

Minutes

Special Meeting Board of Trustees

Village of Monticello

July 29<sup>th</sup>, 2013

5:00pm

**Call Meeting to Order**

The meeting was called to order at 5:04pm by Mayor Jenkins.

**Pledge to the Flag**

**Roll Call**

Mayor Jenkins-Present      Carmen Rue-Present  
Larissa Bennett-Present      James Matthews-Present

Also Present:      Dennis Lynch-Village Attorney  
                         Alak Shah-Feerick, Lynch, MacCartney  
                         James Snowden-Code Enforcement Officer

**Mayor's Appointment**

Mayor Jenkins appointed Rochelle Massey to fill the vacancy of Trustee T.C. Hutchins. Ms. Massey was sworn in by the Village Clerk.

**Motion to Accept the Agenda**

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

Trustee Rue stated the agenda has to amend the agenda and add the Villages Property and Liability Insurance because the current policy expires on the 31<sup>st</sup> of this month. The Mayor and myself met with the insurance for 3 ½ hours and we have the proposal here and it has to be adopted today because there is no time because on the 18<sup>th</sup> the Board voted for the Broker, Owen McKane.

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

Trustee Rue-yea  
Trustee Bennett-yea  
Trustee Matthews-yea  
Trustee Massey-abstain  
Mayor Jenkins-yea

**Approval of Minutes from the July 2<sup>nd</sup> & July 11<sup>th</sup>, 2013 meeting**

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

- Trustee Rue-yea
- Trustee Bennett-yea
- Trustee Matthews-yea
- Trustee Massey-abstain
- Mayor Jenkins-yea

**Public Hearing for the Proposal of Local Law #11- Signage & Regulation for the Proper Disposal of Animal Waste in the Village of Monticello**

Mayor Jenkins and Trustee Rue explained that this local law will allow signage for curbing your dog and fines for people who allow their animals to defecate on Broadway and along the Village Streets.

A motion was made by Trustee Rue with a second by Trustee Bennett to open the Public Hearing at 5:07pm. Upon the call of the roll, all were in favor.

**The Public Hearing was opened to the Public and the following people spoke:**

- Trustee Rue
- Betty Friedland

A motion was made by Mayor Jenkins with a second by Trustee Rue to leave the Public Hearing open until the fees are established and are stated as part of the adoption of the law. Upon the call of the roll, all were in favor.

**Public Hearing-Amendment of the Rental Laws passed in 2010**

The Village Attorney stated that it is his understanding that the Local Law was not filed properly in the Secretary of State and the re-adoption and or amendment of this particular law will correct that particular problem. It is also my understanding that the Board had some things that they wanted to include or add such as the inspection of bungalows that can certainly be added at the will of the Board, but that will change what is currently on the books.

A motion was made by Trustee Rue with a second by Trustee Massey to open the Public Hearing at 5:10pm. Upon the call of the roll, all were in favor.

**The Public Hearing was opened to the Public and the following people spoke:**

- Trustee Rue
- Betty Friedland
- Barbara Burton

A motion was made by Trustee Rue with a second by Trustee Bennett to leave the Public Hearing open until of the information was included in the amendment. Upon the call of the roll, all were in favor.

**Approval of Bill's in the amount of \$746,168.35**

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

Trustee Rue stated that she wanted to make it clear that she came to the Village and I signed every single voucher that was there, the vouchers, the Board does not sign checks, only the Mayor signs checks. So, I just want to make it clear, I don't know if the paper was mistaken or made a mistake saying that the Mayor said that Carmen does not sign checks. So, I just want for your information, the Comptroller's, I have the advice here which says everyone here needs to sign those vouchers and they sent me an example of Walden Village, the Village of Walden that has 5 signatures here and it's supposed to go this way. The Comptroller's spoke with each of us individually and told each of us that everybody has to sign. The Auditor's which are me and Larissa that does not give us the authority to act, just to look at make corrections or notify the Board, but when there is a voucher that I don't have an answer for because we do not have a Treasurer to ask, I am not signing it. You can read the law, I have it all here, the Comptroller's gave me from the Village of Walden and this is how it's supposed to be done.

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

Trustee Rue-nay

Trustee Bennett-nay

Trustee Matthews-yea

Trustee Massey-yea

Mayor Jenkins-yea

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

A motion was made by Trustee Massey with a second by Trustee Matthews.

Trustee Rue commented that the reason why she is voting no is because she has a note from Lili Li saying that she is transferring monies. She is just an Account Manager, she is not part of the corporation, she is not an officer of the corporation to sign checks or transfer anything so I am voting no.

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

Trustee Rue-nay

Trustee Bennett-nay  
Trustee Matthews-yea  
Trustee Massey-yea  
Mayor Jenkins-yea

**Resolution adopting Local Law #10 of 2013- Amending Local Laws passed in 2011 regarding Medical Transportation in the Village of Monticello**

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

Trustee Rue asked the Attorney if those opinions that she gave, we cannot do anything anymore because of the Court?

Mr. Lynch responded that my opinion was expressed in my letter to the Board, but essentially no.

Per Trustee Rue, we cannot change anything?

Mr. Lynch responded it stipulation of the settlement and if you change the stipulation of settlement that the Board previously authorized it could subject the Board to certain issues that I raised in my Attorney-Client privilege letter, that my opinion.

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

**Resolution rescinding the June 4<sup>th</sup>, 2013 motion authorizing Barton & Loguidice to go after the TEP grant for the Village**

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 Sullivan Renaissance to apply for the TEP grant for the Jefferson Street project on behalf of the Village of Monticello**

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

**Resolution authorizing the purchase of a CVIS(Analyzer) in the amount of \$1,375.00 from Systech as ordered by the NYS DMV for the Highway Department from app#A.5110.224-Current account balance-\$34,223.44**

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

**Resolution of Support to Sullivan County Division of Planning and Environmental Management and the Department of Grant Administration for the New York Main Street Technical Assistance Grant Application**

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

**Resolution authorizing the Mayor and Village Attorney to sign the Inter-Municipal Agreement for Tax Foreclosure Proceedings with Sullivan County**

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

Trustee Rue asked why does the Attorney have to sign? We usually authorize the Mayor or the Manager to sign. We have done this before.

Nancy Buck, Deputy County Treasurer, stated that we've passed a resolution to move forward. So this is a resolution coming from your Board saying that you want to enter into the agreement, then the County will pass one. So both parties need to say yes for this to move forward.

Trustee Rue stated that before it was only the Mayor or the Manager to sign.

Mr. Lynch responded that the County actually requested that Counsel sign. We adhered to the County request. The Board obviously can change that resolution only requesting the Mayor, but that may or may not be satisfactory to the County. The County provided documents to us requesting both signatures of the Mayor and Counsel to the Village, the County Executive and the County Attorney.

Mayor Jenkins stated that he is fine with it as is.

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

**Resolution authorizing the Mayor to sign the Inter-Municipal Agreement for the Maintenance of the Tennis Courts in DeHoyas Park with the Monticello Central School District**

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

Mayor Jenkins asked did the Village Attorney if the school district ever came back with a new agreement?

Mr. Lynch responded that we had received the proposed draft from the school district; I had given the Board in Attorney-Client communication my response, the Board can decide in Executive

Session to hold this over and decide what you want to do. But, I think the concern was that we needed to put the authorization in place, so that before the summer ended, they can start the process of doing that. Not only is the cost involved, but also there's timing involved to, when you want the district to have use of the Tennis Courts and when the Village residents would.

Trustee Rue stated that she would like us to table this until we get more information and we can discuss it.

Per Mr. Lynch, you have the information you need, I think the Board needs to give direction, the Board has to decide and my recommendation will be to consider in Executive Session what steps in this contract that you want to authorize the Board to do and the Mayor can convey that with the Superintendent, because it deals with a contract matter, your allowed to discuss it in Executive Session, and certainly discussing it in Public what terms you want to have in this contract is something that you are allowed. If you want to discuss it in Public, you're allowed to do that too.

Trustee Rue commented that we have to discuss it in Public and I think that we should explain to the Public what it is. We authorize the school to take over the Tennis Courts, but we also want to have some rights as a Village for our residents to use it also.

Mr. Lynch responded, that was part of my communication, I don't want to reveal Attorney-Client information, but I will tell the Board, you know what I wrote and that was one of the concerns I had of when the Village residents will have access to it, but I think you have to look at that and the cost and certainly how long it would be, again all of my Attorney-Client communication.

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

**Resolution setting a Public Hearing date to amend Local Law #2 of 2010-Chapter 45 of the Village Code entitled-"Officers and Employees", section 14-Residency and Extending the Residency of Village Officers and Employees to Orange County on August 6, 2013 at 7:30pm**

A motion was made by Trustee Massey with a second by Mayor Jenkins.

The Village Attorney stated that Village Law allows for a Treasurer to be within the Village or County; you have provision of the General Municipal Home Rule Law that gives the Village other powers beyond the Village Law. I did obtain an opinion from the Attorney General an informal opinion of 8-1983 which expressly allows the Village under its Municipal Home Rule Authority to pass a local law to extend residency not only to the County where the Village is located at, but to an abutting or adjacent County. That's what the proposed local law will allow subject to a Public Hearing and subject to the Board voting.

Trustee Rue stated that nobody voted, but I wanted to tell you that I have an opinion and I called myself also to the Attorney General and they said that if your Village is less than 3,000 then you can go outside of Sullivan County, but your Village is more than 3,000 people and then you have to hire and change the law to outside the Village and Town, which is now the Village Code. Now you want to extend to Orange County, we should just all run from Orange County. If anybody wants to run for office from Orange County, just come.

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

Trustee Rue-yea

Trustee Bennett-yea

Trustee Matthews-yea

Trustee Massey-yea

Mayor Jenkins-yea

**Executive Session**

A motion was made by Trustee Massey and second by Trustee Matthews to go into an Executive Session at 5:43pm. Upon the call of the roll, all were in favor.

*Recreational Center Donations*

*Personnel*

*Issues discussed during Public Meeting*

A motion was made by Trustee Bennett and second by Trustee Rue to come out of Executive Session at 6:40pm. Upon the call of the roll, all were in favor.

**EPT & Monticello Raceway Inc. Water Contract**

A motion was made by Trustee Rue with a second by Trustee Bennett to refer matter of the EPT & Monticello Raceway Inc. Water Contract matter to the next Board Meeting on Tuesday, August 6, 2013 to allow the Water Superintendent to comment on the matters discussed in Executive Session.

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

**Tennis Courts at DeHoyos**

A motion was made by Trustee Rue with a second by Trustee Bennett allowing the Village Attorney to respond to the School Superintendent and have the Superintendent advise the Board of what times the District wants and that whatever is done in regards to improvements and repairs will be at no cost to the Village.

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

**Vacant Lot on Broadway**

A motion was made by Trustee Rue with a second by Trustee Bennett authorizing the Mayor to execute a certain document dealing with a waiver of a forfeiture and reversion to the purchases with regard to the property formerly owned by Eric Kashan and currently owned by the County of Sullivan which is in libre 2806 page 397, upon the condition that the person who receives the benefit of this waiver signs appropriate language that there will be no parking lot on the premise and that a building will be constructed to the satisfaction of the Village.

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

**Village Property & Liability Insurance Policy**

A motion was made by Trustee Massey with a second by Trustee Rue authorizing the payment of the Insurance Policy recommended by the broker, Owen McKane, upon the condition that the matter be reviews by the Board within 90 days and that the payments be in installments with the Board having the right to reconsider that any time after 90 days.

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

**Payments & Obligations**

A motion was made by Trustee Massey with a second by Trustee Matthews to authorize the Mayor to make all payment of bills for insurance and all other obligations that are previously and currently due and owing with a majority Board vote to satisfy such debts.

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

- Trustee Rue-abstain
- Trustee Bennett-abstain
- Trustee Matthews-yea
- Trustee Massey-yea
- Mayor Jenkins-yea

**Adjournment**

A motion was made by Trustee Massey and second by Trustee Bennett to close the meeting at 6:45pm. Upon the call of the roll, all were in favor.



Submitted by:

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Janine Gandy, Village Clerk