

MINUTES  
SPECIAL MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
WEDNESDAY, JULY 21, 2004

**MEETING TO ORDER**

Mayor Barnicle called the meeting to order at 6:00 p.m.

**PLEDGE TO THE FLAG**

**Roll Call**

Upon call of the roll, the following were:

Present:

Absent:

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

Scott Schoonmaker, Trustee

Also Present: Richard Sush, Village Manager  
E. Danielle Jose, Village Attorney

**MONTICELLO AMBULANCE CORP LEASE**

The Village Attorney reported that she has reviewed the renewal agreement for the Village's lease with the Monticello Volunteer Ambulance Corp and has found that the renewal agreement expired in August 2001 which creates the situation where you have a holdover tenant. Since the Village is accepting rent on a month to month basis they are considered holdover tenants and the Village can give them 30 days notice to remove them if the Board chooses not to keep them on as tenants. She felt that legally they are not entitled to 90 day notice because they are month to month tenants.

The Mayor explained that when their lease ran out, the Ambulance Corp was expressly told that the Village could remove them at any time if the Village felt it needed the space.

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The Village Manager reported that he called the New York State Department of Health in New York City to try to speak to Andrew Wendt who is handling their noncompliance issue but he is away on vacation, and was subsequently transferred to the supervisory office in Albany. He spoke to Lee Burns out of the Albany Office and she expressed her frustration with the Ambulance Corp because they have been trying for 11 months to get the Ambulance Corp to file paperwork so they can come into compliance and they keep stalling the process by asking various questions and not following up with submitting written documentation. He noted that the Ambulance Corp has paid their rent through the month of August.

Trustee Marinello noted that the County E911, the Village and the Town of Thompson have notified the Ambulance Corp in writing that under no circumstances are they to answer any emergency calls without the proper certification.

The Manager was concerned whether the Village had liability if they continue to house the Ambulance Corp and they were inadvertently dispatched on an emergency call while they are not certified.

The Village Attorney felt that the Village might have some liability should that happen since the Village has a contract with the County's E911.

The Mayor asked that the Village insurance company be asked their opinion on whether the Village has a legal liability.

The Village Attorney felt that the Village has made their paper trail with all their correspondence.

Trustee Marinello explained that the Village has been continually sending letters to the Ambulance Corp for noncompliance of the lease for other ambulance services being stationed at the Neighborhood Facility Building.

Harry Brantz felt that the Ambulance Corp has been given enough notice and the space should be used for Village purposes.

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The Mayor felt that the residents should be made aware that this removal action is being done strictly because of their noncompliance and non-certification, and the Village has no other option since this problem has been ongoing for 11 months.

Trustee VanDermark felt that Village should give the Ambulance Corp notice and not put the Village in any legal jeopardy.

Trustee Marinello noted that the Ambulance Corp purchased property 4 years ago, but has continually asked the Village to house them. He felt the Village has been extremely lenient in the last four years.

The Village Manager noted that if in the next month the Ambulance Corp does get their recertification, the Village can vote to renew their lease.

**RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO NOTIFY THE MONTICELLO VOLUNTEER AMBULANCE CORPS OF THE VILLAGE BOARD'S DECISION TO TERMINATE THE MONTH TO MONTH TENANCY WITH THE MONTICELLO VOLUNTEER AMBULANCE CORPS AND TO SERVE THE REQUISITE THIRTY (30) DAY NOTICE TERMINATING SAID TENANCY**

**WHEREAS**, the Village of Monticello and the Monticello Volunteer Ambulance Corps, Inc. ("MVAC") have heretofore entered into a lease of a portion of the neighborhood facility which was to be utilized and occupied only by the MVAC, a certified ambulance corps, which initial lease was effective from October 1, 1999 to July 31, 2000; and

**WHEREAS**, a lease renewal agreement was entered into on August 1, 2000 extending through July 31, 2001; and

**WHEREAS**, the parties thereafter agreed to continue the lease on a month to month tenancy as an accommodation to the MVAC, with the understanding that the continued month to month tenancy was only temporary; and

**WHEREAS**, the Village of Monticello has been notified by the New York State Department of Health ("DOH") that the MVAC has failed to maintain its certification since September 1, 2003; and

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**WHEREAS**, it appearing that numerous attempts have been made by the DOH to assist MVAC to come into compliance with the certification requirements; and

**WHEREAS**, it appearing that MVAC has not availed itself of the assistance offered by DOH, as evidenced by MVAC's continued decertified status.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Attorney to write a letter to terminate the month to month tenancy with the Monticello Volunteer Ambulance Corps and to serve the requisite thirty (30) day notice terminating said tenancy by July 31, 2004.

**WHEREAS**, the Village of Monticello has been notified by the New York State Department of Health that the Monticello Volunteer Ambulance Corp has not been certified since September 1, 2003; and,

**WHEREAS**, numerous attempts have been made to help the Monticello Volunteer Ambulance Corp come into compliance by the New York State Department of Health; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Attorney to write a letter on behalf of the Board of Trustees to advise them that the Village will not be renewing their lease effective September 1, 2004.

A motion was made by Trustee VanDermark, seconded by Trustee Escobar, approved on a roll call vote as follows: Trustee Escobar, aye; Trustee Marinello, abstain; Trustee VanDermark, aye; Mayor Barnicle, aye; to adopt the above resolution. Motion carried 3 ayes - 1 abstention.

#### **ADJOURNMENT**

At 6:30 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Special Village Board meeting.

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EDITH SCHOP, Village Clerk