

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, FEBRUARY 2, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:02 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were present:

Gordon Jenkins, Mayor
Theodore Hutchins, Trustee
Victor, Marinello, Jr., Trustee
Carmen Rue, Trustee
Scott Schoonmaker, Trustee - Left after final discussion on
Surcharges prior to bills being
Ordered paid.

Also Present: Zachary Kelson, Village Manager
Douglas Solomon, Chief of Police

**APPROVAL OF MINUTES OF SPECIAL VILLAGE BOARD MEETING DECEMBER
12, 2008, THE DECEMBER 14, 2008 SPECIAL VILLAGE BOARD MEETING,
THE REGULAR VILLAGE BOARD MEETING OF DECEMBER 15, 2008, THE
REGULAR VILLAGE BOARD MEETING OF JANAUARY 5, 2009 AND THE WORK
SESSION OF JANAUARY 9, 2009**

Trustee Rue asked that the minutes of these meetings be approved with the corrections that she has requested. She indicated that Stacey Walker made the copies of the corrections and Trustee Rue placed the corrections in each Board members folder in Village Hall last Thursday.

Trustee Hutchins indicated that he never received those corrections and he would need time to review them so he requested the approval be tabled to the next meeting.

The Village Attorney explained that the Board could not take any actions at the work session, however if the minutes are accurate than they can be approved.

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Mayor Jenkins felt that the minutes should reflect what was said at the meeting.

A motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved of a roll call vote to table the approval of the minutes to the next meeting.

MANAGER'S REPORT

Village Manager Kelson reviewed the various items on the agenda noting that some the expenditures were emergencies due to some water main breaks. He explained that there is a resolution regarding the fuelmaster diesel monitoring system that is important for the Board to approve this evening or else the Town will no longer supply the Village vehicles with diesel fuel that use diesel fuel. With respect to the Concord water request they would like to move forward with trying to arrange with the Department of Health to be able to start to get water down to the Concord site so they can start building. The Village has a written agreement that was executed several years ago and one of the items in the contract is that if the water is provided through wells that the Village actually drilled that the Village can set the rate (either inside user rate or outside user rate, or any rate the Board chooses to set), however if the water is coming from wells that have been drilled by the Concord (and they have the right to drill them on Village property) then the rates are determined based on contract which is outside user rate for residential and inside user rate for commercial. He noted that when they process is completed the Village will gain approximately (just during the construction process) \$576,000 per year that the Village needs.

Trustee Hutchins felt that the Concord should not be treated any differently than any other outside user.

The Manager continued to review each of the agenda items.

Employee Changes

The Manager announced that he appointed Brad Theis to position foreman mechanic to replace Herb Smith who recently retired and he also appointed Shawn McMichael to take Brad Theis place as a

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mechanic in DPW. He has also appointed Stacey Walker to the position Civil Service position of Account Clerk and still remains as the confidential secretary to the Mayor and Deputy Village Clerk.

Trustee Hutchins questioned the status of filing the position of the Grant Administrator?

The Manager replied that he has not made a selection and it involves personnel which should be discussed in Executive Session.

The Manager also announced that he has asked all department heads for a list of 5 things that need to be addressed. He noted that there is a serious problem with the Tannery Brook that runs through the Village and the Village Engineer has indicated that it would take \$507,000 to remedy. He has also sent a letter to Albany to ask the State to reinstate the CHIPS Program.

MAYOR'S REPORT

Broadway Project

Mayor Jenkins announced that the bids have been opened by the NYSDOT for the Broadway Project at a cost of \$12 million dollars and construction should begin in April.

Sullivan County IDA

He attended a Sullivan County IDA meeting where it was announced that they are trying to get some stimulus money to help some of the depressed areas in the County.

Sullivan County Renaissance

The Mayor attended a meeting of the Sullivan County Renaissance to get funds to raise some of the dilapidated buildings in the Village such as the building on the corner of East Broadway and Nelshore Drive.

**DISCUSSION WITH COUNTY TREASURER IRA COHEN AND DEPUTY
COUNTY TREASURER NANCY BUCK REGARDING THE ENFORCEMENT OF
VILLAGE TAX LIENS**

County Treasurer Cohen explained that last year the County took on the collection and enforcement of the Village's delinquent taxes. Last year all but four parcels were redeemed and those parcels were sold at the County auction last June. As a result of these properties being sold at a public auction and collection of delinquent taxes and installment agreements the County Treasurer's Office, \$877,000 was collected. As a result of the success of this program the County is now doing with two other Villages. He explained that in his opinion the agreement for the collection of delinquent taxes by the County needs to be modified. He explained that the modification of the agreement is only for those taxes sold at the County auction. When properties are redeemed or the taxpayer enters into an installment agreement the Village will receive 100% of the taxes and penalties due, however the four properties that were auctioned at last year's sale the delinquent taxes on those four parcels was about \$27,000 and at the auction \$237,000 was collected with all of that money going to the Village. This year they are proposing that for only the parcels that are sold at the auction whatever proceeds are derived the Village will get all of their taxes and interest paid first and only if there is money left over the County will get 50% of the surplus. Last year the surplus was about \$210,000 so if there was a change in the agreement using those numbers the Village would have gotten \$772,000 and the County would have gotten \$105,000.

**DISCUSSION WITH MONTICELLO CENTRAL SCHOOL DISTRICT
SUPERINTENDENT DR. PATRICK MICHEL**

Monticello Central School District Superintendent Dr. Patrick Michel discussed the school's budget concerns and the tough choices that they are facing with a \$3.5 million reduction in revenue sources are projected because of the economic downturn.

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**RESOLUTION AGREEING TO ADJUST THE SANITATION CHARGES ON 18
LANDFIELD AVENUE IN THE VILLAGE AND TO ACCEPT SETTLEMENT OF AN
UNPAID BALANCE OWNED BY THE PROPERTY OWNER**

**RESOLUTION AGREEING AND ADJUSTING THE SANITATION CHARGES ON 15
NORTH STREET, IN THE VILLAGE AND TO ACCEPT SETTLEMENT OF AN
UNPAID BALANCE OWNED BY THE PROPERTY OWNER**

RESOLVED, that the sanitation charges on 15 North Street, in the Village, should be adjusted to the correct amount to be consistent with the service provided for the period of July 1, 2005 through and including April 30, 2008 and that any interest and penalties should be proportionally adjusted and the Village of Monticello will accept a total of \$3,990.12 in total satisfaction of the outstanding balance owed for the period of July 1, 2005 through and including April 30, 2008, upon the condition that the amount is paid in 7 business days.

Discussion - Attorney Henri Shawn representing the Landfield Avenue explained that a proposed settlement was discussed at the property owner's request with respect to outstanding sanitation charges which also include interest and penalties. At the request of the owner's the Village initiated an investigation and apparently it appears that certain sanitation charges were incorrect which means that interest and penalties that accrued on the part that was incorrect also added to the amount that is owned. The Sanitation Department confirmed that there were overcharges and the computation that was made reduced the amount to an amount that includes interest and penalties on what should have been paid because nothing was paid as a result of this dispute. If a compromise is reached this evening the property owner must be paid within 7 days.

Mayor Jenkins questioned how many years has it been since it hasn't been paid?

The Village Attorney responded that the 2005/06 utility bills were no paid which were releived on the 2006/07 Village tax bill.

Trustee Hutchins questioned how much money has been paid to the Village since 2005?

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Attorney Shawn responded that nothing has been paid as at the time the synagogue did not have the funds.

The Clerk indicated that the Sewer Assessment was not paid, nor were any of the utility bills since 2005, but these two properties are exempt from taxes.

Trustee Hutchins noted that there have been at least three administrations since 2005 and these properties have been mischarged and no one found the error. He felt it was poor practice for this to continue this long.

Mayor Jenkins noted that he has seen these properties will numerous overflowing garbage cans that looked disgusting for many years. He noted that the former Manager and himself discussed the problem with the rabbi and David Kaufman and pointed out that nothing was being recycled to help reduce the amount of garbage that would be in those trash cans. He felt that if there is a settlement with this property than there should be an investigation of all village properties to ensure that no one was being overcharged.

The Village Manager indicated that he believes the Village needs to start viewing the people who live in the Village, whether they are taxpayers, landlords, tenants or people just passing through as customers. If a customer questions whether they have been overcharged you conduct an investigation (which is exactly what he did) without a recommendation to the people he asked to investigate it as to what the result should be. Once this occurs the Village has an obligation, even though we have collected or have a lien on the property to do the right thing. He noted that he asked the garbage collectors that pick up the trash whether the Village has been properly charging them based upon what was being picked up. They responded that they were not being charged the correct amount.

Mayor Jenkins indicated that he saw that garbage and he feels they weren't charged the wrong price. He noted that Fialkoffs last summer complained about their sanitation charges and they were wrong and they paid the bills. He explained the former Manager Barbarite and himself have driven on the garbage trucks at 4 o'clock in the morning to see the situation first hand.

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Trustee Hutchins also felt that the entire sanitation department needs to be looked at since there is over a one million dollar surplus which might mean that the taxpayers are being "ripped off". He felt that if we do it for the synagogue, which does wonderful things for the community, just as well as the First Baptist Church the Village needs to rebate overpayments to everyone who qualifies.

The Village Manager asked that he be allowed to report back to the Board on that very good suggestion with a report on how to go about implementing this plan.

Trustee Schoonmaker felt that if they were overcharged than a correction should be made, however several years ago people who left the area for the winter said it was unfair to charge them for sewer, sanitation and water for the period that they were away. He felt if there needs to be an adjustment, make it but he strongly suggest that we start reviewing these accounts and see if people have been overcharged. He felt if the synagogue is putting out six cans why don't they have dumpster.

Trustee Hutchins felt that the Village is compromising with someone who has paid there bill since 2005, but not those that have paid their bills on a timely basis.

Mayor Jenkins felt that the perception is that he wants to charge the synagogue for something that is not correct and he should have some value as the Mayor who has viewed the problem. He requested public comment as that was overlooked earlier in the meeting.

RESOLVED, that the sanitation charges on 18 Landfield Avenue, in the Village, should be adjusted to the correct amount to be consistent with the service provided for the period of July 1, 2005 through and including April 30, 2008 and that any interest and penalties owned on the outstanding amount should be proportionally adjusted and the Village of Monticello will accept a total of \$5,144.01 in total satisfaction of the outstanding balance owed for the period of July 1, 2005 through and including April 30, 2008, upon the condition that the amount is paid in 7 business days.

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A motion was made by Trustee Marinello, seconded by Trustee Rue, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye, Mayor Jenkins, nay. Motion denied 2 ayes - 3 nays.

Attorney Shawn noted that this is a legal matter and he has no choice but to start a legal proceeding. He asked the Board to reconsider their vote because he feels it is the right thing to do.

Trustee Schoonmaker recommended that the two properties pay at least half of the amount due.

The Village Manager explained that the correct amounts that are owing are \$9,112.46 on the rabbis' house without the adjustments and the amount on the synagogue is \$12,721.06 without adjustments.

Trustee Rue indicated that she spoke to the Treasurer and she felt the synagogue was being overcharged.

The Board reconsidered their vote to combine the two properties figures so that they paid half of the total due.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye, **to combine both parcels for a total to be paid of \$10,500.** Motion carried 3 ayes - 1 nay.

PUBLIC COMMENT

Former Manager Barbarite explained that he spoke to the rabbi and Mr. Kaufman and they indicated at that meeting that they did not pay the charges because they weren't improperly charged and never raised an objection to the charges until this point when it became a foreclosure item. They asked him as Village Manager and the Mayor to give them a discount because they had financial difficulties and they couldn't come up with the money and at they were willing to pay the bill without the interest and penalties. He and the Mayor made many attempts to speak with them and drove passed their properties to see for themselves that they were properly charged. What they are doing now is if they have three cans at one location they leave two

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and bring the other can to the other location that has one. He felt that at the time they were properly charged and the former sanitation superintendent Allen Reynolds, at the time confirmed that the charges were correct.

RESOLUTION THAT THE VILLAGE MANAGER'S POSITION REQUIRES THE VILLAGE MANAGER TO WORK 40 HOUR PLUS A WEEK AND BE AVAILABLE AT THE VILLAGE OFFICE DURING BUSINESS HOURS

WHEREAS, the Board of Trustees of the Village of Monticello has determined that the Village Manager needs to put in at least a 40 hour work week; and,

WHEREAS, the Board of Trustees of the Village of Monticello has also determined that a Village Manager should be in Village Hall during business hours except when meeting at other offices on Village related subjects; and,

WHEREAS, the Board of Trustees of the Village of Monticello feels that the Village Manager should have oversight, control and management of the Code Enforcement Office; and,

WHEREAS, the Board of Trustees of the Village of Monticello requires that the Village Manager has a system for reporting on a bi-weekly basis the activities and occurrences regarding Village functions.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby resolve that the Village Manager's position requires the Village Manager to work a of a 40+ hour week and be available in the Village Office during business hours, 8:30 a.m. to 4:30 p.m.

A motion was made by Trustee Hutchins. There was no second to this motion.

The Village Attorney noted that he attended the work session where this resolution was discussed and the spirit of what the Board discussed is contained in that resolution. The Board, at the work session, spent over 1½ hours discussing the work hours

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of the manager. He indicated that the Board could not vote that evening because it wasn't noticed like this meeting, but they clearly worked together as a group to discuss the hours of the Manager.

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, approved on a roll call vote as follows: Trustee Rue, aye; Trustee Marinello, aye; Trustee Hutchins, nay; Trustee Schoonmaker, aye; to table the matter to "tweak" the resolution to vote on it later either after the Executive Session or at the next Board meeting.

The Mayor felt that this Village cannot run with a part time or half time Manager. He felt the Village needs someone 8 hours a day and five days a week. He noted that the manager's work hours were fully discussed at the work session.

Trustee Hutchins asked the Village Attorney his understanding on this matter of the Manager's hours at the work session and was the consensus unanimous.

The Village Attorney responded that generally the Board wanted to have hours for the Manager with flexibility that is commensurate with professional level of the job whether he has to be out to meet with a Senator, in other words to do his job and it was unanimous.

The Manager was concerned that the Village Attorney gave the Board the wrong advice at that work session by indicating that a vote could be taken.

RESOLUTION REQUIRING ALL DEPARTMENT HEADS TO ATTEND THE SECOND BOARD MEETING OF EVERY MONTH WITH A VERBAL REPORT TO THE VILLAGE BOARD AND TO SUBMIT A WRITTEN REPORT TO THE VILLAGE MANAGER

Discussion - Mayor Jenkins felt that the Board members have access to the department heads so he does not feel this resolution is needed.

The Village Manager agreed with the Mayor and felt it should not be a requirement of the department heads to attend meetings. He suggested that if there is a specific issue that needs to be discussed that that particular department head can be invited to that specific meeting.

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Trustee Rue felt that reports should be given to the Manager not to the Board and should not be a requirement to attend Board meetings personally.

Trustee Hutchins felt that bringing in the department heads under minds the Manager and it should be the Village Manager who reports to the Board directly.

Trustee Marinello felt that there may be some questions the Manager cannot answer, so therefore it is necessary for them to attend meetings.

WHEREAS, the Board of Trustees of the Village of Monticello would like to have better communication and more comprehensively know the activities of the various village departments; and,

WHEREAS, Village Board would like to have the opportunity to hear a bi-weekly report from the various department heads on activities in their respective departments and be able to ask questions on particular items regarding their departments.

WHEREAS, the Village Board would like to have the various Village Departments make presentations to the Board on a monthly basis at one of its public meetings so the public can be more informed.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello is requiring all department heads to attend the second Board meeting of every month with a verbal report to the Village Board and to submit a written report to the Village Manager on the week prior thereto for the Manager to review and prepare for the Village Board meeting.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, on a roll call vote as follows: Trustee Rue, nay; Trustee Marinello, aye; Trustee Hutchins, nay; Trustee Schoonmaker, nay. Motion denied 3 nays -1 aye.

RESOLUTION REJECTING THE BID RECEIVED FOR THE BOILER SYSTEM AND AUTHORIZING THE VILLAGE CLERK TO READVERTISE FOR THE BOILER SYSTEM FOR VILLAGE HALL

Trustee Hutchins felt that part of the boiler system is part of the study that the Village took on to renovate Village Hall and

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he felt that this might not be the appropriate time to bid this item until the study is completed. He noted that the Village just paid to have this boiler fixed.

The Village Manager responded that because the boiler is old and might not be able to repaired, the Village cannot take the risk that there is no heating system or hot water system in the Village Hall complex.

Resolved that to reject all bids for the boiler system and authorizing the Village Clerk to readvertise for the boiler system for the Village Hall.

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

RESOLUTION AUTHORIZING THE EMERGENCY REPAIR TO TRAFFIC SIGNAL LIGHTS ON STURGIS ROAD AND LIBERTY STREET, LIBERTY AND HIGH STREET AND LIBERTY STREET AND STURGIS ROAD IN THE AMOUNT OF \$3,518.79 FROM ROSS ELECTRIC, 431 TWIN BRIDGE ROAD, FERNDALE, NEW YORK 12734

Resolved, authorizing the emergency repair to traffic signal lights on Sturgis Road & Liberty Street, Liberty and High Street and Liberty Street and Sturgis Road in the amount of \$3,315.79 from Ross Electric, 431 Twin Bridge Road, Ferndale, NY 12734.

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

RESOLUTION CANCELING THE SECOND BOARD MEETING IN FEBRUARY DUE TO THE PRESIDENT'S DAY HOLIDAY FALLING ON THE THIRD MONDAY OF FEBRUARY

Resolved, that the second board meeting in February due to the President's Day Holiday falling on the third Monday of February be cancelled.

A motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to cancel the second meeting in February.

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RESOLUTION REJECTING THE BID RECEIVED FOR A USED TRUCK FOR THE SEWER DEPARTMENT AND AUTHORIZING THE VILLAGE CLERK TO READVERTISE FOR A USED TRUCK FOR THE SEWER DEPARTMENT

Resolved, that the Village Board rejects the bid received for the used truck for the Sewer Department and authorizing the Village Clerk to readvertise for a used truck for the Sewer Department.

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 MONTICELLO POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT FOR ACCEPTANCE OF A 2009 STOP-DWI GRANT IN THE AMOUNT OF \$9,709.00

Resolved, that the Village Board authorized the Monticello Police Department to enter into an agreement for acceptance of a 2009 Stop-DWI Grant in the amount of \$9,709.00.

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

RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF AN EXCAVATOR USAGE FOR THE WATER DEPARTMENT IN THE AMOUNT OF \$2,475.00 FROM KRUM & SON

Resolved, authorizing the emergency purchase of an excavator usage for the Water Department in the amount of \$2,475.00 from Krum & Son.

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

RESOLUTION TO THE VILLAGE MANAGER TO EXECUTE AND AGREEMENT BETWEEN THE VILLAGE OF MONTICELLO, TOWN OF THOMPSON AND THE MONTICELLO FIRE DISTRICT FOR THE FUEL MASTER MONITORING SYSTEM

Resolved that the Village Manager is authorized to execute and enter into an intermunicipal agreement with the Village of

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Monticello, the Town of Thompson and the Monticello Fire District to install and share in services for a fuel pump.

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

RESOLUTION AWARDING THE BID FOR A FUELMASTER DIESEL MONITORING SYSTEM DEVICE IN THE AMOUNT OF \$14,815.00 TO CONKLIN SERVICES & CONSTRUCTION, INC, 94 STEWART AVENUE, NEWBURGH, NEW YORK 12550 SHARED IN THE COST EQUALLY BY THE VILLAGE OF MONTICELLO AND MONTICELLO JOINT FIRE DISTRICT

Resolved, to award the bid for a Fuelmaster Diesel Monitoring System Device in the amount of \$14,815.00 to Conklin Services & Construction, Inc., 94 Stewart Avenue, Newburgh, New York 12550 shared in the in the cost equally by the Village of Monticello and the Monticello Joint Fire District.

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

RESOLUTION OFFERING AN OPTION TO ACTIVE EMPLOYEES TO "OPT OUT" OF THE VILLAGE HEALTH INSURANCE PROGRAM WITH A REIMBURSEMENT OF \$1,000 FOR 2009

Resolved, that the Board of Trustee offers their active employees to "opt out" of the Village Health Insurance Program with a reimbursement of \$1,000 for 2009.

Trustee Marinello suggested that the "opt out" reimbursement be increased to \$2,000 to possibly encourage other employees to take this option.

The Manager felt that an analysis should be taken and possibly increasing the reimbursement to \$5,000 similar to the school district which would save the Village more than double that amount in the health insurance premium that the Village pays for employees health insurance.

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

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RESOLUTION APPROVING THE PAYMENT FOR TWO REAR SPRINGS ON HIGHWAY SAND TRUCK #14 IN THE AMOUNT OF \$1,337.44 FROM ROCHE'S GARAGE

Resolved, that the Board of Trustees of the Village of Monticello approves the payment for two rear springs on Highway Sand Truck #14 in the amount of \$1,337.44 from Roche's Garage.

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

RESOLUTION APPROVING THE PAYMENT FOR PURCHASE OF A GOLDAK PIPE LOCATOR #560 FOR THE WATER DEPARTMENT IN THE AMOUNT OF \$1,250.00 FROM L & C MUNICIPAL SALES

Resolved, that the Board of Trustees of the Village of Monticello approves the payment for purchase of a Godak pipe locator #560 for the Water Department in the amount of \$1,250.00 from L & C Municipal Sales.

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

RESOLUTION APPROVING THE PAYMENT FOR NEW PHONE SYSTEM FOR THE JUSTICE COURT IN THE AMOUNT OF \$2,150 FROM FUNDS OBTAINED IN A JCAP GRANT AWARD FROM BEDIK COMMUNICATIONS

Resolved, that the Board of Trustees of the Village of Monticello approves the payment for a new phone system for the Justice Court in the amount of \$2,150 from funds obtained in a JCAP Grant award from Bedik Communications.

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A LETTER OF INTENT (will serve letter) WITH THE CONCORD ASSOCIATES.

Resolved, that the Village Manager is authorized to execute the letter of intent (will serve letter) with the Concord Associates

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to provide water to the project pursuant to a previously executed agreement between the Concord Associates and the Village.

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

RESOLUTION TO AUTHORIZE THE VILLAGE MANAGER TO ENTER INTO NEGOTIATIONS WITH THE YMCA WITH THE MAYOR AND AT LEAST ONE TRUSTEE BE INCLUDED IN REPRESENTING THE BOARD

Resolved, that the Village Manager is authorized to enter into negotiations with the YMCA to provide the Village with recreational services at a reduced cost basis with the Mayor and Trustee Marinello representing the Board and present at the time of the negotiations.

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

RESOLUTION TO AUTHORIZE TO DECLARE PROPERTY OWNED BY THE VILLAGE LOCATED IN THE TOWN OF THOMPSON SBL 49-1-7.1 SURPLUS AND ORDER A TITLE SEARCH

Discussion - The Manager showed the Board a map of the property that is a landlocked two (2) acres (160' wide at the north and 100' at the north.

Trustee Hutchins suggested that this parcel might be declared a "nature walk" for the Village which would eliminate the Village paying taxes on this parcel.

Trustee Schoonmaker indicated that he had been to the property which is landlocked and it can't be a park because each parcel along that route has been sold and subdivided.

The Village Manager suggested that first the parcel be declared surplus and do a title search of the property.

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WHEREAS, the Village owns a piece of property located in the Town of Thompson SBL 49-1-7.1 and which was part of the old railroad bed and gifted to the Village and a private party has approached the Village to purchase said parcel, and

Whereas, the parcel serves no useful purpose and the Village does not need the parcel, and

WHEREAS, the parcel should be deemed surplus,

NOW BE IT RESOLVED, that the Village deems the parcel located in Town of Thompson SBL 49-1-7.1 to be surplus and without value to the Village and order a title search of the parcel.

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 1 OF 2009 TO AMEND SECTION 105-4-K OF THE VILLAGE CODE REGARDING THE ISSUANCE OF BUILDING PERMITS UNTIL ALL CHARGES FEES AND TAXES HAVE BEEN PAID IN FULL

Trustee Marinello felt this matter should be researched as to the legality of the matter.

A motion was made by Trustee Marinello, seconded by Trustee to table the matter with the provision that if the code enforcement officer deems a property unsafe a building permit can be issued even if the taxes have not been paid.

RESOLUTION TO SOLICIT BIDS FOR WEB HOSTING AND SERVICING THE VILLAGE WEB SITE

Resolved, that the Village Clerk is authorized to solicit bids for Web Hosting and Servicing the Village Web Site.

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

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**RESOLUTION FOR THE VILLAGE TO PARTICIPATE IN THE COUNTY
BI-CENTENNIAL CELEBRATION AT A COST OF \$1,000 UPON THE CONDITION
THAT SULLIVAN COUNTY MATCH SAID FUNDS**

Resolved, that the Village participate in the County Bi-Centennial Celebration at a cost of \$1,000 upon the condition that the Sullivan County match said funds.

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

DISCUSSION ON ADVERTISEMENT FOR THE VILLAGE MANAGER

Trustee Rue distributed a copy of the Village Manager ad for the Board's approval.

The Village Clerk indicated that she has not yet advertised because she was told she would be held liable by a Trustee if the advertisement was placed without the full Board's approval on its content and also the original resolution included advertising for a Treasurer.

Trustee Rue felt the ad for a Treasurer should not be placed as the position is not vacant and she is appointed to April 2010.

Trustee Hutchins noted that he recommended the ad be placed for the Treasurer's position just in case the current Village Treasurer decides she is going to retire there would be some candidates on file. He noted that the Board is not looking to replace the current Treasurer.

The Village Manager felt that the public might be getting the wrong message that the Board wants to get replace the Treasurer even though this is not the case.

Mayor Jenkins noted that those computers have sat in the basement of Village Hall and now that we want to share them with the senior citizens it has become a big production.

Trustee Hutchins agreed that the Treasurer is doing an excellent job and he does not want to replace her at this time.

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The agreed that the ad should state that residency may be required and the resumes should be received by the Village Clerk, not the Deputy Village Clerk and the deadline of March 16, 2009.

DISCUSSION TO DECLARE USED VILLAGE COMPUTERS SURPLUS AND PUT THESE COMPUTERS IN THE TED STROEBELE RECREATION BUILDING FOR RECREATIONAL PURPOSES FOR THE MONTICELLO SENIOR CITIZENS

Trustee Marinello explained that Deputy Treasurer Bisland indicated that some of those computers might be needed for backup, so before these computers are relocated the Board needs to know how many there are, how many we need and we need to be able to wipe them clean. He questioned who would be responsible to wipe them clean of any information?

Trustee Hutchins explained that he is not asking that the computers be given to the seniors, he is only asking that the Village take some of the computer that are not being used and have them wiped clean and made available for our adult learners for learning purposes as well as recreational purposes.

The Village Manager indicated that if internet access will be available than the computers will need a filter to limit the sites that can be visited.

Trustee Hutchins explained that he has spoken to the Computer Doctor who is able to wipe them clean and he will also be able to install them in the designated location.

The Village Manager explained that he will find out how many computers are needed to be kept at Village Hall from the Deputy Village Treasurer and he will report back at the next meeting to finalize the plans.

DISCUSSION REGARDING AMENDING THE VILLAGE FEE SCHEDULE ADOPTED ON JULY 7, 2009 TO ALLOW FOR AN APPEAL OF SANITATION SURCHARGES

Trustee Marinello recommended that the Village Attorney research the matter to determine whether this is unconstitutional or not.

The Village Manager agreed that the matter should be researched by the Village Attorney and in the mean time, as the Village Manager, he has the authority to direct that any violation of a

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local law be prosecuted and while the Board is determining the legality he has already asked the code enforcement officer, the sanitation department and the Deputy Village Attorney to implement the enforcement process through the court system.

Trustee Hutchins noted that these are not fines, but instead "surcharges" and the Board unanimously voted to enact amending the fee schedule to include these surcharges last July. He felt that the Village Manager does not have the authority to reverse the Boards previous vote without the Board doing it themselves.

ORDERING BILLS PAID

As Trustee Schoonmaker left as he said he had an emergency prior to this matter there was no Trustee to second the motion since the other members audit the bills to be paid. The Mayor, according to Robert's Rules cannot second a motion.

PULBIC COMMENT

Reverend Alli felt the Board members are not acting mature and work is not getting done in the Village. She felt the Board need to be respectful of each other.

EXECUTIVE SESSION

At 10:50 p.m., a motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to discuss a police personnel issue and police contract negotiations. Motion carried 3 ayes.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 11:22 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into open session.

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Roll Call

Upon call of the roll, the following were:

Present:

Absent:

Gordon Jenkins, Mayor
Theodore Hutchins, Trustee
Victor, Marinello, Jr., Trustee
Carmen Rue, Trustee

Scott Schoonmaker, Trustee

RESOLUTION TO PROMOTE GERRY DIETZ TO DETECTIVE SERGEANT

Resolved, that Gerry Dietz is hereby promoted to Detective Sergeant from his current position and the salary shall be three thousand five hundred (\$3,500.00) dollars above his current salary prorated to the current year and this year's increase will be funded from the Police Department's Drug Fund.

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

ADJOURNMENT

At 11:25 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk