

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, OCTOBER 4, 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
Alan Reynolds, Highway Superintendent
Sue Flora, Code Enforcement Officer
Douglas Solomon, Police Chief
Betsy Conaty, Director of Parks & Recreation
Sam Wohl, County Legislator
Ron Hyatt, County Legislator

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF SEPTEMBER
20, 2004**

A motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of September 20, 2004 as presented.

OLD BUSINESS

Grants Department

The Mayor announced that the newly formed Grants Department has moved their offices to the Town Hall for more space and better working conditions.

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Police Department Renovations

The Mayor announced that police department facility will be up and running by January 1st.

MANAGER'S REPORT

UPDATE ON THE BROADWAY RECONSTRUCTION PROJECT

There was a meeting last week with the engineering company designing the Broadway reconstruction project and members of the various utility companies affected: NYSEG, Time-Warner, Verizon, and the NYS Dept. of Transportation.

The big issue for us is whether the utility companies will bury the overhead lines. It was indicated to me that the Village would have to pay for the extra engineering work; this bill would not be covered by the D.O.T.

I also learned that the new water and sewer lines haven't been relocated yet and the other utility line layouts—electric, phone, cable—can't be designed until water and sewer is located.

If utilities were to be buried, large underground vaults would have to be built to house utility equipment and large, bulky transformers would then be located at various places along Broadway. These transformers buzz and would cause a disturbance on the street.

In addition, every property owner would have to have new electrical service connections installed on their buildings to accommodate the new equipment—at their expense.

If the utility poles were to be relocated behind the buildings, easements would have to be secured from every property owner to allow the pole to be installed in the rear. Connection to the pole would also be at the expense of the property owner.

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If the utility poles were to be reinstalled on the sidewalk, there would be no expense to anybody except the utility company. In terms of the unsightly appearance of the poles, I was assured that the new poles are more attractive and less noticeable than the old poles. Power lines, cable lines, telephone wires, etc. are bundled so you don't have the proliferation of wiring that you see on the poles we now have. And we'd have poles regardless, as roadway lighting has to be suspended from a pole.

Besides all of that, what disturbed me the most was that the utility companies said they need time to gear up to do this work, regardless of where the poles are to be installed. That puts the April let date into question. It occurred to me, and I pointed this out at the meeting, that the meeting should have taken place a year ago. Everyone agreed, but no one would take responsibility for the lack of timeliness.

Subsequently, I called the D.O.T. project manager and scheduled a meeting with him and his boss for this Friday in Binghamton. Attending with me will be Bill Pammer, Sullivan County Commissioner of Planning and Development and Mark Baez, Executive Director of the Sullivan County Partnership.

OTHER MATTERS

I have been asked to serve on the County's "Sullivan 2020" Steering Committee. This committee is charged with developing a comprehensive plan for the county.

We have scheduled our Fall Cleanup for Friday through Monday, October 15 through 18.

At your August 23rd meeting, you approved a Supplemental Agreement #1. This agreement allows the streetscape design company for the Broadway project to get paid for their design work. They made an error in the dollar amount they indicated to us. It should be \$1 million, not \$1.35 million. In any event, none of this money is actually paid by the Village; it's all State money. We need to re-approve the resolution tonight.

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An extremely valuable member of the Planning Board resigned last week. Ken Goldfarb served on the board for a number of years and was a strong voice demanding quality, both esthetically and conceptually, for projects within the Village of Monticello. His presence and expertise will be missed. We will be conducting a search to find a replacement, but while we may find someone to fill his seat, it will be very hard to find someone to fill his shoes.

Proposed Sanitation Rate Increase

The Village Manager asked the Board to table the resolution regarding the proposed sanitation rate increase because County Legislator Wohl spoke to him earlier and convinced him that there was an error in the calculation. The Manager felt that before the proposed rates are approved, he will review the proposal to avoid charging the residents too much and he will also have a chart with comparable costs of local private garbage haulers.

The Mayor thanked Legislator Wohl for his input.

Parking Meter Law

The Mayor reported that he met with the County Legislative Chairman Cunningham, along with Legislator Wohl regarding parking meters being zoned and possibly installed on North Street and Government Drive and they both indicated that they did have any problem with law.

Fall Cleanup Dates

The Mayor was concerned with the amount of tonnage the Village has been allocated for this fall's Cleanup. To avoid going over that tonnage so the Village does not incur any extra charges, he suggested that the amount of drop off days be reduced thereby limiting the amount of trash the Village will be receiving from property owners.

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Community Watch Program

The Mayor explained that NYSEG has a Community Watch Program that is joined with them for the Village trucks that are on the road. He asked the Manager to reach out to NYSEG to join this program and have the Village's trucks identified as a Community Watch Group for the entire vehicle fleet to watch while they are driving around doing their daily duties.

Recycling Program

Mayor Barnicle explained that the Village needs to review each property sanitation account to find out what each property owner is being charged. Also, the Village will be instituting mandatory commercial recycling, including the multiple dwelling apartments. He noted that the Colonial Hill Apartments are a model for the correct setup for the separation of metal, paper and plastic. The Village will take a picture of their facility and send it along with a letter advising them that they have to start recycling immediately.

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

Discussion-The Mayor explained that other parking meter zones are being planned for Liberty Street, Prince Street, St. John Street, Broadway, and possibly several other heavily traveled streets. He felt that people take advantage of free parking and leave their vehicles on the street all day making it impossible for shoppers to stop and run into a shop for a short time. He also noted that both Legislative Chairman Cunningham and Legislator Wohl were not opposed to these meters.

Trustee Schoonmaker was concerned with who would enforce the meters to make sure overtime parking is enforced.

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The Mayor responded that the Village is just establishing the zone and hasn't discussed how they would be purchased, or how they would be administered. He noted that the Chief of Police has indicated that his officers would have no problem in enforcing them.

Trustee Schoonmaker was concerned that the Village is targeting one area of the Village, and perhaps the Board should include in this law all the streets that will be zoned with meters.

The Village Attorney suggested that this local law be adopted as presented and a new local law presented with the other streets included.

Trustee Schoonmaker was concerned that if the Village is making money from the parking meters will the County start to insist that the Village maintain the sidewalk in front of their building because of the additional revenue.

The Village Clerk cited from the Village Code that it is the property owner's responsibility to maintain the sidewalk in front of their building and the installation of parking meters does not change that law.

WHEREAS, the Board of Trustees of the Village of Monticello identified parking control issues caused by vehicles being parked in excess of the time allotted by the Village Code on North Street directly in front of the Government Center and on Government Drive; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that establishing Parking Meter Zones around the Sullivan County Government Center is a more effective way to address the parking control issues referenced above than the current parking prohibitions along the respective roadways; 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. 13 of 2004, entitled a Local Law Amending Section 252-23 of the Village Code entitled "Parking Meter Zones Established"; 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 VanDermark, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, aye; to adopt the above resolution. Motion carried 4 ayes - 1 nay.

RESOLUTION AMENDING THE SANITATION FEE SCHEDULE

Matter tabled to the next meeting.

DISCUSSION ON POLICY FOR USE OF THE NEIGHBORHOOD FACILITY BUILDING

The Village Manager explained that this policy is updating the present policy that is in effect already. The Board was in agreement that the policy should be updated.

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AMENDING RESOLUTION ADOPTED AUGUST 23, 2004 AUTHORIZING THE VILLAGE MANAGER TO SIGN A SUPPLEMENTAL AGREEMENT #1 WITH NYSDOT RELATIVE TO THE BROADWAY RECONSTRUCTION PROJECT

WHEREAS, the State of New York has requested the Village of Monticello to design the improvements to New York State Route 42 in the Village of Monticello; and,

NOW, THEREFORE, the Village Board, duly convened does hereby;

RESOLVED, that the Village Board hereby approves the Project; and it hereby further

RESOLVED, that the Village Board hereby authorizes the Village of Monticello to pay in the first instance 100% of the costs of the Project or portions thereof; and it is further

RESOLVED, that the sum of \$1,000,000 will be made available to cover the cost of participation in the above phase of the Project; and its is further

RESOLVED, that the Village Manager be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests on behalf of the Village with NYSDOT in connection with the implementation of the Project, and reimbursement of the approved costs thereof by the State, and it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

WHEREAS, there is a substantial public interest in and benefit to the Project, which will mitigate or improve traffic or safety conditions for the general public.

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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 NYSDOT relative to the Broadway Reconstruction Project

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

ORDERING BILLS PAID

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and appearing on the abstract of the bills herewith submitted are ordered paid.

PUBLIC COMMENT

Sidewalk Conditions

Harry Brantz was concerned with the poor condition of some sidewalks on Broadway, pointing out holes in front of the Victoria Hotel down to the Trotter's Bar. He wanted to know who repairs them, and who will notify the appropriate people.

Garbage Disposal

Harry Brantz noted that he has witnessed people throwing garbage out their windows or on the street. Also, the seasonal bungalow colonies do not keep their properties clean.

Candle Light Ceremony - Mental Health Awareness

Harry Brantz invited everyone to attend the Candle Light Ceremony being held on the Courthouse Lawn to observe Mental Health Awareness Week.

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Girls Basketball

Harry Brantz suggested that the Village encourage girls to play basketball at the Village's court, and possibly have a tournament similar to the boy's games.

Youth Participation

Harry Brantz asked that the Village encourage the youth of the community to participate in government and attend Village Board meetings.

Proposed Sanitation Fee Schedule

Former Mayor Robert Friedland felt that it is time the Village gets out of the sanitation business as they can no longer afford the employee fringe benefits, salaries, load packers and the landfill tipping fees. He felt that the Village should privatize the sanitation collection, especially since within a few years the landfill will be closed and the trucks will have to travel to neighboring states to dump the trash. He suggested that some of the sanitation employees be reassigned to other departments such as the DPW or Code Enforcement. Bob Friedland felt that had the County contained the odors, the landfill would have continued to be used and remain opened. He felt that there should be no reduction in charges for residents that keep their water connected but leave for the winter months. He also felt that if the Raceway is permitted to "opt out" of using the Village's sanitation pickup than anyone else should have the same option.

Mayor Barnicle responded that the Manager is getting the data to review what all the accounts are being charged.

Betty Friedland felt that it was discriminatory for only certain properties to be allowed to "opt out" of sanitation pickups. She was also concerned that people that leave for the winter are given a special fee when they are gone for the winter months. She felt that no other area gives people this option.

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Public Comment Timing

Betty Friedland indicated that she resents the fact that public comment is at the end of the meeting when all the issues have been decided by the Board. She felt that the public is not being listened to and their opinions don't count and gave the example of the proposed sanitation fee increase issue. She felt that the public might have some good points that the Board might want to consider prior to taking a vote on a matter, however, because public comment is at the end of the meeting the public is prevented from voicing their opinion. She suggested a public comment in the beginning of the meeting specific to that meeting's agenda.

Fifteen Minute Parking Signs

Betty Friedland noted that the Village passed a law regarding 15 minute parking, however, the Village never put up the signs in those locations so the law can be enforced. She felt the Village is wasting time passing these laws.

Proposed Laws Regarding Trailer Cab Parking & Vehicles On Lawns

Betty Friedland questioned if anything has been done about a local law regarding tracker trailer cabs parking overnight in residential communities and cars being parked on lawns since it was discussed over 3 months ago?

The Mayor responded that nothing has been done to date.

Code Enforcement Issues - Illegal Multi Dwellings

Janet Barbarite explained that two weeks ago she appeared before the Board regarding the condition of 44 Cottage Street. The Mayor informed her that the new owner would be renovating the property shortly; however, she has since found out that 44 Cottage Street is owned by the same owner

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that had purchased another house on Cottage Street which is the second worst house on that street, in particular 23 Cottage Street. This house has several five gallon empty paint pails in their backyard among other violations. Her concern was about structures that have been converted into multi dwellings illegally. She noted that there are 3 family houses throughout the Village which have never appeared before the Planning Board, they do not undergo yearly inspections as required, and they attract objectionable tenants. She noted that on North Street there is one of these illegally converted buildings with two registered sex offenders living there. She and others have made several calls to the Village about this problem and nothing has been done to remedy the situation. She indicated that she never sees any Village official walking on the side streets to understand the problems that the residents are encountering.

Frank Donlon, another resident of Cottage Street, agreed with Ms. Barbarite, and also asked the Board to walk the street at night in the dark, and hear several gun shots and tell the residents it's a great place to live. He was concerned that the housing grants given to landlords have a stipulation that they must rent to Section 8 tenants for five years, the total length of the grant.

The Village Attorney did not think that the grants had that type of stipulation attached to them.

Non Medallion Illegal Taxis

Alan Kesten, owner of Yellow Cab, a licensed taxi medallion owner, noted that he has received correspondence from Deputy Attorney Havas but wanted to make sure it will be discussed in Executive Session so the matter is still being reviewed. He also noted that there are several licensed taxicab drivers in the audience, since both the taxicab owners and drivers are being financially hurt by this illegal operation.

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Human Rights Commission

Human Rights Commission Chairman Alvin Dumas asked that the press remind the public that the Village has a Human Rights Commission that is available to the public should a matter need to be examined.

Quadrant Program

Mayor Barnicle announced since the Code Enforcement Department has expanded the quadrant program has been disbanded.

Unregistered Vehicle

Carmen Rue complained that an unregistered, unlicensed vehicle has been parked on Starr Avenue near the corner making it difficult to turn into the street for at least a week with nothing being done about it.

Cedar Park Commons

A resident of Cedar Park Commons asked that the Village continue to pursue the illegal sale of a unit in Cedar Park Common to New Hope.

Waverly Avenue Water Problem

Ms. Williams was still concerned about the water continually running down Waverly Avenue. She felt the Village could divert the runoff to a ditch to prevent the roadway from being wet. She noted that the residents have been promised that the situation would be fixed, but up to now nothing has changed.

EXECUTIVE SESSION

At 7:56 p.m., a motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to discuss personnel matters involving several individuals and possible litigation.

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RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:05 p.m. Mayor Barnicle reconvened the Regular Village Board.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 14 OF 2004 WHICH WOULD AMEND SECTION 252-23 OF THE VILLAGE CODE ENTITLED "PARKING METER ZONES ESTABLISHED."

WHEREAS, the Board of Trustees of the Village of Monticello identified parking control issues caused by vehicles being parked in excess of the time allotted by the Village Code on various streets in the Village of Monticello; and,

WHEREAS, the parking control issues referenced above have not adequately been addressed by the current parking prohibitions along the respective roadways; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 14 of 2004 which would amend Section 252-23 of the Village Code entitled "Parking Meter Zones Established", so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on October 18, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 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 Mayor Barnicle, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

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EXECUTIVE SESSION

At 8:08 p.m., a motion was made by Trustee Escobar, seconded by Trustee Marinello, unanimously approved on a roll call vote to discuss personnel matters involving several individuals and possible litigation.

A RESOLUTION AUTHORIZING THE LAW FIRM OF BOEGGEMAN, GEORGEHODGES AND CORDE, P.C., TO SETTLE THE LAWSUIT WEARING V. VILLAGE OF MONTICELLO, et al, FOR \$7,500.00

WHEREAS, the Board of Trustees of the Village of Monticello has contracted with Summit Risk Services who has subcontracted with the law firm of Boeggemann, George, Hodges and Corde, P.C. ("Boeggemann"), to perform insurance defense services for the Village of Monticello for a federal lawsuit entitled *Wearing v. Village of Monticello, et al*; and

WHEREAS, Boeggemann, indicates that they are able to settle the case for \$7,500.00, while the original damages were claimed to be \$650,000.00; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that settlements in cases such as this typically run from \$25,000.00 to \$30,000.00, and usually cost at least \$35,000.00 to defend; and

WHEREAS, the Board of Trustees of the Village of Monticello, conceding no wrongdoing on the part of the Village, its agencies or its employees, does not want to encourage frivolous law suits, however, it recognizes the financial benefit of settling at a low figure; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to settle this law suit for no more than \$7,500.00;

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

1. THAT the Village of Monticello hereby authorizes the law firm of Boeggemann, George, Hodges and Corde, P.C., to settle the federal case of *Wearing v. Village of Monticello, et al.*, for an amount not to exceed \$7,500.00, and to obtain a stipulation of discontinuance and a general release from Mr. Wearing.
2. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

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

A RESOLUTION DECLARING THE INTENT OF THE VILLAGE OF MONTICELLO TO SEEK LEAD AGENCY STATUS WITH REGARD TO STATE ENVIRONMENTAL QUALITY REVIEW REGARDING CONSTRUCTION OF THE NEW FIREHOUSE

WHEREAS, the Board of Trustees of the Village of Monticello ("Village"), wishes to begin construction of a new firehouse on Richardson Avenue to replace the existing firehouse; and

WHEREAS, direct actions of local governments to construct or alter land or structures intended for public purposes require review pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Board of Trustees of the Village has determined, pursuant to SEQRA, that construction of the new firehouse appears to be an unlisted action; and

WHEREAS, a draft of a long form Environmental Assessment Form ("EAF") has been completed; and

WHEREAS, the Board of Trustees of the Village has identified other involved agencies; and

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WHEREAS, the Board of Trustees of the Village desires to assume lead agency status for the project.

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Monticello, that the Village shall declare its intent to seek lead agency status with regard to State Environmental Quality Review, regarding construction of the new firehouse.; and

FURTHER RESOLVED, by the Board of Trustees of the Village of Monticello, that the Village Clerk is hereby authorized to notify other involved agencies of the Village's intent to seek lead agency status and provide each with a copy of the draft EAF.

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

ADJOURNMENT

At 9:16 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Escobar, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

