

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 3, 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
Douglas Solomon, Chief of Police
Clarence Decker, Water Superintendent

TREE LIGHTING AND MENORAH LIGHTING

The Mayor explained that due to inclement weather conditions, the tree lighting and menorah lighting was done in spirit and tomorrow starts the Village's first holiday season and he wished everyone a happy holiday.

PRESENTATION BY MOBILE MEDIC TO THE POLICE DEPARTMENT

President and CEO of Mobilemedic Albee Bockman explained that in all his experiences with emergency service he has yet to find one municipality that can compare itself to

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Monticello where the three emergency services that we have, have an awesome relationship. He noted that the Monticello Police Department approached him for help in equipping each vehicle with 1st Aid Supplies since they had no supplies whatsoever. Mr. Bochman therefore directed his Director of Support Services to purchase bags and fully equipment them and donate them to the Monticello Police Department.

Chief Solomon noted that because of the professionalism of Mobilemedic it is very rare that these types of supplies are utilized, however but should the officers need them they are readily available.

APPROVAL OF MINUTES BOARD MEETINGS OF NOVEMBER 19, 2007

A motion was made by Trustee Schoonmaker, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the minutes of the meeting of November 19, 2007 as presented.

MANAGER'S REPORT

Welcome and season's greetings to all. This is the Dec. 13th meeting of the Monticello Board of Trustees.

I have been asked why I start my Managers Report with a breakdown of police activity. The answer is as follows: The Monticello Police Dept. is over 65% of our budget. Unlike our other depts. the Police dept is open 24 hours a day 7 days a week.

In order to promote economic growth and turn this Village around our citizens must be aware that their men in blue are doing their utmost to keep them, their residence, their businesses, and their property, protected.

The message I am trying to project is plain and simple, malfeasance will not be tolerated. Our no-nonsense policy has led to a record amount of arrests this year. Hopefully the perpetrators will get the message. If you commit a crime you will do the time. I hope

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Our local Newspapers will help us get our message out there. If those that are considering doing ill deeds know our policy and record of arrests, maybe they will reconsider and move on.

Before I continue on, I'd like to thank our police chief and his men for continuing their unrelenting attack on those who break our laws. Thank you chief and your policemen for a job well done.

This past week a man and a 14 year old boy were arrested for multiple counts of robbery in the first degree. These arrests were in connection with two armed robberies involving taxi drivers and one involving a robbery outside of the Broadway Mobil mart.

The impact initiative has resulted in 717 arrests this year. The impact initiative is a cooperative agreement between The State Police, the Sheriff Dept. and the Monticello Police. The total number of arrests made by the Monticello Police Dept. in 2007 is 1429.

Felony arrests now add up to 118 arrests

245 arrests relate to drug arrests.

DWI arrests add up to 52 arrests.

Suspended drivers license or suspended registration netted 178 arrests this year.

The total number of arrests for outstanding warrants this year is 135

The total number of firearms removed from the streets of Monticello now total 22.

Our annual Holiday food drive has begun. Please drop off canned goods and non-perishable items at the Dept. of Public Works break room. We will deliver all donated items to the "Soup Kitchen" on December 15th. Your support is appreciated.

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Joe Czajka County Grant writer will write a Grant titled "Safe Routes to Schools" if successful the Village will be able to put sidewalks along Route 42 enabling our students to have safe passage on sidewalks from the middle school to Broadway.

I met with Doug Gurkin of Edgewater Affordable Housing, L.P. They are in the mist of purchasing the Sleepy Hollow development. They have promised to upgrade the facility. They will invest several million dollars, insist on recycling, and put a police sub-station on the premises.

The pews have been delivered to the new temporary Courthouse. They will be installed shortly.

On Wednesday Nov 28, IBAM (International Boxing Academy of Monticello) had their first fundraiser and open house. Monticello applauds the efforts of Ray Sheenan in spearheading this worthwhile youth oriented activity. We wish Ray, his staff and club members' success in their endeavors.

Just a reminder on Tuesday December 18, Monticello Gaming and Raceway will be hosting "Let's make a Deal" at 2 P.M. at the Ted Stroebele Recreation Center. Contact Betsy Conaty, Director of Parks and Recreation at 845 794-2351 for reservations.

PUBLIC COMMENT

Removal of Political Signage

Betty Friedland applauded Fouad Kerendian of Cohen's Bakery for their campaign of offering a free loaf of bread to each person who brings in a political sign that is removed after Election Day. She felt the Village should commend him as all the political signs were removed only days after the election.

The Mayor indicated that he would go in to Cohen's Bakery and thank him in person.

Village Manager's Vehicle

Betty Friedland was concerned that at the November 19th Village Board meeting the Mayor indicated that the Manager's vehicle is not being taken home by the Village Manager, however she believes the Village Manager does take the vehicle home nightly. She also questioned whether decals would be put on the vehicle to identify it as a Village vehicle and if there are any rules and regulations for the use of the Tahoe.

The Mayor indicated that he misspoke at the last meeting and the Manager is taking the vehicle home as did the former Manager Richard Sush and it is used during the day for official business only.

Betty Friedland felt that people are angry about the purchase of such a large vehicle. She also read in the newspaper that the Manager indicated that there is an insurance liability of him using his personal vehicle for official business. She questioned who informed the Manager of this liability of him using his own vehicle? Other questioned asked were: When was the discussion on the Tahoe held who ordered and signed the purchase order, ordering this vehicle? Ms. Friedland congratulated the Board on the "jeer" in the Times Herald Record editorial today. She felt that in the future the Board should know what type of vehicle is being ordered and for whom the vehicle is being ordered for before the actual order is placed.

Courtroom Carpeting

Betty Friedland was concerned that the estimate for the courtroom carpeting from Home Depot was dated 11/21/07 after the carpeting was ordered and installed. She indicated that she never received a response to her FOIL for the proposal that was put out for the carpeting including the quality, the wear ability, the size of the room the installation date and all the specifications for the carpeting so each proposal was for the same material to be installed. She questioned why the Village Manager did not tell the Board that the carpeting had already been laid when he asked for the approval to order the carpeting?

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Charles Sabatino indicated that he worked for Home Depot and they do not stand behind their product or their installation.

Asbestos in Old Firehouse

Betty Friedland indicated that the Mayor at a meeting indicated that the Board of Health had said that the firehouse was safe to use. She was concerned because she observed both adults and children using the front door of the old firehouse, although it was stated at Board meetings that access to the boxing area would be from the rear doorway.

The Mayor responded that the Board of Health had said that the area would be safe to clean and there is a volunteer organization to work on the parts that have been comprised so it is safe to use.

"Jeers Comments"

Trustee Jenkins read the following letter to the Record regarding their editorial. "Your jeers to the Village of Monticello in today's editorial page for authorizing the purchasing of a gas guzzling SUV are misplaced. Your editorial mistakenly claims that some Board members were apparently confused thinking they were buying the vehicle for the police. The resolution approved by the Board strictly authorizes of a two police vehicles under lease/purchase with Chase Bank. Apparently the Time Herald Record that the Board voted to purchase two police vehicles not an SUV vehicle for the Manager." He indicated that he voted for two police cruisers. He indicated that he will address the comments from the public.

The Mayor indicated that he is upset regarding this part of the jeers ..."the answer that police will eventually get to drive it sounds like an explanation hobbled together to make the best of a bad decision. He indicated that this statement is absolutely false; it was the intent of the purchase of the vehicle because it has a special suspension and wiring already in the vehicle to replace a K-9 vehicle that is twelve years old with over 110,000 miles on it and if breaks down tomorrow that is what the vehicle will be

used for.

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Robert's Rules of Order

Bob Kunis indicated that most municipalities follow Robert's Rules of Order and most, if not all municipalities have segment for public comment. He indicated that he resents the fact that certain people take advantage of public comment and change it into a dialogue and felt it is unfair to everybody.

Trustee Jenkins felt that people want input from the Board and most of the time it is extremely difficult to get a hold of Board members to discuss an issue, and when they do discuss it with them, they don't get answers. He felt that this is the only place that people can voice their opinions and he doesn't mind listening to these concerns even if it takes all evening and he will give those answers.

Carmen Rue applauded Trustee Jenkins for his response and asked him to continue to keep his promise to the people to get answers for them.

Holiday Banners

Carmen Rue was concerned that the Village is about to spend \$1,100 for holiday street banners when many people do not have enough money to heat their homes. She felt that American Flags should be displayed not Holiday banners that only refer to Christmas, not Chanukah or Kwanzaa.

Bess Davis questioned if the banners have already been ordered?

Mayor Barnicle responded that the banners have been ordered already, however if the request is not approved they will be returned.

Dr. Mark Hudes indicated that although he cannot vote in Village elections he does own a large parcel of property, he believes the people's job is not to micromanage the Board. He felt in the last year this Board has done a great job in bringing back about thirty years of just

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horror in this Village. He noted that he has been coming to Village Board meeting for the past 15 years, and in his opinion, and none of the past Mayors or Board have done much as this Board has done in a year.

Trustee Schoonmaker felt that the residents pay their salaries and if they ask a question they have a right to an answer.

The Mayor felt that the Board does answer their questions, however, it is not a debate or an argument and that is what it turns out to be.

Trustee Schoonmaker agreed with Dr. Hudes that this Village has improved in the last year and taken a lot of positive steps, but how positive can it be when the Village is buying items that haven't been authorized to buy by the Board. He felt the Board is regressing back to when the Comptroller criticized the Board for similar practices.

DISCUSSION ON THE ISSUANCE OF NEW TAXICAB MEDALLIONS

The Mayor explained that at this time the Village has no method of selling new medallions and from the information provided by Deputy Mayor Barbarite the average price would be approximately \$200.00 apart from other fees charged for inspections, driver licenses, etc. He was concerned that if someone buys a medallion for \$200.00 the Village must be able to protect the buyer from "flipping" it for an excessive amount to the new buyer.

The Village Attorney explained that the Village has recognized that there is a personal property right just by virtue of the fact that when it was transferred from one entity to another the Board required that a resolution was passed and this was done at that time. The Village, therefore, has acknowledged that a medallion is something that can be sold from one entity to another and we require oversight of that in the form of approval. She indicated that she is not sure that \$200.00 is the correct number, but she wasn't sure what is or what should determine the price. He noted that some of the public feels there is a need for additional medallions, while others do not.

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Alan Kesten, owner of Yellow Cabs, indicated that the Manager's comments of this subject are wrong. The medallions are sellable as he bought the ones he owns and the Sureway medallions were purchased from him. There is a property right in the medallions as long as he continues to fill out the forms, register them with the Village and then they are a mine to use and to sell, so if they were issued for \$200.00, there would be a potential for killing to make if they were resold. He did not know if the appropriate question was asked of how many times a community that limits the number of medallions has increase that limit and if they did increase it, how many did they do it. On the list that Deputy Manager provided there is a listing of communities that have a limit on taxicabs, and he was not sure what a 1st time fee means. He explained that the Village of Liberty has a waiting list and the next company on it would get the next available medallion, however there was no increase in the number of taxi medallions. He felt it is not the Village's responsibility to make Sureway business better only if there is a need for the community to have more medallions.

The Deputy Manager responded that the way the issue additional medallions is done in many ways such as by lottery, by bid, by community committees, by first application received, by waiting list, etc.

The Mayor directed the Deputy Village Manager to review the two company's daily logs to determine whether the wait times are too long to determine whether there is a need in the Village for additional medallions.

Deputy Manager Barbarite asked that the matter be discussed at the first meeting in February to give him enough time to give the Board an accurate accounting.

Alan Kesten reminded the Board that within the last 10 years a study was done of whether the County needed a bus service and after that a ridiculous amount of money was given to a fly by night operator who ran some junk buses and didn't last to the end of the first month he operated that bus service.

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**DISCUSSION ON FORMULATING A COMMITTEE TO UPDATE ZONING LAWS
WITH PARTICIPANTS THAT HAVE KNOWLEDGE OF ZONING**

Mayor Barnicle questioned the Village Attorney whether the Board could update the zoning laws using volunteers only.

The Village Attorney noted that when the Town of Thompson did this type of study the Town Engineer did the job, so she suggested that the Village Engineer be contacted for his suggestions and ideas. She also suggested that the Town Comptroller be contact to find out how much it cost the Town of update their zoning codes.

The Village Clerk was directed to contact the Village Engineer Glenn Smith for his views and invite him to the first meeting in January or if he is not available then he could submit an outline as to the next steps to begin this study.

The Deputy Village Manager indicated that this matter had been discussed at the last Planning Board meeting and the consensus would be that the Planning Board, along with the Village Engineer and the Deputy Village Attorney look at the present zoning map and outline the problems are, so when a professional planner is brought in those areas of concerns have been identified.

**RESOLUTION APPROVING PAYMENT FOR 15 STREET BANNERS FOR THE
HOLIDAY SEASON IN THE AMOUNT OF \$1,100.00**

A motion was made by Trustee VanDermark, seconded by Trustee Marinello to discuss the matter.

Trustee Jenkins was concerned that the banners had already been ordered and this is the same problem that they had with payment for the Tahoe. He felt the Board should not just rubber stamp items that have already been ordered.

Dr. Hudes indicated that the Medical Associates of Sullivan County, 427 Broadway will pay for these banners.

Trustee VanDermark withdrew his motion.

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**RESOLUTION AUTHORIZING PAYMENT #1 TO TAM ENTERPRISES, INC.
FOR PAYMENT OF WATER PLANT SAND FILTERS REHABILITATION
PROJECT IN THE AMOUNT OF \$58,125.00**

WHEREAS, TAM Enterprises, Inc. was awarded the bid for Rehabilitation of the Water Plant Sand Filters; and,

WHEREAS, the project has been completed to the satisfaction of the Village Engineer and the Water Treatment Plant Superintendent and both have recommended payment.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize payment to TAM Enterprises, Inc. in the amount of \$58,125.00 for completion of the Water Plant Sand Filters Rehabilitation Project.

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

ORDERING BILLS PAID

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and appearing on the Abstracts of the bills herewith submitted are ordered paid.

**RESOLUTION AUTHORIZING PAYMENT #7 IN THE AMOUNT OF
\$13,660.00 AND CHANGE ORDER #4 IN THE AMOUNT OF \$13,660.00
TO GRANT STREET CONSTRUCTION FOR THE BROADWAY SEWERLINE
REPLACEMENT PROJECT**

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

WHEREAS, Grant Street Construction was awarded the bid and have completed the entire length of the project along Broadway, and;

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WHEREAS, the Village Engineer and Bill Bertholf, Waste Water Treatment Plant Superintendent has recommended that the seventh and final payment in the amount of \$13,660.00 be paid to Grant Street Construction and Change Order #4 in the amount of \$13,600.00 additional paving work required by NYSDOT and the renewal of the bond.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve payment #7 in the total amount of \$13,660.00 and the Change Order in the same amount to Grant Street Construction for the completion of work for construction on the Broadway Sewerline Replacement Project.

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

EXECUTIVE SESSION

At 8:09 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move into Executive Session to discuss an attorney, client privilege and contract negotiations.

ADJOURNMENT

At 8:45 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

