

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, FEBRUARY 20, 2007

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., Deputy Mayor
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Ray Nargizian, Village Manager
Tim Havas, Deputy Village Attorney
Brenda Galligan, Treasurer
Arlene Glass, Grant Administrator
Douglas Solomon, Chief of Police
Sue Flora, Code Enforcement Officer

**PRESENTATION OF CITATIONS TO SVETLANA EGOROVA, EMT-P AND
JASON WELTON, EMT**

Albee Bockman, CEO of Mobilemedic and Deputy Mayor Marinello on behalf of the Village Board presented citations to Svetlana Egorova and Jason Welton for their heroic efforts in saving Charles Tate's life.

ANNUAL REPORT BY MOBILEMEDIC FOR 2006

Albee Bockman gave the annual report for Mobilemedic for 2006. He explained that the most common calls are cardiac related, respiratory distress and general illness. He noted that the amount of calls inside the Village alone is

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up 6.4% from last year. Mr. Bockman explained that there are no cost the Village taxpayers, as opposed to other municipalities that have a large special taxing district for a similar service.

MANAGER'S REPORT

The Monticello police in conjunction with other police agencies and acting as lead agency reported 125 arrests made in the last 4 weeks of joint patrols.

Felony arrests are now at 23.

49 drug related arrests

11 DWI arrests have been made.

15 arrests involved persons wanted on outstanding warrants.

4 search warrants have been executed

3 firearms have been seized

This joint effort enforces Monticello position on Crime - Zero Tolerance - No exceptions.

I met with the DOT regarding Bus Stops on Pleasant St.

Feb 16, there was a Grand opening at the Athlete's foot on Bdwy. in Monticello.

Our first major snowfall of the year was handled with just a few complaints

On Feb 8, The Village manager was the Guest speaker at the Ted Stroebele senior citizens center.

PUBLIC COMMENT

Casino Concerns

Harry Brantz indicated that half the people do not want casinos. He felt that casinos bring crime and prostitution.

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Charles Sabatino, a Village resident, indicated that he is for a gaming casino to come to the Raceway.

Police Apology

Harry Brantz wants an apology from the Monticello Police Department because they do not respond to his phone calls, however, he noted that both the Sheriff's Department and the State Troopers are courteous and responsive.

Use of Ted Stroebele Recreation Center

Roz Sharoff, President of the Senior Citizen Club submitted a petition to the Clerk requesting that the Police Youth Office and the Justice Court Office be removed from the building as soon as possible as the building should only be used for recreational purposes only.

Monticello Joint Fire District

Carmen Rue was still concerned and questioned the amount given to the new Monticello Joint Fire District and the cost to the Village taxpayers.

The Mayor suggested that Ms. Rue speak to the Fire District's Treasurer.

Budget Transfer Concerns

Carmen Rue felt that Board members should question budget transfers when they are asked to approve them at a Board meeting.

Trustee VanDermark indicated that he does question specific purchase orders; however he confers with the Village Manager not at a public meeting.

Acting Village Manager's Payment

Carmen Rue was concerned that the Mayor was paid \$6,000 when he served as Acting Village Manager when it wasn't approved by Board resolution at an open Board meeting.

Trustee Gordon agreed with Ms. Rue.

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Trustee Schoonmaker indicated that if the money is not repaid and the Board does not vote on this issue then he will see him in Court.

The Mayor indicated that the matter is not on the agenda to discuss and it isn't being discussed in Executive Session because the Village Attorney is not present. He felt that Trustee Schoonmaker could have requested the Village Clerk put the matter on the agenda.

Trustee Schoonmaker felt the Deputy Village Attorney could handle the matter. He indicated that previous Board's set the salary of the Acting Village Manager by Board resolution in public session. He felt that paying the Acting Manager a salary not approved by Board resolution is illegal and is a violation of the Open Meetings Law because it wasn't done properly.

The Deputy Village Attorney advised the Board because there is pending litigation that the Board not do anything until some Court decision is rendered.

Trustee Jenkins questioned when this matter will be concluded as there has been no decision in Executive Session.

Trustee VanDermark explained that there was an offer to settle the matter by both Trustee Schoonmaker and Trustee Jenkins which was not taken, however he reconsidered the offer and agreed to accept that offer a month later and then the two trustees said "no" and stated they were going to Court and that is how it has ended in Executive Session the last two meetings.

Trustee Schoonmaker explained that when he was elected, the voters voted in to protect their interests and that is all he feels he is doing. He felt when he runs again the voters can vote him out of office, however he is tired of being the lone person on the Board fighting for what he believes is right for the Village of Monticello in not paying the Mayor a total of \$10,000 for his 5 months of serving as Acting Village Manager. He felt taking the money was done improperly and that is all he is saying.

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Mayor Barnicle noted that he would accept the offer the Trustees made of \$1,500 a month for a total of \$7,500 for the five months and that is what the Board will now not agree to at this time. The Mayor felt that this is not the time to discuss this personnel matter.

Trustee Schoonmaker responded that this settlement was offered three times and the Mayor refused to accept it at that time.

RESOLUTION THAT THE MAYOR WILL NOT BE PAID FOR THE SERVICES THAT HE PERFORMED AS ACTING VILLAGE MANAGER FOR FIVE (5) MONTHS AND THAT HE IS TO RETURN THE \$6,000 THAT WAS ALREADY PAID TO HIM

WHEREAS, the Mayor was paid \$6,000 (\$2,000 each month for August, September and October 2006) for performing services as Acting Village Manager beginning August 1st, 2006; and,

WHEREAS, there was no Board Resolution authorizing the amount to be paid; and,

WHEREAS, the Board has requested that the Mayor return the \$6,000 that was already paid.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello that the Mayor not be paid for the services that he performed as Acting Village Manager for five (5) months and that he return the \$6,000 that was paid to him.

A motion was made by Trustee Schoonmaker, seconded by Trustee Jenkins, on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Jenkins, aye; Trustee Marinello, nay; Trustee VanDermark, nay; Tied vote - Motion denied.

Trustee Marinello indicated that if a court decides that the Mayor is to return all the money, he will vote yes that he is to return everything he had been paid.

Trustee Schoonmaker felt that the Village Attorney should disqualify herself because she gave Victor Marinello the

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Deputy Village Mayor the advice to sign the document authorizing the payment that sends it to personnel to create that position.

Recycling Plans

Kevin McDaniels questioned the Village's intentions regarding recycling.

Mayor Barnicle responded that the Village has neither the manpower nor the equipment at this time.

Mr. McDaniels indicated that he believes DEC offers grants and the Village should visit their website to get more information.

Kelly Gibbs questioned where the waste from the casino will be put?

The Mayor responded that he has discussed it with the Village Manager and they will be sitting down with the Town of Thompson to find a solution.

RECONVENED PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 3 OF 2007 ENTITLED "FENCES"

Mayor Barnicle opened the public hearing at 7:57 p.m.

Mayor Barnicle noted that the public hearing was left open for two weeks to allow for those who wanted to call in or use email for additional comments on the proposed local law.

Carmen Rue was concerned with preexisting fences.

Deputy Attorney Havas indicated that this matter is addressed in Section 15.

Mayor Barnicle closed the public hearing at 8:02 p.m., as there no further comments.

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**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL
LAW NO. 4 OF 2007 ESTABLISHING THE POSITION OF DEPUTY
VILLAGE MANAGER**

Mayor Barnicle opened the public hearing at 8:04 p.m.

The Village Manager made the following comments regarding
Local Law No. 4 of 2007

Good evening my name is Ray Nargizian I'm your newly
appointed Village Manager.

We've all heard the expression "If it isn't broken, don't
fit it. Well, what do you do if something is broken? Well
you either fix it or buy a new one. Right now the Village
of Monticello is broken. You don't have to be a corporate
executive to figure that out. Just drive thru the streets
of Monticello. Empty store fronts, graffiti, bums on our
streets, garbage, gangs and guns and a tax rate we should
be ashamed of. This didn't happen over night. It took years
of complacency, apathy, lack of accountability, ineffective
leadership and inefficient means to rectify the problems.
I'm not here to bash the Village. I'm here to share with
you what I believe can be done to turn the village around.
This past Friday the mayor and I sat down and had an hour
and a half conversation about the Village. Much of the
conversation was about forming a new position of Village
Deputy manager. He informed me, there may be many who will
not be pleased with forming a new layer of government,
there will be some opposed to spending money on funding
this new position. And then he shared with me a
conversation he had with our recently retired Village
Manager. The Mayor said to me Mr. Sush had expressed
himself that the position of Deputy Manager should be
established. I find that comforting to know our previous
Village Manager recognized the necessity to establish this
position.

I hope tonight our village board votes with their
conscience and understands that the betterment of the
Village is at stake. I hope they can set aside any
political agenda they may have and understand that their
fiduciary responsibility is to the collective interest of
the citizens and taxpayers of Monticello.

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I know that many of you out there are asking the question why can't the newly appointed manager handle the job. So I share with you some of the duties I have addressed my first few weeks on the Job. I've attended grand openings in the Village, several Meetings regarding Regency Manor the new Senior housing complex in the Village, several meetings with the Garigliano law firm regarding village property on Sturgis road, several watchful eyes meetings, several meetings with Cris Cunningham and David Fanslau to open a dialog between the village and the county, several meetings with the Concord Developers. Their project will have a direct impact on our village; several design committee meetings and several Planning board meetings. Meetings with Alan Sorensen regarding grants and village planning. I've met with the Red Cross regarding the Homeless. I've taken a tour around the county's recycling facility. Recycling will be a priority for the Village of Monticello

I'm met with Pete Gaza regarding economic Development

I spent a day in Binghamton with Glen Smith and the Department of Transportation discussing the Broadway Project.

I attended the Congress of Racial Equality dinner in NYC. In due time The Village of Monticello will benefit from a personal relationship I have with Mr. Roy Innis its Chairman.

I have had several conversations with Owen McKane our insurance agent. I believe these conversations will be fruitful to the village in savings thousands of dollars in Ins. Premiums.

I've opened a dialog with the Muncie Indians and they agree it is in the benefit of both the tribe's interest and the interest of the village to cooperate with each other.

I've dealt with dozens of complaints and satisfied most.

I've had several meetings with Tim Havas and Danielle Jose of our legal dept.

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I've had dozen's of meetings with Sue Flora regarding code enforcement. I've met with Special council Richard Stoloff regarding a personnel problem.

I've had to address several Grant Problems which included me having to have to go to the Grantees home and several meetings with our grant dept.

I've taken the tour of our sewer, water, sanitation and highway departments. I've driven thru the streets with our police chief, code enforcer, concerned citizens and on my own to familiarize myself with Village.

I've spoke to Real Estate developers so that we may partner in developing village properties.

I've met with SPECS and discussed recycling. This will be a priority project at present we recycle approx. 10% of our garbage we should be at 65% today.

I've met with Dave Hanlon President of Empire Resorts which owns the Racino in Monticello.

Last week I met with the Dot regarding bus stops on Pleasant St.

I don't want to bore you with anymore of my day to day activities. I want to address where the money is coming from, to finance this new position. The amount of money necessary to fund this position till the end of our fiscal year is approx. \$19,000.00 Originally I suggested it come from our contingency fund, some members of the board were uncomfortable with that. After discussing this issue with our Treasure Brenda she assured me we would not have to go into our contingency fund and that the money was available elsewhere. We did save a considerable amount on snow removal and truck maintenance. And some pending real estate deals will more that cover this amount. In addition the new position will generate funds by allowing our new deputy manager to receive fees from administrating grant inspections, these fees are presently going elsewhere.

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I've shared with you the day to day complexities of managing our village. Managing the village not only entails the activities of attending meetings and problem solving. One must be an Out-of-the-box-thinker who is creative and innovated. The manager must be able to delegate responsibility and be accountable for his actions. It is his job to develop strategies which will result in increased revenue. It is his job to recruit and mentor staff so that they may reach higher levels of performance so that they become more efficient. I have the professionalism, integrity, work ethic and leadership skills to turn this village around. I beseech this village board, I ask for your support, let me do what I do best, let me Manage. Let me manage the Village of Monticello and bring it out of the doldrums of mediocrity, so that once again, we can say, we are proud, we live and/or work in the Village of Monticello.

Janet Newberg indicated that the Village needs a strong code enforcement team so we can take pride in Monticello by enforcing the local laws to show others that they should have respect for the Village's appearance.

Howard Perlman was in favor of the new position.

Harry Brantz felt that we did not need a new position and the money should be spent for new police officers or in the Highway Department.

Barbara Burton agreed with Harry Brantz.

Roz Sharoff did not see the need the need for this position.

Charles Sabatino felt that more code enforcement will generate more revenue through fines and will clean up the Village at the same time. He felt that the Village needs a change now.

Tom Rue was in favor of the new position and Mr. Barbarite being the right candidate to fill the position.

Michael Levinson indicated that the Village looks terrible and needs the position created.

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Former Mayor Sommers disagreed with the Village needing a Deputy Village Manager. He felt the position should be under the present code enforcement office because they do an excellent job with what they have to work with at this time. He felt that position the Board is considering creating would not return the salary back to the Village.

Many residents spoke in favor of the position being created including Dr. Marc Hudes, Bob Kunis, Carmen Rue, Ralph Bonfiglio, Richard Gordon and Jim Green.

Trustee Schoonmaker felt the Village is a business and every business has a CEO who runs the day to day operations. He felt the Village needs revamping and the Village Manager needs to be accountable to the Board, but he will support him 100% to get the job done.

Code Enforcement Officer Sue Flora indicated that many of the owners of some of these run down properties where violations have been issued for unsafe structures, etc. don't have the money to remedy the problems. She felt this problem should also be addressed.

Mayor Barnicle closed the public hearing at 8:52 p.m.

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 3 OF 2007

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on February 5, 2007, 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 entitled "Fences"; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on January 16, 2007; and

WHEREAS, said public hearing was duly held on February 5, 2007, at 7:00 p.m. at 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

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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 2007, entitled "Fences"; 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.

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

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 4 OF 2007

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on February 20, 2007, at 7:00 p.m. at the Village Hall, 2 Pleasant Street, Monticello, New York, 12701, to hear all interested parties on a proposed Local Law establishing the position of Deputy Village Manager; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on February 9, 2007; and

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WHEREAS, said public hearing was duly held on February 20, 2007, at 7:00 p.m. at the 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. 4 of 2007, establishing the position of Deputy Village Manager, 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.

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

RESOLUTION FIXING THE SALARY OF THE DEPUTY VILLAGE MANAGER

WHEREAS, the Board of Trustees of the Village of Monticello has duly held a public hearing to create the position of Deputy Village Manager; and,

WHEREAS, the Board of Trustees of the Village of Monticello has adopted the Local Law No. 4 of 2007 creating the position of Deputy Village Manager; and,

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WHEREAS, it is necessary to fix the salary of the Deputy Village Manager.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby fix the salary of the Deputy Village Manager at \$41,000 for FY 2006/07.

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

APPOINTMENT TO THE ZONING BOARD OF APPEALS TO FILL THE UNEXPIRED TERM OF FRANK BASTONE TO EXPIRE APRIL 2007

Mayor Barnicle appointed Howard Perlman to fill the unexpired term OF Frank Bastone to expire April 2007.

RESOLUTION APPROVING PURCHASE OF AN UPPER & LOWER BELT ON THE SEWER PLANT'S SLUDGE BELT PRESS IN THE AMOUNT OF \$1,670.00

WHEREAS, the Sewer Department are in need of replacing an Upper and Lower Belt on the Sewer Plant's Sludge Belt Press; and,

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

WHEREAS, the Superintendent has received a bid from three vendors as required by the Village's Procurement Policy.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase an upper and Lower Belt on the Sewer Plant's Sludge Belt Press in the amount of \$1,670.00.

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

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RESOLUTION APPROVING PURCHASE OF 2 HP BOOSTER PUMP, HIGH PRESSURE PUMP FOR CHLORINE IN PUMP ROOM AT A COST OF \$1,208.35

WHEREAS, the Water Department is in need of installing a High Pressure Pump for Chlorine in Pump Room; and,

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

WHEREAS, the Superintendent has received a bids from three (3) vendors as required by the Village's Procurement Policy.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase installing a High Pressure Pump for Chlorine in Pump Room in the amount of \$1,208.35.

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

EXECUTIVE SESSION

At 9:05 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 on individual person.

ADJOURNMENT

At 9:200 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.

EDITH SCHOP, Village Clerk