

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, AUGUST 7, 2006

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
Gordon Jenkins, Trustee
Victor, Marinello, Jr. Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Richard Sush, Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Douglas Solomon, Chief of Police
Sam Wohl, County Legislator
Clarence Decker, Water Superintendent
Bill Bertholf, Sewer Superintendent
Sue Flora, Code Enforcement Officer

APPROVAL OF MINUTES OF BOARD MEETING OF JULY 24, 2006

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of July 10, 2006 as presented.

RECOGNITION OF THE MINOR LEAGUE 2006 DISTRICT 19D-BRACKET CHAMPIONS

Deputy Attorney Tim Havas and Mayor Barnicle on behalf of the Village Board presented Certificates of Merit to each member, manager and coach of the Minor League 2006 District 19D Bracket Champions

Minutes - Regular Village Board Meeting
08/07/06

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL
LAW 8 OF 2006 AMENDING SECTION 11 OF CHAPTER 229 OF THE
CODE OF THE VILLAGE OF MONTICELLO ENTITLED "HACK STANDS"**

Mayor Barnicle opened the public hearing at 7:12 p.m.

Dr. Hudes objected to the location in front of the old Napoli Restaurant at the corner of Landfield Avenue and Broadway because he felt there is already a lack of parking on Broadway and for clients coming to his office complex even if it is only one space being taken away. He felt the "hack stand" should be in a location away from the downtown area.

Marie Ng agreed with Dr. Hudes that more spaces are needed on Broadway, and this is not the proper place for a taxi "hack stand".

Trustee Schoonmaker suggested that one of "hack stands" be located in front of the Courthouse since those spaces are rarely used.

The Mayor agreed that the third space could be located in front of the Courthouse.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:21 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2006 ANNEXING
PROPERTY TO THE VILLAGE OF MONTICELLO AND FORMERLY KNOWN AS
TOWN OF THOMPSON TAX PARCEL SBL 14-5-3 AND PROPERTY TO BE
ZONED R-2**

WHEREAS, the Board of Trustees have held a joint public hearing with the Town of Thompson Town Board to review and discuss the annexation of property into the Village of Monticello formerly known as SBL 14.-5-3; and

WHEREAS, both the Village of Monticello Board of Trustees and the Town of Thompson Town Board have approved the annexation petition; and

Minutes - Regular Village Board Meeting
08/07/06

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. 6 of 2006, entitled a "Local Law Annexing Property into the Village of Monticello and Formerly Known as Town of Thompson Tax Parcel Section 14, Block 5, Lot 3 and Property to Be Zoned R-2"; and be it further

RESOLVED, that the Village Clerk is 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 VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

LOCAL LAW NO. 7 OF 2006 TO ANNEX PROPERTY TO THE VILLAGE OF MONTICELLO AND FORMERLY KNOWN AS TOWN OF THOMPSON TAX PARCEL SECTION 22, BLOCK 2, LOT 1 AND PROPERTY TO BE REFERRED TO THE ZONING BOARD FOR PROPER ZONING RM

WHEREAS, the Board of Trustees have held a joint public hearing with the Town of Thompson Town Board to review and discuss the annexation of property into the Village of Monticello formerly known as SBL 22.-2-1; and

WHEREAS, both the Village of Monticello Board of Trustees and the Town of Thompson Town Board have approved the annexation petition; and

Minutes - Regular Village Board Meeting
08/07/06

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. 7 of 2006, entitled a "Local Law Annexing Property into the Village of Monticello and Formerly Known as Town of Thompson Tax Parcel Section 22, Block 2, Lot 1 and Property to Be Referred to the Zoning Officer for Proper Zoning"; and be it further

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

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO, 8 OF 2006

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on August 7, 2006, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 1270 Ho hear all interested parties on a proposed Local Law which would amend Section 229-11 of the Village Code by designating new hack stand locations; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on July 25, 2006; and

Minutes - Regular Village Board Meeting
08/07/06

WHEREAS, said public hearing was duly held on August 7, 2006, 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. 8 of 2006, amending Section 229-11 of the Village Code by designating new hack stand locations; and be it further **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 Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION CORRECTING THE 2006/07 VILLAGE TAX ROLL - SLEEPY HOLLOW DEVELOPMENT SECTION 126, BLOCK 1, LOT 3

WHEREAS, the Sleepy Hollow Development Corp. is an exempt property in Roll Section 8 of the Village Tax Roll; and,

WHEREAS, Sleepy Hollow Development is federally funded and receives Shelter Rents as such, and therefore, the Village is entitled to a portion of this money.

Minutes - Regular Village Board Meeting
08/07/06

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby correct the 2005/06 Village Tax Roll to reflect the additional **\$36,044.08**

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

**RESOLUTION CORRECTING THE 2006/07 VILLAGE TAX ROLL -
SECTION 116 BLOCK 2, LOT 9.1 AND SECTION 116-2-10.5**

WHEREAS, erroneous charges for water, sewer and sanitation charges was releived to the 2006/07 tax bill in the amount of a total of \$284.95 to this property; and,

WHEREAS, these charges should have been releived to SBL 116-2-10.5; and,

WHEREAS, because the error occurred by the Village as this meter was being newly installed and the wrong SBL was inadvertently assigned to this account and the bill was sent to the wrong address the penalties should be removed in the amount of \$28.85.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby correct the 2006/07 Village Tax Roll to remove the charges in the amount of \$284.95 from the tax bill SBL 116-2-9.1 and relevy it on the SBL 116-2-10.5 with the penalties removed in the amount of \$256, and the Village Clerk is directed to send a corrected bill to each property owner.

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

**RESOLUTION CORRECTING THE 2006/07 VILLAGE TAX ROLL -
SECTION 113 BLOCK 6, LOT 2.2 AND SECTION 117-1-1**

WHEREAS, erroneous charges for sanitation charges was releived to the 2006/07 tax bill in the amount of a total of \$1014.24 to this property; and,

Minutes - Regular Village Board Meeting
08/07/06

WHEREAS, these charges should have been relieved to SBL 117-1-1; and,

WHEREAS, because the error occurred by the Village because of a computer error.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby correct the 2006/07 Village Tax Roll to remove the charges in the amount of \$1014.24 from the tax bill SBL 113-6-2.2 and relevy it on the SBL 117-2-1.1 and the Village Clerk is directed to send a corrected bill to each property owner.

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH SYSTEMS EAST, INC. FOR APPLICATION SOFTWARE SUPPORT SERVICES

WHEREAS, the Village has a software tax program for the collection of taxes; and,

WHEREAS, the Village needs a maintenance agreement which allows for software and support and maintenance for fiscal year 2006/07 and as part of the agreement, Systems East will continue to be available to assist the staff in the general use of the microcomputers and networks as well as in the resolution of problems if and as required.

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 Systems, East, Inc. for Application Software Support Services in the amount of \$1,215.

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

Minutes - Regular Village Board Meeting
08/07/06

**RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE TO
FILL THE VACANT POSITION OF VILLAGE MANAGER**

WHEREAS, the current Village Manager has tendered his written resignation, effective August 11, 2006, thereby leaving the position vacant; and

WHEREAS, the Village of Monticello operates on a manager form of government; and

WHEREAS, it is essential for the position of Village Manager to be filled, such position consisting of a full time position; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the residents of the Village of Monticello to advertise to fill the vacant position of Village Manager in order to find a qualified candidate.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise to fill the vacant position of Village Manager.

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

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2005/06

WHEREAS, Village of Monticello has adopted its annual budget for the 2005/06 fiscal year, and;

WHEREAS, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

WHEREAS, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

Minutes - Regular Village Board Meeting
08/07/06

NOW, THEREFORE BE IT RESOLVED, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [See attached]

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

RESOLUTION ELIMINATING ONE MEETING IN SEPTEMBER AND HOLDING THE SEPTEMBER MEETING ON TUESDAY, SEPTEMBER 12, 2006

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, since the first Monday of September falls on Labor Day; and,

WHEREAS, the Mayor's schedule prevents him from being able to attend another meeting in September; and,

WHEREAS, by having one meeting in mid February there would only be three weeks between the last meeting in August and the first meeting in September.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby eliminate the first meeting in September and hold one meeting in September on Tuesday, September 12th at 7 p.m.

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

REAPPOINTMENT TO THE MONTICELLO HOUSING AUTHORITY BOARD

Mayor Barnicle reappointed Dorothy McCoy to the Monticello Housing Authority for a five (5) year term to expire August 2011.

Minutes - Regular Village Board Meeting
08/07/06

**RESOLUTION AWARDING OF SODIUM HYDROXIDE ANNUAL BID TO THE
NEXT RESPONSIBLE LOWEST BIDDER**

WHEREAS, bids for various chemicals used by the Water and Sewer Departments were solicited by the Village Clerk for FY 2006/07; and,

WHEREAS, the Water and Sewer Department Superintendents have reviewed the bids and had previously recommended the bids be awarded to the lowest responsible bidder; and,

WHEREAS, the Village Board, on June 5r 2006, passed a resolution awarding the various bids to the lowest responsible bidders; and

WHEREAS, Basic Chemicals, the lowest bidder, submitted its bid for Sodium Hydroxide based on a quantity for both the Sewer and Water Departments, and has declined the bid award for the Water Department alone; and

WHEREAS, Duso Chemicals, the second lowest bidder, submitted its bid for Sodium Hydroxide based on a quantity for both the Sewer and Water Departments, and has declined the bid award for the Water Department alone; and

WHEREAS, Slack, the third lowest bidder, submitted its bid for Sodium Hydroxide based on a quantity for both the Sewer and Water Departments, and has declined the bid award for the Water Department alone; and

WHEREAS, the Water Department Superintendent recommends that the bid for Sodium Hydroxide be awarded to the lowest responsible bidder - still honoring its bid.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby award the bid for Sodium Hydroxide to the lowest responsible bidder - still honoring its bid.

Minutes - Regular Village Board Meeting
08/07/06

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

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, 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.

DISCUSSION ON NAMING STREET FOR NEW MOUNTAINVIEW ESTATES DEVELOPMENT

Mayor Barnicle explained that the Village Board has the authority to name all new dedicated streets. The developer of Mountainview Estates has suggested names for three new streets, but he would like the Board members to give their recommendations and the Board will make a final decision at the next meeting.

PUBLIC COMMENT

Installment Tax Payments

Dorothy McCoy asked if the Board would consider a three installment tax payment plan as residents are having a difficult time paying the high Village taxes and utility bills at the same time.

Mayor Barnicle said he would take the request under consideration, however the three installment tax payment would cost the Village more and decreases operating income that is used to run the Village on a day by day basis.

Street Repair and Repaving

Dorothy McCoy questioned who decides which streets are repaved?

Mayor Barnicle responded that the Highway Superintendent makes that decision and has completed this year's repaving cycle.

Condition of Village

Dr. Marc Hudes read a statement he made to the then Village Board in September 2003 and he felt nothing has changed since that time. He noted that he realizes that there are financial restraints and Village taxes are exorbitant, but there are certain things that could be done by the Village and it isn't being done to make the Village look a little bit nicer and it should not cost a lot of money. He indicated that the weeds on Broadway are deplorable from Liberty Street to Jefferson Street and would it would not cost anything for the DPW to maintain the streets. He felt the Village is guilty of not following their own laws which requires that lawns be mowed when the grass grows more than 6 inches. He noted that stores have new facades on Broadway, but no one is coming because Broadway looks shabby and that reflects on the entire community. Dr. Hudes did not feel the sign ordinance is being enforced and pointed out the beauty salon on East Broadway that has a sheet over its door for at least eight months in place of a sign and a sign that is rolled out in a crate or hand painted signs further up the road. He questioned how the Village Board could not see these problems and none of this being addressed. He asked when the public can expect the Village Board to act responsibly and clean this Village up so it looks presentable.

Mayor Barnicle responded that Broadway has not had the attention these past several months because of the construction; however he has directed the Village Manager to start cleaning up Broadway and the alleyways with the weeds. Secondly, the Village has only one Code Enforcement Officer that is responsible for junk cars, building violations, and other code enforcement violations and she can't get to everything, however in this budget, and the ad is in the newspaper to hire a second full time Assistant Code Enforcement Officer so more violations can be addressed and corrected. In addition, as Mayor/Manager will institute that monthly that the Chief of Police, the Code Enforcement Officer and I will ride the Village together in quadrants looking for the most visible violations and follow up on them the next month and continue on to the second quadrant.

Minutes - Regular Village Board Meeting
08/07/06

Dr. Hudes felt that the poor condition of this area warrants more code enforcement officers and he volunteered to be one at no cost to the Village. He suggested that the fines should be increased for offenders.

Trustee Jenkins agreed with Dr. Hudes and felt a "watchdog" group is a good idea, as well as the Village Board being held accountable for the poor conditions. He encouraged this group to come to every Village Board meeting and, if necessary, address the problems until they are remedied.

Marie Ng felt that the people hanging around Broadway should be asked to move, especially those that are using foul language. She also volunteered to be code enforcement officer at no cost. She suggested that the Board contact other communities to see how they handle the problem of panhandlers, etc. on their main street.

Mayor Barnicle responded that these people have the right to be on Broadway.

Trustee Schoonmaker felt that there should be more police presence on Broadway which might deter this type of behavior.

VILLAGE MANAGER FAREWELL

Mayor Barnicle invited everyone to have a piece of cake and thank the Village Manager for all he had done over the last five year.

EXECUTIVE SESSION

At 9:47 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person, Village owned property and contract negotiations.

Minutes - Regular Village Board Meeting
08/07/06

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 10:15 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO RATIFYING THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE OF MONTICELLO AND THE WATER & SEWER, HIGHWAY AND WHITE COLLAR EMPLOYEES FOR THE PERIOD BETWEEN AUGUST 1, 2006 AND JULY 31, 2010

WHEREAS, there is presently three respective collective bargaining agreements between the Village of Monticello ("Village") and the water & sewer, highway and white collar employees, which govern labor relations between contractually employed Village employees and the Village for the period between August 1, 2003 and July 31, 2006; and

WHEREAS, said contract will expire on July 31, 2006; and

WHEREAS, the Village and the AFSCME on behalf of the water & sewer, highway and white collar employees have negotiated three proposed contracts for the government of labor relations between contractually employed employees and the Village for the period between August 1, 2006 and July 31, 2010; and

WHEREAS, said proposed contracts incorporate the attached revisions to the contract currently in effect; and

WHEREAS, the Board of Trustees of the Village of Monticello has reviewed the proposed revisions and finds that they are in the best interest of the Village of Monticello.

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

1. THAT the Board of Trustees of the Village of Monticello does hereby ratify the proposed collective bargaining agreements between the Village

Minutes - Regular Village Board Meeting
08/07/06

of Monticello and the water & sewer,, highway and white collar employees respectively; and

2. THAT the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to execute the above referenced agreement, the final form of which shall be approved by the Village Attorney; and
3. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

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

ADJOURNMENT

At 10:20 p.m., a motion was made by Trustee Jenkins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk