

Minutes
Board of Trustees
Village of Monticello
July 2nd, 2013
7:00pm

Call Meeting to Order

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

Pledge to the Flag

Roll Call

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

Also Present: Dennis Lynch-Village Attorney

Motion to Accept the Agenda

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

1. Resolution rescinding the prior one passed on June 18th, 2013 scheduling a Joint Meeting at the Town of Thompson for the annexation of property on July 16th, 2013 and rescheduling the Joint Meeting at the Town of Thompson to Tuesday, August 6th, 2013 at 6pm
2. Resolution authorizing the Village Engineer, John Fuller, to write a Letter of Intent to NYS for the Hazard Mitigation Grant Program on behalf of the Village at no charge to the Village
3. Public Comment

Trustee Rue stated that she did not see a resolution for Medical Transportation on the agenda.

The Village Attorney, Dennis Lynch, stated that Trustee Rue had emailed him and he told her to let the Board bring it up for discussion in the Public Meeting. You had requested some add-ons and I don't know where they had come from, but certainly you're entitled to bring them up.

Trustee Rue responded that these are her opinions. In her opinion instead of having the inspections done four (4) times a year, maybe they should be done two (2) times a year at \$90.00 or \$100.00 and you will not lose any money during the year. That's just my opinion; ask the rest of the Board.

The Clerk stated that just to answer the question of Trustee Rue, a response had not been received from the Sullivan County Division of Planning from the 239 Review. The Board adjourned the Public Hearing at the last meeting until a response is received and we have not gotten one as of yet.

Mr. Lynch stated that if the Board wants to consider the opinions of Trustee Rue, he suggests that a letter be written to the County stating that in addition to what you already have, this is another proposed change, this way the County does not have to review this twice.

Per Trustee Rue, then in 232-Medical Transportation licenses requirement under letter B, it only says only services, my only suggestion and opinion is that we add all of the services that they do. The do adult care and a lot of other services and that should be added.

Mr. Lynch commented that is adding a lot to it, but whatever you want to do is totally the Villages call.

Per Trustee Rue, it needs to be put in the law, that's it.

Mr. Lynch stated that it's not in the law now and you're asking for it to be put in the law, that's the Boards call simply.

Per Trustee Rue, it's my opinion to add these things that way they can also do adult care. We have adult care, they transport them too.

Mr. Lynch responded that just so that you know, if you make a substantial change in the proposed law, you have to republish it. My opinion is that changing the inspections from 4 to 2, the law basically says if you have a pending proposed law and you're making minor changes, you don't have to republish it, in other words, you don't need another public hearing. My opinion is that changing the inspections from 4 to 2 or 2 to 4 is not a big issue, but if you're adding on substantial uses and limitations, my opinions would be that you would be required to republish it. This doesn't mean that you can or can't do it or that you should or shouldn't do it, the way the law works is that the Public is on notice about a law and after you have your public hearing, if you change it substantially, my recommendation is that you republish it, it doesn't mean that you should or should do it, but give the public a chance to know of the changes.

Mayor Jenkins stated that what she said about changing the inspections from 4 to 2, I'm fine with that, but the rest of it is none of our business. Whatever they do now, is what they do. As far as I am concerned, we're done with that, because we get the fees from and the licenses, but the other things are not up to us to decide.

Per Mr. Lynch, this whole change in the law came back as a settlement and the language that I had originally given to the Board was what was agreed upon by both Plaintiffs and the Village, we settled it so that we would not have to pay substantial monies. So, as far as the two Plaintiffs were concerned, they were happy with the law that was proposed through the settlement.

Mayor Jenkins responded then maybe we should just leave it as it is because now you will be opening another can of worms and they can come back and say that this is not what was agreed upon.

Mr. Lynch stated that is also his concern.

Trustee Rue commented that now the law is up to us to write it, the Board. If there is some changes in what they pay, that has nothing to do with the laws that the Board put here. We are not going to vote anyway today, but I will find out more about the changes.

Trustee Hutchins asked are we able to handle the excess?

Trustee Rue commented that I talked to the new mechanic and they are so busy all these repairs that they have so many cars broke down there, there is no time, plus we are adding four (4) times for these times for medical transportation, it bring a lot, a lot of work.

Trustee Hutchins commented that Dennis is advising us that the litigation is just about to be resolved or is resolved.

Mr. Lynch responded that it is resolved subject to passing the Local Law that's there on your table, I don't think the change from 2 to 4 or 4 to 2 inspections is a material thing, but what's being proposed in my opinion is not material and will require the republishing.

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

Approval of Minutes from the June 18th, 2013 meeting

A motion was made by Trustee Rue with a second by Trustee Bennett. Upon the call of the roll, the vote went as follows:

Trustee Rue-yea

Trustee Bennett-yea

Trustee Matthews-absent

Trustee Hutchins-abstain

Mayor Jenkins-yea

Mayor/Manager Report

-Planning Board Appointment

Mayor Jenkins announced that he will be appointing Keymarro Guiden as a replacement Planning Board Member for Vernon Gibson for the remainder of Mr. Gibson's term ending August 2017.

Approval of Bill's in the amount of \$240,265.47

A motion was made by Trustee Bennett with a second by Trustee Hutchins to pay the bills. Upon the call of the roll, the vote went as follows:

Trustee Rue- abstain

Trustee Bennett-yea

Trustee Matthews-absent

Trustee Hutchins-yea

Mayor Jenkins-yea

Resolution Adopting the Budget Transfers, Fiscal Year Ending July 2013

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

Trustee Hutchins commented that he has no problem transferring monies, but we are talking about transferring money into Buddy's line and Buddy's not here anymore.

Trustee Rue stated that this is what she was saying to the Comptroller. This is for the new budget, for whatever is going to happen in the future and I to still transfer the money and the new budget is not done, it should just be to transfer it into the Building Department line, but it does not belong now. We did not vote on anything for the new budget.

Trustee Hutchins stated that is the only concern he has. I would ask that that the Manager verify what these monies are going to be used for in this line.

Trustee Rue stated that she did not vote for the bill pay because according to the Comptroller, five (5) people have to sign the purchase orders, to purchase and pay and it's been going forward with one (1) or two (2) signatures, we still have been doing it wrong.

Trustee Bennett stated that she understands what Trustee Rue's concerns are, but it is a suggestion from the State and one that should be followed.

Trustee Rue stated that it is not a suggestion; the State said it has to be five (5) signatures and it should have been done from the beginning.

Mayor Jenkins commented that it will come down from the State once we receive the report of the audit. Then we will make the change, we have to send them remedies to the problems, and it did not take effect yet. There are a lot of issues that they keep telling us about and to just wait until we get the report.

Trustee Rue stated that this has been the law forever and we should already be following it.

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

Trustee Rue- nay

Trustee Bennett-yea

Trustee Matthews-absent

Trustee Hutchins-yea

Mayor Jenkins-yea

Resolution awarding Cooper Arias, LLP as the lowest proposal in the amount of \$24,000.00 for the Village Auditor RFP and appointing them as the Auditors for the Villages 2012 audit

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

Trustee Rue questioned if this rate will change later down the line or is this fee for one year?

Mayor Jenkins stated that this is the fee for the year, we got in other proposals, but they were very high. This one was the cheapest and these guys are very good.

Trustee Rue commented that they used to be the auditors for the Village before.

Trustee Hutchins stated that it needs to be clarified in the resolution that this is for the 2012 audit only.

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

Resolution awarding Reclamation, Peckham Road & Callanan Industries as the lowest proposals for the Highway Reclaiming & In-Place Paving RFP

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

Resolution setting a Special Meeting and Public Hearing for the Village of Monticello 2013-2014 Budget and Water, Sewer & Sanitation Increases on Tuesday, July 16, 2013 at 7pm

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

Trustee Rue asked how can we set up a Public Hearing when we haven't even met? We have an open workshop and from my understanding you the Mayor and the Treasurer met until 9:30 at night? What about the rest of the Board, we have been working, T.C. has been working on this budget and I met with all of the Departments and nobody showed up, only the Mayor and I know he's been and gets interrupted, but how can we set up this Public Hearing and we did not even have a chance to talk and discuss. Really all these proposals that the Treasurer put in there, 22% in the Sanitation we did not even discuss it yet. Right now, we're not talking about the budget. We need to set up a meeting and we need to sit down as a Board and see why we are raising the Sanitation 22% for the business, it's a lot of money and it's like we are chasing everyone away.

Mayor Jenkins stated okay, then we won't so the Public Hearing, we will just have a work session on this budget.

Trustee Hutchins stated that he thinks that the Board needs to meet with everyone of the Department Heads like we did last year. I don't that why by Friday, we cannot have met with everyone. I am available this week, but I think that it is important that the Treasurer be there also, because no matter what changes we make, someone still has to take those changes and put them into action.

Mayor Jenkins stated that the Boards know that the Treasurer is only here on Mondays, last Monday we could have met with her, this Monday we could have met with her, but nobody wants to meet. So meet.

Trustee Rue commented that she is always available, she is here every day but nobody else shows up.

Trustee Hutchins commented that if it's on a Monday, he is not available; if Heather can make herself available another time I can meet.

Mayor Jenkins commented that Heather is ready to leave and does not want to be here anymore than the Board wants her here. She is ready to just quit and leave this lady hanging and that's the way she feels.

Trustee Rue commented that she put the Budget together and she should be there to answer because the Department Heads have made more changes and there is still a lot wrong in the employee's salary and I got calls saying we changed that and I said yes I give her the changes, but we need to meet together to see why we are raising that in the sanitation. The water and sewer we know, because we're doing all of the repairs and the grant, but the 22%, it's a lot of money for businesses. I gave her the changes and everything stayed the same.

Mayor Jenkins stated that Carmen its Board decision, you cannot just say to Heather to make the changes and want it to happen. The Board has to vote.

Trustee Rue stated that she knows that, nobody voted and there was a meeting but nobody showed up.

Trustee Hutchins stated that he has been sending out emails for the last few weeks in regards to the Worker's Comp and finally I got a response and Heather without Board approval s, it dramatically changed from \$110,000.00 to \$188,000.00 so when you to tell me that you need the whole Board to make those changes, Heather cannot just make those changes.

Mayor Jenkins stated your right.

Trustee Rue commented that when you give her the corrections from the budget proposals, we have to vote for that so if she changes it, so at the moment that we are going to meet and vote that's when we have to see. Right now, it's only been suggestions to change it because it was wrong. I went over with the Department Heads each one the changes, the salaries, missing employees.

Trustee Hutchins commented so let's just set something up for tomorrow and call a time now have all of the Department Heads there. I will make myself available with two other Board Members.

Mayor Jenkins questioned so who decides with budget is it the Board or the Manager, who decides if you want something out or in?

The Board responded the Board decides.

Per Mayor Jenkins, so the Board decides, the Manager doesn't decide, that's not his job, so the Manager proposes a budget to the Board.

The Board responded yes, it's your job to propose it to us.

Mayor Jenkins responded exactly and that's what we did. We had a proposal with a budget, me and Heather with Jimmy and everyone, Phil too we all met. The numbers are there, so everyone said but Jimmy wants a guy down stairs in the Highway, as a Manager, I said that I don't want to hire this guy, so the Board has to decide if they want to hire. I did the preliminary budget, so I did my part so now you guys.

Trustee Rue stated, the Law says you present the tentative budget. You go to the Clerk, the Clerk goes to the Treasurer and they present it to us. It's up to the Board to vote the changes and to vote it to pass it.

Mayor Jenkins responded, and that's what we did and that's where we are at. It's up to you guys to decide what you want to do. So, you, you and you have to decided what you want to do, that's where we are at.

Trustee Hutchins stated and you also as a Board Member.

Per Mayor Jenkins, I'm going to be here.

Per the Board, the work session will be tomorrow at 12pm.

The Clerk asked if this resolution was off the agenda or just changed to a work session.

Trustee Hutchins asked if the resolution can stay on the agenda and we can always cancel it if necessary because of the time frames.

Mr. Lynch responded that you can only announce a Public Hearing at a Public Meeting, so if you set a Public Hearing, you can always cancel it or you can keep the Public Hearing open. You're not required to close a Public Hearing the same day, but you can only announce a Public Hearing at a Public Meeting.

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

Resolution setting a Public Hearing for the Proposal of Local Law #11- Signage & Regulation for the Proper Disposal of Animal Waste in the Village of Monticello on Tuesday, July 16th, 2013 at 7pm

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

Trustee Hutchins questioned are we hiring someone to do this?

The Clerk responded that you just want to place signage up along Broadway and around the Village because it becoming a big problem with people allowing their animals to go to the bathroom on Broadway and around the Village. So you just want o put up signs about fines and things like that.

Trustee Rue asked but where is the fees, we don't have anything here, how much we are going to charge, we don't have anything here.

Trustee Hutchins asked who would enforce these fines.

The Village Attorney responded that you can amend your local law to allow your Code Enforcement, Building Inspector, or even the Police Department to enforce it. It's totally your call; I mean the same personnel that enforce your other laws should be the same personnel to enforce this one.

Mayor Jenkins responded that it would be the Police Department.

Trustee Rue stated that we don't have anything in writing.

Mr. Lynch responded that if you set the Public Hearing and I hear what you want, I can make the proposed amendments to the local law and have you look at it and if you like you can adopt it, if you don't like it, you can change that too, but I'll work with James to find out what sections of the Code are properly amended and I'll present you with a draft.

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

Resolution setting a Public Hearing date to amend the Rental Laws passed in 2010

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

Trustee Rue stated that when we put this resolution to amend the local law, I talked to James and the thing is that it does not include bungalows, not including motels, and now they are rentals for the homeless and they are going out of control. So now, James said to amend the law to include bungalows and motels that rent rooms to the Department of Social Services, my point is right now if we are going to do this, it's too late to go to the bungalows because nobody knew that we were going to do it. So, can we just leave it for January 1st and it start next year, because we are in the middle of the summer.

Mr. Lynch stated that the Mayor had mentioned to him about trying to get some free help in looking at our zoning code and just today I wrote to Pace University Law School, Professor Noland is

someone I know there and I asked if he would consider having Pace Law School provide for free students or professors who can look at our zoning code and make some recommendations, if you want between now and your next meeting on the 16th, I may hear back from Professor Noland, and certainly I'll speak with James. If you do want to make your comments, I'll put a draft law together, if you want to wait until January, we can do that too, it's totally the Boards call.

Trustee Rue responded that we already have the law and we only want to amend the sections dealing with bungalows.

Mr. Lynch responded, I know that but they don't recommend that you amend your zoning code by piece-mill, it's better to look at it as a broad spectrum. If you just want to amend that section then that's fine. My suggestion is that if that's all you want to do is amend that one thing, then I'll reach out to James and have that ready for you for the next meeting, but I just wanted you to know that I did reach out to Professor Noland for free services and I would provide free services by watching the students.

Mayor Jenkins stated that would be better to work with the Pace students to re-zone the whole Village. We can put it all into one package.

Trustee Rue commented this is not the zone, this is amending the law.

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

Resolution authorizing payment to Computel Consultants in the amount of \$11,705.60 for the Electrical Light Study that was done in the Village from app#A.1130-Current account balance-\$29,264.00

A motion was made by Trustee Rue with a second by Trustee Bennett. 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 7:40pm to discuss the following issues:

Legal Update

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 8:03pm. Upon the call of the roll, all present were in favor.

Resolution rescinding the prior one passed on June 18th, 2013 scheduling a Joint Meeting at the Town of Thompson for the annexation of property on July 16th, 2013 and rescheduling the Joint Meeting at the Town of Thompson to Tuesday, August 6th, 2013 at 6pm.

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

Resolution authorizing the Village Engineer, John Fuller, to write a Letter of Intent to NYS for the Hazard Mitigation Grant Program on behalf of the Village at no charge to the Village

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

Adjournment

A motion was made by Mayor Jenkins with a second by Trustee Hutchins to close the meeting at 8:09pm. Upon the call of the roll, all present were in favor.

Submitted by:



Janine Gandy, Village Clerk