

Minutes

Meeting of the Board of Trustees

Village of Monticello

March 5th, 2013

7:00pm

Call Meeting to Order

The meeting was called to order at 6:59pm by Mayor Jenkins.

Pledge to the Flag

Roll Call

Mayor Jenkins-Present

Carmen Rue-Present

T.C. Hutchins-Present

Larissa Bennett-Present

James Matthews-Present

Also Present: Dennis Lynch-Village Attorney

James Snowden-Code Enforcement Officer

Phil Klemen-Water & Wastewater Superintendent

Heather Berg-Village Treasurer

Motion to Accept the Agenda

A motion was made by Trustee Bennett and second by Trustee Hutchins to accept the agenda. Upon the call of the roll, all were in favor.

Mayor's Report

Approval of Minutes from the February 5th, 2013 Village Board Meeting

A motion was made by Trustee Matthews and second by Trustee Bennett to approve the minutes. Upon the call of the roll, all were in favor.

John Fuller-Village Hall Renovations

The Village Engineer, John Fuller, was present. He presented the Board with financial documentation in regards to his plan to phase the Village Hall renovations. There was also a discussion in regards to the Village not have the funds readily available and the need to go out to bond in order to move the project forward.

Trustee Rue stated that she agrees with the project and understands the necessity of getting these issues resolved, but she feels that we should at least wait until the new budget comes out to see

where we are, before we go forward with a project like this. We have waited all or this time, what is a few more months.

Public Hearing- Local Law No. 1 of 2013-Residency Requirements for Village of Monticello Employees hired off the Civil Service Resident's List for the Village of Monticello

Tabled until further notice

Public Hearing-Local Law No. 2 of 2013-Amending Local Law No. 1 of 1986, Section 252-5-Landfield Avenue & North Street-making Landfield Avenue a 2-Way Stop

The Village Attorney, Dennis Lynch, stated that the purpose of this amendment is to make Landfield Avenue a two way stop for traffic safety due to the Village not desiring to replace the broken traffic light that used to be in that area.

The Public Hearing was opened at 7:15pm and the floor was opened to the Public to speak:

No one commented

A motion was made by Trustee Rue and second by Trustee Bennett to close the Public Hearing at 7:16pm. Upon the call of the roll, all were in favor.

Motion of Adoption of Local Law

A motion was made by Trustee Hutchins and second by Trustee Bennett to adopt what would change to Local Law No.1 of 2013-Amending Local Law No. 1 of 1986, Section 252-5-Landfield Avenue & North Street-making Landfield Avenue a 2-Way Stop.

Upon the call of the roll, all were in favor.

Discussion-Ted Stroeble Building Usage Fees

There was a discussion of the Board in regards to the usage fees for the Neighborhood Facility Building.

Mayor Jenkins stated that we need to follow the current law that is already in the Village Code and that you cannot get into any trouble following the law. The law has a \$35.00 fee and a million dollar insurance requirement, and it doesn't matter who is using the facility, the law should be followed. If anything happens in that building, the Village is liable. It only cost about \$100.00 to get a million dollar insurance policy. The building is being over-utilized, people are renting it until 3 and 4 in the morning, all day on the weeks for 10 to 12 hours, from other towns and municipalities, the kitchen is being used, the utility bills are going through the roof, its' out of control.

Trustee Hutchins stated that he does not feel that it is fair for non-profit groups and Village residents to have to pay for a million dollar insurance policy. He stated that he agrees there does need to be more strict regulation, but it's not fair to burden the people.

Trustee Rue stated that the community groups should be allowed to use it; the Village has an umbrella policy to cover Village residents for recreation. Per Trustee Rue, she is concerned with all of the other people from Liberty, Bethel, ect, coming in and using the building, they are not covered under that policy.

Mayor Jenkins stated that until the Board comes up with other regulations or changes the Local Law, he is going by what is currently on the books. This way it is fair for everyone and when the Board is ready to change it, then it will be changed.

Approval of bill's to be paid in the amount of \$580,757.89

A motion was made by Trustee Hutchins with a comment and second by Mayor Jenkins to pay the bills.

Trustee Hutchins questioned the Treasures in regards to funds being available to pay the bills.

The Treasurer, Heather Berg, answered that there is money to pay the bills, utility bill payments are coming in which is good, but there is an issue with Sanitation Fund, where monies was used to pave roads out of that fund that should not have been transferred and now the Sanitation Fund is running short on paying their bills.

Trustee Rue stated that the CHIPS monies that are given from the State have to go back into the Sanitation Fund. Those additional roads that were paved should have been done through that money, not money from Sanitation. She stated that she told the highway Superintendent this already.

Upon the call of the roll, the vote went as follows:

Trustee Matthews-Yea

Trustee Bennett-Nay

Trustee Hutchins-Yea

Trustee Rue-Nay

Mayor Jenkins-Yea

Resolution Adopting the Budget Transfers, Fiscal Year Ending July 2013

A motion was made by Trustee Bennett and second by Trustee Hutchins with a comment.

Trustee Hutchins asked the Treasure about the \$2,500.00 transfer from Contingency to Health Insurance Opt Out. He asked what was the need for this transfer and wasn't there already an amount budgeted for Opt Outs?

The Treasurer stated that there was already money budgeted for this line, but having to transfer money into it is not uncommon because you can never determine how many employees are going to opt out of the Village health coverage. The employees have until February to decide and sometimes it can be less or more employees at times. Even if there is a budgeted amount, there is no way to determine a set number of employees that will choose to opt out, this year it happened to be more than the budgeted amount.

Upon the call of the roll, the vote went as follows:

Trustee Matthews-Yea

Trustee Bennett-Yea

Trustee Hutchins-Yea

Trustee Rue-Nay

Mayor Jenkins-Yea

Authorizing the Village Clerk to refund Richardson Court for the Bond payment in the amount of \$19,000.00 from app#T.0033.101-Current account balance \$19,000.00

A motion was made by Trustee Hutchins with a comment and second by Mayor Jenkins.

Trustee Hutchins stated that from his understanding, there was a Site plan for a road that was supposed to be put in that would not done and the Site Plan never got approval, so he feels that it's only right to give this man his money back. He then asked the Treasurer how did all of this come about and what are we as the Village supposed to be doing with these monies?

Ms. Berg stated that the Village Clerk and I have been working together clearing out these escrow and bond accounts for some time now and this is not the first monies that is being returned. She also stated that she was asked by the auditors and instructed by them to do her due diligence in returning the money to the proper people because this money does not belong to the Village. This money was here way before she started working here, since 2006. She does not have any ties to this other than her fiancé being the Property Manager for the place; she has nothing to do with Richardson Court. Plus, the Board passed a resolution a while ago authorizing the return of escrows and bonds as pre-pays so this did not even really have to come before the Board, I spoke with Janine, the Clerk, and she said to put it on the agenda because of the amount of the bond.

Trustee Rue stated that she feels there is a conflict of interest because the Treasurer is associated with company and she works for the company, Richardson Court, and the father of her children also works there as the manager.

Upon the call of the roll, the vote was nay, resolution denied.

Resolution authorizing payment to Water Cooling Corp-sole source provider in the amount of \$1,550.00 for the purchase of a polypropylene tank for the Water Department from app#F.8330-233-Current account balance-\$1,610.88

A motion was made by Trustee Hutchins and second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution authorizing payment to Thomas D. Hartigan, Arbitrator for the PBA Matters for the Village in the amount of \$1,683.31 from app#A.1420.400

A motion was made by Trustee Bennett and second by Trustee Hutchins. Upon the call of the roll, all were in favor.

Resolution creating a Workplace Violence Policy Statement & Policy for all Village Employees

Tabled

Resolution amending the previous resolution passed on January 15th, 2013 and increasing the escrow account for Barton & Loguidice to \$12,500.00 to be paid by EPT-Concord for all fees incurred for the Water Contract Project and authorizing the Mayor to sign a contract stating the same

A motion was made by Trustee Rue and second by Trustee Hutchins. Upon the call of the roll, all were in favor.

Resolution authorizing the proposed renovations to the Ethelbert B. Crawford Public Library

A motion was made by Trustee Rue and second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution authorizing Preventive Maintenance measures from Hach Company-sole source provider- in the amount of \$1,086.00 for the Calibration of the Turbidity of Meter from app#F.8320.482 for the Water Department-Current account balance \$12,352.10

A motion was made by Trustee Rue and second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution authorizing the Replacement of the Spectrophotometer for the Park Ave Wellhouse from Hach Company in the amount of \$2,586.27 from app#F.8320.235 for the Water Department-Current account balance \$9,666.04

A motion was made by Trustee Rue and second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution to go out to Bond for the Replacement and Repair of the Sand Filters for the Water Department in the amount of \$104,110.00 from TAM Enterprises, Inc.

A motion was made by Trustee Hutchins and second by Trustee Rue with a comment.

Trustee Rue asked the Water & Wastewater Superintendent, Phil Klemen, why does the Village have to bond this money?

Mr. Klemen responded that after meeting with the Treasurer and going over the current budget, there is not enough money in the water fund to cover these expenses and this is something that needs to be done as soon as possible, because the current filters are rotted and corroded. He stated that he doesn't think that the proper piping and materials were used when these were replaced a few years ago. We should be getting a much longer usage span from them instead the need to replace them already; the current ones are only 3 to 4 years old. These are important because if they are not replaced, there will be sand in the water and then it becomes a Board of Health issue and the Village can get into a lot of trouble. He stated that they are looking to possibly get the money refunded through the Water Project that's going to be coming to the Village soon, but this has to be done now and can't wait.

Upon the call of the roll, all were in favor.

Executive Session

A motion was made by Trustee Bennett and second by Trustee Hutchins to go into an Executive Session at 8:23pm to discuss the following issues:

- Legal Update*
- 258 Broadway Matter*
- Personnel*

Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue and second by Trustee Matthews to come out of Executive Session at 9:20pm. Upon the call of the roll, all were in favor.

A motion was made by Trustee Bennett and second by Trustee Hutchins to settle the Alman Monti Taxi case against the Village under the terms as discussed in Executive Session.

Upon the call of the roll, all were in favor.

A motion was made by Trustee Bennett and second by Trustee Rue to set a Public Hearing for Tuesday, March 19, 2013 at 7:00pm to amend section 256-5 & 256-6 of the Village Code that affect the B1 Zone.

Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue and second by Trustee Bennett authorizing the Acting Village Manager to execute a contract to settle the Concord Water Contract from 2007 with Concord Area Limited Partners Group under the following stipulations:

1. All existing payments are brought up to date at the signing of the agreement
2. Future payments are pro-rata
3. All other terms are agreed upon and revised under the advice of the Village Counsel

Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue and second by Trustee Bennett to settle the 258 Broadway matter and decrease the property clean-up fees to \$12,000.00 if the taxes are paid in full. If the taxes are not paid in full, the amount goes back up to the original fee of \$23,000.00.

Upon the call of the roll, all were in favor.

Adjournment

A motion was made by Trustee Rue and second by Trustee Bennett to close the meeting at 9:27pm.

Upon the call of the roll, all were in favor.

Submitted by:



Janine Gandy, Village Clerk