

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, JANUARY 18, 2005

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 Hayas, Deputy Village Attorney
Alan Reynolds, Highway Superintendent
Sue Flora, Code Enforcement Officer
Lt. Wm. Van Hage
Sam Wohl, County Legislator

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF JANUARY 3,
2005**

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 January 3, 2005 as presented.

OLD BUSINESS

Ice Skating Rink

Mayor Barnicle announced that skating will begin at deHoyos Park at the end of this week.

Partnership For Economic Development

The Mayor announced that the Partnership For Economic Development recognized the Village for Grant writing and assistance in securing a Broadway Business Grant.

VILLAGE MANAGER'S REPORT

1. We've received a letter from Time-Warner notifying us of some channel changes.
2. We've received a letter from NYSDOT regarding their proposed upgrade of Route 42 and West Broadway.
3. Sullivan County is applying for a grant to pay for a parking study for several municipalities, including Monticello. This analysis of existing parking conditions will help us to correct any problems they identify.
4. We're please to announce that we have filled a part-time secretarial position in the Building Department. Kendra Greco will be starting with us on Monday. Kendra has a Bachelor's degree in Health and Human Services and in Business and Public Administration, both from Marist College. Most recently, she worked as a Mother-Infant Program Coordinator for New Hope Manor in Barryville. Before that, she was a Legal Secretary for Drew, Davidoff and Edwards here in Monticello. Kendra couldn't be with us this evening, but please make an effort to stop by and say hello.
5. Hopefully, by tomorrow, we expect to appoint a part-time Enforcement Officer to replace the Code Enforcement Officer who recently resigned.
6. And finally, a firehouse construction update. The footings and foundation are almost complete and should be completed within the next two weeks. They'll also backfill and then install the water main and storm drainage and begin the structural steel fabrication.

Minutes - Regular Village Board Meeting
1/18/05

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS TO PRIVATIZE RESIDENTIAL, COMMERCIAL AND RECYCLING SANITATION PICK-UP

Discussion - Mayor Barnicle explained that by no means is this any indication that the Village is going to privatize the sanitation pickup. He noted that the Village has no assurances beyond this year that the County landfill will be in operation, and the Village will be responsible for finding alternative plans to haul the Village's garbage. He felt that it is prudent for the Village to take steps to find out the cost, where it can be dumped, etc. and be prepared.

The Village Manager explained that this bid would allow the Village to find out if privatizing would be a benefit to the residents and businesses, and the Village would act accordingly.

WHEREAS, the Village of Monticello has a Sanitation Department that presently picks up both residential and commercial properties and recycling material; and,

WHEREAS, the Village of Monticello is considering privatizing the Residential, Commercial and Recycling Sanitation Pick-up Service to within the Village.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids to privatize Residential, Commercial and Recycling Sanitation Pick-up.

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

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES WHEREBY THE SENIOR CITIZEN AFFORDABLE HOUSING FLOATING ZONING DISTRICT AS IS ENCOMPASSED IN LOCAL LAW NO. 16 OF 2004 SHALL BE APPLIED TO THE PROPOSED REGENCY MANOR SENIOR CITIZEN AFFORDABLE HOUSING PROJECT PERTAINING TO PROPERTY LOCATED IN THE VILLAGE OF MONTICELLO, NEW YORK, ON THE NORTH SIDE OF STURGIS ROAD WITH A TAX MAP DESCRIPTION OF 104-2-3

Minutes - Regular Village Board Meeting
1/18/05

Mayor Barnicle thanked the Planning Board and all the Village Officials that attended the meeting last Tuesday night in a snowstorm so that the timeline could be met for this project to be finalized.

WHEREAS, the Village of Monticello Board of Trustees has determined that there is a compelling need for senior citizen affordable housing in the Village of Monticello; and,

WHEREAS, the Village of Monticello Board of Trustees has adopted Local Law No. 16 of 2004 which provides for the implementation of a senior citizen affordable housing floating district; and,

WHEREAS, Warwick Properties Incorporated has made application to the Village of Monticello Board of Trustees has so that the proposed Regency Manor Project located on North Sturgis Road with a Tax Map Description of 104-2-3 can proceed pursuant to Local Law No. 16 of 2004; and,

WHEREAS, the Village of Monticello Board of Trustees has determined that it is in the best interests of the Village of Monticello to permit this project to proceed under the guidelines set forth by the Village of Monticello Senior Citizen Affordable Housing Floating District, now, it is hereby.

NOW, THEREFORE BE IT RESOLVED, that the Village of Monticello Board of Trustees accepts the application made by Warwick Properties pertaining to the Regency Manor project so that they can proceed under the guidelines set forth pursuant to Local Law No. 16 of 2004 providing for a Senior Citizen Affordable Housing Floating District.

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

Minutes - Regular Village Board Meeting
1/18/05

**RESOLUTION TO AUTHORIZE HOLDING TWO (2) PUBLIC HEARINGS
REQUIRED FOR PARTICIPATION IN THE NEW YORK STATE SMALL
CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, authorizes the Small Cities Community Development Block Grant (CDBG) Program; and,

WHEREAS, the Village of Monticello intends to submit an application for funding under this Program for Fiscal Year 2005; and,

WHEREAS, the rules and regulations of the above Program require that each applicant provide citizens with information concerning the range of activities that may be undertaken, the amount of funds available for such community development and housing activities, the Village's plan for minimizing displacement of persons and for assisting persons actually displaced as a result of activities assisted with CDBG funds.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello will hold two public hearings on:

DATE: February 7, 2005

DATE: March 7, 2005

TIME: 7:00 P.M.

TIME: 7:00 P.M.

PLACE: Monticello Village Hall

PLACE: Monticello V.H.

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

PUBLIC COMMENT

Tractor Trailer Parking Law

Bob Friedland questioned the status of the proposed new local law regarding tractor trailer cab parking in residential areas? He noted someone else is parking this type of vehicle in Trustee Schoonmaker's neighborhood, making a total of at least 5 or 6 in the Village already.

Minutes - Regular Village Board Meeting
1/18/05

He felt that this is reducing the value of his house by having tractor trailer trucks being parked near it. Mr. Friedland did not know why it would take at least six months to write this type of law.

Speeding Vehicle Concerns

Harry Brantz continued to be concerned about speeding vehicles, especially when there is a dense fog such as the other evening.

Gambling Concerns

Harry Brantz opposes gambling.

Privatizing Garbage

Betty Friedland asked that the Village residents be given the option of "opting out" of having their sanitation picked up by the Village and begin being allowed to bring their trash to the landfill themselves.

Concerns Regarding 7 High Street

Steve Podell explained that he is having a problem with 7 High Street and has been complaining to the Building Inspector since 2002 and nothing has been done to remedy this situation. He felt the problem should be taken care of before March 21st the beginning of spring or no later than the following two weeks after that date. He explained that the damage done by this structure to his home is considerable and costly to repair because the building department did not have that owner remedy the problem even though complaints were made. He also noted that it is listed as a two family house even though there are presently three apartments being rented out.

The Mayor directed the Code Enforcement Officer to discuss the matter with Mr. Podell immediately after this meeting.

Minutes - Regular Village Board Meeting
1/18/05

Quality of Life Issues

Carmen Rue complained that the quality of life has deteriorated in the Village as she felt the streets are not being properly plowed or sanded. She was concerned about the poor roadway conditions on High Street and the large hole that is at least three feet deep at the intersection of Fraser Avenue and East Broadway on the right hand side.

Confidentiality of Complaints

Carmen Rue complained that the Code Enforcement Officer did not keep one of the complaints she made about a property owner confidential, and that person came to her house to confront her on Christmas Eve.

Sanitation Rates

Carmen Rue did not feel the Village had to raise the sanitation rates when they knew the landfill would be closing.

Time Warner Franchise Rates

Bob Friedland questioned how much the Village receives from Time Warner Cable in franchise fees?

Trucks On Residential Streets

Alan Bensky a property owner on Hammond Street was concerned about tankers that are full of gasoline driving up Hammond Street which is a residential street. He explained that last Tuesday in a snow storm a fully loaded tanker jackknifed on Hammond Street and had to be pulled down the street. He also noted that last Saturday when there were icy conditions this same fully loaded truck made several attempts to get up this hill putting all the homeowners at risk. When the trucks do get to the gasoline station they unload the gas with the truck hanging off the ingress ramp which parks it at a precarious angle which potentially could cause it slip down Hammond Street into one of the homes and creating a big explosion and devastating damage.

Minutes - Regular Village Board Meeting
1/18/05

The Mayor responded that the Village will contact them and relay the Village's concerns regarding this situation.

Trustee Marinello noted that in past years the tanker trucks have been going up Hammond Street with the full load, and also down the street when it is empty, however, that practice was stopped and now it only drives up the street to deliver the gasoline because of a maneuverability problems and exits through Pleasant Street reducing the number of trips for a visit to only one.

Mr. Bensky felt that there should be more signs advising truck drivers that except for local deliveries trucks are not allowed on residential streets, and there should be more enforcement of this law. He felt that a ticket should have been written by the police officer that responded on both those occasion, so the judge can make the decision if it is justifiable.

Sidewalk Conditions

Ralph Bonfiglio was concerned that the sidewalks at the North Street and Landfield Avenue are not being cleared of ice and snow and his 84 year old mother is forced to walk out into the roadway. He felt the owner of the building should be issued a ticket and appear before the Village Justice and he should also be given the opportunity to speak to the judge during that trial.

He asked the Village Board to view the situation themselves.

EXECUTIVE SESSION

At 7:34 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Escobar, unanimously approved on a roll call vote to move into Executive Session to discuss the sale of Village owned property and a personnel matter regarding a particular person.

Minutes - Regular Village Board Meeting
1/18/05

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:25 p.m., a motion was made by Trustee Escobar, seconded by Trustee Schoonmaker to move back into open session.

RESOLUTION TO ALLOW THE VILLAGE MANAGER TO CARRY OVER REMAINING VACATION LEAVE INTO HIS NEXT CONTRACTUAL YEAR

WHEREAS, the Village Manager has 21.75 vacation days remaining at the end of his current contract year which ends on February 5, 2005; and

WHEREAS, the Village Manager's contract requires the Village to pay him for his unused vacation days or allow him to carry the remaining days into the next contract year.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve that the remaining 21.75 days of the Village Manager's vacation leave be carried over into the next contract year.

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

RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO NOTIFY JOSEPH TSO AND CS-GRACES, LLC OF THE CANCELLATION OF THE CONTRACT BETWEEN THE VILLAGE OF MONTICELLO AND JOSEPH TSO WITH RESPECT TO THE SALE OF REAL PROPERTY LOCATED ON STURGIS ROAD DESCRIBED AS TAX MAP NO. 106-1-3.1

WHEREAS, the Village of Monticello and Joseph Tso have heretofore entered into a contract regarding sale of Real Property located on Sturgis Road described as tax map #106-1-3.1 on November 19, 2003; and

WHEREAS, the contract requires that a closing take place on or before the 90th day after execution of the contract by the parties; and

WHEREAS, 426 days have passed since the execution of the contract by all parties; and

Minutes - Regular Village Board Meeting
1/18/05

WHEREAS, a closing was scheduled where the purchaser expressed his intent to breach the contract and the closing was halted and therefore did not take place; and

WHEREAS, the purchaser attended a Village Board meeting on January 3, 2005, indicating his continued intent to breach the contract; and

WHEREAS, the Board of Trustees of Village of Monticello desires to cancel the contract between the Village and Joseph Tso to make the property available for purchase.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Attorney to write a letter to Joseph Tso canceling the contract between the Village of Monticello and Joseph Tso with respect to sale of Village owned property on Sturgis Road described as tax map #106-1-3.1, and to return Mr. Tso's check for \$40,000.00.

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

ADJOURNMENT

At 8:40 p.m., a motion was made by Trustee Escobar, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

