

Minutes
Board of Trustees
Village of Monticello
August 3, 2010
7:00pm

Call Meeting to Order

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

Pledge to the Flag

Roll Call

Mayor Jenkins-Present Carmen Rue-Present T.C. Hutchins-Present
Victor Marinello-Present James Matthews-Present

Also Present: John Barbarite-Village Manager
 John LiGreci-Deputy Village Manager
 Stephen Gaba-Drake & Loeb
 Lieutenant VanHagee-Police Department
 Helen Buddrutt-Sullivan County Renaissance

Motion to Accept Agenda

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

Approval of Minutes from the July 20, 2010 Meeting

A motion was made by Trustee Hutchins and second by Trustee Marinello.
Trustee Rue stated that she is voting for the minutes except for the Manager's Report.
Upon the call of the roll, the vote went as follows:

Trustee Rue-Nay
Trustee Marinello-Yea
Trustee Hutchins-Yea
Trustee Matthews-Yea
Mayor Jenkins-Yea

Mayor's Report

The Mayor introduced Owen McKane, the insurance carrier for the Village. Mr. McKane stated that the expired premium was around \$192,000.00; the renewal premium is \$207,102.55/year, which represents a 9.2% increase. The increase is due to the loss ratio over the past three (3) years. He stated that there are ways to decrease the premium, such as increasing the deductibles. He is willing to do some analysis and come back with some suggestions that will help decrease the yearly premium. There is a positive trend going on in the reduction of claims, but in the eyes of insurance companies, it's not good right now, because all of the claims have not come in yet to close out the year.

Manager's Report

EMPLOYMENT VACANCY

Flo Nelson is leaving us from the Justice Court; she took a job in Goshen, so there's going to be an opening for the Justice Clerk. If anyone's interested they should send their resume in and it should also be put in the paper that there's an opening, so that we can see who's interested. It's not a Civil Service Competitive Job, because it's a Confidential Secretary to the Judge, so there's no list to be on, the Judge will make the pick and the Board will approve that pick. It's the Judges choice.

RECREATION

We've been working on cleaning up the facilities, cleaning up the park. We're going to have to look at replacing the support post on the pavilion; several of them have rotted off completely, the pavilion is now leaning about 6 or 7 degrees, so the highway department is going to start replacing all of those supports, otherwise we're going to lose that pavilion at the Park.

Trustee Marinello asked should we put up signs so people can't use it?

Mr. Barbarite responded that it's safe to use, it's not going to collapse, but it's something we have to do because if it goes on for a couple of years we'll be losing the pavilion. It's not in danger of collapsing now, but it certainly needs repair and we're going to start the repairs.

We are working with Michael Greco on expanding the programs, he's put out flyers, he's putting out reach into football, basketball, and soccer and we should have a good program to announce pretty soon.

LABOR CONTRACTS

We are continuing talks with the Union on the Labor Contracts. The labor Contracts expired on July 31, 2010, the Contract terms continue while we negotiate other than the fact that there's no salary changes, but everything stays the same as we negotiate.

BUILDING DEPARTMENT

They are issuing violations; we have several at the Justice Court on the 31st of August. We are continuing to do clean-ups of properties as I announced previously, we give a notice, we wait approximately seven days and if the property owner doesn't clean it up, we clean it up and we bill them for it.

We have been meeting with Fred Suljic and looking at the deficiencies that we see in the Code as far as the clarity and some issues where we believe improvement should be made so that it would more reflect the desires to clean up the Village.

We are finishing up on the landscaping in front of the Village Hall. The pots were put in, the plantings were done, and this is all a grant from the Gerry Foundation.

AUDIT

We completed an audit of the Justice Court, which hasn't been done in quite a while. The Justice's books balanced, everything came out good.

TAXES

Tax bills have been mailed, so people should be getting them tomorrow or the next day.

SLEEPY HOLLOW

I believe we have to talk to the Town of Thompson and I want you to authorize me to do so, if you remember in 2008, Sleepy Hollow was being purchased by Edgewater from Texas and they were going to make all kinds of improvements there, spending roughly 9 or 20 million dollars in upgrading the project. Based upon those representations, the Village and the Town granted them tax abatement, they have since sold the property to a firm in California and there appears to be no activity of remodeling or refurbishing or doing any of the plans that were the underlying basis that we approved or asked the Town to approve the tax abatement. I believe we should talk to the Town and see if we could revoke that abatement if they are not going to do the repairs and improvements because they are getting a substantial tax benefit based upon those promises and they went south.

Trustee Rue stated that it was only for those owners, not to be transferred.

Mr. Barbarite responded that it could be transferred to a new owner, but the new owner's aren't doing anything because if you remember they were going to empty one building at a time and completely remodel it, energy improvements, insulation improvements, modernized kitchens and everything and then they were going to build a community center with computer rooms and a sub-station for the police and security camera's and they were going to get big into recycling and nothing has happen, but they have been granted that tax abatement. I don't know if it can be pulled, but I think we should certainly sit down with the Town and have our Attorney talk to the Town Attorney and see what the status of that agreement is.

Trustee Rue asked were the new owner's contacted? I think that's what happened last year and nobody was invited from the Village when they did the transfer.

Mr. Barbarite stated that he has no clue who the new owner's are.

VILLAGE INSURANCE

You just heard about our insurance increase of 9% on our general liability. We got a 21% insurance increase from the County for Workmen's Compensation; it went from \$176,750.00 to \$213,725.00, not a good trend.

Trustee Rue asked why did it go so high?

Mr. Barbarite answered because of the loss ratio and the payout of claims. All municipalities that are in the County's self-insurance program get a bill based upon the claims and our bill this year comes to \$213,725.00, which is an increase from \$176,750.00.

The Mayor stated that maybe we can have our insurance company look at that and see if we can get out of that.

Mr. Barbarite responded that the problem with compensation is that many of the claims are ongoing, so the new company would have to pick up all of the claims that are out there and they probably wouldn't want to pick up that number of claims.

The Mayor stated that we should just reach out and see what's out there, because we've been doing business with the same people for the last twenty years and they have us locked in and we are not looking for nothing different, so we probably can find something a lot cheaper out there if we look, there is competition.

Mr. LiGreci spoke in regards to the Tax Collection program. He stated that due to the deficiencies and inconsistencies of the current program that is being used through the

County, the Village is in need of it's own program. He stated that he spoke with the SCA Group, which is located in Red Hook, is willing to services to our Village. There are many positives such as more than one person being able to log on at a time, they will provide constant support and assistance, & lastly the program could be implemented as soon as approval is given from the Board. The purchase of the program will be \$4,400.00 for the licensing and \$1,600.00 for intense training to be in tune for the end of this month, including technical support for a total amount of \$7,400.00, if the program was leased, it would run \$629.00 a month to give us a \$0 balance at then end of the year. The second year support would be about \$500.00 cheaper than what the County is charging us for poor service. I would respectfully as the Board to allow me to look into more options and get this approved and get this much-needed relief by the end of the month.

Trustee Hutchins asked, will you go back and get more information and then we could vote on it at our next meeting?

Mr. LiGreci stated that due to the fact that time is of the essence, he would like for the Board to vote pending one piece of information being the turn-over rate, so that they could move forward to elevate the current problems and not run into another tax season.

Trustee Rue stated that she would feel more comfortable with all the information being present for the Board to look at before they decide on a vote. She also stated that she is aware of the issues with the current system and the people waiting to pay their taxes.

Mr. LiGreci stated that he would respectfully ask the Board to recess this issue for two days until he can get all of the information for the proposal, so we can get it done and in by next tax season or a Special Meeting that will take five (5) days, preferably just to recess this meeting would be quicker if it's okay with the Board.

Trustee Matthews asked, how is this issue just being addressed now, if it's been happening in years prior?

Mr. LiGreci stated that he can only speak for this year and he thinks that once the tax season is over and things slow down, it's out of sight, out mind, leaving it and addressing all of the other issues until the next tax season, when it is recognized again. I believe that it needs to be corrected, so that it's put to bed, right now is just as good a time as any instead of going through another year of chaos.

Trustee Marinello stated that the people's taxes are high enough and if we can provide better service at a lower cost, that's good enough for me.

Trustee Rue stated that she witnessed it with Edith, many times when it would shutdown and she would not be able to work. That's very bad for the Village.

The Mayor stated that it's cheaper, providing better service and I like what's being done, reaching out and correcting problems that have been going on for twenty (20) years or more, we have to start reaching out to find cheaper and better. It's great that you are looking out for these things, that program in the Village is always down, it's terrible so what good is it, if we could and the Board would like, we could recess the meeting and let you go back.

Mr. Barbarite stated that basically John's going to go back and there's one question that he needs to get resolved in regards to support if the system breaks down, when they can get it back up. We've already identified that it's cheaper than the County's program and that it offer's more benefits than the County's program, and it even seems that if it takes two (2) days to get back on line, it's still faster than the County's three (3) or four (4). I would recommend that the Board authorize, if your inclined to go with the purchase based upon John being satisfied that the systems going to work, because he's going to come back and say either it's going to work or it's not, I would ask that the Board make a motion to authorize the purchase of it subject to his satisfaction that the systems going to be workable, because this way, we don't have to come back in two (20 days to hear John say, I'm satisfied, it's good, if he's not satisfied, then he just won't purchase it. That would then get us moving and won't require you guys to come back to hear him say, I called them up, it's good, I'm satisfied and now vote.

Mr. LiGreci stated that you could also make it not to exceed the quoted amount.

Trustee Rue asked if copies could be made for the Board so that if they vote today, they can look back and know what they voted for. I know you spoke with me before and even when you were the Clerk, I saw the problems.

The Mayor stated, I trust your judgment, so to here and wait for next week to go back and forth, I would go with you and vote it. It's cheaper, it's better and I know what you're saying.

Trustee Marinello stated that he would like to proceed cautiously and make sure that the needed information is what we need. We have to save money.

Mr. LiGreci stated that once he receives the information, he would personally call each Board Member to ensure that the cost does not exceed the quote within a day or two.

Trustee Hutchins asked where in the budget is this money coming from? Like I said in the beginning, I don't want us to just run right to the Contingency Fund.

Mr. LiGreci replied that the money is already in the budget for the County.

Trustee Hutchins asked what was it under?

Mr. LiGreci stated that he doesn't remember exactly, but I will get the information and put it in his box.

Trustee Hutchins stated that he's all in favor as long as the monies come out of that line, because I don't want this to be an emergency purchase and we go into that Contingency Fund.

Mr. LiGreci stated that it will come out of that line and to also keep in mind that it will not be a \$7400.00, it will be done through a leasing program.

A motion was made by Trustee Marinello and second by Trustee Hutchins authorizing the purchase of the new Tax Collection Software not to exceed the cost stated in the proposal of \$7400.00 or \$672.00 per month on a leasing program. Upon the call of the roll, all were in favor.

Mr. LiGreci also mentioned an Investment Protected Policy, which is State authorized through the Comptroller's Office. JP Morgan has this program; he will get all of the information together and present it to the Board at a later date.

The entire Board agreed that all of the information should be present to them and the Public before any decisions are made.

The Village Manager also commented that having a Reserve Fund would help the Village in regards to all of the health insurance payouts for employees that are no longer with the Village. After an employee is with the Village for five (5) years, they are entitled to have their health insurance paid for the rest of their lives. The Village is currently paying about \$15,000.00 a year for employees that have been retired for twenty (20), twenty-five (25) years. The Village will roughly pay out about \$250,000.00 per employee in the future per union contracts for union and non-union employees. We are in negotiation now with the Contracts regarding this issue, but it is a hard one to fight. The Village Board has the power to rescind or modify the resolution that was created in 1986 by prior Boards which authorizes non-union employees to get those benefits.

We'd have to look at the legality and there may be some property rights, but we can certainly stop it for new employees.

Trustee Marinello stated that there has to be a way to stop it, this is disgraceful. Once you complete your service here, thank you, you get your retirement and that's it. You do not touch the taxpayer's money any longer, that's it done.

Trustee Rue stated that's the reason why we don't have any money to do anything in the Village, no repairs, any recreation, anything, we have no money.

Trustee Hutchins asked could we make sure that this on the agenda and if we need to rescind that resolution that was made by the Board in 1986, let's do it.

Trustee Rue stated that we look into the legality and if it can be done.

Trustee Marinello stated that the buck stops here.

Approval of Bill's to be Paid

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

Resolution for the Budget Transfers & Amendments: Fiscal Year Ending 7-31-2010

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

Resolution Authorizing the Continuation of the Village General Insurance Plan

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

Resolution Authorizing the Village Treasurer to Release a \$2000.00 Bond Payable to MG Catskill Martco for Work Performed in November 2009

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

Resolution Authorizing the Payment of Membership Dues to NYCOM in the amount of \$3,166.00

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

Resolution Authorizing a Blanket to Purchase 160 tons of Blacktop at \$62.50 per ton not to exceed the Blanket Amount of \$10,000.00 from the Blacktop Bid for Fiscal Year 2010/2011 from app#5110.224A

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

Resolution Authorizing the Purchase of the Attachment for Bobcat Loader to include 14" Planer/Nozzle Spray Kit, 84" Angel Broom with Nozzle Spray Kit and Quick-Tech Water Kit totaling \$11,988.00 NYS OGS contract#PC64705-Award#221635-PF-Group#40604

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

Resolution Authorizing the Purchase of the 2010 International Plow/Sander Truck from Arkel Motors, NYS OGS Bid Contract #20165 in the amount of \$189,223.00 on a Lease Purchase Agreement.

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

Resolution Authorizing the Village Manager to enter into a consent order with the New York State Department of Environmental Conservation to resolve certain violations relating to the Village's recordkeeping for its underground fuel tanks

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

The Village Manager stated that we have an underground storage tank that requires certain recordkeeping. The DEC came down and did an inspection of the recordkeeping and there were some discrepancies. They have the authority to fine us \$37,500.00 for the violation; we were able to negotiate that down to a \$500.00 fine and a Consent Order. Part of the violation is also involving a sacrificial rod that's in the tank that prevents corrosion and that wasn't inspected in the proper time frame; it since has been inspected. So, we have a Consent Order on the table that resolves the whole issue for \$500.00, then the DEC will basically say good-bye to the problem and just monitor it in the future. If we don't do the Consent Order, the DEC will impose the \$37,500.00 fine, you don't have much of a choice with the DEC.

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

Resolution Authorizing the Village Manager to engage the services of Hawkins, Delafield & Wood to provide legal services in connection with the bonding of the sewer system improvements being performed by the New York State Department of Transportation

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

Trustee Rue asked if this was in relation to the pipes on Broadway that was changed?

Mr. Barbarite stated that this is the pipe on Broadway that goes from Park Avenue to Jefferson Street that we agreed to allow the DOT to replace the pipe now and because we're going to be borrowing the money by a bond, you have to employ Bond Counsel, this is specialized lawyers who deal with drawing up the papers for the announcement that you are borrowing the money because you have to do certain publications in the press to advise the people and then you have to put the bond out to sale and these guys handle that bond. This is a specialized legal field and this company is highly recommended, instead of charging a flat fee, they charge a percentage of it, I believe it's about \$3,000.00, the services for the bonding is going to cost us and it has to be done.

Trustee Hutchins asked what's the cost, it would be capped at what, 3% John?

Mr. Barbarite stated that it's at a percentage of the cost, I don't know the exact percentage, but it comes out on this one about \$3,000 and change.

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

Bond Resolution for the Sewer System improvements being performed by the New York State Department of Transportation

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

Emergency Purchase of a Radiator for the Sanitation Department Tr#12 in the amount of \$1070.00

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

The Village Manager stated that there was on resolution that came in very late. When Barton & Loguidice was doing the test pouring down at the Sewer Plant, they hit oil, unfortunately it was not an oil well, but it was some contamination that was probably there, either from a leaky tank or the old Landfield, because of that the DEC had to be notified by the Contractor and upon notification, the DEC came down and they require us now to investigate the source, whether it's new oil or old oil. We have to do test boring and we have to do a report to the DEC, we agreed with the DEC that we would undertake this voluntarily, other wise they would force us to do it. We solicited several proposals, Barton & Loguidice also offered a proposal, however we got a better deal from Budd Going and he sent a proposal to us and I would like to get permission to hire him so that he can do this

job. It's roughly between eight (8) and nine (9) thousand dollars to do this report. We have to drill six (6) holes, report the findings, if we find oil, we have to do laboratory testing to see if it's new/old oil. He does all of this reporting and then remediation plan goes to the DEC and there will be several meetings with the DEC to see where we go. Best-case scenario, it's old oil and it's insignificant. Worst-case scenario, we can have a major toxic clean up. We won't know until we do the borings and the DEC is waiting for the report.

Trustee Hutchins asked how many bids we had.

Mr. Barbarite responded that we had three (3) different companies propose prices on this, Barton & Loguidice, Budd Going and one other company.

Trustee Hutchins asked what the numbers are.

Mr. Barbarite answered that the other numbers were significantly high, roughly three (3) or four (4) thousand higher. It's sort of open-ended because once they drill the six (6) holes, depending on what they find, then you get into what test they have to perform and that may require them to come back and drill more holes depending on what the DEC looks at the initial report. Worst-case scenario, this could be on going and cost hundreds of thousands of dollars for a significant clean up in that area.

Trustee Rue asked if he had time to get the Board the information?

Mr. Barbarite replied that he just got it the other day, we have been talking to people about the cost, Barton & Loguidice came in a couple of thousand dollars higher, but Barton & Loguidice was more open-ended than this one.

Trustee Marinello asked what's the significance of time.

Mr. Barbarite responded that we probably should have done it within two (2) or three (3) weeks ago when they found the oil and that was a month or two (2) ago, but we took out time to try to get the best price. This is a guy that comes highly recommended in the business, but to tell what the final cost will be, it depends on what they find and what the DEC will do with that find.

Trustee Hutchins asked, the leak is over in the Sewer Department, right?

The Village Manager stated that we don't know if it's a leak.

Trustee Hutchins asked where in the Budget are we going to pay for that, is that going to come out of their fund?

Mr. Barbarite stated that it would have to come out of the Sewer Department.

Trustee Hutchins stated that we didn't Budget for it, so are going to tap into their Contingency Fund?

Mr. Barbarite stated that some of this might fall under the USDA Grant, because that's the direct result of that grant. Barton & Loguidice started test borings and sort of got ahead of themselves because we don't have the grant and we don't know if we're going to get the grant. They probably should not have started the test borings, but now that they hit the oil and it was reported to the DEC, we have to follow through with the next step, the DEC is going to require us to document and find out the source of the contamination.

Trustee Marinello asked is time of the essence?

The Village Manager responded yes because at some point the DEC is going to come down with a Consent Order or fines and right now they've been very cooperative because we've been cooperative and we have to do what they tell us to do.

The Deputy Village Manager stated that this money is going to come out of the new budget and there are allocations of money in the Water and Sewer Department for emergencies, I'm not saying it will cover everything this year, but it will certainly cover this.

Trustee Hutchins asked where, I just want to see in the Budget, if they have it for this year, then it should be in the Budget for last year right?

Mr. LiGreci responded it should.

Trustee Hutchins asked what item number is it going to come out of?

Mr. LiGreci stated that it could come out of professional fees, repairs & maintenance and that's on page six (6). There's also some room in treatment disposal, but would imagine we would pull it out of Sewer right now.

Trustee Hutchins stated that he agrees, he just wanted to know where we are going to get the money.

Resolution Authorizing the Village Manager to retain the Services of William L. Going & Associates, Inc., in Connection with the Oil Spill Investigation at the Villages Sewer Plant

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

Attorney-Client Session (if requested by the Board)

The Board agreed that an attorney-client session was not needed.

Adjournment

A motion was made by Trustee Marinello and second by Trustee Hutchins. Upon the call of the roll, all were in favor to adjourn the meeting at 9:15pm.

Submitted by:

A handwritten signature in cursive script that reads "Janine Gandy".

Janine Gandy, Village Clerk