

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, MAY 15, 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  
Douglas Solomon, Chief of Police  
Clarence Decker, Water Superintendent  
Alan Reynolds, Highway Superintendent

**APPROVAL OF MINUTES OF BOARD MEETING OF MAY 1, 2006**

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of May 1, 2006 as presented.

**OLD BUSINESS**

**Road Construction Schedule**

Mayor Barnicle announced that the schedule for road construction for the next three (3) years is as follows:

- 2006 - Pleasant Street to the Town Line and  
Broadway Sewerline Replacement Project
- 2007 - Broadway Project
- 2008 - East Broadway

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**Taxi Cab Stands On Broadway**

Mayor Barnicle indicated that there was a suggestion that the taxicab stands be moved in front of the vacant stores since they are presently in front of occupied businesses and this would allow for easier and safer pickup of passengers.

**Regency Manor**

Mayor Barnicle announced that this time next year Regency Manor, the affordable senior citizen housing on Sturgis Road, will be opened and occupied.

**Work Session**

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to hold a work session prior to the next Village Board meeting on Monday, June 5<sup>th</sup> at 6 p.m.

**DISCUSSION BY NYSDOT - PLEASANT STREET PROJECT**

The Mayor announced that the NYSDOT will be updating the Village officials biweekly on the progress of the Pleasant Street construction project so the public and press can be informed also.

Bob McCauley, the NYSDOT designer for the Pleasant Street project displayed a map of Pleasant Street pointing that there will be sidewalks on both sides of the street with curbing, a complete drainage system, new water lines and sewer lines, and street lamp posts reflecting a historic district appearance. He explained that there will be one wider lane in each direction and center turn lanes at key locations to facilitate the movement of traffic, and a new traffic signal at Rock Ridge Avenue. He explained that many of the changes are being done to address serious safety issues.

Mayor Barnicle asked that the new traffic signals have a mechanism that synchronizes with the fire alarms so the apparatus has easier access to get through traffic.

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**PRESENTATION BY PETER PARKS, VILLAGE OF LIBERTY DPW  
REGARDING RECYCLING PROGRAM**

Mayor Barnicle welcomed Liberty Mayor William Smith and Peter Parks, Liberty's Superintendent of DPW and thanked them for giving this presentation this evening.

Mr. Parks explained that in the Village of Liberty recycles everything that the County allows them to recycle and recycling is now mandatory with no exceptions. Residents must put out all garbage and recycling in clear plastic bags. If recycling is found in a trash bag, the garbage will not be picked up and the property owner will be issued a violation by the Code Enforcement Officer and that location will not have garbage picked up until the situation has been remedied and the owner complies with the law.

Mayor Smith explained that there was a two month trial period when the officials had meetings with businesses and apartment complexes to familiarize themselves with the new rules and regulations.

Mayor Barnicle questioned how the Sanitation Department handles apartment complexes with dumpster?

Mayor Smith responded that the landlord has the responsibility to educate their tenants and ensure they are complying with the recycling rules. He explained that there are grants available for a recycling coordinator which gives that person the power to enforce too.

The Village Manager indicated that he received the same information.

Trustee Jenkins felt that the way to get people to recycle is by enforcement.

**SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS (1) THE  
PROPOSED GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF  
MONTICELLO, (2) A SUMMARY OF THE ENTIRE PROPOSED BUDGET FOR  
THE 2006/07 FISCAL YEAR (3) SANITATION RATES AND (4)  
SETTING WATER RATES FOR THE 2006/07 FISCAL YEAR FOR MONDAY,  
JUNE 5, 2006 AT 7:00 P.M.**

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**WHEREAS**, the Board of Trustees of the Village of Monticello has prepared a proposed general Village budget and appurtenant summary of the entire Village budget for the fiscal year 2006-2007, which commences August 1, 2006; and

**WHEREAS, the** Board of Trustees of the Village of Monticello has prepared proposed sanitation rates for the fiscal year 2006-2007; and

**WHEREAS, the** Board of Trustees of the Village of Monticello has prepared proposed water rates for the fiscal year 2006-2007; and

**WHEREAS**, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing for said proposed budgets for the 2006-2007 fiscal year, so that the public may be heard;

**NOW, THEREFORE**, it is hereby **RESOLVED**, that a public hearing be held by the Village Board of Trustees with respect to the aforesaid proposed budgets at 7:00 p.m. on June 5, 2006, at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 12701; and it is further

**RESOLVED** that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

**RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 4 OF 2006 ESTABLISHING THE VILLAGE OF MONTICELLO SEWER RENTS FOR 2006/07 FOR MONDAY, JUNE 5, 2006 AT 7:00 P.M.**

**WHEREAS**, the Board of Trustees of the Village of Monticello has prepared proposed schedule of sewer rents for the fiscal year 2006-2007; and

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**WHEREAS**, said sewer rents are established annually by local law; and

**WHEREAS**, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing for said proposed village sewer rates schedule for the 2006-2007 fiscal year, so that the public may be heard;  
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**NOW, THEREFORE**, it is hereby **RESOLVED**, that a public hearing be held by the Village Board of Trustees of the Village of Monticello with respect to the aforesaid proposed sewer rents schedule at 7:00 p.m. on June 5, 2006, at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 12701; and it is further

**RESOLVED** that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

**RESOLUTION AWARDING THE ANNUAL BIDS FOR VARIOUS MATERIALS USE BY THE HIGHWAY DEPARTMENT FOR FY 2006/07**

**WHEREAS**, bids for various materials used by the Highways Department were solicited by the Village Clerk for FY 2006/07; and,

**WHEREAS**, the Highway Department Superintendent has reviewed the bids and recommended the bids be awarded to the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby accept the following bids for the various materials used by the Highway Department:

LP Propane Gas	-	CEO	-	\$ 1.2377/G
Bituminous Concrete	-	Monticello Black Top	\$37.00 (Fine Mix)	
			\$36.30 (Course)	

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Rock Salt			\$State Bid
Run Of Bank Gravel	- Woodbourne Lawn	-	\$ 5.50/T FOB)
Ice Control Sand	- Woodbourne Lawn	-	\$ 7.50/T(FOB)
Unleaded Gas	- County Petroleum	-	\$ 2.37225/Gal.
Diesel Oil	- County Petroleum	-	\$ 2.3895/Gal.
#2 Fuel Oil	- County Petroleum	-	\$2.19625/Gal.
Crusher Run	- Callanan	-	\$8.40/T
Motor Oils/Greases	- Wayne Thiele	-	As bid for
& Anti Freeze	- Eastern Oil Co.	-	(Various Materials)

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

**RESOLUTION AWARDING THE ANNUAL BIDS FOR VARIOUS MATERIALS USED BY WATER AND SEWER DEPARTMENTS FOR FY 2006/07 AND BIDS ON METERS**

**WHEREAS**, bids for various chemicals used by the Water and Sewer Departments were solicited by the Village Clerk for FY 2006/07; and,

**WHEREAS**, bids for various meters used by the Water Departments; and,

**WHEREAS**, the Water and Sewer Department Superintendents have reviewed the bids and recommended the bids be awarded to the lowest responsible bidder.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby accept the bids for the various chemicals and meters to the lowest responsible bidder.

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

**RESOLUTION OF ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM**

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

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**RESOLUTION AUTHORIZING APPROVING PAYMENT #3 TO C.A. PHILIPS  
CONSTRUCTION CORP IN THE AMOUNT OF \$17,860.00 FOR THE PARK  
AVENUE WATERLINE REPLACEMENT PROJECT**

**WHEREAS**, the Village of Monticello was awarded a grant for Waterline Replacement on Park Avenue; and,

**WHEREAS**, the bid was awarded to the low bidder C.A. Philips Construction Corp. who is performing the work on the Park Avenue waterline replacement project; and,

**WHEREAS**, additional work by the contractor had to be performed on searching for and/or repairing several waterlines that were encountered during construction which were not properly mapped or marked and caused several hours time lost by the contractor in attempting to find and old water main in Broadway for connection to the Park Avenue main.

**WHEREAS**, the Village Engineer and the Water Superintendent recommended the Board approve payment #3 in the amount of \$17,860.00 to C.A. Philips Construction Corp. for the work already completed with the Village holding the 5% retainage in the amount of \$7,575.50.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve payment #3 in the amount of \$17,860.00 to C.A. Philips Construction Corp. for the work already completed.

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

**RESOLUTION ADOPTING THE NEW NAME OF CERTAIN VILLAGE STREET  
IN ACCORDANCE WITH 911 EMERGENCY RESPONSE SYSTEM**

**WHEREAS**, the 911 Emergency Response System has gone into effect in Sullivan County; and,

**WHEREAS**, many streets have similar names in other locations throughout the area, and therefore, to avoid conflicts that

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might result in response time delays the 911 Emergency System has changed certain street designated names within the area; and,

**WHEREAS**, do to confusion by the post office in delivering mail to the Dollard Drive area they have recommended that streets now known as Dollard Drive "a" and Dollard Drive "b" both should now be named Dollard Drive.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby change the street names of as Dollard Drive "a" and Dollard Drive "b" both be known as Dollard Drive.

The resolution shall take effect immediately.

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

**PUBLIC COMMENT**

**Communication & Attendance At Meetings**

Harry Brantz encouraged everyone to attend Village Board meetings on a regular basis and communicate with their local officials.

**Dirty Water Problems**

Betty Friedland indicated that even though the Village has installed a rechlorination station that services her neighborhood the water is still dirty. She felt that she and the other houses affected should continue to get a reduced water rate as they have been receiving because of the problem which causes them to continually flush out their lines.

Ursula Tieger also agreed that the water is still unacceptable.

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The Village Manager responded that the Village did put in a rechlorination station at great expense; there was a valve at the corner of Ms. Friedland property that was replaced because the Village thought the water was backing up and becoming stagnant which might cause some discoloration and also they put in a fire hydrant near her house so the line could be flushed out. He indicated that based upon what the experts and engineers have advised them to do everything has been done that can be done to remedy the discoloration of the water. He felt that if the problem is not external, than one has to assume that possibly the problem is internal.

Ms. Friedland felt that all the homes on "Miller Hill" have the same problem, not just her house.

Ursula Tieger indicated that her water is still discolored also.

#### **Unregistered Vehicles "Junk Cars"**

Ms. Friedland questioned which Village department handles the removal of unregistered vehicles?

The Mayor responded that the Code Enforcement Department is in charge of unregistered vehicles being removed for properties.

Ms. Friedland explained that an unregistered vehicle has been parked in someone's driveway all winter, and recently a second car is now along side it and neither has been removed. She suggested that the police department be reassigned this task temporarily while the Code Enforcement Officer is ill.

Ursula Tieger felt there is no excuse for two junk cars parked in one driveway.

#### **Unmowed Lawns**

Betty Friedland complained about neighbors that are not cutting their lawns. She asked that the Village do anything they can to help them since most of homeowners keep their lawns mowed and clean.

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**Rubbish on Property - Forestburgh Road**

Becky Whipple was concerned that the house next to Dr. Berg's office on the Forestburgh Road still has a pile of rubbish on their front lawn for a year or more especially since it is a main entrance into the Village.

**Waverly Avenue Issues**

Marie Ng questioned if anything is being done about the conditions of Waverly Avenue?

Village Attorney Jose responded that the Village met with the Town last week about that matter and steps are being taken to address the problems.

**Heritage Lane Issues**

A resident of Heritage Lane questioned what the Village is doing about the problem on that street? She explained that this has been a construction site for the last five years.

The Village Manager responded that the property owner will be issued a violation, and he will have to move his rocks.

Trustee Jenkins felt that a second Code Enforcement Officer should be budgeted for in the next fiscal year budget since many of these types of issues are not being rectified. He felt the Village must get aggressive in making sure property owners cleaning up.

Mayor Barnicle explained that the Village has only one full time code enforcement officer who has to write violations, go to court and inspect new construction. He felt she has done a great job, but the Village can improve and is trying to find funds to hire another full time code enforcement officer in the next budget.

The Village Manager indicated that another code enforcement officer will be included in the coming budget, and he hoped the Board supports this line item.

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**EXECUTIVE SESSION**

At 8:40 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations and the sale of Village owned property.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 9:15 p.m., Mayor Barnicle reconvened the Regular Village Board meeting.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO TO SELL SURPLUS REAL PROPERTY ON LIBERTY STREET IN THE VILLAGE OF MONTICELLO DESIGNATED AS SBL 106-3-15 TO GIUSEPPE GELSOMINO FOR \$7,585.80**

**WHEREAS**, the Village of Monticello ("Village") owns property on Liberty Street designated as Town of Thompson Tax Map, Section 106, Block 3, Lot 15; and,

**WHEREAS**, this property which is owned by the Village is no longer needed for public purposes and is considered surplus property; and,

**WHEREAS**, Giuseppe Gelsomino has offered to purchase this surplus Village property for the sum of \$7,585.80 for the purposes of constructing either office buildings or a multi-unit residential building on said property within two (2) years; and,

**WHEREAS**, there are presently over \$7,000.00 taxes owned by the Village of Monticello to the County of Sullivan in relation to this parcel; and,

**WHEREAS**, the purchase price offered by Giuseppe Gelsomino is in addition to Mr. Gelsomino's responsibility for reimbursing the County for taxes due on said property; and,

**WHEREAS**, Mr. Gelsomino will not be allowed to "flip" the property by transferring it to another person or entity within two (2) years.

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**NOW, THEREFORE BE IT RESOLVED,** that the property designed as Town of Thompson Tax Map Section 106, Block 3, Lot 15 is hereby declared to be surplus and no longer needed for public purposes; and it is further

**RESOLVED,** that the Mayor of the Village of Monticello is hereby authorized to execute a Contract of Sale between the Village of Monticello and Giuseppe Gelsomino for the purchase of Town of Thompson Tax Map Section 106, Block 3, Lot 15 for the sum of \$7,585.30 plus taxes due, conditioned upon the purchaser developing the property within two (2) years and agreeing not to "flip" the property within two (2) years; and it is further

**RESOLVED,** that the Mayor of the Village of Monticello is hereby authorized to execute a the necessary to convey the property designated as Town of Thompson Tax Map Section 106, Block 3, Lot 15 to Giuseppe Gelsomino pursuant to the terms of the Contract of Sale; and it is further

**RESOLVED,** that the documents executed by the Mayor of the Village of Monticello will be in a form approved by the Village Attorney.

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

**RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MONTICELLO TO SIGN A STORM SEWER EASEMENT AGREEMENT WITH ANDREW G. WOHL**

**WHEREAS,** Village of Monticello, is upgrading the storm sewer system and attempting to repair the damage caused to the sewer system by flooding; and

**WHEREAS** Upstate Equities, LLC is the owner of a parcel of land commonly known as Fisk Avenue, Village of Monticello, Sullivan County, New York, further described as Village of Monticello Tax Map No. SBL 113.-1-2; and

**WHEREAS,** the Village has requested and Upstate Equities, LLC is willing to grant, an easement to repair and/or replace the sections of the storm sewer system in on and

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under Upstate Equities, LLC's property (AEasement Area@), as well as a permanent easement for the continued operation, maintenance and repair of said storm sewer system.

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to authorize the Mayor to sign a Storm Sewer Easement Agreement to allow the Village to upgrade the storm sewer system and attempt to repair the damage caused to the sewer system by flooding

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

1. That the Mayor of the Village of Monticello shall be and hereby is authorized to sign a Storm Sewer Easement Agreement to allow the Village to upgrade the storm sewer system and attempt to repair the damage caused to the sewer system by flooding as specified above; and
2. That this resolution shall be effective immediately upon signature of the Village Clerk.

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH NELA VRANICH REGARDING A PAYMENT PLAN STRUCTURED TO ALLOW HER TO BECOME CURRENT ON HER LOAN PAYMENTS WITH THE CAVEAT THAT SHE EXECUTE A CONFESSION OF JUDGMENT**

**WHEREAS**, the Village of Monticello had previously entered into a loan agreement with Nela Vranich dated \_\_\_\_\_; and

**WHEREAS**, Ms. Vranich has fallen behind in payments and is presently in default; and

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**WHEREAS**, Ms. Vranich proposes that she would like to begin making double payments, effective July 1, 2006, until she becomes current; and

**WHEREAS**, Ms. Vranich is willing to execute a confession of judgment to be held in escrow until such time as either the loan is satisfied or she defaults further; and

**WHEREAS**, the Village is willing to accept Ms. Vranich's offer provided that said Confession of Judgment is executed; and

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village to execute an agreement with Nela Vranich embodying the terms above;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Village Manager is hereby authorized to execute an agreement with Nela Vranich entering into **PAYMENT PLAN STRUCTURED TO ALLOW HER TO BECOME CURRENT ON HER LOAN PAYMENTS WITH THE CAVEAT THAT SHE EXECUTE A CONFESSION OF JUDGMENT**; 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 Marinello, unanimously approved on a roll call vote to adopt the above resolution.

**ADJOURNMENT**

AT 9:18 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.

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EDITH SCHOP, Village Clerk