

MINUTES
REORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
WEDNESDAY, APRIL 7, 2004

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
Victor, Marinello, Jr. Trustee
Mary Jo Oppenheim, Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Richard Sush, Village Manager
Alan Reynolds, Highway Superintendent
Sue Flora, Code Enforcement Officer
Douglas Solomon, Chief of Police
Clarence Decker, Water Superintendent

MOMENT OF SILENCE

Mayor Barnicle asked for a moment of silence for the thirteen Marines killed in action in Iraq in the last few days.

APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF MARCH 15, 2004

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the minutes of the Village Board meeting of March 15, 2004 as presented.

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MAYOR'S REMARKS

Mayor Barnicle asked the Village Board members to lead by example and also keep up with current local events by reading the local newspapers and listening to the local news. Lastly, the Mayor asked that all Board members come prepared for Village Board meetings by picking up their agendas prior to the Board meeting, reading their mail and E-mails and keep the interest in all their decision making in what is best for the Village.

Mayor Barnicle thanked former Trustee Michael Levinson and former Trustee David Rosenberg for their many years of service and effect while on the Village Board. The Mayor also recognized Robin Seward for her years of service as Village Treasurer.

Mayor Barnicle announced that several employees have been transferred within the Village offices with Stacey Walker now the Mayor/Manager Secretary in the Village Hall and Beth Culligan has moved down to the Sewer Department pending the posting of the position.

Trustee VanDermark did not feel that the public comment should be moved to the end of the meeting because if the public wants to speak about something the Board is voting on, the Board should want to hear these comments prior to the vote being taken.

Mayor Barnicle felt that the public can speak about any matter covered by the Board that evening, and any other issue also.

REPORT BY VILLAGE CLERK OF ELECTION OF MARCH 16, 2004

Mayor's Position - Four (4) year term

James Barnicle	647
Gary Sommers	302

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Two Trustees - 4 year term

Victor Marinello	572
Brian VanDermark	456
Jeffry Sternberg	384
David Rosenberg	355

VILLAGE MANAGER'S REPORT

Rt. 17B Corridor

The Village Manager reported that he had a meeting this week with Jonathan Drapkin, Executive Director of the Granite Associates (Bethel Performing Arts Project) and Supervisor Cellini to discuss the Route 17B corridor. Granite Associates is requesting that the Village and Town work together to develop "cooperative corridor zoning" to ensure that this stretch of roadway have some design standards such parking in the rear of new buildings for a better appearance. Granite Associate's suggestions will be brought to each Board and Planning Boards before any proposals are implemented.

Village Hall Office Changes

The Village Manager announced that the Village Clerk will be moving her office to the other side of the main hallway on the main floor and the building department will be relocated to the main floor in its original location for easier accessibility for the public.

Tour of Village Facilities

The Manager will be scheduling a tour with the department head for each Village Board member of all the Village's facilities even if they have already visited these premises in the past.

Good Friday Closing

The Village Manager announced that all Village offices will be closed on Friday, April 9th in observance of Good Friday.

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PUBLIC COMMENT

Mayor Barnicle announced that public comment will be held at the end of each meeting instead of at this time.

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

Village Clerk

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

Village Treasurer

Mayor Barnicle appointed **SHERI BISLAND** as **INTERIM VILLAGE TREASURER** for a term of two years. Appointment approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Oppenheim, aye; Trustee Marinello, aye; Trustee VanDermark, nay; Mayor Barnicle, aye.

Trustee VanDermark questioned why the current Treasurer is not being reappointed and was also concerned about payroll being completed on time, bills being paid on time, etc.

The Mayor noted that the Village will advertise for a new Treasurer shortly and the interim Village Treasurer is capable of fulfilling all the Treasurers duties. The Grant Department will be separated from the Treasurer's duties and will probably be combined with the Town which will ultimately save the taxpayers money.

The Mayor noted that the Board wants to go in a new direction and someone new will work on the team moving forward with the new Board.

Trustee VanDermark questioned whether there are any educational requirements for the Treasurer's position?

The Mayor responded that the interim Treasurer is capable of fulfilling all the duties of Treasurer.

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

Village Attorney

Mayor Barnicle appointed **E. DANIELLE JOSE** as **VILLAGE ATTORNEY** for a term of one year on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Oppenheim, aye; Trustee Marinello, aye; Trustee VanDermark, nay; Mayor Barnicle, aye.

Deputy Village Attorney

Mayor Barnicle appointed **TIM HAVAS** as **DEPUTY VILLAGE ATTORNEY** for a term of one year on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Oppenheim, aye; Trustee Marinello, aye; Trustee VanDermark, nay; Mayor Barnicle, aye.

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

Mayor Barnicle reappointed **Brian Soller** to the **PLANNING BOARD** for a term of five (5) years to expire April 2009 unanimously approved on a roll call vote.

APPOINTMENT OF HUMAN RIGHTS COMMISSION MEMBER - TWO YEAR TERM

Mayor Barnicle appointed **Ariel Escobar** as a member of the Human Rights Commission for a two-(2) year term to expire, April 2006, unanimously approved on a roll call.

MAYOR'S APPOINTMENTS - One year term

Mayor Barnicle appointed **Trustee Marinello** as Deputy Mayor.

Mayor Barnicle appointed **Trustee Schoonmaker** and **Trustee VanDermark** as Board Auditors.

MANAGER'S APPOINTMENTS - One Year Appointments

The Manager left the Deputy Clerk's position opened.

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The Manager left the Deputy Treasurer's position opened.

The Manager reappointed Glenn Smith 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, Fleet Bank, 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.

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

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

The Manager reappointed **June Bartol** to a five (5) year term on the Zoning Board of Appeals to expire April 2009.

The Manager appointed **Linda Rand** and **Ellen Cutler** as Village Photographers to serve without compensation.

The Manager appointed **Paul Schop** as Village Historian to serve without compensation.

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

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

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

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

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

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

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

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

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

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

RESOLUTION AUTHORIZING PAYMENT IN ADVANCE OF AUDIT CLAIMS FOR PUBLIC UTILITY SERVICE

WHEREAS, the public utility service bills must be paid on a timely basis to avoid incurring additional penalties, and;

WHEREAS, these public utility service payments are subsequently reviewed by the auditing committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROCUREMENT POLICY FOR THE VILLAGE OF MONTICELLO

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

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The decision that a purchase is not subject to competitive bid. The individual will document bidding in writing making the purchase. This documentation may included written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price, except in the following circumstances: purchase contract over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contract pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

2. The following method of purchase will be used when Required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$9,999	Written/fax quotation
Estimated Amount of Public Works Contract	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$4,999	Written/fax quotation

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\$5,000 - \$19,999

Written/fax
quotation
or written
request
for proposal

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotation, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible. A determination that the offerer is not responsible shall be made by the purchaser and may be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Monticello to solicit quotations or document the basis for not accepting the lowest bid.

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- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

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

(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not limited to the following services: services of an attorney; services of a physician; technical maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

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- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
 - c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auction or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
 - d. Goods or services under \$501. The time and Documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
7. This policy is effective August 19, 1996, and will be reviewed annually.

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

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RESOLUTION ADOPTING INVESTMENT POLICY FOR THE VILLAGE OF MONTICELLO

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

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

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

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

RESOLUTION AUTHORIZING THE VILLAGE JUSTICE AND ACTING VILLAGE JUSTICE TO HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE HUDSON UNITED BANK

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

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

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

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

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

RESOLUTION AUTHORIZING THE MAYOR, DEPUTY MAYOR, TREASURER AND DEPUTY VILLAGE TREASURER HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE BANK OF NEW YORK, KEY BANK, COMMUNITY BANK OF SULLIVAN COUNTY, FLEET BANK, HUDSON UNITED BANK, THE FIRST NATIONAL BANK OF JEFFERSONVILLE AND CHASE MANHATTAN BANK

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

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

WHEREAS, only the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer have sole authority of these accounts.

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

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

RESOLUTION DESIGNATING TAX SALE DATE AS TUESDAY, MAY 10, 2004 AT 10 A.M. AT THE VILLAGE OFFICE, PURSUANT TO REAL PROPERTY TAX LAW 1452 (1)

WHEREAS, the Village of Monticello has delinquent 2002/03 property taxes, and;

WHEREAS, under the NYS Real Property Tax Law 1452 (1) the Village is authorized to hold a tax sale.

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NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby designate Tax Sale date as Tuesday, May 10, 2004 at 10 a.m. at the Village Hall, pursuant to Real Property Tax Law 1452 (1).

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

CONTINUATION OF PUBLIC HEARING TO DETERMINE WHETHER THE ORDER TO REPAIR OR REMOVE UNSAFE BUILDINGS SHALL BE AFFIRMED MODIFIED OR VACATED FOR 256 BROADWAY SBL 111-5-11; WITH REGARD TO CHAPTER 119 UNSAFE BUILDING

Mayor Barnicle opened the public hearing at 7:29 p.m.

Code Enforcement Officer Sue Flora reported that there is a lot of garbage in the back of the building that she will have cleaned up by the Village and billed back to the owner of the property. Also, if the roof is not repaired within one week then she will issue them an Order To Remedy. She requested that the matter be adjourned to the next Village Board meeting.

The Mayor explained that the shingles are being blown off the roof of the Carlton Hotel building and a hazard to pedestrians walking on the sidewalk.

Mayor Barnicle adjourned the public hearing at 7:31 p.m. to the next Village Board meeting to be held on Monday, April 26, 2004 at 7:00 p.m.

RESOLUTION AUTHORIZING VILLAGE OF MONTICELLO TO INTERVENE AS A PARTY IN CONNECTION WITH SULLIVAN COUNTY LANDFILL PERMIT APPLICATION

The Village Manager explained that this matter will first be discussed in Executive Session, and then the Board will reconvene the Board meeting to pass the resolution.

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The Village Attorney noted that this falls under Executive Session as it concerns possible litigation.

The Mayor explained that the Executive Session will take place at the end of the meeting at which time the vote will be taken in open session of this meeting.

APPROVING BUDGET LINE TRANSFERS RESOLUTION

WHEREAS, Village of Monticello has adopted its annual budget for the 2003/04 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:

Department	Transfer From:	Transfer To:	Amt.
Clerk	1990.400A	1410.411A	\$1000.00

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 ADVERTISE FOR BIDS FOR SPRING 2004 AND FALL 2005 COUNTY CLEANUP INITIATIVE 2004 PROGRAM CLEAN UP

WHEREAS, the Sullivan County Legislature adopted the County Clean up Initiative 2004 Program for April/May 2004 and September/October 2005; and,

WHEREAS, the Village of Monticello must advertise for a licensed solid waste removal company to supply roll offs and an attendant to be at the designated location to accept this refuse.

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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 licensed solid waster removal company for the annual April/May 2004 and September/October 2005, County Cleanup Initiative 2004 Program.

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

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR SPRING 2004 AND FALL 2005 COUNTY CLEANUP INITIATIVE 2004 PROGRAM

Resolution withdrawn.

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR SELLING SCRAP METAL

WHEREAS, the Village of Monticello Highway Department routinely collects and accumulates scrap metal from residents disposing of metal objects such as household appliances and other municipal projects; and,

WHEREAS, the Highway Superintendent has recommended selling this scrap metal for recycling purposes and for the funds to be deposited in the General Fund.

NOW, THEREFORE BE IT RESOLVED, the Board of Trustees of the Village of Monticello hereby authorizes the Village Clerk is authorized to advertise for bids for sale of scrap metal.

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

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AWARDING OF BID - RFP ENGINEERING SERVICES

A motion was made by Trustee Marinello, seconded by Trustee Oppenheim, unanimously approved on a roll call vote to award the RFP for Engineering Services for the FY 2003 C.D.B.G. Park Avenue Waterline Improvements to Glenn Smith in the amount of \$7,125.00.

RESOLUTION CHANGING THE SECOND MEETING IN APRIL FROM MONDAY, APRIL 19, 2004 TO MONDAY, APRIL 26, 2004 AT 7 P.M.

WHEREAS, the Board of Trustees of the Village of Monticello hold their regular meetings on the first and third Mondays of each month; and,

WHEREAS, the Mayor has a meeting conflict on the third Monday in April and is requesting the this meeting be rescheduled to the forth Monday in April; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the second Board meeting in April from Monday, April 19th to Monday, April 26, 2004.

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

CORRESPONDENCE

A letter from Thomas S. Rue to the Board of Trustees.
A letter from Village Manager Richard Sush to Thomas Rue.
An Email from Thomas Rue to Board of Trustees.

MAYOR'S COMMENTS

Clean-up Plan

Mayor Barnicle explained that the Village will be divided up into four quadrants and each of the Trustees will be

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responsible for a quadrant, and he will be responsible for Broadway. During public comment or if there is a call and/or a complaint about a specific quadrant there will be personal follow-up by that particular trustee. The Mayor also noted that each year the Trustees will change quadrants. He asked that the trustees on the non meeting weeks ride through their assigned "neighborhood" to note any glaring problems, such as junk cars be reported that particular department head. The Mayor assigned the four quadrants "neighborhoods" as follows: Trustee Marinello, is assigned Q-1 (the southwest area including West Broadway, deHoyos Park, up Route 42S ending at Sleepy Hollow to Lakewood Avenue; Trustee Schoonmaker-Q-2, the Northeast side of Broadway from Landfield Avenue to Village line at Rock Ridge Avenue, Trustee Oppenheim-Q-4, the Southeast quadrant from Lakewood Avenue east to the Village line ending at Rose Valley Road, and Trustee VanDermark-Q-3, the Northwest quadrant from Landfield Avenue west to the Village line on Route 17B. The Mayor noted that the DPW is committed to cleaning Broadway on Monday, Wednesday and Friday. Lastly, he announced that the "Adopt A Street" will be re-energized and probably be coordinated by the Village Clerk.

PUBLIC COMMENT

The Mayor explained that he will be noting all the comments on a large pad and each problem will be assigned to the appropriate person (department head, Manager, Attorney, etc.) in charge of that matter to follow up and try to resolve the situation. He also asked that if there is a complaint that person must go through the chain of command, from the department head, to the Village Manager, and then to the Board.

Executive Session Issue

Vic Whitman, a Times Herald Reporter, felt that the matter regarding the Sullivan County Landfill permit should be discussed in open session and is not appropriate to be discussed in Executive Session since it is more a policy issue.

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Village Attorney Jose indicated that it is her opinion that it is appropriate to discuss in Executive Session as it is involving possible litigation.

911 Addresses

Dr. Marc Hudes asked that the appropriate new E911 numbers be posted on each building, especially on Broadway.

The Mayor explained that he and Chief of Police are visiting each business on Broadway to make them aware of what their new address is, and he also noted that there is \$250.00 weekly fine by the County if the new E911 number is not posted. Dr. Hudes also volunteered to walk with the Mayor at anytime to discuss numerous issues regarding Broadway and some of his ideas on how to resolve them.

A Thank You

Former Trustee David Rosenberg thanked the people of Monticello for giving him the privilege for serving on the Village Board for 12 years.

Ideal Bungalow Colony

David Rosenberg noted that the Village of Monticello tried to be good neighbors with the Ideal Bungalow Colony to provide outside sewer usage of the Village facilities with the full understanding that they would never apply for tax exempt status. The media has reported that they are now applying for tax exempt status and he urged the Village Board to direct the Village Attorney to send them a letter that this agreement would not be continued if tax exempt status is approved.

The Mayor felt that this matter should be discussed at the next Village Board meeting.

Treasurer Department Concerns

Roslyn Sharoff questioned what qualifications Sheri Bisland has to be appointed the Interim Treasurer?

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The Mayor responded that she is our current Deputy Treasurer and has sat in that position for many years.

Election Issues

Harry Brantz was concerned about a rumor that the Village gave him money towards his election campaign.

The Mayor assured him that no money was ever given to him from the Village for his campaign.

Village Web Site Status

Jeffry Sternberg questioned the status of the Village website is and when will it be operational again?

The Mayor responded that Matt Hersh who is Village resident, a graduate of Monticello High School and works for a computer company in Newburgh is appointed the new website designer and will redesign it and maintain it on a monthly basis.

Bilingual Personnel

Pastor Smith from the United Methodist Church representing the Monticello Clergy Association to reaffirm that the Village has bilingual speaking personnel to be able to communicate with all segments of the Village.

The Mayor responded that the Village is in the process of changing personnel to have more bilingual personnel in place for communications skills.

Post Invocation

Barbara Burton read a post invocation that she had written in honor of the new Village administration.

Taxi Consolidation

Alan Kesten, owner of Yellow Cab Company, asked that the Village and Town discuss the consolidation of the licensing of taxicabs.

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Spring Cleanup

The Village Manager announced that Spring Cleanup will be from Thursday, April 29th thru May 3rd this year.

EXECUTIVE SESSION

At 8:00 p.m., a motion was made by Trustee Marinello, seconded by Trustee Brian VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss the sale of Village owned property.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:26 p.m., a motion was made by Trustee Marinello, seconded by Trustee Oppenheim, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

RESOLUTION AUTHORIZING VILLAGE OF MONTICELLO TO INTERVENE AS A PARTY IN CONNECTION WITH SULLIVAN COUNTY LANDFILL PERMIT APPLICATION

WHEREAS, Sullivan County has applied to the New York State Department of Environmental Conservation ("DEC") for a permit to expand Phase I of the Sullivan County Landfill by the addition of Cell 6; and

WHEREAS, the DEC is reviewing the permit as mandated by 6NYCRR Part 360; and

WHEREAS, the DEC has determined that the application for Cell 6 is complete, and has conducted a Legislative hearing; and

WHEREAS, the DEC has appointed an Administrative Law Judge ("ALJ") to consider permit issues; and

WHEREAS, the ALJ will hold an issues conference related to the permit application on April 15, 2004; and

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WHEREAS, the Village of Monticello ("Village") believes it to be in the best interest of the Village and its residents to intervene in the pending permit review proceeding as a party; and

WHEREAS, the Village believes it to be in the best interest of the Village and its residents to engage expert legal counsel (together with other experts as needed) to assist the Village in connection with the efforts herein outlines; and

WHEREAS, the Village desires to cooperate with the Town of Thompson ("Town") in connection with the intervention in the DEC permit process and engagement of experts; and

WHEREAS, the closing of the Sullivan County Landfill would have a significant impact on the Village of Monticello and its residents.

NOW, THEREFORE, BE IT RESOLVED, that the Village hereby authorizes the Village Manager to make application for party status; and

FURTHER BE IT RESOLVED, that the Village, together with the Town of Thompson adopting a similar resolution, engage Jacobowitz & Gubits, LLP as expert legal counsel (together with other experts as needed) to assist the Village in gaining party status and to intervene in the Sullivan County Landfill permit review process, and to pay for counsel at a rate of Two Hundred (\$200.00) Dollars per hour with such expenses not to exceed Ten Thousand (\$10,000.00) Dollars; and,

FURTHER BE IT RESOLVED, that the Village hereby requests that Sullivan County:

- a) take immediate actions as are necessary in order to bring under control any environmental problems (including noxious odors) relating to the existing Landfill Cells 1 - 5;
- b) curtail importation of solid waste from outside of Sullivan County at once;

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- c) take such steps, including amendment of the Consent Order, by and between DEC and Sullivan County, relating to Landfill Cells 1 - 5 dated October 10, 2003, as are necessary to insure safe and efficient operation of the Landfill;
- d) take such steps, including agreeing to reasonable permit conditions, as is necessary to obtain a permit for Cell 6 of the Landfill, so that solid waste disposal does not become a crisis for the Village of Monticello and the Town of Thompson;
- e) undertake a comprehensive study, together with representatives from the Village of Monticello and the Town of Thompson, concerning the Landfill and alternative solid waste disposal strategies in preparation for the closure of the Landfill upon reaching full capacity in Cell 6.

A motion was made by Trustee Marinello, seconded by Trustee Oppenheim, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Oppenheim, aye; Trustee Marinello, aye; Trustee VanDermark, nay; Mayor Barnicle, aye to adopt the above resolution.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$82,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE REPLACEMENT OF THE ROOF AT THE POLICE STATION, IN AND FOR SAID VILLAGE.

BE IT RESOLVED, by the Board of Trustees of the Village of Monticello, Sullivan County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the replacement of the roof at the Police Station, in and for the Village of Monticello, Sullivan County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$82,000 serial bonds of the Village of Monticello, Sullivan County, New York, pursuant to the provisions of the Local Finance Law.

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Section 2. The maximum estimated cost of the aforesaid specific object or purpose is \$82,000, and the plan for the financing thereof is by the issuance of the \$82,000 serial bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. It is therefore hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Monticello, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Monticello, Sullivan County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, she shall comply fully

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with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8.All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9.The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

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2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in full in the Sullivan County Democrat, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

ORDERING BILLS PAID

Fiscal Year 2003/04

General Fund Claims #859-953 in the amount of \$43,414.14 said set forth in abstract A-17 dated April 7, 2004.

Water Fund Claims #219-239 in the amount of \$6,638.07 said set forth in abstract F-17 dated April 7, 2004.

Sewer Fund Claims #164-173 in the amount of \$5,515.43 said set forth in abstract G-17 dated April 7, 2004.

Capital Fund Claims #39-46 the amount of \$73,040.12 said set forth in abstract H-17 dated April 7, 2004.

Community Development Fund Claims 87-94 in the amount of \$13,025.00 said set forth in abstract CD-17 dated April 7, 2004.

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Trust and Agency Fund Claims #63-70 in the amount of \$935.97 said set forth in Abstract TA-17 dated April 7, 2004.

A motion was made by Trustee Marinello, seconded by Trustee Oppenheim, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and appearing on the Abstracts of the bills herewith submitted are ordered paid.

EXECUTIVE SESSION

At 8:42 p.m., a motion was made by Trustee Marinello, seconded by Trustee Brian VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel issue and the Sale of Village owned properties.

ADJOURNMENT

At 9:30 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Village Board meeting.

EDITH SCHOP, Village Clerk