

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, APRIL 18, 2005

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: Richard Sush, Village Manager
Tim Havas, Deputy Village Attorney
Alan Reynolds, Highway Superintendent
Sue Flora, Code Enforcement Officer
Carl Houman, Director of Fire Services
Clarence Decker, Water Superintendent

MOMENT OF SILENCE - KEN GOLDFARB

Mayor Barnicle asked for a moment of silence for Ken Goldfarb who had served on the Planning Board and was an active member of the Design Review Board and had passed away suddenly last week.

APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF MARCH 7, 2005

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of March 7, 2005 as presented.

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**APPROVAL OF MINUTES OF REORGANIZATION BOARD MEETING OF
APRIL 4, 2005**

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the Village Board Reorganization meeting of April 4, 2005 with the following correction: Carmen Rue was not replaced as a member of the Human Rights Commission she did not chose to be reappointed.

OLD BUSINESS

Meeting Schedule

Mayor Barnicle reminded the public that the next Village Board meeting will be held on the second Tuesday in May, May 9th as the Village Board voted that in months where there are five Mondays in order to avoid a three week gap in meetings, that month's meeting will be held on the second and fourth Monday's of the month.

Basketball Program

Mayor Barnicle commended Parks & Recreation Director Betsy Conaty for the successful Basketball Program for 5th and 6th graders.

Fire Department Elections

Mayor Barnicle announced that the list of new fire department officers is on the table in the Hall of Fame room.

Monticello Renaissance Programs

Mayor Barnicle announced that there will be three projects this year.

1. Recovery Center - Gardens & Sidewalk on Broadway
2. Federation of Sportsmen Club - Signage/Garden
DeHoyos Park
3. Monticello First - Exit 104 & Exit 106

VILLAGE MANAGER'S REPORT

Water Leak

The Village Manager reported that there is a crack in the housing of the pump station in the Miller's Hill section of the Village and the company that had originally manufactured the equipment will be fixing the machinery tomorrow morning.

Sullivan County Job Fair

The Manager announced that the Sullivan County Job Fair will be held on May 5th at the Sullivan County Field House.

1. The Carlton Hotel, only a short time ago the Village's biggest eyesore, is quickly becoming one of the most beautiful storefronts in the Village of Monticello. Thank you's are extended to the building's owner, Vidat Rexhepi.
2. The firehouse construction is moving along very well. They've framed out the building and now you can see the actual shape of it. From here they begin to flesh it out more completely.
3. Sanitation bids are due back to the Village on April 26.
4. The Village website should be fully operational shortly. We still need a couple of photos of some people and then the webmaster will finalize the project.
5. We've received our annual franchise fee from Time Warner Cable in the amount of \$85,827.52.
6. The annual STOP DWI awards were presented last month and Sgt. Mark Johnstone and Officer Scott Edwards received awards for having the most DWI related arrests of any police officers in the County. This is the 10th time in ten years that Sgt. Johnstone has received this recognition. Both of these officers deserve our congratulations for earning this distinction.

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7. I met recently with representatives from NYSEG to discuss our participation in the Community Watch program. Community Watch is a program for Village employees to have them serve as extra eyes and ears for the police and fire departments. NYSEG will train our staff in how to look for, recognize and report problems, dangerous situations or suspicious circumstances. All expenses for program materials and training are paid by NYSEG as a public service.
8. This past Friday, Mayor Barnicle, Chief Solomon, Sgt. Accomando and I attended the Sullivan County NAACP annual dinner.
9. On Friday, May 6, the Village's Recreation Department will run a 3-on-3 basketball tournament at the High School from 5:00 PM to roughly 9:00 PM. The tournament is co-sponsored with the Monticello High School Academy of Finance.

ANNUAL REPORT - MOBILMEDIC

Albee Bockman, President of Mobilemedic gave his annual report using a slide presentation. He highlighted the report by explaining that he has been saving the taxpayers of the Village of Monticello thousands of dollars by giving free services such as drawing blood at the police station from defendant's arrested for DWI and drug arrests which allows officers to continue to patrol and not lose valuable off road time. He will also be creating an Emergency Medical Disaster Plan which would be used whenever a disaster such as the recent flooding storm occurs that would include setting up a shelter with cots, food, blankets, etc for any displaced resident. All of these services and others are done at no cost to the Village.

Presentation of ID Badge

Mayor Barnicle presented Code Enforcement Officer Sue Flora with an ID Badge and card, donated by a group of anonymous citizens.

MANAGER'S APPOINTMENTS - One Year Appointments

The Manager reappointed *Stacey Walker* as *Deputy Clerk*.

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The Manager reappointed **Sheri Bisland** as **Deputy Treasurer**.

The Manager reappointed **Glenn Smith** as **Village Engineer**.

The Manager reappointed **Village Auditor - Gitlin Knack & Pavloff**

The Manager reappointed the **Sullivan County Democrat** as the **Official Newspaper**.

The Manager appointed Bank of New York, Key Bank, Bank of America, Community Bank of Sullivan County, Hudson United Bank, First National Bank of Jeffersonville and Chase Manhattan Bank as Village Depositories.

The Manager reappointed **Dr. Edward Epstein, Dr. Joseph Lauterstein, Dr. David Sager, Dr. Sheldon Leidner, Dr. Richard Stein and Dr. Abe Garfinkel** as Police Surgeons.

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The Manager appointed Police Chaplain - **Rev. Smith and Rabbi Chanowitz**.

The Manager appointed **Leo Glass** as **Acting Village Justice**.

The Manager reappointed **Bonnie Hoffman** to a five (5) year term on the Zoning Board of Appeals to expire April 2010.

MAYOR'S APPOINTMENT TO THE PLANNING BOARD WITH BOARD APPROVAL TO FILL THE UNEXPIRED TERM OF JILL KENNY-WEYER TO EXPIRE APRIL 1009

Mayor appointed **Honora Wohl** to the **Planning Board** to fill the unexpired term of Jill Kenny-Weyer to expire April 2009. The Board unanimously approved this appointment.

MAYOR'S APPOINTMENT WITH BOARD APPROVAL FOR TO THE DESIGN REVIEW BOARD TO FILL THE UNEXPIRED TERM OF KEN GOLDFARB TO EXPIRE DECEMBER 2006

Mayor appointed **Dominick Daniels** to the **Design Review Board** to fill the expired term of Ken Goldfarb to expire December 2006. The Board approved this appoint as follows:

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Trustee Schoonmaker, nay; Trustee Jenkins, nay; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye. Motion carried 3 ayes - 2 nays.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 2 OF 2005 AMENDING THE ZONING CODE FROM R-2 TO RM FOR LANDS OWNED BY WEINBERGER LOCATED AT PARK AND RICHMOND AVENUE - AND DESCRIBED ON THE TAX MAP AS TOWN OF THOMPSON SBL 118A-1-3.1

Mayor Barnicle opened the public hearing at 7:38 p.m.

Mayor Barnicle reported that both the Monticello Planning Board and the Sullivan County Planning Department recommended that this rezoning be approved.

Attorney Morton Baum representing the applicant Scott Matthew's, Inc. and Aron Weinberger who are requesting the zoning change of a 3.241 acre parcel located at the end Park Avenue. The purpose of the application is to change the zoning of R-2 (Single Family Residence) zoning to RM (Multiple Residence) zoning. He explained that the property is located on the eastside of Park Avenue. The proposed project is 32 upscale units (marketed from \$150,000 to \$200,000 per unit). Attorney Baum felt that the impact to the general area would mean a slight increase in traffic. He felt that the economic income for the Village would be to increase the tax base and bring more people that will be living in the Village to shop on Broadway.

Debbie Allen, a Michelle Drive resident was concerned with the traffic speeding on Park Avenue. She was also concerned with the effect on the tax base.

Attorney Baum responded that statistically the tax base should improve and tend to lower taxes. He felt that speeding is a police enforcement issue and complaints should be made to them.

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David Rosenberg was concerned that if the Board approves the rezoning it will allow everything on that land that an RM Zone allows so the owner could "flip" or sell the land to someone else for a totally different project. He felt the discussion should only be about the rezoning, not what the proposed project will be since that is ultimately reviewed by the Planning Board during the site plan process.

Carmen Rue questioned whether the property will become tax exempt after the buildings have been constructed?

Attorney Baum responded that it will not be tax exempt.

Shirley Cohen questioned how close this property is to the Village of Monticello's water supply?

Attorney Baum responded that it is an adjoining property, but there is some distance between the two and this development should have no effect on it.

The Mayor read the following letter received by the Monticello Water Department:

The Village of Monticello Water Department has three production wells adjacent to the proposed zoning change, in which we have had problems in the past with vandalism at our well site. By changing zones to Multiple Residence this may increase the chance of pollution or vandalism at our well site.

The Mayor explained that the proposed development would be targeted for mature adults, forty-five years and older who will own these units.

Trustee Schoonmaker was concerned with the infrastructure in the area that might pollute the well sites.

Attorney Baum responded that the roadways within the complex will be the developer's responsibility.

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David Rosenberg explained again that this matter is not about this particular project, it is about that site, and if you look at what happened next to the Cedar Park Apartments which were originally built to be condos, but when that failed it became an eyesore. He noted that if the rezoning is granted the Board would be giving all the uses that an RM Zone allows. He indicated that the developer is not obligated to abide by anything they are saying this evening once they get the property rezoned to RM.

Trustee Schoonmaker explained that this is his concern also.

The Mayor noted that a developer cannot just start building they must get approvals from the zoning and the planning board. He noted that the first plan this developer brought in was not recommended by the Planning Board, however, this second plan was recommended by them and the County Planning Department.

Gene Weinstein questioned how these rezoning requests fit into the Village's overall plan, such as the Comprehensive Plan.

The Mayor explained the need for development and the need for an increased tax base and a good plan which has been recommended by two government bodies can be modified.

Connie Keller felt that the Village did not need another multifamily development on Park Avenue. She was also concerned with this development being so close to the well site.

Marie Ng questioned whether people would purchase these homes if they were aware that they would be living within ½ mile of the landfill?

Jeff Reno was concerned with the runoff near the Village wells.

Roz Sharoff also did not feel the Park Avenue could handle anymore traffic.

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County Legislator Sam Wohl who lives on Park Avenue complained that he already has a problem backing out of his driveway in the morning and can't pull in at night as there are presently four multi dwellings on that street. He felt the property should not be rezoned.

As there were no further comments, Mayor Barnicle closed the public hearing at 8:11 p.m.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE ITSELF LEAD AGENCY REGARDING THE ADOPTION OF PROPOSED LOCAL LAW NO. 2 OF 2005 AMENDING THE ZONING CODE TO ALLOW FOR RE-ZONING OF A 3.124 PORTION OF AN EXISTING 11.1 ACRE PARCEL LOCATED ON THE EASTERLY SECTION 118A-1-3.1 FROM AN R2 (SINGLE-FAMILY RESIDENCE) DESIGNATION TO AN RM (MULTIPLE-DWELLINGS) DESIGNATION.

WHEREAS, the Village of Monticello Board of Trustees is contemplating the adoption of proposed Local Law No. 2 of 2005 entitled "Amending the Zoning Code to Allow for Re-Zoning of a 3.124 Portion of an Existing 11.1 Acre Parcel Located on the Easterly Side of Park Avenue With a Tax Map Description of Section 118A-1-3.1 From an R2 (Single-Family Residence) Designation to an RM (Multiple Dwellings) Designation"; and

WHEREAS, the Village of Monticello Board of Trustees intends to declare itself lead agency regarding Local Law No. 2 of 2005 amending the Zoning Code to re-zone a 3.124 portion of an existing 11.1 acre parcel located on the easterly side of Park Avenue with a Tax Map Description of Section 118A-1-3.1 from an R2 (Single-Family Residence) designation to an RM (Multiple Dwellings) designation;

WHEREAS, this proposed local law constitutes an unlisted action as is specified under the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Village of Monticello Board of Trustees wishes to become lead agency in connection with the SEQRA review process regarding this proposed local law;

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NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village of Monticello Board of Trustees hereby designates itself as lead agency for the consideration of the SEQRA review process regarding the adoption of proposed Local Law No. 2 of 2005 as is specified above.

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

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - LOCAL LAW NO. 2 OF 2005

The Village Board reviewed Part II of the Environmental Assessment Form and found no environmental impacts.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE A NEGATIVE DECLARATION REGARDING LOCAL LAW NO. 2 OF 2005 AMENDING THE ZONING CODE TO RE-ZONE A 3.124 PORTION OF AN EXISTING 11.1 ACRE PARCEL LOCATED ON THE EASTERLY SIDE OF PARK AVENUE WITH A TAX MAP DESCRIPTION OF SECTION 118A-1-3.1 FROM AN R2 (SINGLE-FAMILY RESIDENCE) DESIGNATION TO AN RM (MULTIPLE DWELLINGS) DESIGNATION

WHEREAS, the Village of Monticello Board of Trustees is contemplating the adoption of proposed Local Law No. 2 of 2005 entitled "Amending the Zoning Code to Allow for Re-Zoning of a 3.124 Portion of an Existing 11.1 Acre Parcel Located on the Easterly Side of Park Avenue With a Tax Map Description of SBL 118A-1-3.1 From an R2 Designation to an RM Designation"; and

WHEREAS, this proposed Local Law is defined as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Board of Trustees has completed a short Form EAF;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that:

- (1) The Village of Monticello Board of Trustees has considered the attached short Form EAF prepared in connection with the adoption of the above-captioned

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- (2) proposed Local Law No. 2 of 2005 entitled "Amending the Zoning Code to Allow for Re-Zoning of a 3.124 Portion of an Existing 11.1 Acre Parcel Located on the Easterly Side of Park Avenue With a Tax Map Description of SBL 118A-1-3.1 From an R2 Designation to an RM Designation."
- (3) The Village of Monticello Board of Trustees hereby determines after careful consideration that the adoption of said Local Law will not result in any significant adverse environmental impact.
- (4) This resolution shall take effect immediately.

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

**RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES
ADOPTING LOCAL LAW NO. 2 OF 2005 AMENDING THE ZONING CODE
TO RE-ZONE A 3.124 ACRE PORTION OF AN EXISTING 11.1 ACRE
PARCEL OF PROPERTY LOCATED ON THE EASTERLY SIDE OF PARK
AVENUE WITH A TAX MAP DESCRIPTION OF SECTION 118A, BLOCK 1,
LOT 3.1 FROM AN R2 (SINGLE-FAMILY RESIDENCE) DESIGNATION TO
AN RM (MULTIPLE DWELLINGS) DESIGNATION.**

Discussion - Trustee VanDermark noted that he lives in that area and knows how congested Park Avenue is, and statistically the medium income of residents in this Village is approximately \$51,000 when these homes are planned to be marketed for \$150,000 to \$200,000. He also was concerned that this development might turn into the complex that is next to Cedar Park Homes, as well as the poor maintenance at Fairground Estates on West Broadway. Lastly, he was concerned with this complex being so close to the Village's aquifer.

Trustee Marinello felt that the price of these houses would be too expensive for prospective buyers and might remain vacant. He also was concerned with vandalism in this area if the complex is built as it is so close to the Village's water supply.

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Mayor Barnicle explained that the Village has a severe shortage of single family housing in this community where people can come in and afford to buy \$150,000 to \$200,000 homes and have expendable income to shop on Broadway and support our Village, as well as become involved with our community and eat at one of our restaurants on Broadway. He felt the Board has to have a vision of what we want for the Village and not be so concerned with "what ifs" such as vandalism or what if the wells are tampered with. He noted that the Village has a very competent police department and a more than competent water department to handle the day to day issues. He felt we need to increase our tax base and this rezoning is coming recommended by both the Planning Board and the Sullivan County Planning Department to bring in new development.

The Village Manager explained that if the Village does not encourage the development of higher income properties, the Village will not have higher income residents living in Monticello.

Trustee Schoonmaker agreed with Mr. Rosenberg that the owner could sell this piece of property to anybody and anything could be built on it.

Mayor Barnicle responded that he is wrong because any developer must go before the Planning Board for any changes and these changes must be approved by them, and this Board recommended that the rezoning be granted.

Trustee Jenkins noted that he has spoken with the residents that live in that area and no one wants it. He felt that this development will disrupt the live style and their homes after they have lived there for the last 25 years or more. He felt he is obligated to the current taxpayers to listen to their opinion.

Mayor Barnicle responded that at the same time we have to try to lessen the tax burden on the existing Village's property owners and good projects will do that.

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Trustee Jenkins responded that he would be in favor of this type of project that came in, if they did not have to change the zoning. He felt this is a single family neighborhood and it should not be changed or disrupted and the Village could live without it.

WHEREAS, the Village of Monticello Board of Trustees has contemplated the adoption of Local Law No. 2 of 2005 which would amend the Zoning Code to re-zone a 3.124 acre portion of an existing 11.1 acre parcel of property located on the easterly side of Park Avenue with a Tax Map Description of Section 118A, Block 1, Lot 3.1 from an R2 (Single-Family Residence) Designation to an RM (Multiple Dwellings) Designation, and

WHEREAS, the Village of Monticello Planning Board recommends that the Village of Monticello Board of Trustees adopts the aforementioned legislation, and

WHEREAS, the Monticello Village Board of Trustees have declared themselves lead agency for SEQRA purposes, and

WHEREAS, the Village of Monticello Board of Trustees, after careful consideration, and after giving all interested agencies an opportunity to be heard have hereby determined that the adoption of Local Law No. 2 of 2005 will not have any adverse environmental impact, and

WHEREAS, a public hearing was held on April 18, 2005, pertaining to the aforementioned legislation,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village of Monticello Board of Trustees formally adopts Local Law No. 2 of 2005 which would amend the Zoning Code to re-zone a 3.124 acre portion of an existing 11.1 acre parcel of property located on the easterly side of Park Avenue with a Tax Map Description of Section 118A, Block 1, Lot 3.1 from an R2 (Single-Family Residence) Designation to an RM (Multiple Dwellings) Designation, and be it further

RESOLVED, that this legislation shall be placed into effect immediately.

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A motion was made by Trustee VanDermark, seconded by Trustee Jenkins, unanimously rejected on a roll call vote. Motion denied. 4 nays

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 3 OF 2005 AMENDING THE ZONING CODE TO ALLOW FOR A ZONING CHANGE TO A B-1 DISTRICT FOR THE SPECIFIED PARCELS IDENTIFIED BY THEIR SECTION, BLOCK AND LOT NUMBERS THAT ARE LOCATED ON ST. JOHN STREET IN THE VILLAGE OF MONTICELLO

Mayor Barnicle opened the public hearing at 8:30 p.m. He indicated that he will recuse himself as he lives within 300' of this area, but he will run the public hearing.

Attorney Michael Mednick representing the applicant Sue Tremper Hiatt explained that St. John Street has deteriorated over the last years and has turned into an area with run down houses and a significant increase in drug usage, sales and weapon possession. He felt that St. John Street has become a very dangerous block and the applicant is requesting the Board look into making some changes to foster redevelopment in this neighborhood which will have multiple benefits to Broadway and the Village as a whole. He explained that this application is for any type of business district from a B-1 or B-2 or a B1-0 (Business Offices Only). He noted that this rezoning would connect two business districts that are in existence already including Broadway which is B-2 and further down on St. John Street which is BLI. He explained that there are some existing businesses within the residential areas so there is already a mix of uses. Attorney Mednick felt that the state of St. John Street requires some type of assistance, noting that in the last two months there have been two or three drug busts, cocaine sales taking place on this street, gun charges pending against some residents of that area and in all it is turning into a dangerous area. He felt there are houses that are rundown and because they are situated between the two business zones there is no desire or requirement to fix them up. He felt that by rezoning St. John Street it would revitalize Broadway and the Planning Board would have site plan review for any new construction or any addition over 1,000' to a pre-existing building.

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David Rosenberg felt that Attorney Mednick is characterizing St. John Street as a ghetto, which it is not and never will be. He felt that the Village is owed an apology for those remarks. Mr. Rosenberg indicated that he is very much in favor of this change because St. John Street has always been a multi use corridor and single family homes have always been in the minority. He felt the best neighborhoods are mixed use areas. He felt that the residents should look at Broadway as the trunk of a tree and the side streets such as Liberty Street, Prince Street, Landfield Avenue and St. John Street are the feeder roots that give the blood to the tree. He felt only good things can happen by letting St. John Street reach its' full potential again and the Board should not hesitate to approve the rezoning request.

Steve Epstein, a resident of Lake Street and St. John Street was in favor of the rezoning.

Connie Keller questioned what business would be permitted if it was rezoned B-1?

The Mayor responded that B-1 would continue to allow one family dwellings, two family dwellings, boarding houses, retail or wholesale businesses, or service stores, professional or business offices, eating and drinking establishments, funeral homes, veterinarian or animal hospitals provided that animals are not housed in an outside kennel, commercial recreation activities except drive in establishments, research laboratories and accessory buildings.

Connie Keller questioned whether a Chili's Restaurant would then be permitted on that street?

The Deputy Village Attorney felt it was highly unlikely, but it was possible.

Dennis Diuguid a Lake Street resident did not agree because if someone buys three lots and wants to put a service station there, then it would be allowed. He noted there is

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no parking on the street on either side and if one of those houses becomes a law office where do they park except in front of the single family homes. He felt that these converted buildings do not have enough parking on their lots and no one is considering what that does to the surrounding residential neighborhoods. He noted that drugs are in every neighborhood and there are only a couple of houses that are no good, but it is still a viable neighborhood and should not become a business zone. He indicated that Mrs. Johnston's house could be torn down and a gas station put up, and questioned if that would be fair to the people who live behind it.

Debbie Mack a resident of Lake Street noted that she takes a personal offence to the way the attorney depicted St. John Street as there are drug problems throughout all of Monticello. She felt that she and her other neighbors are not in favor of this rezoning and this will only bring more traffic to the residential streets and also force patrons of these offices and establishments to park on these residential streets. She felt the Board should put their efforts into revitalizing Broadway not the side streets.

Liz Bradfield, a resident of Lake Street took umbrage to what Attorney Mednick said about St. John Street after living on that street for 47 years. She noted that the analogy made about the trunk of the tree and the feeder roots is fine, however the truck which is Broadway is empty and cannot nourish the roots. She explained that she drove down Broadway and counted at least 18 vacant stores on both sides of Broadway and creating a business zone on St. John Street will only create more empty stores and she is totally against this idea.

Harry Brantz felt that the Village needs more low cost housing.

Carmen Rue felt that Attorney Mednick insulted the residents of the Village. She also was concerned with all the vacant stores on Broadway and did not feel that another business zone should be created.

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Michael Greco felt that every discussion the Board has turned into a conversation about the empty stores on Broadway instead of focusing on the actual topic.

Jackie Ricciani is the attorney that wants to move her office into a house on St. John Street and asked the Board to understand that the rezoning request is for 2½ blocks from Broadway to Bogner Seitel on St. John Street which is industrial. She noted that one half of the street is already dominated by the old Middle School and the Phone Company building and the other side of the street dominated by the cemetery. She felt what is being proposed will cater to services such as a day spa and professional offices.

John Wallach indicated that he is sympathetic to both sides but the Village needs to encourage businesses.

Michael Shapiro also felt there is no place for patrons of these businesses to park, and unless there is off street parking it is not a good plan.

Ed McManus a resident of Lincoln Place did not feel that getting businesses on St. John Street would eliminate crime on the side streets. He was also concerned with lack of parking spaces for patrons of these proposed businesses.

Jill Weyer indicated that she disagrees with this proposal only because you can't rezone something just for the purpose of peoples' intended use. She noted that High Street used to be one of the nicest neighborhoods in Monticello and it went through years of decline, but it is now coming back and being revitalized and she believes St. John Street will do the same.

Jaye Johnson indicated that she lives on St. John Street and when she looks out her dining room window she sees a dentist office, a funeral home and Bogner Seitel. She felt the Board could not deny her rezoning her property when she is surrounded by commercial properties. She questioned how St. John Street can be preserved. Ms. Johnson suggested that if it can't be changed to a business district, perhaps a zoning district for professional offices would be acceptable.

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A resident of Roosevelt Place felt that the residents should call the police when they see incidents, not just come to a Board meeting and complain.

Mayor Barnicle explained that the Monticello Police Department is fighting the war on drugs and they are doing an outstanding job and risk their lives to make the residents lives safer.

As there were no further comments, Mayor Barnicle closed the public hearing at 9:12 p.m.

Trustee Schoonmaker indicated that there are two issues. We want business to come into Monticello and you have to encourage them and hopefully they will use local merchants to do the repairs, but on the other hand the Board has a responsibility to protect the quality of life of the residents that live in those neighborhoods.

Trustee Jenkins felt that changing zoning has to be considered carefully. He felt that retail businesses do not belong on St. John Street but should be on Broadway. He felt that the property owners that want this change knew how their property was zoned before purchasing the property, and wouldn't want that type of business in their neighborhood. He explained that as part of the application he has to consider the residents that live in the area and after speaking to the people, they do not want the zoning change. Regarding the drug traffic situation, the residents should contact the police department and demand that something is done about it. He noted that some of houses are owned by slum lords and the Board should see that those houses are cleaned up instead of commercializing it.

Trustee Marinello felt that Broadway must be targeted first before we worry about going into the other communities. He noted that St. John Street is a quiet neighborhood and the residents of that area are important, and therefore he must agree with them.

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Trustee VanDermark explained that he lived on the corner of Roosevelt Place and Ann Street for 25 years and the neighborhood has not changed much. He felt that there is no parking to support a business zone in that area and would not enhance the neighborhood.

Attorney Mednick asked the Board to consider a B1-0 (Business, Offices Only) district which would maintain the residential character and will bring in a moderate amount of traffic and they also bring in people that will be utilizing the downtown area as well. He felt it is a symbiotic relationship that needs the side streets to revitalize Broadway and also Broadway is needed to revitalize the side streets. He did not feel one could be ignored without the other. He apologized if he offended anyone for mentioning drugs and weapons on St. John Street, but he has personal knowledge there are many cases in the Village Justice Court that involve both for that area. He felt that Broadway is suffering because the side streets are rundown.

Bob Green asked the Board to comprise and rezone that strip B1-0 which he felt would maintain the integrity of private homes and two family homes, but allow professional business offices to also be there.

The Village Attorney responded that the Board could vote for B1-0; however it would have to pass by a "super" majority (4 aye votes).

The Mayor responded that the Board will be voting for a B1 Zone.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE ITSELF LEAD AGENCY REGARDING THE ADOPTION OF PROPOSED LOCAL LAW NO. 3 OF 2005 REGARDING AN APPLICATION REQUESTING THAT THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES ADOPT LOCAL LAW NO. 3 OF 2005 WHICH WOULD AMEND THE ZONING CODE TO ALLOW FOR A ZONING CHANGE TO A B-1 DISTRICT FOR THE SPECIFIED PARCELS IDENTIFIED BY THEIR SECTION, BLOCK AND LOT NUMBERS THAT ARE LOCATED ON ST. JOHN STREET IN THE VILLAGE OF MONTICELLO AND ENUMERATED AS FOLLOWS:

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Proposed change from R-2 District (one-family dwelling,
accessory buildings) to B-1 District for:

116-1-34	116-1-33	116-4-1	116-4-16
116-4-15	116-4-14	116-3-23	116-3-22
116-3-21	120-2-1	120-2-24	120-2-22

Proposed change from R-M District (one-family dwelling,
two-family dwelling, boarding houses, accessory buildings)
to B-1 District for:

115-6-19	115-6-20	115-7-11	115-7-12
115-7-13	115-8-11	115-8-12	115-8-13
115-8-14	120-1-2		

WHEREAS, the Village of Monticello Board of Trustees is contemplating the adoption of proposed Local Law No. 3 of 2005 entitled "Amending the Zoning Code to Allow for a Zoning Change to a B-1 District for the Specified Parcels Identified by Their Section, Block and Lot Numbers That Are Located on St. John Street in the Village of Monticello" as enumerated above;

WHEREAS, the Village of Monticello Board of Trustees intends to declare itself lead agency regarding Local Law No. 3 of 2005 amending the Zoning Code to allow for a zoning change to a B-1 District for the specified parcels identified by their section, block and lot numbers that are located on St. John Street in the Village of Monticello as enumerated above;

WHEREAS, this proposed local law constitutes an unlisted action as is specified under the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Village of Monticello Board of Trustees wishes to become lead agency in connection with the SEQRA review process regarding this proposed local law;

NOW, THEREFORE, BE IT HEREBY RESOLVED that:

- (1) The Village of Monticello Board of Trustees hereby designates itself as lead agency for the consideration of the SEQRA review process regarding the adoption of proposed Local Law No. 3 of 2005 as is specified above.

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

PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - LOCAL LAW NO. 3 OF 2005

The Village Board reviewed Part II of the Environmental Assessment Form and found no environmental impacts.

RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES TO DECLARE A NEGATIVE DECLARATION REGARDING LOCAL LAW NO. 3 OF 2005 AMENDING THE ZONING CODE TO ALLOW FOR A ZONING CHANGE TO A B-1 DISTRICT FOR THE SPECIFIED PARCELS IDENTIFIED BY THEIR SECTION, BLOCK AND LOT NUMBERS THAT ARE LOCATED ON ST. JOHN STREET IN THE VILLAGE OF MONTICELLO AND ENUMERATED AS FOLLOWS:

Proposed change from R-2 District (one-family dwelling, accessory buildings) to B-1 District for:

116-1-34	116-1-33	116-4-1	116-4-16
116-4-15	116-4-14	116-3-23	116-3-22
116-3-21	120-2-1	120-2-24	120-2-22

Proposed change from R-M District (one-family dwelling, two-family dwelling, boarding houses, accessory buildings) to B-1 District for:

115-6-19	115-6-20	115-7-11	115-7-12
115-7-13	115-8-11	115-8-12	115-8-13
115-8-14	120-1-2		

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WHEREAS, the Village of Monticello Board of Trustees is contemplating the adoption of proposed Local Law No. 3 of 2005 entitled "Amending the Zoning Code to Allow for a Zoning Change to a B-1 District for the Specified Parcels Identified by Their Section, Block and Lot Numbers That Are Located on St. John Street in the Village of Monticello" as enumerated above;

WHEREAS, this proposed Local Law is defined as an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA);

WHEREAS, the Board of Trustees has completed a short Form EAF;

NOW, THEREFORE, BE IT HEREBY RESOLVED that:

- (1) The Village of Monticello Board of Trustees has considered the attached short Form EAF prepared in connection with the adoption of the above-captioned proposed Local Law No. 3 of 2005 entitled "Amending the Zoning Code to Allow for a Zoning Change to a B-1 District for the Above Specified Parcels Identified by their Section, Block and Lot Numbers That Are Located on St. John Street in the Village of Monticello."
- (2) The Village of Monticello Board of Trustees hereby determines after careful consideration that the adoption of said Local Law will not result in any significant adverse environmental impact.
- (3) This resolution shall take effect immediately.

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

**RESOLUTION BY THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES
ADOPTING LOCAL LAW NO. 3 OF 2005 AMENDING THE ZONING CODE
TO ALLOW FOR A ZONING CHANGE TO A B-1 DISTRICT FOR THE
SPECIFIED PARCELS IDENTIFIED BY THEIR SECTION, BLOCK AND
LOT NUMBERS THAT ARE LOCATED ON ST. JOHN STREET IN THE
VILLAGE OF MONTICELLO AS ENUMERATED AS FOLLOWS:**

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WHEREAS, the Village of Monticello Board of Trustees has contemplated the adoption of Local Law No. 3 of 2005 which would amend the Zoning Code to allow for a zoning change to a B-1 District for the specified parcels identified by their section, block and lot numbers that are located on St. John Street in the Village of Monticello as enumerated as follows:

Proposed change from R-2 District (one-family dwelling, accessory buildings) to B-1 District for:

116-1-34	116-1-33	116-4-1	116-4-16
116-4-15	116-4-14	116-3-23	116-3-22
116-3-21	120-2-1	120-2-24	120-2-22

Proposed change from R-M District (one-family dwelling, two-family dwelling, boarding houses, accessory buildings) to B-1 District for:

115-6-19	115-6-20	115-7-11	115-7-12
115-7-13	115-8-11	115-8-12	115-8-13
115-8-14	120-1-2		

WHEREAS, the Village of Monticello Planning Board recommends that the Village of Monticello Board of Trustees rejects Local Law No. 3 of 2005, and

WHEREAS, the Monticello Village Board of Trustees have declared themselves lead agency for SEQRA purposes, and

WHEREAS, the Village of Monticello Board of Trustees, after careful consideration, and after giving all interested agencies an opportunity to be heard have hereby determined that the adoption of Local Law No. 3 of 2005 will not have any adverse environmental impact, and

WHEREAS, a public hearing was held on April 18, 2005, pertaining to the aforementioned legislation,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village of Monticello Board of Trustees formally adopts Local Law No. 3 of 2005 which would amend the Zoning Code to allow for a

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zoning change to a B-1 District for the specified parcels identified by their section, block and lot numbers that are located on St. John Street in the Village of Monticello as enumerated as follows:

Proposed change from R-2 District (one-family dwelling, accessory buildings) to B-1 District for:

116-1-34	116-1-33	116-4-1	116-4-16
116-4-15	116-4-14	116-3-23	116-3-22
116-3-21	120-2-1	120-2-24	120-2-22

Proposed change from R-M District (one-family dwelling, two-family dwelling, boarding houses, accessory buildings) to B-1 District for:

115-6-19	115-6-20	115-7-11	115-7-12
115-7-13	115-8-11	115-8-12	115-8-13
115-8-14	120-1-2		

RESOLVED, that this legislation shall be placed into effect immediately.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously rejected on a roll call vote. Motion denied. 4 nays

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR HIGHWAY DEPARTMENT SURPLUS EQUIPMENT

WHEREAS, the Village of Monticello has certain personal property no longer needed for Village purposes; and,

WHEREAS, the Village of Monticello wants to dispose of this property by soliciting bids thereof.

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 that the Board determines to be no longer needed for Village purposes, as follows:

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Equipment	Minimum Bid
(1) 8' Fisher Snow Plow Only -	\$ 50.00
(1) 8' Fisher Snow Plow Unit of Dodge	\$600.00
(1) 8' Diamond Snow Plow Unit of Chev.	\$800.00
(1) 10' Wing Plow	\$100.00
(1) V Plow Snow	\$ 50.00
(2) Frink Push Plow Frames	\$ 75.00@
(1) 25' Trailer Frame with Wheel	\$200.00
(1) 20' Landscape Trailer	\$300.00
(1) 8' Utility Trailer	\$ 50.00
(1) Blacktop Drag Box	\$100.00
(1) Tailgate Stone Spreader	\$ 25.00
(1) 1998 Ford Taurus 4DSD	\$500.00

All equipment in "As In" Condition.

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, 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 4 OF 2005 ENTITLED "WASTE MANAGEMENT FACILITIES LAW OF THE VILLAGE OF MONTICELLO"

WHEREAS, the Board of Trustees of the Village of Monticello desires to restrict the expansion and operation of solid waste management facilities within the limits of the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that it is in the best interest of the Village of Monticello to restrict the expansion and operation of solid waste management facilities within the limits of the Village of Monticello; 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 4 of 2005 entitled "Waste Management Facilities Law of the Village of Monticello, so that the public may be heard;

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NOW, THEREFORE BE IT 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 May 9, 2005, 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.

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 districts; and,

WHEREAS, the parties acknowledge that the Town has, on behalf of the District connected 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,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor to sign said contracts 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 \$7,337,74 and for the Community General Hospital, Cerebral Palsy of Sullivan County, Inc., Greentree Properties Partnership & Robin Woods, Inc., in the amount of \$99,382.01 for the fiscal year 2005 in a form approved by the Village Attorney.

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

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RESOLUTION ACCEPTING APPROVAL OF NOMINATIONS OF LINE OFFICERS ELECTED BY THE GENERAL CONVENTION OF THE FIRE DEPARTMENT

WHEREAS, the Monticello Fire Department has nominated and elected the Chief, and the first and second assistant Chiefs and President and Vice President at their annual meeting held on Tuesday, April 5, 2005 and April 7, 2005; and,

WHEREAS, the recording secretary, James M. Kilgore, has filed in the Office of the Village Clerk a certificate of nomination of these Officers.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby accept approval of the nominations of the following line officers:

Chief	Glenn R. Somers
1st Assistant Chief	Marc Friedland
2nd Assistant Chief	Jack Booth
President	Alan Kesten
Vice President	Pete Scannell

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

RESOLUTION TO AMEND THE DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF THE VILLAGE OF MONTICELLO BY ADOPTING THE AMENDED AND RESTATED MODEL PLAN

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section" 5") and the Regulations of the New York State Deferred Compensation Board (the "Regulations") has promulgated the Plan Document of the Deferred Compensation Plan for Employees of the Village of Monticello (the "Model Plan") and offers the Model Plan for adoption by local employers;

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WHEREAS, the Village of Monticello, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the Village of Monticello:

WHEREAS, effective May 21, 2004, the Board amended the Model Plan to adopt provisions relating to

- Authorization to reject a participant investment request if the request is contrary to the rules, regulations or prospectus of the affected investment fund.
- Authorization to distribute assets that have been rolled into the plan from another qualified retirement plan in accordance with the distribution rules of the plan that previously held the assets.
- Limitations on a participant's eligibility to obtain a loan in the event that the participant has previously defaulted on a loan.
- Modifications related to comments provided by the Internal Revenue Service in response to the Board's request for a private letter ruling stating that the Model Plan document constitutes an "eligible deferred compensation plan."
- Technical amendments pertaining to plan loan rules and the status of plan loans and other withdrawals upon the death of a participant.

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and,

WHEREAS, upon due deliberation, the Village of Monticello has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the Village of Monticello by adopting the amended and restated Model Plan.

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NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello hereby amends the Deferred Compensation Plan for Employees of the Village of Monticello effective April 18, 2005, by adopting the amended and restated Model Plan effective May 21, 2004, in the form attached hereto as Exhibit A.

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

RESOLUTION GRANTING A PEDDLER'S PERMIT TO WILLIAM NIMCHICK TO SELL ICE CREAM IN THE VILLAGE OF MONTICELLO

WHEREAS, William Nimchick, an honorably discharged veteran of the United States Armed Forces is authorized to apply for a peddler's permit pursuant to §196-1 of the Code of the Village of Monticello ("Code"), by virtue of his status as a veteran; and

WHEREAS, the Village of Monticello has recently received a proper application for a peddler's permit pursuant to §196-2 of the Code from Mr. Nimchick for the purposes of peddling ice cream in the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is proper to grant a peddler's permit to William Nimchick to sell ice cream in the Village of Monticello.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby grants a peddler's permit to William Nimchick to sell ice cream in the Village of Monticello for the period of one year commencing June 15, 2005, unless revoked by the Board of Trustees of the Village of Monticello prior to the expiration of said one-year period.

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

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**RESOLUTION APPROVING PURCHASE OF A USED 2001 CHEVY IMPALA
TO BE USED BY THE CHIEF OF POLICE IN THE AMOUNT OF
\$6,700.00**

WHEREAS, the vehicle assigned to the Chief of Police needs to be replaced; and,

WHEREAS, the Chief of Police needs this vehicle to perform his duties on a 24/7 daily basis; and,

WHEREAS, the Chief of Police has located a used 2001 Chevy Impala that will replace his present vehicle.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a used 2001 Chevy Impala in the amount of \$6,700.00 with the monies expended from the Police Drug Seizure Funds.

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

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MUNICIPAL
AGREEMENT WITH THE SULLIVAN COUNTY DIVISION OF SOLID WASTE
FOR A "CLEANUP INITIATIVE 2005"**

WHEREAS, each year the County of Sullivan Division of Solid Waste allocates a certain amount of tonnage to each town and village in Sullivan County to allow for free of charge dumping at the landfill; and,

WHEREAS, the allotment is for the sole benefit of the municipality and the municipality must use a central collection point that the municipality shall monitor the location to prevent dumping of improper materials and hold the cleanups during the periods of April thru June; and,

WHEREAS, this year's allotment to the Village of Monticello is 178.86 tons.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor to sign a municipal agreement with the Sullivan County Division of Solid Waste and the dates and hours of the cleanup will be:

Friday	May 20 th	8 a.m. to 6 p.m.
Saturday	May 21 st	9 a.m. to 3 p.m.
Sunday	May 22 nd	9 a.m. to 2 p.m.
Monday	May 23 rd	8 a.m. to 2 p.m.

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

RESOLUTION INSTITUTING A POLICY THAT ANY PERSON OR ENTITY WHO TENDERS, OVER TIME, ONE (1) CHECK TO THE VILLAGE OF MONTICELLO FOR ANY PURPOSE WHICH ARE SUBSEQUENTLY RETURNED FOR INSUFFICIENT FUNDS OR FOR HAVING BEEN DRAWN ON A CLOSED ACCOUNT, MUST MAKE ALL FUTURE PAYMENTS TO THE VILLAGE OF MONTICELLO BY CERTIFIED CHECK, MONEY ORDER OR CASH.

WHEREAS, the Village Clerk and the Treasurer of the Village of Monticello have reported that the Village of Monticello has, from time to time, received personal and business checks for payment which have been returned for insufficient funds or for having been drawn on a closed account; and

WHEREAS, the Village Clerk and the Treasurer of the Village of Monticello have reported that there are a number of people who have repeatedly tendered checks to the Village of Monticello which have been subsequently returned for the above stated reasons; and

WHEREAS, in addition to depriving the Village of Monticello of the use of money, a returned check overburdens financial processing in the Village offices; and

WHEREAS, the Board of Trustees of the Village of Monticello, while recognizing that a person or entity may err in this regard once, understands that repeat occurrences of returned checks are not in the best interest of the residents of the Village of Monticello;

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NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby institute a policy whereby, henceforth, any person or entity who tenders, over time, one (1) check to the Village of Monticello for any purpose which are subsequently returned for insufficient funds or for having been drawn on a closed account, must make all future payments to the Village of Monticello by certified check, money order or cash.

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 CLERK TO GO OUT TO BID FOR A TITLE SEARCH COMPANY IN ANTICIPATION OF FORECLOSING ON DELINQUENT PROPERTIES

WHEREAS, there are certain properties within the Village of Monticello who are delinquent on taxes owed to the Village of Monticello; and

WHEREAS, the Village of Monticello desires to foreclose on properties eligible for foreclosure; and

WHEREAS, it is necessary for the Village to hire a title search company to assess the clarity of title for properties eligible for foreclosure; and

WHEREAS, the Village of Monticello desires to utilize the competitive bidding process and award the bid for title searching to the most responsible, 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 for a title search company in anticipation of foreclosing on delinquent properties.

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

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PUBLIC COMMENT

Peddler's Permit

David Rosenberg questioned why there wasn't more discussion regarding the granting of a peddler's license because peddlers don't pay any taxes to this Village as opposed to a store owner that has to pay property taxes and who gets hurt by this type of operation.

Landfill Transfer Station

David Rosenberg indicated that he has an idea to close the landfill by proposing a transfer station to be erected at prison facilities in Woodbourne to institute prison labor to do recycling and also to cart the garbage out of Sullivan County to specialized incinerators to be built outside this county. He asked that the Board give him the opportunity to make a formal presentation to the Board so the Village can say "no" to the County, but offer them a plan that makes economic and environmental sense.

Absentee Landlords

David Rosenberg felt the Village has a problem with not only absentee landlords but absentee landlords that own single family homes who have transient type tenants. He felt an escrow account should be established for all single family absentee landlords to cover the expense that these people do to this community. He felt that the people that don't care and that will be the ruination of Monticello. He felt that people need to care about their own homes and own their own homes.

Dedication of the Ted Stroebele Recreation Center

Roz Sharoff, President of the Monticello Senior Citizen Club announced that on Thursday, May 26th at 1 p.m. there will be a dedication of that building and a celebration of his life. She invited everyone to this event.

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Village Cleanup

Harry Brantz felt the Village needs to be cleaned up. He suggested that the offenders be charge a heavy fine.

Homeless People

Harry Brantz asked the Board to look into finding housing for homeless people, and getting them jobs by bringing in more industry and businesses.

Unregistered Vehicles

Sam Wohl was concerned about two unregistered vehicles that have been parked across from his house on Park Avenue for many years. Also, there is another unregistered vehicle at the corner of Maple Lane and Park Avenue.

Human Rights Commission

Carmen Rue explained that when her term expired in April 2005 she did not seek reappointment and that she was not removed from the Commission. She noted that she will continue to remain active in community affairs and assist anyone with a Human Rights problem.

Landfill Remarks

Joel Edelman, a seasonal resident of Mountain Lodge Estates commended the Board that they have the residents at heart in all their actions.

Cynthia Niven noted that a substantial part of this meeting was regarding both residential and commercial development in the Village. She felt that if the County goes ahead with the proposed massive expansion of the landfill it will have a negative affect on development in Monticello, especially on the eastside of the Village. She felt the Village Board should consider the residents' health and welfare and prevent any future expansion.

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Another resident of Mountain Lodge Estates felt that the landfill will drive these residents out of the Village because of the environmental hazards that go along with living next to a landfill. He felt that the landfill is a quality of life issue that should not be neglected.

Mrs. Niven explained that her family was forced to sell the land for the landfill to the County at \$100.00 an acre or they would take the property by eminent domain, and now it is very close to her home with putrid odors coming from it. She asked the Board to vote against the expansion of the landfill.

Pam Sussman, formally employed by Public Health Nursing, expressed her health related concerns. She questioned whether anyone has reviewed the Community Health Assessments that are done in Sullivan County to see the actual placements of cancer rates?

Mrs. Weinstein responded that she does have that information.

Gene Weinstein noted that Dr. Garfinkel had done a health survey and it was deemed illegal by the County Attorney. He noted that all landfills are considered unhealthy and hazardous.

Marie Ng thanked the Board for having the best interest of the residents. Her concern was with the poor condition of Waverly Avenue, noting that there are truck loads of tires that attract mosquitoes that carry the West Nile Virus. She felt the landfill is a big issue that is keeping new potential new residents from purchasing property in this area.

Janet Newberg encouraged a transfer station and a mandatory recycling program.

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EXECUTIVE SESSION

At 10:27 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 possible litigation and contract negotiations.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 11:10 p.m., Mayor Barnicle reconvened the Regular Village Board meeting.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO TO APPROVE SETTLEMENT OF A CLAIM WITH DENNIS
DIUGUID o/b/o MONITOR ELECTRIC**

WHEREAS, the Village of Monticello had previously utilized the services of Monitor Electric for repair services in the Monticello Firehouse building on Pleasant Street in the Village of Monticello; and

WHEREAS, the repair services involved removal of tiles which were ultimately found to contain asbestos; and

WHEREAS, according to Dennis Diuguid, at the time the repair services were performed, Monitor Electric had no prior knowledge of the existence of asbestos in said tiles; and

WHEREAS, the New York State Department of Labor conducted an investigation of said repair work on April 28, 2003, resulting in a Notice of Violation and Order to Comply dated May 13, 2003, against Monitor Electric, Inc.; and

WHEREAS, in lieu of proceeding with a hearing and assessment of a civil penalty of ONE THOUSAND FIVE HUNDRED (\$1,500.00) DOLLARS, Monitor Electric stipulated under Department of Labor Case No. AC-06-03-0035, to pay FIVE HUNDRED (\$500.00) DOLLARS in full settlement of said violations; and

WHEREAS, due to the absence of notice of the existence of asbestos in the tiles, Dennis Diuguid o/b/o Monitor Electric has demanded reimbursement of said \$500.00; and

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WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village to reimburse Monitor Electric for its claim in the amount of \$500.00;

NOW, THEREFORE, it is hereby

RESOLVED, that the Village Board is hereby authorized to settle the claim of Dennis Diuguid o/b/o Monitor Electric, for the sum of FIVE HUNDRED (\$500.00) DOLLARS; and it is further

RESOLVED, that the Village Treasurer is hereby authorized to make payment to Monitor Electric, Inc., in the sum of FIVE HUNDRED (\$500.00) DOLLARS to settle its claim and any claims of Dennis Diuguid forthwith.

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

ADJOURNMENT

At 11:16 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk