

Minutes

Regular meeting Board Of Trustees

Village of Monticello, NY

Monday, February 1, 2010

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7 PM

PLEDGE TO THE FLAG

Roll Call

The following were present

Gordon Jenkins, Mayor

Theodore Hutchins , Trustee

Victor Marinello. JR, Trustee

Carmen Rue, Trustee

Scott Schoonmaker, Trustee

Also Present: Ray Nargizian, Village Manager

Bob Gaiman, Village Attorney

Douglas Solomon, Chief Of Police

Richard Sush, Councilman- Thompson

Plant Superintendent-Phil Klemens

Highway& Sanitation superintendent-Jim Steinberg

Minutes-regular village board meeting-February 1, 2010

Village Attorney-I would like to ask you to go into executive session the representative from the County Attorney's here to discuss pending litigation

Motion by Victor Marinello to go into executive session at 7:05 PM

Second by Theodore Hutchins

All in favor (carried)

Mayor Jenkins- reopened, the regular meeting at 7:30 PM

Mayor Jenkins-I attended a meeting on the jail the 27th 2010 and will keep you updated with the jail issue. I attended a CORE dinner in New York City; I networked with various public figures including Michael Steele. He is ahead of the national Republicans. I was pressing the Needs of the village. I met with (SLAC) senior Legislators action committee on the 29th with Trustee Theodore Hutchins. We met with Alison Epstein, who was Governor Patterson's regional representative we also met with Gail Hammond of New York state grants programs to discuss village grants. The governor's representative and T. C. Hutchins also attended the meeting along with the village manager after the slack and grants morning meetings over lunch with the governors AID at Ms. Monticello's Diner. I discussed village issues, which included the needs for jobs and economic stimulus, the DOT Broadway project and the need for the state and contract to keep after the road conditions during the winter until work resumes in the spring. Broadway reconstruction project, many people are under the impression that the village is doing the Broadway project. It's a grant, it's not true, the Broadway project is a DOT project from the state and the village is benefiting by the state repairing the village underground utilities, which is saving the village from future expenses and the village is not having to make the repairs. Therefore, where saving a lot of money. The design with the center median is mandated by the state and has been in a design from the very beginning. The state has made clear that they will not remove the median it is required in the design and it allows the state to get 80% funding from the federal government. I know there are a lot of people complaining about the median there is nothing we can do about it, it would be nice for me to take the credit and do a ribbon cutting, but it's not our project. It's a state project I have instructed the manager to keep after the state. With respect to the road conditions on Broadway during the winter. I trust he will do so. I have another issue. I am also concerned about code enforcement, better enforcement is necessary to make sure sidewalks are cleaned so pedestrians especially children are not forced to walk in a street. I am also concerned about the apartments that have been identified not safe and are not in code. They are still being rented, and it needs to stop because of the hazards to the people that are renting. I have written to the manager on the subject. There is one other subject. Did everyone get a copy about an employee from the village about parking? I will read a statement about this.

Within the past week, the village manager violated the state constitution, and the open meetings law. He did this by ordering the village treasurer to issue a check in the amount of \$500 dollars, payable to a village employee, who made a claim against the village for which the village had no liability to pay. In January of 2009, the employee parked her private automobile in the employee parking lot in a no parking zone. The employee alleges that while the automobile was in the no parking zone. The old automobile was damage when snow fell from the roof of the village garage and struck it. The employees submitted a claim based on an estimate of damages. The employee never submitted a bill

from the repair shop showing the actual cost of the repair and proof the cost of the repair was listed and the bill was paid.

The village's insurance carrier was notified. Upon their investigation they refuse to pay because they determined there were no village liability and therefore no legal obligation for the village to make payment.

The employee then collect from their personal automobile insurance for the estimate damage less a adoptable of \$500 dollars. The employee then sort reimbursement from the village for the \$500 deductible. This in essence was resubmitting a previously rejected claim. The village manager failed to notify me that this claim was being resubmitted.

Without any knowledge a purchase order prepared by the employee and approved by the highway superintendent was sent to the manager. The manager signed off and forwarded to purchase order to the treasurer for payment. Trustee's Marinello, and Schoonmaker, members of the auditing committee approved the payment.

I refuse to sign this check because it was earmarked for payment of a claim, which was previously denied and I was not aware there was any new information which could change that determination. I have filed the unsigned check with other relevant papers in the village Hall. Under village law that the Mayor is responsible to investigate claims against the village. (Village law 40 -- 400, 1). By letter dated January 7, 2010, I asked the manager to provide information as to the claim. To date the manager has not been responsive. I investigated the claim with the facts available to me. It should be noted the employee failed to follow the general municipal law respect to claims against the village and is now time barred from doing so. It should also be noted that the employee's insurance company attempted to get reimbursement from the village insurance carrier. Upon the village insurance carrier's refusal to pay, the dispute between the insurance companies was submitted to arbitration. The arbitrator rules in favor of the village.

I sent a detailed report to the village board and manager on January 13, 2010 denying the payment based upon finding there was no liability on the part of the village to pay.

After issuing this detailed report, the manager polled village board members Rue, Marinello, and Schoonmaker. Based upon this polling. He then ordered the treasurer two cut a new check, signed it and delivered it to the employee

I will make a motion so that the village board can vote in open session as required by the open meetings law. Whenever village monies are to be Spent Polling, as conducted by the manager to authorize and expenditure of the village monies is illegal under the open meetings law.

I reminded the board that payment of money in violation of the state constitution, article VIII, section 1, and make each and every member of the board of trustees, who authorize such payment. Personally liable to the village for the amount of money involved and also guilty of a misdemeanor.

Section 4 – 412(12)-of village law says-and officer or person who assumes to create a liability or appropriate money or property of the village without authority of law, or assents thereto, is personally liable for such debt, or to the village for such money or property. Each member of a village board

presents at a meeting thereof. When such unlawful action is taken is deemed to have assented thereto, unless he expressly this dissents and request such dissents to be entered upon the minutes of the meeting. If any person shall have theretofore appropriated or shall hereafter appropriated money or property of the village, contrary to law, and the facts in relation thereto are known to be the board of trustees, and such board sale for 30 days to bring an action against such person to recover such money or property, each member of the board having such knowledge shall be guilty of a misdemeanor and liable to removal from office, unless within such period of 30 days he shall file with the village clerk. A written request, signed by him, requesting the bringing of, such action or shall cause to be entered upon the minutes of the meeting of the board, a motion made by him for the bringing of such action or his vote in favor of such a motion

I now move:

A resolution to deny payment of a claim against the village for a alleged damage to an employee's car, which occurred on or about January 29, 2009 in order that any monies paid by the village in relation to this claim be recovered.

Whereas: in January/February of 2009 the village was requested to pay for damage to and employees automobile in the amount of 1, 760.18, and

Whereas: upon submitting the claim to the village's insurance carrier. It was determined that the village had no legal obligation to honor the claim, and

Whereas: on November 2, 2009. The employee requested \$500 dollars be paid to cover her insurance deductible. In essence, this is the same claim, for a lesser amount, previously submitted and denied, and

Whereas: without village board approval in an open meeting, to pay such claim the village manager Ray Nargizian, to recover all monies paid in return. Such money to the village treasury forthwith and to notify the Board of Trustees at the next village board meeting and each meeting thereafter the status of compliance with this directive until all funds have been recovered.

Mayor Jenkins-I would like to say one more thing. The board and Ray had no business in paying this \$500 dollars. When our insurance company denied the claim. And our attorney told us it was illegal to do.

Carmen Rue-first of all, we just passed the minutes of January 4, 2010. A resolution authorizing the village of Monticello bills to be paid. Motion made by T. C. Hutchins, seconded by Carmen Rue, the motion passed and nobody said anything. It was in the bills. This is the bills that we Review every single time before the meeting of \$500 dollars worth there in the back and I saw the voucher signed by the treasurer first and then it went to the

audit committee and then from the order committee. It went to the manager, and everybody signed off on it. And in the past, they paid a police officer for the full amount of the damage and it was more than \$500 dollars and the second time they paid

T.C. Hutchins-I think this payment was an oversight, and was brought to manager's attention and I'm pretty sure it was mentioned to every board member about the missed payments, I would like to ask a quick question that I need clarification on, Carmen mentioned that there were two other previous payments. That was paid out the other two payments that were paid out was because the village was liable for the damage. So the village paid the claims, the whole claim. I have a question for the attorney. If there is no legal obligation. Can we make a payment to someone?

Village Attorney-technically it is no valid claim against the village. I don't think the village can pay the claim.

T. C. Hutchins-what would constitute a legal obligation?

Village Attorney-either an equitable or statutory claim against the village based upon negligence, equity, contract and based upon tort. I can not tell you whether or not this is a legal obligation, because I have not investigate it.

T. C. Hutchins-Mr. Gaiman. You are our attorney and we need for you to give us your legal opinion

Village Attorney-yes. And I think I've answer the question.

T. C.-Hutchins-case with the oversight of the payment, should we have paid the payment.

Village Attorney-on the issue of the oversight procedurally the eyes were dotted and the T.'s were crossed to process the payment. The only thing that I said is that I have a feeling the people did not realize what they were voting on. They should have an opportunity to consider an amendment to the resolution. But procedurally, everything was in place to sign the check.

Carmen Rue-when I asked you because I asked you before this bill was paid. You said a motion was made, everybody has his packet to review and then you recommended paying because it was already voted. And everybody signed it.

Village Attorney-everybody called me and what I said, procedurally. You can cut the check; you did everything you had to do to cut the check. As to whether or not. You should have paid someone. That's a policy decision, and I don't make that call.

T. C. Hutchins-I don't see how possibly Scott for you and am going to say it for me to. When do we say enough is enough? If we paid two other employees and that possibly it was wrong, what was done in the past and you probably wasn't even on the board. When that was done. It was wrong then, and then it's wrong now. When do we stop making these mistakes?

Scott Schoonmaker-when we set policy that sets that standard

T. C. Hutchins-for me. It's not just being a trustee. I am also a taxpayer, and I don't want my money being spent, because three board members say pay a bill. When we don't have to. We're fortunate were not in a crisis. Like other municipalities are but poor decisions or manipulation in the way that we're doing things. We can very well find ourselves in that situation. We have a responsibility to the taxpayers that if we can save money. We shouldn't spend. And if it means us, retrieving money that was spent in correctly we need to do so.

Carmen Rue-if we are going to retrieve that money we need to retrieve everybody's money, because the village has no policy in writing saying so. And I think both of you have a personal interest in this payment. If you are going to complain after the payment is made then do your homework.

Mayor Jenkins-the only thing I can say is when I signed the check to be paid. If there was an oversight I do review the bills again and at that time. I can possibly catch any mistakes that were made. That's why I will not sign a check. The insurance company, that's the reason why I gave you all of the detailed work that the claim was denied by the insurance company. Remember the other two claims, we were at fault. That's why we took the hit on those claims. The claim that we are talking about also went to arbitration and the claim was defeated again. How can I sign that check our insurance company refused to pay? That would be considered a gift. The proper thing to do would be to take the money back and give it back to the people. Now take a roll call vote.

Scott Schoonmaker-wait I'm not done with discussion yet. First of all. When this purchase order came through the committee. The Purchase order clearly stated (damage on a vehicle). It did not state, what vehicle. It did not state whose vehicle and did not state when this happened. It just stated damage to a vehicle in the amount of \$500 dollars. I looked at it. I assumed it was a police car or one of the village cars, and I authorize the bill to be paid. Then upon learning that it was a personal vehicle and employee. I questioned what the proper procedure was on this and I was informed that because of the past practices. The insurance claims against the village were paid, so therefore I feel that this is a valid claim. I feel that this is just a prejudicial matter against the employee of the village and the attorney stated that we followed proper procedure, in my opinion let it be paid if the Mayor chooses to challenge it and not sign it. That's up to him, but I think it should be paid.

Mayor Jenkins-did you see this paperwork from the insurance company. This information clearly shows that it should not be paid and it clearly states that it is not a police car

Scott Schoonmaker-This information I am looking at is not the purchase order that I signed.

T. C. Hutchins-let's move on after I ask this question. Mr. Steinberg is this your signature

Highway Superintendent-yes it is my signature

T. C. Hutchins-Scott. You and Victor both sign this and with all the paperwork. I can't see how you didn't know. If It was a police car or not.

Mayor Jenkins-let's move on. The only thing I can say is that the Mayor did his investigation and found that the \$500 dollars should not have been paid

Carmen Rue-you don't have the right to go out and investigate the board did not okay. It

Mayor Jenkins-4 -- 400 of the village law states that I have the right to investigate wrongdoings to the village. Let's move on and we need to take a roll call of the vote

Motion by: Theodore Hutchins

Second by: Gordon Jenkins

Trustee Hutchins, Aye

Trustee Marinello, Nay

Trustee Rue, Nay

Trustee Schoonmaker, Nay

Mayor Jenkins, Aye

motion defeated-3-2

Village Clerk-John can you make sure you get this in the minutes. Yes, I also have it on tape.

Manager's Report-good evening my name is Ray Nargizian, welcome to the February 1, meeting of the Monticello board of trustees

Building department review from January 2 date

Inspection 145 -- violations, 139 -- violations corrected. 75 -- Grant inspections, 10 -- zoning review 7 -- permits issued, 3 -- co-/violations searches 7 -- amount collected from searches, 560.00 permits, 408.00-heat complaints 5

The rezoning committee has met on January 7 and January 21. We are moving along at a steady pace. Meetings are attended by two planning specialists, two planning board members, to zoning board members, our zoning officer, local business people, local residents, our engineer, a real estate appraiser and I. These meetings have been very productive. I hope we will be able to make a presentation to the board in the near future. I'd like to thank all that have attended these meetings. They do so solely because they care. Their only compensation knowing that they have helped the village reorganize our zoning laws, which hopefully will benefit the entire village population

A special thanks to Sullivan County Renaissance for participating in our rezoning project. They have participated in this project by sharing the expertise of Helen Budrock. Ms. Budrock is a professional planner. Her attendance and contributions are welcome, and appreciated.

Harry Mota, a village resident and homeowner, has been chosen to fill the open position for a police officer created by a three-year cop's grant. Mr. Mota has passed an extensive process consisting of physical, mental and psychological screening, as well as a background investigation. Mr. Mota will be appointed off the civil service list and begin his tour of duty with the Monticello Police Department on February 17. He will be attending the Orange County police Academy in March.

On January 28 police chief, Doug Solomon, met with officials from the New York City office of emergency management. They have offered the Monticello Police Department. A variety of free training to be conducted at their facility in Brooklyn, as well as conducting training here. They have also made an extraordinary offer of allowing our offices to work side-by-side with OEM first responders in New York City for a week at a time. This is a tremendous training and networking opportunity for our department.

On Friday, 22 January. I met with Luiz Aragon, the County planning commission. He discussed the importance of revitalizing the village of Monticello. He recognizes the importance of the village of Monticello, which is the county seat, and has a high growth rate in the entire county. We agreed to meet again and discuss how we can work together to reach this goal.

On Thursday, 21 January I met with new developers who want to develop the Broadway Theater into a family entertainment center. We wish them success in their endeavors

I'm pleased to announce the USDA has informed our engineering firm, Barton and, Loguidice that our grant and loan application for our water project has received an offer totaling 11,048,000. Glen Gidaly will speak tonight in detail of what this means to the village. This funding is coming through the federal stimulus program.

On Friday, January 29 Gail Hammond and Renée Wing from the office of community renewal, Allison Epstein, regional director for Gov. Patterson, the village manager and board members met to discuss the process of administrating grants in the village. The meeting was informative and educational; we are now in the process of completing the paperwork in order to close out previous grants. So we can apply for new grants.

T. C. Hutchins-sounds Great. Thank you. Have a quick question. We had asked that the last meeting about specs for the cleaning service that you get the chance to do that.

Village Manager-specs what specs? The cleaning company, what do you mean by that

T. C. Hutchins-because we had at our last discussion at our last meeting we had asked you to try to get the contract of the cleaning service that we use and also specs of the job, because there is a possibility that we may be sending this out for bid.

Village Manager-there is no old contract. She works on a month-to-month basis.

T. C. Hutchins-does she have responsibilities and duties that's responsible for doing

Village Manager-yes she does.

T. C. Hutchins-that's what we wanted you to give to us. If you don't have that information. You can set a time to give it to us. The next thing that we had asked you and you had said. It's in the minutes that you would follow up with the leachier versus the sludge that the taxpayers were footing the bill for trucking out the sludge and the leachier that were taken from the County. You said you're going to follow up on that issue. Can give us an update on that issue?

Village Manager-yes, I can give an update on that issue. With all due respect to our present attorney. There are an awful lot legal issues that have come across my table and from my perspective. We don't have an attorney to handle that. The leachier issue is one that has to be addressed by an attorney. I cannot do it alone, a village manager is only as good as the tools you give me to use and my three biggest tools are attorneys. A clerk and the treasurer. We are about to lose our treasurer we need an attorney that can handle matters such as this matter. And I don't have it yet. And I would beseech this board and the Mayor to appoint an attorney so that we could go forward with our legal issues. And there are plenty of them.

Glen Gidaly grants- like to let everyone know that a \$15 million grant initiative for the water department is almost complete. I would like my associate to talk about the mechanics of the operation. I would like to let everyone know about the reactors. The ones we are requiring are a very energy efficient process. It also requires much less tank age and it is amenable to large variations in flow. And this process will allow the plant to more efficiently treat the waste water, we will also be making some improvements to the wastewater filtration as well as solids and sludge handling the project also includes several green initiatives, which are great because it will not only save money and environmentally friendly. We are also making energy improvements of the buildings at the filtration system. But also making installation and roofing improvements and one of the items that we are working on is heat recovery. This is semi-new technology. We hope to get out for bids this fall and have the project completed in 2011

Scott Schoonmaker- in some areas there is a discoloration of water. Will this project help that?

Glen Gidaly-this is more of an infrastructure improvement on the water side it may assist that a little bit. And what we have done about the water supply. We've created a preliminary engineering report.

Victor Marinello-you need to understand the history of that there has been a number of complaints about the coloration of the water the in last 20 years that resident's use. It even stains clothing that people wear and the people have to boil their water before they use it to clean up the fact is that we have infrastructure of pipes that are 100 years old and I'm just wondering. Will all this make that situation improve? The area I'm speaking about is Miller Hill.

Phil water department-Miller Hill was scheduled to install two automatic flushing hydrants and that should take care of the problem.

Victor Marinello-my second issue is drainage, there are a lot of village areas that have terrible drainage. I have had personal phone calls from homes about that problem. Water was backing up into their basement and sewerage backing up. Will this help alleviate some of these issues?

Gidaly' S. representative Tim, that's a good question. I know there's one area of constriction on the wastewater side at intersection of Park Avenue and Broadway and I am not sure if it's related to that. But this project is based on treating wastewater at a treatment plant and providing adequate possible water supplies for the village. Drainage is a storm water issue, so I'm not sure to the answer of the question. I do know there is a large problem with the storm water getting into the sanitary sewer as we make changes that may take care of the problem. I would like to point out that this project will not take care of existing pipes.

Victor Marinello-I would like to talk about that, because this has been an ongoing thing. And a lot of the residents in the community have that issue. As well as the coloration of the water. I do know that this project is excellent. Just hoping that the issues I discussed will be addressed.

Tim-some of the pipes will be left in place and there will be a lining put in to the pipe it's a flexible lining that cures in place. And I think that will have a positive impact. Also, because of the inside of the pipe. That's breaking down and getting into people's drinking water and staining their clothes. When they wash. We're aware of it. That's why we're putting linings in the pipes. In the village the USDA wants to move with the village. The village has been noticed and recognized. I know its short notice with the trustees, but they would like to meet 9:30 AM this Thursday. They have a nice sized conference room, and we will be able to discuss all the options and he will be meeting with the people that are reviewing the village's applications.

Carmen Rue-we have applied for \$11 million in grants for the water system and were only getting \$665,000 dollars is it possible we could get more money.

Glen Gidaly-that's a good question. Trustee Rue, some people have mentioned, how come you were able to get so much grant money for the sewer system and less for the water system that T. C. Was asking me about that right before the meeting, and basically the USDA is like a friendly bank, and they analyze the income, what comes in and what goes out on both the water and sewer system. And what the existing debt is the sewer system has a significant amount of debt on it right now. The water system has some but not a lot. And that's just the way it is. So they analyze, and this is how they came up with the figures.

T. C. Hutchins-so basically what you're saying is all that work, they are doing an excellent job. That's why we can't get any more money.

Glenn Gidaly-well you know, one of the unfair things about this is that if you have an ordinance for water and sewer that in such bids shape that the DEC files and consent order or the health department is at your door in the middle of the night. Your application moves closer to the top. If you are taking care and doing a job as a professional. They don't consider it an emergency

Mayor Jenkins-public comment

Jen losolie-on comments about 11 cross street, a person who got a permit three years ago has moved out I saw a moving van there. And he's not living in the house, his sister's car with Connecticut license plates has been in the driveway for six years and I told one of the offices and he said there was nothing he could do about it. It has

Connecticut plates, and that's it, so now there is a house with insulation flapping in the wind. There is no siding just wood on the outside of the house and it's a mess is there any limit to a permit or can that house stay that way. For years it's been that way now for three years

Village Manager-you have an address, and I will look into it. Yes 11 Cross St.

Any unidentified man-I would just like to say that I would like to applaud your efforts about protecting the village funds. And I know you went to great lengths to explain that to the people about the \$500 dollars. I remember a few months ago under a different village manager. He authorizes spending \$23,000 dollars to Barton & Loguidice for an engineering study of this building that did not go for a board approval. And I was wondering if you are asking Barton& Loguidice for the \$23,000 dollars back. For the engineering study that they have provided, that was not approved by the board.

Mayor Jenkins-I think you have your information wrong that \$23,000 dollars was approved by the village board. If you would like to have more information about the study. I will be happy to meet with you at another time.

Tom-I was told that a fire hydrant by one of the churches blocks the passage of traffic and funeral processions into the church. If that was the case, if there were fire hydrant in a bad spot. Can they be moved or does it have to stay exactly where it is.

Glenn Gidal-y-a fire hydrant should be within a certain number of feet from each other. I am sure there is some latitude. They could to be replaced in another area.

Scott Schoonmaker-Tom with all due respect, I don't think that involves their plan, because that's the state and DOT issue that issue was also raised to me, A couple of months ago. The one you are talking about. I believe is by the Methodist church.

Alan bensky-I believe the hardship is being created for a number of the citizens that live in the village of Monticello. I notice a lot of paperwork was handed out to them pertaining to snow removal. A couple weeks ago, and this was right after we had a couple of snow storms and then a very cold time. And then they wanted us to get rid of the snow and ice from the front of our homes. Unfortunately at that point, the snow was frozen and they plowed everything back on the sidewalks. This created a great hardship to the people.

Mayor Jenkins-yes I know the snow was too hard to move. Ray maybe you could look into that everyone receives citations and the snow was too frozen to move.

Village Manager-is your inference is that we should waive the obligation of the homeowner to plow because unfortunately there was ice there after

Mayor Jenkins-no I don't think we should waive anything the gentleman is saying we should have gave some kind of a pre-warning to give them time to do it.

Village Manager-I'm going to be honest with you. I don't think it's the village's obligation to send out notices to every homeowner every store or landlord knows it's his or her responsibility to clean the walks. The fact that we remind them of it is not a negative when it snows in 24 hours. The walks must be cleaned.

Carmen Rue- Gordon is saying is that they are waiting too long to send a notice. It takes them 5 to 7 days for the notice to go out. It should be done right away. That's why the snow is frozen.

Victor Marinello-that's also a key issue. If you're going to send the notices out. I agree with Gordon, you need to be consistent about it to send it out five days after the storm in my opinion is unfair. Second of all, I think it's important to note inside the notification that we send out. If you don't have a sidewalk in front of your house. Then you should not give the person a notice to clean the Sidewalk.

Chris-I feel the gentleman's pain. But I walk everywhere I go, and I walk a lot on high street. High street only has one side of sidewalk and 95% of the people on my street. Do not shovel their walk.

Mayor Jenkins-what we could do is, we'll get out some kind of a warning.

Brian solar-I just want to know that the minutes that are being done. It appears that the resolutions were no longer being printed on the agenda in full. And I was wondering if that was going to change. I see there is one in here from the last meeting that is the full resolution

Village Clerk-that's because there is a whole addendum that is only partially changed. Not all the pricing reflects on the change. There are 2 resolutions that way an agenda is only an overview of what is in the packet. The resolutions are in its entirety on a separate page for the board of trustees to review everything they review is on The back table in a copy form for everyone to take along with the agenda.

Brian solar-I also noticed that in the minutes there are unknown people that are classified as unidentified person. I guess now that you asked them to identify themselves. Maybe that will change.

Village Clerk-problem is when someone states the name a lot of people are talking at the same time, and it is difficult to properly identify the person or persons that are speaking. Rather than identifying the wrong person as saying something it would not be fair to the person that made the statement. If the person is not identified state law requires that you do the minutes as it is. And not improvise on anything or statement.

Carmen Rue-John. Can you do it like it was.

Village Clerk-yes. I could, I am looking into acquiring a scanner. I will scan additional information onto the agenda as well as the minutes. To expedite the process. It will add additional pages that may not be necessary, but it could be done.

Helen, Budrock-from Renaissance, would like to give you quick update on some of the things that we have been up to. Sullivan Renaissance is embarking on a number of different initiatives and projects geared towards beautification and community development in the village. One of things is moving forward with is exit 104. We are in the process of doing Gateway improvements, the light by Schmitz, wholesale, the intersection of Jefferson street, and 17 B. today is February 1 and we will be announcing all of our grants initiatives, and it will be posted on our website 2010 grant applications.

Richard Sush-Town Of Thompson, Councilman-the winter conference that was mentioned is open not just to the village board members. It's open to everyone and I have brochures. If anyone is interested, you can also apply online

Mayor Jenkins-resolution-climate small community pledge to combat climate change. By becoming a climate small community (Vincent Gilmore)

- 1-pledge to combat climate change by becoming a climate small community
- 2- Set goals, inventory emissions, moved to action
- 3-decrease energy demand for local governments, operations
- 4 encourage renewable energy for local government operations
- 5-realize benefits of recycling and other climate small, solid waste management practices
- 6 promote climate protection through community land use planning
- 7-plan for adoption to unavoidable climate change
- 8-support a Green innovation economy
- 9-inform and inspire the public
- 10-commit to and evolving process

Carmen Rue-I would like to make a motion to table this because I really do not have a packet that I could get more information about this resolution. And what ramifications would be if we were to approve this. Did our attorney look into this?

Village Attorney-I spoke to Mr. Gilmore and he said he was going to give me a packet to review

Victor Marinello-I want you to know more for this project. I think we need to know more about it first

Scott Schoonmaker-if I understand correctly, your just asking for the board for a vote of confidence.

Carmen Rue-this resolution is a pledge

Mayor Jenkins-we will take a roll call on the votes
 Theodore Hutchins. I'll made a motion
 There was no second resolution was tabled

Village Clerk-in this resolution. There are a considerable amount of pledges and promises. Perhaps the board would consider voting on a vote of confidence, that would be nonbinding maybe the board would consider doing that.

Carmen Rue-I think this needs to be tabled until our attorney looks into this and gives us a report

Village Attorney-I'll give you my take on this. I don't see an upside I can see us in the operation of the government conserving energy by energy-efficient light bulbs and other things, including putting incentives in our building code book is a lot of language in here with affirmative acts that need to be investigated.

Victor Marinello-thank you, I agree. That's why I would like to see figures and monetary issues in writing before I can agree to this.

Mayor Jenkins-Vincent. Can you work with trustee Rue and trustee Marinello? When you get that information and paper work together for review.

Mayor Jenkins-vote was to table the resolution until more information was gathered

Mayor Jenkins-village of Monticello budget transfers and amendments fiscal year ending July 31, 2010 presented at the board meeting of February 1, 2010

From			To		
Accounts	Description	amounts	accounts	description	amounts
#1990.400A	contingent	\$19,000.00	#1410.416A	Atty O/S. professional	\$19,000. 00
#1990.400A	contingent	\$1,000.00	#1930.400A	judgment& claims	\$1,000.00
#1990.400A	contingent	\$13,000.00	#1620.201A	NFB Furnace	\$13, 00.00
	Total	\$ 33,000.00		Totals:	\$33,000.00

Motion, Carmen Rue

Second by Scott Schoonmaker

T. C. Hutchins-for taking 19,000 from our contingency fund and transferring it to our attorney. Professional services. We have a bill that was submitted by McCabe and Mac professional services for \$6,719.60. Is there a cap on the attorney fees, or are we going to continue getting these bills and continue taking the taxpayers money to pay these attorney fees.

Carmen Rue-I did my homework to there was a bill for \$6000 dollars and the reason these bills are coming is because there's a law suit that the Mayor has against the board. So if the Mayor keeps aiding more and more to the law suit and the bills will keep coming

T. C. Hutchins-Carmen I am just asking. Is there a cap to the spending? Or are we going to continue spending the taxpayer's money

Carmen Rue-it was already passed the resolution for 125 dollars per hour. And we can't put a cap On the spending

Mayor Jenkins-I would like to ask the board, because there spending their money so freely. That they should put a cap on the spending

Carmen Rue-Stop spending when you stop suing us

Mayor Jenkins-Carmen. You should refrain yourself from talking, because the whole bill is Mrs. Rue, and I haven't seen anything with Mr. Schoonmaker or Mr. Marinello on any of the bills. The whole bill is on her. She's e-mailing she has a private attorney, that the taxpayer is paying for

T. C Hutchins-I think we talk about our physical responsibilities and financial responsibilities. There needs to be some kind of cap on this spending, this Month its \$19,000 dollars were transferring over and were paying out \$6000 dollars. Who knows what will be next month

Carmen Rue-we don't know? As long as lawsuit keeps going.

Mayor Jenkins-that's funny, the attorney that I am using is not costing the taxpayers any money.

Village Attorney-if you are going to try to cap The spending. You probably should have done it when you passed the resolution

Roll call

Carmen Rue-yes

Victor Marinello-yes

Scott Schoonmaker-yes

Theodore Hutchins-no

Resolution was (carried)

Mayor Jenkins-resolution to amend the fee schedule to show new seasonal rates as follows

	Old Rate	New Rate
Seasonal minimum rate	145.20	175.69
Outside seasonal minimum rate (water)	290.40	351.38
Outside seasonal minimum rate (sewer)	238.13	263.54

Motion, Carmen Rue, yes

Second by Victor Marinello yes

Theodore Hutchins-yes

Scott Schoonmaker-yes

Vote all in favor (carried)

Mayor Jenkins-and that's the same as the water rates resolution

Carmen Rue, yes

Victor Marinello, yes,

T. C. Hutchins, yes

Scott Schoonmaker, yes

Resolution-authorizing the highway sanitation department to purchase and orbital steering nuckle for the loader from Pine Bush equipment in the amount of \$3000 dollars

Motion by, Carmen Rue, yes

Seconded by, T.C. Hutchins, yes

Victor Marinello, yes

Scott Schoonmaker, yes

All in favor (carried)

Resolution-authorizing the Police Department to purchase 5 Sig model 220R 45 CAP pistols at a price of \$2,935.00 dollars less a trade in value of \$1,875.00 dollars for a total of \$1, 132.00 from SIG SAUER quotation

Motion by Carmen Rue, yes

Seconded by Victor Marinello, yes

Carmen Rue-does this money comes from grant money.

Chief Solomon- no this money was allocated in the budget.

Victor Marinello-chief, I would like to know if this money can come from drug money funds.

Chief Solomon-yes in the future it could and then it wouldn't cost the taxpayers any money

T.C. Hutchins, yes

Scott Schoonmaker, yes-All in favor (carried)

Resolution-authorizing the waste water department to purchase filter belts in the amount of \$1,697.00 dollars plus freight at \$120.00 dollars for a total of 1,817.00 dollars from filter belts, a division of national filter media

Motion by Scott Schoonmaker, yes

Second by Victor Marinello, yes

Carmen Rue, yes

T.C. Hutchins, yes

All in favor (carried)

Resolution-authorizing the highway sanitation Department to increase their purchase order that was approved by the board November 16, 2009. In the amount of \$9,885.00 dollars to \$10,058.00 approved increase is in the amount of \$173.00 dollars from Robert green auto Inc.

Motion by-Victor Marinello, yes

Seconded by-Scott Schoonmaker, yes

Carmen Rue, yes

T.C. Hutchins, yes

All in favor (carried)

Resolution-authorizing the highway sanitation department to purchase a TR#3 motor for street cleaning department in the amount of \$1,230.00 dollars from Don's automotive mall, Inc.

Motion by Victor Marinello, yes

Seconded by Scott Schoonmaker, yes

Victor Marinello-I think we just purchased a new sweeper.

Jim Steinberg-this is not to purchase, this is to take the money from one account to another

Carmen Rue, yes

T.C. Hutchins, yes

All in favor (carried)

Resolution-authorizing the Highway Department to purchase electrical equipment for buildings and grounds in the amount of \$1,237.00 from Ross electric, Inc.

Motion by, Carmen Rue, yes

Second by, Theodore Hutchins, yes

Victor Marinello, yes

Scott Schoonmaker, yes-All in favor (carried)

Resolution-offering an option to activate employees to (OPT-OUT) of the village health insurance program with a reimbursement of \$1,000 dollars for February 1, 2010 to January 31, 2011

Motion by Carmen Rue, yes

Seconded by, Theodore Hutchins, yes

Victor Marinello, yes

Scott Schoonmaker, yes

All in favor (carried)

Mayor Jenkins-discussion correspondence

A-Danushdhari Corp. CITGO Mini Mart 68 Pleasant St. License renewal (no comment)

B- Draft resolution model of village of Monticello SEQRA REVIEW establishing lead agency for village board, planning board, and ZBA

Theodore Hutchins-thanked, the village clerk for putting the model together for the village of Monticello

C-iBAM requests for equipment to be moved to different areas (BOXING)

Ray Sheehan-what we would like to do is move the boxing ring to the front and have it 6 feet from the back wall and 15 feet from the bathroom walls and that would bring it out to just where the cars are parked reason for doing this is because we would like to hold events that would be sanctioned. We Could possibly see between 200 and 300 people and it would also be an ongoing way of funding. Our operation.

T.C. Hutchins-you just want to move it temporary for your sanctioned events and then they will go back to where it is.

Ray Sheehan-no because it's real hard and heavy to move and it also would take days to move it. What am suggesting is that we move it out permanently and only request the department to move the trucks. Just a day of the event

T.C. Hutchins-I am all for the project. I think event would be good for the kids and I talked to Jim. Our highway superintendent and he said would be no problem to move the vehicles out. But I do have a concern with the vehicles and the kids come in after school and possibly vandalism

Chief Solomon-I love the iBAM initiative I think it's been a great addition to the community but with that being said, we are sandwiched in a small area and sometimes just not good for business. That first bay. When you come out of the Police Department, we used that bay for confiscated vehicles. Sometimes the vehicles that we keep there are part of a crime scene and have to be processed for fingerprinting and cannot be interfered with. If there's any kind of change, we need to build a permanent partition.

Victor Marinello-I think iBAM is great, and it's good for the community and you guys are also doing a great job. But I am not comfortable with putting the vehicles and the kids In the bay area. For reasons that T.C. has and other reasons not to mention the fact that the Police Department is right there. You have a door that has a window. It's just not a good situation. The highway department also needs to put vehicles in their for storage.

Scott Schoonmaker-I think there is a way to compromise here. The possibility that you could partition off that one bay area so the police department could have that. I also think I know of a building that we might be able to store the village's equipment. I think we should table this and put this on hold. So we can research a little more.

Jim Steinberg, highway superintendent-I travel by their late at night and early in the morning. There are people there in the middle of the night. And that's a security issue

Ray, Sheehan-we have hours. They are from 5:30 PM until 8:00 PM. Occasionally, we have a daytime hour.

Mayor Jenkins-I support the boxing to which you have a pretty good setup already. If you go to other gyms, they don't have half of the setup that you have and the police chief is literally growing out of his space

Mayor Jenkins- Public comment

Mayor Jenkins meeting adjourned at 9:45 PM

Respectfully Submitted

John LiGreci

Village Clerk