedule the following Neighborhood Walks:

September 12            Liberty Square

September 26           Glenwood Drive

All in favor - Aye - motion carried

Manager Sheeley informed board members that the Town of Wawarsing's Highway Department will be working with the Village on blacktopping in the Village. Board members requested a copy of the streets that are to be paved.

Mayor Kaplan spoke about Resnick Park and the possibility of pursuing the eminent domain and requested Attorney Berger to check with appraisers for the value of this property.

**MOTION AUTHORIZING  
VILLAGE MANAGER TO SIGN  
AN AGREEMENT WITH COUNTRY  
FINANCIAL SERVICES  
#082211-17**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the Village Manager to enter into a license agreement with Country Financial Services for use of their property on the corner of Center Street and Route 209 in lieu of the Village mowing and Snow removal on the sidewalks adjourning said property.

All in favor - Aye - motion carried

**MOTION AUTHORIZING  
VILLAGE MANAGER TO ENTER  
INTO AN AGREEMENT WITH  
CAPITAL BOCES FOR  
ACTUARIAL SERVICES  
#082211-18**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to enter in an agreement with Capital Region BOCES for actuarial services in the amount of \$2,000.00.

All in favor - Aye - motion carried

**TREASURER'S REPORT**

Treasurer Polkoski presented to board members the Voucher Summary Report.

**MOTION TO AUTHORIZE  
VILLAGE TREASURER TO  
OBTAIN BOND ANTICIPATION  
NOTE  
#082211-19**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to authorize the Village Treasurer to obtain a bond resolution in the amount of \$81,000.00 to cover cost overruns on its capital projects.  
All in favor - Aye - motion carried

**BUILDING DEPARTMENT**

**MOTION TO SCHEDULE  
PUBLIC HEARING ON  
FENCE ORDINANCE  
#082211-20**

Motion by Trustee Steinhoff, seconded by Trustee Lopez to schedule a Public Hearing on September 12, 2011 at 7:30 p.m. in reference to a special use permit requested by the property owner of 19 Hillcrest Ave. under the fence ordinance  
All in favor - Aye - motion carried

**ATTORNEY'S REPORT**

Attorney Berger spoke brief about tax incentives under the Real Property Tax Law and information will be distributed at the next board meeting.

Mayor Kaplan requested that a joint meeting be scheduled with the Attorney, Manager, Building Inspector and himself in reference to condemned buildings.

**RESOLUTIONS**

**MOTION AUTHORIZING  
EXPENDITURE TO CORCRAFT  
#082211-21**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the expenditure of \$1,295.80 to Corcraft for the purchase of street signs.  
All in favor - Aye - motion carried

**MOTION AUTHORIZING  
ATTENDANCE OF NORDEEN  
PICKELL FOR A CONFERENCE  
#082211-23**

Motion by Trustee Steinhoff, seconded by Trustee Lopez authorizing the attendance of Nordeen Pickell, Housing Inspector to a two day conference on September 28 & 29, 2011 in Woodbourne, NY at a cost of \$70.00.

All in favor - Aye - motion carried

**MOTION AFFIRMING  
SALE OF 2001 DODGE RAM TRUCK  
#082211-24**

Motion by Trustee Steinhoff, seconded by Trustee Lopez affirming the sale of the 2001 Dodge Ram Truck with Plow in the amount of \$1,300.00 to Daniel Lourenco.

All in favor - Aye - motion carried

**TRUSTEE CONCERNS**

Trustee Steinhoff gave an update on the scheduled trips planned for the Youth Commission in the Fall.

**ADJOURN**

Motion by Trustee Lopez, seconded by Trustee Steinhoff to adjourn at 9:05 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon  
Village Clerk