

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, JUNE 21, 2004

**MEETING TO ORDER**

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

**PLEDGE TO THE FLAG**

**Roll Call**

Upon call of the roll, the following were present:

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

Also Present: Richard Sush, Village Manager  
E. Danielle Jose, Village Attorney  
Tim Havas, Deputy Village Attorney  
Bill Bertholf, Sewer Superintendent  
Douglas Solomon, Chief of Police  
Betsy Conaty, Director of Parks & Recreation

**MOMENT OF SILENCE**

Mayor Barnicle asked for a moment of silence in memory of the three youths whose lives were lost in a tragic traffic accident last week.

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF JUNE 7, 2004**

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of June 7, 2004 as presented.

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**FLAG DEDICATION FROM THE ROLLING THUNDER MOTORCYCLE CLUB**

Frank Baer presented the American Flag and a plaque to the Village in appreciation of the Village's cooperation to the Rolling Thunder Motorcycle Club.

**COMMENDATIONS**

**Fire Department Sponsored Poker Run**

Mayor Barnicle commended the Fire Department for their very successful Poker Run which brought in over 650, 4 wheel drive vehicles from throughout the State that participated in this fund raiser for the new firehouse. He explained that it was a 33 mile trail that started at the Concord and ended in Hurleyville.

**Police Department Professionalism**

Mayor Barnicle commended and thanked the Chief and the entire Monticello Police Department for their compassion and professionalism in handling the mourning and tragic circumstances for the funerals of the two teenagers held on Saturday.

**OLD BUSINESS**

**Adopt A Street**

Mayor Barnicle asked for each Board member's list of the five worst streets in their quadrant that they were asked to submit. He directed the Village Manager to coordinate finding someone to adopt them.

**Alternatives To Garbage Disposal At the County Landfill**

Mayor Barnicle noted that if Cell 6 is allowed to open, then there is only 2 years to find alternative means of disposing of waste. He indicated that Bob Friedland volunteered to a member of that committee along with members of the Town community.

Betty Friedland indicated that the Mayor should contact her husband as she is not sure he can serve on this committee.

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The Mayor asked the Board to think of any other members of the community that might have the knowledge to serve on this committee.

### **Human Rights Committee**

The Mayor explained that Human Rights Commission Chairman will be putting out a press release regarding seeking members to serve on this committee as it does not have the required number of members.

### **Website Update**

Mayor Barnicle asked the Manager for an update on the new website.

The Village Manager explained that the Webmaster Matt Hersh is working on the site, but a domain name must be purchased by the Village and then the site will be available to the public.

The Mayor indicated that once it is up and running it will be demonstrated at an upcoming Village Board meeting.

### **MANAGER'S REPORT**

#### **State Comptroller's Meeting**

The Village Manager reported that he, the Mayor and the Comptroller's Office and had a meeting last Friday and discussed the direction they are going to take in their performance audit on the following items: purchasing, payroll, sanitation the budget process in its entirety and the Grants Department. The Comptroller's representative will be here at least through the end of August. At the end of the process a report will be produced which the Village can respond to and then it will be released for the public's review.

#### **Congratulations**

The Village Manager announced that Bonnie Carnel had given birth to a baby girl on Friday, June 18<sup>th</sup>. Both mother and child are doing well.

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**Bicentennial Meeting**

The Village Manager announced that the next bicentennial meeting will be held on Wednesday, June 30<sup>th</sup> at 7 p.m. at the Neighborhood Facility Building.

**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 7 OF 2004 ESTABLISHING THE VILLAGE OF MONTICELLO SEWER RENTS FOR 2004/05**

Mayor Barnicle opened the public hearing at 7:17 p.m.

Bill Bertholf indicated that the rates have not changed from last year.

Harry Brantz questioned whether outside users are charged also?

The Village Clerk responded that outside users are also charged annually.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:19 p.m.

**RESOLUTION ADOPTING THE 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**

A motion was made by Trustee Marinello, seconded by Trustee Escobar for discussion.

Trustee Schoonmaker indicated that the Board should not vote on this budget as it has mistakes in it which should be corrected prior to the final vote. He explained that he discussed this matter with the Village Manager earlier today, but he does not have any answers to his concerns at this time.

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The Village Manager indicated that he believes the budget is accurate but the supplemental sheet might have errors. He noted that the budget was prepared with the help of the State auditor, the Interim Treasurer and Town Comptroller Brenda Galligan. He maintained that the budget is accurate.

Trustee VanDermark felt that the Board should further review the budget and scheduled a Special meeting for passage of the budget.

Trustee Schoonmaker indicated some of his concerns are within the payroll schedule such as a position in the Sanitation Department that has an allocation of \$66,781; however, on the payroll schedule it is listed as \$38,940. He felt this is a very large discrepancy and this matter should be resolved. He felt that some of the longevity amounts do not seem to be accurate, along with other items that should be reviewed and resolved.

The Mayor asked Trustee Schoonmaker to meet with the Manager, auditor and Interim Treasurer to straighten out some of these opened issues and the Board will schedule a Special meeting before June 30<sup>th</sup>.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to table this resolution until June 28<sup>th</sup>.

**RESOLUTION SCHEDULING A SPECIAL VILLAGE BOARD MEETING TO BE HELD ON MONDAY, JUNE 28, 2004**

**WHEREAS**, the Village Board has been discussing the tentative FY 2004/05 budget; and,

**WHEREAS**, there were some inaccuracies in the final budget that were presented; and,

**WHEREAS**, the Board of Trustees has asked that a corrected budget be presented to them for a final review and must be voted upon before July 1<sup>st</sup>.

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**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby schedule a Special Village Board meeting to be held on Monday, June 28, 2004 at 4:30 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.

**RESOLUTION ADOPTING LOCAL LAW NO. 7 OF 2004 ESTABLISHING THE VILLAGE OF MONTICELLO SEWER RENTS FOR 2004/05**

**WHEREAS**, the Village of Monticello Sewer Rents are a part of the Village Code; and,

**WHEREAS**, the established rates for the Sewer Department in order to maintain the sewer lines and the Wastewater Treatment Plant are as follows:

Inside Village Limits: \$ 1.02 per thousand of Assessment.

82% Water Consumption

Outside Village Limits: \$ 4.08 per thousand of Assessment.

82% Water Consumption

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby adopt Local Law No. 7 of 2004 establishing the Village of Monticello Sewer Rents for the 2004/05 fiscal year.

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

**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 8 OF 2004 AMENDING THE VILLAGE CODE PURSUANT TO NY VILLAGE LAW SECTION 3-300 WITH RESPECT TO THE REQUIRED RESIDENCY OF CERTAIN PUBLIC OFFICERS OF THE VILLAGE OF MONTICELLO**

Mayor Barnicle opened the public hearing at 7:26 p.m.

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Barbara Burton felt that it would be prudent to wait for the State budget.

Betty Friedland left that the Board has been making allowances for public officials to hold office when they are not Village residents. She questioned why we continue to be a village when the laws are continually being altered. She felt that the law is very explicit that public officials should live within the municipality. She did not feel that combining the Treasurer's office is combining services. She felt it is making new laws to allow them to live anywhere they want.

The Mayor responded that the Village placed two ads in the Times Herald Record for a cost of over \$3,000, and not one qualified individual applied.

Betty Friedland questioned whether the Village advertised in the NYCOM magazine? She also questioned whether any applicant was interviewed and asked whether they would be willing to move into the Village?

The Village Manager responded that no one was interviewed.

The Mayor responded that the direction that comes down from State Comptroller's Office and the County is for the Village and Town to combine services. He explained that because of this combining of services the Village will save in excess of \$85,000. He felt the combining of services is a package deal that includes the Treasurer's Office, the Grants Department and the sale of water.

Betty Friedland did not feel that these three issues should not be combined into package deal, but treated individually.

Harry Brantz noted that in earlier days the Village Manager always had to live in the Village, as well as all the other public officials. He did felt all Village officials should continue to have to live in the municipality.

The Village Attorney explained that Section 3-300 of the Village Law allows for a mechanism for this type of action and the Village is following that method.

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The Mayor explained that the State Comptroller had listed the Treasurer's position as one of the positions that can be merged.

Gordon Jenkins explained that he lives in the Village and is only interested in the Village. He felt unless someone lives in the Village they do not care about the Village.

Trustee Schoonmaker felt the local law should be limited to living in the Town of Thompson not the County of Sullivan.

The Village Attorney felt that this change would mean that a new public hearing would have to be held because the wording of the proposed local law is significantly changed.

Trustee VanDermark felt that each issue should be dealt with separately and not all lumped together, and each item voted on individually.

Trustee Marinello stated that he feels this position should be held by someone who resides in the Village; however, the number one priority is to save the taxpayers' money. In this case we are saving \$82,000 which would translate into a 3½ percent increase. He felt this position should only be held by a Town of Thompson or the Village of Monticello.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:44 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 8 OF 2004 AMENDING THE VILLAGE CODE PURSUANT TO NY VILLAGE LAW SECTION 3-300 WITH RESPECT TO THE REQUIRED RESIDENCY OF CERTAIN PUBLIC OFFICERS OF THE VILLAGE OF MONTICELLO**

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

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**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 7:46 p.m.

Mayor Barnicle explained that Code Enforcement Officer Sue Flora is working this evening at the Raceway on a mock evacuation drill prior to the Racino opening next week.

The Village Manager explained that the renovation work is progressing steadily, and he asked that the hearing be continued to the last meeting in July.

Harry Brantz questioned if the sign has been removed in the alleyway? He indicated that the alleyway is dirty and dangerous should anyone walk in it.

The Manager was not sure it had been removed yet.

The Mayor asked that the Manager give the Code Enforcement Officer a note asking that it be removed.

As there were no other comments, Mayor Barnicle adjourned the public hearing at 7:50 p.m.

**RESOLUTION CHANGING THE FIRST MEETING IN JULY FROM MONDAY,  
JULY 5, 2004 TO TUESDAY, JULY 6, 2004 AT 7 P.M. AND  
SCHEDULING A SPECIAL MEETING AT MONDAY, JULY 12, 2004 AT 7  
P.M.**

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

**WHEREAS**, the first Monday is the legal celebration of July 4<sup>th</sup> since that date falls on a Sunday; and,

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**WHEREAS**, the Village Board desires to hold a Special Meeting on Monday, July 12, 2004 to award the bid for the construction of the new firehouse and the Park Avenue Waterline Replacement Project, and any other business that might need to come before the Board at that time.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby change the first Board meeting in July from Monday, July 5<sup>th</sup> to Tuesday, July 6, 2004 and schedule a Special meeting on Monday, July 12, 2004 at 7 p.m.

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

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH ZINTIS MUIZNIKS A YOGA INSTRUCTOR AT THE NEIGHBORHOOD FACILITY BUILDING**

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

**WHEREAS**, Zintis Muiznieks has agreed to give these Yoga lessons; and,

**WHEREAS**, Zintis Muiznieks has supplied the Village with a Certificate of Insurance naming the Village as an additional insurer.

**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 Zintis Muiznieks as a Yoga Instructor at the Neighborhood Facility Building.

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

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**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MONTICELLO AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A  
CONTRACT FOR TELECOMMUNICATIONS SERVICES FOR 21 MONTHS**

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

**THAT** said Village Board hereby authorizes the Village Manager to enter into a contract with the Cornerstone Telephone Company on behalf of the Village of Monticello for the provision of certain telecommunications services for the Village of Monticello for a twenty-one month period, said rates not to exceed \$1,530.00 per month.

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

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A  
RENEWAL AGREEMENT WITH BRENDA ROBINSON TO BE THE PARK  
CUSTODIAN**

**WHEREAS**, the Village of Monticello has had a park custodian to monitor activities of deHoyos Park and open the gates in the morning and close the gates at sundown; and,

**WHEREAS**, Brenda Robinson owns property at the entrance of the deHoyos park and has assumed these duties and report any errant behavior to the Monticello Police Department and/or the Village Manager; and,

**WHEREAS**, as compensation Brenda Robinson has received is that her Village Water, Sewer and Sanitation charges be waived during the period of time she performs these duties.

**WHEREAS**, the Village of Monticello was satisfied with this arrangement for having a park attendant.

**NOW, THEREFORE BE IT RESOLVED**, that Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign a renewal agreement for the period from

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June 2, 2004 to June 1, 2005 in form approved by the Village Attorney with Brenda Robinson to be the Park Custodian with payment to be in lieu of her Water, Sewer and Sanitation - Account #474 Utility Bills.

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

**DISCUSSION REGARDING TRACTOR TRAILERS PARKING IN RESIDENTIAL AREAS**

The Mayor asked that each Board member ride through their assigned quadrants to see how many vehicles of this type and size are parked around the Village, and report their findings at the July 6<sup>th</sup> meeting to determine whether the law should be changed or the persons should be talked to individually.

The Chief of Police suggests that those individuals could be issued a permit to park in certain locations.

The Mayor directed the matter to be put on the July 6<sup>th</sup> agenda.

**CORRESPONDENCE**

A letter from Time Warner Cable announcing that effective June 18, 2004 they will be launching new digital service options geared toward Spanish speaking customers called DTV en Espanol and DTV en Espanol Plus.

**RESOLUTION AMENDING THE FEE SCHEDULE - SIDEWALK OBSTRUCTIONS**

Trustee VanDermark and Marinello both felt that a nominal cost should be charged for sidewalk obstruction permits.

**WHEREAS**, presently there is no fee for permits that are approved for sidewalk obstructions; and,

**WHEREAS**, there are administrative costs to issuing and enforcing sidewalk obstruction permits when they are approved; and,

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**WHEREAS**, the Village Board wished to attach a nominal cost when sidewalk obstructions are issued.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees does hereby approve amending the fee schedule to add a \$25.00 fee for each sidewalk obstruction permit effective immediately.

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

**RESOLUTION APPROVING SIDEWALK OBSTRUCTION PERMIT PURSUANT TO VILLAGE CODE SECTION 220-14 FOR NU DESIGN FURNITURE**

**WHEREAS**, Nu Design Furniture has filed an application for a Sidewalk Obstruction Permit to put out 2 rockers, fold up bed, small chest and chairs approximately 5' to be in front of the Nu Design Furniture Store; and,

**WHEREAS**, there will exist beyond the store front of the Nu Design Building for approximately five (5) feet additional furniture which will be an encroachment as defined in the Village Code, Section 220 which can be authorized by a permit from the Village Board for a period up to one year pursuant to Section 220-14 of the Village Code; and,

**WHEREAS**, the merchant provide a Certificate of Insurance naming the Village as additional insured; and,

**WHEREAS**, the Village Board believes it is in the best interest of the Village to permit Nu Design Furniture to allow such an encroachment by permitting the merchandise to be situated in front of the store on the sidewalk to extend by five (5) feet to permit the Nu Design Furniture store to continue to encroach on the sidewalk to December 31, 2004.

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

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**RESOLUTION APPROVING SIDEWALK OBSTRUCTION PERMIT PURSUANT TO VILLAGE CODE SECTION 220-14 FOR THE KEEPING ROOM**

**WHEREAS**, The Keeping Room has filed an application for a Sidewalk Obstruction Permit to put out small furniture items, garden items and a Vintage Dress Form approximately 5' to be in front of the Keeping Room Store; and,

**WHEREAS**, there will exist beyond the store front of the Keeping Room Building for approximately five (5) feet additional items which will be an encroachment as defined in the Village Code, Section 220 which can be authorized by a permit from the Village Board for a period up to one year pursuant to Section 220-14 of the Village Code; and,

**WHEREAS**, the merchant provide a Certificate of Insurance naming the Village as additional insured; and,

**WHEREAS**, the Village Board believes it is in the best interest of the Village to permit The Keeping Room to allow such an encroachment by permitting the merchandise to be situated in front of the store on the sidewalk to extend by five (5) feet to permit The Keeping Room store to continue to encroach on the sidewalk to December 31, 2004.

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

**ESTABLISHMENT OF ECONOMIC DEVELOPMENT BOARD**

The Mayor asked that this matter be tabled to the next Regular Village Board meeting in July when the person he is planning to appoint the Chairman of this committee.

**PUBLIC COMMENT**

**Village Complaints**

Harry Brantz encouraged anyone with a complaint or comment should come themselves to address the Board directly and not only voice their opinions to him alone.

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**Dirty Water Concerns**

Betty Friedland indicated that the Mayor told her in a phone conversation this afternoon that her water problem was discussed in Executive Session at the last meeting and a vote was taken not to give her and several other residences a reduction on her quarterly water bill to compensate for the additional water they must use because they have to run their faucets to get rid of the yellow water before they can wash clothes, take showers, etc. She brought some samples of water from her faucets in her home showing the discoloration, and also a discolored silverware rack from her dishwasher. She noted that the Village Engineer has told the Manager that it would cost \$700,000 to correct the problem. She asked that something be done as the problem has been going on for years, and the Village is again about to raise their taxes and nothing is being done. She noted that Atwell Lane has been paved even though many students walked to the three different grade schools in that neighborhood.

Ursula Tieger noted that recently sheets that she washed at home were ruined due to yellow water stains on them. She also complained about the low water pressure in her home.

Betty Friedland complained that she called the Water Department to ask that someone take a water sample of the yellow water and no one bothered to call her back. She asked that some call her tomorrow morning to discuss the problem. She questioned when she will get a response to her concerns?

Becky Whipple also noted that this neighborhood's concerns are not being resolved even though three schools are having similar problems and bottle watered is now being distributed for the students to drink.

The Mayor responded that the Village Attorney will respond in writing to her.

The Mayor responded that all employees were directed to return all phone calls within 24 hours.

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### **Unregistered Vehicles**

Rochelle Massey questioned what the Village is doing about all the unregistered vehicles on properties throughout the Village?

The Mayor responded that this is "junk car" week so if people call a dealer will pick up the vehicles at no charge. The Mayor also noted that shortly an assistant Code Enforcement Officer will be hired to help correct some of the violations.

### **Village Eyesore**

Beverly Santarelli, a property owner on Cross Street, complained about a dilapidated structure on the corner of Park Avenue and Monticello Street that is not only an eyesore, but dangerous. She complained that the grass hasn't been cut, doors are opened and the pipes busted. Ms. Santarelli explained that she has complained many times to various employees in the Village and nothing has been done.

The matter was referred to the quadrant leader, Trustee Marinello, who will report back at the next meeting.

### **Deer Population**

Bess Davis was concerned with the number the number of deer crossing the roadways within the Village without any signs posted for motorists to be warned.

### **EXECUTIVE SESSION**

At 8:32 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss litigation.

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**ADJOURNMENT**

AT 9:04 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk