

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JULY 24, 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

APPROVAL OF MINUTES OF BOARD MEETING OF JULY 10, 2006

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the minutes of July 10, 2006 as presented.

OLD BUSINESS

Fishing Derby

Mayor Barnicle reported that the 2nd annual Fishing Derby sponsored by the Sportsmen's Federation held last Saturday at deHoyos Park was a huge success with 45 youths participating with over 100 people attending also. The Sportsmen's Federation also installed a second aerator paid for by the Monticello Sullivan First organization.

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MANAGER'S REPORT

Mac Gersten Day

The Village Manager announced that Mac Gersten a long time Village resident turns 100 years old on August 8th, and is probably Monticello's oldest resident and he will be honored by the Monticello Senior Citizen Group at their August 10th meeting. The Manager will be presenting him with a proclamation on the Board's behalf.

Water Department Compliment

The Village Manager thanked the Water Department, on behalf of the Parks & Recreation Department, for helping fix the pool even though they were involved in two of the ongoing large projects, Broadway and Pleasant Street.

Monticello Run-A-Thon

The Village Manager announced that the Monticello Rotary Run-A-Thon is scheduled to be held on Sunday, August 6th beginning at 8:15 a.m.

Rhulen Building Demolition

The Mayor announced that he has been informed that the Rhulen Building on Broadway will be demolished beginning next week and a new building will be erected in its place after the Broadway project has been completed.

PUBLIC HEARING REGARDING THE PROPOSED ADOPTION OF LOCAL LAW NO. 6 OF 2006 ENTITLED "DURATION OF APPROVAL" WHICH WOULD AMEND THE ZONING CODE SO THAT THERE ARE SPECIFICALLY FIXED TIME RESTRICTIONS FOR THE COMMENCEMENT AND COMPLETION OF ALL PROJECTS REQUIRING SITE PLAN APPROVAL

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

The Deputy Village Attorney explained that the Village received a response from the County regarding this proposed

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local law which they approved, but would like it revised on the issue of what the impact on a subdivision would be, if the subdivision application was made at the same time as the site plan application. He will add language to the law; however, he would not consider the amended law as it was first presented a substantial change.

Carmen Rue questioned was this was for a specific location?

The Deputy Village Attorney responded that this is for any site plan approval throughout the Village from this day forward.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:12 p.m.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE ITSELF LEAD AGENCY REGARDING THE ADOPTION OF PROPOSED LOCAL LAW NO. 6 OF 2006 ENTITLED "DURATION OF APPROVAL" WHICH WOULD AMEND THE ZONING CODE SO THAT THERE ARE SPECIFICALLY FIXED TIME RESTRICTIONS FOR THE COMMENCEMENT AND COMPLETION OF ALL PROJECTS REQUIRING SITE PLAN APPROVAL

WHEREAS, the Village of Monticello Board of Trustees is contemplating the adoption of proposed Local Law No. 6 of 2006 entitled "Duration of Approval" which would amend the Zoning Code so that there are specifically fixed time restrictions for the commencement and completion of all projects requiring site plan approval.

WHEREAS, it appears that said proposed local law constitutes an unlisted action pursuant to State Environmental Quality Review Act (SEQRA) regulations;

WHEREAS, the Village of Monticello Board of Trustees wishes to serve as lead agency in connection with the SEQRA review process regarding proposed Local Law No. 6 of 2006;

NOW, THEREFORE, BE IT HEREBY RESOLVED that:

- (1) The Village of Monticello Board of Trustees does hereby designate itself as lead agency for the consideration of the SEQRA review process pertaining to the adoption of proposed Local Law No. 6 of 2006 entitled "Duration of Approval."

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

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - LOCAL LAW NO. 6 OF 2006

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

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE A NEGATIVE DECLARATION REGARDING LOCAL LAW NO. 6 OF 2006 ENTITLED "DURATION OF APPROVAL" WHICH WOULD AMEND THE ZONING CODE SO THAT THERE ARE SPECIFICALLY FIXED TIME RESTRICTIONS FOR THE COMMENCEMENT AND COMPLETION OF ALL PROJECTS REQUIRING SITE PLAN APPROVAL.

WHEREAS, the Village of Monticello Board of Trustees has declared itself lead agency with respect to SEQRA review regarding the adoption of proposed Local Law No. 6 of 2006; and

WHEREAS, the Village of Monticello Board of Trustees has conducted a public hearing with respect to the adoption of Local Law No. 6 of 2006;

WHEREAS, the proposed local law constitutes an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA) regulations;

WHEREAS, after full consideration the Village of Monticello Board of Trustees has concluded that there are no adverse environmental impacts regarding the adoption of this law;

NOW, THEREFORE, BE IT HEREBY RESOLVED that:

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- (1) The Village of Monticello Board of Trustees hereby declares a negative declaration for SEQRA purposes with respect to the adoption of proposed Local Law No. 6 of 2006 entitled "Duration of Approval."

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

**RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES
ADOPTING LOCAL LAW NO. 6 OF 2006 ENTITLED "DURATION OF
APPROVAL" WHICH WOULD AMEND THE ZONING CODE SO THAT THERE
ARE SPECIFICALLY FIXED TIME RESTRICTIONS FOR THE
COMMENCEMENT AND COMPLETION OF ALL PROJECTS REQUIRING SITE
PLAN APPROVAL SUBJECT TO ALLOWING THE DEPUTY VILLAGE
ATTORNEY INCLUDING THE MODIFICATION AS RECOMMENDED BY THE
COUNTY PLANNING DEPARTMENT**

WHEREAS, the Village of Monticello Board of Trustees has given due consideration to the existing time limitations with respect to the commencement and completion of all projects requiring site plan approval;

WHEREAS, the Village of Monticello Board of Trustees conducted a public hearing on July 24, 2006 at which time all interested parties had an opportunity to be heard pertaining to the adoption of the aforementioned proposed Local Law;

WHEREAS, the Planning Board by unanimous vote at a meeting of the Village of Monticello Planning Board conducted on June 27, 2006 recommends that the Village of Monticello Board of Trustees adopts Local Law No. 6 of 2006;

WHEREAS, the Village of Monticello Board of Trustees believes it is in the best interests for purposes of safety to adopt Local Law No. 6 of 2006;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village of Monticello Board of Trustees formally adopts Local Law No. 6 of 2006 which would amend the Zoning Code so that there are specifically fixed time restrictions for the

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commencement and completion of all projects requiring site plan approval as enumerated in the proposed law subject to allowing the Deputy Village Attorney to include the modification as recommended by the County Planning Department; and it is further

RESOLVED that this legislation shall be placed into effect immediately.

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

RESOLUTION AUTHORIZING PAYMENT #1 AND #2 TO GRANT STREET CONSTRUCTION FOR THE BROADWAY SEWERLINE REPLACEMENT PROJECT IN THE AMOUNT OF \$85,818.32 AND \$136,914.96 FOR A TOTAL AMOUNT OF \$222,733.28

WHEREAS, the Village of Monticello received a grant for Sewerline Replacement on Broadway; and,

WHEREAS, Grant Street Construction was awarded the bid and have completed sawcutting the entire length of the project along Broadway and installing manholes and piping from Park Avenue to Pelton Street and also includes "Materials Stored Onsite" which the contract provides for, including manholes, piping, gravel, etc. in payment #1, and;

WHEREAS, Grant Street Construction has completed work on the sewerline between Pelton Street and Lakewood Avenue for payment #2, and;

WHEREAS, the Village Engineer and Bill Bertholf, Waste Water Treatment Plant Superintendent has recommended that the first payment in the amount of \$85,818.32 and the second payment in the amount of \$136,914.96 for a total of \$222,733.28 be paid to Grant Street Construction for the work already completed.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve payment No. 1 and No. 4 in the total amount of \$222,733.28 to Grant Street Construction for the work completed for the construction on the Broadway Sewerline Replacement Project.

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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 APPROVING PAYMENT #4 (FINAL), IN THE RETAINAGE AMOUNT OF \$7,050.50 TO C.A. PHILIPS CONSTRUCTION CORP AND CHANGE ORDER #3 IN THE AMOUNT OF AN INCREASE OF \$8,985.00 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 for unforeseen water service encounters and similar items for connection to the Park Avenue main.

WHEREAS, the Village Engineer and the Water Superintendent recommended the Board approve the Change Order #3 in the amount of \$8,985.00 and Payment #4 (Final Retainage) in the amount of \$7,050.50 to C.A. Philips Construction Corp. which adjusts the final contract sum of \$150,985.00.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the Change Order #2 in the amount of \$8,985.00 and Payment #4 in the amount of \$7,050.50 to C.A. Philips Construction Corp. for completion of the project.

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

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2005/06

WHEREAS, 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 items amount authorized by the Village Board of Trustees, and;

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

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

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

AWARDING OF BIDS - SURPLUS EQUIPMENT

1989 Chev. Corsica 4DSD

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to award the bid to **Brim Recyclers** in the amount of **\$156.00** to the highest bidder for the 1989 Chev. Corsica 4DSD.

1984 Chev. K2500 Pickup

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to award the bid to **Carl Salomon** in the amount of **\$277.00** to the highest bidder for the 1984 Chev. K2500 Pickup.

2001 Ford Crown Victoria 4DSD

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to award the bid to **Jersey One Auto Sales** in the amount of **\$1,761** to the highest bidder for the 2001 Ford Crown Victoria 4DSD.

AWARDING OF BIDS - SKATEBOARD PARK

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call

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vote to award the bid to **American Ramp** in the amount of **\$28,977.55** to the lowest bidder for the new Skateboard Park.

**RESOLUTION AMENDING THE FEE SCHEDULE IN REGARD TO
EXCAVATION PERMIT BONDING SECURITY CHARGES**

WHEREAS, the fee schedule includes posting a bond when a contractor is excavating in a Village roadway which only covered is no more than 25' of roadway needed to be dug up, and;

WHEREAS, in many cases the contractor needs to dig an additional length of roadway to tap into the water and sewer lines; and,

WHEREAS, the bond to held until the roadway is paved to the Highway Superintendent's approval and then refunded to the contractor, however the current amount of the bond that is required does not cover the expense of the repair of the roadway should more than 25' of the roadway need to be disturbed, and;

WHEREAS, the Highway Superintendent has recommended that the Village require a larger bond amount when it is necessary that more than 25' be roadway be disturbed.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby amend the fee schedule as follows:

\$1,000 Bond for first 1 ft. to 25 ft.
\$2,000 Bond for 25 ft. or more.

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 WATER DEPARTMENT'S PURCHASE
REQUEST IN EXCESS OF \$1,000 FOR TWO NEW VEHICLES FOR
REPLACEMENT OF OLD TRUCKS IN THE AMOUNT OF \$23,567.19 AND
\$12,346.35**

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WHEREAS, the Water Department is in need of replacing a 1995 Ford Pickup and a 1996 Ford Pickup; and,

WHEREAS, the Water Superintendent has recommended that these vehicles be replaced, that the vehicles are being purchased by State Bid and the costs are included in the FY 2006/07 budget.

WHEREAS, the 1995 Ford Pickup and a 1996 Ford Pickup will be shifted to the Highway Department for continued use by that department.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a 2007 Chevrolet Truck in the amount of \$12,346.35 and a 2006 Chevrolet Truck in the amount of \$23,567.19 both under State Bid.

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

PRESENTATION BY THE VILLAGE CLERK OF AUDIT REPORT BY THE STATE COMPTROLLER'S OFFICE

The Village Clerk presented the Village Board with the latest audit report by the State Comptroller's Office and advised the public that a copy was available in her office.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO APPROVING ANNEXATION OF CERTAIN PROPERTIES INTO THE VILLAGE

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Board of Trustees of the Village of Monticello, New York (the "Village") on June 1, 2006, for the annexation of certain territories the Town of Thompson, New York (the "Town") to the Village, said territories being described in said petition, which is annexed hereto; and

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WHEREAS, a joint hearing of the Board of Trustees of the Village and the Town Board of the Town, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall on June 20, 2006, at which time all parties interested in the matter were heard and all objections presented; and

WHEREAS, the Board of Trustees of the Village has duly considered said petition and the evidence presented at said hearing; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQRA), it has been determined by the Board of Trustees that approval of said annexation would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Monticello finds as follows:

- (1) That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17; and that the proposed annexation of certain territories in the Town to the Village as described in the aforesaid petition is in the overall public interest.

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 LOCATION OF TAXI "HACK" STANDS

The Mayor explained that the recommendation is to leave the one taxi stand in its present location at the corner of Broadway and Lakewood Avenue, and move the other two hack stands in front of the former Gager's Diner at the

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corner of Broadway and Pelton Street and the third hack stand in front of the former Napoli Pizza building at the corner of Broadway and Landfield Avenue. There is a public hearing scheduled for the August 7th meeting to discuss this change.

PUBLIC COMMENT

Mac Gersten Day

Betty Friedland suggested that the Village declare his birthday, August 8th Mac Gersten Day.

The Manager agreed that this is a good idea and would change his proclamation to include August 8th as Mac Gersten Day.

Clear Plastic Bag Law

Betty Friedland felt that the local law regarding the use of clear plastic bags should be instituted to all residents, commercial properties and housing complexes throughout the Village at the same time, not by route by route so that no section of the Village is targeted at a given time.

Carmen Rue agreed with Ms. Friedland that the law should be changed for the entire Village not one section at a time.

Former Legislature Chairman

Betty Friedland admonished Trustee Marinello and the entire Village Board for his remark at the last meeting that the last time he approached the County was when Rusty Pomeroy was the Chairman of the County Legislature which was in May 2002 when he resigned to practice law in New York City. She felt that the Board should have gone up to County to try to discuss a solution to the problem.

The Mayor responded that both the Mayor and the Village Manager have discussed this matter with the County since that time.

Budget Vote

Carmen Rue explained at the July 3rd Village Board meeting Trustee Jenkins had made a big deal about not raising the taxes by 4.9% and would not vote for the budget with that increase, however when the Board voted on July 10th to adopt the budget he voted in favor of adopting the budget with that large increase. She felt that the rest of the Board had put pressure on him to vote in favor of the budget.

Trustee Jenkins responded that there was an article in the Sullivan County Democrat where he admitted that vote for the budget was an error on his part and no one had tried to influence his vote.

Carmen Rue felt that each Board member should know what they are voting for or against any matter. She also felt that the Manager and Board should not be blaming the last administration since this Board has been in control for at least two years. Ms. Rue felt that the Treasurer which we share with the Town and only is at her office in the Village one day a week earns \$500 a day on that basis and the Village is not saving money combining that office and the Grant Department office which has office in Town Hall. She felt that Trustee Marinello works for Mobilemedic so he benefited from the signing a contract for no cost rental at the Ted Stroebele Recreation Building and Trustee VanDermark's family members work for the Water Department and also benefited from adopting this budget. Ms. Rue felt that the Village Manager had encouraged the Board to adopt the budget, and then resigns effective in August when he gets the benefit of an increased salary and payout. She asked the Board to consider that the law be changed so the Manager must live in the Village. Lastly, she suggested that the Board only meet once a month and reduce the salary each trustee and mayor receives to reflect the fewer meetings.

EXECUTIVE SESSION

At 7:36 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a

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roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person and contract negotiations.

ADJOURNMENT

At 8:25 p.m., a motion was made by Trustee Jenkins, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk