

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JULY 19, 2004

MEETING TO ORDER

Mayor Barnicle called the meeting to order at 7:00 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were:

Present:

Absent:

James Barnicle, Mayor
Ariel Escobar, Trustee
Victor, Marinello, Jr. Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

Also Present: Richard Sush, Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Alan Reynolds, Highway Superintendent
Douglas Solomon, Chief of Police
Clarence Decker, Water Superintendent

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF JULY 6,
2004 AND THE SPECIAL BOARD MEETING OF JULY 12, 2004**

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of July 6, 2004 and the Special Village Board Meeting of July 12, 2004 as presented.

OLD BUSINESS

Police Officer Brian Monroe

Mayor Barnicle explained that after a letter, meeting and subsequent phone call, he received the following fax:

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Dear Mayor Barnicle:

We have learned that the Village of Monticello will not be receiving a grant this year that will enable it to retain a local police officer on the Village payroll.

On behalf of Empire Resorts, Inc., a long standing business and good neighbor in the Monticello Community, we are pleased to offer a one time donation to the Village in the amount of \$65,000.00 in order to ensure that the Village has funding to retain this position for the coming year.

As both the Village and Empire Resorts, Inc. move ahead, we look forward to continuing our good relationship for the benefit of the Village and its residents.

Sincerely,

Robert Berman
CEO, Empire Resorts, Inc.

Mayor Barnicle noted that Empire Resorts has refused other requests, but they saw fit to take care of a good officer, a resident and a volunteer fireman that helps our community everyday.

Bethel Woods Center For the Arts Groundbreaking

Mayor Barnicle reported that he attended the groundbreaking this morning for Bethel Woods which will open July 2006 with the New York Philharmonic performing. He felt this is great for the community to go along with the Mighty M gaming racino opening and the Crystal Run Healthcare facility.

Basketball Fencing - NFB

Mayor Barnicle explained the Joe Cerrone, who just recently lost his daughter in an auto accident and works for the Monticello Central School has stepped in and made a call on the Village's behalf to the fence company, Ketcham, to move up the date for installing the fence around the basketball court to allow the courts to begin to be utilized.

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Adopt A Street

Mayor Barnicle that two additional residents have volunteered to adopt the following streets:

Ricciani & Jose, LLP will adopt Landfill Avenue from North Street to High Street.

County Legislator Sam Wohl will adopt Park Avenue from Cross Street to Broadway.

The Mayor asked that the Trustees find other people willing to volunteer to Adopt A Street.

Artist's Loft Program

Mayor Barnicle explained that the Artist Loft Program Grant expired on the day he was sworn in as Mayor, April 1, 2004 and at that time the Village was left \$30,000 short with pay down and the balance of \$70,000 to \$90,000 left unused in that grant. After a letter was sent, a response was received from the Empire State Development informing the Village that an extension has been granted to December 31, 2004 to administer our draw downs and also the remaining money to improve Broadway properties.

Broadway Project

The Mayor announced that Senator Schumer's office has contacted him to inquire if they can help the Village in anyway. The Mayor has asked Senator Schumer to help with the Broadway Project to move forward. Senator Schumer will also try to add federal funds to pay for additional work that can be done.

PRESENTATION BY GRAMHAM L. TRELSTAD, TECHNICAL DIRECTOR AT AKRF, BROADWAY STREET CONSULTANT FOR THE VILLAGE OF MONTICELLO

Gramham Trelstad explained that his firm has been consultants for the Village since 1998 trying to work with the Village of Monticello and the NYSDOT to do the Broadway

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Reconstruction project. He passed out the streetscape renderings that were prepared for Broadway showing the building front to building front restoration of the roadway. He explained that the project began as a safety project by the NYSDOT because of a large amount of motor vehicle accidents and pedestrian accidents on Broadway. Because of this DOT and the Village identified this as a critical need for the downtown and to also spur on economic development. There were five primary project objectives that were identified are as follows: To improve pedestrian safety and lower vehicular accidents, to provide more vehicular traffic flow in the downtown area, enhance the overall appearance of Broadway and the pedestrian access to businesses, to restore the pavement to a good riding surface and to achieve a project that balances the objects corridor in the Village and Towns' Comprehensive Plan. Although the project was originally funded entirely by State Funds, it has now taken on Federal Funding with the backing of Senator Schumer's Office. The final project will include full depth reconstruction to allow the Village to replace all the water and sewer lines and laterals. The final configuration of the roadway will to have two lanes in each direction and a traversable curb with a 5 foot medium that will be slightly raised. Mr. Trelstad expected the project to begin in late summer 2005 and continue through the next construction at the same time the Route 42 (Pleasant Street) Project is being done. He also explained that because of the many changes and the cost to them the Village Board will have to approve a supplemental agreement with his firm although these are all NYSDOT expenses.

PRESENTATION BY ATTORNEY JACOB BILLIG REGARDING "PUD" ZONING

Tabled to a later date in August by the presenter's request.

PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 9 OF 2004 WHICH WOULD AMEND SECTION 252-20 OF THE VEHICLE AND TRAFFIC CODE PROHIBITING STANDING ON BOTH SIDES OF EAST BROADWAY AND JONES STREET

Mayor Barnicle opened the public hearing at 7:39 p.m.

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As there were no comments regarding this local law, Mayor Barnicle closed the public hearing at 7:40 p.m.

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 9

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held by said Governing Body on July 19, 2004 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to hear all interested parties on a proposed Local Law entitled a LOCAL LAW AMENDING SECTION 252-20 OF THE VILLAGE CODE BY PROHIBITING STANDING ON BOTH SIDES OF EAST BROADWAY AND JONES STREET.; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on July 9, 2004; and

WHEREAS, said public hearing was duly held on July 19, 2004 at 7:00 p.m. at Monticello Village Hall, 2 Pleasant Street, Monticello, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Board of Trustees of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Board of Trustees of the Village of Monticello, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, BE IT, RESOLVED, that the Board of Trustees of the Village of Monticello hereby adopts said Local Law No. 9 of 2004, entitled a LOCAL LAW AMENDING SECTION 252-20 OF THE VILLAGE CODE BY PROHIBITING STANDING ON BOTH SIDES OF EAST BROADWAY AND JONES STREET; and be it further

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RESOLVED, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Monticello, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

A motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the above resolution.

CONTINUATION OF PUBLIC HEARING TO DETERMINE WHETHER THE ORDER TO REPAIR OR REMOVE UNSAFE BUILDINGS SHALL BE AFFIRMED MODIFIED OR VACATED FOR 256 BROADWAY SBL 111-5-11; WITH REGARD TO CHAPTER 119 UNSAFE BUILDING

Matter tabled to a later date.

RESOLUTION AMENDING AUTHORIZING EXECUTION OF AGREEMENT FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON FOR THE SALE OF WATER

Tabled to the next meeting when a new multifaceted intermunicipal agreement will be voted on at the next meeting.

RESOLUTION APPROVING FINAL PAYMENT IN THE AMOUNT OF \$8,679.38 TO INTERNATIONAL CONTRACTORS CORP FOR REPLACEMENT OF ROOF MEMBRANE OF VILLAGE HALL-POLICE DEPARTMENT AND FIRE DEPARTMENT

WHEREAS, International Contractors Corp of Neversink, NY was awarded the bid to replace the roof membrane of Village Hall, the Police Department and the Fire Department; and,

WHEREAS, the work has been completed to the satisfaction of Glenn Smith, the Village Engineer who has recommended that the final payment be made to International Contractors Corp.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustee of the Village of Monticello does hereby authorize the final payment in the amount of \$8,679.38 to International Contractors Corp for work completed on the repair of the roof on the Village Hall complex, since a performance bond remains in place for a one-year period after work completion in the event any problems occur during that time.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION RE-AWARDING THE ANNUAL BIDS FOR CERTAIN VARIOUS MATERIALS USE BY THE HIGHWAY DEPARTMENT FOR FY 2004/05

WHEREAS, bids for various materials used by the Highway Department were solicited by the Village Clerk for FY 2004/05; and,

WHEREAS, the Highway Department Superintendent has reviewed the bids and recommended the bids be awarded to the lowest responsible bidder; and,

WHEREAS, the auditor for the Village of Monticello and the Highway Department Superintendent have recently identified lower, responsible bidders in the categories referenced below with regard to bids previously accepted; and

WHEREAS, no contracts have been issued to previous bidders following the Village Board's resolution of June 7, 2004, accepting bids for the items listed below; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello and its residents to re-award the bids for the items listed below under the State Bid Contracts

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby accept the following bids under State Bid Contract for the various materials used by the Highway Department:

LP Propane Gas-Diesel Oil-#2 Fuel Oil-Gasoline

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A motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the above resolution.

CONTINUED DISCUSSION OF ROBERT FRIEDLAND'S REQUEST FOR REDUCTION IN QUARTERLY UTILITY BILL

The Village Manager explained that it has been found that there are some "discounts" for utility billing that have to be looked into a little further to find out the legitimacy of each of them to find out how they occurred and who authorized them since no one but the Village Board has the power to waive fees.

The Mayor explained that according to the State auditor with what has been reduced has been in excess of \$30,000. The Mayor asked that the public be patient until the entire matter can be evaluated and a report generated.

DISCUSSION ON PROPOSAL TO NAME VILLAGE PROPERTY FOR DONORS

The Village Manager explained that he had given the Board a list of Village owned buildings with a suggested dollar amount of what we might be willing to name a building for someone. He felt that the Board must come up with the exact dollar amount for each building. This money would be utilized for improvements, maintenance and upkeep of that particular building.

The Mayor suggested that the Manager determine what each building is appraised at, to determine an approximate value.

The Mayor complimented Monticello First for the improvements that they have made to the Neighborhood Facility Building including paving, plantings and reseeding.

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NEIGHBORHOOD FACILITY BUILDING RENAMING

Mayor Barnicle explained that there are some plans to change the name of the building because "facility" sounds more institutional. He indicated that this is a multipurpose building housing the Ambulance Corp, the Senior Citizens and a youth center. He suggested that the name should be changed to the Neighborhood Center.

Trustee VanDermark did not like that name.

Trustee Marinello did not feel the name should be changed and the present name is appropriate.

Betty Friedland felt that as a lifelong resident she felt the name should not be changed and by using the Community Center it would confuse people with the old Jewish Community Center.

Harry Brantz was in favor of calling the building the Monticello Community Center.

Trustee Marinello volunteered to discuss the matter with the seniors since they use the building and perhaps they will be willing to attend the next Board meeting.

The Board tabled to this discussion until the next meeting when there will be a public discussion period to hear all viewpoints on this matter.

DISCUSSION OF ADOPT A ROAD STREETS

Mayor Barnicle directed that Village Clerk to make a list of the roads that have been adopted by quadrant to determine what roads is not being cleaned up by a particular person.

The Village Manager was also directed to issue a press release asking for volunteers for the Adopt A Road program.

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DISCUSSION REGARDING TRACTOR TRAILER PARKING

Mayor Barnicle felt the entire matter concerning not only tractor trailer parking, but also vehicle parking on lawns should be addressed. He felt vehicles being parked on lawns in residential zones and tractor trailer being parked in residential neighborhoods devalues the other properties in the vicinity.

The Manager explained that the Board has to determine what it doesn't want in residential and then amend the property maintenance laws.

Trustee Marinello felt that the Board should look at the health issue of tractor trailers starting their engines in residential areas since the houses are close together and the exhaust can be harmful and it is also looks unkempt.

Bob Friedland explained that he pays rent to house his business equipment out of the Village and if it is alright for other people to park commercial vehicles in residential zones, then he will start doing the same even if they are parked on his lawn.

DISCUSSION OF SALE OF VILLAGE OWNED PROPERTY

The Village Manager explained that several people have approached him to purchase Village owned property.

The Mayor questioned when the last bid for Village owned property was held?

The Village Clerk responded that the last bid was held in February 2004.

Mayor Barnicle felt property values have increased and the Village should start the process over again.

Trustee Marinello felt that the minimum bid should be raised.

The Village Manager was directed to review the property list and the minimum bid requirements and start the process again.

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**RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR
BIDS FOR FORECLOSED PROPERTY NOW OWNED BY THE VILLAGE OF
MONTICELLO**

WHEREAS, the Village of Monticello has foreclosed on properties for non payment of taxes; and,

WHEREAS, the Village Board wants to sell these properties to interested parties to put them back on the tax roll and be renovated for specific purpose by the prospective buyer.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize to advertise for bids for the following properties:

SBL	Location	Type of Property	Minimum Bid
106-3-15	Liberty	Vacant	\$ 5,000
107-1-17	34 High	Vacant	\$ 5,000
108-9-14.1	Pleasantview	Vacant	\$ 5,000
109-1-25.12	West Broadway	Vacant	\$ 5,000
109A-2-5.17	West Broadway	Vacant	\$ 5,000
109A-2-5.21	West Broadway	Vacant	\$ 5,000
110-3-38	Hillside Ave	Vacant	\$ 5,000
110-3-39	Hay Street	Vacant	\$ 5,000
110-3-41	Hay Street	Vacant	\$ 5,000
111-4-3	Cottage St	Vacant	\$ 5,600
111-6-7	Oakley Avenue	Vacant	\$ 5,000
111-7-11	Prince Street	Vacant	\$ 5,000
112-4-20.4	Pleasant Street	Vacant	\$ 5,000
112-9-14.3	Landfield Ave	Vacant	\$ 5,000
113-6-7.1	Nelshore Drive	Vacant	\$ 5,000
113-6-9	Nelshore Drive	Vacant	\$ 5,000
118A-1-3.16	Richmond Ave	Vacant	\$ 5,000

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

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**RRESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A
CONTRACT FOR APPLICATION SOFTWARE SUPPORT SERVICE WITH
SYSTEMS EAST, INC.**

BE IT HEREBY RESOLVED, by the Board of Trustees of the Village of Monticello,

THAT said Village Board hereby authorizes the Village Manager to enter into a contract with Systems East, Inc., on behalf of the Village of Monticello for the provision of certain application software support services for the Village of Monticello for a twelve month period beginning August 1, 2004 through July 31, 2005, said rates not to exceed a fixed fee of \$1,600.00, including expenses.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

ORDERING BILLS PAID

Fiscal Year 2003/04

General Fund Claims #1198-1246 in the amount of \$228,188.69 said set forth in abstract A-22 dated July 19, 2004.

Water Fund Claims #315-339 in the amount of \$44,351.49 said set forth in abstract F-22 dated July 19, 2004.

Sewer Fund Claims #239-256 in the amount of \$45,081.26 said set forth in abstract G-22 dated July 19, 2004.

Sanitation Fund Claims #65-69 in the amount of \$45,534.22 said set forth in abstract CL-22 dated July 19, 2004.

Capital Fund Claim #64 the amount of \$80.17 said set forth in abstract H-22 dated July 19, 2004.

Community Development Fund Claim 138 in the amount of \$5,667.78 said set forth in abstract CD-22 dated July 19, 2004.

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Trust and Agency Fund Claims #115-117 in the amount of \$1,438.57 said set forth in Abstract TA-22 dated July 19, 2004.

A motion was made by Trustee Marinello, seconded by Mayor Barnicle, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and appearing on the Abstracts of the bills herewith submitted are ordered paid.

PUBLIC COMMENT

Completion of Projects

Richard Kelly felt the public should be more informed and updated on when projects will begin and end.

Naming of Village Owned Property

Bob Friedland felt that buildings should be named after prominent people from the community, not as a moneymaker.

Barbara Burton felt there should be no strings attached when people want to donate money.

Truck Route Signage

Betty Friedland would like a response to why no "truck route" signs were put on residential streets so the law can be enforced.

Mayor Barnicle indicated that Trustee Marinello would answer that question after the meeting.

Paved Parking Lots

Betty Friedland questioned why many parking lots throughout the Village are not paved, although the Village law requires them to be paved. She noted that the Fialkoff bakery lot is not paved, Mountain Fruits and the Kosher

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Pizza restaurant. Ms. Friedland also noted that these and other properties have litter and debris all over them and no one is forcing them to clean them up. She also noted the Fialkoff bakery now has flyers pasted on the building and seems to have turned into one big billboard sign. She did not feel this is an appealing sight at a major entrance to the Village.

Inoperable Vehicles

Betty Friedland was concerned about a vehicle parked in a driveway at the intersection of Atwell and Patricia Lanes that has all the windows broken and all four tires flattened. She questioned whether even though the vehicle is registered it can be considered a "junk car".

The Chief of Police noted that under the Village law an inoperable vehicle applies under this law.

Water Testing

Betty Friedland noted that her water has not been tested to date as was promised at the last Village Board meeting.

Becky Whipple presented that Board with water samples from her home pointing out the particles floating in it.

Bob Friedland felt that there should be answers to their water concerns as the problem has been going on for at least 7 years and the Village seems to have no money to fix any problem.

Brush & Branches

Carmen Rue questioned whether the Village will at least pick up branches and brush twice a year? She noted that there has been a misunderstanding and there are a lot of branches and brush at the curbside that property think are going to be picked up as they always have been in the past.

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Vehicle Parking

Rochelle Massey was concerned with the number of vehicles parked on the grass at 63 Spring Street, as well as metal 55 gallon drums for sale and no one seems to know if they are empty or hazardous materials is stored in them. Also, on Fulton Street behind her mother's property there is a yard full of garbage which is impacting on her mom's yard and preventing her from erecting a better fence.

Mayor Barnicle asked that Ms. Massey call the Code Enforcement Officer, Sue Flora immediately instead of waiting two weeks for a meeting so the problem can be addressed quickly.

EXECUTIVE SESSION

At 8:19 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel issue on a particular person and contracts with property.

ADJOURNMENT

At 9:05 p.m., a motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

XX EXECUTIVE SESSION

At _____ p.m., a motion was made by Trustee _____
seconded by Trustee _____, approved on a roll
call vote to move into Executive Session to discuss
a personnel issue on a particular person.

Roll Call _____

XXI ADJOURNMENT