

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, MAY 17, 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  
Victor, Marinello, Jr. Trustee  
Mary Jo Oppenheim, Trustee  
Scott Schoonmaker, Trustee  
Brian VanDermark, Trustee

Also Present: Richard Sush, Village Manager  
E. Danielle Jose, Village Attorney  
Tim Havas, Deputy Village Attorney  
Alan Reynolds, Highway Superintendent  
Sue Flora, Code Enforcement Officer  
Douglas Solomon, Chief of Police  
Betsy Conaty, Director of Parks & Recreation  
Carl Houman, Director of Fire Services

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF APRIL 26,  
2004**

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of the Village Board meeting of April 26, 2004 as presented.

**APPROVAL OF MINUTES OF SPECIAL BOARD MEETING OF MAY 4, 2004**

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of the Village Board Special meeting of May 4, 2004 as presented.

Minutes - Regular Village Board Meeting  
5/17/04

**MAYOR'S ANNOUNCEMENTS**

**New Residents**

Mayor Barnicle asked the Clerk to contact the Board of Realtors to try to get a master list of those people who have recently bought homes. If this list is obtained, then he would like a letter sent to them welcoming them to the Village with contact names and phone numbers for all department heads.

**Litter Pluck**

The Mayor thanked the Monticello Chamber of Commerce, the Recovery Center, Monticello Housing Authority and the Mormon Church for participating in the litter pluck held on Saturday, May 9<sup>th</sup>.

**Adopt A Road**

The Mayor asked all the Trustees, to bring with them to the next meeting, a list of the worst five (5) streets that they identify as they travel through their quadrant. He would like them to find someone who will adopt that street or if not someone might know a person who would be willing to take on that responsibility.

**APPROVAL OF MINUTES BOARD MEETING OF APRIL 26, 2004**  
**APPROVAL OF SPECIAL BOARD MEETING OF MAY 4, 2004**

A motion was made Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of April 26, 2004 and the Special Board meeting of May 4, 2004.

**VILLAGE MANAGER'S REPORT**

1. Last week, I traveled to Binghamton to sign an agreement with the NYS Department of Transportation from which the Village will receive \$1.881 million in Functional Replacement money for the new fire house.

Minutes - Regular Village Board Meeting  
5/17/04

2. Rumors have been floating around that the Village has lost its Health Insurance. This is not true. The insurance did not lapse and all employees and retirees were covered, are covered, and will continue to be covered.
3. Our big street sweeper has been out of service. It needed a new transmission, which has been installed. It was tested today, and street sweeping activities will begin again tomorrow.
4. Jill Kenny has been selected by her peers to chair the Design Review Board.
5. The Village had its Litter Pluck on May 8<sup>th</sup>. Bags and bags of garbage were picked up. We extend our thanks to all the volunteers who are working to keep Monticello clean.
6. We've had another day at the Issues Conference regarding the Sullivan County Landfill. Negotiations were stalled over the SPECS demand for a \$20,000 Technical Assistance Grant.
7. Broadway Home had its official ribbon cutting last Friday and the Mighty M is working tirelessly to meet their June 30 opening day.
8. The Mayor and I met with Aileen Gunther to discuss various issues and to seek state money for village needs.
9. Last week, I met with our new web site developer, Matt Hirsch. We should have a prototype to review soon, along with a new and simpler address.
10. Although the Police Dept roof has been repaired, water is now seeking new entrances in to building. The DPW has ordered additional roofing material to block up this latest leak. We'll follow the water all the way to the Hudson River, if we have to.

Minutes - Regular Village Board Meeting  
5/17/04

11. We continue to have meetings with the town on consolidation of our grants office and to develop a cooperation agreement regarding parks & recreation programs.
12. The Bicentennial Committee meets this Wednesday at 7:00 pm in the Neighborhood Facility Building. All are welcome to attend.

The Manager commended "Moose" Reynolds and Billy Masters for taking and completing a Supervisor Training Course in reasonable suspicion that is offered by Partners In Safety, the organization that does Drug Testing for the Village.

**DISCUSSION OF VILLAGE'S LIABILITY INSURANCE COVERAGE - OWEN MCKANE III, DIRECTOR, COMMERCIAL SALES**

Owen McKane, Director of Commercial Sales for the William A. Smith & Sons, Inc. Company explained that they have insured the Village for the last two years and is here tonight to ask the Board to sign a three (3) year agreement with his firm. He distributed a Risk Management Proposal for the Village outlining 18 different proactive service programs that could be activated and help in reducing the Village's exposures, and also improves policies, practices and procedures.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE MAYOR TO ENTER INTO A THREE (3) YEAR CONTRACT WITH WILLIAM A. SMITH & SON, INC. FOR LIABILITY INSURANCE**

**WHEREAS**, the Village of Monticello Board of Trustees has determined that it is necessary to conduct a comprehensive risk management and compliance check analysis of all aspects of exposure for the Village; and

**WHEREAS**, the Village of Monticello Board of Trustees further has determined that it is necessary, upon said analysis, to formulate a comprehensive risk management and compliance check program for the Village; and

Minutes - Regular Village Board Meeting  
5/17/04

**WHEREAS**, William A. Smith & Son, Inc. has offered to conduct such an analysis and propose such a program that satisfies the risk management and compliance goals of the Board of Trustees; and

**WHEREAS**, said service offered is a professional service;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Board of Trustees of the Village of Monticello that the Mayor of the Village of Monticello is authorized, on behalf of the Village of Monticello, to enter into a contract, according to the parameters of the proposal herein attached, with William A. Smith & Son, Inc. for a comprehensive Risk Management and Compliance Check Program for the Village; and

**THAT** said contract shall be for a term of three years to expire August 1, 2007.

A motion was made by Trustee Oppenheim, seconded by Trustee Marinello, approved on a roll call as follows: Trustee Schoonmaker, nay, Trustee Oppenheim, aye; Trustee Marinello, aye; Trustee VanDermark, aye 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**

Mayor Barnicle opened the public hearing at 7:22 p.m.

Code Enforcement Officer Sue Flora explained that the new owner has already begun to do the work necessary for the repair of the façade in conjunction with the County Planning Department. The plan is to ensure that the renovations will blend into the architecture on Broadway. She noted also that Monitor Electric will be doing the electrical repairs.

As there were no further comments, Mayor Barnicle adjourned the public hearing at 7:25 p.m. until June 21<sup>st</sup> at 7 p.m.

Minutes - Regular Village Board Meeting  
5/17/04

**PART II OF THE ENVIRONMENTAL ASSESSMENT FORM**

Prior to the vote to declare a Negative Declaration Under SEQR, the Mayor completed Part II of the Environmental Assessment Form.

**RESOLUTION DECLARING A NEGATIVE DECLARATION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO IN REGARD TO LOCAL LAW NO. 3 OF 2004 AMENDING SECTION 252-7 OF THE VEHICLE AND TRAFFIC LAW ENTITLED LEFT TURNS PROHIBITED AT CERTAIN LOCATIONS**

**WHEREAS**, the Board of Trustees of the Village of Monticello has submitted a proposed Local Law No. 3 of 2004 amending Section 252-7 of the Vehicle and Traffic Law entitled Left Turns prohibited at certain locations; and,

**WHEREAS**, it appears that said local law is an unlisted action that is amending the Vehicle and Traffic Law; and,

**WHEREAS**, the Board of Trustees has completed an EAF.

**NOW, THEREFORE BE IT RESOLVED**, that:

1. The Board of Trustees of the Village of Monticello as given consideration to the attached short form EAF prepared in connection with the adoption of proposed proposed Local Law No. 3 of 2004 entitled, "A Local Law to amending Section 252-7 of the Vehicle and Traffic Law entitled Left Turns prohibited at certain locations.
2. The Board of Trustees of the Village of Monticello does hereby determine that the adoption of said local law will not result in any significant adverse environmental impacts.
3. 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.

Minutes - Regular Village Board Meeting  
5/17/04

**PUBLIC HEARING TO REVIEW AND ADOPT LOCAL LAW NO. 3 of 2004  
AMENDING SECTION 252-7 OF THE VEHICLE AND TRAFFIC LAW  
ENTITLED LEFT TURNS PROHIBITED AT CERTAIN LOCATIONS**

Mayor Barnicle opened the public hearing at 7:28 p.m.

The Mayor explained that currently a left turn onto Route 17B west can be made either at a traffic signal off Jefferson Street by Raceway Road, or from West Broadway where there is no traffic signal. The proposal is to make the left hand turn from West Broadway illegal because of safety reasons with the expected traffic to come with the Racino opening at the Monticello Raceway on June 30<sup>th</sup>.

As there were no comments, Mayor Barnicle closed the public hearing at 7:29 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 3 of 2004 AMENDING  
SECTION 252-7 OF THE VEHICLE AND TRAFFIC LAW ENTITLED  
LEFT TURNS PROHIBITED AT CERTAIN LOCATIONS**

**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 May 17, 2004 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, NY, to hear all interested parties on a proposed Local Law entitled LOCAL LAW NO. 3 OF 2004 AMENDING SECTION 252-7 OF THE VEHICLE AND TRAFFIC LAW; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on May 7, 2004; and

**WHEREAS**, said public hearing was duly held on May 17, 2004 at 7:28 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

Minutes - Regular Village Board Meeting  
5/17/04

**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. 3 of 2004, entitled AMENDING SECTION 252-7 OF THE VEHICLE AND TRAFFIC LAW; 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 Oppenheim, unanimously approved on a roll call vote to adopt the above resolution.

\*Mayor Barnicle directed that a warning sign be posted at the intersection of West Broadway and Route 42S (at the blinker light) advising drivers that there is no left turn at Route 17B and also at the Route 17B and West Broadway intersection.

**PART II OF THE ENVIRONMENTAL ASSESSMENT FORM**

Prior to the vote to declare a Negative Declaration Under SEQRA, the Mayor completed Part II of the Environmental Assessment Form.

Minutes - Regular Village Board Meeting  
5/17/04

**RESOLUTION DECLARING A NEGATIVE DECLARATION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO IN REGARD TO LOCAL LAW NO. 4 of 2004 AMENDING SECTION 252-24 ENTITLED FIFTEEN MINUTE PARKING BY DELETING SECTION A(2)**

**WHEREAS**, the Board of Trustees of the Village of Monticello has submitted a proposed Local Law No. 4 of 2004 amending Section 252-24 entitled Fifteen Minute Parking by deleting Section A (2) by Deleting Section A(2); and,

**WHEREAS**, it appears that said local law is an unlisted action that is amending the Vehicle and Traffic Law; and,

**WHEREAS**, the Board of Trustees has completed an EAF.

**NOW, THEREFORE BE IT RESOLVED**, that:

1. The Board of Trustees of the Village of Monticello as given consideration to the attached short form EAF prepared in connection with the adoption of proposed proposed Local Law No. 4 of 2004 entitled, "A Local Law to amending Section 252-24 of the Vehicle and Traffic Law entitled Fifteen Minute Parking by deleting Section A(2).
2. The Board of Trustees of the Village of Monticello does hereby determine that the adoption of said local law will not result in any significant adverse environmental impacts.
3. This resolution shall take effect immediately.

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

**PUBLIC HEARING TO REVIEW AND ADOPT LOCAL LAW NO. 4 of 2004 AMENDING SECTION 252-24 OF THE VEHICLE AND TRAFFIC LAW ENTITLED FIFTEEN MINUTE PARKING BY DELETING SECTION A (2)**

Mayor Barnicle opened the public hearing at 7:33 p.m.

Minutes - Regular Village Board Meeting  
5/17/04

The Mayor explained that this local law is to eliminate the three 15 minute parking space in front of the Promenade Building that were created for the benefit of the bakery that had temporarily relocated to that building because of a fire at their permanent location on the west end of Broadway.

As there were no comments, Mayor Barnicle closed the public hearing at 7:34 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 4 of 2004 AMENDING SECTION 252-24 OF THE VEHICLE AND TRAFFIC LAW ENTITLED FIFTEEN MINUTE PARKING BY DELETING SECTION A (2)**

**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 May 17, 2004 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, NY, to hear all interested parties on a proposed Local Law entitled LOCAL LAW NO. 4 OF 2004 AMENDING SECTION 252-24 OF THE VEHICLE AND TRAFFIC LAW; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on May 7, 2004, 2004; and

**WHEREAS**, said public hearing was duly held on May 17, 2004 at 7:33 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

Minutes - Regular Village Board Meeting  
5/17/04

**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. 4 of 2004, entitled AMENDING SECTION 252-24 OF THE VEHICLE AND TRAFFIC LAW; 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 VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

**PART II OF THE ENVIRONMENTAL ASSESSMENT FORM**

Prior to the vote to declare a Negative Declaration Under SEQR, the Mayor completed Part II of the Environmental Assessment Form.

**RESOLUTION DECLARING A NEGATIVE DECLARATION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO IN REGARD TO LOCAL LAW NO. 5 of 2004 AMENDING SECTION 280-19 OF THE VILLAGE CODE ENTITLED SIGNS AND BILLBOARDS**

**WHEREAS**, the Board of Trustees of the Village of Monticello has submitted a proposed Local Law No. 5 of 2004 amending Section 280-19 amending Section 280-19 of the Village Code entitled Signs and Billboards; and,

**WHEREAS**, it appears that said local law is an unlisted action that is amending the Vehicle and Traffic Law; and,

**WHEREAS**, the Board of Trustees has completed an EAF.

**NOW, THEREFORE BE IT RESOLVED**, that:

Minutes - Regular Village Board Meeting  
5/17/04

1. The Board of Trustees of the Village of Monticello as given consideration to the attached short form EAF prepared in connection with the adoption of proposed proposed Local Law No. 5 of 2004 entitled, "A Local Law to amending Section 280-19 of the Village Code entitled Signs and Billboards.
2. The Board of Trustees of the Village of Monticello does hereby determine that the adoption of said local law will not result in any significant adverse environmental impacts.
3. This resolution shall take effect immediately.

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

**PUBLIC HEARING TO REVIEW AND ADOPT LOCAL LAW NO. 5 of 2004  
AMENDING SECTION 280-19 OF THE VILLAGE CODE ENTITLED SIGNS  
AND BILLBOARDS**

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

The Mayor explained that there are four main changes to the sign regulations as follows:

No further billboard signs can be erected, but the existing signs will be "non-conforming" and can still remain up such as billboards on Rt. 17B, however, no other ones can be put up as the Board does not feel that aesthetically billboards is what is wanted in the Village.

Sandwich signs where there is a sidewalk the sign can be no further than 36 inches away from the building, and thoroughfares without sidewalks can not have sandwich signs (such as Route 17B, Route 42, etc.).

From this point on no signs can be "backlit", they can either be lettered or carved wood in front of the store in order to keep the plan to make Monticello a "quaint Village". He also noted that the County does not award

Minutes - Regular Village Board Meeting  
5/17/04

sign money for any backlit signs, so in keeping with our fellow government, the Village does not think it would be appropriate to have backlit sign in the architectural context that is being created for the Village in the future.

The last change is regarding size of the sign, the first story can be 10% of the building façade, or 50 sq. ft. whichever is less. In summary, the size of the sign will be smaller based upon the size of the business not the total size of the building.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:42 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 5 of 2004 AMENDING SECTION 280-19 OF THE VILLAGE CODE ENTITLED SIGNS AND BILLBOARDS**

**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 May 17, 2004 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, NY, to hear all interested parties on a proposed Local Law entitled LOCAL LAW NO. 5 OF 2004 AMENDING SECTION 280-19 OF THE VILLAGE CODE ENTITLED SIGNS AND BILLBOARDS; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on May 7, 2004; and

**WHEREAS**, said public hearing was duly held on May 17, 2004 at 7:39 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

Minutes - Regular Village Board Meeting  
5/17/04

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. 5 of 2004, entitled LOCAL LAW NO. 5 OF 2004 AMENDING SECTION 280-19 OF THE VILLAGE CODE ENTITLED SIGNS AND BILLBOARDS; 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 Oppenheim, unanimously approved on a roll call vote to adopt the above resolution.

**PART II OF THE ENVIRONMENTAL ASSESSMENT FORM**

Prior to the vote to declare a Negative Declaration Under SEQRA, the Mayor completed Part II of the Environmental Assessment Form.

**RESOLUTION DECLARING A NEGATIVE DECLARATION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO IN REGARD TO LOCAL LAW NO. 6 OF 2004 RESCINDING LOCAL LAW NO. 11 OF 2002 ESTABLISHING ALTERNATE MEMBERS TO THE DESIGN REVIEW BOARD**

**WHEREAS**, the Board of Trustees of the Village of Monticello has submitted a proposed Local Law No. 6 of 2004 rescinding Local Law No. 11 of 2002; and,

**WHEREAS**, it appears that said local law is an unlisted action that is amending the Village Code; and,

**WHEREAS**, the Board of Trustees has completed an EAF.

Minutes - Regular Village Board Meeting  
5/17/04

**NOW, THEREFORE BE IT RESOLVED,** that:

1. The Board of Trustees of the Village of Monticello as given consideration to the attached short form EAF prepared in connection with the adoption of proposed proposed Local Law No. 6 of 2004 entitled, "A Local Law to rescinding Local Law No. 11 of 2002 Establishing Alternate Members of the Design Review Board.
2. The Board of Trustees of the Village of Monticello does hereby determine that the adoption of said local law will not result in any significant adverse environmental impacts.
3. This resolution shall take effect immediately.

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

**PUBLIC HEARING TO REVIEW AND ADOPT LOCAL LAW NO. 6 OF 2004  
RESCINDING LOCAL LAW NO. 11 OF 2002 ESTABLISHING ALTERNATE  
MEMBERS TO THE DESIGN REVIEW BOARD**

Mayor Barnicle opened the public hearing at 7:45 p.m.

The Mayor explained that this local law rescinds the prior local law passed in 2002 establishing alternate members to the Design Review Board. The Design Review Board will consist of three (3) board members with no alternates. He noted that the three members of the Board are Chairperson Jill Kenny, Ken Goldfarb and Luis Velasco.

The Mayor indicated that the Board is considering creating an Architectural Design Review Board to get better control of color patterns that the business owners are using, etc.

As there were no comments, Mayor Barnicle closed the public hearing at 7:47 p.m.

Minutes - Regular Village Board Meeting  
5/17/04

**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE  
VILLAGE OF MONTICELLO OF LOCAL LAW NO. 6 OF 2004 RESCINDING  
LOCAL LAW NO. 11 OF 2002**

**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 May 17, 2004 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, NY 12701 to hear all interested parties on a proposed Local Law entitled LOCAL LAW NO. 6 OF 2004 RESCINDING LOCAL LAW NO. 11 OF 2002 ESTABLISHING ALTERNATE MEMBERS OF TO THE DESIGN REVIEW BOARD; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on May 7, 2004; and

**WHEREAS**, said public hearing was duly held on May 17, 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. 6 of 2004, entitled RESCINDING LOCAL LAW NO. 11 OF 2002 ESTABLISHING ALTERNATE MEMBERS OF TO THE DESIGN REVIEW BOARD; and be it further

Minutes - Regular Village Board Meeting  
5/17/04

**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 Oppenheim, unanimously approved on a roll call vote to adopt the above resolution.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO, NEW YORK, AUTHORIZING THE ISSUANCE OF A REPLACEMENT BOND ANTICIPATION NOTE.**

**WHEREAS**, the Village of Monticello issued a bond anticipation note in bearer form on October 3, 2003 in the amount of \$106,314, payable on October 1, 2004 (the "Note"); and,

**WHEREAS**, Hudson United Bank (the "Owner") has informed the Village Treasurer that it is the owner of the Note but has lost the Note and has requested that the Village issue a replacement note in accordance with Section 164.00 of the Local Finance Law; and,

**WHEREAS**, the Owner has furnished a Lost Instrument Bond issued by Vigilant Insurance Company, being Bond No. 8303-45-08 (the "Lost Instrument Bond");

**NOW THEREFORE, BE IT RESOLVED, AS FOLLOWS:**

1. The Lost Instrument Bond is hereby accepted by the Village.

2. The Village Treasurer is hereby authorized to cause to be prepared, executed and delivered to the Owner a replacement bond anticipation note in substantially the form attached hereto as Exhibit A, in accordance with the provisions of Section 164.00 of the Local Finance Law.

3. This resolution is effective immediately.

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  
5/17/04

**RESOLUTION ACCEPTING APPROVAL OF NOMINATIONS OF LINE OFFICERS ELECTED BY THE GENERAL CONVENTION OF THE FIRE DEPARTMENT**

**WHEREAS**, the Monticello Fire Department has nominated and elected the Chief, and the first and second assistant Chiefs and President and Vice President at their annual meeting held on Tuesday, April 6, 2004; and,

**WHEREAS**, the recording secretary, James M. Kilgore, has filed in the Office of the Village Clerk a certificate of nomination of these Officers.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby accept approval of the nominations of the following line officers:

|                     |                   |
|---------------------|-------------------|
| Chief               | Michael Bastone   |
| 1st Assistant Chief | Glenn Somers      |
| 2nd Assistant Chief | Marc Friedland    |
| President           | Michael Bernstein |
| Vice President      | Jon Wells         |

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

**SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS (1) THE PROPOSED GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF MONTICELLO, (2) A SUMMARY OF THE ENTIRE PROPOSED BUDGET FOR THE 2004/05 FISCAL YEAR (3) SANITATION RATES AND (4) SETTING WATER RATES FOR THE 2004/05 FISCAL YEAR FOR MONDAY, JUNE 7, 2004 AT 7:00 P.M.**

**WHEREAS**, the Board of Trustees of the Village of Monticello has prepared a proposed general Village budget and appurtenant summary of the entire Village budget for the fiscal year 2004-2005, which commences August 1, 2004; and

**WHEREAS**, the Board of Trustees of the Village of Monticello has prepared proposed sanitation rates for the fiscal year 2004-2005; and

Minutes - Regular Village Board Meeting  
5/17/04

**WHEREAS, the** Board of Trustees of the Village of Monticello has prepared proposed water rates for the fiscal year 2004-2005; 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 budgets for the 2004-2005 fiscal year, so that the public may be heard;

**NOW, THEREFORE,** it is hereby **RESOLVED,** that a public hearing be held by the Village Board of Trustees with respect to the aforesaid proposed budgets at 7:00 p.m. on June 7, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 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.

**RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 7 OF 2004 ESTABLISHING THE VILLAGE OF MONTICELLO SEWER RENTS FOR 2004/05 FOR MONDAY, JUNE 7, 2003 AT 7:00 P.M.**

**WHEREAS,** the Board of Trustees of the Village of Monticello has prepared proposed schedule of sewer rents for the fiscal year 2004-2005; and

**WHEREAS,** said sewer rents are established annually by local law; 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 village sewer rates schedule for the 2004-2005 fiscal year, so that the public may be heard;

Minutes - Regular Village Board Meeting  
5/17/04

**NOW, THEREFORE,** it is hereby **RESOLVED,** that a public hearing be held by the Village Board of Trustees of the Village of Monticello with respect to the aforesaid proposed sewer rents schedule at 7:00 p.m. on June 7, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 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.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING TIME AND PLACE FOR A PUBLIC HEARING IN COOPERATION WITH THE TOWN BOARD OF THE TOWN OF THOMPSON REGARDING PROPOSED ANNEXATION FROM THE TOWN INTO THE VILLAGE TO BE HELD ON TUESDAY, JUNE 1, 2004**

**WHEREAS,** the Board of Trustees of the Village of Monticello has received a petition from the requisite number of owners for the annexation of certain real property designated as SBL 22-1-11 in the Town of Thompson from the Town of Thompson into the Village of Monticello in accordance with NYS General Municipal Law § 703; and

**WHEREAS,** the Village Board of Trustees must hold a public hearing regarding said proposed annexation in a joint session with the Town Board of the Town of Thompson under NYS General Municipal Law § 704;

**WHEREAS,** after consultation with the Town Board of the Town of Thompson, the Board of Trustees of the Village of Monticello does wish to set a time and place for a joint public hearing with the Town of Thompson Town Board concerning said proposed annexation, so that the public may be heard;

Minutes - Regular Village Board Meeting  
5/17/04

**NOW, THEREFORE, BE IT RESOLVED,** that a public hearing be held by the Village Board of Trustees of the Village of Monticello in conjunction with the Town Board of the Town of Thompson with respect to the aforesaid proposed annexation at 7:30 p.m. on June 1, 2004, at Town of Thompson Town Hall, 4052 Route 42, Monticello, NY 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 Oppenheim, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Oppenheim, aye; Trustee Marinello, aye; Trustee VanDermark, aye; to adopt the above resolution. Motion 3 ayes - 1 nay.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO REFERRING ZONING CHANGE REQUEST TO PLANNING BOARD FOR SBL 118A-1-3.1 FROM R-2 (SINGLE FAMILY RESIDENCE TO RM (MULTIPLE DWELLINGS)**

**WHEREAS,** there is a petition by a certain property owner in the Village to change the zoning of his parcel from R-2 to RM; and

**WHEREAS,** in order to make an informed decision on said request, the Village Board desires the advice of its Planning Board regarding said request;

**NOW, THEREFORE, BE IT HEREBY RESOLVED,** by the Board of Trustees of the Village of Monticello that the request for a zoning change regarding the property in the Village designated by tax map number 118A-1-3.1 from R-2 to RM be referred to the Village Planning Board for its recommendation within 60 days of the date of this resolution.

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  
5/17/04

**APPOINTMENT OF CHAIRMAN OF THE HUMAN RIGHTS COMMISSION FOR  
A ONE YEAR TERM**

Mayor Barnicle recommended that Alvin Dumas be reappointed as Chairman of the Human Rights Commission to serve a second term in the capacity.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to reappoint Alvin Dumas as Chairman of the Human Rights Commission for a one year term to expire April 2005.

**AWARDING OF BID - SCRAP METAL**

A motion was made Trustee Marinello, seconded by Trustee Oppenheim, unanimously approved on a roll call to award the bid for Scrap Metal to **Weinert Rcycling Co., Inc.** in the amount of **\$50.00 net ton.**

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN  
AGREEMENT WITH SASS LIIMONIT AS A CREATIVE ARTS INSTRUCTOR  
AT THE NEIGHBORHOOD FACILITY BUILDING**

**WHEREAS**, the Park & Recreation Department will be offering a Creative Arts Program at the Neighborhood Facility Building; and,

**WHEREAS**, Sass Liimonti has agreed to give these Creative Arts lessons.

**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 Sass Liimonti as a Creative Arts Instructor at the Neighborhood Facility Building.

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

Minutes - Regular Village Board Meeting  
5/17/04

**RESOLUTION DECLARING VILLAGE OWNED VEHICLES AND OTHER  
EQUIPMENT OF THE MONTICELLO SURPLUS AND AUTHORIZING THE  
VILLAGE CLERK TO ADVERTISE FOR BIDS FOR SOME OF THIS  
EQUIPMENT**

**WHEREAS**, various departments have vehicles and equipment that are no longer needed or used by various departments;

**WHEREAS**, the Village has determined that this equipment is no longer needed; and,

**WHEREAS**, the Village of Monticello wants to advertise this equipment to the highest bidder.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids to sell to the highest bidder the following surplus equipment:

1986 Pontiac Fire Bird  
1995 Chevy Caprice  
1998 Ford Crown Vic  
1999 Ford Crown Vic  
1989 Trailer Frame with Axles & Wheels  
1989 Chevy Caprice  
Layton Truck Paver Model H500B  
10 FT Tail Gate Spreader  
8 FT Fisher Snow Plow Blade Only  
7 ½ FT Fisher Snow Plow Off S10 Blazer  
8 FT Meyers Snow Plow Off Fullsize Chevy Blazer

Parks & Recreation Department

Bench press with squat rack  
Hydrafitness machine with chest, knee, shoulder  
(similar to cybex)  
Body by Jake back and abs  
2 lat. Pulldown stacks

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  
5/17/04

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MONTICELLO AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT  
AND EXECUTE A DEED FOR THE SALE OF SURPLUS REAL PROPERTY**

**WHEREAS**, the Village of Monticello acquired a parcel of land on Broadway in the Village of Monticello by virtue of abandonment; and

**WHEREAS**, it is no longer necessary for the Village to retain said property; and

**WHEREAS**, it is in the best interests of the Village to transfer said parcel into private ownership, so that it may aid in the revitalization of the Village's commercial district and be placed back upon the tax rolls; and

**WHEREAS**, the Village has placed the parcel identified as 268 Broadway and further identified as tax map # 111-5-13 for sale by bid and has identified the successful bidder as Eric Kashan;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Board of Trustees of the Village of Monticello, that said Board of Trustees hereby authorizes the Mayor, on behalf of the Village, to enter into a Contract of Sale with Eric Kashan for the purchase of 268 Broadway as heretofore identified, as being in the best interests of the Village and its residents; and be it further

**RESOLVED**, that said sale is contingent upon a clause to be part of said Contract whereby purchaser must commence construction of purchaser's project on the demised premises within two years of purchase or forfeit said property back to the Village and 10% of the purchase price; and be it further

**RESOLVED**, that the Mayor, on behalf of the Village, cause to be transferred said property at closing upon satisfaction of Contract by virtue of a deed signed by the Mayor as the Village's duly appointed representative.

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  
5/17/04

**PUBLIC COMMENT**

**DISCUSSION OF JUNK CAR WEEK FOR JUNE**

Mayor Barnicle felt that the Village needs to have an annual "Junk Car Retrieval" Week in the month of June. A local junk car dealer assured the Mayor that if the Village would publish a public notice and announce that junk cars will be picked up at no cost of the owner, the dealer will haul them away and pay the Village \$75.00 per vehicle.

He directed the Village Attorney to set up a release form. He suggested that this promotion be done the week of June 21<sup>st</sup>.

**DISCUSSION REGARDING UNION APPRENTICE PROGRAM/PROJECT LABOR AGREEMENT**

Mayor Barnicle noted that the Unions gave a presentation at a Joint Informational meeting last Monday. He was interested including this program in the new firehouse project.

**ATTORNEY/CLIENT CONFERENCE**

At 8:12 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move into an Attorney/Client conference for legal advise.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8:17 p.m., the Mayor reconvened the Regular Village Board meeting.

Mayor Barnicle scheduled a public hearing to discuss the benefits or the negatives of the Apprentice Program on Monday, June 7, 2004 at 7 p.m.

Minutes - Regular Village Board Meeting  
5/17/04

**ORDERING BILLS PAID**

**Fiscal Year 2003/04**

General Fund Claims #1007-1071 in the amount of \$171,345.86 said set forth in abstract A-19 dated May 17, 2004.

Water Fund Claims #256-280 in the amount of \$26,632.38 said set forth in abstract F-19 dated May 17, 2004.

Sewer Fund Claims #192-203 in the amount of \$136,651.81 said set forth in abstract G-19 dated May 17, 2004.

Sanitation Fund Claims #57-62 in the amount of \$36,851.41 said set forth in abstract CL-19 dated May 17, 2004.

Capital Fund Claims #49-55 the amount of \$300,358.45 said set forth in abstract H-19 dated May 17, 2004.

Community Development Fund Claims 104-110 in the amount of \$46,228.26 said set forth in abstract CD-19 dated May 17, 2004.

Trust and Agency Fund Claims #76-104 in the amount of \$14,985.53 said set forth in Abstract TA-19 dated May 17, 2004.

A motion was made by Trustee Marinello, seconded by Trustee Oppenheim, 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**

**County Landfill Expansion Public Hearing**

Barbara Burton felt that the Landfill public hearing was very informative and an opportunity to learn more about Sullivan County. Also, it became evident how important the need for is a Comprehensive Plan.

Minutes - Regular Village Board Meeting  
5/17/04

**Running Water/Sewer Problem**

Becky Whipple asked for the Village to investigate water seeping out continually on Lloyd Lane.

**Commercial Traffic on Residential Streets**

Betty Friedland questioned when the signs are going up to advise commercial vehicles that they are not allowed on residential streets. She noted the law was passed many months ago, and the signs still haven't been posted, and therefore, the law cannot be enforced and heavy vehicles continue to travel on local streets as a bypass to the main streets.

**Tractor Trailer Cab Parking**

Betty Friedland was concerned about tractor trailer cabs being parked in residential areas. She asked that possibly a local law be passed preventing this type of activity.

**Street Paving**

Betty Friedland questioned who decides which streets are paved?

**Yellow Water**

Betty Friedland questioned when her water problem will be solved as it has been going on for at least 8 years.

**Health Insurance Payments**

Betty Friedland questioned what happened to \$932,618.83 of taxpayers' money that should have been paid for employee health insurance benefits and is taxpayer money. She wanted to know why it got to the point that the coverage was almost terminated, when there should have been checks and balances within the Village government. She questioned how it happened, why no reports were reviewed to show that payments were not being paid, and where the money is coming out of the budget to pay the current and delinquent amounts. She hoped this never happens again.

Minutes - Regular Village Board Meeting  
5/17/04

**Late Water Bills**

Betty Friedland questioned why the water bills are being sent out?

Mayor Barnicle indicated that the Village will answer her questions in writing before the next meeting.

**Litter Pluck**

David Kaufman presented the Mayor with a picture of him doing the Litter Pluck at the Monticello Housing Authority.

**Increase of Taxi Rates**

Alan Kesten, owner of Yellow Cab Company asked the Board to consider raising taxi rates due to the current high cost of gasoline.

The Mayor directed the Village Clerk to include this matter on the June 7<sup>th</sup> agenda for the Board's consideration.

**Noise Complaints**

Rochelle Massey asked if the police could strictly enforce the noise ordinance as she has an ongoing problem with her neighbors playing music loudly.

**Multiple Dwelling Issues**

John Barbarite was concerned about many single family homes being converted to three families dwelling without the proper building permit and the necessary Special Use Permit being required to ensure they meet the State and Village Building Codes. He felt that this is creating substandard apartments that usually are rented to substandard tenants. He indicated he is aware of buildings that have apartments in wood frame buildings on the third story which has been banned by the State of New York for many years.

The Mayor directed Code Enforcement Officer Sue Flora to follow up on this complaint.

Minutes - Regular Village Board Meeting  
5/17/04

**Resignation of Trustee Oppenheim**

Mayor Barnicle presented outgoing Trustee Oppenheim with a dozen red roses and announced that she will be resigning effective tomorrow, Tuesday, May 18<sup>th</sup> and shortly moving to New York City. He thanked her for her time and effort in her two years serving as a Village Trustee.

Trustee Oppenheim made the following statement regarding her resignation:

Effective tomorrow, May 18<sup>th</sup> I am resigning as a Trustee of the Village of Monticello. I'm closing on my house tomorrow, and will no longer be a resident of the Village. I'd like to thank the people of Monticello for giving me the honor of representing them for the past two years. This experience has been one of the most educational, empowering, rewarding and humbling experiences in my life. I rate it right there with parenthood.

I have learned about the power of local government and about The limitations of local government, and about how no matter how much you want a new firehouse, or how much you want to have the Carlton Hotel cleaned up, it still takes a long time.

Two years is a short time in government years, but it's still enough time to have done some good. Although I can't take personal credit for it, Broadway storefronts are filling up and looking prettier, stricter code enforcement has cleaned up the side street, new businesses are popping up all over the village, and that's all happened on my watch. Of, course, I'm proudest of my role in discouraging Calpine from building a power building a power plant next to our village. Our resolution to refuse them water and sewer service really dealt the death blow to that project. That action ended up costing me dearly personally, resulting in the loss of my job with the county. However, I will be proud for the rest of my life that I was central in preserving our children's legacy of clean air And a rural environment free of heavy industry.

I regret having to leave at this point when the village is facing so many challenges. The budget is coming up and it's time to take a hard look at the village's finances. A settlement on the landfill is in limbo, and there's no guarantee that it won't still stink next year, and there's no guarantee that the village will have somewhere to put our garbage next year. Casinos are coming. Honest. And their impact on the village,

Minutes - Regular Village Board Meeting  
5/17/04

good and bad, will be enormous. Or the casinos will never come. And the village will have to find other means of increasing revenues so that the village residents can get some tax relief. But I think we have a very capable new mayor, and a very involved and dedicated Board of Trustees, and the village will survive without me.

I highly recommend running for political office. You find out that not all politicians are bad. And that you personally can make a difference. It's a tough job, but somebody's gotta do it. Why did I want to be a trustee? After September 11<sup>th</sup>, Everyone was giving blood and sending money to the Red Cross and many local people volunteered to work at Ground Zero. The President urged us all to go shopping. I felt a need to do something significant, but I was at a loss as to what that might be. But then I heard that Josephine Finn was running for Village Justice, and I thought she'd make a great judge, and I wanted to help her make history as the first black judge in Sullivan County. So I ran for Trustee to give her a good Democratic ticket to run on. And she won, and made history. And to my surprise, and probably to everyone else's surprise except Josephine, I won too. I wish I could have served out my term, but, as John Lennon once said, life is what happens while you're busy making other plans. To the mayor, the trustees, the citizens of Monticello, I wish you all the best. I will miss these meetings, honestly. God bless Monticello.

#### **EXECUTIVE SESSION**

At 8:45 p.m., a motion was made by Mayor Barnicle, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations, sale of Village owned property, personnel regarding particular persons.

#### **ADJOURNMENT**

At 9:12 p.m., a motion was made by Trustee Marinello, seconded by Trustee Oppenheim, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk

