

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JULY 21, 2008

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were present:

Gordon Jenkins, Mayor
Theodore Hutchins, Trustee
Victor, Marinello, Jr., Trustee
Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Also Present: John Barbarite, Village Manager
Jacob Billig, Village Attorney
Betsy Conaty, Director of Parks & Recreation
Douglas Solomon, Chief of Police

MOMENT OF SILENCE - LESLIE SHAROFF

Mayor Jenkins asked for a moment of silence in memory of Leslie Sharoff a good friend of the Village who passed away last week.

CERTIFICATE OF COMMENDATION - SHANE JACKSON

Betsy Conaty, Director of Parks & Recreation to Shane Jackson for being only one of two athletes in New York State to participate in the National Final for the Junior Olympics Skills Competition in Chicago, Illinois.

APPROVAL OF MINUTES BOARD MEETING OF JULY 7, 2008

Trustee Rue requested that the minutes be corrected since the original resolution presented to the Board had the fee schedule changes effective immediately and she was under the impression that the fees schedules would begin on August 1st the new fiscal year.

Minutes - Regular Village Board Minutes
7/21/08

The Village Clerk explained that there was a typographic error in the resolution presented to the Board in their agendas, however, prior to the final vote she announced that the fee rate changes were effective immediately.

EXECUTIVE SESSION

At 7:15 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter involving an individual person and possible litigation.

RECONVENING THE REGULAR VILLAGE BOARD

At 7:43 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move out of Executive Session and into open session.

APPROVAL OF MINUTES BOARD MEETING OF JULY 7, 2008

The Village Attorney explained that in Executive Session based on litigation the Village Board listened to the official tape of the meeting, and it is quite clear after listening to the tape of the meeting that when the vote occurred it was for the fees to be effective immediately.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, to amend the resolution to reflect the minutes which are accurate to the tape and to adopt the minutes of the meeting of July 7, 2008 unanimously approved on a roll call vote to as presented.

MANAGER'S REPORT

The Village Manager indicated that the three items he has in his report has to be discussed in Executive Session and these are personnel issues, contract negotiations and litigation.

PUBLIC COMMENT

Peddler's License

Betty Friedland questioned who has applied for a peddler's license and what they will be vending.

Minutes - Regular Village Board Minutes
7/21/08

The Mayor responded that this item will be tabled this evening.

The Village Manager responded that this is an ice cream vender, however the application submitted is incomplete and the matter will be tabled until all the information is available.

Purchase of Field & Brush Mower

Betty Friedland questioned what line item the money is coming out of for the purchase of the mower and where will the money going back into when the fines are paid?

The Village Manager responded that the Sanitation Fund is paying for this equipment and the fines that are imposed will more than reimburse the Sanitation Fund.

Betty Friedland questioned why it is necessary for the Sanitation Fund to have over a million dollar surplus?

The Village Manager responded that five hundred thousand was put aside in a Capital Reserve Fund because the Village must purchase a recycling truck and the Village has to be prepared that if the County Landfill closes there will be a substantial cost if garbage must be trucked out of the Village.

**PUBLIC HEARING TO REVIEW AND DISCUSS FRANCHISE AGREEMENT
BETWEEN THE VILLAGE OF MONTICELLO AND CORNING NATURAL GAS
CORPORTATION**

Mayor Jenkins opened the public hearing at 7:50 p.m.

Stanley Sleve, Vice President of Corning Natural Gas Corporation explained that his company is requesting a no cost non-exclusive franchise from the Village of Monticello. He explained that if the Village grants his company the franchise, it than has to be taken to the New York State Public Service Commission who will review and possibly authorize them to move forward and then they would have to select a route, secure all the permits, etc.

Trustee Schoonmaker questioned whether they will be hooking into the Millenium Pipeline?

Minutes - Regular Village Board Minutes
7/21/08

Mr. Sleve responded that the Millenium Pipeline is approximately 10 miles south of Monticello and they will be tapping into it.

He explained that if they are granted the franchise they will first contact large users such as the schools, commercial developments such as the Concord Resort, etc. which make the project economically feasible and then they will offer it to every household in the Village.

Trustee Hutchins felt that if the pipeline does go through the Village that homeowners be given the option first.

Trustee Marinello explained that the Board represents everyone so no matter where they live they should have the option to hook up.

Mayor Jenkins questioned whether the Village would be entitled to a franchise fee?

Mr. Sleve responded that the cost of a franchise fee would be passed along to the users. He explained that of the 30 franchise they have, they pay no franchise fees only property taxes.

Trustee Schoonmaker questioned if the Village grants a franchise which would allow the pipeline to continue to the Town, than would the Village be granted a "host" fee for this accommodation?

Roz Sharoff questioned the cost of converting a home to natural gas?

Mr. Sleve responded that the homeowner would be responsible for the cost of the heating unit and the piping inside the house. The company pays for the meter and the outside piping; however grants and incentives will probably be available.

Becky Whipple questioned how far underground the piping is and would they affect the water and sewer lines?

Mr. Sleve responded that the piping is required to be 3 ft. underground and should not affect the water and sewer lines.

Minutes - Regular Village Board Minutes
7/21/08

Susan Taylor, a Village property owner responded that it would nice to have an option and this would also give the oil companies competition which might bring down the cost of fuel oil.

At 8:40 p.m., as there were no further comments Mayor Jenkins adjourned the public hearing.

RESOLUTION APPROVING THE PURCHAS OF A FIELD AND BRUSH MOWER FOR USE BY THE SANITATION DEPARTMENT TO DO PROPERTY CLEANUPS IN THE AMOUNT NOT TO EXCEED \$3,500

WHEREAS, the Village Sanitation Department has been doing cleanups for property owners that do not maintain their land in accordance with Village law; and,

WHEREAS, many of these properties have overgrown lawns and brush that a lawn mower cannot do a proper job; and,

WHEREAS, it would be in best interest of the Village for the Sanitation Department to have the proper equipment to do a more efficient and quicker cleanup and allow more properties to be dealt with in a shorter time.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a "Field and Brush" mower for use by the Sanitation Department to do property cleanups in the amount not to exceed \$3,500.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION APPROVING THE PURCHASE OF HONDA GENERATOR FOR THE WATER TREATMENT PLANT IN THE AMOUNT OF \$1,799.99

WHEREAS, the Water Treatment Plant is in need of a generator for use at the Water Treatment Plant; and,

WHEREAS, this is important to ensure that there is no break in service to the Village's water supply; and,

Minutes - Regular Village Board Minutes
7/21/08

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Monticello Water Treatment Plant to function within the Village.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase of a Honda Generator for use at the Monticello Water Treatment Plant from Northern Tool & Equipment, P.O Box 5219, Carol Stream, IL 60197 in the amount of \$1,799.99.

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adopt the above resolution.

**RESOLUTION APPROVING THE PURCHASE OF PUMP FOR PLOW FOR 2008
DODGE RAM UTILITY TRUCK FOR USE BY THE WASTE WATER TREATMENT
PLANT IN THE \$1,680.12**

WHEREAS, the Waste Water Treatment Plant had to recently replace a utility vehicle that was destroyed by fire in November 2007; and

WHEREAS, the new Utility Truck needs to have installed an Electro Lift Plow Pump that is being purchased under NYS Contract #PC63529.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase of a E58H Electro Lift Pump from Robert Green Truck Division, P.O 8002, Rock Hill, NY 12775 on NYS Contract #PC63529 in the amount of \$1,680.12.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

**RESOLUTION AUTHORIZING THE PURCHASE FOR REPAIR OF THE TRAFFIC
FLASER SIGNALS AT THE INTERSECTION OF STURGIS ROAD AND JEFFERSON
STREET IN THE AMOUNT OF \$10,550.00**

WHEREAS, there is a flasher traffic signal at the intersection of Sturgis Road and Jefferson Street; and,

Minutes - Regular Village Board Minutes
7/21/08

WHEREAS, the flasher traffic signal pole, lights, controller was knocked down by a tractor trailer truck on June 4, 2008; and,

WHEREAS, the repairs must be done immediately as it is a safety hazard to not have the proper traffic control signals for vehicles traveling on the roadway.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase for repair of the Traffic Flasher Signals at intersection of Sturgis Road and Jefferson Street from 431 Twin Bridge Road, Ferndale, New York 12734.

A motion was made by Trustee Rue, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION APPROVING THE APPLICATION FOR A PEDDLER'S LICENSE TO WILLIAM NIMCHICK

Matter was tabled. Applicant was not present and additional information was needed.

RESOLUTION AUTHORIZING THE PURCHASE OF AN AIR CONDITIONING UNIT FOR THE JUSTICE COURT AT THE TED STROEBELE RECREATION CENTER IN THE AMOUNT OF \$7,425.00

WHEREAS, the Justice Court is in need of a air conditioning unit at the Ted Stroebele Recreation Building; and,

WHEREAS, there is no cooling system in that location and the building is used by the public and the court personnel; and,

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Monticello Justice Court to function within the Village.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase of an Air Conditioning Unit for use at the Monticello Justice Court in the Ted Stroebele Recreation Building from Smalls Plumbing Heating & A.C, P.O. Box 110, Monticello, New York 12701 in the amount of \$7,425.00.

Minutes - Regular Village Board Minutes
7/21/08

A motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AUTHORIZING THE PURCHASE OF A SECURITY ALARM SYSTEM FOR THE JUSTICE COURT AT THE TED STROEBELE RECREATION CENTER IN THE AMOUNT OF \$5,000

WHEREAS, the Justice Court is in need of a security system for court security at the Ted Stroebele Recreation Building; and,

WHEREAS, at the present time there is no security system ensure the safety in that location and the building is used by the public and the court personnel; and,

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Monticello Justice Court to function within the Village.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase of an Security System for use at the Monticello Justice Court in the Ted Stroebele Recreation Building from PN Alarm, 31 North Street, Monticello, New York 12701 in the amount of \$5,000.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

PUBLIC COMMENT

Village Employee Conduct

Bob Kunis, owner of Frosty Rock Creamery explained that Sue Flora, the Village's Code Enforcement Officer was extremely rude to his son regarding a cleanup matter on his property, although he wants to do whatever needs to be done to remedy the situation, follow the rules and make his property presentable. He felt that dealing with this type of person does not indicate to him the type of tone that should be acceptable.

Trustee Schoonmaker questioned whether he had gotten any violations prior to this matter?

Minutes - Regular Village Board Minutes
7/21/08

Mr. Kunis responded that when he got the citation he responded immediately, but all she did was scream and put him on speaker phone.

The Mayor explained that he spoke to Mr. Kunis to explain that his administration is trying to clean up the Village; however he has warned her that he did not want to hear that kind of complaint about addressing citizens no matter what the problem.

Trustee Hutchins felt that he has a legitimate complaint, but the complaint should be directed to the Village Manager, not during a Village Board meeting.

The Village Manager indicated he was aware of the incident and that this is a personnel issue that he will be glad to discuss the matter in Executive Session.

Trustee Rue indicated that sometimes she eats there and she feels he has a very clean place with many flowers containers in the picnic area.

Trustee Schoonmaker apologized on behalf of the Village Board because this type of behavior will not be tolerated by any Board member as the employees have to show respect as well as the citizens showing respect to our employees.

Trustee Marinello also apologized but noted that the Village has to be cleaned up, however we must be "business friendly".

Manager's Appointments

Betty Friedland questioned whether the Village Manager ever made his annual appointments as it was not done during any Village Board meeting?

The Manager responded that annual appointments were made and it is not necessary for him to announce them at a public meeting.

Recycling Education

Betty Friedland felt that the residents must be educated regarding the rules for recycling so they will follow the laws, however, the Village is still not enforcing the mandatory recycling laws already adopted by the Village.

Minutes - Regular Village Board Minutes
7/21/08

The Village Manager responded that it is difficult to educate residents that are not even properly disposing of their garbage such as putting garbage in a trash container with a tight lid on it not in bags where animals can rip it apart or rain water makes them heavy adding to the tipping fees. He noted that these code threats are harmful, serious and willful disobedience of the law. The Village is now fining residents and business that disobey this law and make the Village look unsightly.

Alan Sorenson noted that recycling extends the life of the landfill so it is beneficial for everyone to recycle.

Community Response Program - (CPR)

Eric Young, a Village resident and member of the newly formed CPR group explained that there will be a march from the County Courthouse to deHoyos Park on Saturday at noon in an effort to save the children from getting into trouble. He indicated that the members have been meeting regularly to achieve this goal, noting that they are making progress but need more volunteers and concerned citizens to help in this effort.

EXECUTIVE SESSION

At 9:15 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss personnel issues involving individual persons.

ADJOURNMENT

At 10:25 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move out of Executive Session and adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

