

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 6, 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
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
Alan Reynolds, Highway Superintendent
Sue Flora, Code Enforcement Officer
Cark Houman, Director of Fire Services
Clarence Decker, Water Superintendent
Bill Bertholf, Sewer Superintendent
Alvin Dumas, Human Rights Comm. Chairman
Sam Wohl, County Legislator
Douglas Solomon, Chief of Police

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF NOVEMBER
15, 2004**

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

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MANAGER'S REPORT

Holiday News

The Manager announced that a Kwanzaa sign is being displayed on the front lawn with the Welcome sign. He also announced that the Menorah in front of Village Hall will be lit tomorrow evening at 4:30 p.m. the start of Hanukah. He asked that a date and time for lighting the Village Christmas tree should be scheduled by the Village Board.

Police Department Renovations

The Village Manager explained that he had hoped to have the police department renovations completed by the end of December, but unfortunately between hunting season and employees being unavailable the repairs are a little behind schedule and will be delayed just slightly.

Route 42 and West Broadway Intersection

The Village Manager explained that several months ago he wrote a letter to the regional office of the NYSDOT in Binghamton asking them to replace the blinker light at the intersection of West Broadway and Route 42 with a traffic signal because it is a difficult to drive through. Recently he received a phone call advising him that the DOT is looking at a more extensive project which would include making that intersection a "T" with a traffic signal to make it safer and road work from Jefferson Street to Sackett Lake Road including sidewalks on both sides with new shoulders and curbing. The proposed "let" date is 2009.

"Eyesore" Report Forms

The Village Manager announced that he has "eyesore" report forms available should the public want to point out a problem to the Village.

The Mayor noted that the public should notify the Village immediately if there is a problem and not wait for a meeting to report it.

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WEBSITE PRESENTATION - JOSH SOMERS - FOCUS MEDIA

The Mayor announced that Focus Media will be the company doing the Village's website.

Josh Somers gave a presentation showing the features of the new website and the links to other information. He noted that the website address will be villageofmonticello.com. He explained that there is an initial design fee of \$3,200 that was approved by the Village Board and a fee of \$240.00 a year for the hosting fee. He indicated that there will a link to the fire department's website and a link to new independent page for the police department.

The Board agreed that the Planning Board and Zoning Board of Appeal minutes, along with the Village Board minutes be available on the website so the public has complete view all the information.

The Village Clerk suggested that the agendas for both the Village Board and Planning Board also be included prior to those meetings for the publics' convenience.

BUSINESS OF THE QUARTER

Trustee Escobar chose the businessmen Mike and Vince Dollard owners of newly renovated "Eagle Plaza" located on the Forestburgh Road as the businessmen of the quarter.

A RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MONTICELLO TO SIGN A MEMORANDUM OF UNDERSTANDING WITH THE MONTICELLO FIRE DEPARTMENT WITH REGARD TO CONTRIBUTIONS MADE BY THE MONTICELLO FIRE DEPARTMENT FOR THE FIREHOUSE PROJECT

WHEREAS, Monticello Fire Department, Inc. ("Fire Department"), wishes to contribute the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) toward the construction of the new firehouse on Richardson Avenue;

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WHEREAS, in consideration for said contribution, the Fire Department has requested the Village of Monticello to allow exclusive use of the training room, kitchen, bathrooms and multi-purpose room, with the Fire Department retaining total jurisdiction over these areas;

WHEREAS, in further consideration for said contribution, the Fire Department shall make payment to the Village of Monticello in five (5) equal installments of Fifty Thousand Dollars (\$50,000), one payment to be made to the Village at the conclusion of each of the following stages of construction: Inspection of footings, erection of outer walls, inspection of plumbing, installation of drywalls, issuance of the final Certificate of Occupancy.

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 Mayor to sign a Memorandum of Understanding with the Fire Department memorializing the aforementioned conditions;

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

1. That the Mayor of the Village of Monticello shall be and hereby is authorized to sign a Memorandum of Understanding with the Fire Department with respect to the Fire Department's contribution of Two Hundred Fifty Thousand Dollars (\$250,000.00) toward the construction of the new firehouse on Richardson Avenue, allowing the Fire Department exclusive use of the training room, kitchen, bathrooms and multi-purpose room, with the Fire Department retaining total jurisdiction over these areas, payments to the Village to be made as specified above; 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 Marinello, unanimously approved on a roll call vote to adopt the above resolution.

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**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING
WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 16 OF 2004
ENTITLED "SENIOR CITIZEN AFFORDABLE HOUSING FLOATING
DISTRICT" WHICH WOULD AMEND THE ZONING CODE OF THE VILLAGE
OF MONTICELLO**

WHEREAS, there is a compelling governmental interest in establishing housing developments located and designated for the purpose of meeting special needs of adults fifty five (55) years of age and older; and

WHEREAS, such housing can contribute to the dignity, independence and meaningful activity of the senior citizens of the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that an appropriate means to fulfill the aforementioned needs is to amend the Zoning Code of the Village of Monticello to establish a Senior Citizen Affordable Housing Floating District ("SCAHFD"), consisting of housing for adults over the age of fifty five (55) years that may or may not be directly supported or subsidized by a government agency; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 16 of 2004, which would amend the Zoning Code of the Village of Monticello by establishing a Senior Citizen Affordable Housing Floating District, so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on December 20, 2004, at the Neighborhood Facility Building 2 Jefferson Street, Monticello, New York 12701; 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.

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 17 OF 2004 WHICH WOULD AMEND ARTICLE XV ENTITLED "PARKING OF LARGE VEHICLES" OF CHAPTER 252 OF THE VILLAGE CODE ENTITLED "VEHICLES AND TRAFFIC" TO BE HELD ON MONDAY, JANUARY 2, 2005 AT 7 P.M.

The Mayor noted that he has not received any comments from any other Board members after they were given sample laws regarding this issue from other municipalities around the state as to whether to support to change in the Code. If there were no comments, the law would stay the same and a public hearing would not be necessary.

Trustee Schoonmaker felt that a law does need to be enacted to prohibit tract trailer cabs from parking in residential zones.

The Village Manager asked each Board member to contact him on their views on amending the local law so one can be written using those comments.

WHEREAS, the Board of Trustees of the Village of Monticello desires to regulate the parking of tractor trailer cabs in residential neighborhoods within the limits of the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that it is in the best interest of the Village of Monticello to regulate the parking of tractor trailer cabs in residential neighborhoods within the limits of the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 16 of 2004 which would amend Article XV entitled "Parking of Large Vehicles" of Chapter 252 of the Village Code entitled "Vehicles and Traffic", so that the public may be heard;

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NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on January 2, 2005, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; 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 Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH DAVID AND WENDY WEINER D/B/A - G & W ENTERPRISES, NY LLC TO ISSUE A LICENSE FOR THE VILLAGE TO PROVIDE WATER AND SEWER SERVICE TO THE PREMISES AT 977 EAST BROADWAY

WHEREAS, the Village Board has authorized the Village Attorney to negotiate with outside users of Village Water/Sewer service; and,

WHEREAS, the premises at 977 East Broadway and have requested receiving water service from the Village of Monticello; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign said agreement with David and Wendy Weiner d/b/a G & W Enterprises, NY LLC to receive water and sewer service as an outside user at 977 East Broadway.

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

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**APPOINTMENT BY THE MAYOR OF PLANNING BOARD MEMBER TO FILL
AN EXPIRED TERM TO EXPIRE APRIL 2007 WITH BOARD APPROVAL**

Mayor Barnicle appointed Jill Kenny-Weyer to the Planning Board to fill the unexpired term to expire on April 2007.

Jill Kenny-Weyer was appointed on a unanimous roll call of the roll.

**RESOLUTION DECLARING ITSELF LEAD AGENCY WITH RESPECT TO
REVIEW OF THE PROPOSED CONSTRUCTION OF THE NEW MONTICELLO
FIREHOUSE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQRA)**

WHEREAS, the Board of Trustees of the Village of Monticello proposes to directly undertake and fund the construction of a new firehouse on Richardson Avenue in the Village of Monticello; and,

WHEREAS, the proposed firehouse construction appears to be a Type I action; and,

WHEREAS, a long form Environmental Assessment Form (EAF) has been completed with respect to said project and forwarded to all involved agencies with a notice that the Board of Trustee of the Village of Monticello intends to declare itself Lead Agency for the proposed construction of a new firehouse in the Village of Monticello.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby declares itself Lead Agency with respect to the proposed construction of the new Monticello firehouse on Richardson Avenue in the Village of Monticello for the purposes of determining the environmental significance of the project pursuant to SEQRA.

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

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WHEREAS, such housing can contribute to the dignity, independence and meaningful activity of the senior citizens of the Village of Monticello; and

WHEREAS, the Board of Trustees of the Village of Monticello has determined that an appropriate means to fulfill the aforementioned needs is to amend the Zoning Code of the Village of Monticello to establish a Senior Citizen Affordable Housing Floating District ("SCAHFD"), consisting of housing for adults over the age of fifty five (55) years that may or may not be directly supported or subsidized by a government agency; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 16 of 2004, which would amend the Zoning Code of the Village of Monticello by establishing a Senior Citizen Affordable Housing Floating District, so that the public may be heard;

NOW, THEREFORE, it is hereby

RESOLVED, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on December 20, 2004, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; 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.

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

**RESOLUTION IN SUPPORT OF THE NEW YORK CAYUGA INDIAN NATION
PLAN FOR A CASINO AT THE MONTICELLO RACEWAY**

WHEREAS, Empire Resorts currently has a contract with the Cayuga Indian Nation of New York for the development of a casino within the limits of the Village of Monticello at Monticello Raceway; and,

WHEREAS, the Board of Trustees of the Village of Monticello recognizes that the Catskills and more specifically the Village of Monticello have historically attracted millions of people to this resort community; and,

WHEREAS, the Board of Trustees of the Village of Monticello further recognizes that a Native American casino within the Village of Monticello presents the possibility of a potentially lucrative venture for the Village of Monticello with respect to its long-standing goal of economic development;

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby support the establishment of a Native American casino in the Village of Monticello by the Cayuga Indian Nation of New York.

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

ORDERING BILL PAID

A motion was made by Trustee Schoonmaker, seconded by Trustee 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.

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PUBLIC COMMENT

Terrorism Concerns

Harry Brantz was concerned about terrorism and being aware of our surroundings.

Public Comment Concerns

Betty Friedland felt that all the Board members were equally elected by the people of the Village of Monticello, and not allowing people to have input on specific topics and not having Board members responding is wrong and the Mayor should be overruled on that point.

Holiday Party Concerns

Betty Friedland noted that she got a memo in the mail anonymously, written by the Village Manager regarding the Village's annual Holiday party which will be held during employee working hours. She indicated that it appears the Village will close down a municipality for a half a day to party which includes an open bar. She felt that the party is fine if it is held after office hours. She noted that to this day her leaves haven't been picked up, nor have the storm drains been cleared out because of a lack of manpower in the Highway Department, but the Village feels it is appropriate to give them a half day to party on taxpayer time with an open bar. She was concerned if an employee leaves the party after drinking and has an accident with the Village sanctioning that party will the Village be held liable. She also questioned whether employees that must work during the time of the party, such as police and firemen, be given a half day off as special compensation on her taxpayer money? She questioned how the Village Board members could sanction this type of activity and whether they voted on it as a Board. She felt this is an insult to the taxpayers.

Mayor Barnicle indicated that the Board would answer her concerns at the end of the meeting as this is only public comment.

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Betty Friedland felt the Board could choose to answer her questions during the meeting.

Carmen Rue agreed with Ms. Friedland in not allowing her tax money to be used for people to attend an open bar party on Village time. She also felt that the notes that the Mayor mentioned for the department heads to look into comments from the public at a meeting are not being looked at as nothing is being remedied and nothing is being done to clean up the Village including leaves that haven't been picked up and furniture that is on peoples' lawns that hasn't been removed.

Tom Rue distributed public comments he has made regarding the Village's website and a history of his tenure as the webmaster at \$75.00 per month.

Tom Rue agreed with Ms. Friedland regarding the holiday party during working hours. He felt the Board is setting a terrible example for the community to allow drinking and driving and requested the police to use a breathalyzer on all public officials as they are leaving this party. He felt if this is not done and there is an accident the Village will be liable and the taxpayers would have to pay for their negligence.

Trustee Schoonmaker requested that the Board go into Executive Session regarding this matter, and at the end of the Executive Session he will answer any question or concern that the public might have.

Minority Hiring

Gordon Jenkins questioned the statement by the Mayor in the newspaper regarding hiring minorities such as Ms. Walker and several other employees. He noted that these employees were hired by a previous Mayor, not Mayor Barnicle. He noted it is his opinion that the minority population elected him, and therefore more minorities should be hired.

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Christmas Holiday Lighting

Trustee Schoonmaker read a letter written by his daughter regarding the condition of the Holiday lighting on Broadway that is not very festive.

He felt that he agreed with his daughter and more should be done to make Broadway look more festive.

East Broadway Conditions

Carmen Rue felt the conditions on East Broadway are deplorable after driving in from out of town. She noted there is a deep hole in the roadway and bags of garbage lying around.

Affordable Senior Citizen Overlay Zone

Attorney Walter Garigliano felt that it was important to get the Affordable Senior Citizen Overlay Zone adopted, and acknowledged publicly Deputy Village Attorney Tim Havas' outstanding efforts in putting together the local law in a timely manner.

EXECUTIVE SESSION

At 7:52 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 matter for a particular person and potential litigation.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:10 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to close the Executive Session and return to open session.

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Holiday Party Discussion

Mayor Barnicle explained that as he had told Trustee Schoonmaker in a note to him that the Holiday party is a "team building" event to create a family atmosphere, foster public attitudes within the Village workforce, because if you have a happy employee, you have a more productive employee, along with holding a joint party with the Town to get to know their coworkers. He felt that under those circumstances the party is perfectly legal to have such an event.

Betty Friedland questioned why the party couldn't be held after business hours?

The Mayor responded that he felt that if you do something special during the day (only three hours 1-4 of a workday) the employees will appreciate it more.

Tom Rue felt that Village is pushing alcohol.

Betty Friedland felt by the employees getting off from working at their assigned job, the Board is giving them a gift which is prohibited by law.

Trustee Schoonmaker questioned whether Village Hall will be closed?

The Mayor responded that at this time he does not know if Village Hall will be opened, but the phone will be on automatic pickup and someone will pick up those messages at the end of the day and respond immediately if necessary.

Code Enforcement Officer Sue Flora indicated that she is not attending the party and will keep Village Hall opened.

The Mayor felt that these residents sound like scrooges.

Trustee VanDermark explained that this issue was not voted on by the Village Board, but he agreed that Village employees should not be drinking on Village time, or even partying on Village time.

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Betty Friedland indicated that the Board sets Village policy, so it is the Board policy allowing this to happen. She felt the "bridging" could have been done at another time, and why do the taxpayers have to feel that they are being shortchanged.

Trustee Schoonmaker indicated that he has a ruling from NYCOM saying that this type of activity during work hours is illegal.

The Mayor felt that the Village Attorney should interpret that ruling.

Trustee Marinello indicated that he makes his own decisions and does not make decisions on what the Mayor says, but what he feels is best for the Village of Monticello. He indicated that he feels that developing a good relationship with our employees is important, is needed and helps people be more motivated to do their job; however he agreed with Trustee VanDermark that during company hours those employees of the Village should not be allowed to drink any alcoholic beverages. He felt the employees deserve the support of the Board and the people that they work for so they can be shown that their work is appreciated.

The Village Attorney felt that preventing the employees from drinking alcohol beverages at this party can not be policed or legislated.

Trustee Marinello made a motion that the party be held without serving alcohol beverages.

Trustee Escobar seconded that motion.

Trustee Schoonmaker indicated that it is against the law to have this type of party during working hours, but he has no problem if a party is held in-house during lunch or after hours. He explained that the question he posed to NYCOM's General Counsel was: "The Village of Monticello is contemplating having a party at which time Village

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employees will be given the afternoon off to attend at their discretion, so what are the legalities and ramifications of this". Ms. Gilberto responded that this is considered a gift; they are not at their work station although they are being paid to be there, and therefore it is illegal.

The Village Attorney agreed with that response to that question; however she did not think that either the Mayor or Manager meant the activity to be as it was posed by him.

Harry Brantz felt the party should be held after hours.

The Mayor felt this event was being held to create "team" unity.

The Times Herald Record reporter felt that this discussion was not appropriate to have been held in Executive Session.

The Village Attorney indicated that this topic was not discussed in Executive Session only a personnel matter.

Trustee Escobar agreed that the party should be alcohol free which would set an example for the community. He felt although the employees deserve a party it should not be on taxpayer money.

The Village Attorney felt that this motion cannot be enforced.

Trustee VanDermark felt that if an employee drinks at this party they are breaking their employment contract as stated in the union contract.

Mayor Barnicle explained that the party will be held in due earnest in every way that is legal, that will protect our employees and also our liability.

The Village Attorney indicated that she will call NYCOM to get a legal ruling, and if necessary the Board can call a special meeting to address this issue before the party takes place.

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Trustee Marinello withdrew his motion until more information is forthcoming, and Trustee Escobar withdrew his second to this motion also.

ADJOURNMENT

At 8:40 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

