

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JUNE 22, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 6:02 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were:

Present: Late To Executive Session
Gordon Jenkins, Mayor Scott Schoonmaker, Trustee
Theodore Hutchins, Trustee Victor, Marinello, Jr.,
Trustee Carmen Rue, Trustee

Also Present: Jacob Billig, Village Attorney
Douglas Solomon, Chief of Police
Brenda Galligan, Treasurer
Phil Klemen, Sewer Superintendent
Clarence Decker, Water Superintendent

EXECUTIVE SESSION

At 6:03 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Rue, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations and a personnel matter involving an individual person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 7:02 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

APPROVAL OF MINUTES OF THE MEETING OF JUNE 8, 2009

A motion was made by Trustee Hutchins, seconded by Trustee Rue, unanimously approved on a roll call vote to accept the minutes of June 8 2009 with the following corrections to the annual bids award resolution:

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**RESOLUTION AUTHORIZING THE VILLAGE TO SEND A "WILL SERVE" LETTER
TO SULLIVAN COUNTY TO PROVIDE SERVICE TO THE COUNTY FOR THE NEW
COUNTY JAIL**

WHEREAS, Sullivan County is building a new jail on property located in the Town of Thompson adjacent to the Village of Monticello; and,

WHEREAS, the County has approached the Village about providing water and sewer service to the new County jail; and,

WHEREAS, the Village Board has had discussions with the County and is interested in providing water and sewer service to the new County jail property; and,

WHEREAS, the Village and the County will continue to discuss the technical needs of the county and such discussions shall continue between the Counties engineers and attorneys and the Village engineers and its attorneys; and,

WHEREAS, the County and the Village will subsequently determine whether the parcel that the jail is located on will wither be annexed into the Village or the County and the Village will enter into an agreement to provide water and sewer service to the County jail property and pay a rate agreeable by the parties,.

NOW, THEREFORE BE IT RESOLVED, that the Village Board authorizes the Village Mayor, Village Manager, Village Attorney or some other Village personnel, to send a "will serve" letter to the County so that the County can finish its SEQRA process; and,

BE IT FURTHER RESOLVED, that the Village Manager, Village Mayor, Village Attorney continue discussions with the County to determine whether the property for the County jail will be either annexed into the Village or the parties will enter into an agreement to provide the water and sewer service at a rate to be agreed upon by the parties.

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

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RESOLUTION AWARDING THE ANNUAL BIDS FOR VARIOUS MATERIALS USE BY THE HIGHWAY DEPARTMENT FOR FY 2009/10

WHEREAS, bids for various materials used by the Highways Department were solicited by the Village Clerk for FY 2009/10; and,

WHEREAS, the Highway Department Superintendent has reviewed the bids and recommended the bids be awarded to the lowest responsible bidder.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby accept the following bids for the various materials used by the Highway Department:

LP Propane Gas	-	CEO	-	\$ 1.255
Run Of Bank Gravel	-	Woodbourne Lawn	-	\$ 9.50T FOB)
Ice Control Sand	-	Woodbourne Lawn	-	\$ 7.95/T(FOB)
Unleaded Gas	-	Ultra Power Corp	-	\$ 1.6632/Gal.
#2 Fuel Oil	-	Ultra Power Corp	-	\$ 1.6447/Gal.
Crusher Run	-	Callihan	-	\$10.00/T
Bituminous Concrete	-	Callanan Ind.	-	As bid for Various sizes
Motor Oils/Greases & Anti Freeze	-	NOCO Oil Corp	-	As bid for (Various Materials)
Poly Pipe	-	Chemung Supply	-	As bid for Various sizes

MAYOR'S/MANAGER'S REPORT

Mayor Jenkins announced that since he has been the Village Manager he is aggressively attacking some of the Building Code Violation issues. The Code Enforcement Officer has written approximately 60 violations or more and two apartments have been shut down since two apartments were not even fit for pigs to live in. He felt that it is a travesty how some of the landlords get away with renting apartments in this condition. He noted that he and Dr. Hudes took a tour of these places and was horrified.

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Dr. Hudes felt that the entire Board should do more to clean up these properties and not allow people to live in the conditions that the residents are allowed to live in.

The Mayor also noted that under his direction the Highway Department has been cleaning up the outside of Village Hall including grass mowing, reseeding, planting flowers and as well as possibly stuccoing the building, etc.

Trustee Schoonmaker asked if the money taken in for cleaning up properties that is charged back to the property owner's bill goes into the General Fund.

The Treasurer responded that this is correct.

Trustee Schoonmaker questioned if it is possible to create a new line appropriation so the administrative fee in the amount of \$150.00 for each cleanup be dedicated and be used to replace broken Highway equipment.

The Treasurer responded that it is possible, however all the revenue goes back into the General Fund.

Trustee Hutchins questioned the status of upgrading the Groundskeeper position.

The Treasurer responded that it was proposed to upgrade one of the groundskeeper positions to "senior groundskeeper". She noted that there is money appropriated for this position in the new budget. She felt that this issue should be discussed in Executive Session.

Code Enforcement Officers

Dr. Hudes suggested that after his tour of the Village with the Mayor/Manager he felt it is incumbent for this Board to hire additional Code Enforcement Officers (two or three) as soon as possible to enforce the laws that are not being imposed. He felt there has been 30 years of decadence in the Village of Monticello and it can't be corrected by one person. He also felt the salaries for these additional personnel would be offset by the fines that would be levied.

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Trustee Rue noted that in the 2009/10 budget there is one part time position.

Dr. Hudes also suggested that pictures be taken of these properties and projected on a large screen so everyone can see that condition of these properties when the property owner comes to complain about the violations that they feel were unjustly written.

Mayor Jenkins noted that he has instituted a procedure that photos are taken when a violation is written so there is evidence for the judge to view.

RESOLUTION SCDULING A WORK SESSION TO DISCUSS THE ISSUANCE OF ADDITIONAL TAXICAB MEDALLIONS AND ANY OTHER MATTERS THAT MAY COME BEFORE THE VILLAGE BOARD TO BE HELD ON MONDAY, JUNE 29, 2009 AT 6 P.M.

Trustee Schoonmaker felt that with the increase in Medicare business there is ample business for other cab companies, and he felt the Village could issue two or three additional medallions. He suggested that if additional medallions are issued, the Village should start at a fair market bidding price and put them out for bid with the highest bidder winning.

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to schedule a work session to discuss the issuance of additional taxicab medallions and any other matters that may come before the Village Board to be held on Monday, June 29, 2009 at 6 p.m.

PUBLIC HEARING TO REVIEW AND DISCUSS (1) THE PROPOSED GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF MONTICELLO, (2) A SUMMARY OF THE ENTIRE PROPOSED BUDGET FOR THE 2009/10 FISCAL YEAR (3) SANITATION RATES AND (4) SETTING WATER RATES FOR THE 2009/10 FISCAL YEAR

Mayor Jenkins reopened the public hearing at 7:26 p.m.

David Rosenberg felt that all local governments should take out the name Village or Town and call it "the business of" Monticello. He felt that the business of Monticello is not doing as good as it could be done, however it is the Board's

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responsibility to look through the budget with a "fine tooth comb" and see what the people of this Village can afford to do and not what to do. He felt that possibly through attrition the Village could reduce the staffing levels and reduce funding to certain departments because there is not enough revenue. He complimented the Board for not taking any increase in salary for the coming fiscal year.

Ray Lustig, owner of 27 North Street suggested that the Village seriously look at privatizing garbage collection.

Trustee Marinello explained that the Village is using the large surplus in the sanitation fund to cut the sanitation rates. The Village in the past has attempted to privatize the garbage collection, but it proved to be more costly.

Dr. Hudes felt that with the landfill closing it might be beneficial for the Village to readvertise for private haulers or the Village should begin with a study on the entire sanitation issue. He felt that the employees in the sanitation department could fill positions of employees that are retiring in other departments, and therefore no one would be out of work but repositioned by attrition.

deHoyos Park Usage

David Gillman questioned whether there is a fee to camps that use the park?

The Village Clerk explained that if a party is renting the pavilion they pay a fee and leave a cleanup deposit, but if a bus load of campers just drives in than there is no attendant to supervise the area.

Mr. Gillman noted that he is a bus driver and the Town of Fallsburgh requires a deposit to ensure that the park is not felt with trash after they depart. He felt that the Village should monitor the usage of the park to ensure it is left in the condition it was in when they arrived.

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Kiamesha Lake Conditions

Tom Rue was concerned about the organic matter probably known as "algae bloom" on Kiamesha Lake and questioned if it is within normal limits.

Water Superintendent Clarence Decker responded that it is within normal limits at this time and it is treatable and sprayed every two years.

As there were no further comments, Mayor Jenkins closed the public hearing at 7:48 p.m.

**RESOLUTION INSTITUTING INTEREST BE CHARGED ON THE SECOND
INSTALLMENT OF TAX PAYMENTS BEGINNING WITH FY 2009/10, AUGUST 1,
2009 FOR THOSE TAXPAYERS THAT OPT TO PAY TAXES IN TWO
INSTALLMENTS**

The Village Clerk explained that previously to this if a taxpayer paid the first installment by August 1st no interest was applied to the 2nd installment until February 28th. The Village was advised that this is unlawful to not charge penalties on the second installment, so now if the first installment is paid by August 31st, interest will accrue on the second installment beginning September 1st at a rate of 5% in September and an additional 1% each month thereafter until the second installment is paid. For example if someone opted to pay the second installment is February 2010 a 10% penalty would be applied.

Resolved, that the Board of Trustees of the Village of Monticello institute interest be charged on the second installment of tax payments beginning with FY 2009/10, August 1, 2009 for those taxpayers that opt to pay taxes in two installments.

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

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**RESOLUTION AWARDING BID FOR THE UPGRADE OF THE POLICE
DEPARTMENT'S CCTV CAMERA SYSTEM**

Resolved, that the Board of Trustees of the Village of Monticello award the bid for the upgrade of the Police Department's CCTV Camera System to PN Fire & Burglar Alarm, 31 North Street, Monticello, NY in the amount of \$5,646.00 and although they were the second lowest bidder Chief Solomon determined that the equipment in this bid was superior to that of the lowest bidder and furthermore PN Alarm is a Village business and the proprietors of which he felt was familiar and confident in doing business with.

The Village Attorney explained that he has an opinion from NYCOM that the Board has the discretion to bring other factors into consideration such as recommendation of Village personnel based on their experience to provide more value to the Village than what the dollar amount is.

Trustee Hutchins felt by not awarding this bid to the lowest bidder, even though these are grant funds, the Village Board is bastardizing the entire bidding system. He felt the Board should look at the Village as the "business" of the Village and protect the taxpayers' money.

Trustee Marinello agreed with Trustee Hutchins; however he felt the Board should allow the Police Department and the Chief the opportunity to receive quality equipment that they need.

Trustee Schoonmaker felt that the Board needs to support the local businesses.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye adopt the above resolution.

**RESOLUTION AUTHORIZING THE PURCHASE OF A LEVEL 3A SHIELD FOR THE
MONTICELLO POLICE DEPARTMENT IN THE AMOUNT OF \$1,550 FROM FIRST
CHOICE ARMOR (SOLE SOURCE PROVIDER) FROM GRANT FUNDS**

The Chief explained that this company trains, free of charge, two of the Village's police officers to the "instructor status"

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regarding the use of this shield without any obligation to purchase it.

Resolved, that the Board of Trustees of the Village of Monticello authorizing the purchase of a Level 3A Shield for the Monticello Police Department in the amount of \$1,550 from the First Choice Armor (Sole Source Provider) from Grant Funds.

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

RESOLUTION SCHEDULING A SPECIAL MEETING FOR THE PURPOSE OF HOLDING AN EXECUTIVE SESSION TO CONDUCT CONTRACT NEGOTIATIONS WITH REPRESENTATIVES OF THE SENECA NATION ON JUNE 24, 2009, AT 11:30 A.M., AT VILLAGE HALL, 2 PLEASANT STREET, MONTICELLO

Resolved, scheduling a special meeting for the purpose of holding an Executive Session to conduct contract negotiations with representatives of the Seneca Nation on June 24, 2009 at 11:30 p.m., at Village Hall, 2 Pleasant Street, Monticello, New York.

Trustee Marinello questioned who was able to attend this meeting?

Mayor Jenkins indicated that he would not be available to attend this meeting.

Water Superintendent Clarence Decker indicated that he will also not be available to attend this meeting.

The Village Attorney indicated that he is recusing himself, but for the limited purpose of answering Trustee Marinello's question he felt that this should be scheduled as a meeting in case more than two trustees are able to attend and that would allow the Board to go into Executive Session without being in violation of the Sunshine Law.

Trustee Hutchins felt that an escrow account should be established for Deputy Attorney Bob Gaiman as the Village Attorney has recused himself. He also felt that if the Water

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Superintendent is not able to attend the Board should schedule this meeting when he is available as well as the entire Village Board.

Mayor Jenkins noted that he has never received a phone from the Seneca Nation.

Trustee Schoonmaker questioned if this meeting could be rescheduled?

The Mayor will call the representatives of the Seneca Nation and make arrangement with them to meet with the Board in the evening when all the Trustees are available.

RESOLUTION AUTHORIZING THE PAYMENT IN THE AMOUNT OF \$1,768.47 FOR THE EMERGENCY REPAIR OF THE HIGHWAY DEPARTMENT'S STREET SWEEPER BY WM. H. CLARK (SOLE SOURCE PROVIDER)

Resolved, that the Board of Trustees of the Village of Monticello authorizing the payment for the Emergency Repair of the Highway Department's Street Sweeper by Wm. H. Clark (Sole Source Provider).

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 WATER SAMPLING TESTING FOR THE MONTICELLO WATER DEPARTMENT

Resolved, that the Village Clerk is hereby authorized to advertise for bids for Water Sampling Testing for the Monticello Water Department.

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

RESOLUTION APPOINTING DAVID ROSENBERG AS MARRIAGE OFFICER FOR THE VILLAGE OF MONTICELLO UNDER SECTION 11 OF THE NYS DOMESTIC RELATIONS LAW

Resolved, that the Board of Trustees does hereby appoint David Rosenberg as Marriage Officer for the Village of Monticello

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under Section 11 of the NYS Domestic Relations Law from September 1, 2009 to September 30, 2009.

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

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.

RESOLUTION TO DIRECT THE VILLAGE ATTORNEY TO EXECUTE A CONTRACT WITH MOBILE MEDIC EMS FOR A FOUR (4) YEAR SERVICE AGREEMENT STARTING JUNE 1, 2009 TO PROVIDE BASIC LIFE SUPPORT VLS AND ADVANCE LIFE SUPPORT ALS SERVICE FOR THE VILLAGE OF MONTICELLO WITH AN AGREEMENT THAT MOBILEMEDIC EMS WILL CONTINUE THE USE OF THE CURRENT LOCATION AT THE TED STROEBELE RECREATION BUILDING AS DESCRIBED IN THE PREVIOUS CONTRACT AT NO CHARGE ANNUALLY FOR THE TERM OF SAID AGREEMENT WITH MOBILEMEDIC EMS CONTINUING AS HAS BEEN PAST PRACTICE PAYING FORTY PERCENT (40%) OF ALL HEATING AND ELECTRIC SERVICE IN ADDITION TO A STIPULATION FROM THE PREVIOUS CONTRACT

Trustee Hutchins noted that the Board just came out of Executive Session discussing this matter. He questioned why the Board should vote on this resolution just handed to them by Trustee Rue when there is a Village Attorney negotiating the contract and he has said there will be a final agreement within days.

The Mayor explained that the Village is in contract negotiations with Mobilemedic and this is not the time for this resolution.

The Village Attorney explained that the parties are very close to a final agreement and he expects the Board will move back into Executive Session and finish the discussion. He recommended that the Board not take a vote and continue the discussion in Executive Session.

The Mayor advised the Board to listen to the advice of the Village Attorney.

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A motion was made by Trustee Rue, seconded by Trustee Schoonmaker, voted on as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, nay; Trustee Rue, aye; Mayor Jenkins, nay. Motion failed 2 ayes - 3 nays.

PUBLIC COMMENT

Sanitation Advisor

David Rosenberg noted that for seven years he was one of the owners of a local carting company and because of this experience he would like to volunteer his services, free of charge, to help as an advisor to look into the entire solid waste issue in the Village of Monticello and reviewing a municipal contract if this issue is put out to bid.

Additional Taxicab Medallion Bidding

The owner of A 2 B felt that the bidding process for additional medallions that Trustee Schoonmaker suggested is not a fair process because it does not give the small business owner a chance to buy them.

Trustee Schoonmaker indicated that he will not change his stance because by handing them to somebody is giving a business that the Village can get a substantial fee for. He felt that if someone wants a taxicab medallion they have to buy it at the highest bidder price.

Trustee Hutchins felt the Board should look at how other municipalities of the Village's size disperse medallions. He asked that the Board discuss this matter at the work session.

Business Advisory Board

Dr. Hudes suggested that Board consider establishing a Business Advisory Board of three to five concerned business people that would meet on a regular basis that could be used for their expertise in dealing different issues that come before the Board.

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EXECUTIVE SESSION

At 8:25 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter involving a particular person and contract negotiations.

AJOURNMENT

At 9:05 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, to move out of Executive Session and adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk