

MINUTES  
REORGANIZATION MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, APRIL 7, 2008

**MEETING TO ORDER**

Mayor Jenkins 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:

Gordon Jenkins, Mayor  
Theodore Hutchins, Trustee  
Victor, Marinello, Jr., Trustee  
Carmen Rue, Trustee  
Scott Schoonmaker, Trustee

Also Present: Bill Bertholf, Sewer Superintendent  
Douglas Solomon, Chief of Police  
Betsy Conaty, Parks & Recreation Director

**SWEARING IN OF NEWLY ELECTED TRUSTEE CARMEN RUE**

County Court Judge Burton Ledina administered the Oath of Office to Carmen Rue newly elected Trustee.

**SWEARING IN OF NEWLY REELECTED TRUSTEE VICTOR MARINELLO**

Village Justice Josephine Finn administered the Oath of Office to Victor Marinello newly reelected Trustee.

**SWEARING IN OF NEWLY APPOINTED TRUSTEE THEODORE HUTCHINS**

Village Clerk Edith Schop Finn administered the Oath of Office to Theodore Hutchins newly appointed Trustee by Mayor Jenkins.

**APPROVAL OF MINUTES OF MEETING OF MARCH 24, 2008**

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the meeting of March 24, 2008 as presented.

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**Changing the Order of the Agenda**

A motion was made by Trustee Rue, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye; Mayor Jenkins, nay to change the order of the agenda in order to listen to public comments before the resolution appointing John Barbarite as Village Manager. Motion carried 3 ayes - 2 nays.

**PUBLIC COMMENT**

**Change In The Village**

Harry Brantz felt that prior mayors have said there would be a change; however nothing has changed except that there are more empty stores on Broadway and the streets are dirtier.

Barbara Burton wished the new Board success.

**Thank You Speech By Trustee Carmen Rue-4/7/08-Government Center**

Thank you, Dan Briggs, for swearing us in today. As Danny can tell you, I have been campaigning door-to-door for this election since last June. I covered this entire village. I personally collected more than 100 absentee ballots in this election. I campaigned loyally for my running-mate as hard as I did for myself. I made sure large numbers of people came to the polls to "vote the bottom line".

A close look at the numbers proves that without my absentees and voters at the machines who came out for me, neither of us would have won. I am so grateful to these many voters for their trust. I also want to thank all the past members of the Village Board, and the former Manager and Attorney, for their service.

I want to thank my husband. He has helped not just me, but also Gordon. Tom wrote our fliers and cards, and made a campaign website called gmanline.com. He never charged anything. When Gordon ran as a Trustee two times before, we were the only ones outside his immediate family who worked on his campaigns.

In 2005, in my kitchen, it was my idea to name the independent line we created the "G-Man Line". In 2005 and 2006, I collected most of the signatures to put Gordon on the ballot. *The Times Herald-Record* recently called this ballot line name "brilliant marketing". So thank you to the *Record* for that compliment.

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As all party members know, we create independent lines to let voters who might be confused, or maybe loyal to other parties, vote for us. But Gordon and I won with the Republican Party's support!

This election, I collected over 200 valid signatures on Independent Nominating Petitions for the "G-Man Line". My husband got 40 valid Republican signatures - enough for us to be on both lines. Without these petitions, Gordon and I would not have been on any line at all! Check with the Board of Elections to verify these facts. Also, see who came out to vote!

I am so very thankful for the faith and support of the voters who elected me. I am also grateful to some members of the Town of Thompson Republican Committee - especially chairwoman Lori Benjamin. She is always there for me. She helped with legal papers. She helped financially, and many other ways. She is a calm and nice woman, a good listener, full of wisdom, and passionate. Lori deserves much more respect than she gets. I also want to thank Bob and Betty Friedland for their hard work on our campaigns, and many other people, including Alan Kesten who donated my campaign signs and Craig Johnson who served as my campaign Treasurer.

I thank my children. I am proud of all them. Janesa is here today with her father-in-law, Lenny Calone, and our granddaughter Eliana. Our son Eddie Rue is here. Eddie, who is very spiritual, calls this a "blessing-in" ceremony, not a "swearing-in". Carolina Rue, our daughter, is studying in Florida and has also been supportive.

I promise the voters that I will continue to be the taxpayer watchdog that I have been for years, working for fairness and honesty in Monticello government - against corruption and injustice.

All of you are invited to the reorganizational meeting tonight at 7PM at Village Hall, where Sullivan County Court Judge Burton Ledina, at my request, will administer the Oath of Office, in the traditional time and place that Monticello Village Board members have always been sworn in. Please come.

Thank you to Sullivan County Republican Chairman John LeGreci for setting up this event here today.

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**Comments Regarding The Appointment of John Barbarite, Village Manager**

**Statement By Trustee Rue**

*The following statement prior to the Board's vote on whether to hire John Barbarite as Village Manager:*

*This is a hard vote for me.*

*I like John. I have known him many years. I have campaigned for him every time he has run for political office.*

*But this position should not be political.*

*Some want to rush into hiring without advertising, interviewing, defining a job description, saying what we require and what we will not tolerate in a Manager - not to mention salary, vacation, sick leave, vacation, benefits, or anything else.*

*I say give Equal Opportunity consideration to all applicants, not just this one man.*

*Hiring a hand-picked man, handing him this important job on a silver plate, is bad policy.*

*It is wrong.*

*It smells too much like political corruption.*

*The Board's choice of a Manager is a serious thing that needs to be carefully discussed in public, not in closed meetings held in diners, or the smoke-filled back room of some store.*

*I talk to people around this Village every day, and I don't think they like it.*

*If we vote to hire this man tonight, it will be a political pay-off. I don't agree with that.*

*I always believed this was everything that John Barbarite was against!*

*I do not like the way John has pressured this Board (including trying to pressure myself) for this job, like it is his right to be the Manager - without any discussion by the Board.*

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*Selecting a Village Manager is a Board decision, not a Mayor's appointment.*

*No one is ever entitled to be Village Manager because of political favors or support.*

*If we hire anyone that way, we are selling out. And I am not ready to do that.*

*If you do, shame on you; and I am sure history will prove me right.*

*John Barbarite can apply, just like anyone, but he is not entitled to special preference because of favors or political support he has given.*

*Please join with me and vote to select our next Village Manager using the right process.*

Thomas Rue, Monticello taxpayer and homeowner, offered the following remarks:

*"John is a good man. I have no beef with him. Nor do I have one with anyone here.*

*"Gordon, you've been public for some time about the fact you hope to see John become Manager. It became an assumption.*

*"As time has passed, however, it's become clear to me that a coronation is not yet in order.*

*"Gordon, I have told you that you can also always count on me to honestly tell you when I think you're about to make a mistake.*

*"Choosing a Village Manager is the single most important decision that any of you will make as members of the Board of Trustees.*

*"Even if John was the best Deputy Village Manager this village has had in its history does not automatically mean that he should immediately move up to become Manager.*

*"At a public meeting held at the High School shortly after Election Day, it startled me when - in my presence - John introduced himself to one of the principals from the developer looking at Sleepy Hollow Apartments as, **"Hi. I'm John Barbarite. I'm going to be the Village Manager."***

*"The boldness of John's introduction startled me, in part, because as of that day former Village Manager Ray Nargizian still occupied the office.*

*"Then I started reading in the newspapers - including The New York Times - you telling reporters, **"John Barbarite is my manager."***

*"I thought to myself: "That's interesting. Gordon has a manager."*

*"Something else that struck me - and this is a larger issue - was my knowledge that the Village Manager is selected by the Board of Trustees as a whole body, not by the Mayor. Not only was the Manager position still occupied by someone else, but the composition of the*

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Board of Trustees - and on what criteria a selection would be made - were not known by anyone at that time.

"Another thing that led me to re-examine my assumptions came from a discussion that I had with you, Gordon.

"On March 21<sup>st</sup> - three days after the election - I spent a couple of hours in your store talking with you and others there. At one point, I asked you who you were going to appoint to fill the Trustee seat that you were vacating upon becoming Mayor.

"Truthfully, you told me, you didn't yet know. Then you remarked, **"I need someone who I can count on to vote my way every time. What I need is a bodyguard who will watch my back and always vote with me."**

**"'You mean you need a 'yes man'?"** I asked.

**"'Exactly!'"** you replied. **'Of course I can't say that in public,'** you added.

"Truthfully, I was amazed and somewhat frightened by these comments.

"We all see the choice that you made. Theodore Hutchins, from everything that I know about him and his family (which includes you), is a decent and good man.

"Hopefully, he will be his own man - with no pre-conditions set prior to his appointment.

"That wouldn't be right.

"Like the other four of you, he swore a solemn Oath to do what's best for all the people of the Village - putting political, personal, family connections aside.

"John Barbarite may be the best man for this job. I do not know, and neither do any of you.

"How could you know? You haven't advertised or requested applications from anyone.

"If you do not know in your heart of hearts that John Barbarite is the one and only candidate who should be considered to be the Village Manager - if there is the slightest possibility in your mind that there might be someone in the world who might apply who could be a better choice for Monticello - I urge you to vote against this resolution.

"If each of you have not reviewed multiple resumes and interviewed several candidates for the position of Village Manager, the very least you can do to exercise due diligence as Trustees is to abstain until you have more knowledge, and a search for candidates has been made, as has always been done prior to hiring Village Managers in the past.

"Let John apply like anyone else. Consider his resume, his fine public record, and his work history with the Village. If you choose him over all other applicants, clearly set out all the terms and expectations. Let him know that the Board of Trustees - not he - is in charge, and that political manipulations, including attempts to isolate individual Board members or play one against another, will not be tolerated.

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*"I said that I would tell you when you're about to make a mistake. I'm doing that now.*

*"Make no mistake.*

*"Friendships are important to me, but my internal compass is more important.*

*"I am asking you to please do the right thing for Monticello, and to do it the right way.*

*"Thank you.*

Mayor Jenkins explained that this was supposed to be a smooth transitional meeting, however he wants the public to understand where he is coming from and he has always said it would be an open government. When he ran for Mayor he made a promise that if he won the election John Barbarite would be his choice for Village Manager and there were no hidden secrets about this, as well as making statement during the campaign including statements to the media. Carmen Rue made political promises that she would hire John Barbarite as Village Manager and he so disturbed to listen to what is being said here. The other issue is that Carmen Rue wanted political favors for people and he doesn't do political favors for anyone and this is about and if it even goes further I might even start mentioning names and facts that will embarrass people in this audience.

The owner of 27 North Street, whose building Deputy Manager Barbarite had vacated for numerous building violations find that he is not a fine public servant and I think over time the truth will rise to the surface. He felt that Mr. Barbarite can't be the only candidate that could be considered for the Village Manager position.

Trustee Marinello said, "He will not make a decision on a Village Manager without discussing a contract, a salary and benefits package which has not been brought forward to this Board at all since the decision to hire John Barbarite as the Village Manager. Whether he is good for the job or not, I think if this Board votes to put John Barbarite on as Village Manager without even discussing it together with the Board is the biggest mistake. I want it on record that I will not support a decision to put John Barbarite in as Village Manager until I discuss a contract, a salary and benefits and other people are given the opportunity to submit resumes and give them an opportunity to try for the job first before we make a decision on John Barbarite."

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**MAYOR'S APPOINTMENT FOR TERM OF ONE YEAR WITH VILLAGE BOARD APPROVAL**

Mayor Jenkins appointed **WILLIAM FRANK** as **VILLAGE ATTORNEY** for a term of one year. Appointment approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Theodore Hutchins, aye; Trustee Marinello, nay; Trustee Rue; nay. Motion carried 3 ayes - 2 nays.

**MAYOR'S APPOINTMENT FOR TERM OF ONE YEAR WITH VILLAGE BOARD APPROVAL**

Mayor Jenkins appointed **KAREN ALT** as **DEPUTY VILLAGE ATTORNEY** for a term of one year. Appointment approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Theodore Hutchins, aye; Trustee Marinello, nay; Trustee Rue; nay, Mayor Jenkins, aye; Motion carried 3 ayes - 2 nays.

**MAYOR'S APPOINTMENT FOR TERM OF TWO YEAR WITH VILLAGE BOARD APPROVAL Village Clerk**

Mayor Jenkins appointed **EDITH SCHOP** as **VILLAGE CLERK** for a term of two years. Appointment unanimously approved on a roll call vote.

**Village Treasurer**

Mayor Jenkins appointed **BRENDA GALLIGAN** as **VILLAGE TREASURER** for a term of two years. Appointment unanimously approved on a roll call vote.

**MAYOR'S APPOINTMENT WITH BOARD APPROVAL FOR A FIVE (5) YEAR TERM TO THE PLANNING BOARD**

Mayor Jenkins reappointed **Honora Wohl** to the **PLANNING BOARD** for a term of five (5) years. Appointment unanimously approved on a roll call vote.

**MAYOR'S APPOINTMENTS - One year term**

Mayor Jenkins appointed Trustee Schoonmaker as Deputy Mayor.

Mayor Jenkins appointed Trustee Hutchins, and Trustee Marinello as Board Auditors.



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**RESOLUTION SETTING THE DATE, TIME AND PLACE OF REGULAR VILLAGE BOARD MEETINGS**

**WHEREAS**, the Village Board holds regular board meetings twice a month; and,

**WHEREAS**, the Village Board wishes to hold its Board Meetings on the first and third Monday's of each month with Village Board meetings at 7:00 p.m.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby set the regular Board meetings to be held on the first and third Monday of each month, at 7:00 p.m., in the Meeting Room at Village Hall, 2 Pleasant Street, Monticello, NY.

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 MANAGER TO ALLOW EMPLOYEES TO ATTEND SEMINARS AND CONFERENCES WHICH WILL BENEFIT OR FURTHER THE INTERESTS OF THE VILLAGE**

**WHEREAS**, the Village Board of the Village of Monticello encourages their employees to attend seminars and conferences which will benefit or further the interests of the Village, and;

**WHEREAS**, the Village Manager reviews each of these requests from the employees.

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Monticello does hereby authorize the Village Manager to allow employees to attend seminars and conferences which will benefit or further the interests of the Village.

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 IN ADVANCE OF AUDIT CLAIMS FOR PUBLIC UTILITY SERVICE**

**WHEREAS**, the public utility service bills must be paid on a timely basis to avoid incurring additional penalties, and;  
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**WHEREAS**, these public utility service payments are subsequently reviewed by the auditing committee.

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Monticello does hereby authorize the payment in advance of audit claims for public utility service.

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

**RESOLUTION AUTHORIZING THE DEPOSIT AND USE OF PROCEEDS FROM SALE OF BONDS, BOND ANTICIPATION NOTES, CAPITAL NOTES, URBAN RENEWAL NOTES OR BUDGET NOTES**

**WHEREAS**, the Treasurer must deposit in a timely manner and have use of the proceeds from the sale of bonds, bond anticipation notes, capital notes, urban renewal notes or budget notes, and;

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Monticello does hereby authorize the deposit and use of proceeds from sale of bonds, bond anticipation notes, capital notes, urban renewal notes or budget notes.

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

**RESOLUTION DIRECTING THE ANNUAL AUDIT OF THE VILLAGE OF MONTICELLO JUSTICE COURT RECORDS BY THE VILLAGE INDEPENDENT AUDITORS**

**WHEREAS**, the Monticello Justice Court Records must be audited annually, and;

**WHEREAS**, the Village Auditors have the expertise to perform this independent audit of these records with no additional cost to the Village.

**NOW THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Monticello does hereby direct the Village Independent Auditors to do the annual audit of the Village Justice Court Records.

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

**RESOLUTION REGARDING PROCUREMENT OF ALL GOODS AND SERVICES BY DEPARTMENTS OF THE VILLAGE OF MONTICELLO**

**WHEREAS**, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy of all goods and services which are not required by law to be publicly bid; and,

**WHEREAS**, the Village first adopted a procurement policy on September 22, 1996; and,

**WHEREAS**, all departments have been made aware of the guidelines of this procurement of all goods and services.

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Monticello does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

**PROCUREMENT POLICY FOR THE VILLAGE OF MONTICELLO**

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent of the item of supply or service is past purchases and aggregate amount spent per year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second hand purchases from another governmental entity.

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The decision that a purchase is not subject to competitive bidding. The individual will document bidding in writing making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price, except in the following circumstances: purchase contract over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contract pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.
3. The following method of purchase will be used when Required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$9,999	Written/fax quotation
Estimated Amount of Public Works Contract	Method
\$501 - \$2,999	Verbal quotation



education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the lowest price and the nature of these services is such that they do not readily lend them to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees of the Village of Monticello shall take into consideration the following guidelines:

(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not limited to the following services: services of an attorney; services of a physician; technical maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auction or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
  - d. Goods or services under \$501. The time and Documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
7. This policy is effective August 19, 1996, and will be reviewed annually.

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

**RESOLUTION ADOPTING INVESTMENT POLICY FOR THE VILLAGE OF MONTICELLO**

**WHEREAS**, the Village Treasurer has need to deposit funds in various appropriate accounts; and,

**WHEREAS**, the Village has, in the past, adopted such an investment policy to be used by the Treasurer or designee for administration of the investment program to provide a satisfactory level of accountability based on a data or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby adopt the attached Investment Policy for the Village of Monticello.

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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 JUSTICE AND ACTING VILLAGE JUSTICE TO HAVE SOLE AUTHORIZATION ACCOUNTS IN THE TD NORTH BANK**

**WHEREAS**, the Village Justice and Acting Village Justice have monies paid to the Court for fines, bail and restitution; and,

**WHEREAS**, this money must be deposited in accounts by the Village Justice and Acting Village Justice; and,

**WHEREAS**, only the Village Justice and the Acting Village Justice have sole authorization for deposits and withdrawals of these accounts.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Justice and Acting Village Justice to open the necessary accounts in the TD North Bank.

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

**RESOLUTION AUTHORIZING THE MAYOR, DEPUTY MAYOR, TREASURER AND DEPUTY VILLAGE TREASURER HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE CHASE BANK, KEY BANK, COMMUNITY BANK OF SULLIVAN COUNTY, BANK OF AMERICA, AND FIRST NATIONAL BANK OF JEFFERSONVILLE**

**WHEREAS**, the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer are authorized to sign checks for various accounts; and,

**WHEREAS**, this money must be deposited in accounts by the Village Treasurer; and,

**WHEREAS**, only the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer have sole authority of these accounts in Chase Bank, Key Bank, Community Bank of Sullivan County, Bank of America and First National Bank of Jeffersonville.



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**NOW, THEREFORE BE IT RESOLVED,** that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer to maintain or open the necessary accounts in Chase Bank, Key Bank, Community Bank of Sullivan County, Bank of America and First National Bank of Jeffersonville.

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

**PUBLIC HEARING REQUIRED FOR PARTICIPATION IN THE NEW YORK STATE  
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Mayor Jenkins opened the public hearing at 7:30 p.m.

Glen Gidaly explained this is every year the State of New York has competition for communities to compete for grant funding for various community development projects in their municipality. This year there are 40 million dollars available under this competition. The Village of Monticello is eligible for this funding and in past years the Village has been awarded grants for housing rehabilitation, downtown renovation and small loans for businesses to help spur economic development, etc. The funding can be used for eliminating slum and blighted areas, assisting to access to safe drinking water, proper disposal of waste water and micro enterprise loans. The primary national objective of this funding is to assist persons who are low and moderate income. The maximum a municipality can apply for is \$600,000. There is a second public hearing scheduled for next Monday and at that time a draft of the application has to be ready and the application is due on April 21<sup>st</sup>.

Trustee Schoonmaker questioned whether the Village could apply for a grant for infrastructure repair in a certain area of the Village for quality water improvement? He explained that on the "Miller Hill" area of the Village many remedies have been tried and nothing solved the problem.

Glen Gidaly responded that on water and sewer projects there has to be a health and safety issue that will be completely resolved as a result of getting this grant funds. He said it is possible

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to apply for this type of grant funding. He also noted that the Sullivan County Grant Coordinators Office has agreed to assist the Village at no charge for writing the grants.

Maddy Anderson questioned whether there is any money available for the Monticello Housing Authority?

Bill Bertholf, Sewer Superintendent explained that the aeration equipment is 25 years old and in need of repair and/or replacement at the Waste Water Treatment Plant as they run 24/7 year round.

Stanley Calhoun, Highway Superintendent explained that his department is in need on a new salt shed for storing salt in the wintertime.

As there were no further comments, Mayor Jenkins closed the public hearing at 7:42 p.m.

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 1 OF 2008 ESTABLISHING POLICIES AND PROCEDURES IN THE VILLAGE OF MONTICELLO FOR THE SALE OF PARCELS OF REAL PROPERTY NOT REDEEMED FOR DELINQUENT REAL PROPERTY TAXES, IN ACCORDANCE WITH NEW YORK STATE REAL PROPERTY TAX LAW ARTICLE 11**

Mayor Jenkins opened the public hearing at 7:43 p.m.

Sullivan County Treasurer Ira Cohen explained that the Village entered into an intermunicipal agreement with the County last fall whereby his office undertook to commence foreclosure proceeding against Village properties upon which taxes had not been collected for several years and in many cases for many years. The outstanding amount of those taxes was approximately 60 parcels with outstanding taxes of \$530,000 and as a result of their efforts and as a result of enforcing the County's tax foreclosures against other Village properties they were able to collect within a three month period over \$600,000 on behalf of the Village of Monticello. Of the 60 parcels that originally had foreclosure proceedings brought against them, only 6 parcels did we take title to as everyone else has redeemed their property or entered into agreements to pay their taxes. Those

six properties need to be disposed of and the local law would

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allow a "repurchase program" which gives the property owner one more opportunity to come back to the property to repurchase their property from the County by paying all the outstanding taxes, interest, legal charges plus as auctioneer's fee and a surcharge which amounts to 5% of the equalized assessed value.

Mayor Jenkins closed the public hearing at 7:55 p.m.

**RESOLUTION ADOPTING LOCAL LAW NO. 1 OF 2008 ESTABLISHING  
POLICIES AND PROCEDURES IN THE VILLAGE OF MONTICELLO FOR THE  
SALE OF PARCELS OF REAL PROPERTY NOT REDEEMED FOR DELINQUENT  
REAL PROPERTY TAXES, IN ACCORDANCE WITH NEW YORK STATE REAL  
PROPERTY TAX LAW ARTICLE 11**

**WHEREAS**, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on Monday, April 7, 2008, 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 1 of 20087 enacting a policies and procedures in the Village of Monticello for the sale of parcels or real property not redeemed for delinquent real property taxes in accordance with NYS Real Property Tax Law Article 11; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on February 29, 2008; and

**WHEREAS**, said public hearing was duly held on April 7, 2008, 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**, 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 a Type II action 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

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**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. 1 of 2008; 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 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.

**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 2 OF 2008 WITH REGARD TO AMENDING CHAPTER 229 OF THE VILLAGE CODE WITH RESPECT TO TAXI MEDALLIONS**

Mayor Jenkins opened the public hearing at 7:57 p.m.

Attorney Marvin Newberg representing Alan Kesten owner of Yellow Cabs explained that in the proposed law it states in Section 2 that the Board of Trustees has identified a need for increasing the number of taxicab vehicle licenses in the Village. He does not believe that a study was ever done as the Village Clerk could identify any studies or reports done. He felt that before amending a local law that had been passed many years ago the Board should have before it credible, verifiable documentation as to whether there is a need for increasing the number of taxicabs in the Village. Also, the law recognized the seasonal nature of the taxicab business in the Village and there could be alternatives other changing the total number of licenses year

round to have seasonal licenses when there is a greater need and would not be as harmful to the taxicab industry as it exists now. The other important aspect is the economic impact of

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increasing the number of taxicab licenses in the Village of Monticello on the company that provides this service as well as their employees and the drivers. Mr. Kesten purchased this business in 1995 and there were 19 medallions at a purchase price of \$650,000 (approximately \$30,000 per medallion) and he has a proprietary interest in that. Five of the medallions were sold several years ago for \$30,000 each. He felt there is a valuable property right in those licenses and this law increasing the number from the existing 21 to 26 will dilute of the value of that interest substantially and it will also affect the ability of cab drivers to make a living and get qualified people to work year round. He felt that it would be premature entertaining changing this local law without a full study and we would ask once the study is done for him to have the opportunity to present other information as to the need or not and there has to be a public need for it. If no one is making any money there is a danger that there will be no cab companies.

Alan Kesten explained that after reviewing the proposed local law there is a considerable number of items that were changed from the prior sections of the Village Code. In Section 229.1 of this proposed local law it doesn't read anything like 229.1 of the present code and that is a section that did not have to be changed at all. He indicated that adding 5 more taxi medallions is about a delusion of about 20% which would reduce the present taxi drivers income 20%. He felt there are a limited number of taxi users and the population is not increasing.

Gary Putter, owner of Sureway Taxi agreed that the new law is not written well and should be reviewed by the new Village Attorney. He explained that he has been requesting this increase for the last eight month since he feels the present 21 medallions is not sufficient as customers are waiting 45 minutes for taxis especially in adverse weather conditions and at the beginning of the month. He explained that presently he is not able to service the people in this community that are requesting taxi service. He also stated in the last 8 months that he is in the process of purchasing the property on Route 42 and making a

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sizable investment in this Village and the present number of medallions he has now will not support this investment. Another plan is to bring his repair and maintenance work in-house instead of outsourcing it which will allow Sureway to provide better service to the community and will be hiring 15 additional employees once these additional medallions are awarded. He wants the opportunity to compete on an equal playing field.

Shawn Rieber indicated that the population is not growing, but if the Village was to issue five more medallions he felt that everyone should be given a fair opportunity to bid on those medallions.

Harry Brantz felt the Village needs more taxis as the wait is too long.

Attorney Newberg explained that Mr. Putter has taxi businesses in Fallsburgh, Woodridge and Liberty. He explained that presently Yellow Cab has its own in-house garage and employs two full time mechanics to keep vehicles in service. He explained that Sureway has never had that and he wants more so he can have more available cabs but not keep them in service necessarily. He felt that a study must be done to determine the need.

Trustee Schoonmaker felt there should be a committee to look into the need and if additional taxi medallions are issued make them available to anyone who wants to make the investment.

As there were no further comments, Mayor Jenkins closed the public hearing at 8:15 p.m.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO, NY, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**WHEREAS**, on April 7, 2008, the Village Board of the Village of Monticello held a public hearing to determine whether the Village should participate in the New York State Small Cities Community Development Block Grant Program ("The Program"); and

**WHEREAS**, the Village Board believes that the need to upgrade the Village wastewater treatment facilities pursuant to the Department of Environmental Conservation Consent Order presently Program in effect in the Village and other infrastructure conditions in the Village make the Village eligible for participation in The Program; and,

**WHEREAS**, the Village Board has determined, after receiving input from the public, that it is in the best interest of the health, safety and welfare of the citizens of the Village to submit a grant application to The Program,

**NOW THEREFORE, IT IS HEREBY RESOLVED**, that the Village Mayor and/or the Village Manager are hereby authorized and directed to execute and deliver any and all grant applications and documentation required by the New York State Small Cities Community Development Block Program for the approval of said grant to the Village of Monticello.

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO  
SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO  
ADOPTION OF PROPOSED LOCAL LAW NO. 3 OF 2008 FOR A SIX MONTH  
MORATORIUM ON NEW USED CAR SALES LOTS**

**WHEREAS**, Board of Trustees of the Village of Monticello is interested in researching the areas within Monticello that used car sales lots can be located; and

**WHEREAS**, there is a need to study this subject prior to any further used car sales lots being given approval to begin operation; and

**WHEREAS**, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 3 of 2008 to impose a six month moratorium on new and used car sales lots to be held on Monday, April 21, 2008 at 7 p.m.;

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**NOW, THEREFORE, IT IS HEREBY RESOLVED,** that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on April 21, 2008, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; and it is further

**RESOLVED,** that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

**RESOLUITON OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING  
WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 4 OF 2008  
WITH REGARD TO NEW OR USED CAR SALES LOTS IN THE VILLAGE OF  
MONTICELLO TO BE HELD ON MONDAY, APRIL 21, 2008 AT 7 P.M.**

**WHEREAS,** Board of Trustees of the Village of Monticello is interested in researching the areas within Monticello that used car sales lots can be located; and

**WHEREAS,** the Board has had a moratorium on new and used car sale lots and has determined the location and particulars for regulating this type of business prior to any new or used car lots being given approval to begin operation; and

**WHEREAS,** the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law No. 4 of 2008 for any person, firm or corporation engaged in or carrying on the business, selling or trading new or used motor vehicles to be held on Monday, April 21, 2008 at 7 p.m.;

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on April 21, 2008, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; and it is further



**RESOLVED**, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

**REQUEST FOR REZONING BY SAUMIK C. PATEL (THE BEER STORE)**  
**SBL 107-1-8.1, 107-1-9 AND 107-1-10 FROM RM(MULTIPLE RESIDENCE TO B-1-(GENERAL BUSINESS)**

The Clerk explained that the property is in two zones, the front part where the Beer Store is located is zoned B-1 (General Business) and the rear of the property is zoned RM (Multiple Residence) and the owner want to expand his business into that part of the property and he cannot do it under the present zoning.

The Mayor referred the request to the Planning Board for their recommendation.

**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 by Trustee Schoonmaker, 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.

**ADDITIONAL PUBLIC COMMENT**

Tom Rue made additional public statements which are on file in the Village Clerk's Office for anyone wishing to review them.

Trustee Schoonmaker asked that the public give the Village Board to reorganize itself and the rebuild this Village from the bottom up which is what this Board said it was going to do and that is the Board's intention.

**EXECUTIVE SESSION**

At 8:35 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 contract negotiations.

**RECONVENING THE REORGANIZATIONAL MEETING**

At 8:55 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move out of Executive Session and reconvene the meeting.

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO  
APPOINTING JOHN BARBARITE AS VILLAGE MANAGER OF THE VILLAGE OF  
MONTICELLO**

**WHEREAS** pursuant to Village Law § 4-400 (1) (c) (i), the Mayor of the Village of Monticello is provided with the authority to appoint all non-elected officers and employees with the approval of the Board of Trustees; and

**WHEREAS**, there exists a vacancy in the Village at the position of Village Manager; and

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**WHEREAS**, JOHN BARBARITE has expressed a desire to serve as the Village Manager and fulfills the requirements of knowledge, skill, and experience to so serve; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Monticello, hereby appoints JOHN BARBARITE to serve as the Village Manager of the Village of Monticello at an annual salary of \$70,000.00 until further Resolution of Order of the Village Board, and be it further

**RESOLVED**, that the Village Clerk is hereby directed to forward a fully executed copy of this Resolution to the Village of Monticello Director of Personnel and the Sullivan County Department of Personnel.

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Theodore Hutchins, aye; Trustee Marinello, nay; Trustee Rue nay, Mayor Jenkins, aye; Motion carried 3 ayes - 2 nays.

**ADJOURNMENT**

At 8:59 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote adjourn the Reoranzational meeting.

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EDITH SCHOP, Village Clerk