

MINUTES
SPECIAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JUNE 29, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 6:07 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were:

Present:

Gordon Jenkins, Mayor
Theodore Hutchins, Trustee
Trustee Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Absent:

Victor, Marinello, Jr., Trustee

**RESOLUTION ACCEPTING DELINQUENT TAXES AND INTEREST FROM THE
CATSKILL HUDSON BANK OWNED BY 230-275 REALTY LLC FOR SBL 115-6-1
IN THE AMOUNT OF \$36,363.40 AND INSTRUCTING THE SULLIVAN COUNTY
TREASURER TO TAKE TITLE ON PROPERTIES OWNED BY 230-275 REALTY
LLC, SBL 112-9-1 AND 112-9-9**

WHEREAS, properties owned by 230-275 Realty LLC have been entered into an installment plan for payment of delinquent taxes of SBL 115-6-1, 112-9-1 and 112-9-9 in order that the Village not foreclosed for nonpayment of taxes; and,

WHEREAS, the owner of 230-275 Realty LLC has defaulted on the installment plan on all three (3) properties; and,

WHEREAS, Catskill Hudson Bank the lending institution that holds the mortgage to 461 Broadway, SBL 115-6-1 has offered to pay the delinquent taxes in the amount of \$36,363.40 in order to foreclose on the owner for nonpayment of their mortgage; and,

WHEREAS, 230-275 Realty LLC has defaulted and Sullivan County Treasurer Office will proceed to move for judgment on SBL 112-9-1 and SBL 112-9-9.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello has determined that payment in the amount of \$36,363.40 be accepted from Catskill Hudson Bank for 461 Broadway, SBL 115-6-1 in full payment of the amount due as of June 30, 2009 and will instruct the Sullivan County Treasurer to proceed to take title on the other two properties owned by 230-275 Realty LLC, SBL 112-9-1 and 112-9-9.

A motion was made by Trustee Hutchins, seconded by Trustee Rue, unanimously approved on a roll call vote to adopt the above resolution..

RESOLUTION TO ACCEPT BIDS MADE AT THE JUNE 2009 PUBLIC AUCTION FOR REAL PROPERTY ACQUIRED BY VIRTUE OF THE IN REM TAX FORECLOSURE PROCEEDINGS

WHEREAS, the Village of Monticello which authorized an auction to be conducted by Sullivan County and Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc. for real property acquired by virtue of the In Rem tax foreclosure proceedings, and

WHEREAS, Haroff Auction and Realty, Inc. and Absolute Auctions and Realty, Inc conducted said auction on June 10th , 2009, on behalf of the County, and

WHEREAS, by the Terms of Sale, the County on behalf of the Village reserved the right to withdraw any property listed in the notice of sale from the auction and further required that all such bids at the auction be approved or rejected by the Village of Monticello Board, and

WHEREAS, the County recommends that it is in the best interest of the Village that all bids made at said auction be accepted, and

WHEREAS, the following bids were received and the amount due for unpaid taxes and interest as follows:

<u>SBL</u>	<u>Amt. of Taxes Due w/ Interest</u>	<u>Amt. Sold at Auction</u>
108-6-3.1 & 3.2	\$1,815.72	\$8,000.00
115-4-20.1	\$2,086.74	\$1,750.00
119-3-31	\$ 520.50	\$ 800.00

WHEREAS, the successful bidders will have until 5:00 p.m. on Tuesday, July 28th, 2009, pursuant to the terms and conditions

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of the auction, to pay the balance due to the Sullivan County Treasurer's Office or any deposit remitted will be forfeited, and

WHEREAS, the successful bidders must purchase all parcels they were the successful bidders for, and

WHEREAS, if the successful bidder(s) do not remit the balance of the bid amounts by Tuesday, July 28th 2009, pursuant to the terms and conditions of the auction, the deposit(s) will be forfeited, and

NOW, THEREFORE, BE IT RESOLVED, the bids recorded at the real property auction held on June 10th, 2009, with regard to the properties auctioned by the County for the Village are hereby accepted, and the Village of Monticello authorizes the Village Manager, Village Clerk or other designee to execute the necessary documents and furthermore, the Village Board authorizes Chairman of the Sullivan County Legislature to execute the necessary documents to convey such title to the successful bidders, or to the party to whom conveyance shall be made,

BE IT FURTHER RESOLVED, the Sullivan County Treasurer is authorized to forfeit and retain any deposits made on bids that were not paid in full on or before 5:00 p.m. July 28th, 2009, pursuant to the terms and conditions of the auction.

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH MOBILEMEDIC

A motion was made by Trustee Rue, seconded by Trustee Hutchins, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Hutchins, aye; Trustee Rue, aye; Mayor Jenkins, aye to table the matter to the next Village Board meeting on July 6th when the Village Attorney will be present.

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WORK SESSION - DISCUSSION OF ADDITIONAL TAXICAB MEDALLIONS

Trustee Rue felt that if the Board is going to increase the number of taxicab medallions the Village should charge at least \$30,000 to \$50,000 each because it is for the Village business.

Trustee Hutchins questioned the cost to renew a taxicab medallion?

The Village Clerk responded that the cost is \$200.00 each.

Trustee Schoonmaker stated that there is definitely a need for additional medallions; however the medallions technically are property of the Village and therefore the Village cannot give them away. He felt that the Village has to get some compensation for the medallions. He felt the Board has to decide on a "fair market value" in order to protect the current taxi businesses that paid for those medallions and at the same time give an opportunity for someone to open a business and purchase those medallions. He noted he has been doing a lot of research on this matter and the taxi law has not been changed or addressed since 1988. He indicated that the Village code gives the Board the power to regulate who these medallions are being given to and at the same be careful not to infringe on the rights of the current taxicab medallions that are being used by Sureway Taxi and Yellow Cab Company. He was concerned that there is an option in the taxi law that allows a taxi medallion owner to lease or transfer ownership of these medallions to some other party and he felt the Board needs to protect the Village.

The Mayor explained that if a company purchases a medallion for \$500.00 and for any reason does not use their medallions they should be turned back to the Village not sold at a huge profit.

Trustee Rue noted that these new medallions should be available to anyone who wants to apply for them.

Trustee Schoonmaker felt the Village should set a "fair market value" as to what the Board feels the medallions are worth and offer them on a sealed bid process.

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Trustee Hutchins offered to assist the Mayor in surveying the other municipalities in the area to inquire how other handle dispensing additional taxi medallions and the cost of these medallions.

Gary Putter, owner of Sureway Taxi noted that the Village of Liberty increased the number of taxi medallions to 30 of which he has 15; however he is returning 5 of those medallions back to the Village as there is not enough business to warrant this amount. He felt that two years ago he was going invest in the Village of Monticello by buying property if the Board granted him five additional medallions but no action was ever taken.

Trustee Schoonmaker felt that he would only be in favor of a maximum of three additional medallions being issued.

The Mayor felt that this Board governs the Village and it is up to them to decide how many medallions are needed and what the cost for them should be.

Trustee Schoonmaker felt that the present taxi village code should be enforced.

The Trustees directed the Village Clerk to put this matter on next Monday's agenda for further discussion when the Village Attorney is present.

Alan Kesten noted that he is not against the Village increasing the number of taxi medallions as the advent of medicade transportation being sent out to public vendors has created a major change in transportation countywide and today there is a need for more taxi medallions, however he did not feel that ten was an appropriate number. He felt that Sureway would like to have additional medallions but has more than 10 vehicles in the Village of Monticello operating without medallions. He indicated that adding 5 medallions is a good idea and the issue of value is very relevant as he paid over \$30,000 for each of the sixteen he possesses and Mr. Putter paid \$30,000 for the Village of Monticello medallions that he owns. He bought an existing business so part of the value that he paid was good will to the business. If the Village issues five taxi

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medallions to Mr. Van Dunk at \$500.00 each and at the end of six months he doesn't want to be in the taxi business any longer he has a property right of those medallions and can turn around and sell them to anyone for \$30,000 with Board approval. The initial amount that the Village is selling them for now becomes \$30,000 because that is fair market value and he can sell his business if he chooses.

Mayor Jenkins felt that the Village Attorney will have to write the local law so that medallions cannot be sold only returned to the Village of Monticello.

Trustee Schoonmaker asked the Board to consider issuing nine additional medallions and each taxi company, Sureway, Yellow Cab and A 2 B should be entitled to three medallions each at a cost of \$500.00 for each and if they choose not to purchase the three it goes back out.

Trustee Hutchins felt there should be 10 additional medallions for another company that might want to purchase it.

Alan Kesten noted that there are a couple of "catch phrases" in State Law that are relevant. The part of State Law that allows a municipality to regulate taxis at all is first in the interest of public safety and welfare, secondly, the Village is allowed to regulate to ensure the economic viability of the taxi operators (in other words it allows the taxi owners to be financially able to maintain their business, maintain their fleet and keep them safe and replace the vehicles as necessary).

Trustee Schoonmaker noted that the Village has an obligation that every company that operates in the Village abides by the Village's codes and each is treated fairly.

Mr. Van Dunk felt by allowing Yellow Cab to acquire more medallions will enable him to continue to dominate the industry even more.

Trustee Schoonmaker noted that at this time one company has sixteen medallions and another company has five medallions which can't be remedied. The Board only has to be concerned with

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increasing the number of medallions, deciding on the cost to purchase these medallions and making sure that the companies that are awarded these medallions are compliant to the Village's codes.

Trustee Hutchins asked that the Board consider increasing the number of medallions from 21 to 31 in total (10 additional medallions).

Trustee Schoonmaker felt it could be up to ten additional medallions based upon need.

Mayor Jenkins felt the public is not being served if it takes more than 15 minutes to pick up someone who has to get to work on time.

Alan Kesten felt that adding too many medallions only creates a cluster of traffic.

Trustee Hutchins felt there should be no limits and no company should monopolize the business.

A member of the audience felt that the taxi companies that will survive are the ones that best serve the public with clean vehicles, fast service, courteous drivers, etc. and the others will have to return the medallion back to the Village to give to another applicant. He felt this is the "free enterprise" system and competition is good for the public.

Trustee Rue felt that safety is a very important issue and to put too many taxi vehicles on the road for a population of 7,000 is too much. She felt that if ten medallions are approved it will not be given to just one person, it will be divided fairly.

Trustee Hutchins summarized the work session as follows: Each Board member will be given a copy of the Village Code for their review. He will call the Village Attorney to ask him to change the number of medallions from 21 to 31 and at the next meeting the matter will be put on the agenda for further discussion and a public hearing will be scheduled for a future meeting.

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ADJOURNMENT

At 8:30 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Special Board meeting.

EDITH SCHOP, Village Clerk