

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO N.Y.
MONDAY, NOVEMBER 16, 2009

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:

Absent:

Gordon Jenkins, Mayor
Theodore Hutchins, Trustee
Trustee Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Victor Marinello Jr., Trustee

Also Present: Ray Nargizian, Village Manager
Robert Gaiman, Deputy Village Attorney
Douglas Solomon, Chief of Police
Clarence Decker, Water Department Superintendent
Jim Steinberg, Highway Department Superintendent

APPROVAL OF THE MINUTES OF THE REGULAR MEETING ON OCTOBER 19, 2009 AND THE SPECIAL MEETING OF OCTOBER 22, 2009 WITH CORRECTIONS AND THE REGULAR MEETING ON NOVEMBER 2, 2009 AND THE SPECIAL MEETING ON NOVEMBER 5, 2009

A motion was made by Carmen Rue, seconded by Scott Schoonmaker unanimously approved on a roll call vote to adopt the minutes of the regular meeting on October 19, 2009, The Special Meeting of October 22, 2009 with corrections and The Regular Meeting on November 2, 2009 and The Special Meeting of November 5, 2009.

MANAGER'S REPORT

Good Evening my name is Ray Nargizian, welcome to November 16th, meeting of the Monticello board of trustees. On Thursday November 5 Thursday November 12, 2009 I attended a County meeting regarding a Solid Waste User Fee to be paid to the County. Above the dismay and objection of a room full of residents and business owners the Law was passed. The Village has a fiduciary responsibility to look into what best benefits our business people and what benefits our residents. I therefore have instructed our attorney to look into our legal

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options. I believe that this fee will be burdensome on our tax payers and may force businesses to take their business elsewhere.

I am pleased to announce I have Chosen Charlie Sabatino to be part of our Zoning board. Charlie is a Village resident who was employed by the Village Building Department. He brings with himself both local experiences in knowing the lay of the land as well as being familiar with our zoning laws.

USDA has requested to meet with the Village Treasurer to discuss the potential water Grant. This meeting has been set up for Thursday, November 19, at 10:00 pm at USDA offices in Middletown.

November 23, is the deadline for donating non perishable food items to the Monticello Highway Department. The collection of these items will be noted to the Federation of the Homeless to be distributed to people in need. Thank you in advance for cooperation in this worthwhile food drive.

Building Department review from October 2nd to date:

Inspections, 21 – Violations, 17- Violations Corrected, 5- Grant Inspections, 4 – Zoning Review, 7- Permits issued, 2- Searches, 5- Amount collected from searches, \$350.00 – Permits, \$250.00

Scott Schoonmaker replied that he wants the village of go on official record to send a letter to the county advising them of our dis-pleasure in their discussion to include \$181.00 additional fees to the tax payers in the Village and second of all to advise them (not sure if he speaks for the board) but that he feels people will be paying twice for the same services and to him that's a double jeopardy. He also stated that is outrageous that the County has put us all in this position. Carmen Rue replied that the village has reduced the garbage fee to \$88.00 and the Village is obligated to reduce the fee further because people can go dump at the Landfill themselves, also it will reduce recycling.

Theodore Hutchins thanked Ray for his report for the month and asked for back-up to the #'s he provided. Ray replied there is back-up available. Theodore stated that he wanted back-up because he feels there should be more accountable for the building department because with three code enforcement officers he feels we are losing money, not gaining, he also stated that he doesn't feel the figures are accurate. Ray replied no problem he can show him the documentation. Carmen stated that even though they don't see progress right now is because

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they are fixing the problems in the Building Department and the next time could show the problem which could take up to (30) thirty days. Carmen stated that according to the Village Code they have (30) thirty days to fix the problems. Ray requested to Theodore to put his request in memo form for what is needed and he can get it, Theodore replied Okay.

Scott questioned the issue about the County taking over the Apollo Mall and wanted to know what's in it for the Village and if it's a Tax foreclosure they have an obligation to pay us what's due and asked Ray to look into this situation. Ray replied everything Scott said is true and that he has been in contact with the County for a lengthy period of time about the Apollo, the previous owners owe the Village approximately ½ Million Dollars and we may not receive a penny of it because it was foreclosed on. Ray said that he is trying to work out a deal that the Village will be compensated, if not directly from taxes but indirectly with developments that may occur on the property. The County has every legal right to say they cannot make us whole. Scott thinks that the Village should be looking into starting a class action suit against the County, Ray replied that we have to look into something we can do about the situation. Theodore requested that Bob Gaiman, the Acting Village Attorney, to look into the Village starting a class action suit against the County and get back to the Board at the next meeting.

PUBLIC COMMENT AGENDA ITEMS ONLY

Barbara Burton stated that on December 15, 2009 at 7:00 p.m. there will be an official Budget Hearing, she went on to say that at this meeting, November 16, 2009, Monticello Village is hear say null and void, don't pay attention to anything.

A gentleman from the meeting asked a question on the Resolution for the Village Police Department on the bidding \$27,000, he wanted to know if there was any reason why the Police Department couldn't request a 2009 Brand new car, instead of a used one since it can't be sold or traded for the trade value instead of running the vehicle until it is dead. He also wanted to know if there is such a thing in the bid process to buy new to save a couple of thousands of dollars? Doug, the Chief of Police responded by saying that he has never been aware of anything like that before, he also said that the outfits that do the State bids are huge outfits and they pump out thousands of cars a year and it just don't work like that, the Chief went on to say that last year we lucked out by chance and did save money, it's just like the roll of the dice. The Chief said that the Police Department buys maybe one car a year where as NY City Police Department is probably buying thousands, he doesn't have that kind of authority with the dealership.

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A gentleman from the meeting asked if the Apollo owed the Village a ½ Million Dollars in taxes why didn't the Village foreclose on it?

Mr. Rieber had a question on user fees, did either of the two legislators that represent the village or the county manger speak to any members of the board or to Ray for the stuff that was asked for, Ray , the Village Manger, responded he spoke to Alan Sorenson. Carmen said that she spoke to David Sieger and Lennie Binder when she read about it on the Web.

Tom stated that what happens at the County was not good for the people of the Village, because he heard that expressed by the members of the board and he heard the attorney asked to look into something and he said forgive him if he misunderstood, but he didn't hear a clear directive to the attorney what instructions were given to the attorney on this matter. Scott answered, a class action suit be given, he also said that if it can't be done, it can't be done.

Jim Steinberg from the Village Highway Department said that if there is something going to be done it should be before this Thursday before they file their budget. Bob Gaiman and Ray were asked to get in contact with the County and Scott wants a preliminary report by Wednesday because it will affect a lot of people in the Village. Gaimen responded that this was advertised in the paper for months as a public hearing, everybody knew about it. Scott said that he was right but some people can't get certain things.

Carmen said the Preliminary Budget will pass in January and Barbara Burton responded that there is a hearing and it's not passed yet, if everyone comes and opens their mouths it will be better than sitting here and going crazy. The Mayor responded that Gaiman will look it that.

Mrs . Anderson of Monticello Housing Authority stated that since the trustees are representing our interest should you put that in a form of a motion or resolution directing the attorney to look into that? **Scott made a motion to direct the attorney and the manager to look into filing a class action suit against the County of Sullivan, seconded by Carmen** with a comment, she stated that it may be too late but maybe they can change it, it doesn't mean they can't change it. Gaiiman stated that the county is boxed in. Scott said they should look into reopening the issue about supporting the County Jail, Gaiman said tell them to put the jail at the Apollo. Scott said if the county doesn't start working with the village we should not let them use water or sewer entities. **On a roll call Carmen aye, TC aye, and Scott aye**

Scott made a motion of taking back our letter of support to Sullivan County using our water and sewer entities for the annexation for the new jail, seconded by Theodore, unanimously approved on a roll call

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RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE PAYMENT OF THE BUDGETED AMOUNT FOR THE VILLAGE ATTORNEY'S SALARY TO BE PAID TO ROBERT S. GAIMAN WHILE HE ASSUMES THE DUTIES OF THE VILLAGE ATTORNEY WITH THE EFFECTIVE DATE OF OCTOBER 14, 2009

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize for the Village Attorney's Salary be paid to for the budgeted amount to Robert Gaiman while he assumes the duties of the Village Attorney with the effective date of October 14, 2009

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

RESOLUTION FOR THE MONTICELLO POLICE DEPARTMENT TO PURCHASE A 2010 CHEVY IMPALA PATROL CAR ON STATE BID PRICE FROM HOSELTON CHEVROLET INC. IN THE AMOUNT OF \$27,686.30

Resolved, that the Board of Trustees, of the Village of Monticello does hereby authorize for the Monticello Police Department to purchase a 2010 Chevy Impala Patrol Car on State Bid Price From Hazelton Chevrolet Inc. in the amount of \$27,686.30.

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

RESOLUTION FOR THE VILLAGE OF MONTICELLO WATER DEPARTMENT TO HAVE REPAIRS TO THE AURORA PUMP FROM THE R & R PUMP AND CONTROL SERVICES IN THE AMOUNT OF \$4,330.00

Resolved, that the Board of Trustees, of the Village of Monticello does hereby authorize to have repairs to the Aurora Pump for the Village of Monticello Water Department from the R & R Pump and Control Services in the amount of \$4,330.00

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

RESOLUTION FOR THE VILLAGE OF MONTICELLO TRUSTEES TO AUTHORIZE AN INITIAL PAYMENT TO BARTON & LOGUIDICE FOR THE RTE 42 SIDEWALK PROJECTS IN THE AMOUNT OF \$713.99

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Initial payment of \$713.99 to Barton & Loguidice for the Route 42 sidewalk projects.

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

RESOLUTION FOR APPROVAL OF SKID STEER BID BY BOBCAT OF MIDHUDSON FOR \$29,720 FOR THE VILLAGE OF MONTICELLO HIGHWAY DEPARTMENT

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the approval of Skid Steer Bid by Bobcat of Mid-Hudson for \$29,720 for the Village of Monticello Highway Department

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

RESOLUTION FOR THE VILLAGE OF MONTICELLO HIGHWAY DEPARTMENT TO PURCHASE THREE GROUND SPEED CONTROL SYSTEMS FOR SANDERS #14, #15, #17 FROM ROBERT GREEN FOR \$9,885

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the approval for the Village of Monticello Highway Department to purchase three ground speed control systems for sanders #14, #15, & #17 from Robert Green for \$9,985

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

RESOLUTION FOR THE VILLAGE OF MONTICELLO HIGHWAY DEPARTMENT TO APPLY FOR NYS DEC GRANT FOR ASSISTANCE IN PURCHASING RECYCLING EQUIPMENT AND FOR A RECYCLING COORDINATOR

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village of Monticello Highway Department to apply for NYS DEC Grant for assistance in purchasing recycling equipment and for a recycling coordinator

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

RESOLUTION FOR THE VILLAGE OF MONTICELLO TRUSTEES TO AUTHORIZE PAYMENT TO NYS DEC FOR THE ANNUAL SPDES PERMIT RENEWAL IN THE AMOUNT OF \$7,500 FOR THE VILLAGE OF MONTICELLO SEWER DEPARTMENT

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Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the payment to NYS DEC for the Annual Spides permit renewal in the amount of \$7,500 for the Village of Monticello Sewer Department

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

RESOLUTION TO AUTHORIZE FOR THE VILLAGE OF MONTICELLO WATER DEPARTMENT TO PURCHASE A GRUNDFOS BOOSTER PUMP FROM MORRIS INDUSTRIES IN THE AMOUNT OF \$1,137.05

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize for the Village of Monticello Water Department to purchase a Grundfos Booster Pump from Morris Industries in the amount of \$1,137.05

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

RESOLUTION TO AUTHORIZE FOR THE VILLAGE OF MONTICELLO BUDJET TRANSFERS FOR FISCAL YEAR ENDING 7-31-2010 PRESENTED AT THE VILLAGE BOARD MEETING ON NOVEMBER 2, 2009 AND NOVEMBER 16, 2009

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize for the Village of Monticello Budget transfers for fiscal year ending 7-31-2010 presented at the Village Board Meeting on November 2, 2009 and November 16, 2009

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

DISUSSION ON ENFORCMENT OF RECYCLING

Carmen Rue stated that the Village can apply for a grant to continue recycling and this would be good because we can apply for as much as \$10,000 to organize the recycling and that it doesn't cost us any money. Theodore stated that he would like to see someone in the community get the job as a recycling coordinator, even if it is a part time position. Jim Steinberg from the Highway Department said that there is an pre-application grant to apply for this kind of help for the recycling coordinator and to purchase equipment.

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DISCUSSION OF TAXI MEDALLIONS

The Mayor stated that Taxi Medallions are still needed in the village and he believes it's free enterprise and for more people to do business. Scott discussed the issues of telling the value of a medallion. Theodore wanted to know if other vehicles that don't have medallions get checked because they don't have medallions. The Chief of Police Doug Solomon responded that if they get caught without it, they get tickets.

DISCUSSION FROM DYSTRA ASSOCIATES, PC

Ed Garlic the planning associate from Dystra Associates made a proposal for updating the Zoning of the Village of Monticello and he stated the need for this update. He went on to say that rezoning is required for commercial businesses in the area and to have meetings for industrial zones. A \$30,000 proposal was mention for the job. Carmen wants a background check on Dystra Associates because an assessment was requested and she has not seen it, she also requested for more information before they give an answer. The Mayor stated that the form has been here for seven (7) months almost and their proposal was presented and went on to say that we do need re-zoning in the village. Ray, the Village Manager, stated that this firm has come to meeting after meeting promising substantial free work and we haven't seen any of it, he went on to say that, your firm in my eyes has lost creditability because you haven't produced what you promised to produce. Ray stated we do need rezoning and we should look for other proposals and that he is looking into that now. He went on to say that the Dystra Associates promised but never delivered. Mr. Garlic stated that they were working on the study and the Mayor said that the study has been seen by the Board and he will show them the papers that were shown to the manager in his office. Scott said that it would be put out to bid and see if Barton & Loguidice would be competitive or others. It was requested for the Board to put into:

Motion that Ray Nargizian, the Village Manager, should contact Distra Associates, Barton & Loguidice and other companies to come up with a Bid for rezoning, seconded by Theodore Hutchins unanimously approved on a roll call

TOMMY TING DISCUSSION UPDATE

Mr. Ziegler, the lawyer representing Mr. Ting stated that some zoning work is needed on the Motel which is zoned B1, B2, & RM and stated that they would like to rezone the 3 parcels into one B1 zone district. Theodore suggested a variance, and the Mr. Ziegler said that a variance is hard to obtain. Gaiman, the Village Attorney, said the charge of zone should be presented to the planning board. Wesley said they need permission from the board first before they go to

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the planning board. They also requested a change from 300 ft to 1,000 ft for parking from the site and the planning board will recommend the Village Board to know if it can be done before you can vote, they also have to go the county for a 239 M review and then the County will recommend to you also what they think and conduct a public hearing. The lawyer recommended the Board to change the law to be Lead Agency to change zoning to the Motel property from B1, B2 & RM to entirely B1,

THE BOARD OF TRUSTEES FOR THE VILLAGE OF MONTICELLO MADE A MOTION REQUESTED BY CARMEN RUE, SECONDED BY THEODORE HUTCHINS ON AN UNANIMOUS ROLL CALL TO BE LEAD AGENCY TO ADMEND THE VILLAGE OF MONTICELLO LAW SECTION 280-23 FOR ANY PROJECTS TO INCLUDE MUNICIPAL PARKING LOT TO INCREASE FROM 300 FT TO 1,000 FT FOR A NON- RESIDENTIAL SITE PROJECT TO INBI, B2 ZONING

RESOLUTION REFERRING TO COUNTY AND VILLAGE PLANNING DEPARTMENT

A motion was made by Scott Schoonmaker, seconded by Theodore Hutchins, on a unanimous roll call vote to adopt the above resolution.

DISCUSSION ON EDITH SCHOP'S PAY FOR RESIGNING

No comment on this matter

PUBLIC COMMENT

Barbara Burton stated that (#1) when one doesn't work they use the other one, so keep that in mind (#2) as far as vehicles on the road, it is under federal jurisdiction (the DOT), leave these people alone, leave the county alone and go to Obama (#3) Federal mandates the State, the State mandates the County and the County including the Village, Town and the Hamlets is mandated by the State and 80% of the Counties Budget is mandated by the Federal and State, therefore, the official hearing for the Budget is December 15, 2009 @ 7:00 pm in the County Hearing Room on the second floor. There will be a different fiscal proposal as well as a legal determination, STOP knocking your brains out, get a good turkey recipe and enjoy your Thanksgiving and I'll see you at the county meeting.

Scott had an issue about a member of the board absent and should not be paid. Carmen stated that it is Unconstitutional not to pay a board member for not attending a meeting. Scott went on to say if there was a good reason for not attending he could understand but if one is working he doesn't know about that. Carmen stated that this is a similar situation related to the pass village Mayor Jim Barnicle and the judge ruled if a person does the work, rather he is here or not, he's entitled to be paid and that was Judge Sackets ruling, that's how we lost that lawsuit. Mrs. Rue wanted to know if the board was going to violate that order? Carmen also said any legislative body elected by the people, that the Board has no power to suspend a payment to

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any board member. The Mayor stated that the board voted before not to pay if a board member was not present.

EXECUTIVE SESSION

At 9:00 p.m. a motion was made by Theodore Hutchins, seconded by Carmen Rue, approved on a roll call to move into Executive Session to discuss a personnel matter regarding a particular person.

ADJOURNMENT

9:45 PM

STACEY WALKER, DEPUTY VILLAGE CLERK