

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, FEBRUARY 11, 2008

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
Glenn Smith, Village Engineer
Carolyn Hayes, Asst. Grants Administrator

APPROVAL OF MINUTES OF BOARD MEETINGS OF JANUARY 28, 2008

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the minutes of the meeting of January 28, 2008 as presented.

OLD BUSINESS

Mayor Barnicle announced that the Village Justice Court is in their temporary new court and the court activity had increased dramatically. The Mayor noted that in January 2007 between fines, tickets and arrests the Court processed \$10,052 and in January 2008 the total processed was \$26,194. 53 which is a

Minutes - Regular Village Board Meeting
2/11/08

\$16,000 increase in revenue from last year. He indicated that with this increase come more paperwork, more certified mailings, more time and shrinking budget and the Village Attorney needs to be reimbursed for mailings she has done from her office postage meter.

Mayor Barnicle announced that all Village Offices will close tomorrow in observance of the Lincoln's Birthday holiday.

MANAGER'S REPORT

On Monday Jan 28, I met with James J Hanson, The Mid Hudson Regional Representative for Governor Spitzer. We started by taking a tour of the Police station and the Village Hall. Mr. Hanson recognizes the need to repair and upgrade our facility. We then took a tour through the Village. I made it perfectly clear revitalization and economic growth are a village priority. This was a first meeting with Mr. Hanson the newly appointed representative of the Governor. We agreed to work together and meet frequently.

On Tuesday Jan. 29, I notified NeoCurve that the board of Trustee approved their proposal for designing and hosting the Village of Monticello's website. Thank you John Barbarite for your insight and making the necessary comparisons between those who sent in proposals.

On Thursday Jan. 31, I met With Glenn Gidaly of Burton and Loguidice and informed them that the Board of Trustees approved their proposal to apply for a water and sewer grant through the USDA. We will be anxiously waiting for approval, so that our much needed upgrades, on our antiquated water and sewer system can be done.

On Friday Feb 1, I attended a seminar regarding the "Sullivan County Empire Zone Program" This program was designed to enhance economic development and/or revitalize a distressed area through tax incentives. Empire Zone Benefits and tax credits were discussed.

On Mon Feb.4th I met with Susan Jaffe, Dave Fanslau, and Mr. Peter Ferraro of Gold Key Properties to discuss Gold Keys proposed project on Jefferson St.

Minutes - Regular Village Board Meeting
2/11/08

On Tuesday Feb.5 I met with the County's Real Property Advisory Board and the owners of Apollo Mall. They proposed to develop that parcel in exchange for a tax relief.

Tuesday evening the Sullivan county Partnership for economic development met at the Recovery Center to announce the appointment of Pete Gaza as their new director. The Village wishes Pete success and is looking forward to working closely with the "Partnership" for economic Growth and the revitalization of Monticello.

PUBLIC COMMENT

Parking at Ted Stroebele Recreation Building

Bess Davis explained that recently "No Parking" signs that said Judge, Court, Sheriff, etc. were put up at the Ted Stroebele Recreation Building, but when she inquired with the Court she was told that Court is only in session on Fridays so anyone could park there any other day. She questioned whether this is the case?

Mayor Barnicle responded that prior to those signs being erected there was "no parking" allowed in those spaces.

She responded that the seniors that use the building have trouble walking and need those spaces available as there are too vehicles there.

The Mayor responded that they will survey who is parking in those spaces.

School Bus Traffic

Betty Friedland questioned whether the Mayor ever approached the school superintendent regarding the excessive school bus traffic on Atwell and Lloyd Lanes?

Mayor Barnicle responded that he has spoke to School Superintendent Pat Michele who took the problem under advisement and will let the Village know his findings.

Minutes - Regular Village Board Meeting
2/11/08

Concord Water Agreement

Betty Friedland questioned the status of the Water Contract agreement recently signed between the Village and the Concord?

Mayor Barnicle responded that the contract was signed prior to last week's announcement and the contract is for a "backup" water supply for three years and has nothing to do with the prospectus that was written in the newspaper the other day.

Sleepy Hollow Resolution

Betty Friedland was concerned that at least three Board members did not know anything about the project that was discussed regarding Sleepy Hollow and questioned whether the Mayor or Trustee Marinello knew anything about the matter. She felt when the public elects their representatives to public office they should be given adequate time to know all the facts that apply before voting on a matter.

Trustee Marinello responded that the Board members were emailed a memo regarding the matter about a week before the Board meeting.

She felt that certain Board members are not being kept apprised of what they will be asked to vote on until they come to Board meetings and might not have the entire facts on that particular matter and should not be put under that type of pressure.

Mayor Barnicle indicated that he knew about it from the beginning. He explained that the discussion and subsequent resolution was to allow them with the process of going through the Federal Government for funds and also if they receive the funds to come to the Planning Board to present their plans. The Mayor indicated that there is nothing binding to what they agreed at the last meeting.

Betty Friedland noted that the resolution approved at that meeting has nothing to do with the PILOT agreement that Sleepy Hollow has currently and from what she read in the newspaper the PILOT program that is in place now would continue with the new owners, but the resolution does not address this.

Minutes - Regular Village Board Meeting
2/11/08

Mayor Barnicle agreed and indicated that all the new prospective buyers were given by the Board was to get approval to move forward for them to go to the federal government to get fund and they needed this resolution of the Board's support and that is all that they did. He explained that the PILOT program is fully transferable and it is now in the attorney's hands.

Recycling Correction

Betty Friedland corrected the Mayor's statement made at the last meeting regarding whether the Village of Liberty requires commercial establishments to recycle. She indicated that she called the Village of Liberty and they do require commercial establishments to recycle on a weekly schedule.

Taxi Cab Pickup Complaints

Betty Friedland complained that Sureway Taxis when they pick up a fare, especially at 3:30 a.m., they continually honk their horn until people come out of the building which wakes people up from a sound sleep. Also, the same taxicab company's cab came up on the wrong side of Atwell Lane and almost run over while her husband was walking the dog and almost hit both of them. When her husband confronted the cab driver he was answered with an impolite response. She felt that before the Board issues additional medallions to a company that the owner and the drivers are educated on how to address the public.

Mayor Barnicle questioned whether she called the taxi company to let them know the problem?

She indicated that she did talk to him and he got very hostile.

ADDRESS REGARDING PLANS FOR THE CONCORD PROPERTIES AND THE MONTICELLO RACEWAY/RACINO

Luis Cappelli, owner of Cappelli Enterprises explained that his organization bought the Concord Hotel in 1999 from a bankruptcy proceeding as well as Grossingers. He explained that at that time they were developers of properties and resorts, however gaming was being spoken about by Empire Resorts. Every year there was great anticipation that gaming would become a

Minutes - Regular Village Board Meeting
2/11/08

reality, and year after year, after year they were anticipating gaming becoming a reality which made for a very buoyant, upbeat situation; however he has never experienced so many ups and downs as he had since he bought the Concord. He noted that in the last ten years his company has invested one hundred million dollars, as well as Empire Resorts pushing for a gaming casino. Backup water and sewer agreements were negotiated and a master plan of site plans was begun and then several weeks ago the Secretary of Interior denied the application. After that they thought that both his company and Empire Resorts were banking on the gaming becoming a reality (and they were always happy with Empire Resorts having a casino and him having a resort hotel) and it was good for both of them. The decision to combine ideas had nothing to do with water or sewer agreements; however they felt it was about time that New Yorkers handle the fate of New Yorkers and that was why this deal was agreed upon. They felt that separate they are weak and vulnerable and Empire doesn't have the approvals yet outside the 29 acres, so Empire would have to go through a zoning and approval process on additional 200 acres to do something about it. Therefore, they decided to join forces since the video gaming terminals are not doing well because they are at the raceway and there is nothing else to do in that location and a resort demographic is who would use it if it was at the right location so if they were moved the Concord is ready to go since all approvals have been granted for 1.5 million sq. ft. of hotel, convention center, retail, casino, parking garages, etc. He indicated that the State has said they would be cooperative because it is 300 jobs, including 2,500 and 3,000 union construction jobs there and approximately 2,000 permanent jobs. He indicated that the first place they addressed was the Village of Monticello because they were concerned what Monticello would think of this idea. Mr. Cappelli explained in the next two years the track continues as is with no interruption to the Village's revenue, but construction jobs will be created and the Village residents will see more activity. The signed agreement states that his group will work with Empire to hire architects within the next two weeks and they will master plan a development on the 229 entire raceway site which will include retail, residential and another hotel, but to keep the door opened the development will be around the casino. He felt the Board can look forward to seeing their plans, seeing their expenditure of money and the Board giving their input as to what will be developed there.

Minutes - Regular Village Board Meeting
2/11/08

Trustee Jenkins felt this is a done deal although he knows that the Board cannot dictate to private enterprises.

Mr. Cappelli explained that they are in front of the Village Board first to show you that the most important aspect of this deal is the Village of Monticello.

Dave Hanlon, Empire Resorts, CEO indicated that he can completely understand everyone's anxiety about this transaction and will try to clarify some of the details and allay some of your fears. He explained that because the BIA turned down the casino's application they are in litigation against the Secretary of Interior and against the Department of the Interior because they believe it was denied on an arbitrary and capricious basis and they think that is wrong, however in the law it says the Secretary of the Interior has discretion in making decisions. He noted that it is a very difficult process to overturn the discretion that the Secretary of the Interior has by law and they haven't given up or abandoned the project and will fight the decision through litigation and hopeful a new administration will come in that will be more sensitive to the needs of the community and the tribe. He explained that the racino has had competition from Yonkers Raceway and the two Pennsylvania casinos and a result they have lost 30% of their business. He explained that they are fully committed to either have an Indian gaming casino or develop the land in another way.

Trustee Schoonmaker was concerned that the Village would be cut short of a large opportunity and he asked them to consider the residents of the Village because they can't afford to lose anymore development.

Mr. Hanlon noted that he wants the project to work for anyone.

The Mayor thanked all of the representatives for making a special trip to Monticello to address the Board and the residents and directed the Village Manager to work with them directly on behalf of the Village.

Minutes - Regular Village Board Meeting
2/11/08

Unsafe Building Improvements

Ralph Bonfiglio commended Deputy Manager Barbarite for his and his staffs' efforts in closing down the unsafe building at 27 North Street and felt they are doing a very good job in making living conditions safe for the residents to live.

Garbage Conditions - Park Avenue

Ursula Tieger complained about overflowing garbage put out on Park Avenue and left there seven days a week. The garbage receptacles are never taken off the curbside and garbage is strewn all over.

Mayor Barnicle asked if she had called the Village to make them aware of the situation.

Deputy Village Manager Barbarite responded that the Code Enforcement Department is aware of it and they have been issued summons and the Village did one clean up already.

Becky Whipple volunteered to donate several tape recorders so the garbage men can note unsanitary conditions and then it can be transcribed by one of the clerks in the Village office.

The Mayor responded that there is an eyesore report that each of the employees is supposed to fill out when a problem is seen.

EXECUTIVE SESSION

At 8:06 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel issue involving a particular person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:35 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move out of Executive Session into open session.

Minutes - Regular Village Board Meeting
2/11/08

**ANNOUNCEMENT OF INCOME GUIDELINE INCREASE IN HOME HOUSING
REHABILITATION GRANT**

Grant Administrator Caroline Hayes announced new increase in income guidelines for the 2004 Housing Grant. The new guideline is for minimum gross annual income of \$27,800 as opposed to the prior minimum income of \$19,850 which will hopefully help many more people and the funds can be dispersed by the September deadline. The Community Improvement Program with the new guidelines will be advertised in Spanish and English and flyers will be left in key locations throughout the Village as well as an insert in the Catskill Shopper.

DISCUSSION REGARDING REZONING

Mayor Barnicle questioned how the Village gets started on a master plan regarding reviewing the zoning codes and zones?

Village Engineer Glenn Smith felt that the Village probably doesn't need a complete overhaul of its zoning codes and it may be as simple as sitting down with the planning board members and with Mr. Barbarite, Sue Flora and himself and perhaps redoing the zoning map in the Village since there doesn't appear to be a problem with what the existing zones allow or don't allow. Most of the concern seems to be the RM (Multiple Residence) where it is places in the Village where it shouldn't.

Mayor Barnicle questioned how the Town of Thompson handles the rezoning that they completed last year?

Glenn Smith explained that the Town had a committee that recommending "tweaking" the zoning code by keeping the old zoning, but revising the zoning book and changing a few zones. He indicated that the committee was comprised of a Town Board member, a planning board member and several citizens of the Town of Thompson.

Glenn Smith will get the Mayor the information regarding how the notes he kept while the Town was working on this project.

Deputy Village Attorney Havas recommended that the County Planning Department be included in this undertaking.

Minutes - Regular Village Board Meeting
2/11/08

DISCUSSION ON ADDITIONAL TAXICAB MEDALLIONS

Mayor Barnicle explained the Sureway Taxi Company is looking to buy property in the Village but obviously needs some revenue to do that.

Trustee VanDermark felt if more medallions are issued the Village should find a way to distribute them fairly among the two companies.

The Village Attorney felt they should be available to any company who puts in an application for additional medallions. She also indicated that legally the Board has to look at, duty to act or whether if there will be a failure to act, and she did not feel there was a threshold that has been shown by anyone that there is a need for additional medallions to be issued. She felt that the Board should consider this point before they make any decision, and if they do feel there is a need then the Board must come up with a fair way to come up with the number of medallions to be issued and a fair way to distribute them.

Mayor Barnicle indicated they are basing their decision on a store owner.

Trustee Schoonmaker questioned the Village Manager's and the Deputy Village Manager's opinion on whether more medallions should be issued?

Deputy Manager Barbarite indicated that there is no way to come up with a definitive answer because there are no documents that substantiate the need for more medallions, only experiences that we see such as people complaining that they have to wait a period of time before a cab arrives to pick them up. We know that on certain occasions, like pay days, very inclement weather, etc. that the demand is heavier for cabs.

Alan Kesten, owner of Yellow Cabs indicated that he has all his cabs on the road on the day shift.

Gary Putter, owner of Sureway Taxi Company indicated that all his cabs are on the road on the day shift everyday that they can be.

Minutes - Regular Village Board Meeting
2/11/08

Trustee Schoonmaker felt that no need has been shown for additional medallions to be issued.

Trustee Jenkins indicated that a letter recently received from Mr. Putter shows his need for additional taxicab medallions.

Mr. Putter indicated that his vehicles normally last two or three years, and because he has enough cabs his Liberty taxicabs are in pristine condition, however, in Monticello they are taking a heavy load because he is doing twice the mileage on these vehicles that he should be doing and as a result they are only lasting a year. He felt as a result of only have five medallions the quality of vehicles on the road in Monticello has deteriorated due to road conditions and the excessive mileage. He was concerned that if cabs have a mechanical problem on a Friday he cannot get them back on the road until they are fixed on Monday, and since Herb the Village mechanic that is the only one who does inspections was away on vacation he could not get an new cab on the road until he came back and inspected the vehicle so he was down a cab for at least a week. He explained in the three years he has operated in the Village he has outgrown his number of licenses and whether he is taking business from the other cab company because the quality of his service is better than his is only one factor.

Trustee Jenkins was concerned that if the Village issues the additional medallions at a cost of \$250.00 each, Mr. Putter should not be able to flip them over and sell them for \$5,000.00

Alan Kesten explained that the sale of his five medallions to Mr. Putter was a private sale between his corporation and Rolling V, and then Rolling V in turn sold them to Sureway in a private "arms length sale". Each time that happens it is subject to approval by the Board. He noted that the fact that his company could sell them at any cost without the Board's approval, just the company is being approved.

The Village Attorney advised the Board that whatever changes are to be made it would have to be made by a change in the local law so the first step would be to schedule a public hearing to review and discuss proposed Local Law No. 3 of 2008 with regard to creating five new taxi medallions to be granted to Sureway Taxi Company.

Minutes - Regular Village Board Meeting
2/11/08

Trustee Schoonmaker recused himself from this issue.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to schedule a public hearing to held on Monday, March 10, 2008 to review Local Law No. 3 of 2008 with regard to amending Chapter 229 of the Village Code with respect to Taxi Medallions which will be a comprehensive law

Trustee VanDermark felt that if the Board determines that 5 additional medallions are needed in the Village, then the Board has to determine an equitable chance at obtaining them, such as a third party by means of a lottery or bidding or a similar way to obtain them.

Alan Kesten indicated that he is interested in expanding his business and would be interested in the additional medallions.

The Village Attorney asked each Board member contact her with input in what they want in the amended law so she can write one that will satisfy their requests.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZED IN THE VILLAGE OF MONTICELLO TO HIRE LATERAL TRANSFERS ON A CASE-BY-CASE BASIS AND TO PAY CURRENT AND NEW-HIRE LATERAL TRANSFERS ACCORDING TO THE APPROPRIATE PAY SCALE BASED ON THEIR YEARS OF SERVICE IN LAW ENFORCEMENT

WHEREAS, the Board of Trustees of the Village of Monticello has been approached by the Chief Of Police who indicates that from time to time it may be necessary to hire experienced police officers to fill vacancies; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that it is appropriate to pay experienced police officers pay which is commensurate with their experience and abilities; and

WHEREAS, to the extent that the Chief Of Police and the Village Manager recommend, on a case-by-case basis, that an experienced police officer be hired, he or she should be considered a "lateral transfer"; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello in the discretion of the Chief Of Police and the Village Manager to hire lateral transfers on the case-by-case basis and to pay them according to a pay scale which is commensurate with their experience and abilities and consistent with the pay scale reflected in the appropriate collective bargaining agreement.

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

1. That the Village of Monticello in the discretion of the Chief Of Police and the Village Manager shall be and hereby is empowered to hire experienced police officers as lateral transfers and to pay them according to their experiences and abilities the appropriate pay scale as referenced in the appropriate collective bargaining agreement; and
2. That the Village of Monticello shall henceforth, but not retroactively, pay any employees, current and new hires, hired as lateral transfers according to the pay scale which is commensurate with their experience and abilities pursuant to the appropriate collective bargaining agreement; and
3. That this resolution shall be effective immediately August 1, 2008.

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO
CORRECTING A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE
OF MONTICELLO DATED AUGUST 7, 2006 WITH RESPECT TO ANNEXATION OF
PROPERTY LOCATED AT 35 HIGHLAND AVE, SBL 22.-2-21**

WHEREAS, a petition, pursuant to General Municipal Law Article 17, was presented to the Board of Trustees of the Village of Monticello, New York (the "Village") on April 25, 2006, for the

Minutes - Regular Village Board Meeting
2/11/08

annexation of certain territory in the Town of Thompson, New York (the "Town") to the Village, said territory being described in said petition, which is annexed hereto; and

WHEREAS, a joint hearing of the Board of Trustees of the Village and the Town Board of the Town, was duly held on said petition for annexation, according to the law in such cases made and provided, at the Town Hall on June 20, 2006, at which time all parties interested in the matter were heard and all objections presented; and

WHEREAS, the Board of Trustees of the Village has duly considered said petition and the evidence presented at said hearing; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to the State Environmental Quality Review Act (SEQRA), it has previously been determined by the Board of Trustees that approval of said annexation would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, on August 7, 2006 the Board of Trustees of the Village of Monticello passed a resolution adopting a local law approving the Annexation of the aforementioned property; and

WHEREAS, the resolution passed on August 7, 2006 incorrectly referred to the SBL of the property as 22.-2-1;

WHEREAS, the Board of Trustees of the Village of Monticello desires to correct the August 7, 2006 resolution to ensure that the property is on the tax rolls for the next fiscal year, the taxable status date being March 1, 2008;

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

- (1) That the August 7, 2006 resolution with respect to annexation of property located at 35 Highland Ave., is hereby corrected to approve the annexation of property within SBL of 22.-2-21; and

Minutes - Regular Village Board Meeting
2/11/08

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

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2007/08

WHEREAS, the Village of Monticello has adopted its annual budget for the 2007/08 fiscal year; and,

WHEREAS, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

WHEREAS, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

NOW, THEREFORE BE IT RESOLVED, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [see attached]

A motion was made Trustee VanDermark, seconded by Trustee Marinello, 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.

EXECUTIVE SESSION

At 9:10 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 continue a discussion on a particular personnel, to discuss contract negotiations, and settlement of potential litigation.

Minutes - Regular Village Board Meeting
2/11/08

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 9:00 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move out of Executive Session into open session.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO TO ACCEPT PAST-DUE PROPERTY TAXES FOR PROPERTY LOCATED AT 9 MONTICELLO STREET, MORE PARTICULARLY DESCRIBED AS VILLAGE OF MONTICELLO SBL 114.-5-2, AND TO CORRECT THE TAX ROLLS FOR SAID PROPERTY WITH RESPECT TO TAX EXEMPT STATUS

WHEREAS, the property located at 9 Monticello Street in the Village of Monticello, more particularly described as Village of Monticello SBL 114.-5-2; has been classified as tax exempt since the early 1990's, as the owner of record was listed to be the Jewish Community Center; and

WHEREAS, upon further investigation, it has been determined that the true owner of record of the property in question is Jennifer Jane, Inc., who rents said property to the Jewish Community Center and the Federation for the Homeless; and

WHEREAS, there are currently \$23,887.27 in over-due, back taxes, administrative charges, penalties and interest, which have accrued since the early 1990's while the property was considered a tax exempt property, said back taxes, administrative charges, penalties and interest consisting mainly of releived water, sewer and sanitation charges for the premises; and

WHEREAS, the owner of the property is desirous of paying the \$23,887.27 to the Village in full satisfaction of the back taxes, administrative charges, penalties and interest, and has been advised that the Village will be correcting the tax roll with respect to the tax-exempt status of said property henceforth; and

WHEREAS, according to the property owner, at the time the back taxes, administrative charges, penalties and interest were assessed, the owner had no knowledge of the error and the error in classification of the property as tax exempt; and

Minutes - Regular Village Board Meeting
2/11/08

WHEREAS, henceforth, the property will not be considered tax exempt, and the parcel will be taxed at the customary rate until such time as its status changes and/or an application for exemption is approved by the Town of Thompson Assessor's Office; and

WHEREAS, the Village is desirous of accepting \$23,887.27 over due with respect to said property in full satisfaction of any outstanding property tax claims which have been made or could have been made to date; and

WHEREAS, it is unlikely that the Village of Monticello will be successful in retroactively correcting the tax roll back to the early 1990's; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village to accept \$23,887.27 in full satisfaction of its outstanding tax claims with respect to property located at 9 Monticello Street more particularly described as SBL 114.-5-2;

NOW, THEREFORE, it is hereby **RESOLVED**, that the Village Tax Collector is hereby authorized to accept \$23,887.27 in full satisfaction of its outstanding property tax claims with respect to property located at 9 Monticello St more particularly described as SBL 114.-5-2.

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENGAGE IN NEGOTIATIONS WITH BARTON & LOGUDICE, LLC, WITH RESPECT TO CONDUCTING AN IMPACT STUDY REGARDING THE PROPOSED RELOCATION OF MONTICELLO RACEWAY TO THE CONCORD PROPERTY IN THE TOWN OF THOMPSON

WHEREAS, Monticello Raceway has been located within the village limits of the Village of Monticello for many years; and

WHEREAS, it has come to the intention of the Village of Monticello that Empire Resorts and Louis Cappelli have entered

Minutes - Regular Village Board Meeting
2/11/08

into an agreement which may entail relocating Monticello Raceway to the Concord property in the Town of Thompson which is not within the limits of the Village Monticello; and

WHEREAS, Empire Resorts and Louis Cappelli have indicated that they will develop a "master plan" for the current Monticello Raceway property; and

WHEREAS, the Village of Monticello is concerned that it will lose vast tax revenues, water revenues, sewer revenues, tax abatement revenues and other revenues due to the relocation of the Monticello Raceway; and

WHEREAS, the Village of Monticello is also concerned with the impact of and uncertainty of any, as yet, undeveloped "master plan"; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that it is necessary to do an independent impact study regarding the proposed relocation of Monticello Raceway to the Concord property; and

WHEREAS, the Village of Monticello is currently a signatory to a master services agreement with Barton and Logudice, LLC who is able to provide said independent impact study; and

WHEREAS, Louis Cappelli has apparently indicated that his organization and/or Empire resorts will bear the expense of any independent impact study;

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 engage in negotiations with Barton and Logudice, LLC, with respect to conducting an independent impact study regarding the proposed relocation of Monticello Raceway to the Concord property to the Town Thompson, the expense of said impact study to be borne by Empire Resorts and/or Louis Cappelli;

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

That the Manager of Village of Monticello shall be and hereby is authorized to engage in negotiations with

Minutes - Regular Village Board Meeting
2/11/08

1. Barton and Logudice, LLC, with respect to conducting an independent impact study regarding the proposed relocation of Monticello Raceway to the Concord property to the Town Thompson, the expense of said impact study to be borne by Empire Resorts and/or Louis Cappelli; and
2. 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.

ADJOURNMENT

At 10:01 p.m., a motion was made by Trustee Marinello, Trustee VanDermark, unanimously approved on a roll call vote to adjourn the regular Village Board meeting.

EDITH SCHOP, Village Clerk

