

Minutes

Board of Trustees

Village of Monticello

July 5<sup>th</sup>, 2012

7:00pm

**Call Meeting to Order**

The meeting was called to order at 7:02pm

**Pledge to the Flag**

**Roll Call**

Mayor Jenkins-Present	Carmen Rue-Present	T.C. Hutchins-Present
Larissa Bennett-Absent	James Matthews-Present	

Also Present: Stephen Honan-Village Attorney  
James Snowden-Code Enforcement Officer  
Acting Chief Johnstone-Police Department  
Detective Feliciano-Police Department  
Heather Berg-Village Treasurer

**Motion to Accept the Agenda**

A motion was made by Trustee Matthews and second by Trustee Hutchins to amend the agenda and add a Civil Action Resolution. Upon the call of the roll, all present were in favor.

**Approval of Minutes from the June 19<sup>th</sup>, 2012 Joint Meeting w/Town of Thompson, June 19<sup>th</sup>, 2012 Village Board Meeting, June 25<sup>th</sup>, 2012-Special Meeting & Budget Workshop Meetings**

A motion was made by Trustee Rue and Trustee Hutchins to approve all the minutes from the previous meetings. Upon the call of the roll, all present were in favor.

**Les Kristt-Monticello Day**

Les Kristt was present to speak on behalf of the Monticello Rotary Club in regards to hosting a “Monticello Day” event on Saturday, August 5<sup>th</sup>, 2012 from 10am – 5pm to celebrate our existence. According to Mr. Kristt, there are several historical events associated with this day, such as the 103<sup>rd</sup> year Anniversary of Reconstruction of Broadway after the great fire in 1909 and the 100<sup>th</sup> year Anniversary of the initial paving of Broadway. The Monticello Day Committee has secured over 30 vendors so far and is looking to have at least 45 vendors in total of several different activities and items for this event. They are asking that a resolution be

passed declaring this day Sunday, August 5<sup>th</sup>, 2012, as “Monticello Day” and that if this event is successful that another resolution be passed declaring the first Sunday of August be declared “Monticello Day” on a yearly basis. According to Mr. Kristt, this is also the day of the Rotary Club Annual Race would host 300 to 400 people, so this would be the perfect arena to have an event such as this.

There was a brief discussion in regards to the time amongst the Board members suggesting that the event begin at 12pm instead of 10am. Mr. Kristt stated that he would be more than happy to oblige the Board and speak with the Committee in regards to the time change.

The Board stated that as long as there is no problem with the time change, they see no problem with allowing the event to take place.

### **Mayor’s Report**

#### Discussion: Waverly Avenue Parking

Mayor Jenkins stated that he has been receiving several complaints from the Hasidic Community on Waverly Avenue and also the owner of the Bakery on the corner of Waverly in regards to the “no parking signs” on the east side of the street and being “targeted” by the Police and heavily ticketed. He stated that the signs are not correctly posted and they are confusing to everyone, no one knows where to park, where the signs end, ect. People park all over in the wrong place all the time for long periods and are not ticketed, if you are going to ticket, be fair across the board. Mayor Jenkins stated that he feels that at least the first two spaces across from the bakery should be open so that the bakery’s business is not infringed on.

Chief Johnstone stated that they have been patrolling the area and ticketing as necessary and appropriate. They have not targeted any specific group or looking to target any group, they have just been enforcing the law.

Trustee Hutchins stated that he feels that implementing a “15 minute parking” limit would be appropriate on the east side in front of the bakery so that the businesses in that area is not hurting because of the “no parking at any time” signs.

Chief Johnstone stated that he feels that implemented the “15 minute parking” limit would help.

A motion was made by Trustee Hutchins and second by Trustee Rue to amend Chapter 252-19 of the Village Code entitled, “Parking Prohibited at All Times in Certain Locations-Waverly Avenue” passed by the Village Board of Trustees on October 18<sup>th</sup>, 2011 to include a “15 minute only parking” on the east side of Waverly Avenue in the first two spaces. Upon the call of the roll, all present were in favor.

**John Fuller, Village Engineer-Spring St. Project & Village Hall Renovations**

Mr. Fuller was present to discuss the following issues:

**Spring Street**

The results of the Culvert Pipe Bid that was held on Thursday, June 28<sup>th</sup>, 2012 at 2:00pm went to Lane Enterprises Inc. According to Mr. Fuller, Lane's bid came is significantly lower than what the State Bid was and also \$10,000.00 less than Chemung Supply, the other bidder. A resolution is before the Board to pass tonight so that we can move forward with this project.

**Village Hall Renovations**

A work session has been scheduled for Monday, July 9<sup>th</sup>, 2012 at 9:00am to discuss the Village Hall Renovations and funding.

**Public Hearing: 2012-2013 Budget**

The Village Treasurer, Heather Berg, was present to discuss the 2012-2013 Village Budgets. According to Ms. Berg, we are at a 1.8% tax increase. There will also be an increase (7%) in the sewer rate due to the current projects going on such as Nelshore Drive and the upcoming Sewer Plant renovations.

Mayor Jenkins thanked the Board, Village Manager, Treasurer and Department Heads for all of their hard work in cutting the budget to its current state.

Mayor Jenkins opened the Public Hearing at 7:26pm and the following people spoke:

Trustee Hutchins

Barbara Burton

David Gillman

A motion was made by Trustee Rue and second by Trustee Matthews to close the Public Hearing at 7:30pm. Upon the call of the roll, all present were in favor.

**Resolution Adopting the Budget Transfers, Fiscal Year Ending July 2012**

A motion was made by Trustee Hutchins and second by Trustee Matthews. Upon the call of the roll, all present were in favor.

**Resolution authorizing the payment to ESLAG North America in the amount of \$1,123.00 for the Police Department License Plate Reader System from app# A.3120.480. Current account balance \$4,680.56**

A motion was made by Trustee Hutchins and second by Trustee Rue. Upon the call of the roll, all present were in favor.

**Resolution Awarding the Culvert Pipe Bid to the Lowest Bidder-Lane Enterprises Inc. for the St. John Street Pipeline Project**

A motion was made by Trustee Rue and second by Trustee Hutchins. Upon the call of the roll, all present were in favor.

**Resolution declaring broken keyboards, adding machines, tape records and outdated office supplies as surplus to be recycled**

A motion was made by Trustee Rue and second by Trustee Hutchins to Table. Upon the call of the roll, all present were in favor.

**Resolution setting a Public Hearing date for “Zoning Law Amendments”**

A motion was made by Trustee Hutchins and second by Trustee Matthews to Table. Upon the call of the roll, all present were in favor.

**Resolution authorizing the Taxpayer’s Protection Act**

A motion was made by Trustee Rue and second by Trustee Hutchins to Table. Upon the call of the roll, all present were in favor.

**Resolution authorizing the Standard Work Day and Reporting Requirements for NYS Retirement for all appointed and elected Village Officials**

A motion was made by Trustee Hutchins and second by Trustee Matthews. Upon the call of the roll, the vote went as follows:

- Trustee Matthews-Yea
- Trustee Bennett-Absent
- Trustee Hutchins-Yea
- Trustee Rue-Abstain
- Mayor Jenkins-Yea

**Resolution authorizing the Village Mayor to approve Payment Request #2 for Argenio Brothers performing work under Contract 3A of the WWTP Plant and Collection System Improvements Project and authorizing the Village to pay their Payment Request in the amount of \$203,599.73 in accordance with the terms of their contract with the Village**

A motion was made by Trustee Hutchins and second by Trustee Rue. Upon the call of the roll, all present were in favor.

**Resolution authorizing the Village Mayor to approve Payment Request #2 for Merrit Construction performing work under Contract 3B which includes replacement of approximately 800-feet of water main along Nelshore Drive and authorizing the Village to pay their Payment Request in the amount of \$16,475.22 in accordance with the terms of their contract with the Village**

A motion was made by Trustee Rue and second by Trustee Hutchins. Upon the call of the roll, all present were in favor.

**Legal Update-**

**Executive Session:**

A motion was made by Trustee Rue and second by Trustee Hutchins to go into Executive Session at 7:56pm and invite the Village Clerk and Preston Felton, Police Commission Consultant in. Upon the call of the roll, all present were in favor.

A motion was made by Trustee Hutchins and second by Trustee Rue to come out of Executive Session at 8:45pm. Upon the call of the roll, all present were in favor.

Trustee Hutchins stated that he would like to make a statement in regards to the July 3<sup>rd</sup>, 2012 incident that involved Mayor Jenkins and add it to the minutes as part of the written record:

**Statement by Deputy Mayor T.C. Hutchins Regarding the Events of July 3<sup>rd</sup>, 2012:**

Having just celebrated America's Independence Day, we are all reminded of the Nation's great struggle to be free from oppression, unfairness and lack of equal treatment. Unfortunately the struggle for equality and freedom continues to this day and even remains as a paramount issue in the Village of Monticello, NY as the events of July 3<sup>rd</sup>, 2012 demonstrated.

As long as I have known Mayor Gordon Jenkins, he has worked to help all people in the Village of Monticello, NY with their problems. One great problem has been the lack of security in the Village as many people attempt to avoid the criminal conduct of the few. While this not unique in the Village of Monticello, it is a problem that remains despite efforts to eradicate the problems.

Personally, I know the Mayor has attempted to work in partnership with the Village of Monticello Police Department, but the Mayor has made it clear about our frustration as a Village Board with the existing practices of our Village Police to not actively patrol areas that need additional security and also not aggressively pursuing criminal activity. Many times Village Residents contact the Mayor to report problems since they are afraid to tell the Police in the Village for fear that their identity and information provided will become known to criminals with terrible consequences. The Mayor has single handedly confronted criminals and made it clear to them that such activity will not be tolerated in the Village of Monticello, NY. No doubt, the Mayor has certainly made himself and enemy of those involved with criminal activity. Nevertheless, the Mayor cannot be intimidated because doing so would let down the many good citizens in the Village of Monticello who depend upon an advocate like the Mayor.

This past Tuesday, July 3<sup>rd</sup>, 2012, the Mayor stated that he was confronted on his own property by Daryl Fowler whose identity was made known to law enforcement a few days earlier by the Mayor. Mr. Fowler approached the Mayor in his store, and according to the Mayor, Mr. Fowler threatened to kill the Mayor and aggressively moved towards the Mayor. The Mayor contacted the Village Police Department who responded to the scene with only one Village Police Officer and also responding was the Village Code Enforcement Officer. As Mr. Fowler was being removed from the store, the Village Code Enforcement Officer indicated Mr. Fowler remarked to the Village Code Enforcement Officer, "Why is the Mayor telling people I am selling drugs?" It was the hope of the Mayor that the threats of violence against him which are clearly crimes would be appropriately pursued by the Village Police with Mr. Fowler being arrested by the Police. However, the Village Police Department did not immediately arrest Mr. Fowler and later when other Police Officers responded without any arrest the Mayor complained about the absurdity of not enforcing criminal charges against Mr. Fowler, the Village Code Enforcement Officer indicates that Mr. Fowler swung at and hit the Mayor and the Mayor then attempted to assert his rights as a victim in self defense.

After Mr. Fowler was arrested the Mayor contacted the Village Attorney and requested an Order of Protection be entered on his behalf so that this individual would not come near his store or his home or himself or his family. That request for an Order of Protection was made to the Village of Monticello Police Department. The response by the Village Police Department a short time later, however, was not an Order of Protection for the Mayor. Instead, the acting Police Chief of the Monticello Police Department advised that the Mayor would be charged with Disorderly Conduct as an Officer was unintentionally hit as the Mayor attempted to defend himself. Later on, the Mayor became aware that they District Attorney's Office recommended upgrading the charges to misdemeanors against the Mayor. Now it is the Mayor as the victim who is being prosecuted while Mr. Fowler watched the Mayor being arrested from the freedom of the streets and yelled out of the Mayor, "I am working with the Police Department to bring you down."

Accordingly, I am calling upon the Village Board to take three immediate actions. First, direct our Village Attorney to contact the United States Department of Justice to report this matter. Second, direct the Village Attorney to conduct an investigation to determine if the filing of appropriate Federal Civil Rights charges should be undertaken. Third, direct the Village Attorney to conduct an investigation of Mr. Fowler's statement that "I am working with the Police Department to bring you (the Mayor) down."

After this investigative work is completed, a further statement will be made with regard to the outstanding issues.

As per Trustee Hutchins, in Executive Session the Board discussed the aforementioned Civil Rights Investigation resolution that was added to the agenda, unfortunately we were unsuccessful in getting it to pass due to Trustee Rue refusing to vote and the Mayor having to recuse himself of voting. We are trying to look out for the Community as a whole, not just our Mayor, if it was anyone that had to endure what took place with our Mayor on July 3<sup>rd</sup>, I would have no problem voting to make sure that the right thing is being done, at this time, it just happens to involve our Mayor.

Trustee Rue stated that she is not comfortable with some of the wording of the resolution and that she feels that it would be a conflict of interest to have the Village Attorney perform the investigation because they work for the whole Village including the Police Department, so how can they investigate them; it is not that I want to see anyone hurt and it has nothing to do with the Mayor, I am not comfortable with the resolution.

**Adjournment**

A motion was made by Trustee Hutchins and second by Trustee Matthews to close the meeting at 8:55pm. Upon the call of the roll, all present were in favor.

Submitted by:



---

Janine Gandy, Village Clerk