

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, OCTOBER 18, 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:

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  
Tim Havas, Deputy Village Attorney  
Alan Reynolds, Highway Superintendent  
Sue Flora, Code Enforcement Officer  
Bill Bertholf, Sewer Superintendent  
Douglas Solomon, Chief of Police

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF OCTOBER 4,  
2004**

A motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of October 4, 2004 as presented.

**OLD BUSINESS**

**Planning Board Vacancy**

Mayor Barnicle reminded everyone that there is a vacancy on the Planning Board, and asked a qualified volunteer to serve on this Board.

Minutes - Regular Village Board Meeting  
10/18/04

**MANAGER'S REPORT**

**Justice Court Grant**

The Village Manager announced that the Village Justice Court has been awarded a grant for a computer in the amount of \$1,096.00 and a printer in the amount of \$232.00.

**Fish Stocking-deHoyos Pond**

The Village Manager announced that the Federation of Sportsmen will be stocking the pond in deHoyos Park with fish on October 21<sup>st</sup> at noon.

**Halloween Parade Plans**

The Halloween Parade sponsored by the Fire Department will be held on Sunday, October 31<sup>st</sup> at 5:00 p.m. After the parade there will be a 3 on 3 basketball tournament at the basketball court behind the Neighborhood Facility sponsored by the PBA and the portable lighting is being donated by Jeff Sternberg at no cost to the Village.

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 14 OF 2004 WHICH WOULD AMEND SECTION 252-23 OF THE VILLAGE CODE ENTITLED "PARKING METER ZONES ESTABLISHED."**

Mayor Barnicle opened the public hearing at 7:06 p.m.

Carmen Rue questioned where the money will come from to pay for each meter that is going to be installed at a cost of \$525 each? She felt that meters are not needed because no one is shopping on Broadway so there is plenty of available parking.

Mayor Barnicle explained that this local law is only to create zones so if in the future the Village feels it is necessary to implement them, the areas have already been established.

The Village Attorney indicated that the local law has to be modified slightly to demarcate the exact spaces on St. John Street and Prince Street, so she asked that the Board not adopt this local law to the next meeting.

Minutes - Regular Village Board Meeting  
10/18/04

As there were no further comments, Mayor Barnicle closed the public hearing at 7:13 p.m.

**RESOLUTION AMENDING THE SANITATION FEE SCHEDULE**

Discussion-The Manager explained that at the last meeting Legislator Sam Wohl had asked that the matter be tabled as he felt the fees the Village was proposing was too much based on the Village's calculations. It was agreed to table the matter until the Village could reexamine the figures.

The following letter was read aloud by the Village Clerk from Mr. Wohl who could not be at this meeting tonight.

I am writing to add my voice to the growing chorus of Village residents who are unhappy about the increase in sanitation fees. Unless a household can opt out of the program the reates will be based on two (2) cans per week per household. If there is no incentive for the one (1) can, then in essence you are asking Village residents to import solid waste from other parts of the Town of Thompson to realize value for our hard earned dollars.

The Manager explained that it was Mr. Wohl's position that the Village was taking the tipping fee increase that the County imposed of 36.4% and simply increasing the charge to the customer by that percentage. The Manager explained that since the charge to the customer also included overhead expenses (such as gas, oil, insurance, maintenance, etc.) in addition to the tipping fees we needed to separate out the tipping fees from the overhead and only raise the tipping fees, not the overhead. However, when the Village further examined the situation it was found that there were huge increases in the overhead expenses beyond the tipping fees, for example unleaded increased .66 cents a gallon, diesel gas increased .88 cents a gallon, fuel oil went up from \$1.11 to \$2.17 a gallon. In addition parts for the vehicles increased, as

Minutes - Regular Village Board Meeting  
10/18/04

well as employee benefits, etc. He explained that last year the Village brought 6,000 tons of garbage to the landfill at a cost of \$55.00 a ton which was approximately \$330,000; at \$75.00 a ton that same amount of garbage will cost \$449,000. Lastly, the Village surveyed several private haulers to compare the new rate schedule with theirs and found that the Village's is lower than any of them, and therefore, privatizing is not an acceptable option.

The Village Manager indicated that he will writing the County Legislators a letter asking for "host community" benefits to take into account the expense to the Village that the landfill represent such as heavy trucks on the roadway, etc. and these credits could be passed onto the residents.

Trustee Marinello questioned whether the fees can be adjusted if fuel costs, etc. decrease?

The Village Manager indicated that the Board can lower the fees should these prices decline.

Mayor Barnicle felt that by stricter enforcement the Village could lessen the weight such as bags that made heavier by rain water from residents not putting their trash in covered trash cans, or by stricter enforcement of recycling to avoid unnecessary dumping of these items. Mayor Barnicle indicated that the garbage collection will be monitored by quadrants with the first aim at commercial establishments including large apartment complexes.

The Manager indicated that the County has instituted a new \$25.00 truck fee, so every truck that is taken to the landfill is charged \$25.00 per truck, plus a license fee of \$150.00.

The Manager also questioned whether the Board wants to continue the policy of reducing sanitation charges for residents who go away for the winter, but do not shut off

Minutes - Regular Village Board Meeting  
10/18/04

their water. He noted that he believes there are approximately 90 accounts that are reduced. He will report back to the Board at the next meeting so they can make a decision on this policy as the first quarter utility bills are scheduled to be sent out early in November.

The Mayor suggested that the Manager analysis this data further, and in the future the Manager should make the decision on individuals who seek this reduction and the reason it was granted.

**WHEREAS**, the tipping fees for dumping in the Sullivan County Landfill have been increased from \$55.00 to \$75.00 a ton; and,

**WHEREAS**, the sanitation fees adopted in June did not reflect this large increase as the Village Board was not aware of the exact anticipated rate of the tipping fees; and,

**WHEREAS**, in order for the Sanitation Department to remain solvent the cost for sanitation collection for both residential and commercial pickup must be increased at this time.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby amend the Sanitation fee schedule as follows effective August 1, 2004: (see attached)

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, approved on a roll call vote as follows: Trustee Escobar, nay; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye. Motion carried 3 ayes - 1 nay.

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A CONTRACT WITH ADVANCE TESTING TO PERFORM CONSTRUCTION TESTING SERVICES FOR THE FIREHOUSE PROJECT**

**WHEREAS**, the Board of Trustees of the Village of Monticello has been notified that geotechnical, structural, masonry, and ultrasonic testing are required in connection with construction of the new firehouse on Richardson Avenue;

Minutes - Regular Village Board Meeting  
10/18/04

**WHEREAS**, Advance Testing Company, Inc. ("Advance") has submitted a proposed Service Agreement Contract, including its fee schedule, for consideration with respect to provision of the aforementioned services;

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to authorize the Village Manager to sign a Service Agreement Contract with Advance for the performance of the aforementioned testing services.;

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

1. That the Manager of the Village of Monticello shall be and hereby is authorized to sign a Service Agreement Contract with Advance for performance of geotechnical, structural, masonry, and ultrasonic testing in connection with construction of the new firehouse on Richardson Avenue; and
2. That this resolution shall be effective immediately upon signature of the Village Clerk.

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

**PUBLIC DISCUSSION REGARDING TRACTOR TRAILER CAB PARKING IN RESIDENTIAL AREAS AND CARS PARKING ON LAWNS**

Gordon Jenkins felt that the Village should strictly enforce the laws already enacted and should aggressively have all the unregistered vehicles removed or if this no parking on the lawn law is passed.

The Mayor asked that Mr. Jenkins or any resident call the Village Code Enforcement Officer when they see these problems since the Village now has a three (3) day law for code enforcement violations.

Minutes - Regular Village Board Meeting  
10/18/04

A resident who parks his tractor trailer cab on Feldberg Drive explained that he has invested a lot of money in his rig and if it is left in an unattended location it is subject to vandalism, as well as the oil has to be hot heated in the cold weather so an electrical outlet must be available. He explained that the truck only runs for 5 minutes in the morning which he felt should not disturb anyone since the motor vehicle regulations have strict guidelines for noise and exhaust fumes.

The Mayor indicated that he agrees with Gordon Jenkins that no one should be parking on their lawn, however, some of the people who have tractor trailer cabs can't afford the price for storing a trailer on a daily basis to make a living and still maintain a residence in the Village of Monticello. He suggested a provision in a local law for specifications for a proper "parking pad" proper area on the person residential property that they can park a cab verses just pulling it on the grass which will create two muddy ruts which is the person's livelihood, he does not want to take that livelihood away from them.

Trustee VanDermark noted that this gentleman has made what he considers the proper provisions for parking a cab in his yard, and he feels this should be a model to create a standard for other instances where a tractor trailer cab has to be parked in a residential zone.

Trustee Escobar agreed that if a standard is created for this type of activity it would be an acceptable practice.

The Mayor asked the Code Enforcement Officer and the Village Attorney to author a law for the Board to review a code to establish "tractor trailer cab" parking regulations in a residential area.

The Board agreed that no one wants cars parked on lawns at any time in the year, and that should become a code violation.

The Code Enforcement Officer, Sue Flora was concerned because the code calls for that parking is on only 25% of the buildable lot and the proposed requirement might not fit that requirement.

Minutes - Regular Village Board Meeting  
10/18/04

The Mayor asked that the Board be presented with a local law for their review in the near future.

**RESOLUTION SCHEDULING A JOINT PUBLIC HEARING ON MONDAY, NOVEMBER 1, 2004 AT VILLAGE HALL FOR THE TOWN OF THOMPSON TOWN BOARD AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO WITH REGARD TO ANNEXATION BY THE VILLAGE OF MONTICELLO OF LAND PRESENTLY IN THE TOWN OF THOMPSON, SAID LAND DESIGNATED AS SBL 22-2-18 ON THE TOWN OF THOMPSON TAX MAP**

**WHEREAS**, the Board of Trustees of the Village of Monticello has received a petition from the requisite number of owners for the annexation of certain real property designated as SBL 22-1-11 in the Town of Thompson from the Town of Thompson into the Village of Monticello in accordance with NYS General Municipal Law § 703; and

**WHEREAS**, the Village Board of Trustees must hold a public hearing regarding said proposed annexation in a joint session with the Town Board of the Town of Thompson under NYS General Municipal Law § 704;

**WHEREAS**, after consultation with the Town Board of the Town of Thompson, the Board of Trustees of the Village of Monticello does wish to set a time and place for a joint public hearing with the Town of Thompson Town Board concerning said proposed annexation, so that the public may be heard;

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held by the Village Board of Trustees of the Village of Monticello in conjunction with the Town Board of the Town of Thompson with respect to the aforesaid proposed annexation at 7:00 p.m. on Monday, November 1, 2004 at Village Hall, 2 Pleasant Street,; 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 Escobar, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

Minutes - Regular Village Board Meeting  
10/18/04

**PUBLIC COMMENT**

**Winter Sanitation Reduction**

Gordon Jenkins felt that the people who leave for the winter months should not be given a reduction in sanitation rates for the same reason that property owners that don't have children in school still have to pay their school taxes. He felt that just because someone doesn't use the service they should not be exempt from the charges in full.

Michelle Massey felt that the Village must enforce the recycling laws throughout the Village.

The Mayor agreed with her.

Carmen Rue agreed with Gordon Jenkins and felt no one should get this type of reduction.

**Surcharge Fees**

Harry Brantz felt the Village could charge a fuel oil surcharge if necessary for sanitation services.

**Medication Charges**

Harry Brantz was concerned with the high prices of prescription drugs and urged the Board to send a letter to Washington D.C. to put a ceiling on these charges.

**Personnel Costs**

Carmen Rue felt that the Village unnecessarily paying at least \$43,000 for personnel to do property inspections.

**EXECUTIVE SESSION**

At 7:49 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Escobar, unanimously approved on a roll call vote to discuss possible litigation, personnel regarding particular person.

Minutes - Regular Village Board Meeting  
10/18/04

**ADJOURNMENT**

At 8:24 p.m., a motion was made by Trustee Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

---

EDITH SCHOP, Village Clerk