

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, MAY 5, 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
Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Absent:

Victor, Marinello, Jr., Trustee

Also present:

John Barbarite, Village Manager
William Frank, Village Attorney
Douglas Solomon, Chief of Police
Phil Klemen, Sewer Superintendent
Sue Flora, Code Enforcement Officer

APPROVAL OF MINUTES BOARD MEETING OF APRIL 21, 2008

A motion was made by Trustee Hutchins, seconded by Scott Schoonmaker, unanimously approved on a roll call vote to adopt the minutes of April 21, 2008 with the following corrections requested by Trustee Rue: Under "Spring Clean-Up" The Manager responded to a question asked by Trustee Rue... "Remarks on Public Trust"- Tom Rue made a public statement which is on file in the Village Clerk's Office 'On the Importance of Public Trust and The Consequences of Losing It'.

MANAGER'S REPORT

Employee Hiring

Manager Barbarite announced that he has appointed Phil Klemen as the Waste Water Treatment Plant Superintendent effective April 28, 2008 who is replacing the retiring Bill Bertholf. He has

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filled the two groundskeeper position with David Bensley and Shawn Mc Michaels.

Budget Process

The Village Manager reported that the Village is in the process of starting the budget process for FY 2008/09 with the department heads submitting their initial request. Not to be pessimistic it is important to realize that 78% of the budget is composed of salaries and benefits which we have no ability to adjust so there is a very narrow band of 22%.

Policy on Vehicle & Gas Usage

The Manager announced that shortly the Village will be shutting down the gasoline pumps at the end of the day shift so all village owned vehicles will have to filled up prior to that time. The Village has received reports from the public that they have seen people filling up gas cans at night and at this time we do not know who is doing it. There will be another policy prohibiting idling vehicles to conserve fuel with the price of gasoline over \$4.00.

Recycling Update

The Manager reported that David Shambaum has toured the Village's sanitation facility with the recycling efforts and he has agreed to purchase our recycling. Presently he is getting prices on what recycling material is selling for.

Restore NY Grant

The Manager reported that there is a private developer who is interested in submitting an application grant for the "Restore NY Grant" Round 3 which is a 2½ million dollar grant with only 40 awarded throughout the State on a needs basis and quality of project basis. The developer who is awarded this grant has to front all the money for the proposal (about \$5,000 to \$6,000).

Spring Clean-up Days

The Village Manager announced that the Village's Spring Cleanup days are May 15th, May 16th, May 17th and May 18th.

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PUBLIC COMMENT

Mayor Jenkins announced that there will be two public comments with the first being remarks pertaining to this meeting's agenda only. The second public comment will be at the end of the meeting prior to adjournment of the meeting.

Report On Official Activities of Trustee Rue

Trustee Rue informed the Board and public of her recent activities as Village Trustee: This report is on file in the Village Clerk's Office.

RESOLUTION APPROVING THE PURCHASE OF 24 KENWOOD PORTABLE RADIOS FOR THE MONTICELLO POLICE DEPARTMENT IN THE AMOUNT OF \$7,500

WHEREAS, the Monticello Police Department is in need of replacing their portable radios for better communications; and,

WHEREAS, the Monticello Police Department is purchasing 24 TK 2170 portable radios with battery, antennas, charger and swivel case under NYS Contract PT 62491 for a cost of \$335.00 each for a total cost of \$8,520.00 and receiving \$1,020 as a trade for 20 old radios, and,

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Monticello Police Department to function within the Village.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a 24-TK2170 portable radios with battery, antenna, charger & swivel case from K.J.B.L. Electronics, Inc. 3127 State Route 52, White Sulphur Springs, NY 12787 with funds be expended from an Impact Tools Grant.

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

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**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO
AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR REQUESTS FOR
PROPOSALS FOR THE VILLAGE'S LIABILITY INSURANCE COVERAGE FOR THE
FISCAL YEAR 2008/09**

WHEREAS, the liability insurance policies of the Village of Monticello require renewal within the calendar year 2008; and

WHEREAS, the Village Board wishes to receive proposals from qualified insurance agents to provide adequate and necessary insurance coverage to the Village Board,

NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby directs the Village Clerk to solicit proposals from qualified insurance agents interested in providing liability insurance to the Village of Monticello for the fiscal year 2008/2009

RESOLVED, that the advertising for proposals shall commence on or about May 20, 2008 and all properly submitted proposals shall be reviewed by the Village Board as same are received.

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

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A MUNICIPAL
AGREEMENT WITH THE COUNTY OF SULLIVAN FOR SPRING CLEANUP
"CLEANUP INITIATIVE 2008"**

WHEREAS, the County shall accept at the Sullivan County Landfill, free of charge, an amount of solid waste not exceeding 178.86 tons, the amount allocated for the "Cleanup Initiative 2008" for the Village of Monticello; and,

WHEREAS, the allotment is for the sole benefit of the Village of Monticello and may not be transferred or assigned to any other individual or entity, municipality or otherwise; and,

WHEREAS, if the Village uses a central collection point, the Village shall monitor the location to prevent the dumping of improper materials; and,

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RESOLVED, that said demolition and clearing of the site upon which said building is located should be undertaken by the appropriate Village Departments forthwith.

WHEREAS, all cleanups pursuant to the contract shall be held during the periods of April thru June and September thru October 2008.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello authorizes the Village Manager to sign a Municipal Agreement with the County of Sullivan for Spring Cleanup "Cleanup Initiative 2008", the form of which is annexed hereto.

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

RESOLUTION DECLARING VILLAGE OWNED VEHICLES AND OTHER EQUIPMENT SURPLUS AND AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR SURPLUS EQUIPMENT

WHEREAS, various departments have vehicles and equipment that are no longer needed or used by various departments;

WHEREAS, the Village has determined that this equipment is no longer needed; and,

WHEREAS, the Village of Monticello wants to advertise this equipment to the highest bidder.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids to sell to the highest bidder the following surplus equipment:

- 1978 Rosco Street Sweeper
- 1987 S10 Blazer
- Poulan Mower 36" Deck
- 1997 Mercury Mountaineer
- 2000 Chevy Impala
- 2003 Chevy Impala

Misc. Items bid as a package: (see attached)

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RESOLUTION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO TO DECLARE THE FORMER HEAD START BUILDING LOCATED ON DILLION ROAD UNSAFE AND UNUSABLE

WHEREAS, the Village of Monticello owns certain real property on Dillon Road and the building located thereon that formerly housed the Village Head Start Program; and,

WHEREAS, the building has been inspected and declared unsafe as said term is defined in Section 119-3 of the Village Code, therefore unusable the and in need of being demolished in the best interests of the health, safety and welfare of the citizens of the Village of Monticello, and

WHEREAS, the Village Board wishes to take all necessary steps to remove the aforesaid unsafe structure,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello declares the former Head Start Program building located on property owned by the Village of Monticello on Dillon Road to be unsafe and unusable and should be demolished, and it is further

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO RESCINDING SECTIONS 45-16, 45-17, 45-18 and 45-19 OF THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO

WHEREAS, the Board of Trustees of the Village of Monticello wishes to rescind Local Laws # 4 and 10 of 2007 which established and amended the duties of the position of Deputy Village Manager, which Local Laws were codified as Sections 45-16, 45-17, 45-18 and 45-19 of the Monticello Village Code; and

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WHEREAS, The Board of Trustees of the Village of Monticello is empowered by the State to take such action pursuant to NYS Municipal Home Rule Law; and

WHEREAS, said code change is listed as a Type II Action under §617.5 of the State Environmental Quality Review Act (SEQRA) and is not subject to further review under SEQRA; and

WHEREAS, the Monticello Village Board wishes to set a time and place for a public hearing for said proposed local law, so that the public may be heard;

NOW, THEREFORE, it is hereby **RESOLVED**, that a public hearing be held by the Board of Trustees with respect to the rescission of said Local Laws at 7:00 p.m. on May 19, 2008, at Monticello Village Hall, 2 Pleasant Street, Monticello New York; and it is further

RESOLVED that the Village Clerk is hereby authorized and directed to cause public notices of said hearings to be given as provided by law.

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO
AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR PROPOSALS FROM
OUTSIDE PLANNING CONTRACTORS TO CONDUCT A STUDY WITH RESPECT TO
AMENDING THE ZONING PROVISIONS OF THE VILLAGE CODE**

WHEREAS, the Village Board of the Village of Monticello intends to make changes to the current zoning provisions contained in the Village Code in order to conform said provisions to the present needs of the Village and its residents; and

WHEREAS, the Village Board wishes to receive proposals from qualified outside contractors interested in conducting said study and preparing a comprehensive report for the Village Board with respect to said contemplated zoning changes;

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NOW, THEREFORE, BE IT RESOLVED, that the Village Board hereby directs the Village Clerk to solicit proposals from qualified outside contractors interested in conducting a rezoning study and preparing a comprehensive report for the Village Board with respect to said contemplated zoning changes; and it is further

RESOLVED, that the advertising for proposals shall commence on or about May 15th, 2008 and all properly submitted proposals shall be reviewed by the Village Board as same are received.

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO
SETTING TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO
AMENDING SECTION 105-3 OF THE VILLAGE CODE OF THE VILLAGE OF
MONTICELLO**

WHEREAS, the Board of Trustees of the Village of Monticello wishes to amend Section 105-3 of the Village Code, which established and defined the duties of Village Code Enforcement Officer and Enforcement Officer, to provide that multiple Code Enforcement Officers can be employed by the Village; and

WHEREAS, The Board of Trustees of the Village of Monticello is empowered by the State to take such action pursuant to NYS Municipal Home Rule Law; and

WHEREAS, said code change is listed as a Type II Action under §617.5 of the State Environmental Quality Review Act (SEQRA) and is not subject to further review under SEQRA; and

WHEREAS, the Monticello Village Board wishes to set a time and place for a public hearing for said proposed local law, so that the public may be heard;

NOW, THEREFORE, it is hereby **RESOLVED**, that a public hearing be held by the Board of Trustees with respect to the rescission of said Local Laws at 7:30 p.m. on May 19, 2008, at Monticello Village Hall, 2 Pleasant Street, Monticello New York; and it is further

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RESOLVED that the Village Clerk is hereby authorized and directed to cause public notices of said hearings to be given as provided by law.

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING CHRISTOPHER R. EDLING TO PERFORM CERTAIN TITLE SEARCHING SERVICES ON BEHALF OF THE VILLAGE

Matter tabled at this time.

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 Hutchins, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AUTHORIZING THE VILLAGE MAYOR TO SIGN TWO CONTRACTS WITH THE TOWN OF THOMPSON FOR THE COLD SPRING SEWER DISTRICT AND THE COMMUNITY GENERAL HOSPITAL, CEREBRAL PALSY OF SULLIVAN COUNTY, INC., GREENTREE PROPERTIES PARTNERSHIP & ROBINS WOODS, INC.

WHEREAS, the Village of Monticello and the Town of Thompson desire to continue the arrangement existing to use the Village sewer line for the needs of the relevant Sewer Districts; and,
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WHEREAS, the Town of Thompson has historically, on behalf of the Sewer Districts, connected to the District sewer system and the sewage flow of the District is presently flowing through the Village system to the Village secondary treatment plant; and

WHEREAS, the Village Board wishes to authorize the Mayor to execute the appropriate agreements to continue the existing arrangements in the best interests of the Village,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor to sign certain agreements, subject to the Village Attorney and Superintendent of Waste Water approving the contents, with the Town of Thompson for the Cold Spring Sewer District in the amount of \$110,178.69 and for the Community General Hospital, Cerebral Palsy of Sullivan County, Inc., Greentree Properties Partnership & Robin Woods, Inc., in the amount of \$12,347.55 for the calendar year 2008 in a form approved by the Village Attorney.

A motion was made by Trustee Hutchins, seconded by Trustee Rue, 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 Rue, 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.

DISCUSSION REGARDING THE BOARD OF TRUSTEES SETTING UP REGULAR WORK SESSIONS OF THE BOARD OF TRUSTEES

The Board agreed to hold a work session on Monday, May 12th at 7:00 p.m.

The Village Attorney explained that the public is welcome to attend, however, there is no scheduled public comment, it's a work situation where no action is taken, and items are discussed that are affecting the Village.

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DISCUSSION REGARDING REQUEST FROM THE TOW TRUCK OPERATORS FOR A RATE INCREASE

Trustee Schoonmaker explained that there has been some controversy regarding the "tow list" that the police department uses when dispatching trucks.

James Sheerer, owner of a Jefferson Street business asked that the Village adopt the Town's tow rates.

The Chief of Police explained that for the last 20 years there has been a rotating tow list which means if someone needs a tow truck and they don't have a preference the next business on the list is called and if another tow truck is needed later in that same day they call the next company off the list, etc. After rereading the Village Code it was discovered that the police should be using a "tow of the day" as does the town, county and state police. He will be changing the system to be the "tow of the day" and then meeting with the tow truck operators to go over the new procedure which should eliminate some of the problems.

The owner of I-86 garage felt that this is more acceptable to the tow operators, rather than waiting for a call and having to dispatch a truck at short notice and it will allow them to be better prepared.

The Village Attorney indicated that if the fees are part of a separate fee schedule than it can be discussed at the work session and put on the next agenda for a vote by resolution however, if the fees are part of the local law than there would have to be a public hearing to amend them.

PUBLIC COMMENT

The Mayor explained that he will not tolerate any public personal attacks and there is a five minute rule.

IBAM

Mr. Martinez from IBAM explained that there have been rumors that a Board member wants to shut down the IBAM boxing program

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that is held in the old firehouse meeting room. He noted there are 35 youths that attend everyday for the last eighteen months that have changed their attitudes because of this program. He explained that the Cappelli Group and Senator Bonacic have each contributes money towards this program, and the Beaverkill Foundation is considering donating also. He noted that outside sources are supporting this program and they need the Board's support also.

Trustee Hutchins thanked the people who run the program and asked them to continue their fine work. He explained each time he visits all of the Village's youths are participating and doing something positive.

Mr. Martinez explained that they are starting to work with the courts on alternative incarceration if it is a first offense.

Trustee Schoonmaker noted that there is so much interest there was no room for him to enter the ring area. He felt, if anything, this program needs more space.

Mayor Jenkins explained that he is for this program one hundred percent and has no intention of closing it down and he and the Manager are working to rehabilitate the building and make it more users friendly.

Trustee Rue felt that if there are rumors circulating than that Trustee should be confronted in case it is not true.

Tom Rue commended the boxing club's efforts.

Street Conditions

Marco B., a Village resident, felt that the Village streets are in disrepair with many large potholes. He was also concerned that there is insufficient street lighting in some areas of Monticello.

Mayor Jenkins responded that the Village is blacktopping now that the asphalt plant is opened, and under this new management and new leadership the public will see results. He suggested that he call the Village Manager to identify the lighting concerns.

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Tape Recordings

Betty Friedland felt that an updated tape recording machine should be bought as the tape she recently received when she FOILED for the minutes was almost inaudible. She also was concerned that the room has a capacity of 55 people and at a given time this evening that capacity was over exceeded. She suggested that the meeting location should be moved to the Ted Stroebele Recreation building.

Village Attorney

Betty Friedland questioned whether Mr. Frank and Ms. Alt are the Village Attorneys or is it Greenwald Law Offices since both are employed by that firm?

Village Attorney Frank responded that they are both from the same firm, but they were individually appointed.

Old Administration

Ms. Friedland felt that there were three members of this Board that were part of the old administration and the Village Manager, should stop blaming everything on the old administration and let us see what this Board is going to do.

92 High Street

Aida Markisik owner of 92 High Street spoke on behalf of several property owners indicating her displeasure with the Village Code Enforcement Office and Planning Board's procedures in not allowing her to renovate that building as she originally requested.

27 North Street

Ray Lustig, owner of 27 North Street, questioned the Village Manager's about a statement he made in 2004 as a private citizen regarding "substandard tenants" living in multiple dwelling.

The Village Attorney asked Mr. Lustig send his question to the Village Manager in writing.

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Susan Taylor felt that the Village Manager has not followed procedure.

Registering A Complaint

Thomas Mack felt that anyone that has a complaint should follow the procedure and contact the Village Manager or any other appropriate Village official and not wait until the Village Board meeting to voice their displeasure. He felt the people who are constantly complaining an every Board meeting are upsetting concerned taxpayers and taking over the meeting. He explained that he wants to see things done and we must work together to accomplish that and give this new Board a chance.

EXECUTIVE SESSION

At 8:09 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move into Executive Session for legal counsel.

ADJOURNMENT

A motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk