

MINUTES
SPECIAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JUNE 28, 2004

MEETING TO ORDER

Mayor Barnicle called the meeting to order at 4:30 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were present:

James Barnicle, Mayor
Ariel Escobar, Trustee
Victor, Marinello, Jr. Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Richard Sush, Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Douglas Solomon, Chief of Police
Sal Accomando, PBA President

PBA PRESENTATION

Police Officer Brian Monroe

PBA President Sal Accomando explained that the police officers are aware that the Village has many financial problems; however they also feel by not retaining Police Officer Brian Monroe the safety of the residents and other police officers lives are in jeopardy. He indicated that the police department is operating on a sparse schedule and any one event, such as officers taking vacation or personal time can cause major scheduling problems and result in a large amount of overtime. He noted that the Racino will cause more traffic which will put a greater strain on the department. Police Officer Accomando felt that this is not the time to reduce the number of police officers and is affecting morale. He asked the Board to save this officer's job in the 2004/05 fiscal year budget.

Minutes - Special Village Board Meeting
6/28/04

Detective Thomas O'Connor explained that the statistics show that at least three or four additional officers are needed. He noted that this department has more arrests than any other agency in the County with a population of only 6,500 people.

Mayor Barnicle indicated that the Board is the police department's ally and the Mayor, the Manager and the Chief of Police have all personally written letters to Assemblywoman Gunther and others asking for their help monetarily to cover the cost of retaining Police Officer Brian Monroe. He explained that the State recessed without passing their budget for this year so they cannot assure the Village that money will be in that budget to reimburse the Village. He noted that there are some options that still can be investigated and the Village will still keep trying to find resources to keep Brian Monroe as a Monticello Police Officer.

Trustee Schoonmaker felt that all these problems come from the poor planning by the prior administration so when these grants expired there were no provisions in place to keep employing these people, especially when safety is an issue.

Trustee VanDermark questioned whether money from the anticipated sale of water to the Town could be used to pay this officer's salary?

The Mayor responded that the money for the officer's salary must come out of the general fund, not the water fund which was previously done and got the Village into financial trouble.

The Village Manager explained even after the budget is adopted money can still be found, although an incredible number of possibilities have been exhausted. He noted that he has an idea involving personnel regarding this matter that he would like to discuss in Executive Session.

Former Mayor Lou Harmin felt that it is incumbent on this administration to ensure that his safety is protected by bringing this police force up to a level to protect the population of the Village of Monticello.

Minutes - Special Village Board Meeting
6/28/04

RESOLUTION ADOPTING THE GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF MONTICELLO FOR THE 2004/05 FISCAL YEAR AND SETTING WATER RATES FOR THE 2004/05 FISCAL YEAR AND THE SANITATION BUDGET FOR THE 2004/05 FISCAL YEAR

WHEREAS, the Board of Trustees of the Village of Monticello has held numerous work sessions and a public hearing on the 2004/05 General Village Budget; and,

WHEREAS, the Board of Trustees of the Village of Monticello has also held a public hearing on setting water rates for the 2004/05 fiscal year in order to maintain the Water Treatment Plant as follows:

\$2.76 per 100 cubic feet
\$5.52 per 100 cubic feet (Outside)

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby adopt the General Government budget, Sanitation Budget for the Village of Monticello and does hereby set the water rates for the 2004/05 Fiscal Year.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, nay, Mayor Barnicle, aye to adopt the above resolution. Motion carried 3 ayes - 2 nays.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 8 OF 2004 AMENDING THE VILLAGE CODE PURSUANT TO NY VILLAGE LAW SECTION 3-300 WITH RESPECT TO THE REQUIRED RESIDENCY OF CERTAIN PUBLIC OFFICERS OF THE VILLAGE OF MONTICELLO

Mayor Barnicle opened the public hearing at 5:04 p.m.

Mayor Barnicle explained this action is being done for the purpose of merging of services with the Town of Thompson.

Minutes - Special Village Board Meeting
6/28/04

Former Mayor Lou Harmin explained that the pervious Treasurer lived in Port Jervis when she applied for the position and subsequently moved into the Village as a condition of employment. Unfortunately she was not a United States citizen and had to resign until she became one, and in the interim Mr. Harmin volunteered to become the Treasurer in name only and Ms. Seward kept the position without that title. After she got citizenship she was again appointed Treasurer. With this in mind he recommended that the Village Clerk be given the title Clerk/Treasurer until a permanent person can be appointed to the position that is or will become a resident of the Village of Monticello. He questioned where the Town Treasurer gets the time to do the additional work when she is working full time for that municipality.

Mayor Barnicle felt that Mr. Harmin had used his five minutes allowed for speaking during a public hearing.

Mayor Barnicle closed the public hearing at 5:12 p.m.

RESOLUTION ADOPTING LOCAL LAW NO. 8 OF 2004 AMENDING THE VILLAGE CODE PURSUANT TO NY VILLAGE LAW SECTION 3-300 WITH RESPECT TO THE REQUIRED RESIDENCY OF CERTAIN PUBLIC OFFICERS OF THE VILLAGE OF MONTICELLO

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held by said Governing Body on June 28, 2004 at 4:30 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York, to hear all interested parties on a proposed Local Law entitled Local Law No. 8 f 2004 amending Section 45 of the Village Code; and,

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the Official newspaper of said Village on June 25, 2004; and,

WHEREAS, said public hearing was duly held on June 28, 2004 at 4:30 p.m., at Monticello Village Hall, 2 Pleasant Street, Monticello, New York and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and,

Minutes - Special Village Board Meeting
6/28/04

WHEREAS, the Board of Trustees of the Village of Monticello, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby adopts said LOCAL LAW NO. 8 OF 2004 AMENDING SECTION 45 OF THE VILLAGE CODE, whereby the required residency of the Village Treasurer, henceforth encompasses the boundaries of the Town of Thompson, State of New York; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting in the Local Law Book of the Village of Monticello, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, aye, Mayor Barnicle, aye to adopt the above resolution. Motion carried 4 ayes - 1 nay.

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON FOR CONSOLIDATION OF THE VILLAGE TREASURER'S POSITION WITH THE POSITION OF THE COMPTROLLER OF THE TOWN OF THOMPSON

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the Village and Town are authorized to enter into a Municipal Agreement with respect to the provisions of consolidated treasury services; and,

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to cooperate with the Town of Thompson to jointly employ one individual to perform treasurer's services for both municipalities for a six (6) month trial basis; and,

Minutes - Special Village Board Meeting
6/28/04

WHEREAS, it has been determined that the proposed cost of creating a joint position will save taxpayers' money in the amount of more than \$30,000 per annum without significant adverse effect upon service delivery to the residents and taxpayers.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Monticello:

1. That the Village of Monticello shall be and hereby is authorized to enter into an agreement with the Town of Thompson for fiscal year 2004/05 for consolidation of the Village Treasurer's position with the position of the Comptroller of the Town of Thompson. The Village Treasurer/Town Comptroller shall be compensated by the Village of Monticello at the rate of two-fifths of her total salary and benefits. The amount of compensation paid by the Village shall not exceed \$32,000, and the remainder, namely three-fifths is payable by the Town of Thompson.
2. That this resolution shall be effective immediately upon signature of the Village Clerk

*Mayor Barnicle explained that 2/5th of the salary and benefits of the Treasurer will be paid the Village of Monticello and 3/5th of her current salary and benefits will be paid by the Town of Thompson. The assistant to her will take a wider role of responsibility and administer on a daily basis the Treasurer's duties as this is linked together as one department with two computers using the same software. He felt that savings the taxpayers' money has been most important.

Trustee VanDermark thanked the Town Supervisor and his Board for allowing their comptroller to help the Village reorganize the Treasurer's Office for no monetary compensation. He felt the Village should continue to advertise for a full time Treasurer that will live in the Village of Monticello. He did not feel that the current employees are capable of handling the Treasurer's Office and felt this arrangement is just a "band aid" patch at best.

Minutes - Special Village Board Meeting
6/28/04

The Mayor responded that with Ms. Galligan being the head and training the people properly (which hasn't happened in the past) will allow that employee to be more knowledgeable and know all the processes from beginning to end. The Village will be asking the County to establish a new position known as Assistant Treasurer. He also felt that the Village will have to study the recommendations made by the State Comptroller's Office when their final audit is completed this completed in September.

A motion was made by Trustee Marinello, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, aye, Mayor Barnicle, aye to adopt the above resolution. Motion carried 4 ayes - 1 nay.

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON FOR CONSOLIDATION OF THE GRANTS DEPARTMENTS OF BOTH MUNICIPALITIES

A motion was made by Trustee VanDermark, seconded by Trustee Marinello.

Mayor Barnicle explained that this department will be headed by Arlene Glass, the Assistant would be Caroline Hayes and one full time/part time inspector and one part time inspector. He noted that because the Artist Grant was not properly administered, the Village lost its Artist Loft Program in excess of \$140,000. The Village is trying to get an extension from the State for these funds. He explained that the Village has been awarded hundreds of thousand of dollars, but a full time grant's department to release these funds to eligible recipients. He noted that Arlene Glass will be training the Assistant with the possibly that she could take over if or when Arlene decides to leave her position.

Trustee VanDermark did not feel he had enough information to vote on this matter and asked that he get more information in writing about this department and the terms of this agreement.

Minutes - Special Village Board Meeting
6/28/04

The Village Manager explained that all funds will be paid from grants.

A motion was made by Trustee VanDermark, seconded by Trustee Escobar, unanimously approved on a roll call vote to table the matter to the July 6, 2004 meeting.

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON FOR THE SALE OF WATER

Discussion - Trustee VanDermark questioned how this amount was derived?

The Mayor responded that this was computed from the volume that the Town had use with the current water supplier for a two year period.

Trustee VanDermark questioned the rate that the Town will be charged? He questioned if this will put any undue strain on the Village's Water Plant?

The Mayor responded that it is the same rate that Village properties pay. The Mayor noted that the Village Engineer did investigate this question and felt that it would not cause any harm to the Water Plant.

Trustee Schoonmaker asked whether this waterline can be tapped into by anyone who builds on the Route 42 corridor including the Anawana Lake Road down to the Kutcher,s Hotel the proposed site for a gaming casino. He felt the Village will lose on this agreement as it will stop growth and annexations into the Village.

The Mayor indicated that this agreement could be a two (2) year agreement.

The Manager responded that the Town cannot sell the Village's water without the Village's approval and the district lines will be drawn and part of the agreement.

Trustee Schoonmaker questioned why the Town will be paying the inside rate/

Minutes - Special Village Board Meeting
6/28/04

The Manager responded that the Town will be providing the entire infrastructure and all the improvements that need to be done at no expense to the Village. He explained that the Village is looking to merge services and save taxpayer dollars so giving them the same rate is cooperating in this effort.

Trustee VanDermark indicated that the intent is to just sell the water.

Trustee Schoonmaker felt that the Town will benefit much more than the Village from this water line. He was concerned that Silberts Bungalow Colony would be getting water from the Village at inside rates.

The Village Manager indicated that this water line includes the Mall, Walmart, Burger King and McDonald, but it does not include Patio Homes or the Concord.

WHEREAS, the Village of Monticello owns and operates a plant for the production and supply of water;

WHEREAS, the Town of Thompson has requested the Village Of Monticello to enter into an agreement with the Town to convey water from the Village of Monticello to the Kiamesha Water District ("District");

WHEREAS, the Village of Monticello is willing to sell surplus water to the Town for use in the District at the same rate charged for Village of Monticello users;

WHEREAS, the Town of Thompson shall be responsible for any costs associated with the project and any labor, machinery, tools and equipment in addition to costs and construction of infrastructure related to the project;

WHEREAS, pursuant to Article 5-G of the general Municipal Law, the Village and Town are authorized to enter into a Municipal Cooperation Agreement with respect to the provision of such services;

Minutes - Special Village Board Meeting
6/28/04

NOW, THEREFORE BE IT RESOLVED, that:

1. The Village, shall be and hereby is authorized to enter into a two (2) year agreement with the Town of Thompson to provide water service to the Kiamesha Water District and the construction of the infrastructure related to such water district together with all fees and charges to be paid for by the Town of Thompson in accordance with such agreement.
2. The execution of an agreement with the Town is subject to completion of the SEQRA review process concerning construction of the infrastructure improvements relating to the Project.

A motion was made by Trustee VanDermark, seconded by Trustee Escobar, approved on a roll call vote to adopt, the above resolution as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, aye, Mayor Barnicle, aye to adopt the above resolution. Motion carried 4 ayes - 1 nay.

EXECUTIVE SESSION

At 5:55 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel issue on a particular person.

ADJOURNMENT

At 6:05 p.m., a motion was made by Trustee Escobar, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Special Village Board meeting.

EDITH SCHOP, Village Clerk

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR AND ON BEHALF OF THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON FOR THE SALE OF WATER

WHEREAS, the Village of Monticello owns and operates a plant for the production and supply of water;

WHEREAS, the Town of Thompson has requested the Village Of Monticello to enter into an agreement with the Town to convey water from the Village of Monticello to the Kiamesha Water District (“District”);

WHEREAS, the Village of Monticello is willing to sell surplus water to the Town for use in the District at the same rate charged for Village of Monticello users;

WHEREAS, the Town of Thompson shall be responsible for any costs associated with the project and any labor, machinery, tools and equipment in addition to costs and construction of infrastructure related to the project;

WHEREAS, pursuant to Article 5-G of the general Municipal Law, the Village and Town are authorized to enter into a Municipal Cooperation Agreement with respect to the provision of such services;

NOW, THEREFORE BE IT RESOLVED, that:

3. The Village, shall be and hereby is authorized to enter into an agreement with the Town of Thompson to provide water service to the Kiamesha Water District and the construction of the infrastructure related to such water district together with all fees and charges to be paid for by the Town of Thompson in accordance with such agreement.
4. The execution of an agreement with the Town is subject to completion of the SEQRA review process concerning construction of the infrastructure improvements relating to the Project.