

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, OCTOBER 10, 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:

Absent:

James Barnicle, Mayor
Victor, Marinello, Jr. Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Gordon Jenkins, Trustee

Also Present: E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Douglas Solomon, Chief of Police
Sam Wohl, County Legislator

MAYOR/MANAGER REPORT

1. Garage Personnel: rebuilding garbage truck body which is saving tens of thousands of dollars.
2. "Blooming Grove Staircase" Company: manufacturing has begun, will "gear up" to a 100% overtime. Sign is being designed to fit our codes. Parking lot will have crushed stone for the winter and next spring, new façade will be done and parking lot paved.
3. "Machine Shop" to open in vacant building across from monument biz on East Broadway. Two employees to begin, hopefully they will expand.
4. Rhulen Building: With Department of Labor approval And an "environmental company", who wins the bid, will begin a three phase cleanup of the corner property.

- a. Remove all debris on the outside of the building. b. Remove all interior asbestos from the basement. c. "Demolish" the existing existing building to ground level (Turick). Village Sewer/Water/Building Codes Departments will monitor.
5. Pleasant Street construction update: There is a new light at Village Hall which replaces the utility pole to allow illumination for the surveillance camera. Fifteen new decorative lighting poles will have 2' x 4' braces for future decorative flags.
6. At Regency Manor sidewalks and Belgian curbing is being installed. Electric and underground services are in place and blacktopping is underway. Exterior landscaping and building touches are being completed. The apartments will be opened first to Village residents with occupancy planned for next spring.
7. A new traffic light will be installed at the intersection of West Broadway and Route 17B by the New York State Department of Transportation.

PUBLIC COMMENT

General Comments

Harry Brantz made the following comments:

- a. He felt that the Mayor/Manager is not entitled to an additional salary since this is his job.
- b. He felt the Ted Stroebele Recreation building is owned by the Village not the Senior Citizens and the offices at the building should be allowed.
- c. Too many cell phones being used.
- d. Too many speeding vehicles and the police should be ticketing them.

FOIL's Received

Betty Friedland noted that the Mayor is upset about the amount of FOIL's she has requested, however they are only being submitted because the Mayor/Manager is not responding to these complaints and informing the public what is being done about them so there is no other alternative but to get the information by these requests.

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Group Homes

Betty Friedland questioned the Mayor/Manager's term he used at an earlier meeting regarding a "group home" where unrelated people are living in a single family. She FOILED for the definition of a group home and got the following response...*the Village does not maintain a written record of the definition of group home*, however, she distributed a copy of the Regulations of Social Services and felt the term "group home" should not be used loosely by him.

Acting Manager's Salary

Carmen Rue felt the Mayor should not be paid for serving as Acting Manager, and if he is to receive extra money then the Board should set the amount by resolution. She also felt that Broadway looks disgraceful. She asked for his resignation.

Barbara Burton felt that if the public attended Town and County meetings they would be more appreciative of the Mayor.

Trustee Schoonmaker indicated that this evening the Mayor was handed a letter from the Greenwald Law Offices on behalf of himself and Trustee Jenkins requesting the return of "Misappropriated Funds". Trustee Schoonmaker asked that the Mayor adhere to the request to avoid legal actions and fees to the Village. Trustee Schoonmaker explained that neither he nor Trustee Jenkins have a problem with the Mayor/Manager being compensated, however what they did was because they felt it was right and the compensation must be voted on by resolution by the Village Board although he might have been discussed his request during Executive Session. He noted that the two trustees consulted with an independent attorney because they felt the money had been misappropriated. He read the last paragraph into the record as follows:

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You are respectfully notified that if the monies paid to you as Acting Village Manager are not returned by 5:00 p.m. on Tuesday, October 24, 2006, Trustees Schoonmaker and Jenkins shall deliver a formal request to the Monticello Village Clerk Edith Schop, in the form attached hereto, to institute legal proceedings against you and Deputy Mayor Marinello for recovery of said funds. If Ms. Schop refuses to institute such legal proceedings, there will be no alternative but to institute said proceedings on behalf of Trustees Schoonmaker and Jenkins. It is not the desire of Trustees Schoonmaker and Jenkins to take such actions, but they will not allow your conduct to jeopardize their financial or legal positions.

Trustee Schoonmaker explained that according to his attorney if they do not act on this issue, than it makes them legally responsible because they have knowledge of this, that these funds could possibly be misappropriated. He indicated that he believes that it has been done unintentionally, but he believed what was done was because of a number of errors through miscommunication, but at this time he feels strongly on acting on Trustee Jenkins behalf to ask the Mayor's intentions for returning the funds to the Village. He apologized if he has offended anyone, but he feels this is being done in the best interest of the Village Board, the Village residents and the Village taxpayers. He hoped this matter could be resolved amicably.

The entire letter will be included in the record and attached to official minutes.

RESOLUTION AUTHORIZING THE POLICE TO ENFORCE A CURFEW ON FRIDAY OCTOBER 27 2006 AT 9:00 P.M. TO 6 A.M. EACH NIGHT THROUGH TUESDAY, OCTOBER 31, 2006

WHEREAS, the Village of Monticello feels that it is in the best interest for the health, safety and welfare of the Village residents to declare a curfew as of 9:00 p.m. for all youth 18 years and younger not in the company of a parent, and;

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WHEREAS, the Chief of Police has recommended that the curfew be extended through the weekend to avoid any potential problems.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Monticello Police Department to enforce a curfew from Friday, October 27, 2006 beginning at 9:00 p.m. to 6 a.m. each evening through Tuesday, October 31, 2006.

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

DISCUSSION REGARD THE DEVELOPMENT OF A SPECIAL ASSESSMENT AREA FOR THE MAINTENANCE OF THE DRAINAGE INFRASTRUCTURE FOR THE PROPOSED CRYSTAL RIDGE PROJECT ON LOCATED HILLSIDE AVENUE

Deputy Village Attorney Tim Havas explained that this project is pending before the Planning Board and one of the issues is that the majority of the land is in the Village and a small part of the land is located in the Town of Thompson. The storm water basin will be located in the Town of Thompson, however the Village will be maintaining it since the majority of the houses (49 out of 52 units) will be in the Village. One way to approach this matter is to create a special benefit assessment levied on just these properties which would pay back the Village for maintaining this storm water basin. He explained that this special district would have to be done by local law.

Attorney Audrey Scott representing the owner of the property explained that this project is before the Town Planning Board as well as Village of Monticello. Storm water will be running from the Village portion of the project to the Town portion so therefore a special assessment would be created so only these houses will pay for this maintenance.

The matter was tabled to a later date when their attorneys would present the Village Board with the necessary documentations.

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UPDATE ON FINAL COMPREHENSIVE EMERGENCY MANAGEMENT PLAN FOR VILLAGE AND TOWN OF THOMPSON

Trustee Marinello reported that he has been working jointly with the Town of Thompson, as well as the Fire District and several other entities that they have put together an updated a Comprehensive Emergency Management Plan for the Village and Town of Thompson. At this time it is a Final Draft that will be reviewed once more and it should be presented to the Village Board at their next meeting on November 6th.

REPORT TO VILLAGE BOARD REGARDING UNSAFE CONDITIONS AT MOUNTAIN MALL IN REFERENCE TO THE FENCE

The Village Attorney explained that pursuant to Chapter 119 of the Village Code, entitled Unsafe Structures, it includes fences, and therefore if there are fences in the Village that are deemed unsafe by the Code Enforcement Officer, and one of those is the fence that was erected at Mountain Mall, and there is a letter from the Fire Chief that that particular fence is unsafe because it blocks access of emergency vehicles to the rear of the stores. This problem can be dealt with pursuant to the provisions of Unsafe Building Section as it exists. She will direct Code Enforcement Officer Sue Flora, to present to the Village Board a report of her findings of her inspection of that particular fence. She understands after speaking with the Code Enforcement Officer that a portion of that fence poses a danger. She explained that upon the Board's receipt of that report regarding that fence and the safety findings, the Board has the opportunity to issue an order to remedy the fence with specific findings as to removal, fixing or to demolish said fence and there must be specific findings based upon the Code Enforcement Officer's findings. If the Board does make an order, the property owner is entitled to a hearing if they disagree with the Board's findings.

Trustee Schoonmaker was concerned that the Village Board is getting involved in a civil dispute between Mountain Mall and the owner of Big Bens.

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Mayor Barnicle noted that First Class Formal Wear has a front and rear entrance, but Big Bens only has a front entrance only, except for the side windows that can't be used because of the fence.

Trustee Schoonmaker noted that the law states that a building must have two means of egress, and if it doesn't have the two means of egress than it is against the law for people to be in that building. He felt technically if the Village goes by the fire prevention code that building should be shut down because it doesn't meet the fire code.

Mayor Barnicle explained that Mountain Mall appeared in court for several code violations including the fence. The owners of the property agreed to remedy all the outstanding violations except for the fence which they intend to fight the Village on.

The Village Attorney recommended that the Board place this matter on the Village's next agenda and the Code Enforcement Officer submit a written report because the code requires a report in writing, and then after listening to all the evidence, the Village Board needs to make a determination of whether it is an unsafe structure or not.

The Mayor will also direct the Code Enforcement Officer to do a fire safety inspection with the Senior Uniform Firefighter Carl Houman as part of the report.

Trustee Schoonmaker requested that a copy of the Uniform Fire Code be included with that report.

Trustee VanDermark questioned the Village's liability should there be a fire and the Village allowed the fence to remain in place?

Trustee Marinello felt that the Board should take immediate action.

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DISCUSSION ON SAMPLE FENCE ORDINANCES

The Mayor explained that the only fence law in the Village Code is those fences constructed on corners (intersections).

The Village Attorney explained when the Board is reviewing these ordinances they should be considering the placement of the fence need to be within certain setbacks, facing the proper way, should they require a building permit, etc.

EXECUTIVE SESSION

At 7:50 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter involving a particular person, Village owned property and possible litigation.

ADJOURNMENT

At 8:50 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk