

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JULY 6, 2009

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 Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Also Present: Jacob Billig, Village Attorney
Clarence Decker, Water Superintendent

**APPROVAL OF MINUTES OF THE MEETING OF JUNE 22, 2009 AND THE
SPECIAL VILLAGE BOARD MEETING OF JUNE 29, 2009**

A motion was made by Trustee Rue, seconded by Trustee Hutchins, unanimously approved on a roll call vote to accept the minutes the Regular Village Board meeting of June 22, and the Special Village Board meeting of June 29, 2009 as presented.

MAYOR'S/MANAGER'S REPORT

Rezoning of the Village

The Mayor reported Dykstra Associates, P.C. a Community Planning Firm has offered to do the rezoning of the Village and at first would be doing some pro bono work to begin.

Hazard Household Material Dumping

Mayor Jenkins announced that July 12th is the date that residence can bring their hazard household material to dispose of at no charge, such as old paint cans to the Sullivan County Landfill.

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PUBLIC COMMENT - AGENDA ITEMS ONLY

82 Hillside Avenue

Attorney Jeff Kaplow representing his client Gabriel Bertonazzi owner of 82 Hillside Avenue asked if the Board would reconsider hooking up the water and sewer to that building as an outside user on a temporary basis until the annexation process is completed.

Rezoning Request

David Rosenberg cautioned the Board that rezoning is done for all everyone not just one particular property.

RESOLUTION ADOPTING THE 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

Discussion - Trustee Rue was concerned that groundskeeper is being moved to the laborer position for a salary increase of \$10,000. She indicated that there was an agreement with the union to move the two groundskeepers to the laborers position and if this is not done a grievance will be filed. She felt that both employees must be moved to laborers.

Mayor Jenkins indicated that the next step up is the laborer position or the Village could have chosen to move him to an MEO at a salary of \$45,000. He also noted that the other employee is still on probation as he was only hired in February 2009.

Trustee Marinello felt that \$10,000 is a very steep raise in one year.

Mayor Jenkins responded that this is per the union contract agreement. The Mayor also noted that this employee is doing an excellent job in cleaning up the Village and has brought in at least \$14,000 in revenue because he is doing cleanups on absentee landlords that don't maintain their properties which will pay his own salary and more. The Village is looking a lot cleaner because of this employee's effort.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby adopt Local Law No. 3 of 2009 establishing the Village of Monticello Sewer Rents for the 2009/10 fiscal year.

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

RESOLUTION SCHEDULING A JOINT PUBLIC HEARING WITH THE TOWN OF THOMPSON TOWN BOARD REGARDING THE PETITION FOR ANNEXATION - GABRIEL BERTONAZZI - SBL 20-2-9 - 82 HILLSIDE AVENUE

Mayor Jenkins read the following letter from Sue Flora, Code Enforcement Officer:

In reference to 82 Hillside Avenue owned by Gabriel Bertonazzi being annexed into the Village, I am requesting to the Village Board the following:

The Village Engineer Glenn Smith and I to conduct a full inspection of the structures and property prior to the annexation.

Trustee Rue felt that the Village cannot do an inspection of the property because it is not presently located in the Village at this time.

Mayor Jenkins felt the Board should take the recommendation of the Code Enforcement Officer before the Board makes a decision of whether to schedule this joint public hearing.

Trustee Hutchins wanted to discuss the matter in Executive Session so as not to put anyone's dirty laundry out in the public.

Trustee Rue noted that this house has been given Village for 30 years and when Mr. Bertonazzi bought the property the pipes got cut off by the Village.

Water Superintendent Clarence Decker explained that the water lines were disconnected because at the time Mr. Bertonazzi were taking water without the Village's permission.

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The Village Attorney noted that this resolution is only scheduling a joint public hearing and one of the issues that could be discussed at the joint hearing by the Town and the Village is the enforcement matters or any other issues that the Village might have.

Attorney Jeff Kaplow and Mr. Bertonazzi gave permission for Mr. Hutchins to discuss some of the problems that he has with the owner of this property.

Trustee Hutchins directed the Village Clerk to read the amounts of the relieves from unpaid utility bills for the properties located within the Village.

The Village Clerk enumerated the thousands of dollars he owes for every property he owns within the Village limits in unpaid utility bills and two property taxes that are delinquent for 2008/09. She noted that looking at his utility bill history each year similar amounts are relieved to the taxes due to nonpayment of these bills. If the property is not in the Village the unpaid water and sewer charges cannot be relieved on to the taxes (since they don't receive a Village tax bill) and therefore the bills just accrue penalties with no ability to collect them.

Mayor Jenkins felt that all his properties are in total disrepair and it isn't fair for anyone to live in that environment. He indicated that he would rather see those building vacant than letting people live like animals in those homes.

Attorney Jeff Kaplow explained that he too would not live in those homes in their condition, but he has asked for a list of items to resolve these issues.

The Mayor suggested that the entire Board take a tour of Mr. Bertonazzi's houses and when they are all in compliance he will recommend annexing this additional property into the Village.

Attorney Jeff Kaplow felt that the condition of Mr. Bertonazzi's other properties are not a basis for determining an annexation proceeding.

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Trustee Hutchins felt that this matter might just end up in Court. He explained that at the last meeting Mr. Bertonazzi stated that no one lives at 82 Hillside Avenue and now we hear that someone is living there.

Debra Villenwaver indicated that she is presently camping out on that property, but as of December 2008 she had been living at 46 Cottage Street with her daughter and when it got warmer she chose to move to 82 Hillside Avenue as her main purpose was to take her home who is presently residing in a nursing home so she could live in a beautiful, renovated house and allow her to be live in that house.

Resolved, that the Board of Trustees of the Village of Monticello does hereby schedule a public hearing to schedule a joint public hearing with the Town of Thompson Tow Board regarding the petition for annexation for Gabriel Bertonazzi property at 82 Hillside Avenue, SBL 20-2-9 for August 4, 2009 at 7:30 p.m.

A motion was made by Trustee Rue, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye; to adopt the above resolution. Motion carried 3 ayes - 1 nay.

RESOLUTION APPROVING PAYMENT FOR EMERGENCY PURCHASE OF SEWER PLANT PUMP STATION GENERATOR IN THE AMOUNT OF \$3,031.82 FROM FLEETSOURCE (SOLE SOURCE PROVIDER)

Resolved, that the Board of Trustees of the Village of Monticello does hereby the approval of payment for emergency purchase of Sewer Plant Pump Station Generator in the amount of \$3,031.82 from Fleetsource (Sole Source Provider).

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

RESOLUTION TO ACCEPT BIDS MADE AT THE JUNE 2009 PUBLIC AUCTION FOR REAL PROPERTY ACQUIRED BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDINGS

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WHEREAS, the Village of Monticello which authorized an auction to be conducted by Sullivan County and Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc. for real property acquired by virtue of the In Rem tax foreclosure proceedings, and

WHEREAS, Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc conducted said auction on June 10th, 2009, on behalf of the County, and

WHEREAS, by the Terms of Sale, the County on behalf of the Village reserved the right to withdraw any property listed in the notice of sale from the auction and further required that all such bids at the auction be approved or rejected by the Village of Monticello Board, and

WHEREAS, the County recommends that it is in the best interest of the Village that all bids made at said auction be accepted, and

WHEREAS, the following bids were received and the amount due for unpaid taxes and interest as follows:

<u>SBL</u>	<u>Amt. of Taxes Due w/ Interest</u>	<u>Amt. Sold at Auction</u>
108-6-3.1 & 3.2	\$1,815.72	\$8,000.00
115-4-20.1	\$2,086.74	\$1,750.00
119-3-31	\$ 520.50	\$ 800.00

WHEREAS, the successful bidders will have until 5:00 p.m. on Tuesday, July 28th, 2009, pursuant to the terms and conditions of the auction, to pay the balance due to the Sullivan County Treasurer's Office or any deposit remitted will be forfeited, and

WHEREAS, the successful bidders must purchase all parcels they were the successful bidders for, and

WHEREAS, if the successful bidder(s) do not remit the balance of the bid amounts by Tuesday, July 28th 2009, pursuant to the terms and conditions of the auction, the deposit(s) will be forfeited, and

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NOW, THEREFORE, BE IT RESOLVED, the bids recorded at the real property auction held on June 10th, 2009, with regard to the properties auctioned by the County for the Village are hereby accepted, and the Village of Monticello authorizes the Village Manager, Village Clerk or other designee to execute the necessary documents and furthermore, the Village Board authorizes Chairman of the Sullivan County Legislature to execute the necessary documents to convey such title to the successful bidders, or to the party to whom conveyance shall be made,

BE IT FURTHER RESOLVED, the Sullivan County Treasurer is authorized to forfeit and retain any deposits made on bids that were not paid in full on or before 5:00 p.m. July 28th, 2009, pursuant to the terms and conditions of the auction.

BE IT FURTHER RESOLVED, the Sullivan County Treasurer is authorized to forfeit and pay to the Village any deposits made on bids that were not paid in full on or before 5:00 p.m. July 28th, 2009, pursuant to the terms and conditions of the auction.

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

DISCUSSION REGARDING RECOMMENDATION FROM THE PLANNING BOARD BY TOMMY TING

The Village Clerk and Secretary to the Planning Board noted that there is a memo from the Planning Board with their determination which is not to recommend a zoning change, changing these spaces are **within 300 ft.** of uses to be served to these spaces are **within 2000 ft.** of uses to be served and not to recommend a zoning change B-1 District-for 7. Motels and hotels 280-15 shall be amended by changing the lot area **square feet from 7,500 plus 1,500 per rental unit to 7,500 plus 800 per rental unit.** Lastly the Planning Board recommended that the applicant go to the ZBA for an area variance to extend the B-1Zone on the southerly side of Broadway to the intersection of Park Avenue. Also, Planning Board strongly recommends that the entire Village be rezoned to today's standards and growth.

Trustee Rue reported that the awarding of the Restore NY Grants will not be announced until August 15th.

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The Mayor noted that the Planning Board has been urging the Village Board to go ahead with the plan to look at the entire Village's zoning and hire a company that will do a study and make recommendations to the Village Board for their final approval.

Trustee Schoonmaker suggested that Barton & Loguidice be asked to submit a bid for the cost of this rezoning.

Work Session - Rezoning & Taxi Medallions

A motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to schedule a work session to discuss rezoning of the Village and issuing additional taxi medallions on Wednesday, July 15, 2009 at 7 p.m. at Village Hall.

DISCUSSION REGARDING ADDING ADDITIONAL TAXICAB MEDALLIONS

Trustee Marinello felt that 10 medallions is a lot but they should not be put out for bid. He felt that the fair way to disperse them is to give two to each business with a \$500.00 fee for each medallion. Trustee Marinello felt that a bidding process would not be fair to the smaller companies that cannot afford that large investment.

Mayor Jenkins felt that all the cab companies should be issued 16 medallions so everyone has the same amount.

Trustee Marinello and Trustee Rue felt that 16 medallions to every cab company is too many and will put everyone out of business.

Trustee Rue felt that a study showed that no additional taxi medallions were needed and if they are given out for \$500 and then the owner sells it for \$30,000, than the Village should get at least \$30,000 for each additional medallion issued and at the most only 5 medallions should be released.

Trustee Hutchins felt that Mr. Kesten did not pay for his medallions, he paid for his business. He felt that the medallions are Village property and the Board should not allow someone to take our Village property and profit from it.

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Mr. Van Dunk felt that putting too many cabs on the road will not be profitable and bad for business.

The Mayor was concerned that the taxicab rates are too high.

The Clerk explained that she has given each Board member a copy of the fee schedule to review (which includes taxicabs) and at the next Board meeting any of these fees can be adjusted by resolution to commence with the start of the new fiscal year beginning August 1st.

Trustee Schoonmaker asked that residents call the Village Clerk on any complaints against the taxicabs so the Board can review and address these charges and if warranted the medallions will be taken back by the Village.

Christopher Jacques, owner and operator of Tri-Star Transport Corp. was founded in Orange County by himself by a one vehicle fleet. He noted that he originally started in Orange County by purchasing a taxi business in Goshen, New York of which no taxi medallions are issued by that Village. He felt that the market will determine how many taxis are needed. Mr. Jacques indicated that he Monticello can only regulate taxis within the Village of Monticello. He felt the Village has an outdated, aged law that hasn't been revisited or tried properly.

Trustee Schoonmaker explained that the Board has an obligation to protect the interested parties that are here.

Roz Sharoff, a Village resident felt the medallions she not be distributed indiscriminately.

Trustee Rue felt that Yellow Cab Company has a business within the Village and pays taxes here.

Trustee Marinello felt that the Village code should be strictly enforced including speeding vehicles that haven't been ticketed.

Grant Update - Glenn Gidaly - Barton and Loguidice

Glenn Gidaly announced that the Village has received a pre-eligibility determination indicating that the Village is eligible for a USDA Rural Development financing and are therefore invited to submit a full application for funding.

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This grant is the largest grant that the USDA has ever offered in the Hudson Valley with over 5,686,000 in grant funds and \$4,314.00 in loan money at 2.6% for 38 years. He indicated that this is huge amount of money that is being offered for the water plant and what it is going to payback that money per household is \$52.00 or \$4.39 a month for a typical single family home to payback that loan.

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

Scam Alert

Alan Bensky, a Village resident explained that representatives of Northeast Energy were canvassing the residents to offer savings on the electric bills by changing companies. Although they had credentials he found them not to be honest and giving deceptive information out. He felt they are abusing their privilege by telling people that they could save a lot of money on their monthly energy, but when he questioned his superior further he was told it would only be pennies.

ORDERING BILLS PAID

A motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, 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 OF THE BOARD OF TRUSTEE OF THE VILLAGE OF MONTICELLO OFFERING THE PERMANENT POSITION OF VILLAGE MANAGER TO RAYMOND NARGIZIAN AND PERMITTING HIM TO RESIDE WITHIN THE BOUNDS OF SULLIVAN COUNTY

Trustee Rue felt that Mayor/Manager Jenkins never wants to share any information with the rest of the Board members. She felt

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that he has not given any reports to the Board or the public while he has served in that position.

She indicated that according to the Village Code the Manager has to give a report to the public, and therefore she is offering the following resolution.

The Mayor indicated that a Mayor/Manager cannot get a job done with Trustee Rue on the Board.

Bess Davis felt the Board has been reviewing resumes of those people who have submitted applications and questioned why one of those applicants wasn't selected.

Trustee Hutchins felt that apparently there have been illegal meetings held to discuss this matter.

The Village Attorney indicated that he has not seen this resolution and had no knowledge of it prior to it being read by Trustee Rue.

Mayor Jenkins explained that salary and benefits have not been discussed as a Board.

Trustee Marinello felt the Village does need a Village Manager, however in Mayor/Manager's defense he is doing a good job cleaning up the Village. He felt that both Ray Nargizian and

David Rosenberg are good candidates, but the Village needs to move forward and he feels that Ray Nargizian is the right person and I will vote for him.

The Mayor indicated that he and Ray Nargizian will never see eye to eye and the arguments will begin again as this is all a setup.

Trustee Hutchins questioned whether this resolution constitutes a contract?

Trustee Rue responded that the Board will discuss the contract after Mr. Nargizian is appointed. She indicated that she took the information from prior Manager's contracts.

The Village Attorney noted that as part of the resolution the

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Manager would be guaranteed a six month severance pay. He questioned whether Mr. Nargizian had a six month guarantee during his last appointment and whether John Barbarite had a six month guarantee during his last appointment?

The response was no to both questions.

Trustee Rue felt the two can't be compared as this is the Manager that brought a lot of money to the Village.

Roz Sharoff noted that when Trustee Rue was not a member of the Board and sat in the audience she said negative things to about him and what he was not accomplishing. She felt that the first thing he did last time he was appointed as a Manager was appoint an assistant manager for more than \$40,000.

WHEREAS, PURSUANT TO Section 45-5 of the Village Code the Village Board of Trustees shall permanently appoint a full-time Village Manager; and,

WHEREAS, it is expected that the position of Village Manager is about to become vacant following the adoption of this resolution; and,

WHEREAS, the Village Board of Trustees wishes to offer Raymond Nargizian the permanent position of Village Manager commencing July 7, 2009, with a salary of \$72,000 per year and family plan health insurance benefits for the balance of this fiscal year; and,

WHEREAS, the position offered to Mr. Nargizian is intended to include vacation days, family leave days, personal leave days and sick days, said amounts being prorated based upon the time remaining in the fiscal year, these details will be worked out in a agreement between the Village Board and Raymond Nargizian; and,

WHEREAS, New York State Village Law Section 3-300(2) permits the Village to appoint a Village Manager who resides outside of the Village of Monticello but within the County of Sullivan; and,

WHEREAS, in the event Mr. Nargizian accepts the offer, the Village Board wishes to appoint Mr. Nargizian to the position of Village Manager only as outlined above:

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NOW, THEREFORE BE IT RESOLVED, that the Village Board hereby offers Raymond Nargizian the position of Village Manager commencing July 7, 2009 with a salary of \$72,800 per year; with family health insurance and other benefits afforded other full-time employees shall be offered effective at the time of hiring at no cost to the Village Manager, benefits for the balance of this fiscal year, commencing July 7, 2009; and that the Village Manager will be a member of the NYS Retirement System at the Village of Monticello's expense; and,

BE IT FURTHER RESOLVED, that the Board of Trustees may terminate the services of the Village Manager on 30 days prior written notice, as the Village Manager services "at the pleasure" of the Village Board, if terminated, the Village shall be obligated to and shall pay to the outgoing Village Manager bi-weekly at the salary rate of the Village Manager at the time of termination six months (6 months) salary. He shall also receive payment for all unused and accrued vacation days and all benefits provided by the Memorandum of Understanding including health insurance and other benefits up to the date that the severance pay ceases.

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

Appointment of Deputy Village Mayor

Trustee Schoonmaker resigned as Deputy Village Mayor.

Mayor Jenkins appointed **Trustee Hutchins as Deputy Village Mayor** replacing Trustee Schoonmaker.

ADJOURNMENT

AT 9:15 p.m., a motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk