

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JANUARY 16, 2007

MEETING TO ORDER

Deputy Mayor Marinello 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

Gordon Jenkins, Trustee
Victor, Marinello, Jr., Deputy Mayor
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Ray Nargizian, Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Douglas Solomon, Chief of Police
Clarence Decker, Water Superintendent

MOMENT OF SILENCE - FRANK BASTONE

Trustee Schoonmaker asked for a moment of silence for Frank Bastone a current member of the Village's Zoning Board of Appeals.

APPROVAL OF MINUTES OF BOARD MEETING OF JANUARY 2, 2007

A motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of January 2, 2007 as presented.

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MANAGER'S REPORT

Two weeks ago I was sworn in as Village Manager. Needless to say the last two weeks have presented to me many challenges. Priority issues such as crime have already been addressed by Police Chief Doug Solomon and my predecessor. I'll let our Chief describe what is being done in conjunction with the State Troopers and Sheriff's Department. Code Enforcement is another top priority. In the past two weeks the concrete barriers have been removed from 132 Forestburgh Road, Fisk and Starr Avenue pile up of garbage has been removed, handicap lines have been painted in our municipal parking lot on Broadway. Many summonses have been issued. The Frontier Building on Broadway is well on its way to being totally demolished. Most street signs on Pleasant Street have been replaced. The missing ones have been ordered. Supreme Court Judge Sackett dismissed the Article 78 lawsuit against the Planning Board regarding a 3 lot subdivision on Fish and Fraser Avenues. I have here the Village budget regarding the question about the firehouse and am available to the public.

PUBLIC COMMENT

Crime Action

Harry Brantz felt that everyone must act against crime.

Timetable For Court To Leave the Ted Stroebele Recreation Center

Roz Sharoff questioned when the Court offices and the Youth Division Office will be leaving the Ted Stroebele Recreation Center building?

The Village Manager indicated that he would look into the matter and get back to her.

12 Fraser Avenue Concerns

Ceil Plotkin was concerned as to who the owner of 12 Fraser Avenue, Maria Newman will be renting her home to. She indicated that she had previously rented it to a

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construction corporation who placed 8 men in it to use while they were renovating the Woodbourne Correctional Center and they destroyed the inside of the home. Now she has heard that ARC will be renting it out as a group home.

The Manager responded that he will look into her concerns and get back to her on his findings.

Fire Department Budget Concerns

Becky Whipple requested that the Treasurer be present at the next meeting to explain her calculations.

Payment to Mayor Regarding Acting Village Manager

Becky Whipple questioned whether the matter has been resolved regarding payment to the Mayor for serving as the Acting Manager?

The Village Attorney responded that this is a personnel matter that will be discussed in Executive Session.

Side Street Businesses

Becky Whipple questioned why the Village is not reconsidering rezoning St. John Street since other side streets such as Lakewood Avenue and Prince Street are zoned commercial?

The Clerk explained that where commercial businesses are building or already opened was always zoned commercial and close to Broadway and a portion of St. John Street is commercial also, however, when these side street meet up with residential areas.

Trustee Jenkins felt that with all the vacant stores on Broadway, the Village should not be enlarging the commercial zone, but direct businesses to Broadway.

Trustee Schoonmaker indicated that he will reserve his remarks for Executive Session.

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St. Peter's Church Directory Sign

Becky Whipple questioned when the St. Peter's Church directory sign will be repaired as now they have covered the damage sign with a bright pink plastic.

It was explained that the church is waiting for the insurance money.

Becky Whipple asked if someone can ask the church to cover it with a black plastic so it would be less noticeable.

RESOLUTION OF THE VILLAGE OF MONTICELLO TO AUTHORIZE HOLDING PUBLIC HEARINGS REQUIRED FOR PARTICIPATION IN THE 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 Village intends to submit an application for funding under this Program for Fiscal Year 2007, and

WHEREAS, the rules and regulations of the above Program require that each applicant provide citizens with information concerning the range of activities that may be undertaken, the amount of funds available for such community development and housing activities, the Town's plan for minimizing displacement of persons and for assisting persons actually displaced as a result of activities assisted with CDBG funds.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello will hold two public hearings on:

DATE: February 5th, 2007 **DATE:** March 19th, 2007

TIME: 7:00 PM **TIME:** 7:00 PM

PLACE: Village Hall **PLACE:** Village Hall

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

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**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING
WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 3 OF 2007
WHICH WOULD AMEND SECTION 252-26 OF THE VILLAGE CODE TO
ESTABLISH HANDICAPPED PARKING SPACES IN THE MUNICIPAL
PARKING LOT ON THE EAST SIDE OF LAKEWOOD AVENUE**

WHEREAS, the Board of Trustees of the Village of Monticello has identified a need for handicap parking spaces in the municipal parking lot on the east side of Lakewood Avenue; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that enacting a local law establishing handicapped spaces in the fourth and sixth spots on the North side of the municipal lot and "no parking" spaces in the fifth and seventh spots on the North side of the municipal lot will meet the aforementioned need; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 3 of 2007 which would amend Section 252-26 of the Vehicle and Traffic Code to establish handicapped parking spaces in the municipal parking lot on the East side of Lakewood Avenue, so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on February 5, 2007, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 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 VanDermark, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the above resolution.

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**RESOLUTION APPROVING PURCHASE FOR A GOULDS PUMP FOR USE BY
THE WATER DEPARTMENT FOR THE DOLLARD DRIVE PUMP STATION**

Water Treatment Plant Superintendent explained that the seals are leaking and the pump was installed in 1956. He felt that at this time it must be replaced and the funds are included in the 2006/07 FY budget.

WHEREAS, the Water Department are in need of installing a Goulds pump for the Dollard Drive Pump Station; and,

WHEREAS, there is funds in this appropriation line in the FY 2006/07 Water Budget; and,

WHEREAS, the Superintendent has received a bid from Schmidt's Wholesale their source for Goulds Pumps.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a Goulds Pump for the Dollard Drive Pump Station in the amount of \$1,374.50.

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

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2006/07

WHEREAS, the Village of Monticello has adopted its annual budget for the 2006/07 fiscal year; and,

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

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]

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

EXECUTIVE SESSION

At 7:25 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter concerning a particular individual and contract negotiations.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 7:55 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move out of Executive Session to open session.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO TO EXECUTE AN ASSIGNMENT, ASSUMPTION, CONSENT AND AMENDMENT AGREEMENT TO THE CONTRACT ENTERED INTO ON MARCH 8, 2005 AND THE ~~AMENDMENT~~ADDENDUM ENTERED INTO ON THE SAME DATE, BETWEEN THE VILLAGE OF MONTICELLO AND JOHN LiGRECI, SAID NEW AGREEMENT ALLOWING FOR, INTER ALIA, ASSIGNMENT OF THE CONTRACT FROM JOHN LiGRECI TO MARTCO LLC.

WHEREAS, the Village of Monticello ("Village") owns property designated as Village of Monticello SBL 106-1-3.1 and located on Sturgis Road being 1.29 acres ("Subject Premises"); and

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

WHEREAS, the Village and Joseph Tso (~~"Tso"~~) and/or Joseph Tso o/b/o CS-Graces, LLP ("Tso"), entered into a Contract of Sale dated November 3, 2003 for the sale of said property for the sum of FORTY THOUSAND (\$40,000.00) DOLLARS for the purpose of constructing a building on said property; and

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WHEREAS, Tso had prepaid approximately \$30,000.00 in taxes in anticipation of owning the property; and

WHEREAS, the Contract was eventually terminated by the Village for failure to perform; and

WHEREAS, the Village and John LiGreci o/b/o Tri-State Fishery ("LiGreci") subsequently entered into a Contract of Sale dated March 8, 2005 and an amendmentAddendum to ~~the contract~~Real Estate Contract of Sale ("Addendum") bearing the same date for the sale of said property for the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS (collectively, the "Contract"); and

WHEREAS, LiGreci paid \$5,000.00 to the Village representing the down payment as set forth in the Contract ~~of Sale~~; and

WHEREAS, the sale of the Subject Premises from the Village to the Purchaser was approved by resolution of the Board of Trustees of the Village dated February 22, 2005; and

WHEREAS, a claim emanating from a prior sale effort of the Subject Premises between the Village and Joseph Tso ("Tso") and CS-Graces, LLP was settled ("Tso Settlement"); and

WHEREAS, the Tso Settlement required LiGreci to pay \$5,000.00 at such time as the Subject Premises is conveyed to Purchaser; and

WHEREAS, the Tso Settlement required the Village to pay \$10,000.00 at such time as the Subject Premises is conveyed to Purchaser

WHEREAS, Purchaser desires to assign all of its right, title and interest in and to the Contract ~~of Sale~~ to MARTCO LLC ("MARTCO"), subject to its obligations under the Contract ~~of Sale, the amendment~~ and the Tso Settlement; and

WHEREAS, MARTCO desires to accept an assignment of the Contract ~~of Sale and, subject to~~ amendment, and is willing to discharge LiGreci's obligations under the Tso Settlement; and

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NOW, THEREFORE, it is hereby

RESOLVED, that the property designated as Village of Monticello SBL 106-1-3.1 is hereby declared to be surplus and no longer needed for public purposes; and be it further

RESOLVED, that the Village Board ~~is hereby authorized to settle~~ confirms its prior authorization of the claim of Joseph Tso Settlement and any claims of CS-Graces, LLP, for shall pay to Tso the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS ~~to be paid as follows:~~ TEN THOUSAND (\$10,000.00) DOLLARS ~~from~~ to be funded by the Village of Monticello and FIVE THOUSAND (\$5,000.00) DOLLARS ~~from~~ to be funded by MARTCO, ~~LLP~~; and be it further

RESOLVED, that the Village Treasurer is hereby authorized to make payment to Joseph Tso in the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS to settle his claim and any claims of CS-Graces, LLP, following receipt of the FIVE THOUSAND (\$5,000.00) DOLLARS from MARTCO, ~~LLC~~ at closing, if and when the closing occurs on the ~~subject property~~ Subject Premises between the Village of Monticello and MARTCO, ~~LLC~~; and be it further

RESOLVED, that the Village Manager is hereby authorized to execute an Assignment, Assumption, Consent and Amendment Agreement to the ~~contract entered into on March 8, 2005 and the amendment entered into on the same date between the Village of Monticello and John LiGreci~~ Contract, said ~~new agreement~~ Agreement allowing for, *inter alia*, assignment of the ~~contract~~ Contract from John LiGreci to MARTCO, ~~LLC~~; and it is further

RESOLVED, that the Village Manager is hereby authorized to execute the necessary documents to convey the ~~property~~ Subject Premises designated as Village of Monticello 106-1-3.1 to MARTCO, ~~LLC~~ pursuant to the terms of the Contract and the Assignment, Assumption, Consent and Amendment Agreement; 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 Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution.

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EXECUTIVE SESSION

At 7:58 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move back into Executive Session to discuss a personnel matter concerning a particular individual.

ADJOURNMENT

At 8:15 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk