

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, SEPTEMBER 7, 2004

MEETING TO ORDER

Deputy Mayor Village Marinello 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:

Absent:

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

Also Present: Richard Sush, Village Manager
Sue Flora, Code Enforcement Officer
Carl Houman, Director of Fire Services

APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF AUGUST 23, 2004

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of August 23, 2004 with the following omission: The Board had come out of Executive Session to approve his contract with the appropriate resolution.

OLD BUSINESS

First Friday Event

The Village Manager announced that this month's "First Friday" at the Neighborhood Facility Building will be held this week because of the Labor Day Holiday last week.

Minutes - Regular Village Board Meeting
9/07/04

MANAGER'S REPORT

Bicentennial Celebration

The Village Manager commended the Bicentennial Committee, the Village Staff, the Town Employees and all the organizations that helped make it a great success.

Paving of Jefferson Street

The Manager announced that the Village will be paving Jefferson Street next week.

deHoyos Park Pond Fish Restocking

The Village Manager announced that the Sullivan County Sportman's Association has notified him that they will be stocking the pond at deHoyos Park with fish at no charge to the Village.

PART II - ENVIRONMENTAL ASSESSMENT FORM

The matter was withdrawn by the applicant.

RESOLUTION DECLARING A NEGATIVE DECLARATION REGARDING LOCAL LAW NO. 11 OF 2004 AMENDING THE ZONING CODE TO REZONE AN ENTIRE PARCEL OF PROPERTY LOCATED ON SCOTT LANE DESCRIBED ON SBL 118A-1-3.1 FROM AN R-2 DESIGNATION TO AN RM DESIGNATION

The matter was withdrawn by the applicant.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 11 OF 2004 REGARDING AN APPLICATION SUBMITTED BY ARON WEINBERGER REQUESTING THE RE-ZONING OF PROPERTY ON SCOTT LANE DESCRIBED ON THE TAX MAP AS SECTION 118A, BLOCK 1, LOT 3.1 FROM R2 TO RM

The matter was withdrawn by the applicant.

Minutes - Regular Village Board Meeting
9/07/04

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO REFERRING ZONING CHANGE REQUEST TO PLANNING
BOARD 3.2 ACRES ON THE EAST SIDE OF PARK AVENUE - SBL 118A-
1-3.1 FROM R-2 (SINGLE FAMILY RESIDENCE) TO RM (MULTIPLE
DWELLINGS)**

WHEREAS, there is a petition by a certain property owner in the Village to change the zoning of 3.2 acres of SBL 118A-1-3.1 parcel from R-2 to RM; and

WHEREAS, in order to make an informed decision on said request, the Village Board desires the advice of its Planning Board regarding said request;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Trustees of the Village of Monticello that the request for a zoning change regarding the property in the Village designated by tax map number 118A-1-3.1 from R-2 to RM be referred to the Village Planning Board for its recommendation within 60 days of the date of this resolution.

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

**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 11 OF
2004 AMENDING SECTION 280-40.1 OF THE VILLAGE CODE BY
ELIMINATING THE REQUIREMENT FOR PLANNING BOARD APPROVAL FOR
ARTIST LOFT DESIGNATION AND REQUIRING THE APPROVAL OF THE
BUILDING INSPECTOR**

Deputy Mayor Marinello opened the public hearing at 7:13 p.m.

The Deputy Mayor explained that this will eliminate extra work by the Planning Board.

The Village Manager explained that this law was modeled after the law in the City of Peekskill which has a much different situation than the Village of Monticello. He

Minutes - Regular Village Board Meeting
9/07/04

felt that this law is cumbersome to go to the Planning Board to get this type of approval because this is not for new construction or major renovations. He explained that all the other requirements are the same; it just will not have to be reviewed by the Planning Board.

At 7:16 p.m., as there were no other comments Deputy Mayor Marinello closed the public hearing.

RESOLUTION ADOPTING LOCAL LAW 11 OF 2004 AMENDING SECTION 280 40.1 OF THE VILLAGE CODE BY ELIMINATING THE REQUIREMENT FOR PLANNING BOARD APPROVAL FOR ARTIST LOFT DESIGNATION AND REQUIRING THE APPROVAL OF THE BUILDING INSPECTOR

WHEREAS, the Board of Trustees of the Village of Monticello has identified that the approval process for designation in the Artist Loft program is actually a function traditionally performed by the office of the Building Inspector and Code Enforcement Officer; and

WHEREAS, the Board of Trustees of the Village of Monticello desires to eliminate duplication of efforts between and among government entities in the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello, therefore, desires to eliminate the requirement for Planning Board approval of Artist Loft designation and also desires to require the approval of the Building Inspector for Artist Loft designation; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that eliminating the requirement for planning board approval for artist loft designation and requiring the approval of the building inspector is in the best interest of the Village of Monticello and its residents; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Board of Trustees of said Village that adoption of said proposed Local Law would not have a significant effect upon

the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and
Minutes - Regular Village Board Meeting
9/07/04

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. 11 of 2004, entitled a Local Law Amending Section 280-40.1 of the Village Code by Eliminating the Requirement for Planning Board Approval for Artist Loft Designation and Requiring the Approval of the Building Inspector; 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 and 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 Escobar, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 12 OF 2004 AMENDING LOCAL LAW AMENDING CHAPTER 200 OF THE CODE OF THE VILLAGE OF MONTICELLO KNOWN AS THE PROPERTY MAINTENANCE CHAPTER" AND CHAPTER 177 ENTITLED "LITTERING" " AND CHAPTER 177 ENTITLED "LITTERING"

Deputy Mayor Marinello opened the public hearing at 7:19 p.m.

The Village Attorney explained that this local law will speed by the process so that only a three (3) day notice will be required, but no other requirements will be affected.

The Village Manager explained that the intent of this law is to make the process faster.

As there were no further comments, Deputy Mayor Marinello closed the public hearing at 7:16 p.m.

Minutes - Regular Village Board Meeting
9/07/04

RESOLUTION ADOPTING LOCAL LAW NO. 12 OF 2004 AMENDING LOCAL LAW AMENDING CHAPTER 200 OF THE CODE OF THE VILLAGE OF MONTICELLO KNOWN AS THE PROPERTY MAINTENANCE CHAPTER" " AND CHAPTER 177 ENTITLED "LITTERING" " AND CHAPTER 177 ENTITLED "LITTERING"

The Village Manager asked that this resolution be tabled to the next meeting, so he can further review the law.

PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 13 OF 2004 AMENDING CHAPTER 252 - SECTION 252-23 ENTITLED PARKING METER ZONES ESTABLISHED OF THE CODE OF THE VILLAGE OF MONTICELLO

Deputy Mayor Marinello opened the public hearing at 7:19 p.m.

The Village Manager explained that this local law will allow parking meters to be installed on North Street and both sides of Government Drive to keep those spaces available for patrons of the Government Center as opposed to day long parking by their employees. He felt that the employees can park in the many lots in the vicinity of the Government Center.

Trustee VanDermark noted that meters will not be installed in front of the senior citizen housing on North Street.

The Village Manager noted that this law is only to create the parking meter zones the Board will set the fee at a later date.

Gordon Jenkins questioned the cost of each meter?

The Village Manager responded that the cost will be \$500 for each double meter. (one for each two spaces).

Trustee Schoonmaker asked that the matter be tabled to allow the Village Manager to make sure that the police have enough manpower to enforce the meters, who will strip the spaces and to contact the County Manager to ask if the

Government employees could park in the lots not on North Street.

Minutes - Regular Village Board Meeting
9/07/04

As there were no further comments, Deputy Mayor Marinello closed the public hearing at 7:22 p.m.

RESOLUTION ADOPTING LOCAL LAW NO. 13 OF 2004 AMENDING CHAPTER 252 - SECTION 252-23 ENTITLED PARKING METER ZONES ESTABLISHED OF THE CODE OF THE VILLAGE OF MONTICELLO

A motion was made by Trustee Schoonmaker, seconded by Trustee Escobar, unanimously approved on a roll call vote to table this matter.

RESOLUTION OF THE VILLAGE OF MONTICELLO TO AUTHORIZE SUPPORT FOR A NEW YORK MAIN STREET PROGRAM GRANT APPLICATION TO BE SUBMITTED BY THE PARTNERSHIP FOR ECONOMIC DEVELOPMENT

WHEREAS, the Housing Trust Fund Corporation has issued a Notice of Funding Availability for the New York Main Street (NYMS) Program, and

WHEREAS, the purpose of the NYMS program is to provide financial/technical resources to help New York communities with their Main Street/downtown efforts to preserve and revitalize mixed-use (commercial/civic and residential) business districts, and

WHEREAS, an application for assistance through this program must be filed by a Not-For-Profit Corporation, and

WHEREAS, the Partnership for Economic Development is considering preparing an application under this program to undertake certain activities within the Village of Monticello that are eligible for assistance under this program.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello will support the Partnership for Economic Development application for assistance under this Program, and

BE IT FURTHER RESOLVED, that the Mayor of the Village of Monticello be authorized and empowered to execute in the name of the Village all contracts and agreements necessary to carry out the purposes outlined herein.
Minutes - Regular Village Board Meeting
9/07/04

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

PUBLIC COMMENT

Youth Participation

Harry Brantz felt the Village should encourage more youth participation in government.

Usage of Village Resources

Richard Kelly felt that the Village should use the taxpayers' funds to better use and rectify problems that have existed for a long time such as the water problem on Miller's Hill, etc.

Sequence of Agenda Items

Josephine Finn felt that the public hearing on a matter should come first before the SEQRA hearing, so if the public brings up environmental issues they can then be discussed during the environmental review.

Deputy Attorney Havas will review this suggestion.

Cedar Park Commons Concerns

Gladys Gold again addressed the Board with concerns that the homeowners still have with New Hope residents in one of the units. She distributed pictures of the deteriorated conditions of that unit, and questioned why this unit still hasn't been inspected by the Village's Code Enforcement Officer. The Code Enforcement Officer had told her that New Hope officials would not allow her to inspect this condo. Ms. Gold voiced concerns that these people are not being supervised and have been seen walking on Park Avenue,

Minutes - Regular Village Board Meeting
9/07/04

at the pool and in the parking area. Also, they are approaching residents in their backyards making the homeowners uncomfortable and slightly fearful. Lastly, she noted that rumors have been circulating that New Hope is buying a second unit, even though they never got the Board's permission for buying the first unit necessary under the Padavan Law.

Deputy Mayor Marinello responded that the Village Manager and Deputy Village Attorney will investigate the Cedar Park Homeowners concerns.

The Village Attorney felt that if there are issues with supervision the Department of Health should be contacted, if there issues with Code Enforcement, the Village's inspector will have to investigate.

Condition of the Village

Carmen Rue felt the Village is dirtier than ever. She also complained that she saw the Mayor driving the green golf cart erratically and questioned why the police did not stop that type of behavior.

Dominick Daniels felt that if the residents are going to make comments on how dirty the streets are they need to get out with a garbage bag and pick up the trash, because that was what the Mayor was doing on Saturday before he went on vacation.

Carmen Rue responded that she pays taxes for the Village to pick up the trash.

Brian Soller felt that the Mayor ran for that office and should be picking up garbage. He noted that his monthly escrow statement went up \$250 a month because of the high Village taxes, and he did not believe a citizen should have to pick up anything on Broadway; it should be the Village's responsibility. He also noted that Atwell Lane has many potholes because the Village has no money to pave the

street. He did not think it is the taxpayers' problem because they pay the taxes for these services.

Minutes - Regular Village Board Meeting
9/07/04

Waverly Avenue Traffic Concerns

Mrs. Williams was concerned with vehicles speeding on Waverly Avenue.

ORDERING BILLS PAY

A motion was made by Trustee Schoonmaker, seconded by Deputy Mayor Marinello, 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 7:55 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move into Executive Session to discuss possible litigation and personnel matters regarding several individuals.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO BEGIN EVICTION PROCEEDINGS AGAINST THE MONTICELLO VOLUNTEER AMBULANCE CORPS, INC.

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

Minutes - Regular Village Board Meeting
9/07/04

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

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;

WHEREAS, it appearing that the requisite thirty (30) day notice terminating said tenancy was served upon James Shields, the new Captain of the MVAC, by July 31, 2004;

WHEREAS, it appearing that MVAC has ceased in its payment of rent to the Village.

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

1. THAT the Board of Trustees of the Village of Monticello does hereby authorize the Village Attorney to begin eviction proceedings against the Monticello Volunteer Ambulance Corps, Inc.; and
2. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

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

Minutes - Regular Village Board Meeting
9/07/04

RESOLUTION AUTHORIZING THE PAYMENT OF \$1,250.00 TO JACOBOWITZ & GUBITS, LLP, REPRESENTING THE VILLAGE OF MONTICELLO'S SHARE FOR LEGAL FEES FOR PREPARATION OF THE VILLAGE OF MONTICELLO'S AND TOWN OF THOMPSON'S JOINT SUBMITTAL OF COMMENTS ON SULLIVAN COUNTY'S DRAFT ODOR CONTROL PLAN

WHEREAS, the Village of Monticello and the Town of Thompson had previously hired Jacobowitz & Gubits, LLP, as outside counsel with regard to litigation involving the Sullivan County Landfill; and

WHEREAS, the Village of Monticello and the Town of Thompson have been designated as impacted entities with regard to the Sullivan County Landfill; and

WHEREAS, Sullivan County has prepared a Draft Odor Control Plan ("Plan") with regard to the Sullivan County Landfill in connection with said litigation; and

WHEREAS, the Village of Monticello and the Town of Thompson have been given an opportunity to review and discuss the Plan and to submit comments; and

WHEREAS, the legal fee, as quoted by J. Benjamin Gailey, Esq., of Jacobowitz & Gubits, LLP, in connection with drafting a joint submittal of comments on the Plan on behalf of the Town of Thompson and the Village of Monticello is \$2,500.00 to be shared equally by the two municipalities; and

WHEREAS, the Board of Trustees of the Village of Monticello has concluded that it is in the best interest of the Village and its residents to authorize payment of \$1,250.00, representing the Village of Monticello's share for legal fees for preparation of the Village of Monticello's and the Town of Thompson's joint submittal of comments on the Plan.

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

Minutes - Regular Village Board Meeting
9/07/04

1. THAT the Board of Trustees of the Village of Monticello does hereby authorize payment of \$1,250.00, representing the Village of Monticello's share for legal fees for preparation of the Village of Monticello's and the Town of Thompson's joint submittal of comments on Sullivan County's Draft Odor Control Plan; and
2. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

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

ADJOURNMENT

At 8:05 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

