

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, MARCH 7, 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 Havas, Deputy Village Attorney  
Alan Reynolds, Highway Superintendent  
Sue Flora, Code Enforcement Officer  
Carl Houman, Director of Fire Services  
Clarence Decker, Water Superintendent  
Bill Bertholf, Sewer Superintendent  
Brenda Galligan, Treasurer  
Arlene Glass, Grants Administrator

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF FEBRUARY  
22, 2005**

A motion was made by Trustee VanDermark, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of February 22, 2005 as presented.

**OLD BUSINESS**

**Mayor's Corner**

The Mayor explained that the Democrat did not publish the correct Mayor's Corner article about economic development,

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but it is available on the table in the alcove for the public's review tonight.

**Main Street Trade Show**

The Mayor announced that the Sullivan County Chamber of Commerce will host a trade show on May 18<sup>th</sup> which will give the Village an opportunity to sell Monticello's Main Street along with other villages and hamlets within the County.

**Discussion on Canceling the Second Meeting in March**

Mayor Barnicle indicated that since the Village is so far ahead of ourselves there is no other business to conduct until the Reorganizational meeting, however if business is needed than the Board will hold its second meeting in March on March 28<sup>th</sup>.

**RESOLUTION CHANGING THE SECOND MEETINGS IN MARCH FROM MONDAY, MARCH 21<sup>st</sup> TO MONDAY, MARCH 28, 2005 IF NECESSARY TO CONDUCT ANY BUSINESS THAT NEEDS TO COME BEFORE THE VILLAGE BOARD**

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

**WHEREAS**, the Village Board has determined that there is no business needed to be conducted before the Reorganizational meeting to be held on Monday, April 4<sup>th</sup>, however if a meeting should be necessary it will be rescheduled to the fourth Monday in March, being March 28<sup>th</sup>.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby cancel the second Board meeting in March and if necessary hold the second meeting in March on March 28, 2005.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, nay to adopt the above resolution.

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**FILING ANNUAL FINANCIAL REPORT - FISCAL YEAR 2003/04**

Mayor Barnicle indicated that the Annual Financial Report for fiscal year 2003/04 was filed and received by the Village Board.

**RESOLUTION APPROVING BUDGET TRANSFERS**

**WHEREAS**, Village of Monticello has adopted its annual budget for the 2004/05 fiscal year, and;

**WHEREAS**, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

**WHEREAS**, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

**NOW, THEREFORE BE IT RESOLVED**, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [See attached]

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

**MANAGER'S REPORT**

**Firehouse Update**

The Village Manager reported that the construction on the new firehouse is progressing on schedule.

**New Business Update**

**Indian Restaurant**

A new Indian Restaurant is opening in the former Feast Store location near the post office.

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**Peach Tree Building**

Sullivan County Community College will be moving its annex from the Ben Moshe Building where the Recovery Center is housed to that location.

**Pothole Repair**

The Village Manager explained that the Highway Department patches the potholes on East Broadway almost everyday with "cold patch" which doesn't last very long, however, as soon as the weather permits it will be done for a more permanent repair.

**Easement Update With Temple Shalom**

The Manager reported that the Water Superintendent Clarence Decker and he will be meeting with the Temple Shalom Board on Thursday evening to discuss getting an easement so the Village will be able to install the rechlorination station. As soon as that easement is approved the Village can start installing the facility.

**Fire House Concrete Testing**

Trustee Schoonmaker questioned whether the concrete was tested at the new firehouse to make sure it is up to the proper specifications, and if so is there are report?

The Manager responded that it has been tested and there are reports.

Trustee Schoonmaker asked that these reports be forwarded to him.

**Fire Department Contract With the Village For the Funds Regarding the Meeting Room**

Trustee Schoonmaker questioned whether the contract with the Fire Department had ever been finalized?

The Village Attorney responded that the Board approved a Memorandum of Agreement regarding this matter.

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Director of Fire Services explained that the Fire Department's attorney is reviewing this document and it hasn't been signed by the Volunteers yet.

**PUBLIC HEARINGS FOR PARTICIPATION IN THE NEW YORK STATE  
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Mayor Barnicle opened the public hearing at 7:08 p.m.

Grant Administrator Arlene Glass explained that this evening's hearing will be to discuss specifically on what the Village will be applying for. She explained that last year an application was submitted by the Village for a \$400,000 grant for Micro enterprise which is the basic economic development program that the Small Cities Program uses. There is also a non-competitive round which is for specific businesses. The new application will be similar to last year's request which will be a continuation of the Commercial Business Improvement Grant that in the past has been fully expended for the 2000 and 2002 program. The Village is still continuing to get requests from Broadway business owners and the targeted side streets off Broadway. Ms. Glass explained this grant will be used this program to finish up some of the key buildings that remain, start another minority and women's entrepreneurial program. To find interested business owners her department is planning to go door to door this week to talk to those businesses that haven't taken part in prior grant opportunities. Lastly, they will be requesting funds to continue the façade renovations on Broadway.

Mayor Barnicle noted that Assistant Grant Administrator Caroline Hayes, Arlene Glass and himself will be making a personnel visit to Albany to meet with the Grant decision makers.

Harry Brantz suggested that the Village apply for a grant to renovate some of the dilapidated houses in the Village. He also felt that since the Village can't get businesses or artist loft occupants on the second floor above the stores on Broadway could these spaces be used as living quarters. Mr. Brantz was concerned that the Broadway Reconstruction Program is moving too slowly.

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Mayor Barnicle explained that the apartments still be used as living quarters on Broadway today are "grandfathered" in and those meeting artist loft criteria can be occupied as such.

Grant Administrator Glass noted that the Artist Loft Program has concluded, however she spoke to the people in the Small Cities Office and that could be an eligible use of the Small Cities funds because it is considered usually a low income level business.

Jeffry Sternberg suggested that the Village find out why last year's application for a similar request was denied.

Ms. Glass explained that this is one of the Village's concerns and why there will be a personnel visit to Albany to discuss the reasons for the denial by herself, the Mayor and Caroline Hayes.

Bob Friedland asked if a grant could be used to repair and updating the Village's storm drainage problems?

Ms. Glass responded that under the Small Cities Program drainage is difficult to get funded, as is any public facility project unless severe health and safety issues can be demonstrated.

Mayor Barnicle noted that some of the drainage problems will be corrected with the reconstruction of Pleasant Street and Broadway. He noted that the Village is delaying digging up Broadway to fix and the water and sewer lines under that street in coordination with the Broadway Reconstruction project when the street will be open and the work can be done at the same time. Because of the consistent delays by the NYSDOT the DEC gave the Village one last extension to complete the water/sewer and drainage work. If the DOT doesn't start next spring the Village will have to tear up Broadway and then they would have to be torn up again when the Broadway Project gets underway by the NYSDOT.

Bob Friedland felt that his area near Atwell Lane and Park Avenue has severe drainage problems and could be considered

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a health problem since in the summer the standing water gets mosquito infested.

Betty Friedland felt there are many small businesses that are not located on Broadway which never can participate in this type of grant funding and it seems that only Broadway is targeted.

Mayor Barnicle noted that the New York State Empire Zone does help those businesses not on Broadway. He noted that the Grants Department will make every effort to bring as much and a variety of money to the Village as they can.

Ms. Glass suggested that those businesses should meet with her department because there might be funds available at this time.

As there was no further comment Mayor Barnicle closed the public at 7:22 p.m.

**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 2 OF 2005 TO AMEND THE VEHICLE AND TRAFFIC CODE TO ADD SECTION 252-39 TO BE ENTITLED PARKING OF COMMERCIAL OR CONSTRUCTION VEHICLES IN DRIVEWAYS**

Mayor Barnicle opened the public hearing at 7:23 p.m.

Harry Brantz was concerned about a pickup truck being parked in the rear of the neighboring property blocking his view of the street. He felt this matter should have been addressed several years ago.

Betty Friedland noted that there are tractor trailers parked throughout the Village in residential zones in people's driveways that are started up early in the morning and then idle for a long time contributes to air pollution and should be stopped. She felt that people who own commercial vehicles should rent space in commercial areas not in residential neighborhoods as she does for her business for many years. Ms. Friedland felt that these tractor trailer detract from her home and decrease the

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value of her property should she want to sell it in the future. She asked that felt that all these reasons should be taken into consideration when considering passing this proposed local law.

Jeffry Sternberg noted that if the proposed local law is enacted all these concerns would be addressed.

As there were no further comment, Mayor Barnicle closed the public hearing at 7:28 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2005 TO AMEND THE VEHICLE AND TRAFFIC CODE TO ADD SECTION 252-39 TO BE ENTITLED PARKING OF COMMERCIAL OR CONSTRUCTION VEHICLES IN DRIVEWAYS**

A motion was made by Trustee Schoonmaker. Motion died for lack of a second.

Trustee Schoonmaker was concerned that no one would second his motion.

As order could not be restored, Mayor Barnicle called for a recess at 7:30 p.m.

**RESOLUTION AUTHORIZING THE VILLAGE OF MONTICELLO TO AUTHORIZE PARTICIPATION IN THE FY 2005 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 primary objective of these grants is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to moderate-income; and,

**WHEREAS**, the Village wishes to undertake certain activities eligible for assistance under this program; and,



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**WHEREAS**, in order to secure financial assistance under this Program an application must be filed with the New York State Governor's Office on Small Cities.

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Monticello will submit an application for funding under this Program; and,

**BE IT FURTHER RESOLVED**, that the Mayor of the Village of Monticello be authorized and empowered to execute in the name of the Village all the necessary applications, contracts, and agreements necessary to carry out the purposes outlined herein and those specified by the above Act.

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

**RESOLUTION APPROVING PURCHASE OF A USED 1997 DODGE DAKOTA PICKUP FOR USE BY SANITATION DEPARTMENT AND THE PARK AND RECREATION DEPARTMENT**

**WHEREAS**, the Highway Department recently sold for surplus two pickup trucks that were being used by the Sanitation Department and the Parks and Recreation Department and neither were no longer road worthy; and,

**WHEREAS**, both the Sanitation and Recreation Department need a vehicle and will be sharing one pickup truck; and,

**WHEREAS**, the Village Highway Superintendent has located a used 1997 Dodge Dakota Pickup truck that will meet the needs of these departments.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a used 1997 Dakota Pickup for use by the Sanitation and Park and Recreation Departments in the amount of \$6,800.

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

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**MAYOR'S APPOINTMENT WITH BOARD APPROVAL TO FILL THE  
UNEXPIRED TERM TO EXPIRE APRIL 2009 AS A PLANNING BOARD  
MEMBER**

Mayor Barnicle appointed Dennis Diuguid to the Planning Board and on a roll call vote unanimously approved this appointment to fill the unexpired term of Brian Soller to expire April 2009.

**RESOLUTION AUTHORIZING THE ADVERTISEMENT OF BIDS FOR  
VARIOUS SUPPLIES AND CHEMICALS FOR THE HIGHWAY, WATER AND  
SEWER DEPARTMENTS FOR FISCAL YEAR 2005/06**

**WHEREAS**, the Village of Monticello advertises for bids for various supplies and chemicals for the Highway, Water and Sewer Departments; and,

**WHEREAS**, these supplies and chemicals are purchased each fiscal year for these departments.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for Highway, Water and Sewer supplies and chemicals for the 2005/06 fiscal year.

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

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN  
AGREEMENT WITH EMERIC ARIS AS A MARTIAL ARTS INSTRUCTOR AT  
THE TED STROEBEL RECREATION CENTER**

**WHEREAS**, the Park & Recreation Department will be offering a Martial Arts course at the Ted Stroebel Recreation Center; and,

**WHEREAS**, Emeric Aris has agreed to organize and teach Martial Arts Classes; and,

**WHEREAS**, Emeric Aris must submit proof of insurance naming the Village of Monticello as an additional insurer prior to any classes being held and he had submitted certification of his qualifications for instructing this course.

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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 Emeric Aris, as a Martial Arts Instructor at the Ted Stroebel Recreation Center.

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

**CORRESPONDENCE**

The Mayor read a letter from the County of Sullivan advising the Village of Monticello of their attempt to acquire the Social Security building on North Street to provide employment and training services to homeless clients as well as other clients.

**PUBLIC COMMENT**

**Tractor Trailer Law**

Harry Brantz felt the Board does not understand real estate because tractor trailers parking in residential zones reduces the value of homeowner's property. He indicated that residential neighborhoods don't need trucks in their driveways and the Village Board should reconsider their determination.

Carmen Rue felt that tractor trailers do not belong in a residential zone and was concerned that a tractor trailer could hit a youngster who might be playing in the street and hurt it severely.

Gordon Jenkins also felt the Village Board should reconsider their vote rejecting the proposed local law. He was concerned about a big truck parking in a driveway in a residential area at an intersection that could potentially block sight distance for traffic.

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**Privatization of Residential, Commercial and Recycling  
Sanitation Pick-up Bids**

Betty Friedland questioned why bids for privatization of Sanitation and Recycling haven't gone out yet, although the Board did raise the sanitation prices. She questioned when the Village will advertise for these bids.

**Commercial Recycling**

Betty Friedland felt the Village has done nothing to enforce the recycling regulation for commercial businesses and apartment complexes, nor have they tried to educate the public. She felt that the first step should have been to have mandatory recycling and enforced it, before the sanitation rates were increased.

**Employee Raise**

Betty Friedland indicated that she became aware that the Village Board had an Executive Session at a recent meeting and a raise was given to an employee, but the Board never came out and voted on that raise. She questioned whether this happened and if it did how could the Board not vote on this raise in public.

Carmen Rue also questioned whether a raise was given to an employee in Executive Session. She reminded the Board about what happened in 1994.

The Village Manager and Attorney indicated that were not aware that any raise was given to any employee recently.

**Clean Water Grant**

Betty Friedland was concerned that the Mayor never followed up on a campaign promise to apply for a grant to alleviate the water problems her neighborhood is experiencing. She felt all the issues she has brought up haven't been done.

**One Meeting A Month Concerns**

Carmen Rue felt the Board is paid to salary to have two meetings a month.

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**State Audit**

Carmen Rue questioned whether the State Audit is available under the Freedom of Information Law? She noted that a rumor is going around the town that the Village is going bankrupt.

**Waverly Avenue Concerns**

Hazel Williams, a resident of Waverly Avenue was concerned about speeding vehicles using Waverly Avenue as a speedway traveling 70 to 80 miles an hour. She cautioned the Village that if a child gets hurt by a speeding vehicle she will hold the Village accountable. Ms. Williams questioned what the Village plans do about this problem?

**Village In The Schools**

Kendra Greco noted that in the Monticello Central School Web Site there is a picture of the Mayor and Trustee VanDermark doing positive things for the children in the schools.

**Sanitation Costs**

Idell Spriggs was concerned about the high cost of trash removal in the Village of Monticello.

The Mayor indicated that he will discuss this issue and Betty Friedland's concerns about the Sanitation bid and the mandatory recycling matters at the conclusion of this meeting.

**EXECUTIVE SESSION**

At 7:53 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call to move into Executive Session to discuss Labor Negotiations and a personnel matter of a particular person.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8:38 p.m. Mayor Barnicle reconvened the Regular Village Board meeting.

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**Roll Call**

Upon call of the roll, the following were:

Present:

Absent:

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

Scott Schoonmaker, Trustee

**RESOLUTION AMENDING THE MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO FOR FEBRUARY 7, 2005**

**WHEREAS**, the minutes of the February 7, 2005 meeting were approved on motion of the Board of Trustees of the Village of Monticello on February 22, 2005; and

**WHEREAS**, the minutes of the meeting inadvertently omitted a board resolution authorizing an increase in salary from the proceeds of grant funding for the Assistant Grants Administrator of the Village of Monticello; and

**WHEREAS**, said resolution was duly passed when the Board of Trustees resumed the open meeting after executive session.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello hereby amends the minutes of the meeting of the Board of Trustees of the Village of Monticello for February 7, 2005, to include the resolution authorizing a salary increase for the Assistant Grants Administrator.

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

**ADJOURNMENT**

At 8:50 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk