

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, SEPTEMBER 20, 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
Alan Reynolds, Highway Superintendent
Sue Flora, Enforcement Officer
Mike Bastone, Fire Chief
Bill Bertholf, Sewer Superintendent
Carl Houman, Director of Fire Services

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF SEPTEMBER
7, 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 regular meeting of September 7, 2004 as presented.

OLD BUSINESS

Main Street Grant Submission

Mayor Barnicle thanked the Senator Bonacic and the County for their letters of support that were included with the grant application.

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Jefferson Street Paving

Mayor Barnicle announced that the paving of Jefferson Street has begun and should be completed by Friday. He thanked the Town of Thompson, the State DOT and the Town of Forestburgh for their cooperation with equipment and manpower in getting this project completed and keeping the costs to a minimum.

Quadrant Survey

The Mayor asked each Board member to survey their quadrant for violations.

MANAGER'S REPORT

Sanitation Rate Increase

The Manager explained that the Village is in the process of reviewing the sanitation rates in light of the increased tipping fees at the County Landfill. A survey will be done of the private carters' rates to ensure the Village is breaking even in the Sanitation Department. He noted that he will have a report by the next Board's meeting.

Mayor Barnicle felt that the Board must get stricter with enforcement of the sanitation laws including mandatory recycling; garbage put out in cans not just in plastic bags so it can get wet and cost the Village more because it is heavier.

The Village Manager indicated that he has a draft of a letter he will be sending to Village property owners explaining the rules and the reason for them. The Code Enforcement Officer will be enforcing these laws.

Web Site Development

The Village Manager explained that Trustee VanDermark had suggested that the Village try to find other companies and compare prices. He will be meeting with these companies and have a decision by the next meeting.

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**PRESENTATION BY DARREN BALL OF CERTIFIED AMBULANCE GROUP
REGARDING RECOVERY PROGRAM**

Darren Ball explained his company's principal and primary business is recovery or reimbursement by an individual's insurance carrier for rescue calls services (no fault collisions in vehicle accidents) by the fire department. His company submits the claim to the individuals' insurance carrier and the reimbursement, less 15% is given back to the fire department that performed the services. He explained that this program will allow the fire department be reimbursed for their expenditures that they incurred on that particular incident that may or may not have been budgeted for. These funds that are recovered are typically used by the fire departments to purchase excavation tools, vehicles, etc.

The Mayor asked Trustee Schoonmaker to be the liaison with the Fire Department regarding this matter, and also directed Mr. Ball to send a copy of a proposal to the Village Attorney for her review, for possible action at the next Village Board meeting.

**RESOLUTION ADOPTING LOCAL LAW 12 OF 2004 AMENDING CHAPTER
200 OF THE VILLAGE CODE KNOWN AS THE "PROPERTY MAINTENANCE
CHAPTER" AND CHAPTER 177 ENTITLED "LITTERING" AND CHAPTER
177 ENTITLED "LITTERING" AS MODIFIED**

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

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

WHEREAS, the Board of Trustees of the Village of Monticello has determined that Local Law 12 of 2004 provides a more effective way to address the property maintenance issues referenced above than previously provided for in Chapters 200 and 177 of the Code of the Village of Monticello; and

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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. 12 of 2004, entitled a Local Law Amending Chapter 200 of the Village Code known as the "Property Maintenance Chapter" and Chapter 177 Entitled "Littering" as modified; 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 Schoonmaker, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION ADOPTING LOCAL LAW NO. 13 OF 2004 AMENDING CHAPTER 252 - SECTION 252-23 ENTITLED PARKING METER ZONES ESTABLISHED OF THE CODE OF THE VILLAGE OF MONTICELLO

The Mayor explained that this law is only a resolution to adopt a change, if the Board chooses to install meters to North Street and Government Drive. He explained that he had had conversations with the Chairman of the Legislature Chris Cunningham and County Manager Dan Briggs regarding this law.

Trustee Schoonmaker asked that this matter be tabled until the County is asked for their input as a respect to the County Government.

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The Mayor explained that when he spoke to each of them this afternoon, he told them that he will meet with them to discuss it prior to any action being taken to install these meters.

County Legislator Sam Wohl indicated that the County felt they are being penalized by this local law and asked that this matter be tabled until the County gives in their input.

A motion was made by Trustee Escobar, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to table the next Village Board meeting.

RESOLUTION ACCEPTING THE DONATION OF BUSINESS DIRECTORY SIGNS FROM THE MONTICELLO CHAMBER OF COMMERCE

WHEREAS, the Monticello Chamber of Commerce wishes to provide directory signs directing shoppers to Monticello businesses; and

WHEREAS, the Village Board agrees that the Village's economic interest will be enhanced by cooperating with the Chamber in this effort; and

WHEREAS, the Chamber will provide the directory signs at no cost to the Village of Monticello; and

WHEREAS, the Village's responsibility will be to assist in the installation of the signs in Village-approved locations;

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello accept the donation of the business directory signs from the Monticello Chamber of Commerce.

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

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

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

WHEREAS, by bond resolution dated March 3, 2003, the Board of Trustees of the Village of Monticello, Sullivan County, New York, authorized the issuance of an aggregate \$525,000 serial bonds of said Village to pay (a) \$325,000 for the acquisition of land and (b) \$200,000 to finance a portion of the \$2,800,000 estimated maximum cost of the design and construction of a new fire house thereof for use by the Village Fire Department, in and for said Village of Monticello, Sullivan County, New York, including incidental expenses in connection therewith; and

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

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

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

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

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

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

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

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

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

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

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

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to

impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

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2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined

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that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

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

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

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation Of the provisions of the Constitution.

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

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

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

RESOLUTION AUTHORIZING THE ISSUANCE OF \$116,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A SWEEPER FOR USE BY THE HIGHWAY DEPARTMENT IN AND FOR SAID VILLAGE

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

Section 1. For the specific object or purpose of paying the cost of the purchase of a sweeper for use by the Village's Highway Department, including incidental equipment and expenses in connection therewith, for the Village of Monticello, Sullivan County, New York, there are hereby authorized to be issued \$116,000 serial bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$116,000, and the plan for the financing thereof shall be by the issuance of the \$116,000 serial bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

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

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the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

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

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

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

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

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

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Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Sections 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

Section 12. This resolution is adopted subject to permissive referendum in accordance with Section 35.00 of the Local Finance Law.

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

RESOLUTION AUTHORIZING THE ISSUANCE OF \$26,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF A POLICE VEHICLE FOR SAID VILLAGE

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

Section 1. For the specific object or purpose of paying the cost of the purchase of a police vehicle to replace a similar vehicle in service for at least one year, for the Village of Monticello, Sullivan County, New York, including original equipment and incidental expenses in connection therewith, there are hereby authorized to be issued \$26,000 serial bonds of the Village of Monticello, Sullivan County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is \$26,000, and the plan for the financing thereof is by the issuance of the \$26,000 serial bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is three years, pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law. It is therefore hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed three years.

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

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

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

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

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

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

Section 9.The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in full in the Sullivan County Democrat, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF A MOWER FOR SAID VILLAGE

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

Section 1. For the specific object or purpose of paying the cost of the acquisition of a mower, including original equipment and incidental expenses in connection therewith, in and for the Village of Monticello, Sullivan County, New York, there are hereby authorized to be issued \$6,000 serial bonds of said Village pursuant to the Local Finance Law.

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Section 2. The maximum estimated cost of the aforesaid specific object or purpose is \$6,000, and the plan for the financing thereof is by the issuance of the \$6,000 serial bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is therefore hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

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

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

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

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

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

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Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in full in the Sullivan County Democrat, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

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**RESOLUTION SCHEDULING A JOINT PUBLIC HEARING ON MONDAY,
OCTOBER 3, 2004 OR TUESDAY, OCTOBER 4, 2004 FOR THE TOWN OF
THOMPSON TOWN BOARD AND THE BOARD OF TRUSTEES OF THE
VILLAGE OF MONTICELLO WITH REGARD TO ANNEXATION BY THE
VILLAGE OF MONTICELLO OF LAND PRESENTLY IN THE TOWN OF
THOMPSON, SAID LAND DESIGNATED AS SBL 22-2-18 ON THE TOWN
OF THOMPSON TAX MAP**

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;

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 Monday, October 4, 2004 or Tuesday, October 5, 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 Escobar, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

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RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN "OUTSIDE USER AGREEMENT" WITH RESPECT TO WATER SERVICES FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO WITH ELLIOTT WILKINS WITH REGARD TO HIS PROPERTY ON 18 HIGHLAND AVENUE (TOWN OF THOMPSON TAX MAP, SBL 22-2-18), SAID AGREEMENT BEING FOR A TERM OF NINETY (90) DAYS, THE FINAL FORM OF SAID AGREEMENT TO BE APPROVED BY THE VILLAGE ATTORNEY

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Board of Trustees of the Village of Monticello, New York (the "Village") on September 20, 2004, for the annexation of certain territory in the Town of Thompson, New York (the ATown@) to the Village, said territory being described in said petition which is annexed hereto; and,

WHEREAS, while the petition is being considered, the owner of said property, Elliott Wilkins, desires to utilize Village water services at the standard rate for outside users for a period limited to ninety (90) days; and,

WHEREAS, previous property owners attempting to annex into the Village have heretofore been permitted to receive water service at an outside user rate from the Village of Monticello; and,

WHEREAS, Richard Shields, the previous owner of the subject property had an agreement for water service which was approved by the Village Board and recorded in the Sullivan County Clerk's Office; and,

WHEREAS, by virtue of the Village having provided water service to the subject property previously, the infrastructure and necessary apparatus is available on the property; and

WHEREAS, the Village water department has supervised an inspection of the infrastructure and necessary apparatus which have been found to be functional; and,

WHEREAS, the Village of Monticello, while not looking to expand said services, desires to reduce the agreement between Elliott Wilkins and the Village of Monticello to a written agreement.

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

(1) The Village Manager is authorized to execute an "Outside User Agreement" with respect to water services for and on behalf of the Village of Monticello with Elliott Wilkins with regard to his property on 18 Highland Avenue (Town of Thompson tax map, SBL 22-2-18), and

(2) The final form of said agreement shall be as approved by the Village Attorney.

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

PUBLIC COMMENT

Drug Free Community

Harry Brantz noted that many of the essays written for the Bicentennial by the youth of the community wanted a drug free environment to live in.

The Mayor indicated that the different law enforcement agencies are enforcing the laws.

Sanitation Fees

County Legislator Sam Wohl questioned what the new rates will be for sanitation pickup.

Mayor Barnicle indicated that the fees haven't been decided upon yet.

Attendance At County Meetings

Barbara Burton encouraged everyone to attend all County meetings.

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Future Tax Rates

Carmen Rue was concerned that all the bonds that were just approved would cause Village taxes to be increased greatly next year.

Broadway Historical District

Carmen Rue explained that earlier this year she represented the Latino Market on Broadway when they were applying for a new sign, and at that time the Design Review Board did not allow them to have the bright colors they wanted because it was in the Broadway "historical corridor", however, the gift shop at 464 Broadway just painted their outside façade colors that would not fit into the historical theme. She felt the Village has to be consistent, with everyone abiding by the same rules.

Non Taxi Cab Medallion Concerns

Alan Kesten, owner of Yellow Cab, was concerned about AAA Transportation, a non-medallion taxi company that has been operating in the Village for a long period of time. He noted that Anthony Vallone, owner of Royal Taxi Service was also present, as well as several licensed taxi drivers to voice their concern about this ongoing problem and to ask the Village to put a stop to this illegal operation, especially since the legitimate cab companies pay fees to the Village for the taxi medallions and the privilege to operate in the Village and his taxicab drivers also pay an annual hack license fee with pictures at the cost of the taxi driver. The non-medallion cabs have no hack license drivers, their vehicles aren't inspected and yet they have been allowed to operate in this Village for over a year and a half with no legal successful ramifications.

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The Mayor directed the Village Manager to make this matter a priority and meet with the appropriate department heads to see what can be done legally.

Taxi driver Eric Berg felt that the cab drivers are suffering because this company is allowed to operate and take fares from the licensed cab drivers. He felt the Village has an enforcement mechanism which is not being utilized. He noted that in Liberty taxi drivers are not allowed to sit anywhere except at a taxi stand. He suggested that the illegal vehicles be towed away and impounded.

44 Cottage Street

Janet Barbarite was concerned about the poor conditions at 44 Cottage Street.

The Mayor noted that the gentleman sitting near her had just purchased the property and will be cleaning it up shortly as he has done with other recently purchased parcel in the Village.

EXECUTIVE SESSION

At 7:55 p.m., a motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to move into Executive Session to discuss personnel issues regarding a particular person and possible litigation.

ADJOURNMENT

At 8:25 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

