

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, SEPTEMBER 14, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:05 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 (Late)

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

**APPROVAL OF MINUTES OF THE MEETING OF REGULAR MEETING OF AUGUST
17, 2009**

A motion was made by Trustee Rue, seconded by Trustee Marinello, on a roll call vote as follows: Trustee Rue, nay; Trustee Marinello, nay; Trustee Hutchins, aye; Trustee Schoonmaker, absent at this time to adopt the minutes of August 17, 2009 with the following correction: Page 2 - 4th paragraph 4 should read, ... was attached and the Village Clerk failed to notify the Board members by phone or written notice. At this time there was no majority vote.

MAYOR'S REPORT

Comments by Town Supervisor Tony Cellini

Mayor Jenkins noted that the during the bus ride regarding Indian Gaming, Town Supervisor Tony Cellini made a comment about the Village being Ho Chi Minh Trail, and he did not know what he

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was insinuating, however Supervisor Cellini should have at least invited the Mayor to be on this bus if Supervisor Cellini had remarks regarding Broadway which is in the Village of Monticello. The Mayor felt that Supervisor Cellini should work with the Mayor and get some jobs for the local residents.

Restore NY Grant Award

Mayor Jenkins announced that Tommy Ting's project was awarded a \$175,000 Restore NY Grant which this Board approved and encouraged the Board to work with Mr. Ting to get this project completed.

Trustee Rue cautioned everyone that it will take time for this project to begin as the Village has to wait for the State from one to six months to send the contract with the Village and then the Village has to sign a contract with Mr. Ting.

Trustee Hutchins felt that the Board has to work together to make the necessary changes and update the outdated laws.

Fall Clean-up Dates

Mayor Jenkins announced the dates for the Fall Cleanup as follows:

October 16 th	- 8 a.m. to 6 p.m.
October 17 th	- 9 a.m. to 3 p.m.
October 18 th	- 9 a.m. to 1 p.m.

MANAGER'S REPORT

Good evening my name is Ray Nargizian, welcome to the September 14, 2009 meeting of the Monticello Board of Trustees. It is with great pleasure I announce the reinstatement of the New York State HOME Program. This program allows the Village of Monticello to Grant residents who qualify a significant amount of Grant money for home improvement. The Village had lost approximately \$300,000.00 of grant revenue due to untimely distribution of the funds. Reinstatement will once again allow the Village to implement distribution of these funds. A special thanks to Jennifer Friedlander, my confidential secretary, for her tenacious drive for following up with Mr. Michael DeGiulio project manager at the district Regional office. It also is with great pleasure I announce the construction on the Richardson Ave. Bridge is near complete. The covert has been

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assembled and the road is drivable. Black top will be laid this week. Our Highway dept with the assistance of the State Department of Transportation should be commended with the timely fashion and the professionalism in which the job has proceeded. A special thanks to Bill Masters who supervised this project. Several meetings regarding the Restore NY grant have taken place. The Village is communicating with our engineers, Grant administrators, Mr. Tings Engineers and Mr. Ting to see to it that this project moves along smoothly. I attended the opening ceremony for the Senior Games this morning at Monticello Raceway and Gaming. This event includes a mile walk, horseshoes, cribbage, bocce, shuffleboard, darts, putting, ping pong, pinochle, scrabble, and bingo. Metals will be awarded at lunch time on Thursday the 14th. All seniors are invited to attend.

Trustee Hutchins questioned whether the Village Board created a position for the person who has been hired as the Village Manager's confidential secretary, assistant grant administrator and building department secretary? He felt that the Village is in violation of the Civil Service Law as that position is slated for a grant administrator although the Village Manager has advised the Board that she is not doing any of the grants which he doubts. He felt that either the Village Manager has to hire a person from the Civil Service list or create a position similar to the way the Board created the second part time Code Enforcement Officer's position.

The Village Manager responded that he never said that Jennifer Friedland wasn't working with the grants and she is doing so under his supervision and because of that supervision the Village has the reinstatement of \$300,000 worth of grants. He indicated that he has discussed this matter with the County Personnel Department and they told him there are no problems in this arrangement.

Trustee Hutchins felt that the Village of Monticello because of Ray Nargizian is in violation of the NYS Civil Service hiring procedures. He felt either that position needs to be reclassified or the Village needs to hire off the Civil Service list. He questioned whether anyone has been hired for the part time Code Enforcement position?

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The Village Manager responded that he is in the process of interviewing the first part time position created and he indicated that he believes that all personnel matters should be discussed in Executive Session.

Trustee Hutchins noted that he is not asking about a particular individual just whether anyone has been hired for that position. He questioned whether an advertisement will be placed in the local paper for this position to give everyone in the community an opportunity to apply for this position.

The Village Manager indicated that he is still interviewing potential candidates and he will place an advertisement in the local newspaper.

Trustee Hutchins felt the Board should look in its own "backyard" as he drives up Broadway residents have complained about the house on the corner of Nelshore Drive and East Broadway that he and Trustee Marinello have pointed out quite often and if you continue driving up Broadway the next biggest violator is the Village Hall. He felt it is a shame and a disgrace that the Village is able to take the taxpayers money and create jobs and have the taxpayers pay for it when the Village could easily take that money and correct some of these dilapidated, disgusting looking buildings.

Trustee Rue indicated that the Board doesn't hire or fire, the Manager's does. She indicated that the condition of the buildings have been in disrepair for more than two years and Ray just started in the position of Village Manager, and therefore it is not fair to accuse him of not doing anything. She noted that when she gets complaints she follows through to see that the problem is addressed.

The Mayor explained that both he and Trustee Hutchins felt that only one part time Code Enforcement Officer should be hired at this time which was included in the 2009/10 FY budget, but yet two people will be hired. He noted that while he was the Acting Manager he was trying to get the overhead bay doors painted and he had all the Village trucks moved from to the Sewer Plant and then the vehicles were brought back. He felt the money that

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will be expended for the second part time Code Enforcement Officer could have been used to re-stucco the back of Village Hall. The Mayor felt the insult is to have their own building being in violation yet the residents are being given violations for similar conditions. He was concerned that there was a 1.8% increase in the taxes and the Village is hiring additional personnel with no fiscal control. The Mayor felt here should have been no tax increase. He felt that it should not be necessary to have a special meeting to create additional positions; the matter should have been done at a regularly scheduled meeting when the public is present so it is done openly.

Trustee Hutchins felt the Board is having too many extra special meetings and noted last month there were two additional meetings regarding the insurance issue and although he and the Mayor voted against changing brokers, because the majority of the Board chose to hire a new broker the insurance premium was increased by an additional \$4,000. He questioned when the Board stops penny pinching the taxpayers. Trustee Hutchins felt that there will be a tax increase next year after hiring a confidential secretary at over \$34,000 and hiring a second part time Code Enforcement Officer at \$20,800 all of which will be paid for by the taxpayers.

Trustee Rue explained that the employee who is the secretary for the Manager, the building department and the grants department is lower than the prior employee's salary. She also noted that the special meeting was not only for hiring a new employee because but to vote on a matter that had to be finalized by Thursday of that week. She noted that all the Board did was give the Manager permission to hire a second part time Code Enforcement Officer and by hiring part time people the Village does not have to offer health insurance and therefore the Village saves money. The position has to be advertised in the newspaper and subsequently interviewed before any person can be hired. Trustee Rue indicated that there is no current list for assistant grants administrator and there won't be one until a new test is offered.

Mayor Jenkins indicated that Village did not lose the \$300,000 for the NYS HOME Grant.

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PUBLIC COMMENT - AGENDA ITEMS ONLY

Trustee Rue noted that the HOME Grant funds would have been lost on September 30, 2009 and it has been extended to September 30, 2010.

Mayor Jenkins noted that the grant funds were almost lost, but because Trustee Rue put in Zach Kelson as the Village Manager in December he almost bankrupted and destroyed this Village. He noted that he sits in the Mayor's chair to fight the wrongdoing that is going on in Village Hall.

APPROVAL OF MINUTES OF THE MEETING OF REGULAR MEETING OF AUGUST 17, 2009

A motion was made by Trustee Rue, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Rue, nay; Trustee Marinello, aye; Trustee Hutchins, aye; Trustee Schoonmaker, aye to adopt the minutes of August 17, 2009 with the following correction: Page 2 - 4th paragraph 4 should read, ... was attached and the Village Clerk failed to notify the Board members by phone or written notice.

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR SLUDGE HAULING AND DISPOSAL BY THE WASTEWATER TREATMENT PLANT

Resolved, that the Board of Trustees does hereby authorize the Village Clerk to advertise for bids for Sludge Hauling and Disposal by the Wastewater Treatment Plant.

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 "LIVE SCAN UNIT" IN THE AMOUNT OF \$33,048.00 BY THE MONTICELLO POLICE DEPARTMENT FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FEDERAL GRANT

Resolved, that the Board of Trustees authorizes the purchase of a "Live Scan Unit" in the amount of \$33,048.00 by the Monticello Police Department from the Edward Byrne Memorial Justice Assistance Federal Grant.

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Chief of Police Solomon explained that effective January 1, 2010 the State of New York will no longer be accepting paper fingerprint card submissions, instead they will have to be done electronically. This is a scanner where the fingerprints will be done on an inkless scanner and will also allow the police to take the mug shots which can both be uploaded automatically to DCJS without extra paper work or mailings.

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

RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE THAT WILL ALLOW THE LIVE SCAN UNIT TO INTERFACE WITH OUR CURRENT RECORDS MANAGEMENT SYSTEM FROM THE SAME GRANT LISTED ABOVE IN THE AMOUNT OF \$4,491.00

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of Software that will allow the Live Scan Unit to interface with our current records management system from the same grant listed above in the amount of \$4,491.00.

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH COMPUTER DOCTOR FOR ANNUAL COMPUTER HARDWARE MAINTENANCE OF POLICE DEPARTMENT COMPUTERS FOR FY 2009/10 IN THE AMOUNT OF \$6,000

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign an agreement with Computer Doctor for the annual computer hardware maintenance of Police Department computers for FY 2009/10 in the amount of \$6,000.

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 VILLAGE MANAGER TO SIGN AN AGREEMENT WITH ADMIT COMPUTER SERVICES IN THE AMOUNT OF \$18,171.00 FOR THE MONTICELLO POLICE DEPARTMENT

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign an agreement with Admit Computer Service in the amount of \$18,171.00 for the Monticello Police Department.

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 EXPENDITURE NOT TO EXCEED \$2,000 FROM THE MONTICELLO POLICE DEPARTMENT DRUG FUND FOR THE PURPOSE OF MAKING REPAIRS TO A VEHICLE TO BE USED FOR UNDERCOVER PURPOSES

Resolved, that the Board of Trustees authorizes the expenditure not to exceed \$2,000 from the Monticello Police Department's Drug Fund for the purpose of making repairs to a vehicle to be used for undercover purposes.

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 REPAIR OF PUMP ON MOP MOWER PTO GEAR BOX IN THE AMOUNT OF \$1,003.79 BY STEPHENSON EQUIPMENT, INC. FOR THE HIGHWAY DEPARTMENT

Resolved, that the Board of Trustees does hereby authorize the repair of pump on MOP Mower PTO Gear Box in the amount of \$1,003.79 by Stephenson Equipment, Inc. for the Highway Department.

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

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RESOLUTION AUTHORIZING THE EMERGENCY REPAIR OF RELIANCE 2 HP PUMP FOR THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$1,595.00 BY EMPIRE STATE ELECTRIC MOTORS, INC.

Resolved, that the Board of Trustee does hereby authorize the emergency repair of Reliance 2 HP Pump for the Wastewater Treatment Plant in the amount of \$1,595.00 by Empire State Electric Motors, Inc.

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

RESOLUTION AUTHORIZING THE PURCHASE OF A 1-55 GALLON DRUM LIFT STATION DEGREASER FOR THE WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$1,359.00 FROM LAWSON PRODUCTS, INC. SOLE SOURCE SUPPLIER

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of a 1-55 Gallon Drum Lift Station Degreaser for the Wastewater Treatment Plant in the amount of \$1,359.00 from Lawson Products, Sole Source Supplier.

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

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) CHEVY 3500 SERIES AT A COST OF \$37,455.40 BY THE HIGHWAY DEPARTMENT

Trustee Hutchins questioned whether this vehicle comes with a plow or it has to be purchased separately?

Bill Masters responded that this is a One (1) Ton dump truck that includes a plow. He noted that presently that the Highway Department has a 1984 GMC Dump Truck that is not road worthy anymore and a 1996 GMC Dump Truck and the frame has broken three times and has been welded and plated three times and a plow can't be attached nor should it be on the road.

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Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of one (1) Chevy 3500 Series at a cost of \$37,455.40 by the Highway Department.

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 EXPENDITURE IN THE AMOUNT OF \$7,500 FOR CENTER AND EDGE LINE STRIPING OF VILLAGE STREETS BY THE HIGHWAY DEPARTMENT

Billy Masters explained that this will be done by the County has they have the available equipment.

The Mayor noted that the Village is appreciative that the County is doing this job for the Village.

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the expenditure in the amount of \$7,500 for center and edge line striping of Village street by the Highway Department.

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 OF A BOBCAT AT STATE BID PRICE NOT TO EXCEED \$30,000.00 BY THE HIGHWAY DEPARTMENT

Trustee Hutchins questioned whether this equipment comes with the plow?

Bill Masters responded that it comes with several attachments including a plow for the frontend and a blower unit.

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of a Bobcat at the State Bid Price not to exceed \$30,000 by the Highway Department.

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

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**RESOLUTION ADOPTING ESTABLISHING GUIDELINES IN RELATION TO ALL
FEDERAL AND STATE GRANTS**

Resolved, that the Board of Trustees of the Village of Monticello does hereby adopt guidelines in relation to all Federal and State Grants. [see attached].

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

**RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS
LOCAL LAW NO. 4 OF 2009 AMENDING SECTION 252-26 ENTITLED
HANDICAPPED PARKING SPACES ESTABLISHED TO BE HELD ON TUESDAY,
SEPTEMBER 29, 2009 AT 7 P.M.**

The Village Clerk explained that the senior citizens that use that building have requested additional handicapped spaces and in order to make these spaces legal and for the police to write tickets that local law must be amended to specifically identify which spaces are reserved for handicap usage only.

Resolved, that the Board of Trustees of the Village of Monticello does hereby schedule a public hearing to review and discuss Local Law No. 4 of 2009 amending Section 252-26 of the Village Code entitled Handicapped Parking Spaces established to be held on Tuesday, September 29, 2009 at 7 p.m.

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

ORDERING BILLS PAID

Trustee Rue explained that she has a problem with the Home Depot bill was originally \$9,000 and then they gave a credit for \$5,000 and now the amount due is \$4,746.00. She asked for backup as to which department and employee purchased this merchandize as the Home Depot says there is no record, so how can the Village just pay this amount with no information as to who ordered this material.

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Trustee Schoonmaker indicated that he does not like the fact that he is signing for something that has already been ordered and paid. He stated, "I will not sign another voucher until I see what it is for with a full description of the merchandize that is going to be ordered." He noted that he is signing for something that has already been ordered and paid for and sometimes he doesn't agree that it should be paid. Therefore, if he is going to be held responsible and accountable to the controller's office for signing these purchase orders then he wants to know what he is paying for, when he is paying for it and why he is paying for it. He felt that procedure has to change.

Trustee Marinello noted that if the information is not attached to the purchase order then the Board auditors should not sign it.

Trustee Hutchins felt that department heads should bring the vouches to the Village and meet weekly with Trustee Marinello and Trustee Schoonmaker to give them approval to purchase the material.

Mayor Jenkins explained that when he was Acting Manager he sent a memo to the department heads and the Board stating that only a department head can use a credit card for purchases. He felt that there is no accountability has to why a purchase is being made and where the merchandize ends up.

Debbie Mack felt that the public is entitled to the restraints and accountability on purchases by Village employees.

The Board directed the Village Attorney and Village Manager to contact Home Depot and get a full explanation and full documentation on how the settlement was reached and what the Village is paying for and report back to the Village Board at the next meeting.

A motion was made by Trustee Hutchins, 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 with the exception of the payment to Home Depot.

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PUBLIC COMMENT

Intermunicipal Sharing of Equipment

Sean Rieber suggested that the Village contact the Town of Thompson and possibly share their Bobcat to save the Village the expense of buying their own equipment.

Taxi Medallions Comments

Christopher Jacques explained that at the last Board meeting he had served a "letter of demand" to both the Village Board and the Village Attorney and indicated he has received no response to that "letter of demand" and would like to know if it is being reviewed and does the Village have any intention to respond or is it just a matter of blatant disrespect. He also has more information to potentially add to that request and suggested that the Board research back to Trustee Rue's acceptance speech she gave at the Government Center. He felt that this is further fact that Trustee Rue should be out of the agenda of voting on any further issues of this taxi medallion matter. He questioned what the intention of the Village Board to resolve the matter of issuing additional taxi medallions?

The Village Attorney indicated any comments he has on this matter will be discussed in Executive Session.

Mayor Jenkins directed the Village Clerk to continue to put the discussion of additional taxi medallions on each and every agenda until a decision is made.

Trustee Rue asked that a resolution be adopted to table anything related to medallions until the problem with the demand letter is resolved. She did not feel the Board nor the Village Attorney has to tell her as a Board member how she can vote on this matter.

Trustee Hutchins suggested that the Board should wait until after the matter is discussed with the Village Attorney in Executive Session.

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Christopher Jacques stated, "that Carmen Rue has put in print and has made very bold statements on public recorded and written text at her swearing in ceremony thanking that individual who owns Yellow Cab as being her main contributor to her election which does put one more reason why he is saying to the Board that Carmen Rue needs to step down and stop the nonsense of ruling the Board in favor of one individual who she has noted in public as her main contributor, her main individual who helped her become elected.

Trustee Rue noted that Yellow Cab also gave signs to the Mayor for his election also.

Alan Kesten, owner of Yellow Cab explained that Carmen thanked him during her speech because he provided some of the information to her as well as the some signs to hang on her car and it had nothing to do with financial issues and I am not main contributor at all. However, I did provide approximately \$1,000 worth of materials to the Mayor last campaign and did not ask for anything in return.

Mayor Jenkins responded that Mr. Kesten is paying Carmen's way and she is paying your way.

Christopher Jacques responded that Yellow Cab has asked this Board and this Village to continue to allow the service to this community to suffer and if the Board was to allow for additional medallions to then penalize the individual coming into this Village to provide the service that the Village requires by asking or requiring them to pay this Village \$30,000 a piece for a medallion which is ludicrous.

Purchasing Restraints

Vincent Gilmore questioned whether the Village has considered a way of cutting back on expenditures to avoid any further tax increases?

Completion of Richardson Avenue Project

Trustee Schoonmaker thanked all the Highway Department employees that worked to complete the Richardson Avenue project.

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Broadway Medium

Trustee Schoonmaker indicated that the firemen and surrounding fire districts as well as other agencies that may want to conduct a parade through Broadway in the Village of Monticello are complaining about the medium which will prevent them from marching down the street. He noted that the Broadway merchants are also very upset about the medium and limiting how vehicles can get to these businesses.

The Mayor responded that this is a \$12 million dollar Federal and NYSDOT project and the medium was put in to address safety issues and people will have to get used to the new roadway.

RESOLUTION TO TABLE ANY FURTHER DISCUSSION REGARDING TAXICAB MEDALLIONS UNTIL THE LEGAL ISSUES OF THE LETTER OF DEMAND IS RESOLVED

Resolved, that the Board of Trustees table any further discussion regarding taxicab medallions until the legal issues of the letter of demand is resolved.

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

EXECUTIVE SESSION

At 8:40 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person and contract negotiations.

ADJOURNMENT

At 9:35 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

