

Minutes

Meeting of the Board of Trustees

Village of Monticello

March 19th, 2013

7:00pm

Call Meeting to Order

The meeting was called to order at 7:01pm by Mayor Jenkins.

Pledge to the Flag

Roll Call

Mayor Jenkins-Present

Carmen Rue-Present

T.C. Hutchins-Present

Larissa Bennett-Present

James Matthews-Present

Also Present: Stephen Honan-Feerick, Lynch, MacCartney, PLLC

James Snowden-Code Enforcement Officer

Motion to Accept the Agenda

A motion was made by Trustee Bennett and second by Trustee Hutchins with a comment.

Trustee Hutchins commented that item#9 & 11, be tabled until Executive Session so that we can come up with a plan to go forward. Item #8 should be tabled until the Special Meeting on Thursday, March 21st, 2013 at 6pm because nothing was given.

Mayor Jenkins stated that he would ask the Board to consider item#9 & 11 because it's been on the table before and all the Treasurer is asking that we give the escrow money back to the gentlemen. The Auditor's are recommending that we give the money back, it's been on the table before and it's either a yes or a no vote and that's it. We have already received all of the information, the Board has all of the information, it's already there and I think the Board should say yes or no and that's it.

Trustee Rue stated that we need to go inside and discuss this, because there's been threatened with litigation and things so I make the motion for some changes on the agenda right now so I say yes, call the roll.

Per Mayor Jenkins so just call a vote?

Per Trustee Rue, yes call a vote

Per Mayor Jenkins alright, we'll call a vote and see what happens.

Per Trustee Rue, you do not need another resolution, what T.C. is doing is amending the agenda to go inside and discuss 8, 9 & 10. Number 8 we are going to wait on because we did not receive anything.

Mayor Jenkins asked the Attorney, Stephen Honan, if the Board wanted to vote, could they vote it?

Trustee Rue replied yes, you're amending the agenda.

Stephen Honan replied you can certainly go into Executive I think what's being discussed right now is approving what's going to be on the agenda, you may be jumping the gun because when we reach these items we can always then go into Executive Session.

Trustee Rue stated that's good because in the beginning we are voting to accept the agenda, we are saying that those numbers we going to discuss in Executive Session and come out with a resolution.

The Attorney stated that so those items are still on the agenda.

Mayor Jenkins replied but what I'm saying is that she is one vote, what I'm doing is recommended, we are all one vote, she can say that she wants to go into Executive Session

Trustee Rue said call the roll, there is already a motion on the floor

Trustee Hutchins stated that there is already a motion on the table just to accept the agenda

Upon the call of the roll, all were in favor to accept a Bond Resolution add-on and to table the pre-discussed items until Executive Session.

Mayor's Report

Approval of Minutes from the March 5th, 2013 Village Board Meeting

A motion was made by Trustee Rue with some correction and second by Trustee Hutchins to approve the minutes.

Trustee Rue stated that she said that she feels there is a conflict because the Treasurer is associated with company and she works for the company, Richardson Court, and the father of her children also works there as the manager that's what's on her tape.

Upon the call of the roll, all were in favor.

Public Hearing- Local Law No. 2 of 2013-Amending Village Code Chapter 265-5 & 265-6, the B-1 Zoning District

A motion was made by Trustee Bennett and a second by Trustee Rue with a comment to open the Public Hearing at 7:12pm.

Trustee Rue stated the Public Hearing- Local Law No. 2-Amending Chapter 265-5 & 265-6 is changing from B2 to B1 no, it does not say it here, and so I just want to make it clear. So we are changing from B2 to B1 that's what we are doing now, no, correct.

The Attorney replied that yes in the Schedule "A", it is applicable only to the B-1 Zoning District.

Per Trustee Rue, that district is allowed to put supermarkets or changes, why is it changes from B2 to B1?

Mr. Snowden replied that they are different districts and what we are saying is that only in the B1 district will this code apply that you can come back in to a building if you have the same footprint and the same use, you can come back in without going to the Planning Board, that's all its' saying.

Per Trustee Rue so they are not going to the Planning Board at all, we are changing this law for that reason, that way they don't have to come into the Planning Board.

Mr. Snowden replied yes.

Upon the call of the roll, all were in favor.

The Attorney made the Board aware that this Public Hearing cannot be closed and no action can be taken until the General Municipal Law review is completed by the County.

The floor was opened to the Public and the following people spoke:
Barbara Burton

A motion was made by Trustee Rue and second by Trustee Bennett to keep the Public Hearing open until a response is received from the County. Upon the call of the roll, all were in favor.

Resolution Adopting the Budget Transfers, Fiscal Year Ending July 2013

A motion was made by Trustee Rue and second by Trustee Bennett to Table until the next meeting. Upon the call of the roll, all were in favor.

Resolution Authorizing the Village Clerk to refund Richardson Court for the Bond payment in the amount of \$19,000.00 from app#T.0033.101-Current account balance \$19,000.00

Tabled until Executive Session

Resolution authorizing the Emergency Purchase of a Chlorination Switch for the Water Department from Weschler in the amount of \$2,100.00 from app#F.8320.458-Current account balance-\$12,157.57

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

Resolution authorizing the Village Clerk to refund the unused portion of escrow monies to Ilyce Brinn and Holly Roche c/o Eric Jay Groper in the amount of \$9,436.06 from app#T.0031.00-Current account balance \$9,436.06

Tabled until Executive Session

Bond Resolution of the Board of Trustees of the Village of Monticello, Sullivan County, New York (The "Village"), Authorizing the Issuance of up to \$115,000 in Serial Bonds of the Village to Finance the Replacement and Installation of Water Filters

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

Public Comment

Trustee Rue stated, for the record, the Treasurer resigned February 3rd, her resignation in the letters said that she resigned February 3rd, nobody appoint her, nobody dais don't accept her resignation, it never came to the Board not to accept her resignation so honestly and legally she resigned February 3rd. That's all I'm going to say.

Executive Session

A motion was made by Trustee Rue and second by Trustee Bennett to go into an Executive Session at 7:37pm to discuss the following issues:

Legal Update

Personnel

Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue and second by Trustee Matthews to come out of Executive Session at 8:50pm. Upon the call of the roll, all were in favor.

Proposed Resolution for the Procedure for the Release of Bond Money:

A motion was made by Trustee Rue and second by Trustee Hutchins to make an initial application to the Board that required that money initially, Planning Board, ZBA, and Trustee Board of the Village; that particular Board, is to investigate and to report in writing to the Mayor's office and also to the Board of Trustees its' recommendation to either 1. Continue holding that bond money 2. Return the bond money or something else. The Board of Trustee will then vote upon the recommendation of that Board with the respect to the return of that bond money or to continue to hold the bond money. Upon the vote of the Board to return the bond money, the bond money will be exchanged for a release in favor of the Village.

Upon the call of the roll, Trustee Hutchins commented that there are two different applicants and we need to clarify. The applicant with the \$19,000.00, The Board has found that the due diligence has been done as to whether the check was cashed, who the monies belong to, was the project completed, so that process was done. We are just seeking a letter of release from the Planning Board; we are in agreement of returning your money. For the party that has the \$9,400.00, you will be putting a request to the Planning Board and they will in-turn do there due diligence to see what plans were submitted and completed or maybe no plans were submitted at all. Upon the Building Department and the Planning Board, they will then in-turn send their recommendation to the Board and the Board will act upon that letter.

Upon the call of the roll, all were in favor.

Resolution of Adoption:

A motion was made by Trustee Rue and second by Trustee Bennett that any bond money return request should go back to the Planning Board or Zoning Board and that Board will make a recommendation to this Board, the elected Board, to release the bond money back to the applicant upon the recommendation of the Planning Board and also the Zoning Board.

Upon the call of the roll, all were in favor.

Adjournment

A motion was made by Trustee Bennett and second by Trustee Rue to close the meeting at

9:05pm.

Upon the call of the roll, all were in favor.

Submitted by:

A handwritten signature in cursive script that reads "Janine Gandy".

Janine Gandy, Village Clerk