

Minutes

Special Meeting of the Board of Trustees

Village of Monticello

September 6th, 2013

7:00pm

Call Meeting to Order

The meeting was called to order at 7:00pm by Mayor Jenkins.

Pledge to the Flag

Roll Call

Mayor Jenkins-Present Carmen Rue-Present Rochelle Massey-Present
Larissa Bennett-Present James Matthews-Present

Also Present: Dennis Lynch-Village Attorney
James Snowden-Code Enforcement Officer
Chief Mir-Police Department

Motion to Accept the Agenda

A motion was made by Trustee Matthews with a second by Trustee Bennett to accept the agenda with the following add-on:

1. 268 Broadway Property-Request for Reversion Rights-SBL#111.-5-13

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

268 Broadway (SBL# 111-5-13)- Request for Revision Rights

The Village Attorney, Dennis Lynch, explained that the current owner of the property, Mr. Bruno is seeking to have a resolution authorizing the Mayor to execute a general release relinquishing all of the prior rights of the Village on a reversion, if Monticello continues to remain in the current position on the deed in regards to 268 Broadway. What that means is Mr. Bruno wants to develop the property, and as I understand, the Village maintained a reservation to have the property come back to them. The last time we said we would relinquish that right only if he agrees not to use the property as a parking lot for any purpose and to build a sufficient building satisfactory to the Village. Since that time, my understanding is that Mr. Bruno has agreed to do that, he does not want that wording in the actual document, but it's totally in the Village Boards call as to what they want to do. But, the Village reserved the right to take the property back under certain conditions and what you

are now doing is waving those conditions and letting him develop it if that's what you want which is totally the Boards call.

A motion was made by Trustee Massey with a second by Trustee Rue authorizing the Mayor to execute the reversion release on 268 Broadway, SBL#111.-5-13. Upon the call of the roll, all were in favor.

Approval of Minutes from the August 20th, 2013 Village Board meetings

A motion was made by Trustee Matthews with a second by Trustee Massey. Upon the call of the roll, the vote went as follows:

- Trustee Rue-nay
- Trustee Bennett-yea
- Trustee Matthews-yea
- Trustee Massey-yea
- Mayor Jenkins-yea

Mayor/Manager Report

Mayor Jenkins stated that we had a community barbeque and everyone was welcomed. It rained but we still had a beautiful turn-out of about 500 people throughout the day and it went wonderful. There was a comment made to me that the Mayor used the Village truck, the barbeque was a Village event and I can use a Village truck for a Village event anytime I want to. The last event we had was with the Bagel Festival, we used Village equipment and all of the fees were waived and no one said anything. My event was the same thing, so the party or individual that wants to say that the Mayor used the truck, they should get their facts right, stop their nonsense and work together with this Village. The event was beautiful; the kids had a good time and the adults also.

Appointments:

The Village Attorney stated that in the way of appointments, there is some confusion or seems to be in regards to the filing of local laws and appointments. If any local law says that it takes effect immediately, then that local takes affect not when you pass it, but when you file it with the Secretary of State. So, if your local law says that it takes effect immediately, it takes affect the minute it is filed with the Secretary of State. The local law that was in affect at the particular time, that local law became effective the minute it hit the Secretary of State. So, in other words the law regarding appointing a Treasurer is in the books as of right now. Just to give a little background, if your local law or resolution does not say that it takes effect immediately, then the NYS Home Municipal Rule Law says it takes affect 20 days after you file it. So if you don't specify when the law takes effect, it's in affect *20 days after* it hits the desk of the Secretary of State. If your local law says that it takes effect immediately, it becomes in affect *upon* filing with the Secretary of State. So, the law allowing you to

appoint a Treasurer, it is in effect as we speak, you can make that appointment, because it is your appointment.

I also want to clarify something to in regards to the Village Manager form of government and the regular form of government. The Village Manager form of government which is what the Village currently has limits the appointment of the Mayor to certain categories. The Village form of government, which is about 90% of all of the Villages NYS, the power of appointment for the Mayor is a lot more expansive. There has also been some discussion that I have heard at meetings that the only way you can change the form of government from Village Manager to the regular form of government which most Village have is to do a Permissive Referendum. It is true that you can have a Permissive Referendum to change the form of government, but you can also pass a local law that will allow that change to take place. That local law if you pass it within itself would be subject the right of the Public to conduct a Permissive Referendum. So, there is two ways you change that to eliminate the Village Manager form of government, #1-You can put forward a petition and if it meets all of the requirements you can put it up for a vote, #2-The Board can pass a local law that will become effective 30 days after, the one exception, 30 days afterwards unless a Permissive Referendum was successfully sought.

There was a discussion of the Board in regards to the information given by the Attorney in regards to the Village Manager form of government.

Trustee Matthews stated the he was under the impression that it could only be done in March.

Trustee Rue commented that she received information from NYCOM and other sources that support the Permissive Referendum before a local law can be passed and that the entire Board would run the government, not just the Mayor.

Trustee Massey commented that the Manager form of government does not work, the turn-over rate and shelf life of Manager's in this Village is terrible. The Mayor form of government will work for all of the people instead of a certain group of people like the Manager's do, no matter who is in the seat.

Mayor Jenkins commented that he appoints the Board for Evergreen, which is the Monticello Housing Authority, and their Director was just terminated by a vote of three Board Members. It's all political, now if he had been voted in by the people over there, I don't think that would have happened, because then he is accountable to the people, not just a Board.

Mayor Jenkins asked the Mr. Lynch to look into the issue further and to have an answer for the next meeting.

Treasurer-Lilu Li

A motion was made by Trustee Massey with a second by Trustee Matthews to appoint Lilu Li as the Village Treasurer at a salary of \$55,000.00 per year. Upon the call of the roll, the vote went as follows:

Trustee Rue-abstain

Trustee Bennett-yea

Trustee Matthews-yea

Trustee Massey-yea

Mayor Jenkins-yea

ZBA -Steven Kaufman to finish out the term of June Bartol –May 2018

Planning Board -Leo Glass-August 2017

Police Chaplin-Rabbi David Walter –on hold

Discussion: Separate SBL's for churches located in the Village of Monticello

There was a discussion of the Board in regards to Churches and/or Places of Worship being placed on their own parcel of land. Mayor Jenkins and the Building Inspector, Mr. Snowden, commented that do to the influx of projects coming in, it is important that the Village take this stance so that if any of these projects have a church and/or are of a religious sector, they are fully aware that only that piece of property that the religious facility is situated on can be subject to exemption and not the entire property. This way the Village is protected and we do not lose taxable properties due to multiple parcels becoming tax exempt.

Approval of bills in the amount of \$41,362.67 for fiscal year ending July 31, 2013 and \$101,588.89 for fiscal year ending July 31, 2014

A motion was made by Trustee Massey with a second by Trustee Matthews to pay the bills. Upon the call of the roll, the vote went as follows:

Trustee Rue-abstain

Trustee Bennett-yea

Trustee Matthews-yea

Trustee Massey-yea

Mayor Jenkins-yea

Resolution accepting donations in line item #A.2002.000-Youth Sports & Activities- for the Youth Recreational Building

A motion was made by Trustee Massey with a second by Trustee Matthews. Upon the call of the roll, all were in favor.

Resolution setting a Public Hearing date for local law #14 of 2013 regarding the placement of clothing containers

A motion was made by Trustee Massey with a second by Trustee Matthews to set the Public Hearing date for Tuesday, September 17th, 2013 at 7:00pm. Upon the call of the roll, all were in favor.

Resolution authorizing Sullivan County DPW to stripe various streets throughout the Village after paving season is completed in the amount of \$7,800.00 from app#5110.227 for the Highway Department-Current account balance-\$7,800.00

A motion was made by Trustee Massey with a second by Trustee Rue. Upon the call of the roll, all were in favor.

Resolution Monticello Housing Authority for the reimbursement of Youth Service in the amount of \$1,149.70 from app#H.063.000

A motion was made by Trustee Bennett with a second by Trustee Massey. Upon the call of the roll, all were in favor.

Resolution authorizing payment to NYCOM for the Villages Membership dues for the 2013-2014 fiscal year in the amount of \$3,244.00 from app#A.1920.400-Current account balance after payment-\$256.00

A motion was made by Trustee Bennett with a second by Trustee Massey. Upon the call of the roll, all were in favor.

Resolution authorizing payment to National Filter Media/Filter Belts for Belts for the Sewer Department in amount of \$2,202.00 from app#G.8130.421-Current account balance-\$13,595.78

A motion was made by Trustee Matthews with a second by Trustee Massey. Upon the call of the roll, all were in favor.

Annexation of Apollo- Rose Valley Road & Annexation of Garden Cottages-Varnell Road

A motion was made by Trustee Rue with a second by Trustee Bennett to approve the annexations subject to all the necessary paperwork being received by the Village Attorney from Mr. Garigliano prior to the meeting on September 17th, 2013. Upon the call of the roll, all were in favor.

Fee Schedule

A motion was made by Trustee Massey with a second by Trustee Bennett to Table until the next meeting. Upon the call of the roll, all were in favor.

Scholarship Presentation

The Monticello PBA presented Aryanna DaCosta with the Edward Dollard Memorial Scholarship for academics. Ms. DaCosta is currently attending Sullivan County Community College.

EPT Water Contract

A motion was made by Trustee Rue with a second by Trustee Massey authorizing the Mayor to sign the contract with EPT Concord subject to the clarification of the Employment Clause. Upon the call of the roll, all were in favor.

Adjournment

A motion was made by Trustee Bennett and second by Trustee Rue to close the meeting at 8:00pm. Upon the call of the roll, all were in favor.

Submitted by:



Janine Gandy, Village Clerk