

Village of Ellenville

Government Center

2 Elting Court

Ellenville, New York 12428

Tel: (845) 647-7080 Fax: (845) 647-7171

E-Mail: VILLAGEOFELLENVILLE@hvc.ny.com

December 21, 2023

General Code Publishers
781 Elmgrove Road
Rochester, New York 14624

RE: LOCAL LAW #3 OF 2023 – PROVIDING FOR THE WITHDRAWAL OF PART OF THE SPECIAL RESERVE FUND CREATED BY THE SLE OF REAL PROPERTY IN 1997 AND TRANSFER INTO THE VILAGE'S GENERAL FUND SUBJECT TO A MANADATORY REFERENDUM

Ladies and Gentlemen:

Enclosed please find a copy of local law #3 of 2023. This law was approved by the Village of Ellenville Board of Trustees on November 13, 2023.

If you have any questions, please feel free to contact me at the above number.

Sincerely,

VILLAGE OF ELLENVILLE


Traci Jeter
Village Clerk

TJ/me
Enc.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Ellenville

Local Law No. 3 of the year 2023

A local law PROVIDING FOR THE WITHDRAWAL OF PART OF THE SPECIAL RESERVE FUND
(Insert Title)
CREATED BY THE SALE OF REAL PROPERTY IN 1997 AND TRANSFER INTO THE
VILLAGE'S GENERAL FUND SUBJECT TO A MANDATORY REFERENDUM

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of ELLENVILLE as follows:

The Village of Ellenville hereby authorizes the disbursement of certain funds to the General Fund from the "Special Reserve Fund", created by adoption of the NYS Legislature in 1997, which is held and maintained by M&T Bank within the Village, for the purpose of purchasing and installing playground equipment at Berme Road Park.

The legislative intent of this local law is to promote the health and safety of the residents of the Village by ensuring that the playground equipment at Berme Road Park is of a sound and safe condition.

The amount which is authorized and to be disbursed to the General Fund is One Hundred Thousand (\$100,000.00) Dollars. This local law is made in conformance with the conditions and objectives of the Special Reserve Fund.

The adoption of this Local Law is subject to passage by (1) a roll call vote of the Board of Trustees and (2) a mandatory referendum which shall be conducted in conformance with Article 9 of the NYS Village Law. Until both occur and are duly passed in conformance with Article 9, this local law shall not go into effect.

If any of the provisions of this local law are in violation with or are preempted by any other State or Federal Law and are rendered unenforceable, this provision shall be severed from the remainder of the Village Code and the remainder shall be valid and enforceable.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2023 of the (County)(City)(Town)(Village) of Ellenville was duly passed by the Board of Trustees _____ (Name of Legislative Body) on November 13, 2023, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Maai Jettu

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *December 19, 2023*

(Seal)

**NOTICE OF PUBLIC HEARING BEFORE
THE VILLAGE OF ELLENVILLE BOARD OF TRUSTEES
PROPOSED LAW ON DISBURSEMENT OF SPECIAL RESERVE FUND (“MOUNTAIN MONEY”)**

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Ellenville on Monday, November 13, 2023 at the Ellenville Government Center, 2 Elting Court, Meeting Room, Ellenville, New York at 6:15 p.m. to discuss adoption of Local Law #3 of 2023.

This proposed local law will allow the disbursement out of the Village of Ellenville Special Reserve Fund, created in 1997 by virtue of adoption by the Legislature of the State of New York, to the General Fund in the amount of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, which shall be used to purchase and install new playground equipment at Berme Road Park.

The Village of Ellenville, in accordance with the State Environmental Quality Review Act (“SEQRA”) will also hear public comments at the same date and time on the Village’s proposed resolution that said Local Law follows SEQRA and is not a Type 1 action.

Any resident of the Village of Ellenville shall be entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law is available for review at the Ellenville Government Center, 2 Elting Court, Ellenville, New York.

Written comments may also be submitted to Michael Warren, Village Manager, Ellenville Government Center, 2 Elting Court, Ellenville, New York 12428 until November 6, 2023.

By Order of the Village Board of Trustees on October.

Traci Jeter, Village Clerk
Village of Ellenville

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

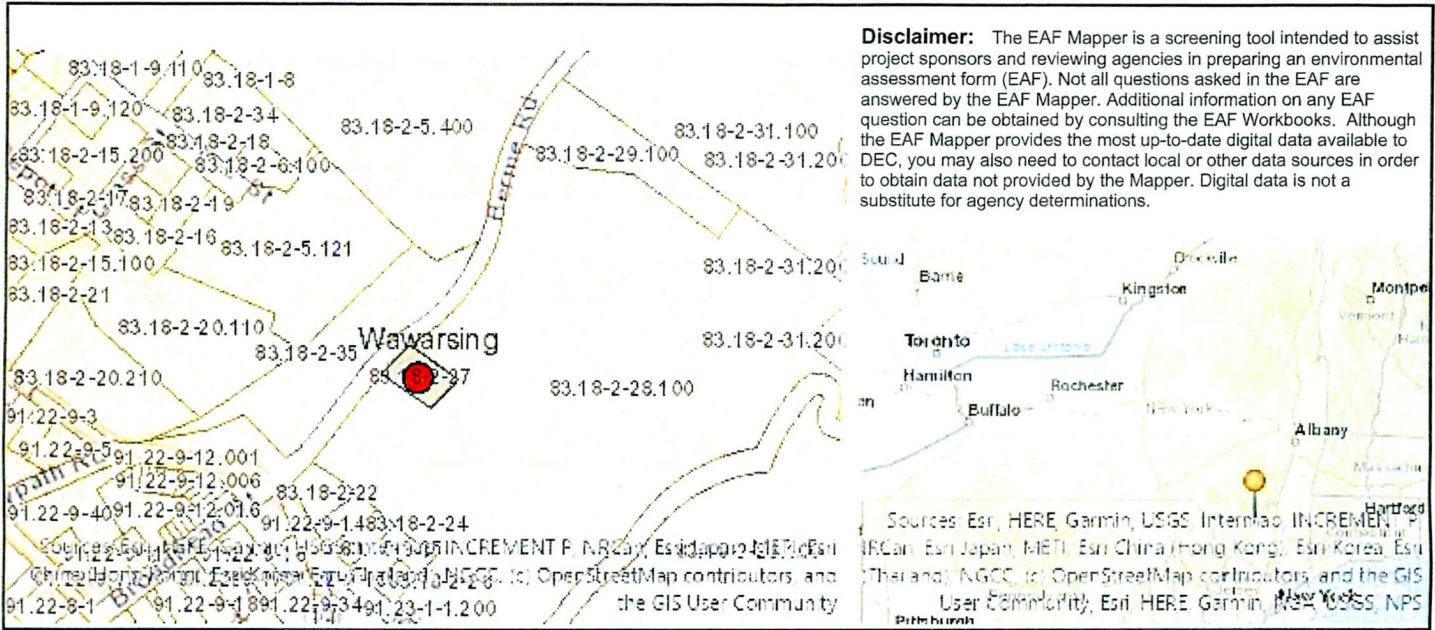
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 – Project and Sponsor Information | | | |
|--|--|---|--|
| Village of Ellenville | | | |
| Name of Action or Project: Replacement of Playground Equipment at Berme Road Park | | | |
| Project Location (describe, and attach a location map): 20 Berme Rd, Ellenville, NY 12428 | | | |
| Brief Description of Proposed Action: Replacing outdated playground equipment at the park | | | |
| Name of Applicant or Sponsor: Michael Warren, Village Manager | | Telephone: 845-647-7080 | |
| | | E-Mail: mwarren@villageofellenville.com | |
| Address: 2 Elting Court | | | |
| City/PO: Ellenville | | State: NY | Zip Code: 12428 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| | | | YES <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: | | | NO <input checked="" type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | .34 acres | |
| b. Total acreage to be physically disturbed? | | 0 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | .34 acres | |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): | | | |
| <input checked="" type="checkbox"/> Parkland | | | |

| 5. Is the proposed action, | NO | YES | N/A |
|---|-------------------------------------|-------------------------------------|--------------------------|
| a. A permitted use under the zoning regulations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____ | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | NO | YES | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____ | NO | YES | |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

| | | |
|---|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: | | |
| <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban | | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? | NO | YES |
| Timber Rattlesnake | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 16. Is the project site located in the 100-year flood plan? | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | NO | YES |
| If Yes, | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | <input type="checkbox"/> | <input type="checkbox"/> |
| If Yes, briefly describe: _____ _____ | | |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? | NO | YES |
| If Yes, explain the purpose and size of the impoundment: _____ _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? | NO | YES |
| If Yes, describe: _____ _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? | NO | YES |
| If Yes, describe: _____ _____ | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE | | |
| Applicant/sponsor/name: <u>Michael Warren</u> Date: _____ | | |
| Signature: _____ Title: <u>Village Manager</u> | | |



| | |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area] | No |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | No |
| Part 1 / Question 12b [Archeological Sites] | Yes |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal] | Yes |
| Part 1 / Question 15 [Threatened or Endangered Animal - Name] | Timber Rattlesnake |
| Part 1 / Question 16 [100 Year Flood Plain] | No |
| Part 1 / Question 20 [Remediation Site] | No |

RESOLUTION OF THE VILLAGE OF ELLENVILLE APPROVING LOCAL LAW NO. 3 OF
THE YEAR 2023 SUBJECT TO A MANDATORY REFERENDUM

A meeting of the Board of Trustees of the Village of Ellenville, Ulster County, New York was convened in public session at the Village Hall in the Village of Ellenville, New York on November 13, 2023 at 6:00 p.m., local time.

On Motion of Deputy Mayor Younger, seconded by Trustee Ellis, the following resolution was adopted by the Board of Trustees of the Village of Ellenville, New York:

WHEREAS, the Board of Trustees of the Village of Ellenville has adopted Local Law No. 3 of the Year 2023 authorizing the withdrawal of part of the monies in a special reserve fund of the Village of Ellenville, New York, and the transfer of said part into the General Fund; and

WHEREAS, said Local Law provides that same shall not go into effect unless or until approved at a mandatory referendum held pursuant to Section 23 of the Municipal Home Rule Law and Article 9 of the Village Law as the case may be; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Ellenville, in the County of Ulster, State of New York as follows:

Section 1. The special election shall be held pursuant to Section 23 of the Municipal Home Rule Law and Article 9 of the Village Law as the case may be to be held at the Village Hall, 2 Elting Court, Ellenville, New York on December 12, 2023 between the hours of 12:00 Noon and 8:00 p.m.

Section 2. A special election shall be held at the Village Hall, 2 Elting Court, Ellenville, New York on December 12, 2023 between the hours of 12:00 Noon and 8:00 p.m. by the qualified electors of the Village of Ellenville, New York.

Section 3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|-------------------------------|--------|
| Mayor: Jeffrey Kaplan | AYE |
| Deputy Mayor: Raymond Younger | AYE |
| Trustee: Thomas Briggs | ABSENT |
| Trustee: Samantha Ellis | AYE |
| Trustee: Susan Nibe | AYE |

The foregoing resolution was thereupon declared duly adopted.

MANDATORY REFERENDUM ELECTION NOTICE

Notice is hereby given that a special election of the qualified voters of the Village of Ellenville, Ellenville, New York, will be held at the Ellenville Government Center, 2 Elting Court, First Floor, Ellenville, New York, beginning at 12:00 Noon and ending at 8:00 P.M. on Tuesday, December 12, 2023.

The purpose of this vote is to consider the adoption of Local Law No. 3 of the Village of Ellenville for the Year 2023 which authorizes the Board of Trustees of the Village to withdraw the sum of One Hundred Thousand Dollars (\$100,000.00) from a special reserve fund established for the Village pursuant to Chapter 289 of the Laws of 1997 to be used for: 1) the purchase and installation of playground equipment at Berme Road Park.

Any resident of the Village of Ellenville shall be entitled to review said Local Law available at the Village Clerk's Office, Ellenville Government Center, 2 Elting Court, Ellenville, New York.

Applications for absentee ballots are available at the Village Clerk's Office.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF ELLENVILLE

Traci Jeter
Village Clerk
Village of Ellenville

VILLAGE OF ELLENVILLE
MANDATORY REFERENDUM
December 12, 2023

On December 12, 2023, the Village of Ellenville held a Special Election for the purpose of a mandatory referendum from the hours of 12:00 Noon to 8:00 P.M.

The official ballot for this mandatory referendum was as follows:

Shall the Board of Trustees of the Village of Ellenville be authorized to:

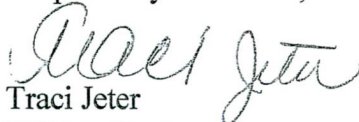
1. Withdraw a total sum of One Hundred Thousand Dollars (\$100,000.00) from a special reserve fund established for the Village pursuant to Chapter 289 of the Laws of 1997, and
2. Deposit Seventy-Five Thousand Dollars (\$75,000.00) of said total sum into the General Fund for improvements to the Berme Road Park Playground, and
3. Deposit Twenty-Five Thousand Dollars (\$25,000.00) of said total sum into the General Fund reimbursing the Village for In Kind services and upkeep relating to Berme Road Park.

Ballots were opened and counted by Election Inspectors, Diana Lopez-Taborda, Darlene Maizer and Felix Roldan Also presented at that time were Village Clerk Traci Jeter, Village Deputy Clerk Michelle Booth.

The results for the referendum were:

| | Paper Ballots | Absentee Ballots | Total |
|-----|---------------|------------------|-------|
| YES | 59 | 0 | 59 |
| NO | 7 | 0 | 7 |

Respectfully submitted,


Traci Jeter
Village Clerk