

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, APRIL 20, 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 meeting at 8:45 p.m.)

Also Present: Jacob Billig, Village Attorney
Douglas Solomon, Chief of Police
Clarence Decker, Water Superintendent
Phil Klemen, Sewer Superintendent

**APPROVAL OF MINUTES OF MEETING OF THE SPECIAL MEETING OF
THURSDAY, APRIL 2, 2009 AND THE REGULAR VILLAGE BOARD MEETING OF
APRIL 6, 2009**

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adopt the minutes of the Special meeting Thursday, April 2, 2009 and the Reorganizational Meeting of April 6, 2009 as presented.

MAYOR'S REPORT

Annual Mayor's Litter Pluck

The Mayor announced that the Annual Mayor's Litter Pluck will be held on Saturday, April 25th to clean up the Village.

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Annexation Hearing

The Village Clerk announced that an annexation petition from Sleepy Hollow Development was received by the Village and Town of Thompson to annex a small parcel into the Village that was never included as a Village property. The Joint Public hearing will take place on Thursday, April 30, 2009 at the Thompson Town Hall.

PUBLIC COMMENT - AGENDA ITEMS ONLY

There was no public comment at this time.

EXECUTIVE SESSION

At 7:05 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations and a personnel matter regarding a particular person.

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At 7:55 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvene the Regular meeting.

PUBLIC HEARING FOR PARTICIPATION IN THE NEW YORK STATE RESTORE NY ROUND 3 COMMUNITY INITIATIVE PROGRAM

Mayor Jenkins opened the public hearing at 7:56 p.m.

Glenn Gidaly of the Engineer firm of Barton & Loguidice made the following comments and recommendations:

The Monticello Entertainment Village: Thomas Ting

The project appears to be anchored by the Sedlack Building and also includes properties at 470, 472, 474, 476 and 529 Broadway. The submission indicates a music venue, a restaurant and related lodging.

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The Pre Application is deficient in the following areas:

- No defined Statement of Need
- No letters of interest/commitment from any financial institution and/or partners.
- No interaction with the SHPO
- Green building design features were not addressed
- Project timeline is incomplete
- Submission does not clearly define future use of spaces
- 5 yr. Cash Flow budget is not targeted to a specific building or business
- No discussion of requirements for gaining Planning Board approval.
- Indicates 2nd floor apartments in an area not zoned for residential use.

Downtown Development: Rialto Project

Three (3) story project which includes the Brenner, Cohen & Rialto buildings. Approx. 12,000 sq. ft. of retail and 17,000 sq. ft. of office and medical space.

In place:

- Substantial communications with SHPO
- Numerous Planning Board workshops and meetings.
- Concept drawings & floor plans.
- Strong background regarding other successful real estate projects.
- Statement on green building.
- Construction cost estimates
- Phase One Env. Site Assessment
- Strong connection to medically-based investors
- Has met with IDA & Empire Zone on project.
- Has full Development Team in place.

The Pre-Application is deficient in the following areas:

- Missing Market Study & Business Plan
- No Statement of Need

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- Project Timetable is incomplete: not detailed by tasks.
- Sources & Uses of Cash in incomplete.
- Property Budgets are not broken down by building.

Strong Building Rehabilitation

430 Broadway
3 Story building

Retail:	8 stores	3,858 sq. ft.
Office	6 units	7,962 sq. ft.
Office	8 units	7,962 sq. ft.

Parking variance required

Items in place:

- Support Letters
- Interaction with SHPO
- Market information
- Financial commitment
- 5 year Income/Expense Statements
- Letters of Interest from potential tenants
- Profit/Loss Statements
- Statement on Green building

Recommendation:

All three projects have merit and may serve to promote the revitalization of the Village. All three Developers have spent money and time in the development of their projects.

At this juncture, it is the responsibility of the Village Trustees to select a project that most clearly meets the RESTORE NY program guidelines such as: project readiness, financial feasibility and market feasibility.

It is my recommendation that based upon a review of the Pre-Application materials and interaction with all Developers, over time, that an application entitled the ***Downtown Revitalization Project***, consisting of the Rialto initiative and the Strong

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Building Rehabilitation would most closely meet the **RESTORE NY** program guidelines.

As such, I have prepared the required Resolution for your consideration (see attached). Please note that this resolution needs to be acted on at the April 20, 2009 public hearing in order for the grant application to be submitted by the deadline.

Glenn Gidaly noted that his comments were emailed to the Zach Kelson, the Village Manager and Edith Schop, the Village Clerk on Friday afternoon and he did advise the Village Manager that the material was at Village Hall.

The Village Clerk noted that she had taken a sick day on Friday and was not in the office.

Trustee Marinello said he could not act on this matter because he is just getting this information now.

The Mayor indicated that since this information is all new to the Board no action will be taken at this time.

Trustee Rue questioned why Mr. Gidaly did not email the information to each Board member directly?

The Mayor stated that this Board better appoint a new manager or get rid of what we have. He felt that the manager is not showing up. The Mayor indicated that he will take over the duties of Village Manager as the law prescribes without any additional pay.

Thomas Ting one of the applicants gave a presentation of his proposed project asking that the Board includes their project as part of the Restore NY Grant application,

Wes Illing engineer representing the owners of the Strong Building also gave a presentation of their proposal asking that the Board includes their project as part of the Restore NY Grant application,

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Ken Sands felt that the Village has to be realistic and creating more retail space when there are many vacant stores of Broadway is not necessary. He was in favor of the Thomas Ting project bringing entertainment and restaurants to the downtown area.

A woman who has been doing economic development as a professional for 15 years, the problem is that even though these are three separate projects they are being bundled and submitted as one project for one grant. She noted that the Board has to remember that if there is one weak link in those three projects the Village will lose the whole grant.

Roz Sharoff, a Village resident explained that she has spent her life in this Village and this Town was the mecca of all entertainment. We had every hotel that had every great entertainer in the world and we have someone who is applying for this grant who is affording us the same possibility and came up with a concrete (not empty stores) plan.

Mayor Jenkins recessed the public hearing at 8:45 p.m. until Thursday, April 23, 2009 in the Village Hall at 7 p.m.

**RESOLUTION TERMINATING THE EMPLOYMENT OF ZACHARY KELSON AS
INTERIM MANAGER, MANAGER OF THE VILLAGE OF MONTICELLO
IMMEDIATELY**

Trustee Hutchins noted that with the new administration the Village has nothing but opportunities ahead of it, but the Village continues to throw the taxpayers money away and having a Village Manager that is paid approximately \$5,000 a month and does not have to work a 40 hour week. He felt that the Village is not getting anything for that money and now we are in jeopardy of losing \$2.5 million dollars for revitalization of the Village and questioned how much longer will this be continued. He felt that what Trustee Schoonmaker asked the

Mayor to do should be done by the Village Manager. He felt that if we entrust in the Mayor to give the County Grant writer a call, why can't we just let him be the Village Manager while we are reviewing prospective Village Manager's resumes.

Mayor Jenkins felt it is an insult to this Board that the Manager is not present at this meeting and he wants the Manager fired so the Village can move forward.

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Resolved, that the Board of Trustees of the Village of Monticello does hereby terminate the employment of Zachary Kelson as Interim Manager, Manager of the Village of Monticello effective immediately.

Trustee Schoonmaker announced that he had to leave the meeting as he had another commitment.

A motion was made by Mayor Jenkins, seconded by Trustee Hutchins, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue; nay; Mayor Jenkins, aye. Motion carried 4 ayes - 1 nay.

RESOLUTION ADOPTING INVESTMENT POLICY FOR THE VILLAGE OF MONTICELLO

WHEREAS, the Village Treasurer has need to deposit funds in various appropriate accounts; and,

WHEREAS, the Village has, in the past, adopted such an investment policy to be used by the Treasurer or designee for administration of the investment program to provide a satisfactory level of accountability based on a data or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby adopt the attached Investment Policy for the Village of Monticello.

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

RESOLUTION AUTHORIZING THE ISSUANCE OF \$46,000 BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK TO PAY THE COST OF VARIOUS CAPITAL PURPOSES, IN AND FOR SAID VILLAGE

Motion tabled to next meeting.

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RESOLUTION AUTHORIZING ALL COSTS OF THE INSTALLATION TO PROVIDE A COMPLETE OPERATING PRIMARY SERVICE AND EMERGENCY GENERATOR SUPPLY FOR THE VILLAGE WATER TREATMENT PLAN BY KERBER ELECTRIC IN THE AMOUNT OF \$16,400

Resolved, that the Board of Trustees authorizes all costs of the installation to provide a complete operating primary service and emergency generator supply for the Village Water Treatment Plan by Kerber Electric in the amount of \$16,400.

A motion was made Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT (8) REAR TIRES FOR SANITATION TRUCK #10 IN THE AMOUNT OF \$2,902.52 FROM CASE TIRE SERVICE INC.

Resolved, that the Board of Trustees authorizes the purchase of eight (8) tires for Sanitation Truck #10 in the amount of \$2,902.52 from Case Tire Service Inc.

A motion was made Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

RESOLUTION AUTHORIZING THE EMERGENCY REPAIR FOR WORK PERFORMED AT THE SLEEPY HOLLOW SEWER PLANT PUMP STATION IN THE AMOUNT OF \$1,754 BY R & R PUMP & CONTROL SERVICES

Resolved, that the Board of Trustees authorizes the emergency repair for work performed at the Sleepy Hollow Sewer Plant Pump Station in the amount of \$1,754 by R & R Pump & Control Services.

A motion was made Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

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**RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) KENWOOD TK-790
110 WATT BAND MOBILE RADIO WITH FUNDS FROM POLICE GRANT
#BJ07927730 IN THE AMOUNT OF \$1,672.22 FROM KJBL ELECTRONICS INC**

Resolved, that the Board of Trustees authorizes the purchase of one (1) Kenwood TK-790 110 Watt Band Mobile Radio with funds from Police Grant #BJ07927730 in the amount of \$1,672.22 from KJBL Electronics Inc.

A motion was made Trustee Rue, seconded by Trustee Hutchins, unanimously approved on a roll call as follows:
Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye.
Motion carried 3 ayes - 1 absent.

**RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) KENWOOD TK-790
110 WATT BAND MOBILE RADIO WITH FUNDS FROM POLICE APPROPRIATION
BUDGET LINE IN THE AMOUNT OF \$1,672.22 FROM KJBL ELECTRONICS INC**

Resolved, that the Board of Trustees authorizes the purchase of one (1) Kenwood TK-790 110 Watt Band Mobile Radio in the amount of \$1,672.22 from KJBL Electronics Inc.

A motion was made Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call as follows:
Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye.
Motion carried 3 ayes - 1 absent.

**RESOLUTION AUTHORIZING THE PURCHASE OF LIGHTS & SIRENS FOR
UNMARKED POLICE UNIT FROM KJBL ELECTRONICS INC IN THE AMOUNT OF
\$1,300**

Resolved, that the Board of Trustees authorizes the purchase of lights and sirens for unmarked Police Unit the amount of \$1,300 from KJBL Electronics Inc.

A motion was made Trustee Hutchins, seconded by Trustee Rue, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye.
Motion carried 3 ayes - absent.

AWARDING OF BID - USED DUMP TRUCK - SEWER DEPARTMENT

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - absent to award the bid for a Used Dump Truck with a 10 Yard Dump Body for the Sewer Department to Truck & Trailer, Inc., 135 Sawkill Road, Kingston, New York 12401 in the amount of \$ \$14,950.00.

RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF 180 FEET OF 36 X 20 HI Q PLASTIC PIPE AND 6 BANDS FROM CHEMUNG SUPPLY IN THE AMOUNT OF \$4,825.02

Resolved, that the Board of Trustees authorizes the emergency purchase of 180feet of 36 x 20 HI Q Plastic Pipe and 6 Bands from Chemung Supply the amount of \$4,825.02.

A motion was made Trustee Rue, seconded by Trustee Hutchins, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO ENTER INTO NEGOTIATIONS TO SELL PROPERTY TAX MAP NO. SBL 49-1-7.1 AND TO ENTER INTO A CONTRACT TO SELL THE CONTRACT AND AUTHORIZING THE MAYOR TO SIGN CLOSING DOCUMENTS

WHEREAS, the Village of Monticello owns a landlocked property, TH SBL 49 - 1 - 7.1 which is approximately 2. 5₊ acres, and

WHEREAS, the Village Board was approached by an individual to sell parcel TH SBL 49-1-7.1, and

WHEREAS, the Village authorized the Village Attorney to obtain an appraisal of the property from a licensed real estate broker and to obtain some background title work, and

WHEREAS, the appraisal preformed confirmed the fact that the property has minimal value and is surplus to the Village, and

WHEREAS, the background title work confirmed that the property is landlocked and is of no value to the Village and is surplus,

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NOW, THEREFORE, BE IT RESOLVED,

The Village Board authorizes the Village Attorney to enter into negotiations to sell the property and authorizes the Village Mayor and or the Village Manager to execute all necessary documents to sell said parcel referenced hereinabove.

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

PUBLIC COMMENT

Susan Taylor suggested that for the Spring and Fall Cleanups the Village allow the residents to put their trash out in front of their houses and have the Village trucks pick up directly on the

street so people do not have to lug these items to the dump location and possible avoid costing them an additional fee to hire a truck for the hauling.

Recycling Tour Trip

Barbara Newberg announced that everyone is welcome to join her group for a trip to the Rockland County Materials Recovery Facility Educational Center on Thursday, April 28, 2009. She noted that today the Discovery Center filmed this facility.

Solar Thermal & Solar Electricity Program

Barbara Newberg announced that this Sunday at the Ted Stroebele Recreation Center from 1 p.m. to 3 p.m. there will be an educational program and presentation of Solar Thermal & Solar Electricity.

RECESS

At 9:35 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee

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Rue, aye to recess the Village Board meeting to Thursday, April 23, 2009 at 7 p.m. at Village Hall, 2 Pleasant Street to reconvene the public hearing regarding the Restore NY Grant application. Motion carried 3 ayes - 1 absent.

RECONVENING THE REGULAR VILLAGE BOARD MEETING - THURSDAY MARCH 23, 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:

Absent:

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

Scott Schoonmaker, Trustee

RESOLUTION TO AUTHORIZE A REQUEST FOR FEDERAL HIGHWAY FUNDING TO IMPROVE A PORTION OF COUNTY ROAD 173

WHEREAS, applications for High Priority Projects (HPP) as part of the legislation to replace the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P/L/ 109-59) which expires on September 30, 2009 are now being accepted; and,

WHEREAS, the objective is to obtain federal HPP Funding to improve a portion of County Road 173 in the Town of Thompson and a portion of Broadway in the Village of Monticello; and,

WHEREAS, the federal grant offers a maximum reimbursement of up to 80% of the total costs of the improvements; and,

WHEREAS, the total project cost is estimated to be \$4,696,042; and,

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WHEREAS, the County of Sullivan must provide a local match of 20% for the portion of the project on CR 173, which is estimated to be \$467,000 and the Village of Monticello, must provide a local match of \$472,300.

NOW, THEREFORE BE IT RESOLVED, that the Monticello Highway Department with assistance from the Department of Grants Administration is hereby authorized to prepare and submit an application seeking Federal HPP Funding; and,

BE IT FURTHER RESOLVED, that the Mayor of Village of Monticello is authorized to execute a support letter for said project.

A motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call as follows: Trustee Hutchins, absent; Trustee Marinello, aye; Trustee Rue, aye, Trustee Schoonmaker, absent, Mayor Jenkins, aye to adopt the above resolution. Motion carried 3 ayes - 2 absent.

EXECUTIVE SESSION

At 7:10 p.m., a motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call as follows: Trustee Hutchins, absent; Trustee Marinello, aye; Trustee Rue, aye, Trustee Schoonmaker, absent, Mayor Jenkins, aye to adopt the above resolution. Motion carried 3 ayes - 2 absent to move into Executive Session to discuss possible litigation.

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At 7:48 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent to move out of Executive Session into open session.

Trustee Marinello stated, "That before the decision is announced, this has been one of the most difficult decisions that the Board has had to make in a long time and the Board is doing what they feel is best for the Village. He noted that the Board worked together as a team to come up with a decision together.

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Trustee Hutchins explained that the Board took into consideration that this is a \$2.5 million dollar grant, with the Board looking at the project sizes, the project needs and the Board felt it wasn't a good fit in putting all three projects in the application so it has been narrowed down to one project.

RESOLUTION THAT THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO INTENDS TO SUBMIT A GRANT APPLICATION TO THE ESDC TO SUPPORT THE PROJECT KNOWN AS DOWNTOWN REVITALIZATION PROJECT

WHEREAS, the New York State Legislature in the 2006 State budget created the "Restore New York's Communities Initiative" Grant Program (RESTORE NY); and,

WHEREAS, the Empire State Development Corporation (ESDC) has issued a Request for Funding Proposals as part of the Restore NY Program, Round Three; and,

WHEREAS, such program provides NYS monies to be used for demolition, deconstruction, rehabilitation and reconstruction; and,

WHEREAS, it is hereby determined to be in the best interest of the Village of Monticello to apply for funds from such Program for the rehabilitation, deconstruction, reconstruction and demolition in order to eliminate blight, to spur economic development and job creation; and,

WHEREAS, there are a number of commercial vacancies in the downtown core area that are hindering local economic development efforts; and,

WHEREAS, the Village is eligible to apply for RESTORE NY grant funds and to serve as a "pass through" for such funds; and,

WHEREAS, the Village has completed and sent to NYS an "intent to Apply by the March 9, 2009 deadline; and,

WHEREAS, the Final Application to RESTORE is due no later than May 4, 2009.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello intends to submit a grant application to the ESDC to support the project know as, Downtown Revitalization Project

Said Project is to support **The Monticello Entertainment Village** Project; and,

FURTHERMORE, that this project is consistent with the Village's Downtown Revitalization Plan, the financing appropriate, the project facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources, the project develops and enhances infrastructure and other facilities in a manner that will attract, create and sustain employment opportunities, and that;

The Village acknowledges that it will be required to submit a check in the amount of \$250 to the ESDC with said grant application, therefore;

The Village Board of the Village of Monticello hereby authorizes the Mayor to sign any/all documents that are required to file said RESTORE NY Application.

A motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. Motion carried 3 ayes - 1 absent.

- Please note that the Village has made this document as part of the Restore New York Grant Application.

ADJOURNMENT

At 8:50 p.m., a motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call as follows: Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, aye. to adjourn the Regular Village Board meeting. Motion carried 3 ayes - 1 absent.

EDITH SCHOP, Village Clerk