

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JULY 20, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:03 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

Also Present: Ray Nargizian, Village Manager
Jacob Billig, Village Attorney
Clarence Decker, Water Superintendent
Douglas Solomon, Chief of Police

MAYOR'S STATEMENT

Mayor Jenkins announced that the meetings are going to be conducted in a more orderly fashion. He explained that at the last meeting he was annoyed at some issue that was presented at the last minute and that the entire Board had not been informed that a resolution to appoint a Village Manager was going to be presented so his temper did flare up. He felt that he will leave the final decision up to the taxpayers who vote for the Board members to decide if the Village is being run correctly. The Mayor indicated that the Board adopted Robert's Rules and meetings will be conducted accordingly. He asked that the Board members address the Chair (Mayor) and ask to speak. There will be no shout outs or outbursts from the Board or the public.

APPROVAL OF MINUTES OF THE VILLAGE BOARD MEETING OF JULY 6, 2009

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to accept the minutes the Regular Village Board meeting of July 6, 2009

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with the following correction: Page 4, the correct address for Mr. Bertonazzi house is 82 Hillside Avenue.

MAYOR'S/MANAGER'S REPORT

Sewer Project Meeting

Mayor Jenkins reported that he met with the officials of the USDA to discuss the forthcoming grant/loan application.

The Mayor read the following letter he wrote to the newly appointed Village Manager:

As the Mayor of Monticello I am forwarding you a copy of our Code of Ethics as required by Village Code 18-6 Distribution of Code of Ethics as follows:

[amended 6-21-1999 by L.L. No. 5-1999]

The Mayor of the Village of Monticello shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such Code, nor the enforcement provisions thereof.

Please supply me with a list of all new hires in the Village so that I may supply them a copy of the Code of Ethics shortly after they are hired.

In addition I respectfully request that you supply the Board of Trustees a disclosure document listing your property holdings and business interests in the Village and a plan of how you propose to avoid conflicts of interest between your private business interests and your public actions as Manager.

Question Regarding the Payment For Additional Legal Service

Trustee Schoonmaker was concerned that the Village Attorney has requested additional money for legal services in regard to the Sewer grant application and felt it should be included in his salary as Village Attorney with no extra money being expended.

Glenn Gidaly explained that with the funding source the USDA they needs a separate agreement for the Bond Counsel and they want to make sure there are certain tasks related to this

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loan and grant that is a separate agreement from the task of the Village Attorney and an amount not to exceed a certain amount. He indicated that he looked at what different communities have put in their agreement and \$15,000 is about average and reasonable.

Trustee Hutchins asked the Village Attorney why he is asking for the additional funds.

The Village Attorney explained that the Board can pay counsel an additional stipend fee for this work since given the timeline which is very tight there probably will be a need to spend time beyond what he would normally allocate for Village business. Since there have been other municipalities that have signed a separate agreement with their Village Attorney it would not be inappropriate to ask for this agreement to be approved.

Trustee Hutchins felt the money was well worth it.

MANAGER'S REPORT

The Village Manager stated: "That he appreciates the opportunity to again serve the residents, taxpayers and shop owners of the Village. It is my hope that we can work together as a cooperative, unified unit for the betterment of all the people in the Village. I extend an olive branch to our Mayor, as well as our Board members so that we as a unified force can build and revitalize our Village. The fabric of success is woven by those who can put aside past differences. We most focus on implementing new ideas and building strong relationships with those individuals and businesses that have a common interest in seeing Monticello grow. This will be my foremost priority. I now will extend my hand in the spirit of cooperation with the fond hope that this Board will have the vision to see far beyond today's sunset and well into the bright future that are our Village so rightfully deserves."

Mayor Jenkins indicated that he would shake his hand; however it would be nice if he and Trustee Hutchins was part of the process. He noted that neither of them were informed that he was coming on Board and it would have to nice if the Board sat down as a group and discussed his prospective appointment.

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Trustee Hutchins indicated that before he shakes his hand, he stated, "I have sat down with you numerous times and have been straight up with you, and in my box I received an agreement, a contract and I asked you downstairs did you know anything about the agreement and you responded "no"."

The Village Manager answered that he received that agreement this afternoon.

The Village Attorney indicated that he got the agreement on Friday from the Village Manager and he told Mr. Nargizian to give each of the Board members a copy.

The Village Manager indicated that he thought Trustee Hutchins was referring to the Mobilemedic agreement.

Trustee Hutchins questioned who composed his employee agreement and who authorized him to write a contract. He said he assumes that since this is the first time the Board is seeing this contract and he has no knowledge of it and have not been a part of any meetings as to a contract for Mr. Nargizian. He felt that what was done at the last meeting was illegal and that Mr. Nargizian being in that position is illegal especially how it was done. Before voting he would like the record to reflect that in his opinion members of the Board have been a part of illegal meetings. He noted that at no time did this Board legally meet to discuss hiring Mr. Nargizian or to grant a contract. In fact while interviewing other candidates, Ms. Rue, Mr. Schoonmaker and Mr. Marinello stated that they were opposed to granting contracts to Village Managers. These statements resulting in two highly qualified individuals recanting their resumes. He stated that when all members of the Board were give proposed contracts for former Manager Barbarite these very same Trustees refused to discuss contractual terms, expressing their opposition to granting a Manager a contract. Looking back, Trustee Schoonmaker voted no for the very same reason for not giving Mr. Sush a contract. He is asking the Board that we need to work correct, timely and fair in going through a process with or without a contract. He indicated that he is appalled and disgusted for someone to put this contract in the Board's mailboxes. He felt that someone had to meet to come up with these terms. He indicated that if his name is on the contract he should be made part of the contract negotiations.

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Trustee Rue responded for him to prove it.

The Village Manager indicated that his agreement was written a week and a half ago and no one authorized him to do that. He explained that approximately three weeks ago, Trustee Rue had a discussion about whether or not he would consider taking the position of Village Manager. He responded to her that the only way he would do that is if I had a contract. Trustee Rue then asked him what would be the terms of the contract and he responded that it would be a very similar contract to what the previous Manager Mr. Sush had and he took from that contract and basically substituted his name and typed up that contract and gave it to Trustee Rue and said that this is what it would take for me to become Village Manager again.

Trustee Hutchins questioned if someone gave him the authorization to put this before the Board for a vote?

The Village Manager explained that he mentioned it to the Village Attorney prior to last Friday for which he said make sure it is in the Board's folders before the meeting on Monday and on Friday he gave the Village Attorney a copy which gave him ample time to look it over. He noted that this contract was put in the Trustees folders this morning.

The Village Attorney indicated that he did not read the contract because he did not have any direction from the Board as to what to do.

Trustee Hutchins responded that the Village Attorney should not look at this contract because the Board hasn't discuss what they want to do.

Trustee Rue stated that when she read the resolution and appointed Mr. Nargizian it was also mentioned that a contract would come later and the Manager would provide what he wants from the Board, so Mr. Nargizian wrote out the contract and distributed to each Board member today. She felt that this matter should be discussed in Executive Session because it is a personnel matter before it is discussed in public or given to the media.

Trustee Hutchins explained that he had a copy in his folder and someone gave him a copy while he was at the pizza restaurant.

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He indicated that he hopes the Board doesn't go into Executive Session to discuss this contract and wait for the public to leave and vote on a contract that no one is aware of and hasn't had time to review. He felt that before the Board votes on this matter the public should be aware of how their money is being spent.

The Village Manager continued his Manager's Report by stating that Village officials met with the USDA to discuss pre-eligibility to determinations in reference to the sewer system improvements.

A special thanks to Schmidt Wholesalers for donating the plumbing supplies needed to repair the bathrooms at deHoyos Park. A Certificate of Appreciation will be issued at the Board's next meeting.

Meetings have been scheduled with Dysktra Associations regarding zoning and recodification.

The contract negotiations with the PBA are in its final stages.

Trustee Hutchins questioned how the police contract can be in the final stages when the Village Board hasn't directed him as to what the Board wants in that contract. Last time we spoke we gave a directive to the Village Attorney to do the negotiating and he was supposed to meet with the Union representatives and report back to the Village Board.

OTHER BUSINESS

Mester Tower

Trustee Hutchins explained that he asked the Village Manager to follow up on the Mester Tower that was put up without a building permit and at the Planning Board's request they asked that a violation be issued daily. He questioned if this is being done.

The Village Manager responded that he believes so and he has been told so.

Trustee Hutchins responded that he needs for not to be believing, he needs for him to be able to tell him whether it is happening or not happening.

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Richardson Court Cleanup

Trustee Hutchins questioned whether the trailer, unregistered vehicles and high grass have been addressed and cleaned up on the Richardson Court property?

The Village Manager responded that it has not been addressed.

Broadway Patios

Trustee Hutchins questioned what has been done about addressing the sidewalks on Broadway?

The Village Manager responded that he has made a call to the NYSDOT to discuss that and as of this date they have not gotten back to him.

Trustee Hutchins indicated that he does not want the Manager to come back and give an answer that "he thinks" because on alternate Thursdays when salary checks are issued, we don't think you are going to get paid you, we pay you to do the job.

Taxi Cab Medallions

Trustee Hutchins questioned the status of issuing additional taxi cab medallions?

The Village Manager responded that they are under discussion and he has it on this agenda to discuss contracts this evening in Executive Session and taxi medallions is part of that discussion.

Trustee Schoonmaker suggested that the Board hear from the riding public as to their views and asked that the Board schedule a public hearing for this purpose.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to schedule a public hearing to hear the public's view whether or not they feel additional taxis are warranted on Monday, August 3, 2009 at 7 p.m.

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PUBLIC COMMENT - AGENDA ITEMS ONLY

Village Manager's Six Month Wage Guarantee

David Rosenberg he felt that it would be a wonderful gesture for the Board to remove the part of a guarantee of six months of salary if Mr. Nargizian falls out of favor with the Village Board. He felt that if the Board works in good faith with Mr. Nargizian he will have his job for many months and years to come, but the idea that he may not be the Manager tomorrow and get six months worth of salary just doesn't feel right.

Bess Davis agreed with David Rosenberg that the Manager might do a good job, but he is let go and the Village has to pay six month salary that would mean that another manager could not be hired because the Village would be paying two managers at the same time and she felt the Board should look at those issues instead of being hasty to just doling out the money.

Legal Bond Counsel

Kendra Greco noted that in regard to the matter on the agenda to give the Village Attorney \$15,000 for legal services in regard to the Wastewater Treatment Plant Improvement grant she believes that there is already legal bond counsel that is dealing with bonding for the Village and questioned whether the Board could investigate whether that firm could handle the matter before just handing over the money to the Village Attorney.

Dr. Hudes questioned if the Village Attorney's position has set guidelines as to their duties. He felt it is unheard of to add extras after they are hired and pay them separately.

The Village Attorney responded that the Village will need to use bond counsel in addition to the legal work he will perform. He explained that there is an hourly rate that was quoted and it is capped so if more hours are expended at the hourly rate the Village cost is capped at that and it is considered an extra service and there are numerous other municipalities that handle this the same way. The Village will have to pay for bond counsel because of their specific expertise.

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MAYOR'S APPOINTMENT - VILLAGE AUDITOR

Mayor Jenkins appointed Trustee Schoonmaker as the Village Auditor to replace Trustee Hutchins who was appointed Deputy Village Mayor at the last meeting.

Trustee Schoonmaker declined the appointment as he stated he did not have the time.

Mayor Jenkins felt it is a Mayor's appointment and it is part of being a Trustee. He felt that an elected official should be willing to do any job that is assigned to him as they are elected by the public. The Mayor asked the Village Attorney to look into whether a Trustee can decline this appointment and report his findings at the next meeting.

Trustee Hutchins felt it is important to have two auditors to keep a check and balance system and for internal controls.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO TO ACCEPT THE OFFER OF THE GARLING DYKSTRA GROUP TO PREPARE A ISSUES AND OPPORTUNITIES REPORT AT NO COST TO THE VILLAGE AND TO FURTHER DIRECT THE VILLAGE MANAGER TO ASSIST THEM IN THE PREPARATION OF SAID REPORT

WHEREAS, The Garling Dykstra Group has offered to prepare an Issues and Opportunities Report for the Village of Monticello at no cost to the Village; and,

WHEREAS, at the Joint Work Session of the Planning Board and the Village Board of Trustees it was agreed that the Village has concerns regarding current zoning, land use planning, community development and enforcement of same; and,

WHEREAS, the preparation of this report will provide a framework for addressing the above mentioned problems; and,

WHEREAS, the Village Manager has offered to assist in the preparation of the report by providing access to employees, consultants and community leaders for interviews; and,

WHEREAS, the proposed report will assist in the preparation of a scope of work for changing community planning and implementation in the Village; and,

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WHEREAS, the proposed report will be prepared at no cost by Garling Dykstra for the Village; and,

WHEREAS, the Garling Dykstra Group has proposed to deliver said report within 45 days of the adoption of this resolution.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello accepts the offer of the Garling Dykstra Group to prepare an Issues and Opportunities Report at no cost to the Village and further directs the Village Manager to cooperate in the preparation of said Report.

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

RESOLUTION AMENDING THE FEE SCHEDULE

Trustee Hutchins thanked Trustee Rue for her work in giving her suggestions for amending the fee schedule and noted that for the majority of her suggestions he agrees with her. He asked that the Board go over these changes item by item to make sure the majority of the Board agrees with the increases.

Resolved, that the Board of Trustees of the Village of Monticello does hereby amend the fee schedule as follows:

<u>DESCRIPTION</u>	<u>FEE</u>
Pawn License	\$ 500.00/Annually
Photocopy Charges	\$.25/Page
Return Check Charges	25.00/Item
*Amusement Game/Device	25.00 Annually
*Amusement Game Oper./License	175.00 Annually
*Billed in August	
Auction License	50.00/Per Auction
	\$100.00/month/250.00/Yr.
Bingo License	18.75 Session
Games of Chance	25.00 Session
Dog Fines	1 st Offense 25.00
	2 nd Offense 100.00
	3 rd Offense 150.00
Going Out of Business Sale License	100.00/Sale
Junk Yard Permit	2500.00

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Shopping Carts-Redemption of Imp. 25.00/Cart

Tennis Permits - Village Residents

\$60.00 up to age 64 years

\$20.00 65 and older

Non-Residents: \$85.00 up to age 64 years

\$50.00 65 and older

\$ 5.00 per person per hour
or anyone not a permit
holder.

Book of 20 coupons - 15% discount

Park Pavilion

\$45.00 Maintenance Fee

\$100.00 cleanup Deposit

(Refundable upon
Inspection)

Street Fairs for Procession & Street Fairs

Security Deposit

\$200.00

Permit Fee

\$100.00

Ted Stroebele Recreation Building

\$70.00 Clean-up deposit per
day for any of the
smaller rooms.

\$150.00 Clean-up deposit per
day for either of the
two larger rooms.

(Clean-up Deposit will be refunded after
event, provided clean-up is done by
user of facility to the satisfaction of
Village)

BUILDING/ZONING PERMITS

Residents (1 and 2 Family) -

\$60.00 non-refundable
application fee
+ 10.00 or part thereof
per \$1,000 of cost of
construction

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Residential (Multiple Dwelling) - \$150.00 non-refundable application fee
+ 10.00 or part thereof per \$1,000 of cost of construction up to \$50,000.
\$6.00 or part thereof per \$1,000 from \$50,00 to \$100,000 and \$2.00 or part thereof per \$1,000 from \$100,00 and up.

Building Demolition Permit \$100.00- Per structure

Commercial \$200.00 non-refundable + \$10.00 or part thereof per \$1,000 up to \$50,000 \$ 6.00 per \$1,000 or part thereof from \$50,000 to \$100,000 and \$2.00 or part thereof per \$1,000 from \$100,000 and up

*PROJECTS OVER \$500,000 TO PAY 4% INSPECTION FEE

1 Family Handicapped ramps \$0.00 but must file for a permit
Other Handicapped ramps \$20.00 sq. ft.

- Value of new construction will be figured at \$100.00 per square foot per floor, which will include basement, cellar, garage, deck, patios, livable attic space and \$20.00 per square foot for garages, carports, sheds storage and non-habitable structures such as decks, patios, etc.

Building Permit Amendment \$50.00

- Building Permit Renewal
Renewal allowed at one-half (½) of the original fee but in no case less than the original base fee, whichever is greater, if renewal is submitted at least 30 days prior to expiration date of original.

Filing Fee - Additional \$500.00 If SWO is posted or work is started without a Building Permit

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Certificate of Occupancy & Violation Check \$40.00/Item for all Certification Letters, Record Search on C/O Violations, Road Ownership & Maintenance, land use requirements.

Temporary CO (1 month only)	Residential	Commercial
First	50.00	80.00
Second	90.00	120.00
Third & Final	130.00	150.00
Final CO Inspection	55.00	100.00
Repeat Inspections under Bldg. Permit & Additional Inspections (Other than those scheduled under a Building Permit)	50.00 ea.	To be paid prior follow-up insp.

*Cash Bond as determined by circumstance. Bond to be forfeited if no final CO is issued by 90 days.

Plan Review 50.00 ea addl. Plan review (first 2 included w/building permit application)

MULTIPLE DWELLING REGISTRATION

Filing Fee for registering a multiple dwelling per building. \$250.00

Inspection of a multiple dwelling \$40.00 for Building. each dwelling unit therein with a reinspection fee, if necessary an additional \$20.00 each reinspection.

Plumbing Permit 40.00 + 5.00 per fixture

Fire Inspection at request of Municipality or owner 70.00/per hr. or part thereof

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Fire prevention permits under Fire Prevention Code - N/C

Fireworks Application Fee \$250.00 each event
Blasting Permit \$250.00

SIGN PERMITS (Excluding Political Signs)

	Single Face	Double Face
Non-Illuminated	\$ 60.00	75.00
Illuminated	75.00	100.00
New Site & Event Signs (Excluding Builder & Contractor Signs)	50.00	60.00
Freestanding (Larger Parcels)	\$200.00	
ZBA Request For Variance	200.00	
SEQR Hearing (Scoping)	350.00	
Site Plan Review		
Residential	500.00/lot plus \$100 per each dwelling unit	
Non-Residential	300.00/plus \$100.00 for each 2,000 sq. ft of building area.	
Special Use Request	200.00	
Flood Letter	45.00	
Building Demolition Permit	100.00/Structure	
Building Moving Permit	50.00/Bld. 250.00/Yearly	
Excavation Permit	200.00 per excavation	
Excavation Security Deposit	\$2,000 Bond for first 1 ft. to 25 ft. \$2,000 Bond for 25 ft. or more.	

SIDEWALK CAFES

Application Fee	\$35.00
Permit Fee	75.00
Outdoor Sale of Food - Permit Fee	80.00
Fee Schedule	

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MONTICELLO POLICE DEPARTMENT

Police Escorts To & From Bank	\$200.00/first 10 trips 20.00/each add'l trip
Police Response to False Alarms (Calendar Year)	1 st three (3) free 15.00 each add'l response
Non-criminal Fingerprints	\$15.00

TAXI VEHICLES

Taxicab Vehicle License	\$300.00/Vehicle Annually
Taxicab Drivers License	40.00/New Driver - 1 yr. 75.00 2 yr. renewal
Taxicab Parking Spaces	350.00/Space Annually
Taxicab Inspections	25.00 ea. Inspection
Taxicab Reinspections	25.00 ea. cab

TOW TRUCK LICENSES

Towing Service License	\$150.00 First Truck 100.00 @ add'l truck
Open Storage of Vehicles	
Contemporary Car:	\$25.00 per month 6 month limit
Classic Car	50.00 per six month 6 month limit
Antique Car	50.00 per six months

WATER & SEWER DEPARTMENTS

* Water Rates Code	See Annual Budget
Disconnect Permit (Water)	\$300.00/@ disconnect
Installation of Water Meter	75.00
Removal of Water Meter	75.00
Water Tap Charge - ¾ Tap	200.00
1" Tap & over	261.00
Sewer Tap Charge - 4" Tap	200.00
6" Tap	300.00
8" Tap	500.00
Inspection Fee	25.00
For each Connection	

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Water & Sewer Calls Cust. Plumbing	75.00 (after hours)
Fire Sprinkler Line Rental Fee	200.00/device
Septage discharge to Sewer Treatment Plant	.10/gal.
Treated wastewater effluent discharge to Sewer Plant	.04/gal.

Purchase water at Water Plant - \$12.44/per 100 cubic feet.

All connected water meters within the Village limits using less than 1119 cu. ft. of water per quarter shall be charged a minimum Water Rate of \$44.00 per quarter (minimum cu. Ft. is 1,119, total cu. Ft. divided by 100x\$4.00=cost. (Outside Village limit users \$8:00/100 cu. Ft.)

Seasonal minimum rate is: \$145.20 (within the Village)
Seasonal minimum rate is: \$290.40 (outside users)
Minimum Sewer Rate based on 75% of water consumption is \$33.00.

Seasonal minimum rate is: \$238.13

Sanitation shall require a minimum charge for Sanitation for residential use in the amount of \$78.00 per quarter with a credit for non-use based on the current landfill tipping fees.

Delinquent Utility Account Charges:

All Delinquent Account Notices sent to property owners advising of delinquent utility accounts will be charged \$150.00 per notice per account which if unpaid shall be treated in the same manner as any unpaid utility bill.

Jeopardy Assessment:

Any water account that refuses accessibility pursuant to the Village Code Section 256-6 shall be assessed a \$500.00 charge for usage per quarter until access is granted and the account is balanced.

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ZONING AND STREET MAPS

26" x 48"	\$ 6.00
18" x 34"	3.00
11" x 17"	1.00

PARKING VIOLATIONS

Overtime Parking	\$10.00
Overnight Parking	25.00
Prohibited Parking	25.00
Handicapped/Fire Zone	50.00
Double Parking	25.00

INDOOR FIRING RANGES

License Fee (Annually) 100.00

TAXI FARE RATES

Zone	Fare Amount
"A"	\$5.00
"B"	\$5.25
"C"	\$5.50
"D"	\$5.75

A motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the fees listed above, effective August 1, 2009 with the exception of the sanitation surcharges.

Trustee Hutchins asked that the Village Manager contact the taxicab companies and make sure they are in compliance with the current rates.

Trustee Hutchins questioned whether the sanitation charges could be charged?

The Village Attorney responded that the charges can be assessed however it cannot be relieved to the tax bill. It can be charged if the property owner is not complying with the law.

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The Village Clerk indicated that she believes these surcharges are not being issued as she hasn't seen any from either the sanitation secretary or the code enforcement office indicating that these charges have been sent.

Trustee Hutchins directed the Village Manager research whether violators are being charged when they violate these laws.

SANITATION CHARGES

Overloaded Dumpsters	\$50.00/Surcharge
Uncovered Dumpster	\$50.00/Surcharge
Overloaded Garbage Can	\$10.00/Surcharge
Uncovered Garbage Can	\$10.00/Surcharge
Cleanup Around Trash Cans/Dumpsters Due to spilled garbage/debris/torn bags	\$50.00/Surcharge
Unscheduled Special Trash pickup when Trash by curbside on non p/u day	\$50.00/Surcharge
Collection & storage of Trash/recycling Bins left out after hours	\$10.00 + \$ 3.00 redemption fee

AWARDING OF BID - INSURANCE LIABILITY PROPOSAL

The Mayor suggested that the Board table this matter because of some legal issues pending.

Trustee Hutchins felt that the Board should schedule a special meeting as the Village has received a Notice of Claim from the Village's present carrier and the Village Manager have all of the information available for the Board to fully discuss this matter. He noted that the Village Manager had told him about another broker; however he has no recollection of the Board directing him to change the Village's insurance broker.

Trustee Schoonmaker asked that the Village Attorney have this Notice of Claim dismissed as it does not name all the Board member, only three individuals.

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Mayor Jenkins felt the Board should award the bid to the present broker so the Village has continual coverage and that the Village Manager just was appointed and the Village received a Notice of Claim from an action he took without the direction or knowledge of the Village Board.

A motion was made by Trustee Rue, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to table the matter to a later date.

**RESOLUTION AUTHORIZING THE VILLAGE MANGER TO COMMENSE
NEGOTIATIONS WITH THE SENECA NATION FOR WATER AND SEWER SERVICE
AND ESTABLISH AN ESCROW ACCOUNT IN THE AMOUNT OF \$ _____ FOR
THE DEPUTY VILLAGE ATTORNEY FOR LEGAL SERVICES**

Trustee Rue noted that this resolution is similar to the resolution authorizing the Village Attorney to perform legal services necessary to the organization, financing and reconstruction of the Wastewater Treatment Plant Improvements.

Trustee Hutchins questioned whether the Village Manager knows anything about this issue.

The Manager responded that nothing has been submitted to him in terms of the Seneca's.

Trustee Hutchins directed the Village Manager to follow up on this matter.

The Village Manager indicated that he would do his best to make an appointment with the Seneca's.

The matter was tabled to a later date.

**RESOLUTION AUTHORIZING THE VILLAGE MAYOR AND MANAGER TO APPLY
FOR A LOW INTEREST LOAN/GRANT FUNDING THROUGH THE UNITED STATES
DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT**

WHEREAS, the Village of Monticello Waste Water Treatment Plant (WWTP) is in need of upgrades and modernization; and,

WHEREAS, the Village Board is seeking to achieve the needed upgrades in the most cost effective manner possible; and

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WHEREAS, the Village is eligible to seek low interest loan/grant funding through the United State Department of Agriculture (USDA) Rural Development, and

WHEREAS, the Village has authorized the development of a Pre-Application and Full Application to the USDA; be it hereby resolved; that, and

WHEREAS, the Village Board of Trustees of Monticello does hereby authorize Glen Gidaly of the firm of Barton & Loguidice to prepare the application.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello authorizes the Mayor to file any/all documents that may be necessary to apply for, receive, use and disburse USDA funds for the purpose of achieving upgrades to the WWTP.

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

RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO PERFORM LEGAL SERVICE NECESSARY TO THE ORGANIZATION, FINANCING AND RECONSTRUCTION OF THE WASTEWATER TREATMENT PLANT IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$15,000

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH BARTON & LOGUIDICE, P.C. TO PROVIDE THE SERVICES FOR PREPARATION OF THE FULL USDA RD FUNDING APPLICATION PACKAGE FOR A FEE OF \$8,200 INCLUSIVE OF ALL LABOR AND EXPENSES

Discussion - Trustee Hutchins indicated that he does not want to repeat what happened in the past. When Mr. Gidaly's firm prepare work for the Village they charged approximately \$22,000 and there was supposed to be money available to pay this bill. Several months later when it was time to pay this bill there was

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a discussion that this amount should be bonded and after further discussions money was found in the budget to pay this bill. He wanted assurance that there is money available to pay his firm the \$8,200.

The Village Manager explained that these grants came in two parts, a preliminary passing and a secondary passing and for each there would be a fee and that fee was estimated by Barton & Loguidice for both the water and the sewer. The Village did not have the funds available so the Village sought out an entity that would give the Village the seed money. The Monticello Raceway gave the Village \$50,000, paying the Village \$5,000 for ten months so the Village could go forward with this loan, and therefore the money is in the Village coffers.

Trustee Hutchins questioned where do those coffers appear in the budget?

The Manager responded that he has not been employed by the Village for the last year and three months so he does not know where it is.

Trustee Hutchins responded that if the Manager can show him where this money is allocated for this project then he will vote for this resolution to be adopted.

The Manager felt that this is \$5.5 million dollar grant and a \$4.3 dollar loan at 2.6 % or less. For the Board to make an issue over \$8,200 which he is telling him is seed money is ridiculous. He felt the Village has no choice but to pay the \$8,200 to apply for this grant/loan.

Glenn Gidaly reminded the Board that the money has to come out of the Sewer Fund since it is a sewer project.

The Village Manager indicated that Trustee Hutchins has every right to look into accountability and he would like to know where that \$50,000 went, but that has nothing to do with the fact that the Board has to vote on this and pass this resolution so this \$8,200 can be paid to Barton and Loguidice so they can go forward with this application.

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The Mayor explained that it took over a year to get the approval of payment to this firm for work that they did prior to this and Trustee Hutchins wants to make sure Barton and Loguidice will be paid on a timely basis.

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign an agreement with Barton & Loguidice, P.C. to provide the services for preparation of the full USDA RD funding application package for a fee of \$8,200 inclusive of all labor and expenses.

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY AGREEMENTS OR CERTIFICATIONS ON BEHALF OF THE VILLAGE OF MONTICELLO WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE ADVANCEMENT OR APPROVAL OF THE ECONOMIC RECOVERY PROJECT KNOWN AS THE WALKABLE MONTICELLO: MAKING THE CONNECTION, VILLAGE OF MONTICELLO, SULLIVAN COUNTY, PIN 9009.28

WHEREAS, the Walkable Monticello: Making the Connection, Village of Monticello, Sullivan County, PIN 9009.28, Economic Recovery Project (hereinafter the "the Project") in the Village of Monticello (hereinafter "the Municipality/Sponsor") is eligible for funding under Title 23 U.S. Code, as amended, that call for the apportionment of the costs of such program to be borne at the ration of 100% Federal funds and 0% non-Federal funds.

NOW, THEREFORE, the Board of Trustees of the Village of Monticello duly convened does hereby:

RESOLVED, that the Village of Monticello Board of Trustees hereby approves the above Project; and it is hereby further

RESOLVED, that the Village of Monticello Board of Trustees agrees to advance the Project through the Village of Monticello's resources and agrees that the Village of Monticello Board of Trustees hereby authorizes the Village of Monticello to pay in the first instance the full Federal and non-Federal costs

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of any and all phase(s) or portions thereof and it is further hereby appropriates from _____ [or pursuant to _____] the funds necessary to complete the Project including all phase(s) or portions thereof

RESOLVED, that the **Village of Monticello Board of Trustees** make a 100% commitment of the Federal and non-Federal share (if any) of the costs of the a **Preliminary Engineering and Construction and Construction Supervision and Inspection** phase of work for the Projects or portions thereof, with the Federal share of such costs to be applied by the New York State Department of Transportation pursuant to the State/Local Agreement; and it is hereby further

RESOLVED, that the sum of **\$333,205** is hereby appropriated from _____ and made available to cover the cost of participation in the above phase of the Project; and hereby appropriates from _____ [or pursuant to _____] the funds necessary to complete the Project including all phases or portions thereof it is further

RESOLVED, that upon completion of construction of the Project, or a fully usable portion thereof, the **Village of Monticello** agrees to maintain the Project, or fully unable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full Federal and non-Federal share of the Projects exceeds the amount appropriated, the **Village of Monticello Board of Trustees** shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the **Mayor** of the **Village of Monticello** is hereby authorized to execute all necessary Agreements or certifications on behalf of the **Village of Monticello**, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Projects and the **Village of Monticello's** first instance funding of the Federal and non-Federal share of

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project costs and permanent funding of the Local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution is filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, that this Resolution shall take effective immediately.

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

The Village Manager indicated that the Village got this grant from a joint venture with the County Grant Department who wrote the grant at no cost to the Village as well as Glenn Gidaly's time which was also free.

DISCUSSION REGARDING BUILDING CONDITIONS OF 258 EAST BROADWAY

Trustee Hutchins indicated that he asked that this matter be included on this agenda as he has been approached by several people in the community in regard the house on the corner of East Broadway and Nelshore Drive. The Code Enforcement Officer sent a letter to the property owner giving them 30 days to bring a set of plans to the Village to remedy the situation.

Mayor Jenkins felt the Village Board should start tackling the removal of these eyesores that are all around the Village. He felt the Village Attorney should start legal actions on these buildings.

PUBLIC COMMENT

Conduct of Village Meetings

Dr. Marc Hudes felt that the Village Board should be discussing many of the items on the agenda prior to the Board meeting such as at a work session or one on one with the Village Manager so the meetings will run smoother and more will be accomplished.

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Dr. Hudes felt that it is long overdue that the Village merge with the Town as there is a duplication of services.

Joint Town/Village Board Meeting

The Village Clerk reported that the Joint Town of Thompson/Village of Monticello meeting was held on Tuesday, August 4, 2009 at 7:30 p.m. for the sole purpose of annexation of 82 Hillside Avenue into the Village of Monticello.

Village Concerns

Thomas Mack explained that he lives in the Village and has raised his family in this community and he sees that the Mayor and Trustee Hutchins is a "doer" and he believes that if the people get behind these officials and stop talk about trying, but instead doing and stop complaining and making the Village better place for our children. He felt that the Attorney General's Office should be asked to do an investigation of the procedures that are taking place in this Village.

Michael Greco felt that everyone has opinions but no one takes action. The residents need to step up, take care of themselves and stop looking for someone else to do it for them. He felt the residents need to have "Village pride" that is missing.

EXECUTIVE SESSION

At 9:15 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 a contract negotiations with the Monticello PBA and Mobilemedic and a personnel matter regarding an individual person.

ADJOURNMENT

At 125 a.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

