

Minutes

Board of Trustees

Village of Monticello

April 16<sup>th</sup>, 2014

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      Jill Weyer-Present  
Larissa Bennett-Present at 8:07pm      Douglas Solomon-Present

Also Present: Michael Davidoff-Village Attorney  
Ray Nargizian-Village Manager  
James Snowden-Code Enforcement Officer

**Motion to Accept the Agenda**

A motion was made by Trustee Solomon with a second by Trustee Rue with a comment to accept the agenda with the following add-ons:

1. Resolution setting a date and time for the Village's Annual Litter Pluck 2014
2. Resolution authorizing the RISE of Sullivan County Walk on Saturday, April 26, 2014 from 9am – 12pm and waiving all applicable fees
3. Resolution authorizing the Monticello Little League Procession on Saturday, May 3, 2014 from 8:30am – 9:30am and waiving all applicable fees
4. Resolution setting a Public Hearing date to amend and rescind Local Law#10 of 2011- Chapter 53 entitled, "Police Commission" for the Village of Monticello

Trustee Rue commented that the minutes should not be voted on together. The new Board members were not here for the items on those minutes on March 11<sup>th</sup> -14<sup>th</sup>, and April 1<sup>st</sup>, and there are a lot of things that have been changed and some illegal things on them, so the minutes should be separated and not voted on together. How can they vote for those minutes, if they were not even elected yet? They were not here.

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The Village Attorney, Michael Davidoff, stated that he does not believe that to be entirely true, if they have read the minutes, reviewed them with the back up and you are satisfied, then you can vote on them.

Trustee Rue continued that on the 14th the Supreme Court ordered and those are the minutes from that day, which was the lawsuit and that's the reason I said that they should be completely separate because they were not in the meeting and were not Board Members. The minutes of the 7<sup>th</sup> should be read and call a vote, then read the minutes of the other meetings and call a vote.

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

**Public Hearing to allow Assisted Living in the B1 (General Business) Zoning District**

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

Trustee Solomon stated that he does not feel that there is not enough information present to make any decisions.

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

Robert Tessier  
Howard Perlman  
Mayor Jenkins  
Thomas Ting

There was a discussion of the Board in regards to the correct procedure for this Zoning Change. The Village Attorney advised the Board to send this item to the Planning Board for a recommendation which is the correct procedure and once they make their recommendation, it then comes back to the Village Board for a final determination.

A motion was made by Trustee Solomon with a second by Trustee Weyer to adjourn this Public Hearing to a later date and refer this to the Planning Board for a recommendation from them to the Village Board.

**Public Hearing to allow an Easement to the sidewalk at 476 Broadway (SBL#111.-5-23 & 24)**

The Village Attorney, Michael Davidoff, stated again, we have a situation where there is not enough information present for the Board to make a determination. I just received an email from the Clerk today of a mock agreement, but that was my first seeing of anything regarding this issue. I need to get more information and speak with the Village Engineer

and get the information to present to the Board. At this point, this issue is too premature to make an informed decision on and I would advise the Board to adjourn this item until more information is available.

A motion was made by Trustee Solomon with a second by Trustee Rue to adjourn this matter until more information is available to the Board and Attorney. Upon the call of the roll, all present were in favor.

Mayor Jenkins commented that he is listening and hearing that things are being said to be premature and not enough information present and the Board being properly informed. Not to go backwards, but at the last meeting that I attended, I got an agenda that I knew nothing about and had no information on and it was given to me at the last minute at the meeting and votes and decisions were made on that agenda with no problems or reservations, and now you have information in front of you and now you want to hold off on things, when I was not given the same opportunity in the last meeting, I was not prepared for it. I think that we have to give all information the same attention. I feel a lot of things are premature and moved quickly on and thrown in at the last minute and even though I only have one (1) vote, decisions are still expected to be made. How can we take action on this stuff?

Trustee Solomon stated that no one has this information.

Mr. Davidoff stated that Mayor, you are correct, we all just got this information this morning, and we are all in the same boat.

**Approval of Minutes from the March 11<sup>th</sup>-14<sup>th</sup>, April 1, 2014 meetings & April 7<sup>th</sup>, 2014 special meeting**

There was no motion made to approve the minutes of March 11-14 & April 1, 2014.

A motion was made by Trustee Solomon with a second by Trustee Weyer to approve the minutes from April 7<sup>th</sup>, 2014. Upon the call of the roll, all present were in favor.

**Mayor's Comments**

Mayor Jenkins commented that it was on YNN that with the Justice Court that was demolished, we have a resolution here that the Board did in 2012 to take down this building, all of these documents are not made up, they are truth and are real, these are all the facts. That building was approved to be taken down by the Board with a resolution to take that building down. The press, the DA and everyone who is saying all of this stuff is not accurate. We have a variance that was given to us by the NYS DEC & DOL stating that

the building and rubbish can be cleaned up, we got a variance to clean up the equipment, that equipment sat there for over thirty (30) days until I got in touch with the Commissioner who gave the command to cleanup and remove the equipment, we got that done. We have been getting bills of \$1,000.00 a month because of non-sense. So, there is no issue about a variance, I have it, the Village has it. These are all legal documents so whoever is saying that that building and the nerve of the Democrat to call it Mount Jenkins non-sense, I think that is very disrespectful, there is no need for things like that to be said in this Village. This is the only time that I can clean up the mess of non-sense that is said in the Record and Democrat and defend myself and I shouldn't have to, but I cannot continue to put up with the non-sense and lies that are continuously put out there. I do have the variance from the DEC, the gentlemen came into this Village, Sam, with a \$2,000,000.00 insurance bond, and the insurance company has to clean that up, not the Village. I have the paperwork from the insurance company, the Village Engineer; I have all of the necessary paper work to do the job. If he illegally dumped the debris, that's on the contractor. That has nothing at all to do with me or the Village. It is not my responsibility to run behind someone and check out where they are dumping debris, I don't follow them. The Manager doesn't follow them to see where they are dumping, that is not his responsibility. Everything was done correct and clean, so wherever people are getting their stories from it's a lie. We have a demolition permit and everything. The last asbestos report was done by John LiGreci and if anyone can give me a different report saying that there is asbestos in that building, please give it to me because I have an old and current report that both say the same thing. That building was inspected by asbestos people and the only asbestos that was found was in the shingles, so all the other non-sense is false and if anyone can prove me wrong, I will resign, because it's all a bunch of lies and to make YNN look like they are doing something, which they are not doing anything. So, let's stop all of the non-sense and move forward on positive things. We have a project in the Village to do a youth or senior center that will cost \$600,000.00 once the debris is removed, what's wrong with doing something for the youth and seniors in this community, instead of one room? If you offer people something then they won't have time to commit crimes.

He also discussed the moving of the Building Department back to Village Hall. He stated that Mr. Snowden is saving the Village \$30,000.00 by being in that building and taking care of it. The income that James Snowden brought into this Village is 3x's the amount of what Greco brought in. Greco brought in nothing and it's all documented. We gave James another \$15,000.00 and that's it. With Greco, we were paying him \$45,000.00 with insurance. We have to save money. His office is no bigger than this piece of paper. We combined the Building and Recreation department into one department. It's not fair to

have this man in an office the size of a shoe box, where he cannot even open up maps and have meetings with contractors for projects. Now he has spent some of his own money and time fixing and the building and getting it in good shape and now there is someone over there at all times to help and answer questions, the computers are up and running for the Seniors, monies are being collected for the rentals, everything is running smoothly and now this Board or certain people on this Board for no other reason than viciousness want to bring him back over here to this shoe box. We have not even paid the bills yet for moving him over there and now you want to waste more money and bring him back over here. It's a shame.

Another thing going on is being said that the Mayor stole \$1,000,000.00. We just had an audit and nothing was found. Now you all know if that was the case, Jim Farrell will have me behind bars. Enough is enough. All of this non-sense has to stop. Every other week Bill James has on the radio that the Village is not meeting payroll; I'd like to know when? These employees would have a fit if they were not getting paid. The Village has no money, the budgets are all screwed up, all of these lies and rumors being spread are terrible. Enough is enough. We need to move forward and all of this non-sense is what keeps us behind. What is anyone going to do that was not already being done? We have been doing everything that was supposed to be done. It's not fair.

#### **Manager's Report**

The DEC has completed its criminal investigation on the Justice Court debris. It has been found that the debris can be lawfully removed. The Village must follow all the requirements of the DEC & DOL in a lawful manner. Two employee grievances were settled on April 11<sup>th</sup>. I am appointing Hildy Rosenberg & Michael Levinson to the Planning Board. The Zoning Board Members will remain the same, Glenn Smith has been appointed as the Village Engineer and John Fuller will be the Alternate Engineer. The Village had a meeting with Barton & Loguidice and the USDA and we are on the right track in completing and answering all of the questions for funding. The Village also met with the County Treasurer's office today to discuss future meetings and they agreed to help support our Village Treasurer.

#### **Presentation-Jeff Siegel –Bagel Fest 2014**

Jeff Siegel was present. He presented the Village with a Plaque and thanked the Village for their support of Bagel Fest 2013. He made the Board and Public aware that the committee is moving forward with plans for Bagel Fest 2014. They are expecting three (3) times of the amount of people that attended the first one. Again, they are looking for the support of the Village and are hoping to have the festival in August, more information will follow.

**Approval of bills to be paid in the amount of \$492,348.27**

A motion was made by Trustee Solomon with a second by Trustee Weyer to approve the bills. Upon the call of the roll, all present were in favor.

**Resolution directing the Village Manager to oversee the arrangement of the Clerk's office and to move the Building Department and all its files back to Village Hall**

A motion wade made by Trustee Solomon to discuss with a second by Trustee Rue.

Trustee Solomon stated that this issue should be put on hold right now. He would like to see a concrete plan on how everything will be laid out. We are not coming in to start re-arranging things. This is moving a little too quickly.

Trustee Rue commented that the Mayor stated that we are saving money, but we are actually spending more money because of the constant use of the electricity and heat, so we are losing money. Plus the people are complaining about having to go to so many places and now there is no one there to collect the money and the Village passed a resolution stating that all money has to be collected at the Village.

Trustee Weyer stated that she would like to see a comprehensive layout and plan of where everyone will be situated because we are already limited on space before there are any moves made.

Mayor Jenkins stated that all you have to do is look at the bills and you will see the difference in the expenses. The building is not being used for nothing and it's a municipal building and as far as it being safe, the Courts are over there and Judge Finn put a lot of security into that building. It is safer over there than in this building.

Trustee Rue commented that on December 18<sup>th</sup> the Clerk sent notification to Civil Service that Mr. Snowden was the Code Enforcement, Building Department & Recreation Department and then Civil Service stated that he cannot hold two civil service positions. Then they did not call a meeting and they sent another paper to Civil Service saying oh, no we made a mistake, he is the Code Enforcement Officer/Building Inspector. It is two positions there in Civil Service.

A motion was made by Trustee Solomon with a second by Trustee Weyer to Table this issue. Upon the call of the roll, all present were in favor.

**Resolution directing the Department Heads to park all Village vehicles at Village Hall at the end of each work day, with the exception of the Chief of Police or Lieutenant when the Chief is on vacation for emergency purposes**

A motion wade made by Trustee Solomon to discuss with a second by Trustee Rue.

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Mayor Jenkins commented that he was just trying to get a hold on all vehicles, the Chief knew when he was hired that he would not have access to taking a vehicle home. He did ask me about a vehicle and I think it's too much money to have a vehicle go back and forth over the highway when a man is making \$85,000.00 and we have to gas that car up and service that car. We cannot afford it. I did let Mr. Snowden have a car home because he responds to fires and alarms and things of that sort all times of night and he has to respond to everything in this Village. The Chief has Lieutenant's on staff and whatever happens in this Village and the Chief is at his house, he has Lieutenant's and officer's on hand to respond before he has to.

Trustee Solomon stated that this issue also needs to be tabled because he was made aware that the Chief does not have a contract and that issue has to be handled first before this one. All of these things should have been spelled out in a contract upon his hiring which it was not.

A motion was made by Trustee Solomon with a second by Trustee Weyer to Table this issue. Upon the call of the roll, all present were in favor.

**Resolution authorizing the repair of the 2003 Chevrolet Impala for the Police Department by 52 Automotive Inc in the amount of \$1,536.62 from app#A.2680**

A motion wade made by Trustee Solomon with a second by Trustee Weyer. Upon the call of the roll, all present were in favor.

**Resolution approving the securing of long term financing for Water Ban 2013A. This Ban was for a new Nelshore water main and rehab of #1 and #6 filters at the Water Plant**

A motion wade made by Trustee Solomon with a question and a second by Trustee Weyer.

Trustee Solomon questioned if this work done by Barton & Loguidice.

Glenn Gidaly responded that they were involved with this project.

Trustee Weyer asked what will be the long-term financing charges and what bank will be used?

The Clerk responded that as per Phil Klemen, Water & WWTP Superintendant that this resolution is only authorizing them to move of this issue, there has not been a bank or anything work done yet. They need the authorization to seek before they can go forward.

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

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**Resolution authorizing payment to Phoenix Graphics in the amount of \$1,550.20 from app#A.1450.411 for the 2014 Village Election-Current account balance is \$3,000.00**

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

**Resolution authorizing payment to the Sullivan County Board of Elections for the 2014 Village Election expenses in the amount of \$1,102.45 from app#A.1450.411-Current account balance is \$1,449.80**

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

**Resolution re-affirming the Village Boards desire to continue moving forward with a \$21.5 million dollar WWTP Improvement Project and continuing to seek funding from USDA for the project**

A motion wade made by Trustee Rue with a second by Trustee Solomon with a question.

Trustee Solomon asked was this the final and correct number?

Anthony Eagan from Barton & Loguidice explained that after a meeting with the Village Manager and USDA last week, USDA just needs to know that the Village would like to move forward with this funding. In November of last year, the Board passed a resolution to move forward up to 21.5 million dollars and this resolution is re-affirming that same detail.

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

**Resolution re-affirming the Village Boards desire to continue with the application to USDA for a Water Project in the amount of \$5,957,000.00**

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

**Resolution accepting the Corrective Action Plan and authorizing the same to be submitted to the Office of NYS Comptroller**

A motion wade made by Trustee Solomon with a second by Trustee Rue to discuss this issue.

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

There was a discussion of the Board. Due to the fact that the draft report was just received by the Trustee's at the meeting, the Board would like to accept the draft report and make the necessary changes and then send a final copy to the State once it is complete.

A motion wade made by Trustee Solomon with a second by Trustee Rue to accept the draft and provide changes where needed.

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

**Resolution rescinding any actions taken on December 17<sup>th</sup>, 2013 after Executive Session do to the lack of presented resolutions and local laws to combine two departments**

A motion wade made by Trustee Rue with a second by Trustee Solomon to Table this matter. Upon the call of the roll, all present were in favor.

**Resolution voiding any agreement and/or bids for the Old Justice Court debris for the Village of Monticello**

Mayor Jenkins commented that this project was bid out and everything was done correctly and legally. He stated that there is no need for the bids to be rejected and then sent back out to bid again, the bids came in at \$62,500.00 and that is what it is. This project was bid several times and all of the bids were astronomical and now that it was done and the bid came in low, now it is criminal activity.

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

Trustee Rue-yea

Trustee Bennett-yea

Trustee Solomon-yea

Trustee Weyer-yea

Mayor Jenkins-nay

**Resolution settling the lawsuit between Mobil Medic and the Village of Monticello in which the Village agrees to be paid \$15,000.00**

Mayor Jenkins stated that this is a shame that the Board is voting for this settlement. Mobile Medic owes the Village \$80,000.00 and the Board should at least make them pay half, but this is a shame. For all of the years that the Village carried them and now this is all they have to pay and it's over for \$15,000.00. They will be back in there doing the same thing all over again.

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

Trustee Rue-yea

Trustee Bennett-yea

Trustee Solomon-yea

Trustee Weyer-yea

Mayor Jenkins-nay

**Resolution setting a date and time for the Village's Annual Litter Pluck 2014**

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A motion wade made by Trustee Rue with a second by Trustee Weyer to set the Annual Litter Pluck date for Saturday, April 26<sup>th</sup>, 2014 from 9am-3pm. Upon the call of the roll, all were in favor.

**Resolution authorizing the RISE of Sullivan County Walk on Saturday, April 26, 2014 from 9am – 12pm and waiving all applicable fees**

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

**Resolution authorizing the Monticello Little League Procession on Saturday, May 3, 2014 from 8:30am – 9:30am and waiving all applicable fees**

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

**Resolution setting a Public Hearing date to Rescind & Repeal Local Law #10 of 2011 entitled, “Police Commission” for May 6, 2014 at 7:00pm**

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

Trustee Rue-yea

Trustee Bennett-yea

Trustee Solomon-yea

Trustee Weyer-yea

Mayor Jenkins-nay

**Adjournment**

A motion wade made by Trustee Weyer with a second by Trustee Solomon to close the meeting at 8:50pm. Upon the call of the roll, all were in favor.

Submitted by:



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Janine Gandy, Village Clerk