

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, OCTOBER 19, 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
Robert Gaiman, Deputy Village Attorney
Douglas Solomon, Chief of Police
Jim Sternberg, Highway Superintendent
Phil Klemen, Sewer Superintendent
Clarence Decker, Water Superintendent

**APPROVAL OF MINUTES OF THE REGULAR MEETING OF OCTOBER 5, 2009
AND THE SPECIAL MEETING OF OCTOBER 9, 2009**

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of October 5, 2009 was the following correction: Page 18, should be Trustee Rue did not vote as she felt it was **illegal** as the Village doesn't have an attorney at this time and the minutes of the Special meeting on October 9, 2009 as presented.

MANAGER'S REPORT

Good evening my name is Ray Nargizian. Welcome to the Oct 19, 2009 meeting of the Monticello board of trustees. I'm pleased to announce that Walter Fedun Jr. has been hired and

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started work on Tuesday Oct. 13, 2009. In compliance with Civil Service regulation Mr. Fedun applied for and was selected to fill the position of Code Enforcement officer P/T.

As of our Nov 2nd board meeting a report will be submitted regarding code enforcement and building inspections. On Tuesday Oct. 13, the Village manager met with Glen Gidaly of Burton and Loguidice, Glen Pointier of Sullivan Renaissance, and Jonathan Hyman to discuss re-zoning, economic development, beautification of the Village and several other Village concerns.

Phil Klemen our Wastewater supervisor met with officials of Guilderland wastewater treatment plant in upstate N.Y. to view and discuss firsthand the type of treatment plant our grant will provide for us.

The Village of Monticello received 8 responses to our Walkable Monticello Project. We have selected Barton & Loguidice to provide Design services and construction over site for this project. Work will commence Spring 2010.

Just a reminder in conjunction with the YMCA the Monticello Halloween parade will start on Lakewood Ave and end at the Community Center. Starting Time is at 5:00 pm on Saturday Oct. 31st.

Motion to direct and hire an independent counsel to investigate of Possible Wrongdoings in the Village

Trustee Marinello made a motion as follows: to direct the Village Manager to conduct and hire a independent investigate for any possible wrongdoings in the Village and in addition to hire, appoint or form any committee necessary to complete the task. **Trustee Rue seconded the motion.**

The Mayor responded that it is his responsibility to and that matter should be put in the Mayor's hand to appoint and do special prosecution.

Trustee Marinello responded that he feels it is also the Board's responsibility and the Board has that authority to make that motion to set into place by a majority vote. He felt that this

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is important and we need to have this, it has to be done and it has to be in a way where there is no favoritism and nobody knows anybody.

The Mayor said that the he has authorization for that type of behavior which is being done at this time and being addressed currently.

Trustee Marinello responded that the Village Manager is the CEO of the Village of Monticello and he does what the Village Board instructs him to do.

Trustee Hutchins felt that the Board needs to set apart politics when the Board is dealing with our Village employees. He questioned Trustee Marinello where this motion came from, however as to giving the Village Manager investigative powers it is really one of the Mayor's powers and duties. He felt that if the Mayor feels the Village laws aren't being upheld and needs to be upheld, he able to have an investigation and letting the Board know what he is investigating.

Trustee Marinello responded that he respectfully disagrees as the Village Board has the authority to appoint the Village Manager, CEO of the Village to conduct an hire and investigate for the Village of Monticello and that is my motion and I am not changing it.

Deputy Village Attorney Robert Gaiman explained that the motion has a second and can be voted on, however the Mayor already has the power so I don't see a problem with a concurrent investigation. He felt that motion is vague as the Village just paid an account to do a full financial audit.

Trustee Marinello reread his motion as follows: to direct the Village Manager to conduct an hire and independent investigate for any possible wrongdoings in the Village and in addition to hire, appoint or form any committee necessary to complete the task which he stated that he will not change it and this is what I want to be voted on.

Mayor Jenkins questioned whether the Village has that kind of money to spend on this investigation because it will be very

expensive.

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Trustee Hutchins questioned whether there is a cap on the amount that can be spent? He felt the motion is vague and questioned what Trustee Marinello wants investigated?

Mayor Jenkins stated that the meeting will be kept in order with one person speaking at a time. The Mayor directed the Chief of Police to remove anyone who is out of line to avoid the meeting getting out of control. Include Mrs. Rue (Trustee)

Trustee Marinello again explained that he proposed a motion to have the Village Manager as the CEO of the Village of Monticello to conduct an independent investigation for any possible wrongdoings in the Village. He felt this is a very simple to understanding. He felt there are situation that need to be investigated, I think that Edith, not Edith. He indicated that this has nothing to do with that although you guys can say whatever. He stated, we need to have an independent investigation held on anyone this Village on any wrongdoings. When this investigation is completed and it is discovered there is a problem with certain departments and/or individuals that work in the Village, then the investigation will be done and disciplinary action may or may not be taken.

Trustee Hutchins questioned if Trustee Marinello wants to give the Manager the power without speaking to the Board and apprising them of what he suggests what should be investigated. He questioned the cost that the taxpayers will have to bare for this investigation and will there be a limit of the cost. He suggested that the Chief handle the investigation.

Trustee Marinello felt, in his opinion, that is a conflict of interest and secondly the Village Manager is perfectly capable of performing and completing this task and that is who I want to do it.

The Mayor warned the Board and the public that this type of investigation will be costly and he hopes this Board realizes that fact.

Trustee Hutchins again asked how much this will cost the taxpayers, and noted that Trustee Marinello has been a Board member for over 8 years and he has never had the Village Manager

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do an independent investigation where he has the authority to hire an investigator, create committees, etc. and how much will it cost.

Mayor Jenkins asked whether Trustee Rue had an idea of the cost of this investigation.

Trustee Rue responded that Trustee Marinello read the motion and she seconded the motion.

Trustee Marinello felt he feels and he thinks it would behoove the Board to feel that this is something that needs to be done.

Trustee Rue stated that she trusts the Manager not to break the Village.

Trustee Marinello stated that the Village Manager is a very responsible man who knows what he is doing, and quite honestly the Village Manager has told you that the Village is in the black, we are not in the red and this is due to the Village Manager's experience in getting things done in the Village of Monticello. He stated that, "he trusts the Village Manager's judgment to do the right thing to make this investigation work."

Trustee Hutchins questioned why we had a 1.4% increase in the taxes if the Village is in the black.

Mayor Jenkins explained that the Mayor has the authority to do investigations, so at the same time two investigations will be done concurrently and it will cost the taxpayers twice.

Trustee Schoonmaker felt the investigation should be done by either an independent counsel that has no ties to the Village, so that no one can say there is no political animosity, ties or feelings connected in anyway and taken out of the Board's hands completely.

Trustee Hutchins again asked where the money is come from for this investigation, and if the Manager feels there is a need for an investigation he should come to the Board and the Board then decides we need to do an investigation. He indicated that he did not feel comfortable allowing the Manager to pick and chose

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which wrongdoing to investigate. He felt there is a lot of wrongdoing in the Village and questioned if every wrongdoing was going to be investigated.

The Mayor noted again that he has the power to do an investigation and questioned whether the Board will let him do an investigation if it calls for investigating the Manager. He indicated that he will take the Board to court at his own expense because the Board is trying to take the power away from the Mayor.

Trustee Hutchins felt that the Village Manager's first investigation will be towards the harassment of Edith Schop. He noted that Edith hasn't done anything wrong on Village time and now it is harassment and creating a hostile environment for her to work in.

Trustee Schoonmaker questioned exactly who is going to do the investigation? He felt to do this correctly the Village should hire an outside independent investigator which would eliminate the Board having any influence with this investigation.

Trustee Hutchins felt that if the Village Manager feels there has been an injustice done and then the Board would authorize an investigation. He felt the Board should know what is being investigated and it should be discussed in Executive Session.

Mayor Jenkins felt that the Board should not make a hasty decision until they can get legal counsel.

Trustee Marinello made a motion to direct the Village Manager to conduct an hire a independent investigate for any possible wrongdoings in the Village and in addition hire, appoint or form any committee necessary to complete the investigation. Trustee Rue seconded the motion. On a roll call vote as follows: Trustee Rue, aye; Trustee Marinello, aye; Trustee Hutchins, nay; Trustee Schoonmaker, aye; Mayor Jenkins, nay. Motion carried 3 ayes - 2 nays.

PUBLIC COMMENT - AGENDA ITEMS ONLY

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Committee Formations

Barbara Burton in referring to the Board meetings of October 5, 2009 was against the formation of the four committees because she felt it is a tremendous duplication of service and repairing the past not going forward with the same old ways.

Timely Bill Payments

Chris thanked both Trustee Rue and Trustee Schoonmaker for seeing that the bills were paid timely.

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO GO OUT FOR BIDS FOR A SKID STEER LOADER AND BLOWER FOR SIDEWALK

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to go out for bids for a Skid Steer Loader and Blower for sidewalks.

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

RESOLUTION AUTHORIZING THE ADJUSTMENT OF THE PRICE FOR 18 SNOW TIRES FOR POLICE VEHICLES-2 TIRES FOR THE SEWER DEPARTMENT AND 4 TIRES FOR THE TAHOE (24 IN TOTAL) FROM THE APPROVED AMOUNT OF \$2,044.00 TO \$2,156.84 DUE TO AN ERROR IN THE PRICE GIVEN UNDER STATE BID PRICE

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the adjustment of the price for 18 Snow tires for Police vehicles-2 tires for the Sewer Department and 4 tires for the Tahoe (24 in total) from the previously approved amount of \$2,044.00 to \$2,156.84 due to an error in the price given under State Bid Price.

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

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RESOLUTION AUTHORIZING THE EXPENDITURE OF \$4,850 BY THE WATER DEPARTMENT FOR THE INSTALLATION OF A NEW BOILER AT THE WATER PLANT

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the expenditure of \$4,850 by the Water Department for the installation of a new boiler at the Water Plant.

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

RESOLUTION AUTHORIZING THE EXPENDITURE OF \$3,451.68 BY THE SEWER DEPARTMENT FOR THE INSTALLATION OF STANDBY GENERATOR AT THE THOMPSONVILLE PUMP STATION FROM PARK POWER TECHNOLOGIES

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the expenditure of \$3,451.68 by the Sewer Department for the installation of a Standby Generator at the Thompsonville Pump Station from Park Power Technologies.

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

RESOLUTION THAT THE VILLAGE OF MONTICELLO APPROVE THE REPLACEMENT PAVEMENT AND SIDEWALKS IN REGARD TO THE CONSTRUCTION OF STORM SEWER ON SPRING STREET BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, the New York State Department of Transportation proposes the construction of the pavement reconstruction on S.H. 5490 in the Village of Monticello; and,

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the construction of storm sewer on Spring Street, pursuant to Section 46 of the Highway Law, and will provide for the replacement of existing pavement and sidewalks on Spring Street pursuant to Section 10, subdivision 24 of the Highway Law, as shown on the contract plans relating to the project; and,

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WHEREAS, the service life of the relocated and/or replaced utilities has not been extended; and,

WHEREAS, the State will provide for the reconstruction of the above mentioned work, as shown on the contract plans relating to the project.

NOW, THEREFORE BE IT RESOLVED, that the Village of Monticello approve the replacement pavement and sidewalks and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Village of Monticello will maintain or cause to be maintained the storm sewer placement performed as above stated and as shown on the contract plans, including the control of snow and ice.

BE IT FURTHER RESOLVED, that the Clerk of this Board is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

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

RESOLUTION AUTHORIZING THE POLICE TO ENFORCE A CURFEW ON FRIDAY, OCTOBER 30, 2009 AT 10:00 P.M. TO 6 A.M. EACH NIGHT THROUGH SUNDAY, NOVEMBER 1, 2009

WHEREAS, the Village of Monticello feels that it is in the best interest for the health, safety and welfare of the Village residents to declare a curfew as of 10:00 p.m. for all youth 18 years and younger not in the company of a parent, and;

WHEREAS, the Chief of Police has recommended that the curfew be extended through the weekend to avoid any potential problems.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Monticello Police Department to enforce a curfew from Friday, October 30, 2009 beginning at 10:00 p.m. to 6 a.m. each evening through Sunday, November 1, 2009.

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

resolution.

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RESOLUTION APPROVING THE PURCHASE OF ICE CONTROL SALT FROM THE COUNTY UNDER STATE BID AT A PRICE OF \$55.64 WITH AN ESCALATION FEE DUE TO FUEL CHARGES PLUS A .50 CENT HANDLING FEE PER TON

Resolved, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of Ice Control Salt from the County under State bid at a price of \$55.64 with an escalation fee due to fuel chares plus a .50 cent handling fee per ton.

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

RESOLUTION FOR THE APPROVAL OF THE TOTAL OF \$75,000 TO BE PAID OUT MONTHLY AS PER USAGE TO SULLIVAN COUNTY DPW FOR THE WINTER OF 2009-2010

Resolved, that the Board of Trustees of the Village of Monticello does hereby approve the total of \$75,000 to be paid out monthly as per usage to Sullivan County DPW for the Winter of 2009/2010.

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

DISCUSSION OF TAXICAB MEDALLIONS

Mayor Jenkins felt the Board should make a decision as the Village needs more taxis to service the residents and possibly charging \$500 for each medallion or giving them away at no cost and allow new business to come into the Village.

Trustee Marinello agreed that the Board should look into issuing more tax medallions, however I do not agree with giving them away at no cost. He felt this is the taxpayers' money that is the difference between a couple of tax increase and less. He felt giving the tax medallions away for \$500.00 is totally ludicrous and ridiculous and if someone wants to buy a medallion it needs to be paid for and I believe it should be between \$10,000 to \$20,000 a medallion.

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Trustee Hutchins asked the Village Clerk if she knew the last time a taxi medallion was sold.

The Village Clerk responded that she is unaware that any taxi medallions have been issued by the Village.

Trustee Hutchins responded that in twenty seven year no money has been received towards our taxable income. He noted that now Trustee Marinello is taking the approach that the Village should sell a medallion for ten thousand when we have Mobilemedic in the Ted Stroebele building and they were supposed to pay \$18,000 a year to rent that space and the three Board members voted to have them pay \$12,000 with them paying the utilities which are now being paid by the taxpayers. He questioned whether the Board members are going to sell medallions and make money to lower the taxes or does the Board want to give everything away so that the taxes keep on going up.

Trustee Schoonmaker questioned whether the Village has the legal authority to sell the medallions?

Deputy Attorney Gaiman noted that the City of New York sells medallions at times.

Mayor Jenkins noted that during a public discussion at a Board meeting 40 or more people came and said more taxis are needed.

Trustee Marinello indicated that he is willing to support more medallions, but he is not willing to give them away.

Mayor Jenkins asked the three Board members that are against charging \$500 for each medallion give their suggestions to the Deputy Village Attorney so he can revised the present local law.

Trustee Marinello indicated that he supports issuing more medallions, but he doesn't support giving the medallions away.

Trustee Rue felt that the couple that was asking for more medallions to be issued are now working for Yellow Cab and they know the Village doesn't need any more medallions.

Trustee Schoonmaker felt that the Village is regulating something it doesn't have the right to regulate.

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The Deputy Village Attorney responded that the Village is regulating a franchise and the local laws dealing with the franchise and issuing medallions have been held up by the Courts.

Mayor Jenkins directed the Clerk to put this matter on each meeting's agenda.

PUBLIC COMMENT

Taxi Medallion Comments

Christopher Jacques explained that the Board has made incentive moves to bring "necessary and essential" services and this town and has alleviated being compensated for rents that should have been charged in order to bring essential services to this Village, in other words to entice Mobilemedic to provide and the mere fact that a Village of this size is stating \$10,000 or more for each medallion, the Board is not doing the best service to the Village or the taxpayers because who is the taxi company going to make those revenues to justify that cost. The Village's taxpayers currently cannot get timely and reasonable taxi service in this community. Therefore, for the same reason the Trustee Marinello voted to allow Mobilemedic discounted it should be the same rationality used in this Village for the amount of service it should be based on population.

ADJOURNMENT

At 9:45 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

Correction make by:
Stacey Walker, Deputy Clerk

