

Minutes  
Board of Trustees  
Village of Monticello  
April 16<sup>th</sup>, 2013  
7:00pm

**Call Meeting to Order**

The meeting was called to order at 7:05pm by Mayor Jenkins.

**Pledge to the Flag**

**Roll Call**

Mayor Jenkins-Present                      Carmen Rue-Present                      T.C. Hutchins-Present  
Larissa Bennett-Present at 7:20pm                      James Matthews-Present

Also Present: Dennis Lynch-Village Attorney

**Motion to Accept the Agenda**

A motion was made by Trustee Rue and second by Trustee Hutchins to amend the agenda with the following add-ons and Amendment to Resolution #21:

Trustee Rue stated that she wanted to amend resolution #21 to set up a Special Meeting to interview or continue the Manager process. Should we wait for Trustee Bennett to set up a day?

Trustee Hutchins stated that we need to set up a day as soon as possible and just check with Trustee Bennett.

Trustee Matthews asked who spoke with Mr. Cellini?

Trustee Rue stated that Mr. Cellini with drew his interest in the Village because of the turmoil here. I would not like to talk about it. There is nothing to talk about. I wanted to set up a Special Meeting.

Trustee Matthews stated that you should have had a meeting with us even before you spoke to him.

Trustee Rue stated that we need to have respect, he's not interested, and so his name is no longer here. My motion was to set up a Special Meeting, we are not talking about anything with Mr. Cellini, my motion was to amend the agenda and I call the vote to set up a meeting to interview the Manager.

Mayor Jenkins asked for a second to the motion.

There was no second.

1. Amending the approval of minutes for March 28<sup>th</sup>, 2013
2. Emergency Transfer from the Sewer Department
3. Addition of \$197.00 from a resolution passed on March 5<sup>th</sup>, 2013 for the Water Cooling Corp
4. Little League Permit-Waiving of Fees
5. Resolution #11-Increase the escrow for Barton & Loguidice by \$22,500.00 for a total of \$35,000.00 to be paid by EPT

Trustee Rue stated that she wanted to set up a Special Meeting or should they wait for Trustee Bennett?

Trustee Hutchins responded that the matter needs to be discussed in Executive Session.

Upon the call of the roll, Trustee Rue stated that she is not accepting the agenda the way it is because that resolution is wrong.

Trustee Hutchins-yea

Trustee Matthews-yea

Mayor Jenkins-yea

Trustee Bennett-absent

Motion passed.

**Approval of Minutes from the March 22<sup>nd</sup>, 2013 & April 2<sup>nd</sup>, 2013 meetings**

A motion was made by Trustee Hutchins with the correction of March 28<sup>th</sup> and second by Trustee Matthews. Upon the call of the roll, all present were in favor.

**Public Hearing-Local Law #4 of 2013- Establishing the Policy and Procedures for the Sale of Parcels of Real Property Acquired by the County for Delinquent Real Property Taxes in Accordance with the NYS Real Property Tax Law Article 11**

A motion was made by Trustee Hutchins and second by Trustee Rue to open the Public Hearing at 7:10pm. Upon the call of the roll, all present were in favor.

The floor was opened to the Public and the following People spoke:

Barbara Burton

The Clerk and Village Attorney both commented that this Adoption will establish the procedure the collecting delinquencies and it is already adopted by other municipalities and the Village is basically just following suit.

A motion was made by Trustee Hutchins and second by Trustee Matthews to close the Public Hearing at 7:13pm. Upon the call of the roll, all present were in favor.

Motion to Adopt

A motion was made by Trustee Hutchins and second by Trustee Rue to adopt Local Law # 4 of 2013-Establishing the Policy and Procedures for the Sale of Parcels of Real Property Acquired by the County for Delinquent Real Property Taxes in Accordance with the NYS Real Property Tax Law Article 11.

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

**Public Hearing-Local Law #5 of 2013- Amending the Schedule in the B-2 Zone to Allow Assisted Living in the District**

The Public Hearing was opened at 7:14 by Mayor Jenkins.

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

Barbara Burton

Janine Carpenter

The Village Attorney commented that this local law will allow a new use in the B-2 Zoning District called assisted living facility; only the B-2 Zoning District. In the information the Board has, there is a need for such type of a use to take care of a population as it ages and this will allow that particular use in the B-2 Zoning District. It doesn't mean that they just apply and get permission, they have to go through entire planning process and hearing process, it just adds a new use to the B-2 District.

Trustee Hutchins commented that our law does not address assisted living. It addresses nursing homes; it addresses other types of services, but not assisted living and when you address assisted living, it opens it up to other opportunities. We have a person in particular and other companies that are willing and wishing to build on Broadway.

The Village Attorney, Mr. Lynch commented that this particular zoning code amendment does not apply to any specific plan, what it does is basically open it up to the District to come in with an application, it is subject to Public Hearing, you can comment on the architecture, you can comment on the size, the shape, it just allows another use to come into the district.

Per Mr. Lynch, stated that the resolution would be to take this proposed B-2 district change and send it to the Planning Board to review and give a report within thirty (30) days and then it would come back to the Village Board to consider it, but the Village Board has to first look at this particular issue and come back with a report.

Trustee Hutchins asked who would get the information to the Planning Board.

Per Mr. Lynch, the Planning Board is just going to look at a draft of the definition under the B-2 District, that's the only thing, there is no specific application, whenever you change the Code, our Code requires that the Planning Board has right to have input on it to give what is called a report. So what you're doing simply is taking this division of the proposed Code and you're sending it to the Planning Board and they may come back and say we like it, we want to modify it, ect., it comes back to the Board for a decision. The Board of Trustees ultimately enacts the laws, but our Code says it has to go to the Planning Board, so the Planning Board can give some planning input as to whether or not this proposed change in the district is recommended or not recommended. The County of Sullivan may want to comment on this also so you'll have two agencies looking at it besides the Board of Trustees.

A motion was made by Trustee Hutchins and second by Trustee Rue to leave the Public Hearing open and send this out to the Planning Board and all other involved agencies and report back within a thirty (30) day period.

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

**Approval of bill's to be paid in the amount of \$342,365.60**

A motion was made by Trustee Hutchins with a comment and second by Trustee Matthews to pay the bills.

Trustee Hutchins commented that Mr. Mayor, this is no shot to you, but from the information that was given to him he would say yes to pay the bills. He stated that he is not sure what the situation is with our Treasurer, but in regards to the information that was presented to him, I would say yes pay the bills. I am not exactly sure where we are and we can discuss it in Executive Session, but with the information that was given to me, I would say yes to pay the bills.

Mayor Jenkins commented that he would discuss the situation with the Treasurer with the Board in Executive Session.

Upon the call of the roll, the vote went as follows:

Trustee Rue-abstain  
Trustee Bennett-absent  
Trustee Matthews-yea  
Trustee Hutchins-yea  
Mayor Jenkins-yea

**Resolution Adopting the Budget Transfers, Fiscal Year Ending July 2013**

A motion was made by Trustee Hutchins with the same comment as above and a second by Trustee Matthews.

Upon the call of the roll, the vote went as follows:

Trustee Rue-abstain  
Trustee Bennett-absent  
Trustee Matthews-yea  
Trustee Hutchins-yea  
Mayor Jenkins-yea

**Resolution authorizing Barton & Loguidice to begin the discussion with the developer for the Apollo Project on behalf of the Village, to be paid from as escrow account set up by the developer**

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

**Resolution amending the previous resolution passed on February 19<sup>th</sup>, 2013 and increasing the escrow account for Barton & Loguidice by \$22,500.00 for a total of \$35,000.00 to be paid by EPT-Concord for all fees incurred for the Water Contract Project and authorizing the Mayor to sign a contract stating the same**

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

**Resolution accepting the work as completed by Merritt Construction for the Nelshore Drive project and authorizing the Mayor to sign stating the same**

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

Trustee Hutchins commented that both of these resolutions should be contingent upon the settlement of the Awilda Owens claim at 69 Nelshore Drive and asked the Board to amend the resolution.

**Amended Resolution: Resolution accepting the work as completed by Merritt Construction for the Nelshore Drive project and authorizing the Mayor to sign stating the same subject to the settlement of the Awilda Owens claim, 69 Nelshore Drive resident**

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

**Resolution authorizing the final payment of Contract #3B for Merritt Construction in the amount of \$11,076.28 subject to the contractor addressing the claim of Awilda Owens-resident at 69 Nelshore Drive**

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

**Resolution authorizing the payment of \$9,000.00 to Sullivan County for the Village portion of the Engineering for the East Broadway Project**

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

**Resolution authorizing Saturday pick-ups for the Sanitation Department for the 13 seasonal residential stops in the Village and an increase in the rate to \$75.00 for every dumpster**

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

**Resolution adopting Local Law #7 of 2013-Amending the Village Code Chapter 265-5 & 265-6, the B-1 Zoning District**

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

**Resolution authorizing payment to Immel & Son Welding in the amount of \$1,480.00 for repairs at the Sewer Plant for the Sewer Department from app#G.8130.233-Current account balance-\$7,068.75**

A motion was made by Trustee Rue with a second by Trustee Matthews. Upon the call of the roll, all were in favor.

**Resolution authorizing payment to KJ Electric in the amount of \$2,475.00 for an emergency repair to the Raceway Pump Station for the Sewer Department from app#F.8120.421-Current account balance-\$11,722.27**

A motion was made by Trustee Matthews with a second by Trustee Rue. Upon the call of the roll, all were in favor.

**Resolution authorizing payment to Kaman Industrial Technologies in the amount of \$1,569.70 for the replacement chain on the Flocculator for the Water Department from app#F.8320.459-Current account balance-\$7,890.35**

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

**Resolution supporting the Dr. Martin Luther King Monument to be erected in the Village at no cost to the Village**

A motion was made by Trustee Matthews with a second by Trustee Bennett. Upon the call of the roll, all were in favor.

**Resolution appointing Anthony Cellini as the Temporary Village Manager at no cost or salary to the Village**

Tabled

**Resolution authorizing all fuel payments to the Town of Thompson as a pre-pay**

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

Trustee Rue commented that this will be the same as an electric bill instead of waiting for the bills to come in and go through the purchase order process, this will be a pre-pay like the electric because it comes from the Town of Thompson and we need the fuel.

**Resolution authorizing all Fox Ledge Water payments as prepays in accordance with the PBA contract**

A motion was made by Trustee Rue with a second by Trustee Hutchins.

Trustee Hutchins commented that he does not feel comfortable making a water payment a pre-pay.

Trustee Rue responded that the problem is that the bill has not been paid since January and the bill is up to \$200.00 and now the company is saying that they are not going to deliver any more water because it's in the Police Contract, which is currently in effect. When we change the contract then we can change the resolution, but right now, this contract is there. It's like forty dollars a month and now up to \$209.00. It's in their contract and when a new contract comes, you can change it.

Trustee Hutchins stated that the bill is being paid, it is on the bill pay and the Mayor, Rev. Matthews and I voted to pay the bill already, so it doesn't make sense for it to be a pre-pay.

Upon the call of the roll, the vote went as follows:

Trustee Rue-yea

Trustee Bennett-yea

Trustee Matthews-nay

Trustee Hutchins-nay

Mayor Jenkins-nay

**Agenda Amendments:**

**Resolution authorizing the Emergency Transfer for the Sewer Department of \$23,000.00 for the utility line**

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

Trustee Rue commented that \$23,851.69 is going to be taken from the contingency money, because there is no money. The funds are dry. I vote no for this.

Trustee Hutchins commented that these are for electric bills, Phil apologizes about this for submitting it at the last minute. There was a shortage in the budget in what was originally

budgeted for which was only about \$167,000.00. What is paid out of that line is the utility line to run the Sewer Plant. I would ask that the Board honor his request.

Upon the call of the roll, the vote went as follows:

Trustee Rue-abstain

Trustee Bennett-absent

Trustee Matthews-yea

Trustee Hutchins-yea

Mayor Jenkins-yea

**Resolution amending the resolution passed on March 5<sup>th</sup>, 2013 for the Water Cooling Corp and adding an additional \$197.00 to cover the freight cost**

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

**Resolution authorizing the waiving of permit fees for the Annual Little League Parade scheduled for Saturday, April 20<sup>th</sup>, 2013**

A motion was made by Trustee Rue with a second by Trustee Matthews. Upon the call of the roll, all were in favor.

**Executive Session (if necessary)**

A motion was made by Trustee Bennett and second by Trustee Rue to go into an Executive Session at 8:10pm to discuss the following issues:

*Legal Update*

*Barton & Loguidice*

*Personnel*

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

A motion was made by Trustee Bennett and second by Trustee Matthews to come out of Executive Session at 9:30pm. Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue with a second by Trustee Bennett to supplement the Engineering agreement with Barton & Loguidice dated November 17<sup>th</sup>, 2009 to include additional services and EFC MWBE Contract language in the amount of \$84,000.00 to be paid out of the Project Contingency Line, furthermore, the Board authorizes the Mayor to sign the supplement Amendment #3. This amendment is projected to save the Village over \$200,000.00 in interest cost over the life of the loan.

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

A motion was made by Trustee Hutchins and second by Trustee Bennett authorizing Trustee Hutchins to sign the service agreement with PN Alarms for the Justice Court security system. Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue and second by Trustee Bennett authorizing Trustee Hutchins and Trustee Rue to negotiate a settlement with SBL#111.-5-3 in regards to their water bill. Upon the call of the roll, all were in favor.

A motion was made by Trustee Rue and second by Trustee Bennett to set a Special Meeting up for Thursday, April 18<sup>th</sup> 2013 at 5pm to discuss the Village Manager position and set up possible interviews. 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 9:40pm. Upon the call of the roll, all were in favor.

Submitted by:



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Janine Gandy, Village Clerk