

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, APRIL 23, 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
Danielle Jose, Village Attorney
John Barbarite, Deputy Village Manager
Tim Havas, Deputy Village Attorney
Clarence Decker, Water Superintendent
Douglas Solomon, Chief of Police
Betsy Conaty, Director of Parks & Recreation
Bill Bertholf, Sewer Department

MOMENT OF SILENCE

There was a moment of silence for all the victims in the recent Virginia Tech shooting incident.

APPROVAL OF MINUTES BOARD MEETINGS OF APRIL 9, 2007

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of the meetings of April 9, 2007.

Minutes - Regular Village Board Meeting
4/23/07

OLD BUSINESS

Board Vacancies - Design Review Board/ZBA

The Mayor announced that there is a vacancy on the Design Review Board with the resignation of Chairman Jill Kenny-Weyer, effective May 25th who is going back to school to get her Masters Degree and another vacancy on the Zoning Board of Appeals with the resignation of William Little who has moved to Florida. Mayor Barnicle asked for recommendations from the public or Board to fill these two vacancies.

MANAGER'S REPORT

Our Police are still impacting Village crime with their law enforcement efforts. To date Dept wide stats are as follows, their have been 484 arrests made since Jan. 1st

96 felony arrests
Traffic tickets issued 516
31 DWI arrests
Calls for service 2924
46 arrests involving outstanding warrants
Motor Vehicle accidents 77
Traffic tickets issued 516

It should be noted that these stats represent more than double the amount of police activity as compared to the same time period last year.

We continue to inspect multi-family dwellings. Many summonses have been issued. Landlords have been told our code laws will be enforced. Let there be no doubt our diligence will have a positive effect on turning around the Village.

On Friday the 20, David Fanslau, John Barbarite and I did a tour of Monticello. The purpose of this tour was to show the county manage dozens of structures that need to be removed from our Village. We are asking the County to waive tipping fees so the Village could afford the removal of the debris.

Minutes - Regular Village Board Meeting
4/23/07

On Wed. the 18, I attended a Patterns for Progress Breakfast, Guest speaker was Jonathan Drapkin. Pattern for Progress is a non-profit policy, planning, advocacy, and research organization their objective is fostering strategic growth and preserving the quality of life in the Hudson valley.

On Sat. evening the 14th I attended a reception at the track sponsored by the Mohawk Indians. All officials attending were optimistic regarding the approval of a casino in Sullivan County.

Due to overcrowding at the Courthouse we were told to fine another suitable location for our village courtroom. After many hours of searching the only possible location was at the Ted Stroebele Community Center. Arrangements are being made to relocate as soon as possible.

On Friday the 20th I met with Randy Graft Executive director of the YMCA we are in the process of discussing the Y coming to Monticello.

PUBLIC COMMENT

Use of Ted Stroebele Recreation Center

Roz Sharoff indicated that as a private citizen living in Monticello all her life she finds the Village residents use that building for many activities including WIC, a dance course, etc., so it is not just a senior center. She also indicated that as a representative of the Senior Citizens she wanted it on the record that they are totally against the courthouse being relocated in that building and what has happened is that little by little this Village has chipped away at that building which is supposed to be a "recreation center". First it was one office, than a second office was added and that was going to be temporary and now we have the downstairs being taken over by the village court and we don't want nor do the Village residents want it. Parking is going to become a problem in the municipal parking lot as last summer spaces were

Minutes - Regular Village Board Meeting
4/23/07

extremely limited. She felt the Village should be able to find an empty store to house the Court and she also felt the Village doesn't want the court located on Broadway because of the element of people that would be hanging around that area. Ms. Sharoff felt the Ted Stroebele Recreation is located across from the senior housing complex, it is in a building that has children and old people, where the nutrition site is located and used totally by the community and she felt it is unfair and unjust that the Village government is taking it over. She asked that the Board be polled as to their feelings on the court being relocated at the Ted Stroebele Recreation Center.

Mayor Barnicle indicated that the Board will be polled; however it is not an agenda item, but if not at this meeting, than definitely at the next meeting a vote will be taken.

Harry Brantz responded that the Village has no other place to put the Court and does not have the funds to rent a vacant building. He felt have the youth office in that building is good because it can help keep the youth from causing problems in the building.

Barbara Burton felt that both the Village Manager and Roz Sharoff are on the wrong track.

Ursula Tieger noted that when the courthouse was located on Pleasant Street, if you drove down the street when court was in session there were groups of undesirables people congregating which would be threat to the seniors. She questioned whether a guard will be on the premises?

The Mayor assured her there would be a guard in the building at all times when court is in session.

Agatha Dawson felt that there should be only one entrance to get into the courtroom.

Mayor Barnicle explained that the Village did research in regard to the new location of the courtroom on Broadway, the Village facilities and the cost of rehabilitating the

Minutes - Regular Village Board Meeting
4/23/07

former courthouse building, and we were temporary in the Sullivan County Courthouse and the Village has overstayed its welcome, so the only facility where the Village can build a separate entrance and make it handicap accessible and take a part of the building that will become the courthouse and is not used by the seniors and the recreation area can be moved to another part of that building. He noted that it is still a temporary location subject to funds becoming available and there is a long term vision of creating a municipal center.

Attendance at Village Board meetings

Harry Brantz felt that more people should attend Village Board meetings, make comments and get more involved in the community.

Mayor Barnicle noted that both these individuals weren't aware of the complexities of running this Village and now they understand on a daily basis what it is to run this Village.

Village Cleanup

Becky Whipple noted that at the last meeting she noted that there was a house of Rt. 42S that had mattresses in front of it, however, nothing has been done.

The Mayor responded that he, along with the Manager and the Deputy Manager and these matters will be addressed at the next court session.

Becky Whipple questioned if this property has been cited?

Deputy Manager Barbarite responded that the Code Enforcement Office is averaging 9 to 10 violation tickets per day; however that particular property has not been ticketed yet; however it is a big Village for one person to get to all the properties right away.

The Mayor indicated that her complaint is duly noted and if it has been cited yet, it will be done shortly.

Minutes - Regular Village Board Meeting
4/23/07

Carmen Rue was concerned with the dirty conditions on Hillside Avenue and the Fraser Pond properties. The property on Fraser Pond has been in that condition all winter and has slowly been accumulating more trash as well as the fence around the pond being destroyed.

The Deputy Village Manager indicated that pictures of the poor conditions were taken last Friday, and they are before the planning board and the matter will be discussed with the owner at that time, and the planning board matter will be tabled until all the violations have been remedied.

Trustee VanDermark noted that two of the existing apartments have been condemned and the owner is emptying the garbage from those apartments on the grounds.

The Village Manager indicated that he and Trustee Jenkins have had discussions about forming a volunteer group of youths to pickup garbage throughout the Village. Trustee Jenkins believes he can get at least twenty youth to volunteer for this activity.

Spring Clean Up Week

The Village Clerk announced that the Village Clean-up Week will be Thursday, May 17th, Friday, May 18th, Saturday, May 19th and Sunday, May 20th and permits will be available from her office beginning the week of May 7th.

Dr. Hudes questioned why commercial properties are prohibited from dumping?

Mayor Barnicle indicated that the Village has a limited amount of tonnage for both the spring and fall Clean-ups and the commercial properties use up too much tonnage preventing a second cleanup week.

Executive Session Issues

Becky Whipple noted that last week the TH Record had a story on what is appropriate to discuss in executive sessions and they specifically stated that going into the closed door meeting to discuss a personnel matter involving a particular person is not specific enough.

Minutes - Regular Village Board Meeting
4/23/07

The Village Attorney responded that if it is about a particular person, the person does not have to be named. She felt with personnel that are as specific as the Board can get, and the same thing applies to contract negotiations.

Board Commendations

Dr. Marc Hudes commended the Village for hiring and supporting both the new Village Manager and Deputy Village Manager.

The Mayor noted that he believes that when both took the job neither of them were aware of the complexities in running the Village.

Head Start Property

Monticello Housing Authority Executive Administrator questioned whether the Head Start property on Dillon Road can be purchased from the Village?

The Mayor responded that the Board will look into it.

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 5 OF 2007 AMENDING SECTION 165-27 OF THE VILLAGE CODE BY CREATING A SUBSECTION ENTITLED "OUTDOOR SOLID FUEL HEATING DEVICES"

The Deputy Village Manager explained that this device looks like a metal garden shed about 8x8 with a smokestack about 4' to 5' above it and inside is a wood burning boiler that you can put 3 to 4 ft. logs in it and it heats the water that is piped into the house and used as hot water throughout the system. The problem with these devices are that they burn the wood very slowly, they can become incinerators and because of the low chimney the smoke hovers down low between the buildings and emit smoke, debris and odor. At this time there are none of these appliances in the Village and since these are considered appliances so they don't need to meet zoning regulations or obtain a building permit.

Minutes - Regular Village Board Meeting
4/23/07

WHEREAS, residences and commercial establishments situated within the Village are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within densely populated areas; and

WHEREAS, to that end, the Village wishes to prohibit outdoor solid fuel heating devices within the Village; 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 No. 5 of 2007 amending Section 165-27 of the Village Code by creating a subsection entitled "Outdoor Solid Fuel Heating Devices";

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 May 7, 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 Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

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 6 OF 2007 AMENDING CHAPTER 216 THE VILLAGE CODE ENTITLED "SOLID WASTE" WITH RESPECT TO PART 1 ENTITLED "STORAGE AND COLLECTION"

WHEREAS, the Board of Trustees of the Village of Monticello desires to regulate garbage receptacles and collection procedures more closely within the limits of the Village of Monticello; and

Minutes - Regular Village Board Meeting
4/23/07

WHEREAS, in furtherance of said regulation, the Board of Trustees of the Village of Monticello has determined that it is in the best interest of the Village of Monticello to amend Chapter 216 of the Village Code Entitled "Solid Waste" with respect to Part 1 Entitled "Storage and Collection"; 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 6 of 2007 Amending Chapter 216 of the Village Code Entitled "Solid Waste" with Respect to Part 1 Entitled "Storage and Collection", 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 May 7, 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 Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AMENDING THE FEE SCHEDULE

WHEREAS, the Village of Monticello has a fee schedule for certain services; and,

WHEREAS, the New York State Building Code requires permits for many projects that are small in nature

WHEREAS, the present fee structure discourages such applications as a result in work being done without a permit and the required inspection.

Minutes - Regular Village Board Meeting
4/23/07

WHEREAS, the building department will compile a list of such projects that will be permitted under an abbreviated permit application and set guidelines as to the application.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby amend the Fee Schedule to charge \$25.00 a permit for certain project that are small in nature.

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 INCREASE OF TAXI FARES

WHEREAS, the Cab Companies within the Village of Monticello ("Village") have requested an increase of taxi fares by \$.50 per zone due to increases in gasoline prices which are perceived to be temporary; and

WHEREAS, the Board of Trustees have discussed this matter and asked for public opinion of users of these cabs; and

WHEREAS, the Board of Trustees recognizes that the increase in gasoline prices may be temporary; and

WHEREAS, the Cab Companies within the Village agree to eliminate the increase in the event gasoline prices in the Village of Monticello fall below \$2.65 per gallon.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello do hereby authorize all the cab companies within the Village of Monticello to increase their taxi fares by \$.50 for each zone as follows:

Zone	Increased Fare Amount
"A"	\$5.50
"B"	\$5.75
"C"	\$6.00
"D"	\$6.25; and

Minutes - Regular Village Board Meeting
4/23/07

BE IT FURTHER RESOLVED, that the Board of Trustees will expressly rescind this authorization by resolution, in the event gasoline prices within the Village of Monticello fall below \$2.65 per gallon.

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 VILLAGE MANAGER TO SIGN AN AGREEMENT WITH MIRA LONGOBARDO TO ISSUE A LICENSE FOR THE VILLAGE TO PROVIDE WATER SERVICE TO THE PREMISES AT 5 HIGHLAND AVENUE

WHEREAS, the Village Board has authorized the Village Attorney to negotiate with outside users of Village Water service; and,

WHEREAS, the premises at 5 Highland Avenue have requested receiving water service from the Village of Monticello; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign said agreement with Mira Longobardo receive water service as an outside user at 5 Highland Avenue.

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 THE MAYOR TO SIGN AN AGREEMENT WITH THE COUNTY OF SULLIVAN FOR SPRING CLEAN-UP ALLOTMENTS

WHEREAS, the County shall accept at the Sullivan County Landfill, free of charge, an amount of solid waste from the Village of Monticello not to exceed the allotment set forth in the attached schedule under the heading "Original Allotment/Tons (Village of Monticello, 178.86 tons); and,

WHEREAS, in delivering solid waste pursuant to this agreement, the Municipality shall adhere to the attached

Minutes - Regular Village Board Meeting
4/23/07

regulations governing Municipal Cleanup and shall bear the entire cost of collection and delivery; and,

WHEREAS, the Municipality shall pay the County \$125.00 per ton for solid waste delivered in excess of its allotment; and,

WHEREAS, the allotment is for the sole benefit of the Municipality. The right to deliver solid waste pursuant to this agreement may not be transferred or assigned to any other individual or entity, municipal or otherwise.

WHEREAS, if the municipality intends to use a central collection point, the Municipality shall monitor the location to prevent the dumping of improper materials. The Municipality shall be responsible for any costs incurred by the County due to the delivery of improper materials to the Landfill; and,

WHEREAS, all cleanups must be held during the period from Thursday, May 17, 1997 through Sunday, May 20, 2007.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor to sign said agreement with the County of Sullivan with all the provisions stated above.

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 PAYMENT #2 (RETAINAGE AMOUNT) TO TAM ENTERPRISES FOR OF THE VILLAGE WATER PLANT FILTER REHABILITATION IN THE AMOUNT OF \$2,285

WHEREAS, TAM Enterprises was the low bidder pertaining to the rehabilitation of 2 sand filters at the Village Water Plant; and,

WHEREAS, TAM Enterprises was awarded the bid and the work has satisfactorily been completed to the satisfaction of the Water Treatment Plant Superintendent and the Village Engineer.

Minutes - Regular Village Board Meeting
4/23/07

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve payment No. 2 (retainage amount) in the amount of \$2,285.00 TAM Enterprises for the work completed for the rehabilitation of 2 sand filters at the Village Water Plant.

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 EMERGENCY REPAIR OF FOUR (4) 30 HP PUMPS AND ALL OF THE ELECTRICAL COMPONENTS FOR THE SEWER DEPARTMENT RACETRACK PUMP STATION IN THE AMOUNT OF \$22,405.22

WHEREAS, the Sewer Department needs emergency repair of a four (4) 30 HP Pumps and all of the electrical components for the Wastewater raceway pump station; and,

WHEREAS, there is funds in this appropriation for the cost of this item; and,

WHEREAS, the Sewer Department has received fax quotes from 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 emergency repair of four (4) 30 HP pumps and all of the electrical components for the Sewer Department Racetrack pump station in the amount of \$22,405.22.

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

PROCLAMATION - YOUTH WEEK

Mayor Barnicle read the following proclamation:

WHEREAS, The Benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor America's Junior citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

Minutes - Regular Village Board Meeting
4/23/07

WHEREAS, Monticello Elks Lodge 1544 will sponsor an observance during that week in tribute to the Junior Citizens of the Community; and,

WHEREAS, no event could be more deserving of our support and participation than the one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

WHEREAS, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

NOW THEREFORE, I James Barnicle, Mayor of Monticello do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO, NY.

Park and Recreation Director Betsy Conaty explained that in conjunction with Youth Week there will be a major league sponsored Pitch, Hit and Run Contest with the winner's advancing to a regional competition and the overall winner's eventually go All Star game in July and compete at that time to become the National Champions.

EXECUTIVE SESSION

At 7:47 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 a personnel matter involving a particular individual person.

Minutes - Regular Village Board Meeting
4/23/07

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