

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, JUNE 8, 2009

**MEETING TO ORDER**

Mayor Jenkins called the meeting to order at 6:02 p.m.

**PLEDGE TO THE FLAG**

**Roll Call**

Upon call of the roll, the following were:

Present:

Absent:

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

Scott Schoonmaker, Trustee

Also Present: Jacob Billig, Village Attorney

**EXECUTIVE SESSION**

At 6:03 p.m., a motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations and a personnel matter involving an individual person.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 7:52 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

**APPROVAL OF MINUTES OF MEETING OF THE REGULAR VILLAGE BOARD  
MEETING OF THE MAY 18, 2009 AND THE SPECIAL MEETING OF MAY 21,  
2009**

A motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to adopt the minutes of the meeting the May 18, 2009 and the Special meeting of May 21, 2009 as presented.

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**DISCUSSION REGARDING BROADWAY RECONSTRUCTION PROGRAM**

Tracey Stamp, Project Manager for FAHS Construction Group, the construction firm doing the reconstruction job on Broadway explained that while the Board was in Executive Session she spoke to the merchants who are present at this meeting and ironed out most of their complaints and concerns.

The merchants wanted Red Stamped Concrete in the snow storage areas and they had traffic concerns. She indicated that no work will be done on Fridays during the summer months; they will be limiting their crews to two, have shorter construction site and watch the traffic flow. She has ordered message boards that will advise drivers of traffic conditions such as paving, which lane is closed, etc.

Mayor Jenkins invited any of the merchants with complaints to bring them to Village Hall and express them to him since he is there daily.

Trustee Hutchins was concerned that her firm is not hiring local residents to work on this project.

Tracey Stamp explained that three people have been hired from Monticello for this project. Another firm is doing the pipe work which is concerned specialty work. When her firm starts with their phase of the job they will be hiring local people.

Trustee Hutchins asked if her firm could work with the Department of Labor to have classes to train these people.

Tracey Stamp explained that her office is open to anyone that wants to apply for a job and at this time only twelve people have applied for work and three of these people have already been hired.

Trustee Rue noted that every business on Broadway is benefitting by getting upgrades on their water and sewer lines which would be very costly if they were to pay for this work themselves.

Trustee Marinello questioned wouldn't everyone want to live in a Village with a newly renovated downtown with new paving, sidewalks, sewer and water lines, etc.

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**PRESENTATION BY A REPRESENTATIVE OF CAMOIN ASSOCIATES**

The representative explained that her firm handles economic development, strategic planning, market analysis for various projects, economic impact studies, etc. She noted that her firm wrote an Economic Strategy Plan for the Village of Monticello in 2000 and as a result of that they wrote a number of grants for the Village and she encouraged the Village to update this plan with grant funds that are available. She explained that there is an "Upstate Regional Blueprint Fund" that has a \$120,000,000 appropriated for that fund which is broken up into four rounds each year.

Trustee Hutchins questioned if there is an upfront cost to having Camoin Associates do the work?

The representative responded that there would be a nominal cost for preparing the application. She noted that the Village could possibly ask the County Grants Department write the grant at no cost.

**PUBLIC COMMENT - AGENDA ITEMS ONLY**

**Bedford Avenue**

A resident questioned why there are no signs designated a school zone on St. John Street where BOCES now conducts classes? He also was concerned that youngsters are going to get hurt as vehicles are driving the wrong way on Bedford Avenue which is a one-way street.

**PUBLIC HEARING TO REVIEW AND DISCUSS (1) THE PROPOSED GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF MONTICELLO, 2) A SUMMARY OF THE ENTIRE PROPOSED BUDGET FOR THE 2009/10 FISCAL YEAR (3) SANITATION RATES AND (4) SETTING WATER RATES FOR THE 2009/10 FISCAL YEAR**

Mayor Jenkins opened the public hearing at 8:29 p.m.

The Village Treasurer explained that the budget was filed on time with the Village Clerk on May 20<sup>th</sup> and there is a copy available at the Village Clerk's Office. She explained when we

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first went into the budget it was coming in with a 4% increase in the rate; however after a budget workshop where all the Board members were present there is now an anticipated 2% tax increase which is basically .42 cents per thousand. She noted that the water and sewer rates are still being worked on, but because there is an amount in the Sanitation surplus fund the residential rates will be reduced by 15% and the commercial rates will decrease by 10%. She explained that the Village is losing revenues such as the reduction of the amount the Village receives from DLT Lottery, however the budget is only up is only up about \$53,000 from last year's budget.

Trustee Hutchins felt that the Board could possibly reduce the budget further possibly be reducing the number of employees.

Trustee Marinello suggested looking into consolidating services with either the Town of Thompson or the County of Sullivan which might reduce the budget.

As there were no further comments, Mayor Jenkins recessed the public hearing at 8:36 p.m. to Monday, June 22, 2009 at 7:00 p.m.

**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 3 OF 2009  
ESTABLISHING THE VILLAGE OF MONTICELLO SEWER RENTS FOR 2009/10**

Mayor Jenkins opened the public hearing at 8:38 p.m.

The Treasurer explained that as the Village pays off the debt service on the Sewer Plant the amount is reduced slightly from last year.

As there were no further comments, Mayor Jenkins closed the public hearing at 8:40 p.m.

**Petition of Annexation**

The Village Clerk reported that the Village and Town were served with a Petition of Annexation to annex the Bertonazzi property at 82 Hillside Avenue into the Village. She indicated that she is coordinating a joint public hearing with the Town of Thompson who will take up the matter at their June 16<sup>th</sup> meeting.

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**RESOLUTION AUTHORIZING AN ADDITIONAL \$15,000 FROM THE PREVIOUSLY APPROVED IN THE AMOUNT OF \$85,000 FOR THE PURCHASE OF THE RECYCLING TRUCK BRINGING THE TOTAL COST TO APPROXIMATELY \$100,000 FROM INTERNATIONAL TRUCK & ENGINE**

**Resolved**, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of a recycling truck at State Bid price in the amount of \$100,000 from International Truck & Engine.

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 PAYMENT FOR NECESSARY CHEMICALS FOR THE SEWER DEPARTMENT IN THE AMOUNT OF \$3,800 FROM MARYLAND BIOCHEMICAL COMPANY**

**Resolved**, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of necessary chemicals for the Sewer Plant in the amount of \$3,800 from Maryland Biochemical Company.

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 CONVEY PARCELS TO THE FORMER OWNERS, THAT WERE ACQUIRED BY THE COUNTY OF SULLIVAN ON BEHALF OF THE VILLAGE OF MONTICELLO BY VIRTUE OF AN IN REM TAX FORECLOSURE PROCEEDING**

**WHEREAS**, the County of Sullivan on behalf of the Village of Monticello took title to various parcels by virtue of tax foreclosure proceedings by Deed dated the 28<sup>th</sup> day of April, 2009, and recorded in the Sullivan County Clerk's Office, and;

**WHEREAS**, the County on behalf of the Village of Monticello has received applications requesting certain parcels be reacquired by the former owner(s) in consideration for the amount of delinquent taxes, interest and penalties; plus ten (10%) percent of the delinquent taxes, interest and penalties; a surcharge of five (5%) percent of the equalized full assessed value; and other cost & charges, and;

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**WHEREAS**, the conveyance of such parcels will restore the former owner(s) and any lien holders to their perspective status prior to the foreclosure once title is conveyed to the former owner(s).

**NOW, THEREFORE BE IT RESOLVED**, that the County Treasurer on behalf of the Village of Monticello is hereby authorized to execute the necessary documents in order to reconvey the properties TH107.-2-4 to the former owners for the total sum of the delinquent taxes, interest, and penalties; plus ten (10%) of the delinquent taxes, interest and penalties; a surcharge of five (5%) percent of the full equalized assessed value, and other costs & charges.

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 ANNUAL BIDS FOR VARIOUS MATERIALS USED BY WATER AND SEWER DEPARTMENTS FOR FY 2009/10 AND BIDS ON METERS**

**WHEREAS**, bids for various chemicals used by the Water and Sewer Departments were solicited by the Village Clerk for FY 2009/10; and,

**WHEREAS**, bids for various meters used by the Water Departments; and,

**WHEREAS**, the Water and Sewer Department Superintendents have reviewed the bids and recommended the bids be awarded to the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby accept the bids for the various chemicals and meters to the lowest responsible bidder.

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 AWARDING THE ANNUAL BIDS FOR VARIOUS MATERIALS USE BY THE HIGHWAY DEPARTMENT FOR FY 2008/09**

**WHEREAS**, bids for various materials used by the Highways Department were solicited by the Village Clerk for FY 2008/09; and,

**WHEREAS**, the Highway Department Superintendent has reviewed the bids and recommended the bids be awarded to the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby accept the following bids for the various materials used by the Highway Department:

LP Propane Gas	-	CEO	-	\$ 1.255
Run Of Bank Gravel	-	Woodbourne Lawn	-	\$ 9.50T FOB)
Ice Control Sand	-	Woodbourne Lawn	-	\$ 7.95/T(FOB)
Unleaded Gas	-	Ultra Power Corp	-	\$ 1.6632/Gal.
#2 Fuel Oil	-	Ultra Power Corp	-	\$ 1.6447/Gal.
Crusher Run	-	Callihan	-	\$10.00/T
Bituminous Concrete	-	Callanan Ind.	-	As bid for Various sizes
Motor Oils/Greases & Anti Freeze	-	NOCO Oil Corp	-	As bid for (Various Materials)
Poly Pipe	-	Chemung Supply	-	As bid for Various sizes

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

**RESOLUTION AWARDING BID FOR THE UPGRAD OF THE POLICE DEPARTMENT'S CCTV CAMERA SYSTEM**

A motion was made by Trustee Rue, seconded by Trustee Marinello.

Discussion-Chief of Police Solomon asked that the Village Board award this bid to the second lowest bidder P&N Alarm which is \$1,000 higher than the lowest bidder, since in his opinion their equipment is superior of the lowest bidder as well as this company being a local business and the funds are coming from a grant.

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Trustee Hutchins questioned the difference in the equipment. He felt that the Village should award bids to the lowest, responsible bidder.

The Chief responded that the quality of the equipment is superior as the Orange County firm was just general equipment that could be purchased off the internet.

Trustee Rue rescinded her motion to allow the Chief to consult with the Board and the Board has until August 1, 2009 to make their decision.

The Board tabled the matter to the next Board meeting.

**RESOLUTION APPOINTING MARILEE J. CALHOUN AS REGISTRAR OF VITAL STATISTICS REPLACING RETIRING TOWN OF THOMPSON TOWN CLERK DONALD S. PRICE TO FILL OUT MR. PRICES' UNEXPIRED TERM UNTIL DECEMBER 31, 2009**

**Resolved**, that the Board of Trustees does hereby appoint Marilee J. Calhoun as Registrar of Vital Statistics replacing retiring Town of Thompson Town Clerk Donald S. Price to fill out Mr. Prices' unexpired term until December 31, 2009 at no cost to the Village of Monticello.

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 EXPENDITURE OF \$97,950.00 FOR RESURFACING NORTH ST., PRINCE STREET AND WASSER WAY BY THE HIGHWAY DEPARTMENT FROM SUITE KOTE USING STATE BID PRICE FROM CHIPS MONIES**

Discussion - Trustee Hutchins questioned who selected these streets and are there any other streets that could be selected?

The Village Clerk explained that CHIPS only allows any street to be resurfaced every ten years.

**Resolved**, that the Board of Trustees of the Village of Monticello does hereby authorize the expenditure of \$97,950.00



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for resurfacing North Street, Prince Street, and Wasser Way by the Highway Department from Suite Kote using State Bid price from CHIPS monies.

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 PAINTING OF NEW SANDER TRUCK BEING BUILT BY THE HIGHWAY DEPARTMENT IN THE AMOUNT OF \$1,200 BY 52 AUTOMOTIVE**

Discussion - Trustee Hutchins felt that the Village should use the lowest quoted price.

Mayor Jenkins felt that since the lowest quote is from a business located in Middletown, that by the time two employees drive the vehicle there and come back and the cost of their time it probably would be at least the same amount as the second highest bidder.

Trustee Hutchins felt that it will not cost \$200 to go to Middletown even with the labor, and the Village should award the bid to lowest quote.

A motion was made by Trustee Rue, seconded by Trustee Hutchins approved on a roll call vote as follows: Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue; aye, Mayor Jenkins, aye to adopt the above resolution. Motion carried 3 ayes - 1 nay.

**RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2008/09**

**WHEREAS**, the Village of Monticello has adopted its annual budget for the 2007/08 fiscal year; and,

**WHEREAS**, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

**WHEREAS**, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

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**NOW, THEREFORE BE IT RESOLVED,** that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [see attached]

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

**RESOLUTION AUTHORIZING THE VILLAGE TREASURER TO SIGN A CONTRACT WITH PITNEY BOWES FOR A DIGITAL MAILING SYSTEM UNDER NYS CONTRACT #PC61730**

The Village Clerk explained that every four years the Pitney Bowes postage meter has to be changed. As she is the one that most deals with the postage machine she believes that the system the Village now uses is sufficient and the cost has been reduced for the four year contract from approximately \$35.00 a quarter.

**Resolved,** that the Board of Trustees of the Village of Monticello does hereby authorize the Village Treasurer to sign a contract with Pitney Bowes for a Digital Mailing System under NYS Contract #PC61730.

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

**RESOLUTION AUTHORIZING CHANGE ORDER #1 IN THE AMOUNT OF \$7,245 FOR THE STURGIS ROAD SIDEWALK PROJECT THAT REQUIRES SIDEWALK WIDTH INCREASED FOR THE ENTIRE LENGTH FROM 4 FT. TO 5 FT REQUIRED BY THE NYSDOT WHO IS FUNDING THIS PROJECT**

**Resolved,** that the Board of Trustees of the Village of Monticello does hereby authorize Change Order #1 in the amount of \$7,245 for the Sturgis Road Sidewalk Project that requires sidewalk width increased for the entire length from 4 ft. to 5 ft. required by the NYSDOT who is funding the project.

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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**REQUEST FROM THOMAS TING FOR THREE (3) CHANGES TO THE ZONING CODE**

A motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to send this request to the Planning Board for their review and recommendations.

**DISCUSSION REGARDING ADDITIONAL TAXI CAB MEDALLIONS**

A representative from a cab company that wants the Village to increase the number of medallions explained that there has been an increase in the growth of the community, with the reconstruction of Broadway, the additional businesses including Walmart, Staples, Home Depot and the enlarged Shoprite building. She felt to bring more business to Monticello they are asking the Village Board to approve at least another medallion to A to B Taxi.

She read the following statement:

She is asking the Village Board to consider amending its current Village policy on taxicabs. The current provisions were adopted in 1976 and were amended in their entirety in 1988. Section 229.2 limits the number of licenses issued in the Village to 21. This section states that this number is limited in the interest of public health, welfare and safety. The community has had a population increase and in these hard economic times a spike in its property rate as well. Although the community has changed there has been no further amendments to these laws since 1988. The most recent population account list 6,525 people living in the Village of Monticello. There are currently 2,571 occupied homes in Monticello with an average of 2.5 resident in each dwelling. One thousand eight hundred twenty-four of those residents are rents. Eighty-nine percent of the renters live below the poverty level. People who are living at or below the poverty level are the majority of those use taxi services and other means of transportation. These counts do not include seasonal residents as the county as a whole grows from 80,000 to over 250,000 residents during our very busy summer season. The many year round residents that rely on taxi cabs for their only means of transportation are forced to share 21 Village approved taxis with the summer visitors as well. During the off season, September thru May there is still an average waits time of a half hour or more during the day as most of the 21 taxis are Medicare runs and June thru August wait times can be from 45 minutes to well over an hour. This

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this inconvenience makes it almost for the full time residents to schedule their much needed regular transportation. In the past years Monticello has experience with major franchise businesses including Walmart, Home Depot, Staples, Kentucky Fried Chicken and the Raceway Casino are a few of the major companies that have planted themselves in this small community. The roadways are expanding to support the heavier traffic, and available transportation needs to reflect this growth as well. Under Section 229-1 in order for a taxi to stand, pick-up or drop off fares in the Village boundaries they must have a Village license or medallion. There are currently only two taxi companies in Monticello, one company holds 16 of the 21 available medallions (which is 77%) and the second company holds 5 of the 21 medallions (which is 23%). Riders cannot hire outside services but a required to pick one of the two approved taxi services leaving the people no freedom of choice. The lack of choice eliminates competitive pricing and ultimately the residents suffer. More taxi medallions would give the people of Monticello a fair range of choices. Releasing more medallions would also create opportunities for smaller taxi owners to establish themselves in this heavily one sided business in this community. Small businesses are an essential part of a community and creating opportunities for one more small business would only have a positive affect. Empty stores fronts can be filled with taxi stands and this in turn would generate needed income to store owners and the extra medallions would also bring money to the Village through fees for vehicle licensing, driver licensing, inspection fees and taxes which overall contribute to the prosperity of the Village as a whole.

Alan Kesten, owner of Yellow Cabs explained that he felt that he can't argue with the comments just made, however one of reasons that any municipality can regulate taxicabs (and we are the only business that can be regulated like they are)is for the safety and well being of the public, but last year the Village Board instructed John Barbarite to do a study about the need for more taxi medallions and determined that there really wasn't a need for more and he stood up in front of this Board and said that in the three months of the summer there is most definitely a need for more taxis. He agreed that there are a lot of new businesses in the area as she mentioned but they are all in the Town of Thompson not in the Village of Monticello. He noted when the taxi laws were first created the raceway saw 10,000 people each day and today if they get 100 it is considered a big crowd and the raceway is on the verge of going bankrupt. He noted they are very busy especially with the new Medicare rules. Mr. Kesten explained that

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the current Village codes are not being enforced and as an example A 2 B taxi started doing business, sent out postcards to all the residents and business and never asked the Village officials about the rules and regulations and were illegally doing business in the Village. After the owner of Sureway Taxis filed a complaint with the Monticello Police Department, the police contacted A 2 B taxis and told them what the rules are and now that they realize the rules and can't do business as they want they are requesting additional taxi medallions be issued. He noted that Sureway Taxi that has five medallions doesn't abide by any of the rules has 10 taxis driving around the Village. The rules say that every taxi company is assigned a color and all his taxis are yellow but Sureway's taxis are not all green as they are required to be. In the interest of safety and public welfare the Village has an inspection policy that is stronger than any other municipality in the Southern Tier of the State and he felt it sure remain in effect, however there are some gypsy cabs that are not inspected and if the laws are enforced he would be amiable to several more taxi medallions being issued. If the taxi laws are being properly enforced it serves two purposed. Firstly, it protects the economic viability of the taxi owner so that vehicles can be replaced and secondly the drivers can make a living and support their families.

Ken Sanders, a Village resident felt that Yellow Cab with 16 medallions is a monopoly and the taxi fares have not dropped although the area is in an economic depression.

A Village resident felt that Yellow Taxi should not have to give up any medallions; however the Village should issue more if there is a need.

Mayor Jenkins felt that there is a need for more taxicabs and the residents are not getting any service since all the cabs seem to be busy with the Medicare runs. He also noted that Sureway Taxi owner Gary Putter has also requested 5 more medallions be issued to him. He felt that the Board must discuss the taxi issue, be fair about, however the residents must be serviced.

Mayor Jenkins indicated that he will be contacting other municipalities to inquire about their taxi laws.

#### **ORDERING BILLS PAID**

A motion was made by Trustee Rue to pay the bills with the exception of Barton & Loguidice invoices until she receives the report from them. There was no second to this motion.

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The Mayor explained when this invoice is paid which is a 80% percentage of the entire cost they will submit the report. The Mayor felt this is a reputable firm that should be able to be trusted to submit the final report regarding this building. The Mayor indicated that if the Village pays this bill, and Barton & Loguidice submit the report on a timely basis than he will reimburse the Village the \$20,000 out of his own pocket.

**PUBLIC COMMENT**

Rochelle Massey questioned why the laws are being enforced regarding tight lids on garbage cans and garbage cans not removed from the curbside once the garbage has been picked up?

The Village Clerk explained that Ms. Massey is requesting that these are code enforcement issues be addressed.

Trustee Marinello felt that these laws must be enforced.

**ADJOURNMENT**

At 9:58 p.m., a motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk