

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, SEPTEMBER 6, 2005

MEETING TO ORDER

Mayor Barnicle called the meeting to order at 7:02 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were present:

James Barnicle, Mayor
Gordon Jenkins, 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
Lt. Wm. Van Hage
Sam Wohl, County Legislator

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF AUGUST 22,
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 August 22, 2005 as presented.

OLD BUSINESS

Katrina Relief Efforts

Mayor Barnicle reported that the Monticello Fire Department collected contributions to be sent to the Katrina Relief Fund near Home Depot on Saturday. Also the Village is endorsing the Red Cross program in their efforts.

Minutes - Regular Village Board Meeting
9/6/05

PBA - Shea Stadium Trip

The Mayor announced that the Monticello PBA sponsored a trip for children that who otherwise might not been able to see a professional baseball game.

Bicycle Safety Fair

Mayor Barnicle announced that a bicycle safety fair will be held at the Ted Stroebele Recreation Center on Saturday, September 24th.

New Trash Receptacles

Mayor Barnicle announced that 36 new trash receptacles will be placed on Broadway, and those existing trash receptacles will be spread out further down East Broadway and Forestburgh Road to help control litter better by having more receptacles available.

Prescription Cards

Mayor Barnicle announced that the Village has Prescription Cards for reduced cost to any resident that does not have prescription coverage.

MANAGER'S REPORT

Code Enforcement Report

The Manager reported that he is putting together a Code Enforcement Report, but to date for all of 2000 there were 431 total violations issued in comparison to the eight months of 2005 there were 1304 violations issued. The Manager noted that there is more to do, however, many violations are being issued.

Firehouse Update

The Manager explained that the firehouse is progressing quickly and should be completed shortly.

Minutes - Regular Village Board Meeting
9/6/05

AWARDING OF BID

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to award the bid for the East Dillon Road and Wood Avenue Water Rechlorination Station to J. Nosenchuck & Co., Inc. in the amount of \$73,672.00.

RESOLUTION CHANGING THE FIRST MEETING IN OCTOBER FROM MONDAY, OCTOBER 3rd TO THURSDAY, OCTOBER 6th DUE TO THE ROSH HOSANNA HOLIDAY AND THE SECOND MEETING ON THE OCTOBER 17, 2005

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

WHEREAS, the first Monday in October a religious holiday in celebration of Rosh Hosanna on Monday evening October 3rd, Tuesday, October 3rd and Wednesday October 5th; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the first Board meeting in October from Monday, October 3rd to Thursday, October 6th 2005 and the second meeting in October on Monday, October 17, 2005.

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 8 OF 2005 TO REZONE SBL 115-2-8 AND SBL 115-2-9 TWO PARCELS LOCATED ON PARK AVENUE FROM R-2-B (ONE AND TWO FAMILY) TO RM (MULTIPLE DWELLINGS) TO BE HELD ON THURSDAY, OCTOBER 6, 2005 AT 7:00 P.M.

The Village Manager explained that the Planning Board had a public hearing and made a determination not to recommend this zoning change. The Manager questioned whether, based on that recommendation, the Village Board wants to further pursue this matter.

No action was taken.

Minutes - Regular Village Board Meeting
9/6/05

The Mayor indicated that County Planning Commissioner has stated that the "heart and sole of a community is single family housing". Based on that statement the Mayor asked the Board to think about changing the Village Code that if a dwelling gets approved for five or more units the Village law should require a landlord or an owner occupying one of those units.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH NORTON HYMAN AS A BALLROOM DANCE INSTRUCTOR AT THE TED STROEBELE RECREATION CENTER

WHEREAS, the Park & Recreation Department will be offering a Ballroom Dance course at the Ted Stroebele Recreation Center; and,

WHEREAS, Norton Hyman has agreed to organize and teach Ballroom Dancing Classes; and,

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

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 Norton Hyman, as a Ballroom Dance Arts Instructor at the Ted Stroebele Recreation Center.

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 BOARD OF TRUSTEES DECLARING LEAD AGENCY WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 7 OF 2005 AMENDING SECTION 252-47 OF THE VILLAGE CODE BY CLOSING A PORTION OF BELMONT DRIVE

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

Minutes - Regular Village Board Meeting
9/6/05

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - LOCAL LAW NO. 7 OF 2005 AMENDING SECTION 252-47 OF THE VILLAGE CODE BY CLOSING A PORTION OF BELMONT DRIVE

The Village Board reviewed Part II of the Environmental Assessment Form and found no environmental impacts.

RESOLUTION DECLARING A NEGATIVE DECLARATION IN REGARD TO LOCAL LAW NO. 7 OF 2005 AMENDING SECTION 252-47 OF THE VILLAGE CODE BY CLOSING A PORTION OF BELMONT DRIVE

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 ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 7 OF 2005 AMENDING SECTION 252-47 OF THE VILLAGE CODE BY CLOSING A PORTION OF BELMONT DRIVE

The Village Manager explained that the roadway was paved today by the Church contractor and they did not want to do the additional work. He explained that it would cost the Village an additional \$10,000 to bring the roadway up to Village specifications.

The Village Attorney noted that if the Village does not own the road, then technically the Board cannot vote to close it.

No action was taken.

RESOLUTION AMENDING THE VILLAGE'S DEFERRED COMPENSATION PROGRAM ENTITLED LOANS TO PARTICIPANTS AMENDMENT

See attached.

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

Minutes - Regular Village Board Meeting
9/6/05

**RESOLUTION APPROVING PURCHASE OF A USED 2000 CHEVY IMPALA
FROM ROSS AUTO TO BE USED AS AN UNMARKED POLICE VEHICLE IN
THE AMOUNT OF \$6,800.00**

WHEREAS, the vehicle assigned to detectives for use as an unmarked police needs to be replaced; and,

WHEREAS, the detectives needs this vehicle to perform their his duties on a daily basis; and,

WHEREAS, the Chief of Police has located a used 2000 Chevy Impala that will replace the present unmarked vehicle used by the detectives.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a used 2000 Chevy Impala in the amount of \$6,800.00 with the monies expended from the Police Drug Seizure Funds from Ross Auto.

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

ORDERING BILL PAID

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

RESOLUTION AUTHORIZING THE INCREASE OF TAXI FARES

Matter tabled to the meeting to be held on Monday, September 12th.

PUBLIC COMMENT

Cell Phone Usage & Speeding

Harry Brantz was still concerned about motorists speeding and using cell phones while they are driving. He asked that the police enforce these laws.

Minutes - Regular Village Board Meeting
9/6/05

Recycling

Harry Brantz felt that the landfill problems could be relieved if more people recycled.

Taylor Recycling

Legislator Sam Wohl explained that the County is always looking for alternatives to solve the landfill problems. They have met with the Taylor company in Monticello and have toured they plant in Montgomery. He noted that the one thing he is more against than the landfill expansion is the importation of trash.

The Mayor responded that this matter would be fully explored at the Joint meeting to be held next Monday.

Belmont Drive

Attorney Ed Cooke explained that he believes the Village Board is under a misimpression with regard to a basic premise of their determination tonight regarding the status of Belmont Drive. He indicated that this premise has to do with whether Belmont Drive is a public street. He indicated that there are three ways that the Village can obtain or have land become a public street. The first way is by condemnation, the second by purchase or and lastly dedication or by usage (Village Law, Section 6-626). He noted that the Board has been informed about this law, but the Board is still under this misimpression that that particular street is not a public street, but in fact for more than 30 years he has witnessed himself the Village plowing this street, the Village maintaining the roadway throughout the year by patching potholes, using the Village's street sweeper, trimming the brush at the edges and blacktopping the entire length of that street. He quoted the Village Law, Section 6-626 that states that "...upon 10 years or more that road becomes a public street as if it was dedicated." He felt that a misimpression was created for month that because there was no deed granted, that there is no public street which is totally erroneous.

Minutes - Regular Village Board Meeting
9/6/05

He felt that Belmont Drive became a public street upon completion of 10 years of continuation use of a street by the public. He felt it would have been a crime if the Highway Department was doing this type of work on private property.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING A TIME AND PLACE FOR A MEETING IN COOPERATION WITH THE TOWN BOARD OF THE TOWN OF THOMPSON REGARDING TAYLOR RECYCLING TO BE HELD ON TUESDAY, SEPTEMBER 12, 2005 AT 7 P.M. AT THE THEODORE STROEBELE RECREATION CENTER

WHEREAS, the Town of Thompson ("Town") and the Village of Monticello ("Village") are currently considering implementing a recycling program to satisfy the waste disposal need of the residents of the Town of Thompson and the Village of Monticello; and

WHEREAS, Taylor Recycling desires to provide a demonstration of its recycling programs to the governing bodies and residents of both municipalities on Tuesday, September 12, 2005, at 7:00 p.m.; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village to consider the recycling programs of Taylor Recycling.

NOW THEREFORE BE IT RESOLVED, that a meeting be held by the Board of Trustees of the Village of Monticello in conjunction with members of the Town Board of the Town of Thompson with respect to Taylor Recycling Program at 7:00 p.m. on Tuesday, September 12, 2005, at the Town of Thompson Town Hall at the Theodore Stroebele Recreation Center, Jefferson Street, Monticello, New York 12701.

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

Minutes - Regular Village Board Meeting
9/6/05

EXECUTIVE SESSION

At 7:50 P.M., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss sale of Village owned property and possible litigation.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:00 P.M., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move back into open session.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO APPROVING PREVIOUS CHANGE ORDERS REQUIRED IN THE CONSTRUCTION OF THE NEW FIREHOUSE ON RICHARDSON AVENUE

WHEREAS, the Village of Monticello is in the process of constructing a new firehouse on Richardson Avenue in the Village of Monticello; and

WHEREAS, from time to time during the construction of said firehouse it has become necessary for certain change orders to occur, due to unanticipated weather conditions, unanticipated property conditions and drainage situations, copies of said change orders are attached hereto; and

WHEREAS, said change orders have gone through a committee approval process, said committee consisting of the architect, construction supervisor, general contractor, subcontractors, members of the Town of Thompson Town Board, members of the Village of Monticello Board, the Town Supervisor, the Village of Monticello Mayor and the Village Manager; and

WHEREAS, in order to effectuate said change orders, it was necessary for the orders to be officially approved by members of said committee; and

WHEREAS, final approval of said change orders is required by the Board of Trustees of the Village of Monticello; and

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

Minutes - Regular Village Board Meeting
9/6/05

1. THAT the Board of Trustees of the Village of Monticello does hereby approve previous change orders required in the construction of the new firehouse on Richardson Avenue; and
2. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

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

Sale of Village Owner Property

Liberty Street - SBL 106-3-15

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to award the bid to the highest bidder, Orville Tracey in the amount of \$12,200 to be used to erect a new building for the First Baptist Church.

Prince Street - SBL 111-7-11

A motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to award the bid to the highest bidder, Louis Kapelow in the amount of \$15,100 to be used to create a parking area for individuals to access the Broadway Theater once it is reopened.

Cottage Street - SBL 111-4-3

A motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to award the bid to the highest bidder, Louis Kapelow in the amount of \$9,000 to be used to be combined with the landlocked property he owns in the rear and when combined will build a one or two family residence.

Minutes - Regular Village Board Meeting
9/6/05

EXECUTIVE SESSION

At 8:10 P.M., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss possible litigation.

ADJOURNMENT

At 8:30 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk