

Minutes

Board of Trustees

Village of Monticello

June 17th, 2014

7:00pm

Call Meeting to Order

The meeting was called to order at 7:02pm by Mayor Jenkins.

Pledge to the Flag

Moment of Silence for former Mayor & Supervisor, David Kaufman.

Roll Call

Mayor Jenkins-Present
Larissa Bennett-Present

Carmen Rue-Present
Douglas Solomon-Present

Jill Weyer-Present

Also Present: Michael Davidoff-Village Attorney
Ray Nargizian-Village Manager-Absent
James Snowden-Code Enforcement Officer
Lilu Li- Village Treasurer

Certificate of Recognition

Mayor Jenkins congratulated and presented Mrs. Motl with a Certificate of Recognition for her 100th birthday, Mrs. Motl has been a life-long resident of the Village. Mayor Jenkins thanked her for her contributions and kindness to the Village over the years.

Motion to Accept the Agenda

A motion was made by Trustee Rue with a second by Trustee Solomon to accept the agenda.

Trustee Rue commented that #23 should be left for the next budget because how are we going to pay \$50,000.00 out of this budget. The Village Auditor's, Cooper and Arias gave a proposal for the current years audit and also the 2015 fiscal year audit. My opinion is that we leave the \$25,000.00 for the next budget year 2015.

Trustee Weyer asked can't you pass the resolution stating that you have option to extend the contract an additional year?

Trustee rue responded that the contract is not like that, it says for the two years, what happens if we get a low bidder or something?

Trustee Solomon stated that we should just leave it alone until we get to it.

Michael Davidoff, the Village Attorney, stated that the current motion on the floor is just to adopt the agenda, then when you get to that resolution, and then you can decide what you want to do with it.

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

Public Hearing- Annual Budget for the fiscal year commencing August 1, 2014 and ending July 31, 2015

A motion was made by Trustee Rue with a second by Trustee Solomon to open the Public Hearing at 7:10pm. Upon the call of the roll, all were in favor.

The Village Treasurer, Lili Li, thanked all of the Board and everyone for coming to the workshops and working hard to get the budget to where it is right now and then presented the 2014/2015 Tentative Budget to the Public. Mrs. Li stated that the tentative budget has a 2% tax increase and no raises have been given across the board to Department Heads. The Village Manager will be meeting with the Unions this week to discuss their contracts. There is no definitive answer right now to the question of increases for union workers; we have to see what they are asking for first.

Mayor Jenkins opened the floor to the Public 3 times and the following people spoke:

Rochelle Massey
James Snowden
Trustee Rue
Trustee Weyer
Trustee Solomon
Timothy

Mayor Jenkins commented that for the record, I don't that anyone should get any increases in this whole Village, we cannot afford it. No one in this whole County is getting increases, so why should the Village give increases; we do not have the money. If we do, I think it's selfish and uncalled for. How do you pay someone a 2% increase and you have unemployment and people making nothing and grabbing peanuts, but you want to give someone already making \$50 or \$60,000.00 a year an additional 2%. I think everyone should hold off on any increases. If you are not going to give raises to one person then there shouldn't be raises given to anyone because we don't have the money for nothing.

A motion was made by Trustee Rue with a second by Trustee Bennett to close the Public Hearing at 7:30pm. Upon the call of the roll, all were in favor.

Public Hearing- Local Law #3 of 2014- The Establishment of Fees for Medical Transportation and the Amendment of Chapter A290 of the Village Code entitled, "Fee Schedule"

A motion was made by Trustee Bennett with a second by Trustee Rue to open the Public Hearing at 7:31pm. Upon the call of the roll, all were in favor.

Trustee Rue stated that we are still working on the fees and the schedule, so can we leave the Public Hearing open?

The Board agreed.

Mayor Jenkins opened the floor to the Public and the following people spoke:

Alan Kesten
Janine Gandy
Trustee Solomon
Trustee Rue
Rochelle Massey
Trustee Weyer
Michael Davidoff

A motion was made by Trustee Rue with a second by Trustee Bennett to leave the Public Hearing open until Tuesday, July 1st, 2014 at 7:00pm. Upon the call of the roll, all were in favor.

Approval of Minutes from the May 20th, 2014 meetings

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

Mayor's Comments

Mayor Jenkins stated that again, he wishes the press was here, but they do not come to these meetings anymore and he doesn't know why. I like to say thank you to the Board because we did meet our 2% and the press used to say that we didn't meet our deadlines, we had money issues and all of this other bull crap and now where are they. You had new people and now a manager here for a month and now everything is perfect and he straightened out his whole Village. Now, no one is here crying or complaining and it's a shame. As long as I am here as the Mayor I am going to continue to say that I want a public apology from YNN, the Record and the Democrat for saying the false statements that they made about me and now none of them have the balls to come in here and face it or say anything about it. I am going to sit here every meeting and until I am off this Board and say that I am owed an apology from them and all of the people that used to come here and pack this building and all of those Facebook cowards, those people that are hateful and vindictive. Where are those people, they would come in and pack this house and say all kinds of negative things and they kept harping on the nonsense and all of a sudden, there's nothing. Now, the woman just stands here and says that the taxes are coming in at 2% and everything's fine. We did four (4) audits in the Village and nothing was found. Now, you have a different Board and all of a sudden, it's a new day in town, I can't get it and I'm going to go to my grave trying to figure it out and I'm going to go to my grave trying to see why isn't the press here? Now if we raised hell in here and if somebody started fussing and complaining they'd be here, I think they owe us an apology, T.C. and Reverend Matthews and me also an apology. They said that we stole and did all other kinds of nonsense and no one's saying anything about it, why, because you know if we stole and did all of those things in this Village Jim Farrell would have us locked up, so you know something is wrong. All of that bull crap that was said about the Mayor and the Board, now all of a sudden, you don't have anyone saying anything. The press doesn't even speak now, Mr. Davidoff can

you speak and have an answer, what happened to all of the people and all of the nonsense that went on here.

Mr. Davidoff responded, I don't know, I wasn't here in the past.

Mayor Jenkins continued that someone said it was the wrong color in, and maybe it is, but I hate saying that, but it probably was, because I know that this new Board has not turned this whole Village around in a month's time. All of a sudden, everything's good. All the nonsense that they said about the Board, me, the stealing, the nonsense, the, that, and now all of a sudden everybody's quiet, everything's perfect now. I just had to get that off my chest, because that's something that the Public needs to be aware of. I just want some of you guys and people out there to listen to what I say here and to what goes on here because you guys are were here and this is your Village and speak up and don't be afraid to for the un-justices that goes on here because it's a shame and before you know it the same people that beat me up are going to be beating you up to. Also there was a Human Rights complaint on me by a Police Officer and I had to go to Albany for a hearing along with the Chief, Johnstone and four(4) other officer's, imagine that payroll, from some frivolous law suit about a human rights issue with the Mayor and it was tossed out. But again, another thing that I think is terrible, and Albany did toss it, but look at the cost that was incurred. I keep saying let's move forward, but it keeps coming back, when does it stop? Maybe if it's stops, maybe I wouldn't be up here blowing my own horn because like I said, this is the only time I can talk, so I'm going to make the best of it.

There were two things, I don't know where Ray is tonight, there was someone, Goetz, that wanted to buy that property on Sturgis Rd., but there is a lien on the property and when we tried to sell it before, we were told that we couldn't because of the lien.

Trustee Rue interjected that the County has a \$100,000.00 lien on the property so we can't sell it until the lien is paid in full.

Mr. Davidoff responded that he will talk with him.

Mayor Jenkins also stated that he would advise the Board not to sell the property to Mr. Goetz because he is talking all of the buildings and leveling them and talking them off the tax roll. I had a buys for that parcel whom offered the Village \$50,000.00 and was going to build a three-story corporate office building there, but Ira Cohen told me that there was a \$100,000.00 lien on it, but then when I talked to Ray, Ray said that there wasn't a lien on it and he was going to sell it to Goetz. At least be consistent, if the lien is on or off, and if you're going to sell it, let somebody know because we had a developer that was very interested in it and if he turns around and sells it to Goetz for \$100,000.00, then I think that's a problem because you did not give the first guy a shot at it.

Trustee Rue responded that the property never went to auction because of the lien.

Mayor Jenkins also stated that there was another issue, one concerning with the repair of the pool and there was \$6,000.00 bill on there for the electrician and I am saying to the Board that I hope it goes out to bid before they fix it, because I heard that and I am just bringing it out to the Board and I heard that Fedun is doing the work and his brother is going to be the next, the Deputy Villager Manager that you all just hired, his brother will be doing the work and that's a conflict of interest. I am going to keep that in mind and if it's done, I am going to make mention of it at the next Village meeting, if it's true.

Manager's Report

There was no Manager's Report

Approval of bill's to be paid in the amount of \$503,113.35

A motion was made by Trustee Solomon with a second by Trustee Weyer to pay the bills. Upon the call of the roll, all were in favor.

Resolution approving Budget Transfers for Fiscal Year ending July 31, 2014

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

Resolution authorizing the purchase of K-Crete from E. Tetz & Sons Inc. in the amount of \$1,666.00 for the Sewer Department from app# G.8120.233, current account balance is \$3,668.85

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

Resolution authorizing payment to Baum Law Offices, LLP in the amount of \$1,000.00 for legal services for the month of May 2014 from app#A.1420.404, and current account balance is \$8,126.54

A motion was made by Trustee Solomon with a second by Trustee Weyer with a question.

Trustee Weyer stated that Mr. Baum is the attorney for Planning & Zoning and I was wondering if this amount is recouped through building permits, am I correct?

Michael Davidoff responded no necessarily, some is escrow money. An applicant does not get charged for what a lawyer does, they do however get charged for the Engineer's work.

Ms. Gandy, the Village Clerk responded that we used to have attorney bills paid out of escrow because when we had Drake & Loeb here, that's how their attorney's were paid because they submitted separate bills and that's why we require the \$1,000.00 escrow fee to pay attorney and engineering fee's. When Feerick, Lynch & MacCartney came, they did not charge for planning & zoning fee's that was included as part of their monthly retainer fee, so the escrow was only used for the engineering fees. I don't see Mr. Baum's invoice other than to put it on the agenda for payment so I don't know what he bills for, but if he is willing to bill separately for that, then we can pay it out of escrow so it does not come out of the attorney line and the general fund.

Trustee Weyer responded that so if he billed separately for that portion of the planning & zoning meetings, then that will not come out of the general fund, but will come out of the escrow accounts.

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

Resolution authorizing payment to Ray S. Pantel, Inc. in the amount of \$20,000.00 less the deductible for the repair of two (2) street lights at Rte 42 and Pleasant St and Wendy's and Rte 42, from app#A.2680, current account balance is \$19,450.00

A motion was made by Trustee Rue with a second by Trustee Bennett with a question.

Trustee Bennett questioned the shortage in the account.

The Village Clerk responded that the Village's insured is seeking payment of the deductible through the other party and they are currently working on that, so the Village will be refunded for that portion.

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

Resolution authorizing the emergency purchase of a Check Valve for the Sludge Pump for the Water Department from Schmidt's Wholesale in the amount of \$1,045.53 from app#F.8320.459, current account balance after purchase is \$644.03

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

Resolution authorizing the emergency repair of Truck #13 for the Highway Department in the amount of \$3,139.66 from Arkel Motor's from app# A.5110.228, current account balance after the repair is \$6,709.22

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

Resolution engaging the services of Cooper Arias, LLP for an independent audit ordered by the Village Manager in the amount of \$1,500.00 from app#A.1320.407

A motion was made by Trustee Rue with a second by Trustee Solomon with a discussion.

Trustee Solomon stated that he was a little confused about this.

The Village Attorney stated that from what was explained to him is that the Village Manager requested that they do an audit on a particular issue and that's what it was.

Trustee Solomon stated that he understands that there was a particular employee's accrued time that had come into question, but my question is and I want to put this out to the Board that this is obviously part of a bigger issue that we are unable to keep track of employee's time. I for one would like to know what the issue is in the first place and why we didn't know the kind of accrued time this employee had in the first place.

Trustee Rue stated that we discussed this in Executive Session and I'm not going to mention the employee's name, because he is an employee and I remember very clearly that we directed the manager to look into this.

Trustee Weyer stated that if we have determined that our payroll people and Paychex people cannot determine the accrued time for one Village employee is that the case for all Village employees?

Trustee Solomon commented that the Village Manager is not here to enlighten us, but I think this is an issue if we have to spend upwards of \$2,000.00 to identify the amount of accrued time one employee has, I think that's part of a bigger issue that we need to all deal with.

Trustee Rue asked are you talking about the amount it is because it's the \$1,500.00?

Trustee Solomon stated that yes, it seems like a lot of money.

Trustee Bennett stated that if we have Carrie who keeps track of the time and Paychex, if those two people couldn't tell us what the time accrual was, then why are we paying them this amount? That's an extra expense.

Trustee Weyer commented right.

Trustee Rue stated then what you want to do, to just let it go, it's about principal and honesty, and being honest at work and when you take your time, you take your time.

Trustee Bennett stated, but that's an extra expenditure, when we are already paying people to do the work.

Mayor Jenkins stated that plus, you did the audit already and you did not even do the Procurement Policy. Any services over \$1,000.00 are supposed to go before the Board for approval first before they are performed. I was there with the Auditors and the audit was done on James Snowden and they were looking for his time.

Trustee Rue interjected that the audit was for the whole Village.

Mayor Jenkins responded, no it was it was for James Snowden because I talked to the auditor's myself and she told me that it was for James Snowden and I said why is it not being done through procurement policy and I thought you get the approval first before you do the audit. Then he said well if you don't approve it, then I don't get paid, Andrew said that, then he said, yea you're right, it's supposed to be approved first by the Board and then the audit. But they already did the work, so even if you say no, it's already done.

Trustee Rue commented that it's not all the time because we have a bill here from the Engineer for professional fees that was \$2,500.00 from 2012 that was ordered by John LiGreci and we never voted, but they said because it's a professional fee, we have to pay.

Mayor Jenkins stated that two wrongs don't make a right.

Michael Davidoff stated that we are talking about a lot of different issue's here, as long as the person who had the authority to request the amount and the procurement was followed, than it's proper. The Village Manager has the authority and so as long as he follows procurement, he has the authority to engage services as long as he feels its necessary, that's number 1 and it can be paid. But you raise a different issue Mayor and I think we're confused. This bill is one issue, but what you're raising is the necessity for having to have done this in the first place if we're supposed to have checks and balances with this Paychex system, that's another issue that the Board...

Trustee Solomon interjected that the Procurement Policy is that the Board votes on any expenditure over \$1,000.00.

Per the Attorney, the expenditure yes, after it's done to make sure that it was completed and done correctly.

Trustee Solomon commented, no, it's supposed to be done before.

The Clerk replied, that unless it's an emergency purchase or repair, it's supposed to be done before.

Mr. Snowden began to speak and Mr. Davidoff interjected that this issue is not open to the floor.

Trustee Rue told stated that this is not Public comment and that it is better to not engage in conversation with any employee in open meeting.

The Village Clerk responded that in regards to procurement, the only time you go over that is if it an emergency then you do the service and then bring it back to the Board for approval. According to the Clerk, she has verified this with the State on multiple occasions by phone and when they were just here recently.

Trustee Rue commented right, but how about we just wait until the Manager is here, because we are talking about this issue and he is not here to speak for himself. So I would like to make a motion to Table this until the Manager is present. The motion was second by Trustee Solomon.

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

Mayor Jenkins-abstain

Trustee Bennett-yea

Trustee Rue-yea

Trustee Weyer-yea

Trustee Solomon-yea

Resolution authorizing representation of the Village regarding the sewer system with the United States Department of Agriculture Rural Development

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

Mayor Jenkins-yea
Trustee Bennett-absent
Trustee Rue-yea
Trustee Solomon-yea
Trustee Weyer-yea

Resolution authorizing going out to bid for the removal for the Justice Court debris and setting a bid opening date & time for Thursday, July 17, 2014 at 2:00pm

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

Mayor Jenkins-nay
Trustee Bennett-yea
Trustee Rue-yea
Trustee Solomon-yea
Trustee Weyer-yea

Resolution authorizing payment to Hudson Valley Environmental in the amount of \$2,507.00 for an inspection done in June 2012 from app#H.3120.250

A motion was made by Trustee Rue with a second by Trustee Bennett to pay this bill in the amount of \$1,787.00 which does not include the late fees. Upon the call of the roll, all were in favor.

Resolution authorizing an easement from Landfield Avenue(Village Owned Parcel), SBL#112, Block 9, Lot 14.3 and Thomas Ting International, Inc., SBL# 112, Block 9, Lot 12

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

Resolution retaining the services of Cooper Arias, LLP for the Annual Village Audit for fiscal year ending July 31, 2014 in the amount of \$24,200.00 and if there is an audit of the USDA there will be an additional cost of \$2,500.00

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

Resolution retaining the services of Cooper Arias, LLP for the Annual Village Audit for fiscal year ending July 31, 2015 in the amount of \$25,000.00 and if there is an audit of the USDA there will be an additional cost of \$2,500.00

There was no movement made by the Board on this resolution.

Executive Session (if necessary)

There was no Executive Session

Adjournment

A motion was made by Trustee Weyer with a second by Trustee Bennett to close the meeting at 8:54pm. Upon the call of the roll, all were in favor.

Submitted by:

A handwritten signature in cursive script that reads "Janine Gandy". The signature is written in black ink and is positioned above a horizontal line.

Janine Gandy, Village Clerk