

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, FEBRUARY 14, 2006

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
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
Clarence Decker, Water Superintendent
Sue Flora, Code Enforcement Officer
Sam Wohl, County Legislature

MOMENT OF SILENCE - CORETTA SCOTT KING
JOHN WASHINGTON

Mayor Barnicle requested a moment of silence for Civil Rights Activist Coretta Scott King and Town of Thompson Councilman John Washington who represented similar qualities. Both passed away since the last meeting.

APPROVAL OF MINUTES OF BOARD MEETING OF JANUARY 23, 2006

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of January 23, 2006.

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HOMETOWN HEROS

Mayor Barnicle explained that he sent an email to Board members asking for suggestions regarding an award program recognizing notable residents. Trustee VanDermark recommended Hometown Hero's which sets a standard for our residents that go above and beyond the daily everyday routine. The Mayor read a proclamation and presented it to Mr. & Mrs. Bob Hoose, whose son, Sgt. 1st Class Russell Brown is the first recipient of this award.

OLD BUSINESS

Monticello Housing Authority Executive Director

Mayor Barnicle congratulated Mattie Anderson for being appointed the new Monticello Housing Authority Executive Director succeeding retiring Executive Director David Kaufman.

Rechlorination Station-"Miller Hill"

Mayor Barnicle announced that the newly constructed rechlorination station servicing "Miller Hill" is up and running and should cleanse and purify the water in that neighborhood.

New Businesses

Mayor Barnicle announced that "Sinergy" a new business has opened in the old Rosen Law Office building on Broadway. He explained that this healthcare for adolescent, geriatric and adult psychiatric and addictive disorders.

MANAGER'S REPORT

Last week, I celebrated my fifth anniversary as Village Manager.

Before I started in 2001, the Village had had 12 managers in 14 years. I'm proud that I've been able to bring some stability to this office. In the past fifty years, only

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three managers have served longer than I: **Tom Belmont** served for fifteen years, from 1954 to 1969, **Lou Bernstein** served for seven years, from 1978 to 1985, and **Don Block** served for six years, from 1970 to 1976.

During these five years, we've accomplished a great deal. Here are some examples, in no particular order:

- The Village used to sell foreclosed properties for \$100 just to get it back on the tax rolls. We now sell them based on professional appraisals and sealed bids. Properties we would have sold for \$100 have been sold for around \$50,000 each.
- Over the past twenty to thirty years, ditch dirt had piled up in spots throughout the village and understandably, people were complaining. To dispose of it in the landfill would have cost \$10 a ton, but by thinking outside the box, we managed to find a creative way to dispose of the dirt and we saved the taxpayers an estimated \$60 to \$70,000.
- We amended our sanitation rates so that the homeowners no longer subsidized the commercial accounts.
- Our focus on cleaning up and beautification, along with our grant programs, has been the catalyst for nearly every street in the Village having one or more rehab projects under way.
- Our sign codes have been revamped. The thinking in the Village used to be "It's not any worse than what is there now, so it's okay." We changed that philosophy and as a result, we've seen signage improve and no business has run away as a result of our insistence on quality.
- Volunteer groups in Monticello have won over a half-dozen awards from Sullivan Renaissance, and reinvested thousands of dollars in our community.
- DeHoyos Park has been completely rehabilitated, and now boasts a clean pond, a children's playground, handicapped accessible bathrooms, beautiful gardens, a covered barbecue pit, and all at almost no taxpayer money.
- We've secured millions of dollars in grant money which in turn generated many millions of additional dollars in investment.

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- Many Broadway facades have received face lifts.
- Monticello Sullivan First painted nearly every commercial building on Jefferson Street at the business owner's expense.
- We staged a very successful Bicentennial Celebration.
- The Halloween Parade was brought back to Broadway.
- Several town properties were annexed into the village, increasing our tax base.
- In spite of rising assessments, our tax rate dropped slightly last year.
- The Carlton Hotel, arguably the worst eyesore in Monticello, was completely renovated and their new façade now graces Broadway.
- A rechlorination station has been built to correct a long-standing water problem on Miller's Hill and will go on-line within a few days. Also, we'll soon have a generator to power the water plant in case of emergency.
- Deputy Mayor Marinello is working with Town of Thompson officials to develop an Emergency Management Plan.
- Trustee VanDermark provides the Village with professional oversight of budgetary issues and transactions.
- Historic and innovative cooperation agreements with the Town of Thompson have been created.
- We've restructured the treasurer's office and eliminated the questionable practices associated there.
- We enacted legislation to restrict adult businesses to the narrowest of locations, and away from our schools, churches, synagogues and homes.
- We revised our property maintenance laws and streamlined the enforcement process. We increased penalties for repeat offenders and regularly take offenders to court to answer for their violations. Code enforcement officers from other communities have noticed the changes in Monticello and have asked us to help them revise their codes.
- Jefferson Street, once the worst street in the Village, was resurfaced. By 2010, we expect that every major roadway entering the Village will have been redone and improved. The New York State D.O.T. will begin re-doing Pleasant Street this April, and work on Broadway will

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- begin next year. In spite of reports of a scaled-down Broadway project, the street will be rebuilt from storefront to storefront and the D.O.T. still plans to spend over \$6 million on the project.
- We built a wonderful new firehouse, the first new municipal building in Monticello since 1975, and the fire department has formed a fire district to better serve the needs of the community.
- We built a basketball court behind the Ted Stroebele Recreation Center, and we have a good chunk of the money we need to build a skateboard park.
- The long-leaking Police Department roof was repaired and plans are being drawn up to expand their offices, along with the Justice Court, into a renovated space that was the old firehouse.
- The Police Department has had new computers installed in the station and in police cars. New computers were also installed in Village Hall and the Justice Court.
- Police have cracked down on drivers who ignore our traffic laws, who drive while under the influence, and several major drug arrests have helped improve our quality of life.
- We are considering innovative new legislation that will make landlords more responsible for the actions of their tenants, an approach tried successfully in other communities to cut down on crime.
- We began an evaluation process for all village employees, including department heads.
- We created a new village web site, www.villageofmonticello.com.
- We corrected long-standing problems with the 911 numbering system.
- New businesses, offices and housing have come to Monticello or are being planned. The Racino at Monticello Raceway, Aldi's supermarket, Hollywood Video, Nature, Buona Fortuna expanded, Albella's, Vino's, Enterprise Rental Cars, new law offices and engineering firms, a health food store, Cohen's Bakery, Broadway Home, G-Man expanded and added clothing and sneakers, Jefferson Plaza, the Lakewood Avenue office complex, Church of the Latter Day Saints, Wayne's Small Engine expanded, the Frontier Building has been purchased and will be removed

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and a new office-retail complex will be built in its place, Regency Manor Senior Housing, Tannery Court Senior Housing, tonight we'll hear about Summit House Senior Housing for Veterans, Richardson Court Apartments, Highview Estates, a new laundromat on Forestburgh Road, Carlton Apartments, Highview Apartments, Tri-State Fisheries, Dunbar Towers (a 7-story, 92 unit apartment complex overlooking the Raceway), Mountainview Luxury Townhomes (a 99 unit townhouse complex), Fraser Pond Estates, an expansion to St. Peter's Church, Crystal Ridge (a 52 unit complex), Southern Tier Abstract's new building on Broadway...and the list goes on.

Credit goes to many private investors who now have faith in this village's future, faith we didn't see in the recent past. Credit goes to our state legislators, Senator Bonacic and Assemblywoman Gunther, who have been incredibly supportive and put their money where their mouths are. Credit goes to an incredible team of department heads who work tirelessly to provide the village with its essential services, who find creative ways to squeeze every penny for maximum gain. Credit goes to our amazing team of employees who repair our aging infrastructure, who pave our streets, who make sure that everything works, who build new vehicles from spare parts, who catch the bad guys, who literally work day and night to serve our residents. Credit goes to the Board of Trustees, and particularly Mayor Barnicle, who determine the policies that I implement, who set the tone and direction that ultimately determines what Monticello will be like tomorrow.

On a personal note, it has been an amazing five years, but also the longest five years of my life. Monticello is a hard place to work. We're divisive and selfish. We're unforgiving and vindictive, personal and political. The biggest obstacle the Village faces is not a tight economy, not an aging infrastructure, not too little money. Our biggest obstacle is *ourselves*.

But just think: if we can accomplish so much in five years in spite of the divisiveness, think of how much we could have accomplished had we worked together more productively.

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Perhaps that should be our collective goal for the next five years.

Trustee Jenkins explained that he understands that everyone is working hard together to try to improve the Village, but he is not happy with the condition of Monticello and he felt the Board and the Manager has to be more aggressive in enforcing the laws because nothing has really changed such as more jobs, a decrease in taxes or new businesses, only tax exempt entities. He felt that he hasn't accomplished anything in the year he has been on the Board.

The Manager indicated there is more work to be done, but there have been some improvements as listed in his report.

The Mayor noted that in the last two years internally the Village's accounting procedures, the services, the Village's accountability has greatly improved. In other words, the Village did not have inter-government communications before this Board took over. He explained that the Village was in near bankruptcy, and it will take more than two years to completely correct the situation.

Trustee Schoonmaker was disturbed and takes personnel offence with the declaration that:

"On a personal note, it has been an amazing five years, but also the longest five years of my life. Monticello is a hard place to work. We're divisive and selfish. We're unforgiving and vindictive, personal and political. The biggest obstacle the Village faces is not a tight economy, not an aging infrastructure, not too little money. Our biggest obstacle is *ourselves*.

He felt that the Board and the Manager must be accountable for all the mistakes, however if he was vindictive and unforgiving the Manager would not a job.

The Village Manager felt that Trustee Schoonmaker took that remark very personally, however, it was meant to the entire Village.

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

Mayor Barnicle opened the public hearing at 7:32 p.m.

The Village Manager explained that the Village is considering applying for funds to use as business investments for startup money to encourage new businesses to open up in the Village of Monticello.

The Mayor also noted that the Monticello Housing could also participate in this grant to rehab their units.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:33 p.m.

RESOLUTION OF THE VILLAGE OF MONTICELLO TO ISSUE A REQUEST FOR PROPOSAL (RFP) REQUIRED FOR PROGRAM DELIVERY OF 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 received \$400,000 in funding to undertake economic development activities that eligible for assistance under this program, and

WHEREAS, in order to secure the services of an economic development professional to review business plans, financial information, loan underwriting, and to make recommendations to the Village for financing of activities to be funded through this grant, and

WHEREAS, the cost for this activity is an eligible use of CDBG funds.

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NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello will issue a Request For Proposal (RFP), and

BE IT FURTHER RESOLVED, that the Village Manager 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 secure these services.

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

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

Discussion - Trustee VanDermark questioned why the Manager is asking permission to rebid these services since it was bid within the past year?

The Village Manager responded that at the time no bids were received with one firm indicating there was a problem with the specifications, so therefore he would like to rewrite the bid another time.

The Mayor explained that Sleepy Hollow had received a bid on their own from Waste Management which was far less than what the Village charges, and therefore he feels the Village should rebid the privatizing of sanitation to see whether it would save the taxpayers money.

Trustee VanDermark felt that the Manager had already found out that the Village has the most reasonable rates by calling the different companies to ask what their charges are.

The Mayor responded that he spoke to the local Sullivan County haulers, but it is possible that an Orange County company might be able to bid less.

Sam Wohl questioned if the Village does privatize the sanitation collection, could a resident "opt out".

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Mayor Barnicle responded that residents would not be able to opt out; however, although the bid would be for all pickups, mainly they are looking at the commercial part of the sanitation pickup, but all the services will be evaluated.

Trustee Schoonmaker questioned whether the Village does pickup recycling?

The Mayor responded that when the State did an audit two years ago it was discovered that the residents were funding (paying too much) to support the commercial garbage pickup. The Village has since dramatically raised the commercial rates because of the increase in tipping fees, fuel costs, etc. and make them pay the cost for the service they are receiving which increased most of the commercial rates by 50%. He explained that Sleepy Hollow is federally funded and they cannot afford the sanitation fees. He reported that he and the Manager met with Assemblywoman Gunther, the Manager of Sleepy Hollow, and has spoken to the County to set up a recycling program. Assemblywoman Gunther is researching purchasing commercial grade recycling bins to alleviate some of their garbage fees.

Trustee Schoonmaker was concerned that recycling is not being enforced.

Trustee Jenkins felt that all the tenants should be recycling which would reduce the amount of garbage that is being thrown out. He also felt that the Village has not been aggressive enough about enforcing the recycling laws.

The Mayor explained that the Sleepy Hollow management has been told that in order to reduce their sanitation fees they have to recycle. He indicated that the County's recycling manager, Bill Cutler, and he will meet with Sharon Kazansky who is the Manager of Sleepy Hollow to help them start the fixed income residents on how to recycle and get the system in place.

Trustee Schoonmaker felt that this is not a County problem.

The Mayor responded that this is an educational process only.

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Trustee Jenkins felt there is no excuse for not recycling.

The Mayor felt the Village should work with the Sleepy Hollow management to get them to recycle.

Trustee Schoonmaker felt that if the Village can prove to the County that we are enforcing the recycling laws, the County might consider giving the Village a reduction in their tipping fees which would benefit all the residents.

The County has indicated that the recycling program in the Village has improved and gone up by 50%. He noted that because of this the County does not charge the Village for commingling some recyclables.

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, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins, nay; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye to adopt the above resolution. Motion carried 3 ayes - 2 nays.

RESOLUTION AMENDING THE FEE SCHEDULE TO CAP BUILDING PERMIT FEES AT \$10,000 FOR AFFORDABLE SENIOR CITIZEN HOUSING ONLY

WHEREAS, the Village of Monticello ("Village") has been informed that building permit fees for senior citizen affordable housing project may make new projects cost-prohibitive; and

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WHEREAS, the Village Manager has performed an analysis of concomitant building permit fees in other municipalities and has found the Village's fees for such projects to be excessive; 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 encourage senior citizen affordable housing projects;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby amends the fee schedule to cap building permit fees at \$10,000.00 for affordable senior citizen housing projects only.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins, aye; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye to adopt the above resolution. Motion carried 4 ayes - 1 nay.

RESOLUTION AUTHORIZING THE POLICE DEPARTMENT'S PURCHASE REQUEST IN EXCESS OF \$1,000 FOR A USED TRANSMISSION FOR A POLICE VEHICLE IN THE AMOUNT OF \$1,150

WHEREAS, an undercover police vehicle is in need on transmission; and,

WHEREAS, the Chief of Police Douglas Solomon has tried to get three (3) written estimates for purchase of a transmission with only two vendors have the necessary transmission available and the lowest responsible bidder was Don's Automotive Mall, Inc. of Binghamton, New York for a cost of \$1,150.00; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a transmission from Don's Automotive Mall, Inc. of Binghamton, New York for a cost of \$1,150.00.

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

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**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 SUMMIT HOUSE VETERAN
SENIOR CITIZEN AFFORDABLE HOUSING PROJECT PERTAINING TO
PROPERTY LOCATED IN THE VILLAGE OF MONTICELLO, NEW YORK, ON
SUMMIT AVENUE WITH A TAX MAP DESCRIPTION OF 111-11-2.1**

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, Urban Summit LLC made application to the Village of Monticello Board of Trustees has so that the proposed Summit House project located on Summit Avenue with a Tax Map Description of 111-11-2.1 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 Veteran 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 Urban Summit LLC pertaining to the Summit House 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 VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

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RESOLUTION APPROVING BUDGET TRANSFERS - FY 2005/06

Trustee Jenkins questioned how much money is left in the contingency fund?

The Village Manager indicated that he would ask the Treasurer for that information.

WHEREAS, the Village of Monticello has adopted its annual budget for the 2005/06 fiscal year; and,

WHEREAS, the Village will incur expenditures that exceed the adopted line item amounts authorized by the Village Board of Trustees, and;

WHEREAS, there are revenues that exceeded budgetary amounts and/or expenditure 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 VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION APPOINTING INSPECTORS OF ELECTION FOR VILLAGE ELECTION MARCH 21, 2006

WHEREAS, the Village of Monticello will hold a Village Election on Tuesday, March 21, 2006; and,

WHEREAS, the Board of Trustees is empowered to appoint inspectors of election for the Village Election.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby appoint the following persons and positions for the Village Election, March 21, 2006:

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Election Inspectors: (20)

Democrats: Patricia McKinny, Nina Snyder, Geraldine Cox, Myrtle McKinney, Lenesta Pohl Linda Thomas, Fannie Valenstein, Mattie Anderson, Eva Hutchins, Ella Snowden

Republicans: Adelaide Geiselman, June Bartol, Patricia Richardson, Judy Wolkoff, Margoth Sanchez, Shirley Rogg, Janie Malman, Jack Hsu, Beverly Santarelli, Joan Blackburn

Cord Pullers: (5)

Democrats: Doris Jones

Recanvassor-Barbara Goldfarb
Machine Custodian-Robert Ottino
Phil Sager

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

DISCUSSION OF POSSIBLE ANNEXATIONS ON WAVERLY AVENUE

The Village Manager explained that the Village has gotten several inquiries about annexing Town properties into the Village on Waverly Avenue.

Code Enforcement Officer Sue Flora noted that the recent properties that have been annexed into the Village have structures that do not meet the Village standards such as summer bungalows that are now being lived in year round and the people are freezing in them.

The Mayor indicated that in the future the policy will be that all annexation requests are reviewed by the Code Enforcement Officer and a report made to the Board.

A person representing Paradise Village that has 14 existing bungalows and plans to add on to it on Waverly Avenue and are not contiguous with Village requested to be hooked into the Village's sewer line and charged as an outside user.

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The matter was referred to Bill Bertholf, Wastewater Treatment Plant Superintendent to research whether the sewer plant has enough capacity to take in this additional usage.

RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO EXECUTE A STIPULATION OF DISCOUNTENANCES OF THE ACTION COMMENCED AGAINST BRITT, INC., a/k/a BRIT, INC.

WHEREAS, the Board of Trustees of the Village of Monticello on October 8, 2005, duly adopted a resolution authorizing the Village Attorney or her designee to commence an action against BRITT, INC., a/k/a BRIT, INC., for a Declaratory Judgment and a Temporary Restraining Order with regard to whether Britt Inc., a/k/a Brit Inc., is validly licensed to operate taxis in the Village of Monticello and the Town of Thompson; and,

WHEREAS, said action was duly commenced by the filing of a Summons and Complaint on October 12, 2005, and its subsequent service upon Defendant on October 14, 2005, and;

WHEREAS, it appearing that said Defendant has come into compliance with the Village Code with regard to taxicab licensing requirements.

NOW, THEREFORE BE IT RESOLVED, that the Village Attorney be and she hereby is directed to execute a Stipulation of Discountenance of said action without prejudice to refilling, should Defendant fall out of compliance with the Village Code, or should it be discovered that the Defendant is not in compliance with the Village Code.

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 EXECUTE AN "OUTSIDE USER AGREEMENT" WITH RESPECT TO WATER SERVICES FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO WITH PARIS AND MICHELE TSAPTINOS WITH REGARD TO PROPERTY AT 151 EAST BROADWAY (TOWN OF THOMPSON TAX MAP, SBL 23-1-31), SAID AGREEMENT TO BE APPROVED BY THE VILLAGE ATTORNEY

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WHEREAS, Paris and Michele Tsaptinos are the owners of 151 East Broadway, Town of Thompson Tax Map No. SBL 23.-1-31, a parcel which is not contiguous with the Village of Monticello, who desire to utilize Village water and sewer services at the standard rate for outside users; and

WHEREAS, previous the property owners Jerry, David and Irving Malek have heretofore been permitted to receive water and sewer service at an outside user rate from the Village of Monticello pursuant to an agreement for water and sewer service which was approved by the Village Board and which "runs with the land" and which was recorded on the office of the Sullivan County Clerk on February 2, 2005, at Liber 2910 at page 405; and

WHEREAS, by virtue of the Village having provided water and sewer 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 Paris and Michele Tsaptinos and the Village of Monticello to a written agreement; and

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 Paris and Michele Tsaptinos with regard to their property on 151 East Broadway, Town of Thompson Tax Map No. SBL 23.-1-31, and
- (2) The final form of said agreement shall be as approved by the Village Attorney.

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A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, 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 on a roll call vote to 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.

PUBLIC COMMENT

Village Updates

Dick Kelly, a Village resident felt the Board should continue to update the taxpayers on ongoing matters.

Mayor Barnicle indicated that he tries to get that information to the press so it will appear in the newspapers.

Keeping Businesses in Village

Harry Brantz was concerned that too many businesses are closing after shortly after they open.

EXECUTIVE SESSION

At 8:30 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 contract negotiations, possible ongoing litigation and a personnel matter on a particular person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

Mayor Barnicle reconvened the Village Board meeting at 9:30 p.m.

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Roll Call

Upon call of the roll, the following were:

Present:

Absent:

James Barnicle, Mayor
Gordon Jenkins, Trustee
Victor, Marinello, Jr. Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

**A RESOLUTION AUTHORIZING ATTORNEY FOR THE VILLAGE OF
MONTICELLO, E. DANIELLE JOSE, ESQ., TO COMMENCE A CIVIL
ACTION IN THE VILLAGE OF MONTICELLO SMALL CLAIMS COURT, ON
BEHALF OF THE VILLAGE OF MONTICELLO, AGAINST HILDY
SCHOONMAKER**

SECTION 1. The Board of Trustees of the Village of Monticello hereby authorizes E. Danielle Jose, Attorney for the Village of Monticello, to commence a civil action in Monticello Village Small Claims Court on behalf of the Village of Monticello and to appear as the attorney for the Village of Monticello as Plaintiff, against Hildy Schoonmaker as Defendant.

In said civil action, the Village of Monticello, as the Plaintiff, shall, among other things, ask the Court: for damages amounting to SIX HUNDRED NINE AND 39/100 (\$609.39) DOLLARS plus 9% interest from May 1, 2005, plus costs and disbursements of this action and such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of the action.

SECTION 2. This Resolution shall take effect immediately.

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

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**A RESOLUTION AUTHORIZING ATTORNEY FOR THE VILLAGE OF
MONTICELLO, E. DANIELLE JOSE, ESQ., TO COMMENCE A CIVIL
ACTION IN THE VILLAGE OF MONTICELLO SMALL CLAIMS COURT, ON
BEHALF OF THE VILLAGE OF MONTICELLO, AGAINST SHORTLINES
CORP., JOHN BENEVIDES, and COPELAND COATING COMPANY, INC**

SECTION 1. The Board of Trustees of the Village of Monticello hereby authorizes E. Danielle Jose, Attorney for the Village of Monticello, to commence a civil action in Monticello Village Small Claims Court on behalf of the Village of Monticello and to appear as the attorney for the Village of Monticello as Plaintiff, against Shortlines Corp., John Benevides, and Copeland Coating Company, Inc as Defendants.

In said civil action, the Village of Monticello, as the Plaintiff, shall, among other things, ask the Court: for damages amounting to ONE THOUSAND FIVE HUNDRED AND 00/100 (\$1,500.00) DOLLARS plus 9% interest from February 15, 2006, plus costs and disbursements of this action and such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of the action.

SECTION 2. This Resolution shall take effect immediately.

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

ADJOURNMENT

At 9:35, 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