

Minutes

Board of Trustees

Village of Monticello

March 5th, 2015

5:30pm

Call Meeting to Order

The meeting was called to order at 5:30pm by Mayor Jenkins.

Pledge to the Flag

Roll Call

Mayor Jenkins-Present

Trustee Bennett-Present at 5:45pm

Trustee Rue-Present

Trustee Solomon-Present

Trustee Weyer-Present

Also Present: David Sager, Village Manager
Michael Davidoff, Village Attorney

Motion to Accept the Agenda

A motion was made by Trustee Rue with a second by Trustee Solomon to accept the agenda with the following add-ons:

1. Resolution accepting the offer from the Town of Clarence Highway Department in the amount of \$62,000.00 for the 2008 International Packer that was previously up for auction
2. Correction of the Joint Meeting Public Hearing date to Tuesday, April 7th, 2015 at 6:45pm and changing the Village Board Meeting date and to 7:30pm for that meeting
3. Resolution authorizing the change in fee's for the Ted Stroebele Recreation Center and amending Chapter A-290 of the Village Code, entitled, "Fee Schedule" to reflect the same

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

Approval of Minutes from the February 17th, 2015 meeting

A motion was made by Trustee Rue with a second by Trustee Solomon to approve the minutes from the previous meeting. 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

Public Hearing- Local Law #1 of 2015-NYS Apprenticeship Program and supporting Language for Public Works Projects in Excess of \$250,000.00

A motion was made by Trustee Rue with a second by Trustee Weyer to open the Public Hearing at 5:38pm. 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

Michael Davidoff, the Village Attorney, stated that the purpose of this hearing is for the Board to re-adopt a Local Law establishing an Apprenticeship Program due to the Village not acting in a timely fashion regarding this issue and the necessary language for such. The Village Manager and I was asked by the Board to reach out to the Town of Thompson and to mirror their language, so that everyone is on the same page, which is the information you have before you and what the Board is possibly going to adopt tonight.

Trustee Solomon stated that I thought we were going to mirror the Town and used the same information.

David Sager, the Village Manager, stated that we have, but the Towns limits are at \$225,000.00 and I suggested \$250,000.00, because I felt it was a more cogent number, but if you guys want to go with \$225,000.00 like the Town, we can change it, we are still in the same parameters.

Trustee Rue commented that we should do it the same as the Town.

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The Public Hearing was opened to the Public and the following people spoke:

Trustee Solomon

Trustee Rue

Mayor Jenkins

Christopher Cerone-Laborer's Union

Tyrone Baker

Trustee Bennett

David Sager-Village Manager

A motion was made by Trustee Rue with a second by Trustee Weyer to close the Public Hearing at 5:51pm. 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

Motion of Adoption

A motion was made by Trustee Rue with a second by Trustee Bennett to adopt Local Law #1 of 2015- A NYS Apprenticeship Program in the Village of Monticello and supporting Language for Public Works Projects in Excess of \$225,000.00.

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

Mayor's Report

No Report

Village Manager's Report

Good Evening Honorable Mayor, Trustees & Members of the Public:

As you know, we were awarded a grant project for the Jefferson Street corridor through the NYS Department of Transportation. This grant is for significant drainage and sidewalk improvements along Jefferson Street. As part of the grant requirements, the project manager

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for the Village of Monticello on this project, Barton & Loguidice, must hold two public informational sessions with regard to this project. The purpose of these informational sessions is to a.) Notify the public and neighboring property owners of the project and b.) Provide an opportunity for both the public and board of trustees to give input and ideas. The public information sessions are organized and run on the village's behalf by Barton & Loguidice. Since the meetings are not a function of and not run by the Village Board, the public information sessions are not considered a meeting of the Village Board and as such, are not subject to NYS Open Meetings Laws (as confirmed with Robert Freeman). This means that the entire Village Board is welcome to be in the audience and provide input without breaking any rules regarding quorums. Peter Cristiano of Barton & Loguidice had suggested the date of Tuesday, March 24, 2015 at Village Hall, with one session starting at 2:00 PM and the second session starting at 7:00 PM. The public information sessions are a precursor to any formalized engineering plans. The date was chosen so that we would have ample time to notify the public and neighboring property owners. Following the public information sessions, there will be ample time for the Village Board to provide any and all additional input with regard to the project, before formal plans are developed and prior to any necessary public hearings on the matter. In addition, following public hearings on the project, the Village Board will also have final say on the project through a formal vote to either approve or deny the project as planned. Having received majority Board consent, it is my intent to move forward with the scheduling and announcement of the 3/24/15 public information sessions.

At the last meeting of the Village Board I noted that the surplus equipment we put out to online auction with Teitworth Auctions were unsuccessful in coming near our desired reserve prices. Therefore I have put forth a resolution for board approval that we consider changing vendors for re-auction. After research by both Highway Superintendent Jim Steinberg and I, we would like to consider utilizing Auctions International in an attempt to sell our surplus sanitation vehicles using the same reserve criteria as we did with the prior auction. The Auctions International website features better design, easier navigation tools and seems more widely utilized by regional municipalities. On a positive note, the village did receive a reasonable offer from the Town of Clarence New York for the purchase of our surplus 2008 International Packer that I have also put before the Board of Trustees for consideration on this evening's agenda.

So that the Board is aware, I have submitted a letter to NYSDOT regarding the majority of our 2014 CHIPS funding that had previously been withheld. Superintendent Steinberg and I have agreed to address all ADA deficiencies by September 20, 2015 and check for our remaining funds should be received shortly.

After receiving feedback from the Board of Trustees at the last village board meeting regarding the hiring of professional services to assist the Code Review Committee in necessary updates to our Zoning Laws, I will work with the Village Attorney to create an RFP that can be submitted for your approval at the 3/17/15 Board Meeting. Prior to that, the Code Review Committee

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would like to hold a work session on Tuesday, 3/10/15, to discuss with the Board of Trustees what progress and conclusions they have made to date.

Also on your agenda is a discussion item and potential resolution to modify the current rental terms for the Ted Stroebele Center. We would like to reduce the number of hours to a maximum of 4 hours per time block with ample opportunity before the function to set up and even more to break down and clean following the event. There are currently too many people who abuse the time limits and quite frankly, they are well below what the fees are for any other venue. In addition, I am requiring that all parties renting space provide the refundable security deposit without exception. In addition, I authorized Jessi-Ann Rosenbaum to coordinate a Craft & Vendor Bazaar at the Stroebele Center on Sunday, April 19, 2015. It should be a nice event for the public, as well as, a good revenue generator for the Ted Stroebele Building. To date she has already received inquiries from over 40 unique vendors seeking to reserve a table. Each space costs \$20, which will go directly to the Stroebele Center and Recreational Funding. I have also authorized a request from Chief Mir and his wife Ann to hold at least two events at the Stroebele Center in which all proceeds would go to the Stroebele Center for necessary improvements.

On Friday, March 6, 2015 at 1:30 PM, George Popp from the USDA will be meeting with us at my office to discuss a proposal for a project that would significantly upgrade aspects of our current water infrastructure. While much of this will have to be undertaken by the village through loans, I believe that there is some opportunity to have at least a portion of the project be eligible for federal grants. In addition, the proposal is expected to include an interest rate that is well below what was initially anticipated. Between the potential for some grant funding and the lower interest rate, the village has an opportunity to stretch their dollars so that more can be achieved through this project than was previously thought.

Please remember that Friday, March 6th is national colorectal cancer awareness day and everyone is asked to wear blue to raise further awareness throughout the community.

Resolution setting a Special Meeting & Work Session for the Re-Zoning Committee and the Village Board of Trustees for Tuesday, March 10th, 2015 at 4:30pm

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

Discussion- PayChex Time Clocks

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Mr. Sager stated that unfortunately, the Village Treasurer could not be here tonight due to a previous engagement. She was prepared to be here on the actual meeting night, which was this past Tuesday, but because of the weather, that meeting was cancelled. I do have some numbers here that I received from the Treasurer in regards to what we are spending yearly on PayChex and as of right now, it's \$17,000.00 +, which is not great, but not as bad as I thought it would be. I do plan to reach out to them to see what options we have in regards to the recent information we received with their prices increasing and hope to have the Treasurer and possibly a solution to the issue at the next meeting. I would ask the Board to Table this matter until the next meeting.

The matter was tabled by the Board

Discussion-Jefferson Street Corridor Informational Meeting

Per Mr. Sager, this matter was already discussed in my Manager's Report and we are proceeding forward. The Clerk has already noticed the paper and letters are going out to the property owners on that street.

Resolution authorizing the Emergency Purchase of a Utility Chain Saw for cutting water and sewer mains in the amount of \$2,828.00 from app#G.8120.233 & app#F.8330.233

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-abstain
Trustee Bennett-yea
Trustee Rue-yea
Trustee Weyer-yea
Trustee Solomon-yea

Resolution awarding the 2015 Used Cab & Chassis Bid for the Highway Department to Arthur Glick in the amount of \$24,900.00

A motion was made by Trustee Rue with a second by Trustee Bennett. 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 setting a Public Hearing date for Tuesday, March 17th, 2015 to amend Local Law No. 8 of 2001, Section 252-19, Vehicles and Traffic to add "No Parking Signs" on the south

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side of Hay Street from Rte 42 to the gate of the Park and on the north side of Hay Street from the gate to Court Street

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

Trustee Rue stated that those streets are very narrow.

Mr. Sager stated that the streets in this area are very narrow and this is a recommendation from the Police Chief because there is a huge problem getting vehicles in and out period and this will be a hazard or life or death situation when and if there is an emergency during one of these events at the park.

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 setting a Public Hearing date for Tuesday, March 17th, 2015 to amend Local Law No. 3 of 1995, Section 252-19, Vehicles and Traffic to add "No Parking Signs" on the north side of Hamilton Avenue from Pleasant Street to Jones Street

A motion was made by Trustee Solomon with a second by Trustee Bennett. 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 setting a Joint Meeting date for the Annexations of SBL#12.-1-52.2, MMNR Boat Storage and SBL#12.-1-35, Gaiman Property Holdings, LLC, into the Village with the Town of Thompson on Tuesday, April 7th, 2015 at 6:45pm at the Town of Thompson

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

Trustee Weyer asked can't we annex a property without going through a Joint Meeting or Public Hearing?

Mr. Davidoff responded that we cannot do anything unless a property owner petitions us. Once we are petitioned for an annex into the Village, then we can act.

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 setting a special meeting time for the April 7th, 2015 Village Board Meeting for 7:30pm to allow for the Joint Meeting with the Town of Thompson

A motion was made by Trustee Rue with a second by Trustee Weyer. 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 the Village Manager to sign a renewal agreement with Wal-Mart for the limited purpose of adequate water service for the Fire Protection System

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

Trustee Rue thanked Mr. Davidoff for his work on getting this agreement re-written and done.

Mr. Davidoff responded that as of now the payment is \$24,000.00+, but will increase with whatever the property tax ratable are for each fiscal year, the amount would adjust accordingly.

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

Mayor Jenkins-abstain
Trustee Bennett-yea
Trustee Rue-yea
Trustee Weyer-yea

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Trustee Solomon-yea

Resolution authorizing the Village Treasurer to pay the USDA Sewer Project EFC Loan principal payment in the amount of \$25,000.00

A motion was made by Trustee Weyer with a second by Trustee Rue. 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 the new audit engagement from Cooper Arias, LLP for the 2015 Tax year in the amount of \$23,500.00

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

Trustee Weyer commented that she thinks it would be better to include the additional costs of the audits into this resolution which is another \$1,500.00+ due to the Auditor's Report which stated that there would be a need for an additional Federal Audit due to the Sewer Grant Project. I just didn't know if we were shorting him the actual amount that is due.

Trustee Rue commented that the original amount he stated was for \$25,000.00 but that included the additional audit, but we may not need it, so the actual amount he is charging is the \$23,500.00.

Trustee Solomon stated that we should cross that bridge when we get to it. We can always pass an additional resolution at that time, but why approve that amount now and it may not be needed.

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

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Resolution authorizing the NYSHIP Buyout for the DPW, Sewer & Water AFSCME Members who has elected not to participate in the Villages health insurance program in the amount of \$4,500.00, one-half to be paid in the first six months of employment and the balance to be paid upon the completion of one full year of employment

Mr. Davidoff stated that he is unsure of why this resolution is even before the Board, when it was already approved in the Union Contracts that the Board passed a few months back. The PBA are not included in this because they are dealing with it in a different matter and it was not in their contract that was passed by the Board.

Mr. Sager stated that it is before the Board because NYSHIP has sent down a mandate prohibiting it and doing so may cause the Village to lose coverage with NYSHIP as a whole. I have discussed this issue with Monica Brennan who is the NYSHIP guru in the County and I thought she would be present to discuss this matter, but she isn't here tonight.

Trustee Weyer stated that she would like to have Mrs. Brennan present to discuss this matter before the Board makes any decisions.

The rest of the Board agreed and Mr. Sager told the Board that he would reach out to her and have her come discuss the matter at the meeting on March 17th.

A motion was made by Trustee Bennett with a second by Trustee Solomon tabling this matter.

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 the Village Clerk to refund Silvia Saravia, SBL #108.-7-2, 3 Rupp Avenue, for penalties paid in the amount of \$283.20 for the 2014/2015 tax year

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

Trustee Bennett commented that she is confused on why this taxpayers feels that she is due her penalty back. She paid her taxes late and this is the cause of taking this action.

Mr. Davidoff stated that he was asked to look into this by the Board and the Board does have the power to refund a taxpayer their penalties if it is in the best interest of the Village on a case by case basis.

Mayor Jenkins stated that he feels that doing this would be setting a precedent and creating an issue for the Board because everyone is going to look for the Board to grant them the same thing. When and if I pay my bills late, I get charged a fee and I pay it.

Trustee Rue stated that she feels that the Board should make an exception because it has been done before and she heard the comment made that this tax payer is her friend and that is not true, the person in the next resolution lives next to her also, everyone in the Village is my friend, we all live here together and are neighbors. Friendship has nothing to do with it. It is about what is right and this person has lived in the Village for a very long time and has always paid all of her bills on time and this is wrong. According to Mrs. Saravia, it is an error on the Village, she told me that the School and Town sent their bills to the right address, but the Village didn't, it's our mistake and it's not right. We need to fix it.

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

Mayor Jenkins-abstain

Trustee Bennett-nay

Trustee Rue-yea

Trustee Weyer-nay

Trustee Solomon-nay

Resolution authorizing the Village Clerk to refund Allen Mendels, SBL#113.-2-8, Hammond Street, for penalties paid for delinquent taxes in the amount of \$269.66 for the tax years of 2009 and 2010

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

Mayor Jenkins-abstain

Trustee Bennett-nay

Trustee Rue-abstain

Trustee Weyer-nay

Trustee Solomon-nay

Resolution accepting the offer from the Town of Clarence Highway Department in the amount of \$62,000.00 for the 2008 International Packer that was previously up for auction

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

Mayor Jenkins-abstain

Trustee Bennett-yea

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Trustee Rue-yea

Trustee Weyer-yea

Trustee Solomon-yea

Resolution authorizing the change in fee's for the Ted Stroebele Recreation Center and amending Chapter A-290 of the Village Code, entitled, "Fee Schedule" to reflect the same

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-abstain

Trustee Bennett-yea

Trustee Rue-yea

Trustee Weyer-yea

Trustee Solomon-yea

There was no Executive Session

Adjournment

A motion was made by Trustee Solomon with a second by Trustee Weyer to close the meeting at 6:50pm. 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

Submitted by:



Janine Gandy, Village Clerk