

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, SEPTEMBER 12, 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:

Absent:

James Barnicle, Mayor
Gordon Jenkins, Trustee
Victor, Marinello, Jr. Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

Also Present: E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Alan Reynolds, Highway Superintendent
Arlene Glass, Grant Administrator
Clarence Decker, Water Superintendent
Bill Bertholf, Sewer Superintendent
Glenn Smith, Village Engineer

MOMENT OF SILENCE

Mayor Barnicle asked for a moment of silence for those souls lost of September 11th.

APPROVAL OF MINUTES OF BOARD MEETING OF AUGUST 21, 2006

A motion was made by Trustee Jenkins, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of August 21, 2006 as presented.

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MANAGER'S REPORT

Skate Board Park

Mayor Barnicle announced that the new skateboard park equipment will arrive on October 11th which will be located behind DeFilippis Bakery.

Second Ride Code Enforcement Ride With

Mayor Barnicle announced the Code Enforcement Ride With will be done on Friday, September 29, 2006 as well as on that date all the violations (49 in total) from the first "ride with" will be in court before the judge.

New Assistant Code Enforcement Officer

Mayor Barnicle announced that the Carl Washington Jr. has been hired as the new Assistant Code Enforcement Officer.

Fall Cleanup

Mayor Barnicle announced that the Fall Cleanup will be held on Friday, October 6th & 7th and the drop off location will be a designated location in deHoyos Park. This year there will be no handicap pickups and only residential property owners will be allowed to dump. The rules and pass can be obtained from the Village Clerk during business hours.

Tri-State Fishery

Mayor Barnicle announced that the Tri-State Fishery will be purchasing the Sturgis Road property from the Village and will be erecting a new building which will eventually employ 20-30 employees.

Recycling Changes

Mayor Barnicle announced that the Village will continue the present recycling program, however enough manpower (only 3 men working out of 6 because of injuries) or equipment (need two additional recycling trailers) to do a stringent recycling program.

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PRESENTATION TO FROSTY ROCK CREAMERY

Grant Coordinator Arlene Glass presented a \$50,000 check to Bob Kunis co-owner of Frosty Rock Creamery which is part of a \$400,000 Grant for new and expanding businesses.

REPORT ON FALL RECREATION PROGRAM

Mayor Barnicle presented the new Fall Recreation Program handout and noted there are many activities for the youth as part of that program including skateboarding, gymnastics, etc.

UPDATE ON THE BROADWAY PROJECT

Mayor Barnicle announced that the Broadway Project will be bid in April 2007 to begin the construction next Spring/Summer of 2007.

Village Engineer Glenn Smith explained that the Village was presented with the "30% Plan" by the State Department of Transportation which shows the entire project from Pleasant Street to Jefferson Street, including lighting, parking space locations, streetscaping, landscape, retaining walls with a five ft. medium down the center of the street. The Village Board will have some input on some outstanding issues.

Mayor Barnicle explained that each of the landlords on Broadway will have to sign a document allowing DOT to finish the sidewalk right to the front of the store since there are various size rights of ways in front of each property.

Mark Hudes felt that the Board should absolutely insist that every Broadway property owner should give the DOT permission to finish the sidewalks in front of each store.

RESOLUTION AMENDING THE FEE SCHEDULE - ADD-EQUIPMENT SCHEDULE

WHEREAS, the Highway Department is doing the cleanup of properties that are issued citations by the Code Enforcement Officer for various violations; and,

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WHEREAS, the cost of the manpower and equipment used is charged to the property owner and relieved to their taxes if the charges remain unpaid.

WHEREAS, in order to do these jobs different types of equipment must be used and the charge for each machine usage is different and a fee per hour needs to be assessed.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby set the fee schedule for each type of equipment used for cleanup of these properties. [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 OF THE VILLAGE OF MONTICELLO TO AUTHORIZE HOLDING A PUBLIC HEARING REQUIRED FOR PARTICIPATION IN THE RESTORE NY PROGRAM

WHEREAS, the NYS Empire State Development Corporation has issued a Request for Funding Proposals under the RESTORE NY Communities Initiative, and

WHEREAS, the Village is interested in securing funding under this Program, and

WHEREAS, the rules and regulations of the above Program require that each applicant hold a public hearing in order to participate.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello Board will hold a public hearing on:

DATE: September 25, 2006

TIME: 8:30 AM

PLACE: Monticello Village Hall

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

Dr. Hudes suggested that a future grant application the Village consider rehabilitating the parking lot with lights in the lot behind the Methodist Church since the lot being used by BOCES will no longer be available and there will be a serious lack of parking

Mayor Barnicle indicated that the Grants Department will research whether that type of project with fit in the guidelines for applying for these grants.

RESOLUTION CHANGING THE FIRST AND THIRD MEETINGS IN OCTOBER

WHEREAS, October has five Mondays in the month and customarily the Board holds meetings on the second and fourth Mondays of the month; and,

WHEREAS, the first Monday in October is the Yom Kipper Jewish Holiday and the second Monday is the Columbus Day Holiday.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the meeting dates in October to Tuesday, October 10, 2006 and Monday, October 23, 2006.

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

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.

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

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2006/07

WHEREAS, Village of Monticello has adopted its annual budget for the 2006/07 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.

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

RESOLUTION NAMING STREETS FOR NEW MOUNTAINVIEW ESTATES DEVELOPMENT

WHEREAS, there is a new development being built on West Broadway; and,

WHEREAS, within this development three (3) streets will be dedicated to the Village; and,

WHEREAS, the Board of Trustees of the Village of Monticello has the authority to officially name new streets within the municipality.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby name the street within the new Mountainview Luxury Home Estates located on West Broadway as follows:

- Road A - Woodstock Lane
- Road B - Kaye Street
- Road C - Morgan Place

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

ORDERING BILLS PAID

A motion was made by Mayor Barnicle, 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.

PUBLIC COMMENT

Waverly Avenue

Jimmie Valree a resident of Waverly Avenue was concerned that the foundation of his home is being ruined by water and also flooding his basement from the Village street during a heavy rainstorm. He felt that the Village needs to widen the trench to stop the water from pouring into the street. He indicated that he will be applying for a grant; however, if the Village does not stop the runoff, then fixing his foundation will not prevent the problem from reoccurring.

The Mayor suggested that Mr. Valree contact the Village Grant Department to apply for that type of grant.

Highway Superintendent Alan Reynolds explained that the problem is that there is shale and a waterline that runs to the fire hydrant there preventing them from digging any deeper.

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Code Enforcement Office Sue Flora indicated that she has a similar problem in her own residence and the problem was solved by digging trench drainage all around the premises to alleviate the problem.

Recycling Update

A resident of Fairground Estates questioned the status of the new recycling laws and when they will be enforced.

Mayor Barnicle explained that several weeks ago the Village approved an expanded recycling program which was going to commence in September. However, because there are only two recycling trailers (need a third trailer) and there are six sanitation works but two sanitation workers are out on disability and the Village is loaning a worker from the Highway Department to help with the trash removal, so it is his estimation the Village does not have either the manpower nor the equipment to successfully to begin a new expanded recycling program at this time. He encouraged the residents to continue to recycle by separating the glass, plastic and metal, as well as newspapers, etc., however, the use of clear plastic bags and fining people will not be instituted as this time. He also is looking into hiring a seventh sanitation employee to fill in when someone is away and also purchasing a third recycling trailer so this stringent recycling program can begin.

Betty Friedland felt that by not enforcing the recycling laws the Village will be encouraging people to throw this material in the garbage which will continue to increase the Village's landfill tipping fees. She was concerned that Fialkoff's is not being forced to have the required amount of dumpsters for the number of units in that development which causes the trash to overflow and make the area look like a dump. She felt Fialkoff's should be made to have the required amount of dumpsters and keep the area clean. She was also concerned that most of the summer bungalow colonies do not recycle and these laws are not being enforced which leads to higher tipping fees which is passed on to the non-exempt property owners. She questioned whether summer residents were advised that there will be a full enforceable recycling program including the use of clear bags when they return next summer.

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Bob Kunis agreed with Ms. Friedland regarding the appearance of Fialkoff's and he felt the garbage area is absolutely disgusting and if there is law that requires a certain amount of dumpster based on the number of units then that law must be enforced.

Code Enforcement Officer Sue Flora indicated that she had ticketed Fialkoff's and they are to appear in court in September. She also explained that they will not be able to reopen next summer without properly enclosing their dumpsters.

Eyesore Reports

Mayor Barnicle explained that employees are submitting eyesore reports to the Code Enforcement Officer who will then follow up on these notices.

Mosquito Concerns

Hazel Williams was concerned about the amount of mosquitoes on Waverly Avenue because of the poor drainage and the vicinity to the landfill, and now there is evidence of them carrying West Nile virus.

Dr. Hudes indicated that the "pond" in the parking lot of the Apollo Mall is contributing to the mosquito problem and the Village should insist the property owner have that area remedied.

Report of "Watch Dog" Group

Dr. Marc Hudes explained that several of the Village's Board members have attended their meetings and they are planning to have a radio talk show where possibly residents call in complaints. He indicated that his organization has split into several groups and have spotted at least 40 eyesores in the Village and Town. Dr. Hudes questioned why the plate glass window in the storefront that was broken and boarded up that previously housed the Marine Corp took several weeks to be replaced. He felt that the owner of the building should be ticketed and fined.

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Mayor Barnicle explained that the Village takes this matter very seriously or the Board would not have expanded the Code Enforcement Department. He noted that 49 people have been ticketed and will appear in Court on September 29th.

Dr. Hudes felt that this is a result of his group putting pressure on the Village. He questioned why the Town of Thompson Garage on Jefferson Street on an entrance way into the Village is one of the most deplorable looking structures in the Village of Monticello. He questioned why the Village has never forced the Town to remedy the situation.

Mayor Barnicle responded that the Village created the 2nd code enforcement position was put in the budget last June.

Trustee Gordon agreed with Dr. Hudes and noted that he has had some of the same complaints. He noted that he has been concerned with the conditions on Cottage Street for the last two years and it has taken too long to clean up. He felt any code enforcement matter takes too long to resolve and the Village is looking disgusting.

The Mayor noted that there is no one on the Board that disagrees with the complaints; however, the problem is the realistic expectation of one person to tackle all the ills that are in the Village.

Volunteerism

Becky Whipple noted that several people from the community have volunteered their time, at no cost to the Village but no one has called them for that help.

EXECUTIVE SESSION

At 8:15 p.m., a motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move into Executive Session to discuss the sale of Village owned property, possible litigation and contract negotiations.

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A motion was made by Trustee Jenkins, seconded by Trustee Marinello, unanimously approved on a roll call vote to move out of Executive Session.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

Mayor Barnicle reconvened the Regular Village Board meeting at 9:05 p.m.

RESOLUTION EXTENDING THE REQUIRED CONSTRUCTION START FOR THE NATURAL GAS FRANCHISE GRANTED TO NYSEG FROM JANUARY 1, 2007 TO DECEMBER 31, 2008

WHEREAS, New York State Electric and Gas ("NYSEG") has notified the Village of Monticello regarding its intent to file with the Public Service Commission ("PSC") to exercise its franchise agreement with the Village of Monticello ("Village") for the natural gas franchise granted to NYSEG on July 13, 2000; and

WHEREAS, the PSC requires signed agreements with NYSEG's prospective major customers for filing purposes; and

WHEREAS, despite significant field review, analysis and preliminary design work with said prospective major customers, some of the prospective major customers have not yet received approvals necessary to proceed and sign an agreement with NYSEG; and

WHEREAS, NYSEG, for the aforementioned reasons, has notified the Village of its inability to proceed with its filing with the PSC at this time, and has requested an extension of the construction start for the natural gas franchise from December 31, 2006 to December 31, 2008; 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 allow the construction start to be extended.

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

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1. That the Village of Monticello hereby extends the construction start for the natural gas franchise from December 31, 2006 to December 31, 2008; and
2. That this resolution shall be effective immediately upon signature of the Village Clerk.

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

ADJOURNMENT

At 9:06 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk