

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, OCTOBER 6, 2008

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:02 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 (Late)
Carmen Rue, Trustee
Scott Schoonmaker, Trustee (Late)

Also Present: John Barbarite, Village Manager
Jacob Billig, Village Attorney
Phil Klemen, Sewer Superintendent
Douglas Solomon, Chief of Police

MOMENT OF SILENCE - LAURIE RIEBER

Mayor Jenkins requested a moment of silence for Town Councilman William Rieber's wife Laurie Rieber.

APPROVAL OF MINUTES BOARD MEETING OF SEPTEMBER 2, 2008

APPROVAL OF MINUTES BOARD MEETING OF SEPTEMBER 15, 2008

APPROVAL OF MINUTES OF SPECIAL BOARD MEETING OF SEPTEMBER 24, 2008

Trustee Rue submitted four corrections to the September 2nd and September 15th minutes. The Village Attorney will review the Board tapes to see if these requests are accurate.

PRESENTATION OF BASEBALL CERTIFICATES - 2008 MONTICELLO MAJOR LEAGUE DIVISION DISTRICT 19-d BRACKET CHAMPIONS

Tim Havas explained that this is the fourth consecutive year that a team has achieved this championship.

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Mayor Jenkins on behalf of the Village Board presented Certificates of Appreciation to each member of the team and coaches.

PRESENTATION OF CERTIFICATES OF APPRECIATION - HISPANIC HERITAGE MONTH

Trustee Rue and Trustee Marinello on behalf of the Village Board presented Certificates of Appreciation, a Certificate of Merit and a Proclamation for four residents for Hispanic Heritage Month.

LETTER OF APOLOGY - MAYOR JENKINS

Mayor Jenkins read the following letter of apology:

At a recent Special Village Board meeting that occurred on the morning of Wednesday, September 28, 2008, the purpose was to discuss a contract for the Village Manager. The meeting was legally noticed and I felt that because the subject matter concerned day to day business operations I felt it was appropriate to have such a meeting in the morning. It became clear to me that morning that we would not be able to have a discussion or vote on the manager's contract so the meeting was abruptly adjourned. I realize now that scheduling the meeting the way we did, although legal, did not sit well with the public. I would like to apologize to those members of the public that showed up that morning and to the Village Board members for any inconvenience that this caused. It is still my intent to have a discussion with the Board concerning this contract which will take place in executive session so that each Board member can fully discuss the issue with each other.

MANAGER'S REPORT

Village Web Site Update

The Village Website is up. We are in the process of adding the 2008 Village Board Minutes. It is intended to have a "link" to the General Code Server to make the Village Code available on-line.

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Recycling

Last week after the village board meeting I had a discussion with Peter Parks which made it evident we need to gather a lot of information as to the operations of the sanitation department. We need to analyze routes, waste stream, compliance with existing sanitation regulations and the types of equipment available to collect both recyclable and garbage. This will determine if operations can be made more efficient and result in lower cost to residents and businesses. Prior to and after the conversation with Mr. Parks I had discussions with the Mayor Jenkins and Trustee Hutchins to formulate a plan to conduct the study in-house.

I met this morning with Stanley Calhoun and Neil Price and informed them we will be conducting a study of the sanitation department.

On Wednesday Trustee Hutchins and I will start riding the sanitation routes collecting data. The entire board has been invited to assist in the study. When more information is available it will be shared. Mr. Parks and I have agreed to share data as it is collected.

It is anticipated that this process will take one to two months in the field and office.

At the same time we will be sending notices advising village residents and businesses of the mandatory nature of recycling. We will explain what can and cannot be recycled and how it shall be placed for pickup. While the study is being completed we will also monitor compliance with the recycling regulations.

PUBLIC COMMENT - AGENDA ITEMS ONLY

Becky Whipple asked for an explanation of the agenda item regarding the referral to the Planning Board for review and their recommendation regarding Local Law amending the Village Zoning Code to establish a destination retail and entertainment floating district.

The Village Manager explained that because there is a emerging "tourist destination" as a result of Concord Resorts, Bethel

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Woods and Monticello Motor Club and the Village is the epicenter of this activity there has been a request by one developer who owns a large parcels of land near major highways and not zoned properly for this type of development to establish a destination retail and entertainment floating district. The Village sees this as a potential development for economic development opportunity and the Village wants to be proactive and be ready when an opportunity actually presents itself. As a result the Village is moving forward to study enacting a "floating" district in order to attract and facilitate destination and retail at appropriate sites within the Village. The district will give the Village Board complete discretion to determine and evaluate whether a proposal that is suitable for the property in which it is to be located.

RESOLUTION AUTHORIZING OF PURCHASE OF SERVICE CALLS FOR COLLECTION SYSTEM PUMP STATIONS FOR THE WASTE WATER TREATMENT PLANT IN THE AMOUNT OF \$992.60

WHEREAS, four (4) out of the Village's Twelve (12) sewage pump stations are equipped with on-site emergency stand-by generators, and,

WHEREAS, currently, none of these are in operable condition and if there is a power outage situation it could lead to sewage overflow which would lead to costly by-pass pumping and possible large fines from NYSDEC; and,

WHEREAS, Fleetsource, from Binghamton, NY specializes in the service and repair of the aforementioned generator sets and there are no local providers that perform this service and it will be an ongoing endeavor to bring these generators up to operable conditions.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of service call for collection system generators in the amount of \$992.60 from Fleetsource, 155 West Service Highway, Binghamton, NY 13901.

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

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RESOLUTION AUTHORIZING OF PURCHASE OF ONE FULL SET OF BAR SCREEN TRIP ARMS FOR THE WASTE WATER TREATMENT PLANT IN THE AMOUNT OF \$1,620.00

WHEREAS, the Waste Water Treatment Plant is in need of replacing Bar Screen Trip Arms, and,

WHEREAS, this equipment needs to be replaced as they are worn out; and,

WHEREAS, WHEREAS, there funds have been appropriated in the current FY budget; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of Bar Screen Trip Arms for the Waste Water Treatment Plant in the amount of \$1,620.00.

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

RESOLUTION AUTHORIZING OF PURCHASE OF VEHICLE TIRES BY THE CENTRAL GARAGE FOR POLICE VEHICLES, TRUCK #4 AND TRUCK # 30 IN THE AMOUNT OF \$3,354.52

WHEREAS, the Highway/Central Garage need to purchase tires for police vehicles, truck #4 and truck #30, and,

WHEREAS, this tires are being purchased under State Bid price out; and,

WHEREAS, the funds have been appropriated in the current FY budget; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of tires for police vehicles, truck #4 and truck #30 for the Highway Department in the amount of \$3,354.52 from Case Tire Service, Inc. 302 Grandview Avenue, Honesdale, PA 18431.

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

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RESOLUTION AUTHORIZING THE HIGHWAY DEPARTMENT TO PURCHASE A PICK UP TRUCK WITH PLOW FOR USE BY THE HIGHWAY SUPERINTENDENT IN THE AMOUNT OF \$26,539.10 UNDER STATE BID #20339/PC 62886

WHEREAS, the Highway Superintendent is in need of replacing his vehicle; and,

WHEREAS, this truck is being purchased under State Bid price; and,

WHEREAS, the funds have been appropriated in the current FY budget.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a pickup truck with plow for use by the Highway Superintendent in the amount of \$26,539.10 from Van Bontel Ford, 7325 Route 96, Victor, NY 14564.

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 LEASE/PURCHASE AGREEMENT OF A NEW PLOW TRUCK #7 IN THE AMOUNT OF \$174,674.32 UNDER STATE BID #40570 AWARD #20072

WHEREAS, the Highway Department is in need of purchasing a new plow truck #7; and,

WHEREAS, this truck is being under a purchased under State Bid price; and,

WHEREAS, the funds have been appropriated in the current FY budget; and,

WHEREAS, the purchase will be under a lease/purchase agreement.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase under a lease/purchase agreement of a plow truck for use by the Highway Superintendent in the amount of \$174,674.32 from Arkel Motors, Inc., 70 Windsor Highway, New Windsor, NY 12553.

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

RESOLUTION AUTHORIZING THE LEASE/PURCHASE AGREEMENT OF A PURCHASE OF A NEW ONE (1) TON TRUCK #3 AND NEW BODY IN THE AMOUNT OF \$37,455.40 AND \$9,526.50 RESPECTFULLY UNDER STATE BID #40570 AWARD #PC63529

WHEREAS, the Highway Department is in need of purchasing a new one (1) ton truck #3 and new body for TR #3; and,

WHEREAS, this truck and body is being under a purchased under State Bid price; and,

WHEREAS, the funds have been appropriated in the current FY budget; and,

WHEREAS, the purchase will be under a lease/purchase agreement.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase under a lease/purchase agreement of a new one (1) ton truck #3 and new body for use by the Highway Superintendent in the amount of \$37,455.40 and \$9,526.50 respectfully from Robert Green Truck Division, Route 17E, Exit 107, Monticello, NY 12701.

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 VILLAGE CLERK TO ADVERTISE FOR BIDS FOR A PROPANE FIRED GENERATOR FOR VILLAGE HALL

WHEREAS, the Village is in need of replacing its propane fired generator for use in the Village Hall; and,

WHEREAS, it is necessary to have a backup generator should there be a power outage.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello authorizes the Village Clerk to advertise for bids for a Propane Fired Generator for

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

REFERRAL TO PLANNING BOARD FOR REVIEW AND RECOMMENDATION REGARDING LOCAL LAW AMENDING THE VILLAGE ZONING CODE TO ESTABLISH A DESTINATION RETAIL AND ENTERTAINMENT FLOATING DISTRICT

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to refer this matter to the Planning for their review and recommendation.

ORDERING BILLS PAID

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and appearing on the Abstracts of the bills herewith submitted are ordered paid.

PUBLIC COMMENT

Recycling Concerns

Betty Friedland felt that Peter Parks should have been allowed to address the Board and get a basic recycling program started. She felt the study will just delay the implementation of property owners recycling.

The Village Manager responded that in his Manager's Report that a study was being conducted and the Village would be sending notices to Village property owner's advising them of the mandatory nature and they would start the recycling process. He would also be monitoring the compliance of the residents. He noted with Mayor Jenkins and the former Manager and former Mayor have sat down with Mr. Parks at least four times and gotten a detailed explanation of how the Village of Liberty does their recycling and this is what will be put into effect in the Village of Monticello. In response to Ms. Friedland's concerns the Village will be mailing out letters advising everyone the recycling is mandatory and we will start enforcing the recycling laws while the study is continuing.

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Request For Information on Prior Managers

Tom Rue read a prepared statement: See attached.

David Turick a village resident felt that no one is happy on the street with Mr. Barbarite as Village Manager.

Roz Sharoff, a village resident disagreed with Mr. Turick and noted that the people who she has spoken with he is well liked and appreciate the job he is doing for the Village in cleaning it up.

DISCUSSION OF THE PROPOSED ETHICS LAW

Trustee Rue felt the law had to be rewritten with the correct wording that fits the Village of Monticello. She felt that there is nothing wrong with the present ethics law that has been in the Code book since 1976.

The Village Attorney explained that prior to him being appointed as Village Attorney the Board was given a draft ethics code. He explained that the proposed ethics code is the creation of an ethics board of review and under the law the Village can have an ethics board that would just render a advisory opinions with no statutory authority which the Board could choose to follow or not follow at their discretion. Trustee Rue's concerns that that no one's freedom of free speech is not affected by this ethics law. He recommended that an ethics board be created, however that is the Board's option. He felt a disclosure statement by any Board member allows that the there is no conflict of interest on any particular matter. He will prepare a Ethics Code that fits the Village needs. The ethics board members would be appointed by the Mayor with the approval of the Village Board.

Trustee Marinello felt that the present ethics code is sufficient, however if the Board would like to discuss a proposed new ethics law for their review.

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DISCUSSION REGARDING RULES AND PROCEDURES AT VILLAGE BOARD MEETINGS

As the members of the Board just received a copy of the current Rules and Procedures at Village Board meeting, the matter was tabled to the next Board meeting.

EXECUTIVE SESSION

At 8:07 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 a contract litigation and a personnel matter involving an particular person.

ADJOURNMENT

At 10:50 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins to move out of Executive Sesssion and adjourned the Regular Village Board meeting.

EDITH SCHOP, Village Clerk