

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, AUGUST 23, 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:

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

Also Present: Richard Sush, Village Manager
Alan Reynolds, Highway Superintendent
Sue Flora, Enforcement Officer
Mike Bastone, Fire Chief
Clarence Decker, Water Superintendent

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF AUGUST 2,
2004**

A motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of August 2, 2004 as presented.

OLD BUSINESS

Cleanup Notes

Mayor Barnicle announced that Keller Signs is not renewing their lease with Lamar Advertising for billboard signs and they will also be investing at least \$35,000 in the Village and Town to renovate these signs and put in some landscaping around them also.

MANAGER'S REPORT

1. Monticello Sullivan First won first place in their category at the Sullivan Renaissance competition for their rehabilitation of the Neighborhood Facility. A total of 49 projects were competing throughout the County. They received a great deal of assistance from Daytop Village.
2. Because the improvement in the Neighborhood Facility is so dramatic, it has been nominated for a Sullivan Showcase Award that is sponsored by the Sullivan County Board of Realtors and Sullivan Renaissance.
3. Also a winner in the Sullivan Renaissance competition was the First Baptist Church of Monticello. The Church won third place in their category for redesigned signage.
4. Our new web site address is www.villageofmonticello.com. I have a proposal to design and host our web site which we will discuss at the meeting.
5. Our new basketball court will be the site for two 3on3 basketball tournaments. Hail forced us to postpone our first tournament, so a high school age tournament will be held on August 23 at 4:30 and an open division tournament will be held immediately following.
6. A reminder that the Groundbreaking Ceremony for our new firehouse is scheduled for Tuesday, August 24 at Noon.
7. Tickets are available for the Monticello Bicentennial Barbecue to be held at the Town Park on Thursday, August 26 beginning at 4:30 PM. If any of you need tickets, please see me after the meeting.
8. And, of course, the 200th Birthday Celebration of the Village of Monticello begins on Thursday with the BBQ at the Town Park and continues through the weekend with concerts, a parade, a dedication of a flag and

Minutes - Regular Village Board Meeting
8/23/04

pole to the County, a dedication of a new Village clock—a gift from the Monticello Rotary Club—and ends with a Family Fun Day at DeHoyos Park on Sunday.

9. The State Comptroller's Office has finished their audit and will be submitting their draft recommendations within the next month or so.
10. We had made an offer of employment to an individual to become our Assistant Code Enforcement Officer. He has accepted and will begin his duties at the end of this month. His name is Chuck Johnson. He lives in the Village and has a work history that includes his being an Industrial Hygiene Technician and an Asbestos Removal Supervisor. We look forward to working with him.

The Village Manager announced that due to the increase in tipping fees by the County, the Village will have to also raise the sanitation fees charged to residential and commercial users.

The Mayor noted that the Village will be more strictly enforcing the recycling rules, and putting household garbage in enclosed container to keep the material dry to reduce the cost of the Village's tipping fees.

CERTIFICATES OF APPRECIATION

Mayor Barnicle gave a Certificate of Appreciation to the following residents of Daytop Village for helping "Sullivan First" renovate deHoyos Park and in the renovations done at the Neighborhood Facility Building which resulted in cash prizes from Sullivan Renaissance:

Ricky Corno; Mark Sutton; John Bryant; George Ledee;
Leon Zayas; John Stahl; Tom Scheibe; Jamal Mason;
Leroy Monsanto; Thomas Dunn; Robert McCoy; Leonard
Robinson; Luis Ramirez; Juan Aponte; Esteban Torres;
Eddie Davis

Also, Connie Keller was given a Certificate of Appreciation for all her efforts in coordinating and supervising these volunteers.

Minutes - Regular Village Board Meeting
8/23/04

**PUBLIC HEARING REGARDING THE CONSOLIDATION OF THE
ADMINISTRATION AND REGULATION OF TAXI CAB SERVICES
BETWEEN THE VILLAGE OF MONTICELLO AND THE TOWN OF
THOMPSON**

Mayor Barnicle opened the public hearing at 7:25 p.m.

Harry Brantz was concerned that some cabs are operating without licenses.

Mayor Barnicle reminded Mr. Brantz that this public hearing is only about consolidation of the administration and regulation of taxi cab services between the Village and Town.

Barbara Burton cautioned the Board to go slowly on consolidation of services.

At 7:28 p.m. as there were no further comments, Mayor Barnicle closed the public hearing.

**RESOLUTION AUTHORIZING THE CONSOLIDATION OF THE
ADMINISTRATION AND REGULATION OF TAXI CAB SERVICES BETWEEN
THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON**

WHEREAS, the Town of Thompson presently issues licenses and medallions to taxicabs and drivers presently operating in the Town of Thompson, independent of the Village of Monticello; and,

WHEREAS, the administration duties of the Town in this regard are identical to those of the Village of Monticello; and,

WHEREAS, the Town of Thompson and Village of Monticello want to take the opportunity to consolidate certain services in order to reduce unnecessary administrative time and expense; and,

Minutes - Regular Village Board Meeting
8/23/04

WHEREAS, the Town of Thompson and Village of Monticello have similar provisions regarding the licensing and inspection of taxicabs, as well as licensing taxicab drivers, and the combining of such services is desired by both municipalities:

NOW, THEREFORE, BE IT RESOLVED, that the Town of Thompson and the Village of Monticello will consolidate services to collect and administer the issuance of all taxicab licenses, fees, medallions, inspections, as well as taxicab driver's licenses and fees pursuant to Town of Thompson Code Section 221-2 through Section 221-5 inclusive, along with Village of Monticello Code Section 229(3)-(10) inclusive; and be it

RESOLVED, that the Town of Thompson will allow the Village of Monticello to administer the issuance of all taxicab and medallions as well as conduct inspections of said taxicabs, along with issuing taxi driving licenses and collecting all fees regarding same pursuant to and in accordance with all fee schedules as delineated in Town Code Section 221-2 through Section 221-5 inclusive, on behalf of the Town of Thompson; and,

RESOLVED, that the Town of Thompson will require the Village of Monticello to make any and all expenditures, including any administrative costs to purchase forms, applications, license, medallions or other expenses utilized in order to administer same on behalf of the Town of Thompson; and be it; and,

RESOLVED, that the Town of Thompson consents that all fees associated with this consolidated administration of taxicab license fees, medallions, inspections, etc. will be collected and withheld by the Village of Monticello; and be it further

RESOLVED, that the Town of Thompson authorizes the Village of Monticello to collect fees for this administration in accordance with any present or future fee schedule for same; and be it further

Minutes - Regular Village Board Meeting
8/23/04

RESOLVED, that the Village of Monticello will provide the Town of Thompson with a yearly update as to what taxicab licenses, medallions, inspections, driver's licenses and fee were issued and collected for the previous year, and said report will be furnished on July 1st of each year. This resolution shall take effect immediately.

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

RESOLUTION AMENDING THE FEE SCHEDULE TO INCREASE THE TAXICAB VEHICLES LICENSE FEE AND THE TAXICAB DRIVER'S LICENSE FEE

WHEREAS, the Village of Monticello Board of Trustees and the Town of Thompson have entered into an agreement for the purpose of consolidating the administration and regulation of taxicab services between both municipalities; and,

WHEREAS, it is agreed by both municipalities that the Village of Monticello will administer the issuance of all taxicab vehicles and taxicab drivers' licenses; and,

WHEREAS, it has been resolved that the Town of Thompson authorizes the Village of Monticello to collect all fees for this administration and withhold all such fees; and,

WHEREAS, at the present time, the taxicab vehicle license fee in the Village of Monticello is \$165.00 and the taxicab vehicles license fee in the Town of Thompson is \$35.00; and,

WHEREAS, at the present time, the driver's license fee in the Village of Monticello is \$25.00 and the driver's license fee in the Town of Thompson is \$5.00.

NOW, THEREFORE BE IT RESOLVED, that the fee for the Village of Monticello taxicab vehicle license be increased from \$165.00 to \$200.00, this fee constituting the combined cost of a Village of Monticello and Town of Thompson taxicab vehicle license, and be it further

Minutes - Regular Village Board Meeting
8/23/04

RESOLVED, that the fee for the Village of Monticello taxicab driver's license be increased from \$25.00 to \$30.00, this fee constituting the combined cost of a Village of Monticello and Town of Thompson taxicab driver's license.

This resolution shall take effect immediately.

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

PART II - ENVIRONMENTAL ASSESSMENT FORM

RESOLUTION DECLARING A NEGATIVE DECLARATION REGARDING LOCAL LAW NO. 11 OF 2004 AMENDING THE ZONING CODE TO REZONE AN ENTIRE PARCEL OF PROPERTY LOCATED ON SCOTT LANE DESCRIBED ON SBL 118A-1-3.1 FROM AN R-2 DESIGNATION TO AN RM DESIGNATION

Tabled at the request of the applicant.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 11 OF 2004 REGARDING AN APPLICATION SUBMITTED BY ARON WEINBERGER REQUESTING THE RE-ZONING OF PROPERTY ON SCOTT LANE DESCRIBED ON THE TAX MAP AS SECTION 118A, BLOCK 1, LOT 3.1 FROM R2 TO RM

Tabled at the request of the applicant.

RESOLUTION CHANGING THE FIRST MEETING IN SEPTEMBER FROM MONDAY, SEPTEMBER 6, 2004 TO TUESDAY, SEPTEMBER 7, 2004 AT 7 P.M. DUE TO THE LABOR DAY HOLIDAY

WHEREAS, the Board of Trustees of the Village of Monticello hold their regular meetings on the first and third Mondays of each month; and,

WHEREAS, the Labor Day Holiday falls on the first Monday in September, and therefore this meeting must be rescheduled to the Tuesday, September 6; and,

Minutes - Regular Village Board Meeting
8/23/04

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the first Board meeting in September from Monday, September 6th to Tuesday, September 7, 2004.

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 12 OF 2004 AMENDING SECTION 280-40.1 OF THE VILLAGE CODE BY ELIMINATING THE REQUIREMENT FOR PLANNING BOARD APPROVAL FOR ARTIST LOFT DESIGNATION AND REQUIRING THE APPROVAL OF THE BUILDING INSPECTOR TO BE HELD ON TUESDAY, SEPTEMBER 7, 2004

WHEREAS, the Board of Trustees of the Village of Monticello desires to eliminate the requirement of approval of Artist Loft Designation by the Planning Board; and,

WHEREAS, the Board of Trustees of the Village of Monticello desires to require the approval for Artist Loft Designation by the Building Inspector; and,

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing for said proposed local law, so that the public may be heard.

NOW, THEREFORE BE IT RESOLVED, that a public hearing be held by the Board of Trustees with respect to the adoption of the aforesaid Local Law at 7 p.m. on Monday, August 23, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law; and it further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

Minutes - Regular Village Board Meeting
8/23/04

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 13 OF 2004 WHICH WOULD AMEND CHAPTER 200 OF THE VILLAGE CODE KNOWN AS THE "PROPERTY MAINTENANCE CHAPTER" AND AMENDING CHAPTER 177 ENTITLED LITTERING

WHEREAS, the Board of Trustees of the Village of Monticello desires to simplify the procedures for Code Enforcement with respect to property maintenance violations; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that the procedures for Code Enforcement with respect to property maintenance violations should be streamlined and simplified; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 13 of 2004 which would amend Chapter 200 of the Village Code known as the "Property Maintenance Chapter" and amend Chapter 177 of the Village Code known as "Littering", so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on September 7, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

Minutes - Regular Village Board Meeting
8/23/04

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING
WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 14 OF 2004
WHICH WOULD AMEND SECTION 252-23 OF THE VILLAGE CODE
ENTITLED "PARKING METER ZONES ESTABLISHED."**

WHEREAS, the Board of Trustees of the Village of Monticello identified parking control issues caused by vehicles being parked in excess of the time allotted by the Village Code on North Street directly in front of the Government Center and on Government Drive; and

WHEREAS, the parking control issues referenced above have not adequately been addressed by the current parking prohibitions along the respective roadways; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 14 of 2004 which would amend Section 252-23 of the Village Code entitled "Parking Meter Zones Established", so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on September 7, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; and it is further

RESOLVED, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

Minutes - Regular Village Board Meeting
8/23/04

RESOLUTION AUTHORIZING THE ISSUANCE OF \$50,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF PAVING AND BLACKTOPPING AND STORM DRAIN REPLACEMENT FOR RACEWAY ROAD AND JEFFERSON STREET, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project; **NOW, THEREFORE, BE IT**

RESOLVED, by the Board of Trustees of the Village of Monticello, Sullivan County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of paving and blacktopping and storm drain replacement for Raceway Road and Jefferson Street, in and for the Village of Monticello, Sullivan County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$50,000 serial bonds of said Village, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$50,000, and the plan for the financing thereof is by the issuance of the \$50,000 serial bonds authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including

renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Monticello, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Monticello, Sullivan County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be

executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Minutes - Regular Village Board Meeting
8/23/04

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Sullivan County Democrat, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

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

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$25,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF THE MAIN SEWER LINE ON RACEWAY ROAD, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Monticello, Sullivan County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the replacement of the main sewer line on Raceway Road, in and for the Village of Monticello, Sullivan County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$25,000 serial bonds of said Village, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is hereby determined to be \$25,000, and the plan for the financing thereof is by the issuance of the \$25,000 serial bonds authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby further determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Monticello, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Monticello, Sullivan County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or

Minutes - Regular Village Board Meeting
8/23/04

rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in summary in the Sullivan County Democrat, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

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

RESOLUTION AUTHORIZING THE ISSUANCE OF \$2,165,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY PART OF THE \$4,246,000 ESTIMATED MAXIMUM COST OF CONSTRUCTION OF A NEW FIRE HOUSE FOR USE BY THE VILLAGE FIRE DEPARTMENT, IN AND FOR SAID VILLAGE

WHEREAS, all conditions precedent to the financing of the design and preliminary engineering of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, by bond resolution dated March 3, 2003, the Board of Trustees of the Village of Monticello, Sullivan County, New York, authorized the issuance of an aggregate \$525,000 serial bonds of said Village to pay (a) \$325,000 for the acquisition of land and (b) \$200,000 to finance a portion of the

Minutes - Regular Village Board Meeting
8/23/04

\$2,800,000 estimated maximum cost of the design and construction of a new fire house thereof for use by the Village Fire Department, in and for said Village of Monticello, Sullivan County, New York, including incidental expenses in connection therewith; and

WHEREAS, since that time the estimated maximum cost of the design and construction of the new fire house and the plan of financing thereof have changed;

WHEREAS, it is now desired to authorize the issuance of an additional \$2,165,000 serial bonds of said Village for such purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Monticello, Sullivan County, New York, as follows:

Section 1. For the specific object or purpose of paying part of the cost of the design and construction of a new fire house, in and for the Village of Monticello, Sullivan County, New York, including original furnishing, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued an additional \$2,165,000 serial bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$4,246,000, and that the plan for the financing thereof is as follows:

- (a) By the issuance of the \$200,000 serial bonds of said Village authorized to be issued pursuant to bond resolution dated March 3, 2004; and
- (b) By the issuance the additional \$2,165,000 serial bonds of said Village authorized to be issued pursuant to this bond resolution; and
- (c) By the receipt of \$1,881,000 monies to be received from State and, or Federal Grants, which monies are hereby appropriated therefor.

Minutes - Regular Village Board Meeting
8/23/04

Section 3. It is hereby determined that the periods of probable usefulness of the aforesaid specific object or purpose is thirty years pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law. It is therefore hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Monticello, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Monticello, Sullivan County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any

Minutes - Regular Village Board Meeting
8/23/04

order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8.All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9.This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Minutes - Regular Village Board Meeting
8/23/04

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. Upon this resolution taking effect, the same shall be published in full in the Sullivan County Democrat, which is hereby designated by the Board of Trustees as the official newspaper for this purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law and Article 9 of the Village Law.

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

DISCUSSION REGARDING CHANGE OF NAME OF THE NEIGHBORHOOD FACILITY BUILDING

Mayor Barnicle explained that the Village is considering changing the name of the Neighborhood Facility Building, and are asking for the residents input for suggestions and than a vote on the five suggested names. The names put forth are:

Neighborhood Facility
Monticello Community Center
Monticello Neighborhood Center
Monticello Recreation Center
Ted Stroebale Recreation Center

Minutes - Regular Village Board Meeting
8/23/04

The radio stations have agreed to take call in voting, and the name that receives the most votes will be chosen as the name for that building.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A SUPPLEMENTAL AGREEMENT #1 WITH NYSDOT RELATIVE TO THE BROADWAY RECONSTRUCTION PROJECT

WHEREAS, the State of New York has requested the Village of Monticello to design the improvements to New York State Route 42 in the Village of Monticello; and,

NOW, THEREFORE, the Village Board, duly convened does hereby;

RESOLVED, that the Village Board hereby approves the Project; and it hereby further

RESOLVED, that the Village Board hereby authorizes the Village of Monticello to pay in the first instance 100% of the costs of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,350,000 will be made available to cover the cost of participation in the above phase of the Project; and its is further

RESOLVED, that the Village Manager be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests on behalf of the Village with NYSDOT in connection with the implementation of the Project, and reimbursement of the approved costs thereof by the State, and it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

WHEREAS, there is a substantial public interest in and benefit to the Project, which will mitigate or improve traffic or safety conditions for the general public.

Minutes - Regular Village Board Meeting
8/23/04

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign an agreement with NYSDOT relative to the Broadway Reconstruction Project

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

PUBLIC COMMENT

New Hope Concerns - Cedar Park Commons

Gladys Gold, representing the Cedar Park Commons Homeowners Association, explained that there were inaccuracies in the article that appeared in the Times Herald Record after her appearance before the Village Board. She noted that no one who owns a unit in that development was opposed to a "special needs couple" moving into the complex as there is already such a person living there already. The homeowners only concern is that Mr. Berkowitz the Executive Director of New Hope had no filed any of the necessary documents as outlined in the "Padavan" Law, and that this "special needs couple" did not have 24/7 supervision and could wander into the pool area and get hurt or in the parking lot in the middle of the complex. She questioned whether the statement Mr. Berkowitz made to her that the proper procedure was followed was true, or the Board's statement that it had never come before them formally?

Trustee Marinello assured her that this Board had never heard from Mr. Berkowitz or New Hope.

Ms. Gold was also concerned with the condition of that unit and why it had never been inspected since there were holes in the roof and water had leaked in a done a great deal of damage. She asked the Board to investigate all these issues and resolve them once and for all.

Janie Malman felt that these people spend money in the Village and should be allowed to live where they want.

Minutes - Regular Village Board Meeting
8/23/04

Bonding Issues

Carmen Rue was concerned the amount of money the Village is bonding will result in higher taxes next year, when taxes are already high.

Code Enforcement

Carmen Rue complained about the condition of the Old Burger King building at the intersection of Broadway and Fraser Avenue. She felt that the Village should strictly enforce the law as this building is on a main entrance to the Village and send a bad image of the Village to visitors to the area.

Waverly Avenue-Water Problems

Hazel Williams asked that the Village clean up the continuing water problems, from the Water runoff from the properties behind her house, which are occurring on Waverly Avenue. She noted that the roadway is wet, and the splashing noise keeps the residents awake nightly.

The Village Manager will turn the matter over to the Code Enforcement Officer.

EXECUTIVE SESSION

At 8:15 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 personnel issues regarding particular persons and possible litigation.

A RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT BETWEEN AND ON BEHALF OF THE VILLAGE OF MONTICELLO AND RICHARD SUSH REGARDING MR. SUSH'S CONTINUED EMPLOYMENT AS VILLAGE MANAGER FOR A PERIOD NOT TO EXCEED THREE (3) YEARS

WHEREAS, the Board of Trustees of the Village of Monticello desires to contract with an individual to perform management services for the Village of Monticello; and

Minutes - Regular Village Board Meeting
8/23/04

WHEREAS, the Board of Trustees of the Village of Monticello wishes to incorporate a performance review procedure for the Village Manager and the various department heads within the Village Manager's contract; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to continue to contract with Richard Sush, the current Village Manager, for a term not to exceed three (3) years;

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

1. THAT the Village of Monticello shall be and hereby is authorized to enter into an employment contract with Richard Sush, current Village Manager, for employment as Village Manager for a period not to exceed three (3) years; and
2. THAT the contract shall not only provide for periodic review of the Village Manager's performance by the Board of Trustees of the Village of Monticello, but also for the periodic review of the performance of the various department heads by the Village Manager; and
3. THAT the Mayor is authorized to enter into a contract embodying the terms specified above, the form of said contract shall be as approved by the Village Attorney; and
4. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye; to adopt the above resolution. Motion carried 4 ayes - 1 nays.

Minutes - Regular Village Board Meeting
8/23/04

ADJOURNMENT

At 9:15 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