

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, MAY 1, 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
Arlene Glass, Grants Writer
Clarence Decker, Water Superintendent
Alan Reynolds, Highway Superintendent
Douglas Solomon, Chief of Police
Sam Wohl, County Legislature

APPROVAL OF MINUTES OF BOARD MEETING OF APRIL 17, 2006

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of April 17, 2006 as presented.

OLD BUSINESS

Power Line Public Hearings

Mayor Barnicle explained that Senator Bonacic has written him a letter about his concern that there are no public hearings scheduled in regard to the proposed Delaware Valley power lines running through Sullivan County. The Senator asked that the Board sign a letter and send it to the Richard Middiman, NY Regional Interconnect asking that public hearings be held in Sullivan County.

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National Immigration Day

Mayor Barnicle noted that today is National Immigration Day, and our local community held a very peaceful and spontaneous rally on the Courthouse lawn beginning at 4 p.m. today with at least several hundred people attending.

New Business Ribbon Cutting

Mayor Barnicle announced that there will be a ribbon cutting on Saturday, May 6th at *Smoker's Choice* located at the corner of Park Avenue and Broadway at 8:30 a.m. and *Salt & Pepper Kitchen* on the south side of Broadway on Saturday, May 13th.

Little League Parade

The Mayor announced that the annual Little League Parade will be on this Saturday, May 6th beginning at 8 a.m.

Department Head Ideas

Mayor Barnicle explained that as part of his State of Monticello address given during the last meeting, he challenged the department heads to become entrepreneurs with their own area of expertise. Betsy Conaty, Park & Recreation Director, while reading an article in the newspaper noticed that Home Depot did local projects for communities, so she contacted them and they will be redoing the railroad ties and steps in and around the tennis courts.

Monticello Parents Meeting

Mayor Barnicle announced that he, and Trustee VanDermark, attended a meeting on Saturday with a group of people with different expertise (i.e. new Supt. of Schools, the D.A., the Village's Youth Officer, Douglas Tunno, Betsy Conaty etc.) known as Monticello Parents that are trying to come together to put all these people with knowledge in various fields dealing with youth and try to create a positive atmosphere within the community for them to grow.

RESOLUTION AUTHORIZING THE INCREASE OF TAXI FARES

WHEREAS, the Cab Companies within the Village of Monticello ("Village") have requested an increase of taxi fares by \$.50 per zone due to increases in gasoline prices which are perceived to be temporary; and

WHEREAS, the Board of Trustees have discussed this matter and asked for public opinion of users of these cabs; and

WHEREAS, the Board of Trustees recognizes that the increase in gasoline prices may be temporary; and

WHEREAS, the Cab Companies within the Village agree to eliminate the increase in the event gasoline prices in the Village of Monticello fall below \$2.65 per gallon.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello do hereby authorize all the cab companies within the Village of Monticello to increase their taxi fares by \$.50 for each zone as follows:

Zone	Increased Fare Amount
"A"	\$5.50
"B"	\$5.75
"C"	\$6.00
"D"	\$6.25; and

BE IT FURTHER RESOLVED, that the Board of Trustees will expressly rescind this authorization by resolution, in the event gasoline prices within the Village of Monticello fall below \$2.85 per gallon.

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

MANAGER'S REPORT

1. I met with the County DPW met last week to plan for the reconstruction of East Broadway from Exit 106 to the corner of Pleasant Street. The New York State DOT will fund 90% of the project so the cost to us is only 10% of that part of the project from the Village line

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to Pleasant Street. The project includes sidewalks and curb cuts.

2. Last week, our department heads met with representatives of the State DOT to discuss the Pleasant Street project. At this time, we're waiting for NYSEG to move the electric poles before any actual road construction can begin. The Mayor got them to agree to work longer days from Monday to Thursday and to stop work at Noon on Fridays during July and August. They estimate the project will be completed by December. Reps from the DOT will be at our May 15 meeting to review the project with us.
3. The Broadway sewer-line replacement project will begin very soon, with new sewer lines installed from Jones Street to Jefferson Street. This project is fully grant funded.
4. The State DOT has agreed to install a traffic light at the intersection of Route 17B and West Broadway. Now I'm urging them to install the same signalization at the other end of West Broadway, at Forestburgh Road.
5. Brenda and I had a budget meeting last week to discuss the budget the coming fiscal year. I think people are expecting a huge tax decrease because the fire department has formed a district and will no longer be supported by the Village. They are correct, except that the anticipated decrease won't be realized until the following budget year. In addition, we've experienced huge increases in gas and fuel oil prices, health insurance and worker's compensation. We also don't know yet about what our expected contribution will be to State retirement. The preliminary budget will be available soon, and we'll have a work session to go into further detail.
6. We received NO bids for privatizing sanitation services, which I found most disappointing. I spoke with people from one of the private haulers and with the DPW head in the Village of Liberty and we may re-write the bid, yet again. One of the sticklers in our

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bid package was that we required haulers to do their own billing. They don't like that because it's a lot of work and they want us to do it. We don't want to do it because some people are slow to pay, and we don't want to make the hauler "whole" at Village expense. We looking for ways to resolve that issue.

7. I keep hearing from residents and businesses who say that if go "private" sanitation rates would go down. The Village of Liberty budgets \$500,000 for sanitation services and the only bid they received from a private hauler was for over \$750,000.

8. If we are to experience any relief from high sanitation fees, we are going to have to strictly enforce our recycling efforts and remove recycling from the waste stream. To that end, "Moose" Reynolds and I met with the Village of Liberty DPW head to discuss how they conduct their recycling program. We learned that 95% of their residences and businesses recycle. Here's what they do:

They require clear garbage bags. If there are recycling materials seen in a bag they will not pick it up and Code Enforcement tickets the property. The property owner will then have to dispose of the garbage at their own expense, and pay a fine to the Village Justice Court. Garbage collection is Curbside Pickup Only for **everyone**, handicapped included.

People complained for about two months, but the Village Board stood their ground and after that the complaints stopped and people complied with the regulations. I have asked Liberty's DPW head, Peter Parks to come to our first meeting in June to discuss his program and the experiences he's had.

9. Our own effort to recycle within Village offices is moving along nicely. Last week, the department heads and I met with Bill Cutler, the County's recycling coordinator to discuss what we have to do to recycle in Village offices. I have set a target date of August 31 for all offices to have our own program in place, but I'm certain that we will be in full recycling mode

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long before then. Several departments have been recycling for some time.

- 10 . As you are aware, the Town has asked us to extend their capacity in certain sewer districts. We need to set up a work session so that we can discuss our own and future needs before we can decide if we can accept additional flow from the Town. We're looking at May 11 at 5:00 PM for the work session.
- 11 . Attached to this report is a Proclamation in honor of Louis Taub, a long-time member of the Monticello Seniors who is leaving the area this month.
- 12 . We have received a check from Time Warner Cable in the amount of \$91,507.50 as payment for their franchise fee.
- 13 . In 2005, the Monticello Police Department issued 1638 traffic tickets. 1044 were for non-moving violations, 395 were for moving violations, and 182 radar tickets. 69 arrests were made for DWI related offenses. There were 274 motor vehicle accidents; 195 of which involved property damage only and 79 involved personal injury. It should be noted that more tickets were issued in 2005 than in the preceding four years, confirming our commitment to crack down on vehicle related infractions.
- 14 . I meet this week with representatives from the national headquarters of the YMCA. They are interested in opening a Y in the Monticello area.
- 15 . There is a ribbon-cutting at the **Literacy Center** building on North Street scheduled for this Friday, May 5 at 3:00 PM. There is another ribbon-cutting to welcome **Smoker's Choice** at the corner of Park Avenue and Broadway scheduled for Saturday, May 6 at 10:00 AM.
- 16 . On Friday, the mayor, police chief and I walked Broadway to tell shop owners about our graffiti law.

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17. Our annual Spring Clean-up is scheduled for this weekend, May 5, 6, and 7. Permits may be obtained from the Village Clerk in Village Hall daily from 8:30 AM to 4:30 PM.
18. A reminder that Main Street Day is on May 19 from 11:00 AM to 7:00 PM at the Lodge in Rock Hill. The Village will have a booth and we invite everyone to visit with us. There is no fee.

PRESENTATION BY SULLIVAN COUNTY PARTNERSHIP FOR ECONOMIC DEVELOPMENT BY EXECUTIVE DIRECTOR MARC BAEZ REGARDING ANNOUNCEMENT OF \$200,000 GRANT FOR DOWNTOWN MONTICELLO BUSINESSES

Marc Baez announced that the Sullivan County Partnership for Economic Development in cooperation with the Town and Village Joint Grant Department was awarded a \$200,000 grant for Downtown Monticello Businesses (Main Street). There are three (3) \$50,000 grants, matching grants and lastly a grant for facades.

Grant Writer Arlene Glass further explained that the three \$50,000 grants for very significant buildings. Also, the other grants are for smaller projects such as facades and "streetscaping" for such things as trash cans, etc.

PUBLIC HEARING WITH RESPECT TO TRANSFER OF NEW FIRE HOUSE FROM THE VILLAGE OF MONTICELLO TO THE JOINT MONTICELLO FIRE DISTRICT

Mayor Barnicle opened the public hearing at 7:40 p.m.

The Village Attorney explained she, the Treasurer and Fire Commissioner Bill Culligan and the Fire District Treasurer Gary Lasher had a meeting about three weeks ago regarding transferring the new firehouse building from the Village's name to the new Monticello Joint Fire District. She noted that the Village has bonds presently on the firehouse and those bonds need to be transferred to the district in exchange for the firehouse. In the interim the District was formed January 2nd, and from January 2nd to whatever date

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title is transferred to the Joint Fire District, interest is being accrued on these bonds and that needs to be paid as well. She continued that the purpose of signing a contract now is to provide for a mechanism for the fire district to pay us, not just for the bonds that need to be reimbursed, but also for the interest that is accruing during these four months. In addition the district needs to provide a Certificate of Insurance naming the Village of Monticello as an additional insured for the premises. She indicated that the contract before the Board is a standard form and some portions of it may need to be negotiated and some items may need to be added or deleted. She indicated that the proposal is that the fire district reimburses the Village for the bond amount themselves, plus the interest incurred up to the proposed date of closing of May 31, 2006.

Fire Commissioner Culligan advised the Board that this contract would have to be reviewed and approved by their attorney, but the district has both the bonding and certificate of insurance in order. He noted that this is the first time he has seen the proposed contract.

Trustee Schoonmaker questioned whether the construction problems have been corrected, will the warranties transferred to the fire department and will a standard contract include these issues since what is before the Board does not address these matters.

The Village Attorney responded that there will be riders addressing these issues. She noted that we have warranties from Frattello who is willing to extend their warranties for a year from the date they leave the building which would be another part of the contract that needs to be negotiated with the fire district's attorney Mark Butler.

Trustee Schoonmaker questioned whether the other contractors will put in writing that they are going to extend the warranties for one year from the date they leave the building.

The Village Attorney responded that that is a three party contract which would require the fire district to be involved.

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Trustee Schoonmaker felt the matter should be tabled until all these issues are addressed in writing and the Board has them to review at least two weeks prior to the signing of the contract to ensure everything is in order.

Trustee VanDermark questioned whether final payments to the contractors have been held back?

Mayor Barnicle responded that final payments have not been made to them.

Mayor Barnicle closed the public hearing at 7:48 p.m.

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL
LAW NO. 3 OF 2006 TO DISSOLVE THE VILLAGE OF MONTICELLO
HUMAN RIGHTS COMMISSION**

Mayor Barnicle opened the public hearing at 7:48 p.m.

Mayor Barnicle indicated that the Human Rights Commission has been dormant for years and hasn't had a meeting, nor have they had a need to hold a meeting. He noted the Chairman of the Human Rights Commission Velma Gonzalez went out to solicit others to join the Commission as well as asking those already on the Board to continue as a member. She could not find any new members and those already appointed did not want to continue to serve on the Human Rights Commission, and therefore, there was no interest within the community to be on the Human Rights Commission and she has now submitted her letter of resignation. He felt that the Board is in agreement that the Human Rights Board is not effective, they are not meeting and why have something that is not functioning. He noted that the County has an eleven member Board that is fully funded; they meet monthly, so if the Village ever has a human rights issue it will be referred to the County.

Barbara Burton did not agree that the Human Rights Commission should be disbanded.

Harry Brantz felt the Human Rights Commission should be dissolved since the County does have the same purpose.

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Mayor Barnicle closed the public hearing at 7:52 p.m.

**RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF
MONTICELLO TO EXECUTE AN AGREEMENT FOR THE TRANSFER OF REAL
PROPERTY TO THE MONTICELLO JOINT FIRE DISTRICT MONTICELLO**

Discussion - The Village Attorney explained that a contract is something that is negotiated with the fire district. She indicated that if this resolution is adopted the Board is authorizing that the contract be negotiated in the final form approved by the Village's staff and which is in the best interest of the Village.

Mayor Barnicle explained that this vote is only to transfer the funds, and any riders can be added after the basic contract is approved and the process is repeated for these additional items.

The Village Attorney indicated that the Board is not voting on the document before them this evening, they are voting on the intention to transfer the fire house to the fire district, pay off the bonds and pay off the interest. She explained that everyday the fire house is not transferred to the district; the debt is increasing by the interest being accrued and the Village Treasurer feels it must be addressed immediately.

Trustee VanDermark felt that he would prefer to have the final form of the contract before he votes to approve it. He noted that the Board did not get this draft contract until just before the meeting began this evening.

Trustee Schoonmaker noted that the fire district has given the Village a commitment that they will accept the debt, as is, so the fire department will take over all the interest that has been accrued to the time the contract is signed in its final approved form. He felt that this resolution should be tabled to the May 15th meeting.

The Village Attorney felt the Village needs to have a contract. She explained that the Board is approving a

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concept not the document that has been presented to them this evening, since there is no dollar in this contract because it has been determined yet, there are no warranties because there are no warranties at this time, but they all will be there in time.

Trustee Schoonmaker felt that all this information needs to be included in the contract prior to the Board approving it, and he will not accept it in its present form.

The Village Attorney explained that the Board is voting on the idea of transferring the fire house to the district.

The Mayor summarized the discussion that the Village Board will vote to transfer the firehouse to the district and any additional riders will be to address any outstanding issues that such as contract, monies and dollar amounts.

The Village Attorney also noted that the Board in Executive Session will be advised of the content of these riders and those can be voted on independently in open session. The Board will be provided with a complete contract that they will approve and sign.

WHEREAS, the Village of Monticello ("Village") owns property designated as Village of Monticello SBL 116-2-10.5 and located on Richardson Avenue being 7.71 acres consisting of a lot with a newly constructed firehouse situate on said lot; and

WHEREAS, this property owned by the Village is no longer needed by the Village for public purposes, as the function of the Monticello Fire Department has been transferred to the Monticello Joint Fire District ("Fire District"), and is considered surplus property; and

WHEREAS, the Fire District has offered to purchase this property owned by the Village for the sum total of the bonds obtained by the Village plus any and all interest accruing on said bonds from the date financing was obtained until the closing of title when it vests with the Fire District inclusive, said amount to be determined as of the date of closing; and

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WHEREAS, it is in the best interest of the residents of the Village of Monticello to sell this surplus property owned by the Village to the Fire District for the sum total of the bonds obtained by the Village plus any and all interest accruing on said bonds from the date financing was obtained until the closing of title when it vests with the Fire District inclusive, said amount to be determined as of the date of closing; and

NOW, THEREFORE, BE IT RESOLVED, that the property designated as Village of Monticello, SBL 116-2-10.5 is hereby declared to be surplus and no longer needed for public purposes; and it is further

RESOLVED, that the Village Manager is hereby authorized to execute the Contract of Sale between the Village and the Fire District or its designee for the purchase of Village of Monticello SBL 116-2-10.5 for the sum total of the bonds obtained by the Village plus any and all interest accruing on said bonds from the date financing was obtained until the closing of title when it vests with the Fire District inclusive, said amount to be determined as of the date of closing; and it is further

RESOLVED, that the Village Mayor is hereby authorized to execute the necessary documents to convey the property pursuant to the terms of the Contract of Sale; and it is further

RESOLVED, that the documents executed by the Village Manager will be in a form approved by the Village Attorney.

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

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**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF
THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 3 OF 2006**

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on May 1, 2005, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to hear all interested parties on a proposed Local Law which would rescind Local Law No. 8 of 1993 Entitled "Human Rights Commission"; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on Friday, April 21, 2006; and

WHEREAS, said public hearing was duly held on May 1, 2005, at 7:00 p.m. at Monticello Village Hall, 2 Pleasant Street, Monticello, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

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. 3 of 2006, rescinding Local Law No. 8 of 1993 Entitled "Human Rights Commission"; 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.

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

RESOLUTION TO AMEND THE VILLAGE'S INVESTMENT POLICY TO INCLUDE "IRREVOCABLE LETTERS OF CREDITS"

WHEREAS, the Village Investment Policy should be amended to include "irrevocable letters of credits"; and,

WHEREAS, In accordance with the provision of General Municipal Law, §10, all deposits of the Village of Monticello, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured: The Village wishes to include the following as permitted under General Municipal Law §10.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby amend the Village's Investment Policy to include "irrevocable letters of credits" as follows:

Amendment to the Village's investment policy to include "irrevocable letters of credits".

COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, §10, all deposits of the Village of Monticello, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured: The Village wishes to include the following as permitted under General Municipal Law §10.

"IRREVOCABLE LETTER OF CREDIT"

By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value to 140% of the aggregate amount of deposits and the agreed upon

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interest, if any. Or 102% in the case of an irrevocable letter of credit issued in favor of the local government by certain Federal Home Loan banks. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

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

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF A SKATEBOARD PARK

WHEREAS, the Village of Monticello is interested in constructing a skateboard park; and,

WHEREAS, the funds to be used for the construction of the skateboard park will come from a grants and private donations.

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 for the construction of a skateboard park.

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

RESOLUTION TO AUTHORIZE FILING A GRANT APPLICATION TO THE NYS UNIFIED COURT SYSTEM FOR A JUSTICE COURT ASSISTANCE PROGRAM GRANT

WHEREAS, the NYS Unified Court System has requested applications for the next cycle of the Justice Court Assistance Program grants; and

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WHEREAS, the Village is interested in applying for funds to upgrade equipment currently in use at the Justice court;
and

WHEREAS, the program requires the Village to adopt a resolution authorizing the application.

NOW, THEREFORE, BE IT RESOLVED, that the Monticello Village Board authorizes that an application be filed with the NYS Unified Court System; and

BE IT FURTHER RESOLVED, that the Village Mayor be authorized and empowered to certify the application in the name of the Village of Monticello.

A motion was made 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 Schoonmaker, seconded by Trustee Marinello, 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

Home Security Plan

Harry Brantz noted that a plan is only as good as the experience in an actual event.

School Playground Usage

Harry Brantz felt that the Village should convince the schools to allow resident to use their playgrounds.

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ADJOURNMENT

At 8:20 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk