

Board of Trustees
Village of Monticello Minutes

June 1, 2010

7:00 pm

Call Meeting to Order

Mayor Jenkins called the meeting to order at 7:05pm

Pledge to the Flag

Roll Call

Mayor Jenkins-Present Carmen Rue-Present T.C. Hutchins-Present
Victor Marinello-Absent James Matthews-Present

Also Present: John Barbarite-Village Manager
 John LiGreci-Deputy Village Manager
 Dominic Cordisco-Village Attorney
 James Snowden-Code Enforcement Officer
 James Steinberg-Highway Superintendent
 Lieutenant VanHagee-Police Department
 Glenn Pontiere-Sullivan County Renaissance

Motion to Accept Agenda

A motion was made by Trustee Matthews to accept the agenda and second by Trustee Hutchins. Upon the call of the roll, all were in favor

Approval of Minutes from the May 18, 2010 Board Meeting

A motion was made by Trustee Rue with a correction and second by Trustee Matthews. Trustee Rue questioned her roll call response in regards to the minutes for the prior meeting; she stated that she thought that she voted nay in the approval of the minutes. The Clerk responded that according to the tape, Trustee Rue's response was yea with corrections.

Upon the call of the roll, all were in favor.

Mayor's Report

- **Discussion of I-Bam**

The Mayor stated that due to the several discrepancies that have occurred over the last months with this program that the Village Board will sit down with the Village Manager and discuss the involvement of Village Patrons in this program. He also stated that this program should fall under the Recreational Department and the Village Board should have say so in its running's due to the fact that a Village Building was donated for the use of this Program.

- **Set-Up Budget Meeting Work Shop**

A Budget Meeting workshop was set up for Tuesday, June 8, 2010 at 6:30pm. This forum is open to the Public and all are encouraged to attend.

Manager's Report

Personnel Changes

Kendra Greco, secretary to the Water Department, has resigned.

Building Codes

On May 26, 2010 I received a copy of a letter in my mailbox addressed to myself and other Village Officials stating the following:

Dear Monticello Village Trustees, Mayor & Village Manager:

I was pleased that the Department of State agreed with our suggestion to install a special sprinkler system at 27 North Street. It is my understanding that Mr. John D. Fuller P.E., Civil & Structural Engineer, faxed and mailed a letter to your office today confirming his involvement with the systems design and installation. The system can be installed within two weeks of receiving a building permit. We look forward to bringing 27 North Street into full compliance with the required codes. It was signed sincerely, Ray Lustig.

I would like to tell you what really happened in regards to 27 North Street:

On May 19th the Village Attorney and I appeared on behalf of the Village at the Department of State (DOS) Variance Hearing for 27 North Street. This variance request from the requirements of the Multiple Residence Law (MRL) concerning egress from wood frame buildings which have occupants on the third floor was made by the owners of the building. Although not in the original application for the variance, at the hearing the applicant offered to install a 13D sprinkler system. This was rejected by the Board. The applicant also raised his previous assertions that the MRL did not apply to his building since the passage of the Uniform Code. Members of this Board (Village Board) and the public were also told by the owner, beginning in 2007, that the Multiple Residence Law did not apply to this building and a sprinkler system was not required. As a result of not accepting the Village's advice the owner initiated court action that has cost the Village thousands of dollars to defend. The Village won the lawsuit and subsequent appeal. By the court decisions and the denial of the variance by the DOS the Village's position has been fully upheld. The DOS by denying the variance in effect ruled in order to occupy the third floor requires a sprinkler system be installed in the public hallway and the cellar in accordance with the MRL. The DOS Variance Board made a point in explaining the Multiple Residence Law applies and the Village has a duty and obligation under the law to enforce its provisions. During the past several weeks a lot of my time has been spent in gathering documents and information to defend the Village in what I consider frivolous lawsuits. It appears rather than comply with zoning and building codes there is an effort to file lawsuits hoping the Village will shun its duty to enforce its zoning ordinance and the New York State Uniform Fire Prevention and Building Code. The public should be made aware that these lawsuits besides diverting

much-needed personnel from day to day duties results in expense to the Village that must be paid by taxes.

Broadway Project Landscaping

The Deputy Village manager and I met with Department of Transportation representatives and Renaissance to discuss the Broadway Project landscaping. It looks as though the landscaping is back in the project, although the amount has been cut in half to \$150,000. Numerous suggestions were made as to landscaping and I thank the Renaissance for assisting in this endeavor. A committee has been formed to make recommendations to the State as to the type of landscaping the Village would like installed.

International Boxing Association of Monticello (IBAM)

I met with Ray Sheehan who is the president of IBAM. The purpose of this meeting was to discuss IBAM programs that are available to Village residents. As you recall when the Village granted IBAM permission to set up in the former firehouse meeting room in 2007 it was with the understanding that programs would be developed and provided for Village residents. It was also a necessary requirement that the Village be covered by IBAM with liability insurance. I don't believe these goals are being met. I am also concerned that IBAM has taken it upon themselves to expand their operations to include weight and exercise machines in the bay outside of the back room. They have also, without Village knowledge, allowed the Recovery Center to maintain an office in the building. I have told Mr. Sheehan to provide a list of Village residents who are partaking in programs and to provide proof of insurance. I will report back to the board at the next meeting.

Restore New York Grant

The Restore New York Grant is moving forward. The Planning Board granted site plan approval for the nightclub entertainment unit. It is now necessary for Mr. Ting to prepare plans to submit to the building department for a building permit. The Village is prepared to meet with his architect or engineer and outline the parameters and sections of the code that must be met to allow the issuance of a building permit.

Economic Development, Apollo Mall Site

The County is currently reviewing three proposals for development of the Apollo site. The Mayor, Deputy Manager and I have met with individuals who are interested in developing the Apollo site. Currently the most reasonable project appears to be the one submitted by Mr. Resnick. His plan calls for rehabilitating the existing Apollo Mall building. The project calls for a Fine Foods supermarket where the former Waldbaum supermarket was located with an undisclosed tenant who would serve as the anchor at the other end of the building. He would then develop retail space between the two anchors. Phase two envisions a truck stop and hotel located in back of the current Apollo building. The other projects that are under discussion are much larger in scope and will take considerable time to implement. The Resnick plan offers immediate benefits in terms of jobs, sales taxes and other benefits to the Village. I discussed Resnick's plans with County Legislators Alan Sorrenson and David Sager. I suggest the Village Board support this project at the County meeting on Thursday. John LiGreci and Fred Suljic are prepared to attend the meeting to support the project.

Village Budget

Work continues on next year's budget. We anticipate providing extra details at a later date. Labor contracts will have an impact on the budget either positive or negative. John LiGreci will fill the Board at this time on progress to date.

Deputy Village Manager, John LiGreci gave a detailed report on the budget that will be reviews at the upcoming Budget Meeting Workshop scheduled on June 8th at 6:30 pm.

Resolution to Convey Parcels to the Former Owners, that were Acquired by the County of Sullivan on Behalf of the Village of Monticello by Virtue of an In Rem Tax Foreclosure Proceeding

Resolved, that the Board of the Trustees of the Village of Monticello does hereby Convey Parcels to the Former Owners, that were acquired by the County of Sullivan on Behalf of the Village of Monticello by Virtue of an In Rem Tax Foreclosure Proceeding

A motion was made by Trustee Hutchins with a discussion and second by Trustee Rue. Trustee Hutchins questioned where the properties came from. John Barbarite, the Village Manger responded that these properties were acquired by the Village due to foreclosures. The Village passes them on to the County to handle the actual foreclosure proceedings and these owners went to the County and paid their back taxes and re-brought their property and this resolution is resolving to give them back their property.

Upon the call of the roll, all were in favor.

Resolution for the Approval to Spend \$17,460.00 for the Justice Court to Biel's Information Technology System for the Converting of the Old Court Docket Records from 1950-1993 to Documentum Applicationxtender Media CDS/DVDS

Resolved, that the Board of the Trustees of the Village of Monticello does hereby give the approval to spend 17,460.00 for the Justice Court to Biel's Information Technology System for the Converting of the Old Court Docket Records from 1950-1993 to Documentum Applicationxtender Media CDS/DVDS

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Resolution Awarding RFP for Milling and Reclaiming from Reclamation of Kingston for \$22,400.00

Resolved, that the Board of the Trustees of the Village of Monticello does hereby Award RFP for Milling and Reclaiming to Reclamation of Kingston for \$22,400.00.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Resolution Awarding RFP for Resurfacing to Sullivan County Paving for \$9,200.00

Resolved, that the Board of the Trustees of the Village of Monticello does hereby Award RFP for Resurfacing to Sullivan County Paving for \$9,200.00.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Approval to purchase 1062 tons of Type 6 Blacktop from Callanan Industry from the Village Bid 2010 for \$64,000.00

Resolved, that the Board of the Trustees of the Village of Monticello does hereby approve the purchase of 1062 tons of Type 6 Blacktop from Callanan Industry from the Village Bid 2010 for \$64,000.00.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Approval to Purchase \$12,000.00 of Blacktop from Callanan Industry-Village Bid 2009-2010

Resolved, that the Board of the Trustees of the Village of Monticello does hereby approve the purchase of \$12,000.00 of Blacktop from Callanan Industry-Village Bid 2009-2010.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Approval to Purchase 4 Catch Basins from Schmidt's Wholesale for \$3,000.00

Resolved, that the Board of the Trustees of the Village of Monticello does hereby approve the purchase of 4 Catch Basins from Schmidt's Wholesale for \$3,000.00.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

*Note: The 4 items listed above will be paid for out of Appropriation #5110.229A from NYS CHIPS Program pending approval of the NYS budget. The streets to be done are Rockridge (from Fraser to Pleasant St.), Washington, Ann, Lincoln and Roosevelt.

Resolution for the Adoption of the following Equal Employment Opportunity Policy in order to meet Federal Regulation Requirements of Recipients of Financial Assistance from the Office of Justice Programs and the Office of Community Oriented Policing Services

Resolved, that the Board of the Trustees of the Village of Monticello does hereby adopt the following Equal Employment Opportunity Policy in order to meet Federal Regulation

Requirements of Recipients of Financial Assistance from the Office of Justice Programs and the Office of Community Oriented Policing Services.

A motion was made by Trustee Hutchins and second by Trustee Matthews, **upon the call of the roll, all were in favor.**

Resolution to Approve the Sequa Negative Declaration for Walk-able Monticello Project
Resolved, that the Board of the Trustees of the Village of Monticello does hereby approve the Sequa Negative Declaration for Walk-able Monticello Project.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Resolution for the Mayor to Sign the Certificate Requesting Reimbursement of Funds Amounting to \$30,000.00 for the Skate Board Park Project (Project No. PKS-06-PA-018).

Resolved, that the Board of the Trustees of the Village of Monticello does hereby approve the Mayor to Sign the Certificate Requesting Reimbursement of Funds Amounting to \$30,000.00 for the Skate Board Park Project (Project No. PKS-06-PA-018).

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Notice: A church group asked for permission to conduct a short marathon on Village Streets, to be held on Saturday, June 26th, 2010. See attached.

A motion was made by Trustee Rue and second by Trustee Hutchins, **upon the call of the roll, all were in favor.**

Resolution Approving Budget Transfers & Amendments: Fiscal Year Ending 7-31-2010
Resolved, that the Board of the Trustees of the Village of Monticello does hereby approve Budget Transfers & Amendments: Fiscal Year Ending 7-31-2010.

Trustee Rue commented that this is the first time she is seeing the budget transfers, she stated that when she came to pick up her paperwork, everything was taken out of her folder and that she did not appreciate someone touching her items.

A motion was made by Trustee Hutchins and second by Trustee Matthews, **upon the call of the roll, the vote went as follows: Trustee Rue, nay, Trustee Hutchins, yea, Trustee Matthews, yea, & Mayor Jenkins, yea.**

Client-Attorney Comment

There was no Client Attorney comment.

Adjournment

A motion was made by Trustee Hutchins and second by Trustee Rue to adjourn the meeting, **upon the call of the roll, all were in favor.**

Meeting was closed at 8:40 pm.

Submitted by:

A handwritten signature in cursive script that reads "Janine Gandy".

Janine Gandy, Village Clerk