

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JUNE 18, 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
Victor, Marinello, Jr., Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Absent:

Gordon Jenkins, Trustee

Also Present: Ray Nargizian, Village Manager
John Barbarite, Deputy Village Manager
Tim Havas, Deputy Village Attorney
Clarence Decker, Water Superintendent
Bill Bertholf, Sewer Superintendent

APPROVAL OF MINUTES BOARD MEETINGS OF JUNE 4, 2007

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the meetings of June 4, 2007 as presented.

OLD BUSINESS

Cappelli Foundation Donation

Mayor Barnicle announced that the Village has received a \$3,000 donation from the Cappelli Foundation which will be used to enhance the skateboard park.

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Flags and Banners

Mayor Barnicle announced that there is money in the now defunct Monticello Chamber of Commerce treasury that will be donated to the Village to buy new American Flags for Broadway and new "Welcome To Monticello" banners to be held on the poles on Pleasant Street.

MANAGER'S REPORT

The stamina and the enthusiasm of the Joint Impact Patrol have not diminished. In fact our police force is encouraged by its results. These results are: less criminal activities in the Village, less victims, fewer guns on our streets, and a greater presence of uniformed law enforcement officers throughout the Village. The message is out there, Monticello will not tolerate criminal activity.

Since the beginning of the year there have been 62 felony arrests.

139 drug related arrests

30 DWI arrests

106 arrests involving either a suspended operator license or registration.

69 arrests involving outstanding warrants.

12 firearms have been removed from our streets.

It should be noted last week our police Dept. prevented what could have been a major gang activity. A routine check on Forestburgh Road uncovered a loaded and cocked 357 magnum revolver, several bats and a sock filled with glass fragments. I personally commend our police dept. for a job well done.

The Monticello Building Dept. along with our code enforcement officers once again stood up to a slum landlord who thought he could outwit and intimidate our Deputy Manager John Barbarite. Little did he know John's bite is bigger than his bark and his bark is loud and clear. With

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no exceptions, if you break our code laws, you will be put to task. We will not jeopardize the safety and well being of the citizens of Monticello.

The building at 27 North St., originally a two family house, had illegally been converted into a 17 family complex. The smallest apt. was approximately 6 x 8 ft.. There were over 40 code violations. The landlord sued to prevent us from closing him down, he did not prevail. The dwelling nick named the "Bird House" has been shut down. The landlord considers him another victim of the Villages "witch hunt". If that reference to "witch hunt" is directed to you, John, I gladly and with honor share that title.

On Tuesday June 5, 2007, I met with Ken Carpenter a local concerned resident and discussed the possible of being appointed to the Zoning Board Committee. After a lengthy interview I am pleased to announce Ken had been asked to accept that appointment. With enthusiasm he did.

The New York State Conference of Mayors semi annual conference took place in Saratoga Springs. NYCOM as they are known is an association of, cities and villages in New York. By force of its membership of more than 575 municipalities, NYCOM is a powerful advocate for cities and village interest in the state legislature and with statewide agencies.

It is at their last conference I learned that 60 out of 62 Counties make their Villages whole. This conference I learned about NYMIR. NYMIR stands for, New York Municipal Insurance Reciprocal. A reciprocal insurance company is a licensed, regulated company owned by policyholders who agree to insure one another. Since our insurance policy is about to expire I have opened a dialog with their representative hoping to save the village on their annual premium.

New American Flags have been ordered and will be waiving patriotically on Broadway as soon as they are delivered.

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On Tuesday June 12th, and Thursday June 14th the County Real Estate advisory committee met. To my disappointment their "they need more time" position is pure bureaucratic BS. Everything the County asked for from the Village was delivered.

It is incumbent upon every citizen in the Village to relay to our elected legislators, making the County's Villages Whole is of utmost importance. Our Elected legislators Ron Hiatt and Sam Wohl, (by the way, they have issued a memo in favor of making the Villages whole) need to be told to expedite this process.

In our continued effort to make this Village more affective and efficient we are seeking the help and assistance from outside professional experts and advisors. One such firm is here tonight to make a presentation. Barton & Loguidice is an engineering firm with many locations throughout NY. Its expertise lies in engineering, planning, grant writing, landscaping etc. Your questions will be welcome.

There were fines imposed by the court for code violations, trash violations, vehicle violation and unsafe structures, this week alone, of \$3,925.

In closing I'm pleased to announce, after much hard work and number crunching our annual budget is down by approximately 2%.

PUBLIC COMMENT

American Flags

Becky Whipple was glad the Village is putting up flags along Broadway, since this is a patriotic time of the year with Memorial Day, Flag Day, July Fourth and Labor Day.

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Rhulen Lot

Becky Whipple was still concerned with the conditions on the now vacant lot on Broadway of the former Rhulen Building.

Mayor Barnicle explained that there are priorities.

Skate Board Park

Becky Whipple was concerned that the youths using the skateboard park were wearing the proper safety gear such as helmets or protective padding.

Mayor Barnicle responded that the Village has complied by the Village's insurance regulations by have it posted and that type of equipment available.

Crime and Drug Houses

Harry Brantz indicated that he is having a problem with dogs in his neighborhood running freely without a lease.

Harry Brantz was concerned with vehicles passing on a double line that is prohibited by law.

Harry Brantz was concerned that no drug houses have been shut down and the problem still exists only unsafe buildings.

Planning Concerns

Dr. Green thanked the Deputy Village Manager for the work he is doing and hopes the Village Board supports him in his efforts. He indicated that he was glad to see some planners at tonight's meeting and hopes it is the start of a proactive stance as far as zoning matters.

Gager's Diner Appearance

Carmen Rue felt that Gager's Diner is further deteriorating and the fence surrounding the property does not seem to meet the recently enacted fence law.

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Miss Monticello Diner

Carmen Rue was concerned that the Miss Monticello Diner is not handicap accessible.

County Making the Village "Whole" for taxes.

Trustee Schoonmaker was concerned that the County will link the tax issues with the landfill.

County Legislator Ron Hiatt explained that he and County Legislator Sam Wohl believe it would be a net positive for the County and the Village to make all the Village's "whole" since when the County does their foreclosure sale they make a lot of money on these properties. He did not believe the two issues would be linked together.

PRESENTATION BY BARTON & LOGUIDICE, PLANNERS

Richard A. Straut, P.E. representing Barton & Loguidice, Planners explained that they are a consulting firm with approximately 180 employees that works throughout New York State specializing in engineering, community planning, landscape architecture and community development projects. He explained that this presentation will focus on ideas for the Village and how ideas can be brought together to reach some of the goals. He felt there are challenges, as well as opportunities for Monticello. They will be discussing this evening an approach to helping the community define their goals and than achieve those goals by bringing investment into this community. He felt the Village must identify what the needs are and use that to go out and find the resources for public and private investment and bring it into the community so it is not all coming out of the taxpayers' pocket. He explained team of experts is multi-disciplined, including water systems, sewer systems, roads, streetscapes, downtown revitalization and grants writing, that also include resident participation in various committees such as coming up with a slogan such as It' Monticello Turn; Monticello's Re-Turn or Movin' Monticello Forward.

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**PRESENTATION REGARDING PROPOSED BOYS AND GIRLS CLUBS FOR
THE FALLSBURGH AND MONTICELLO CENTRAL SCHOOL DISTRICTS**

Ron Hiatt and Alexis explained that enough funding has been found by seed money from the Monticello and Fallsburgh schools and the award of a grant from the State. The Boys and Girls Club provides after school professional supervision and the program will begin in September with the opening of the new school year.

**REPORT BY DEPUTY VILLAGE MANAGER FOR REQUEST TO DEMOLISH
UNSAFE DANGEROUS BUILDING - SBL 115-2-13, 45 SUMMIT AVENUE,
SBL 115-7-11 SUMMIT AVENUE AND MONTICELLO STREET, SBL 113-
6-7.2, BROADWAY AND NELSHORE DRIVE**

The Deputy Village Manager explained that he and the Code Enforcement Officer Sue Flora inspected all three structures and found they are not repairable and can not be rehabilitated, and therefore, should be demolished as they are attractive nuisances with children playing in them and derelicts living in them and are recommended that the Board order them removed. He explained if the Board upholds his findings an order will be sent to the property owners advising them that the buildings were declared unsafe and affording them to have a hearing before the Village at which time the owner would have an opportunity to challenge the findings or if they fail to appear the buildings will be slated for demolition.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO ORDERING REMOVAL AND/OR DEMOLITION OF A
STRUCTURE - SBL 115-2-13, 45 SUMMIT AVENUE AND SCHEDULING A
PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING OF THAT
ORDER ON MONDAY, JULY 23, 2007 AT 7 P.M.**

WHEREAS, a written report was presented to the Board of Trustee of the Village of Monticello by John Barbarite, Deputy Village Manager and Sue Flora, Building Inspector regarding an unsafe structure, to wit: 45 Summit Avenue, Monticello, NY 12701, Section 115, Lot 2, Block 13; and,

WHEREAS, said report was supplemented by written reports from Deputy Village Manager John Barbarite and Building Inspector Sue Flora; and,

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WHEREAS, evidence was received by the Board that the structure is unsafe, in that it is deteriorated and in substandard condition; and,

WHEREAS, in keeping with the provisions of the Village Code the Board has also determined that it is in the best interest of the residents of the Village of Monticello to conduct a hearing on the issue.

NOW, THEREFORE BE IT RESOLVED, that the property in question is an unsafe structure defined by the Code of the Village of Monticello, Section 119-3 to wit: it has been damaged by fire, wind and weather; an,

THAT, the structure is unsafe, it has been damaged by fire and is structurally unsound; and,

THAT, by order of the Board of Trustee, said structure hereby ordered to be removed, and in the event said structure is not removed by the owner of said property, removal of said structure shall commence with 15 days of the service of the notice shall be completed with 60 days thereafter; and,

THAT, in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with same, the Village Board will order the repair or removal of such building or structure by the Village and that the Village will assess all costs and expenses incurred in such removal of such building or structure by the Village and that the Village will assess all costs and expenses incurred in such removal or repair against the land on which such structure is located.

THAT, said hearing shall be held on Monday, July 23, 2007 at 7 p.m., at the Village Hall, 2 Pleasant Street, Monticello, New York 12701.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, 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 ORDERING REMOVAL AND/OR DEMOLITION OF A
STRUCTURE - SBL 113-6-7.2, BROADWAY AND NELSHORE AND
SCHEDULING A PUBLIC HEARING REGARDING MODIFICATION OR
AFFIRMING OF THAT ORDER ON MONDAY, JULY 23, 2007 AT 7 P.M.**

WHEREAS, a written report was presented to the Board of Trustee of the Village of Monticello by John Barbarite, Deputy Village Manager and Sue Flora, Building Inspector regarding an unsafe structure, to wit: 74 Broadway, Monticello, NY 12701 (corner of Broadway and Nelshore Drive), Section 113, Lot 6, Block 7.2; and,

WHEREAS, said report was supplemented by written reports from Deputy Village Manager John Barbarite and Building Inspector Sue Flora; and,

WHEREAS, evidence was received by the Board that the structure is unsafe, in that it is deteriorated and in substandard condition; and,

WHEREAS, in keeping with the provisions of the Village Code the Board has also determined that it is in the best interest of the residents of the Village of Monticello to conduct a hearing on the issue.

NOW, THEREFORE BE IT RESOLVED, that the property in question is an unsafe structure defined by the Code of the Village of Monticello, Section 119-3 to wit: it has been damaged by fire, wind and weather; an,

THAT, the structure is unsafe, it has been damaged by fire and is structurally unsound; and,

THAT, by order of the Board of Trustee, said structure hereby ordered to be removed, and in the event said structure is not removed by the owner of said property, removal of said structure shall commence with 15 days of the service of the notice shall be completed with 60 days thereafter; and,

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THAT, in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with same, the Village Board will order the repair or removal of such building or structure by the Village and that the Village will assess all costs and expenses incurred in such removal of such building or structure by the Village and that the Village will assess all costs and expenses incurred in such removal or repair against the land on which such structure is located.

THAT, said hearing shall be held on Monday, July 23, 2007 at 7 p.m., at the Village Hall, 2 Pleasant Street, Monticello, New York 12701.

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 ORDERING REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 115-7-11, 38 ST. JOHN STREET (BEDFORD AVENUE AND ST. JOHN ST.) AND SCHEDULING A PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING OF THAT ORDER ON MONDAY, JULY 23, 2007 AT 7 P.M.

WHEREAS, a written report was presented to the Board of Trustee of the Village of Monticello by John Barbarite, Deputy Village Manager and Sue Flora, Building Inspector regarding an unsafe structure, to wit: 38 St. John Street, Monticello, NY 12701 (corner of Bedford Avenue and St. John Street), Section 115, Lot 7, Block 11; and,

WHEREAS, said report was supplemented by written reports from Deputy Village Manager John Barbarite and Building Inspector Sue Flora; and,

WHEREAS, evidence was received by the Board that the structure is unsafe, in that it was damaged by fire, the interior walls and exterior walls are deteriorated and in substandard condition; and,

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WHEREAS, in keeping with the provisions of the Village Code the Board has also determined that it is in the best interest of the residents of the Village of Monticello to conduct a hearing on the issue.

NOW, THEREFORE BE IT RESOLVED, that the property in question is an unsafe structure defined by the Code of the Village of Monticello, Section 119-3 to wit: it has been damaged by fire, wind and weather; an,

THAT, the structure is unsafe, it has been damaged by fire and is structurally unsound; and,

THAT, by order of the Board of Trustee, said structure hereby ordered to be removed, and in the event said structure is not removed by the owner of said property, removal of said structure shall commence with 15 days of the service of the notice shall be completed with 60 days thereafter; and,

THAT, in the event that such owner, occupant or other person having an interest in said premises shall fail to contest such order and fail to comply with same, the Village Board will order the repair or removal of such building or structure by the Village and that the Village will assess all costs and expenses incurred in such removal of such building or structure by the Village and that the Village will assess all costs and expenses incurred in such removal or repair against the land on which such structure is located.

That said hearing shall be held on Monday, July 23, 2007 at 7 p.m., at the Village Hall, 2 Pleasant Street, Monticello, New York 12701.

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

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RESOLUTION AMENDING THE FEE SCHEDULE

WHEREAS, the Village Board recently amended the sign law to allow those businesses on very large parcels to put a freestanding on their property advertising their business; and,

WHEREAS, a fee must be assessed when a sign application is approved.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby amend the fee schedule in the amount of \$150.00 per sign for businesses on very large parcels to put a freestanding on their property advertising their business.

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

PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 13 OF 2007 AMENDING THE VILLAGE CODE WITH RESPECT TO THE POSITION OF THE ENFORCEMENT OFFICER

Mayor Barnicle opened the public hearing at 8:17 p.m.

The Village Attorney explained that the applicable sections of the Village Code need to be more specifically stated what the enforcement officer's powers are, namely to substitute the words "code enforcement official and/or enforcement officer throughout the chapter where there is mention of "enforcement official" which would specifically authorize him to write to a ticket or make inspections with respect to each chapter.

As there were no further comments, Mayor Barnicle closed the public hearing at 8:21 p.m.

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**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE
VILLAGE OF MONTICELLO OF LOCAL LAW NO. 13 OF 2007 AND
DECLARING A NEGATIVE DECLARATION**

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on June 18, 2007, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to hear all interested parties on said proposed Local Law 13 of 2007 which amending the Village Code with respect to the position of Enforcement Officer; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on June 8, 2007; and

WHEREAS, said public hearing was duly held on June 18, 2007, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701, 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, it appears that said local law involves an unlisted action; and

WHEREAS, the Board of Trustees of the Village of Monticello has pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) determined by that adoption of said proposed Local Law appears to constitute an unlisted action; 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. 13 of 2007; 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

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

RESOLUTION AUTHORIZING PAYMENT #6 (\$5,000 RETAINAGE AMOUNT) AND \$17,756.34 (CHANGE ORDER #3) TO GRANT STREET CONSTRUCTION FOR THE BROADWAY SEWERLINE REPLACEMENT PROJECT FOR A AMOUNT OF \$22,756.34

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

WHEREAS, Grant Street Construction was awarded the bid and has completed the construction work on the project and the Village has been holding the 5% retainage amount of \$5,000.00; and,

WHEREAS, Change Order #3 is due as the NYSDOT required that safety barrels and flashing barricades be installed along Broadway as part of the DOT work order, which was not included in the original bid documents in the amount of \$17,756.34; and,

WHEREAS, the Village Engineer has indicated that he has no objection to this request.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve payment No. 6 in the total amount of \$22,756.34 which includes the \$5,000 retainage amount to Grant Street Construction for the completed work for the construction on the Broadway Sewerline Replacement Project.

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

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**RESOLUTION CHANGING THE FIRST AND SECOND MEETINGS IN
JULY FROM MONDAY, JULY 2, 2007 AND MONDAY, JULY 16, 2007 TO
MONDAY, JULY 9, 2007 AND MONDAY, JULY 23, 2007**

WHEREAS, the Village Board holds meetings on the first and third Mondays of each month; and,

WHEREAS, when months have five (5) Mondays, the Board moves the meetings to second and fourth Mondays of each month.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the first and third meetings in July to the second and fourth Monday of July, July 9th and July 23rd.

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

**RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR
BIDS TO SELL VILLAGE OWNED PROPERTIES**

WHEREAS, the Village of Monticello has foreclosed on certain properties namely; and,

SBL	Location	Type of Property	Minimum Bid
109A-2-5.21	Dollard Drive	Vacant/Residential	\$48,000
109A-2-5.17	Dollard Drive	Vacant/Residential	\$48,000
106-3-15	Liberty Street	Vacant/Residential	\$38,000
111-7-11	Prince Street	Vacant/Commercial	\$55,000

WHEREAS, the Village has obtained certified appraisals of these properties to ensure the market value.

WHEREAS, the Board of Trustees is interested in selling these properties to the highest bidder so they will be put back on the tax rolls.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids to sell Village owner properties acquired through the foreclosure process.

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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.

DISCUSSION OF APPEAL FROM THEODORE HUTCHINS TO WAIVE LATE PENALTY CHARGES FOR WATER AND SEWER CHARGES

Ted Hutchins explained that he is challenging the determination of the sewer charges that he was billed since the charges are for filling his pool. He noted that last December he received \$1,400 water/sewer bill and was advised to speak with the Water Department regarding these charges. The Water Department informed him that the reason for the high bill was because the water department had been unable to read his meter in two years and this was an actual reading. He has since had a remote meter installed to allow the water meter reader to get a reading without entering the building. He is requesting the penalty fee in the amount of approximately \$200 be waived.

Water Superintendent Clarence Decker explained that he that two year time period the meter reader had left postcards in his doorway so he could read his own meter and mail back to the Village at no charge to him. He explained when someone fills there pool in the summer the homeowner needs to make a request to the sewer department to adjust the water used for that purpose only, and the bill will be corrected. He did not feel any of the extra water usage comes from filling his pool, even if it was three times last summer.

Trustee VanDermark felt the penalty amount should not be removed only the amount due the for the pool fill.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to reduce the amount owed on Utility Account 2736 be reduced to \$103.59.

EXECUTIVE SESSION

At 8:45 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.

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ADJOURNMENT

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

EDITH SCHOP, Village Clerk