

Minutes
Board of Trustees
Village of Monticello
June 18th, 2013
7:00pm

Call Meeting to Order

The meeting was called to order at 7:02pm by Mayor Jenkins.

Pledge to the Flag

Roll Call

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

Also Present: Dennis Lynch-Village Attorney
James Snowden-Code Enforcement Officer

Motion to Accept the Agenda

A motion was made by Trustee Bennett and second by Trustee Rue to accept the agenda with the following additions:

1. The Addition of Budget Transfers
2. Resolution from the NYS regarding the Filing of Claims

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

Approval of Minutes from the May 21, 2013 & June 4th, 2013 meeting

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

Public Hearing: Local Law No. 9 of 2013-Adding a new section to the Village Code making the following roads a Two-Way Travel- Wasser Way & Wood Avenue from Breaky Avenue to Atwell Lane

A motion was made by Trustee Bennett and second by Trustee Rue to open the Public Hearing at 7:06pm. Upon the call of the roll, all present were in favor.

The floor was offered to the Public:

Barbara Burton

Trustee Rue explained that these streets will be opened from a one-way travel to a two-way travel.

A motion was made by Trustee Rue with a second by Trustee Bennett to close the Public Hearing at 7:08pm. Upon the call of the roll, all present were in favor.

Motion of Adoption

A motion was made by Trustee Rue with a second by Trustee Bennett to adopt Local Law#9 of 2013 Adding a new section to the Village Code making the following roads a Two-Way Travel-Wasser Way & Wood Avenue from Breaky Avenue to Atwell Lane. Upon the call of the roll, all present were in favor.

Public Hearing: Local Law No. 10 of 2013-Amending Local Laws passed in 2011 regarding Medical Transportation in the Village of Monticello

A motion was made by Trustee Rue and second by Trustee Bennett to open the Public Hearing at 7:08pm. Upon the call of the roll, all present were in favor.

The Village Attorney, Dennis Lynch, explained that Chapter 229 & 230 deal with medical Transportation and Taxi Medallions. The Village had been sued and the people that sued the Village said that the Village acted improperly in passing that law back in 2011. I was not the attorney at that time and they sued asking for relief for about \$400,000.00. We successfully defended the law, we revised the law pursuant to a court ordered stipulation that I reviewed with the Board in an Executive Session, and this Public Hearing tonight is to consider adopting the law. What the law does is it complies with what we all believe the law should be, it caps medical transportation at 40 and provides other provisions, but it pursuant to a court ordered settlement and I would advise that the law be adopted after the Public Hearing. We've also complied with SEQOR, we've done a short form EAF and that's all combined in your resolution if you want to adopt it.

The floor was offered to the Public:

- Diana Cubelo
- Alan Kesten
- Kenny Mandel

A motion was made by Trustee Rue with a second by Trustee Bennett to close the Public Hearing at 7:08pm. Upon the call of the roll, all present were in favor.

A motion was made by Trustee Rue with a second by Trustee Bennett to adjourn the Public Hearing until a 239-GML Response is received from the County.

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

Manager's Report

The Mayor stated that he took 15 children on a field trip to Chainey University at his own expense and encouraged those that are interested in helping the youth or getting them off the streets to work with him.

Mayor Jenkins also addressed accusations in the newspaper in regards to the Village Attorney, Dennis Lynch. Mayor Jenkins stated that the paper is stating that Mr. Lynch's bills are exceeding over \$180,000.00 and it's over-excessive. Per the Mayor, what the paper fails to realize is the retainer fees are different from the litigation. Mr. Lynch came in on a lot of these cases that are now just getting resolved. I tried to get a local attorney, but due to the friendships around here, no one wanted to get involved and that's the reason why I got Mr. Lynch's firm because he does not have any ties here and is not afraid to get his hand dirty. It was part of my initiative to go forward with this Taxi Law, not the Attorney's and he made it so that all parties can compromise and this is how it happened. We wanted a law in the Village that we did not have to hire a specific amount of police officers. We won that case and now there is no specific number of officers that we have to maintain, which is saving us well over \$100,000.00. He has gone after citations, fines, delinquent taxes and all kinds of things in this Village that has brought in well over \$100,000.00. There are so many other things that I can sit here and say about the Village Attorney and what he has done for this Village, but I think that it is absolutely false for the paper to say that he is not bringing this Village any money. He is here to defend what is happening in this Village. There are some Trustees that say he is not doing his job, but I know that he has proven differently and I think he is doing a wonderful job. It's not about what it costs you, but what are the results and I think we are getting our monies worth from Mr. Lynch and his firm so, Thank you Dennis.

Trustee Rue commented that because of the lawsuit, we will now have 24 officers including the Chief which is lowering the budget.

Mayor Jenkins stated that before he moves on, he also forgot to mention that Mr. Lynch is currently in litigation with Mobile Medic. They are in a municipal building where we pay a tremendous amount of money for heat and electric and they do not serve our Village. We are currently fighting for monies owed to the Village from Mobile Medic in the sum of \$80,000.00. They are in a municipal building that we are paying heat and electricity for and do not contribute to either cost. Past Boards passed a resolution allowing Mobile Medic to pay rent at \$12,000.00 a year and prior to that they did not pay anything and they utilize that building 24 hours a day, seven days a week. They owe the Village and should pay their bill and Mr. Lynch is going after that because it's a disgrace and disservice to the Village and our residents.

Presentation-Johnson Controls-David Boothe

Mr. Boothe gave a presentation on Energy conservation and a Program that is willing to come in and assist the Village with projects to better utilize & manage our energy expenses and cost and possibly help with upcoming projects.

Helen Buddrock-Sullivan Renaissance

Mrs. Buddrock presented the way-finding signage to the Village that she had been working on. The signs she presented labeled the roadways, parking lots, alley walk-ways, ect. She stated that she is working with Mr. Steinberg and the Highway Department to cut down the cost of installation. With the Boards approval, she will be able to move forward.

Resolution setting a Joint Meeting date with the Town of Thompson for the Annexation of SBL#'s 31.-1-10.3, 31.-1-10.2, & 31.-1-94 into the Village on Tuesday, July 16, 2013 at 6:00pm

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

Resolution authorizing to spend the CHIPS monies in the amount of \$145,608.90 to pave in place and reclaim Village Streets as selected

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

Resolution appointing Marshall & Sterling, Inc. as servicing agent and the Greater Metro Agency as general agent as brokers for the Village of Monticello Health Insurance Policy at no charge to the Village

A motion was made by Trustee Rue with a second by Trustee Bennett to Table this matter.

Trustee Rue stated that Marshall & Sterling came to the Village a while ago and should come back being that time has passed and appear before the Board again to discuss the information for the health insurance.

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

Resolution rescinding the prior resolution passed on June 4th, 2013 request proposals for Insurance Brokers for the Village Liability Insurance Policy and authorizing the Clerk to send out the RFP's

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

Resolution requesting proposals for an Insurance Program for the Village of Monticello's Liability and Property Insurance Policy and authorizing Owen McKane to present the information to the Board of Trustees at the July 16th 2013 meeting

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

Resolution Adopting the Budget Transfers, Fiscal Year Ending July 2013

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

Resolution authorizing the NYS Notice of Claim filing with the State Attorney Office at no cost to the Village, all cost to be at the expense of the person filing the claim

Trustee Rue asked what this is and the cost to the Village?

Mr. Lynch explained that NYS is giving people an opportunity to file claims/ lawsuits with them at the expense of the person filing. The cost for the claimant will be \$250.00 and the State will split the fee with the Village, giving the Village half of the proceeds. If the Village does not adopt a resolution and someone from this municipality files a claim with them, the State will keep the entire \$250.00. It's basically another way for the State to make money, but they are willing to share the proceeds with the Village. There is absolutely no cost on behalf of the Village; you will actually gain if a person elects to file with the State. If they choose not to file with the State, the normal procedures remain in place which is serving or filing with the Village Clerk. This does not stop them from filing with the Village, they must of course still file with the Village, the State is just giving them another option, like a step further, which they will have to pay for. It is not mandatory, but optional on behalf of the claimant, and a gain for the State and Municipality if they elect to do so.

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

Executive Session

A motion was made by Trustee Rue with a second by Trustee Bennett to go into Executive Session at 8:19pm to discuss the following issues:

Legal Update

Resolution authorizing the Financing of the Wastewater Project-Barton & Loguidice

Discussion regarding EPT-Barton & Loguidice

Personnel

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

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

A motion was made by Trustee Matthews to waive the Attorney-Client Privilege to allow an attorney from Mr. Lynch's office to testify in the current proceeding involving Trustee Hutchins.

There was no second to the motion; the motion was dropped on the floor.

A motion was made by Trustee Rue with a second by Trustee Bennett to withdraw the hardship application that was filed with the EFC in connection with the Wastewater Project, so that current funding in place is not jeopardized. Upon the call of the roll, all present were in favor.

Adjournment

A motion was made by Trustee Rue with a second by Trustee Bennett to close the meeting at 8:50pm. Upon the call of the roll, all present were in favor.

Submitted by:



Janine Gandy, Village Clerk