

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JULY 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., Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Ray Nargizian, Village Manager
John Barbarite, Deputy Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Brenda Galligan, Treasurer
Douglas Solomon, Chief of Police
Alan Reynolds, Highway Superintendent
Clarence Decker, Water Superintendent
Caroline Hayes, Asst. Grant Administrator

APPROVAL OF MINUTES BOARD MEETINGS OF JULY 9, 2007

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

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OLD BUSINESS

3rd Annual Fishing Derby

Mayor Barnicle announced that the third annual Fishing Derby will be held on Saturday, July 28th from 10 a.m. to noon for children accompanied by an adult and sponsored by the Sullivan County Federation of Sportsmen.

MANAGER'S REPORT

The Joint Impact Patrol again has had an active week. The total number of arrests made since its inception on Jan 1, is now 551.

Felony related arrests made during this period of time were 80

Their have been 187 drug related arrests.

41 DWI arrests.

146 arrests involving either a suspended operator license or suspended registration.

101 arrests involving outstanding warrants.

15 firearms have been removed from our streets.

These arrests are not revolving door arrests. Many of the mentioned arrestees have been sentenced to years of hard time in prison. We have taken them off our streets and hopefully discouraged others from following in their footsteps.

Our building dept. and code enforcement dept. probably the most over worked; under paid, unappreciated, and verbally abused individuals working for the Village Once again proved that they are necessary in order to turn this Village around. Under the supervision of our Deputy Manager, John Barbarite landlords are getting the Message. Everyone with no exception will comply with our codes.

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On Wed. July 11, Empire Resorts called for a press conference to announce the State of New York has released Checks to the County, town, and Village. The County received approx. \$550,000.; the Town received approx. \$1,200,000. and the Village approx. \$552,000. Though we are very appreciative of our portion, we question the formula use to derive these amounts. It must be noted the Village is the host municipality; we supply the water, sewer, snow removal, road maintenance and policing of the Gaming facility which is within our Village. Talks have begun with the State to address this issue.

On Tuesday July 17, I met With Rob Camoin of Camoin Associates we discussed Grants, Revitalization of the village, Village growth and a new municipal complex.

On Friday 20th of July, Village officials met with the Human Rights commission to discuss remedies involving an increase number of persons becoming homeless in the Village.

Proposals have been submitted regarding insuring the village. We are still in the process of fine tuning these proposals. This year our insurance rate will be lowered and our exposure lessened.

AWARDING OF QUARTER-CENTURY OR MORE CERTIFICATES OF PUBLIC SERVICE TO VILLAGE EMPLOYEES

Mayor Barnicle presented quarter-century or more certificates of Public Service to the following employees:

25 Years

Claude Messenger
Lt. Wm. VanHage
Edith Schop
Wm. Masters
Peter Brasington
Walter Conklin

30 Years

Wayne Wright
Clarence Decker
Det. Douglas Tunno
Keith VanDermark
Pete Tweed

35 Years

Alan Reynolds

PUBLIC COMMENT

Request For Additional Police Patrols

Betty Friedland indicated that in her neighborhood there is a severe problem with drag racing on Atwell Lane and behind the Rutherford School youths are congregating, and therefore she is requesting additional police patrols in that area. She questioned where the money goes from the percentage that is returned to the Village from the State for Vehicle and Traffic Tickets?

The Treasurer responded that the money goes back into the General Fund as the Justice Court is funded by the General Fund.

Connie Keller agreed with Ms. Friedland regarding problems on the school property.

Tax Decrease

Betty Friedland was concerned that the Treasurer and the Village Board did not explain that the reduction of the 2% in taxes was mainly from the sewer assessment line of the tax bills which is decreased as the Village pays down the loan for the original sewer construction, not from the tax property tax line as originally announced. She felt that exempt properties are reaping more of benefit of this decrease than the Village property owners. Ms. Friedland felt the public has been deceived by the statements she read in the newspaper last Saturday when it was stated that the homeowners would receive a 2% tax reduction.

The Treasurer responded that there is a reduction 2.3% in the property tax bill, and a 1.4% decrease in the tax rate based on the assessed value.

Recycling Update

Betty Friedland was concerned that the seasonal summer bungalow colonies are not being required to recycle which is just throwing money in the garbage.

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The Mayor responded that as had been stated in the past the Village has to wait until we have the proper manpower and equipment to increase the recycling program. The Mayor noted that the Village has plans to recycle more once this equipment is obtained in the fall so when it is done it is a successful program.

Betty Friedland responded that she understands what he is saying, however this is the second summer that recycling has not become mandatory. She also felt any recycling information sent to homeowners should be translated into Spanish for that segment of the community to be included.

Trustee Jenkins agreed with Ms. Friedland and felt the Village is not being aggressive in the recycling program. He explained that he has met with Mr. Cutler, the County Landfill Coordinator and encouraged the County to fine each Village garbage truck \$500 that brings in recycling mixed in with their garbage. He did not understand why Liberty is so successful in recycling 80%.

Commendation

Dr. Hudes commended the Village Board and the Management Team in doing an excellent job.

Connie Keller also felt there is a positive trend in the Village.

PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING THE ORDER FOR REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 115-7-11, 38 ST. JOHN STREET (BEDFORD AVENUE AND ST. JOHN ST.)

PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING THE ORDER FOR REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 115-2-13, 45 SUMMIT AVENUE

PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING THE ORDER FOR REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 113-6-7.2, BROADWAY AND NELSHORE DRIVE

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The Deputy Village Manager requested that these hearings be rescheduled for the following Village Board meeting to hold on Monday, August 6, 2007.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO ADJOURNING HEARINGS WITH RESPECT TO THREE (3) ORDERS OF THE BOARD OF TRUSTEES WITH RESPECT TO UNSAFE STRUCTURES WITH THE FOLLOWING VILLAGE OF MONTICELLO SECTION, BLOCK AND LOT NUMBERS: 113.-6-7.2, 115.-7-11, AND 115.-2-13

WHEREAS, several unsafe structures were ordered removed by the Board of Trustees of the Village of Monticello on or about June 18, 2007, said structures on properties with the following Village of Monticello Section, Block and Lot numbers: 113.-6-7.2, 115.-7-11, and 115.-2-13; and

WHEREAS, the owners of said structures were duly served notices to appear for a hearing on July 23, 2007; and

WHEREAS, the owners of said structures having agreed with the Deputy Village Manager to adjourn the hearing date until August 6, 2007 for the purposes of determining whether the structures can be repaired in compliance with the applicable codes; and

WHEREAS, the Board of Trustees of the Village of Monticello having determined that it is in the best interest of the Village of Monticello if said structures can be repaired in compliance with the applicable codes;

NOW, THEREFORE, BE IT RESOLVED THAT the hearings scheduled for July 23, 2007, with respect to structures located on properties with the following Village of Monticello Section, Block and Lot numbers: 113.-6-7.2, 115.-7-11, and 115.-2-13, are hereby adjourned until August 6, 2007; and

BE IT FURTHER RESOLVED THAT said hearings shall be held at:

Monticello Village Hall
2 Pleasant Street
Monticello, New York 12701

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

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL
LAW 14 OF 2007 AMENDING CHAPTER 158 OF THE CODE OF THE
VILLAGE OF MONTICELLO ENTITLED "GRAFFITI"**

Mayor Barnicle opened the public hearing at 7:29 p.m.

The Mayor requested that if this local law is adopted tonight, the Deputy Village Manager send this law to the Town of Thompson to allow them to pass a similar local law which would include Walmart, as well as other merchants that sell spray paint and similar marking supplies.

The Village Attorney explained that based on all the suggestions the proposed changes are:

1. If the store sells graffiti implements the violations will be the same in regard to any Village ordinance.
2. Reducing the size of the sign the merchants must display that it is unlawful to sell these types of supplies to people under 18 years old from 2' x 3' to 8½" x 11" with fonts of at least 12 points. Also, reducing the fine for not displaying this sign to \$25.00 for the 1st offense and for subsequent offenses from \$50.00 to \$200.00.
3. The period of removal of graffiti is currently three (3) days, the suggested time period is 14 days.

Becky Whipple was opposed to changing the period for the property owners to remove graffiti to 14 days.

The Village Attorney responded that she was concerned with the people who are financially unable to do it or not in the area.

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The Mayor noted that if the structure is vacant the Village must send a letter to the property owner which may delay the removal.

Dr. Hudes suggested that the Village keep the 3 day limit and give Code Enforcement the authority to make extensions should there be extenuating circumstances.

Betty Friedland agreed with Dr. Hudes to keep the 3 day removal limit.

The Village Board agreed that the law should remain at 3 days for removal.

Mayor Barnicle closed the public hearing at 7:37 p.m.

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - LOCAL LAW NO. 14 OF 2007

The Village Board reviewed Part II of the Environmental Assessment Form and found no environmental impacts.

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 14 OF 2007 AND DECLARING A NEGATIVE DECLARATION AS AMENDED

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on July 23, 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 No. 14 of 2007 amending Chapter 158 of the Village Code entitled "Graffiti"; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on July 13, 2007; and

WHEREAS, said public hearing was duly held on July 23, 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

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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 has pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) completed a short-form Environmental Assessment Form (EAF) and has determined that the proposed local law would not have a significant negative 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 proposed local law would not have a significant negative effect upon the environment; and be it further

RESOLVED, that the Board of Trustees of the Village of Monticello hereby adopts said Local Law No. 14 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 meeting and in the Local Law Book of the Village of Monticello, and to give due notice of the adoption of said to the Secretary of State of New York.

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

**RESOLUTION APPROVING APPLICATION TO HOSEA ARMSTRONG FOR A
PEDDLER'S LICENSE**

The matter was tabled to the next meeting since the applicant was not present. The Clerk was directed to advise him to be at the next meeting to answer questions regarding his application.

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RESOLUTION AMENDING THE FEE SCHEDULE

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

WHEREAS, the mechanics in the Highway Garage perform quarterly inspections on all taxis with a Village medallion; and,

WHEREAS, the present fee structure does not address a reinspection when a taxi fails an inspection and the inspection must be preformed again to ensure it passes all safety inspection specifications.

WHEREAS, the fee for these quarterly inspections is \$12.50 but no additional charge when a vehicle fails the safety inspection and the Village must perform the service again.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby amend the Fee Schedule to charge an additional \$10.00 for each reinspection when a taxicab fails the initial quarterly inspection.

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 THE ISSUANCE OF \$40,000 BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION AND INSTALLATION OF COMPUTER HARDWARE AND SOFTWARE, IN AND FOR SAID VILLAGE.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such project;

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Monticello, Sullivan County, New York, as follows:

Section 1. For the purpose of paying the cost of the acquisition and installation of computer hardware and software in and for the Village of Monticello, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$40,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$40,000, and that the plan for the financing there of is by the issuance of the \$40,000 bonds of the Village of Monticello, Sullivan County, New York, authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years pursuant to subdivision eighty-nine of paragraph a of Section 11.00 of the Local Finance Law, as the objects or purposes in said class have a period of probable usefulness of at least five years under one or more of subdivisions thirty-two, fifty-two or fifty-three-a of said paragraph a. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years, and that the foregoing is not an assessable improvement.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Monticello, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Monticello, Sullivan County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Village; provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile

signature of its Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

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Section 11. This resolution, which takes effect immediately, shall be published in summary in the Sullivan County Democrat, the official newspaper of the Village, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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 THE VILLAGE OF MONTICELLO TO COMMIT HOME GRANT FUNDING IN AN AMOUNT IN EXCESS OF THE \$20,000 GRANT LIMIT

WHEREAS, the Village of Monticello under the HOME Grant Funding has a limit of \$20,000 established by the Guideline and Procedures for the Home Improvement Program adopted on November 4, 2002; and

WHEREAS, an increase is sort to increase the amount to \$25,150.00 to enable the Village to eliminate serious heath and safety problems found specifically in Case # 0254 and to commit all remaining funds under the 2002 HOME Grant in order to close out that program in accordance with all applicable federal, state, and local regulations; and,

WHEREAS, said Case #0254 was approved for HOME Grant funding by the Community Development Board on July 23, 2007 in accordance with the above-referenced Guidelines and Procedures, subject to Village Board approval of the waiver of the \$20,000 grant maximum for this case only as referenced in this Resolution. The ability of the Village to exceed the local grant maximum for this Case was also approved by the NYS Division of Housing and Community Renewal through email correspondence dated July 12, 2007.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the waiver of the \$20,000 grant maximum for this case only for a total amount of \$25,150.00.

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

RESOLUTION APPROVING EMERGENCY REPAIR OF OVERHEAD DOORS FOR THE SEWER DEPARTMENT IN THE AMOUNT OF \$1,199.30

WHEREAS, the Sewer Department needs emergency repair of 5 Overhead doors at the sewer plant for safety concerns; and,

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

WHEREAS, the Sewer Department under emergency repair only needed to contact one vendor.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the emergency repair of five (5) overhead doors located at the Sewer Plant in the amount of \$1,199.30.

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

Trustee Jenkins was concerned that it appears to be too coincidental the both departments had to replace their overhead doors. He questioned whether the same company installed the doors on both buildings.

Water Superintendent Decker indicated that the doors at the water plant would not open. He indicated that it was the same vendor that installed doors at both facilities.

RESOLUTION APPROVING EMERGENCY REPAIR OF OVERHEAD DOORS FOR THE WATER DEPARTMENT IN THE AMOUNT OF \$1,048.25

WHEREAS, the Water Department needs emergency repair an overhead door at the Water plant for safety concerns; and,

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

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WHEREAS, the Water Department under emergency repair only needed to contact one vendor.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the emergency repair of an overhead door located at the Water Plant in the amount of \$1,048.25.

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 MAYOR OF THE VILLAGE OF MONTICELLO TO EXECUTE SUPPLEMENTAL AGREEMENT #3 TO STATE SYSTEM PROJECT AGREEMENT (D011576)

Authorizing the design of the reconstruction of Route 42 on the State Highway System, the performance and funding in the first instance 100% of the costs of design thereof, to be reimbursed by the State and appropriating funds therefore.

WHEREAS, the State of New York has requested the Village of Monticello to design the improvements to the New York State Route 42 in the Village of Monticello; and,

WHEREAS, the Village of Monticello has previously executed State System Project Agreement (D011576) and Supplemental Agreement #1 and #2 for the Preliminary Engineering work and has appropriated \$720,000 as per Resolution #98-106 which was adopted on May 4, 1998 and appropriated \$1,000,000 as per a resolution adopted on August 23, 2004; and it is further

NOW, THEREFORE, the Village Board, duly convened does hereby;

RESOLVE, that the Village Board hereby approves the Project; and it is hereby further

RESOLVED, that the Village Board hereby authorizes the Village of Monticello to pay in the first instance 100% of the costs of the Project or portions thereof; and it is further

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RESOLVED, that the sum of \$295,580.61 is hereby appropriated and made available to cover the cost increase of participation in the above phase of the Project; and it is further

RESOLVED, that the James Barnicle, Mayor of the Village of Monticello be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the Village of Monticello with the New York State Department of Transportation in connection with the implementation of the Project, and reimbursement of the approved costs thereof by the State, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

DISCUSSION OF USED CAR LOTS IN THE VILLAGE OF MONTICELLO

Mayor Barnicle explained that he does not think the law is clear enough in prohibiting used car lots, but there is a vague law presently about used car lots. He felt that either the law is tightened that we don't allow them or we rescind the law to allow used car lots. He noted that used cars are showing up on many properties throughout the Village such as Kapito Tires that has a row of used cars, repair shops that are putting used cars out front with signs on them, etc. He felt it does not improve what the Village is trying to accomplish in the last six months in improving the look of the Village.

EXECUTIVE SESSION

At 8:03 p.m. a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move in to Executive Session to discuss contract negotiations.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 9:45 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move back into open session.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A CONTRACT WITH BARTON & LOGUIDICE, PC TO PERFORM CONSULTATION SERVICES FOR THE VILLAGE OF MONTICELLO

WHEREAS, the Board of Trustees of the Village of Monticello has determined that consulting, services are required for the Village of Monticello with respect to several areas, including grants, zoning and planning, environmental concerns, beautification and facilities management;

WHEREAS, Barton & Loguidice, PC ("B & L") has submitted a proposed Service Agreement Contract, including its fee schedule, for consideration with respect to provision of the aforementioned services;

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to authorize the Village Manager to sign a Service Agreement Contract with B & L for the performance of the aforementioned services.;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Trustees of the Village of Monticello

1. That the Manager of the Village of Monticello shall be and hereby is authorized to sign a Service Agreement Contract with B & L for performance of service in the following areas: grants, zoning and planning, environmental concerns, beautification and facilities management; and

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2. That the documents executed by the Village Manager will be in a form approved by the Village Attorney; and
3. That this resolution shall be effective immediately upon signature of the Village Clerk.

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

RECESS

At 9:46 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to recess the Regular Village Board meeting to Monday, July 30, 2007 at 8 a.m.

MEETING TO ORDER

Mayor Barnicle reconvened the meeting to order at 8:03 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were

Present:

Absent:

James Barnicle, Mayor
Gordon Jenkins, Trustee (Late)
Victor, Marinello, Jr., Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

Also Present: Ray Nargizian, Village Manager
John Barbarite, Deputy Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney

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**AWARDING OF VILLAGE LIABILITY INSURANCE COMPANY FOR FY
2007/08**

The Village Manager explained that the Village went through a process of negotiations with three insurance agents. Our broker presently is Owen McKane of DeForest Agency and he gave him the option of picking two other companies to get bids, and the other brokers were also given the option of picking three companies. The date was set for bids to be received by 3 p.m. on Friday, July 27th, however an extension was made to later in the afternoon because Owen who had Trident on his list did not apply to Trident to get a bid and one of the other brokers two weeks prior approached that company and ultimately did submit a bid. After making the comparisons, price did not become an issue because they all had similar costs, however the issue was the coverage and in most instances Trident coverage was greater and the deductibles were less. One of the important deductible reductions was the police department's that went from \$25,000 to \$5,000 and Traveler's our present company went down on Friday from \$25,000 to \$10,000 as did the other agency. The Village Manager recommended that the Village Board award the bid to Trident as dollar for dollar the coverage is far greater than both Travellers and Scotsdales.

The Mayor noted that the lowest amount is \$50,000 lower than what the Village is paying presently for this insurance. He also explained that organized events at the skateboard park will now be covered

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to award the Village Liability Insurance to Trident in the amount of \$199,000.

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO PURCHASE 25
BENCHES FOR THE JUSTICE COURT AT THE TED STROEBELE
RECREATION CENTER**

WHEREAS, the Justice Court is moving to the Ted Stroebele Recreation Center and needs the proper seating to accommodate persons using the court facilities; and,

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WHEREAS, there is funds in this appropriation is being paid by a Justice Court grant; and,

WHEREAS, this is the only company with a 40 mile radius that has this item for the Village to inspect.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of 25 benches and the bar for use in the new Justice Court at the Ted Stroebele Recreation Building in an amount not to exceed \$6,000.

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

Water Contract Discussions

The Village Manager updated the Village Board explained that on Wednesday, the Village's new engineers and the Village Manager went down to discuss the matter with the Capelli Group. The Engineering Firm reviewed the contract and did not feel the Village had enough protection so they are in dialogue with the Village Attorney and new contract will be written to the Village's benefit.

The Village Attorney explained that the contract would allow the Capelli Group to do the water development at their cost their expense on the Village's property; however the engineers suggested that the Village do the development at their expense.

The Water Superintendent Clarence Decker explained that the Village has the tendency not to follow through, so one of the reasons he felt it was a good idea that the Capelli Group did the development because he knew they would follow through. The money that we receive for this contract must be used for this purpose only.

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The Village Attorney noted that the contract calls for "inside user" rate is another issue.

The Water Superintendent noted that the Capelli Group has been under the impression that they would be paying the inside rate.

The Village Manager responded that he wants to change this so that the homes that are built there would be charged inside user rates and the hotel, spa etc. would pay the higher outside user rate. He explained at this point the entire contract is in the negotiation phase.

ADJOURNMENT

At 8:13 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