

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
TUESDAY, FEBRUARY 22, 2005

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
Bill Bertholf, Sewer Superintendent
Sam Wohl, County Legislator

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF FEBRUARY 7,
2005**

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 February 7, 2005 as presented.

OLD BUSINESS

Ice Skating at deHoyos Park

Mayor Barnicle explained that deHoyos Park has a natural spring and this is preventing the ice from hardening to a

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safe thickness for skating to be allowed. He hopes to have at least one day of skating before the warmer weather arrives.

MANAGER'S REPORT

The Village Manager announced that he would like to dispel a rumor going around town that he is looking to get rid of the Village Attorney and hire, in her place Michael Davidoff who is his cousin. He noted that it is not true on all accounts as Michael is not his cousin.

Brud Decker and I are meeting with the Board of Directors at Temple Sholom on March 10 to discuss their granting us an easement on their property so we can install the rechlorination station.

I was invited to speak at the high school to one of Mrs. Levinson's business classes on "How a Municipality Builds a Budget." The students, all Juniors, were very impressive. Their questions were excellent, and it was clear that Mrs. Levinson had prepared them well to intelligently discuss the subject. It went so well, that Mrs. Levinson asked me to stay to speak to the next class, which I did. If these students are the future of our nation, then we're in good hands.

Work on the new firehouse is proceeding nicely. Concrete has been poured for the tower and tower construction has begun.

Monticello Sullivan First has received a grant for \$10,000 from the NYS Office of Parks, Recreation and Historic Preservation that they had applied for independently from the Village. The money will be used in DeHoyos Park. In addition to that, they are considering taking on Jefferson Street as their Renaissance project for this summer. As their plans gel, I will ask them to come to a Board meeting to fill us in more completely.

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**PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 1 OF
2005 TO AMEND THE VILLAGE OF MONTICELLO CODE SECTION 226-19
BY RAISING THE MAXIMUM INCOME AND TO PROVIDE FOR A SLIDING
SCALE PURSUANT TO REAL PROPERTY TAX LAW SECTION 467 (1) (B)**

Mayor Barnicle opened the public hearing at 7:10 p.m.

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

**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE
VILLAGE OF MONTICELLO OF LOCAL LAW NO. 1 OF 2005**

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 February 22, 2005, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to hear all interested parties on a proposed Local Law entitled A LOCAL LAW AMENDING SECTION 226-19 OF THE VILLAGE CODE REGARDING TAX EXEMPTIONS FOR SENIOR CITIZENS; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on February 11, 2005; and

WHEREAS, said public hearing was duly held on February 22, 2005, at 7:00 p.m. at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 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

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

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.

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NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby adopts said Local Law No. 1 of 2005, entitled A LOCAL LAW AMENDING SECTION 226-19 OF THE VILLAGE CODE REGARDING TAX EXEMPTIONS FOR SENIOR CITIZENS; 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 Marinello, seconded by Trustee Escobar, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION APPOINTING INSPECTORS OF ELECTION FOR VILLAGE ELECTION MARCH 15, 2005

WHEREAS, the Village of Monticello will hold a Village Election on Tuesday, March 15, 2005; and,

WHEREAS, the Board of Trustees is empowered to appoint inspectors of election for the Village Election.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby appoint the following persons and positions for the Village Election, March 15, 2005:

- Election Inspectors: (20)
- Democrats: Patricia McKinny, Nina Snyder, Geraldine Cox, Myrtle McKinney, Lillian Suarez, Florence Messinger, Fannie Valenstein, Mattie Anderson, Eva Hutchins, Ann Shapiro
- Republicans: Adelaide Geiselman, Viola Benjamin, Patricia Richardson, Judy Wolkoff, Margoth Sanchez, Carmen Rue, Janie Malman, Jack Hsu, Beverly Santarelli, Joan Blackburn
- Cord Pullers: (5)
- Democrats: Doris Jones, Linda Thomas

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Recanvassor-Barbara Goldfarb
Machine Custodian-Robert Ottino
Phil Sager

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

RESOLUTION EXTENDING THE REQUIRED CONSTRUCTION START FOR THE NATURAL GAS FRANCHISE GRANTED TO NYSEG FROM JULY 13, 2005 TO DECEMBER 31, 2006

WHEREAS, New York State Electric and Gas ("NYSEG") has notified the Village of Monticello regarding its intent to file with the Public Service Commission ("PSC") to exercise its franchise agreement with the Village of Monticello ("Village") for the natural gas franchise granted to NYSEG on July 13, 2000; and

WHEREAS, the PSC requires signed agreements with NYSEG's prospective major customers for filing purposes; and

WHEREAS, despite significant field review, analysis and preliminary design work with said prospective major customers, some of the prospective major customers have not yet received approvals necessary to proceed and sign an agreement with NYSEG; and

WHEREAS, NYSEG, for the aforementioned reasons, has notified the Village of its inability to proceed with its filing with the PSC at this time, and has requested an extension of the construction start for the natural gas franchise from July 13, 2005 to December 31, 2006; 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 allow the construction start to be extended.

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

1. That the Village of Monticello hereby extends the construction start for the natural gas franchise from July 13, 2005 to December 31, 2006; and

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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, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Escobar, aye; Trustee Marinello, aye; Trustee VanDermark, aye.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A CONTRACT WITH CERTIFIED AMBULANCE GROUP TO PROVIDE REVENUE RECOVERY SERVICES TO THE VILLAGE OF MONTICELLO WITH REGARD TO CALLS FOR INSURED SERVICE RECIPIENTS

WHEREAS, the Board of Trustees of the Village of Monticello has been notified that Certified Ambulance Group ("CAG") provides revenue recovery services for Rescue Services calls, performed by the Monticello Fire Department for insured service recipients;

WHEREAS, CAG has submitted a proposal 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 contract with CAG for the performance of the aforementioned revenue recovery 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 contract with CAG for performance of revenue recovery services for rescue calls, performed by the Monticello Fire Department for insured service recipients; 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.

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**RESOLUTION INTRODUCED BY THE FEDERATION OF SPORTSMEN'S
CLUBS OF SULLIVAN COUNTY, TO ASK THE NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO RESCIND THERE
REGULATION ON THE BAN OF FEEDING DEER**

WHEREAS, the New York State Department of Environmental Conservation has imposed rules and regulations banning the feeding of the White-tailed Deer in the State of New York, and;

WHEREAS, the critical winter months with deep snowfalls and subfreezing temperatures in Sullivan County has caused considerable deer winter mortality and starvation; and,

WHEREAS, the Federation of Sportsmen's Clubs of Sullivan County believes it would be beneficial to all residents and hunting clubs to feed deer, rather than watch the animals starve to death during the winter months when food for deer is in short demand.

NOW, THEREFORE, BE IT RESOLVED, that the Federation of Sportsmen's Clubs of Sullivan County asks the New York State Department of Environmental Conservation to rescind and lift the ban on feeding deer in Sullivan County; and,

BE IT FURTHER RESOLVED, that the Secretary of the Federation of Sportsmen's Clubs of Sullivan County forward copies of this resolution to Governor George E. Pataki, Senator John J. Bonacic, Assemblywoman Aileen M. Gunther, Denise Sheehan, Acting Commissioner of the New York State Department of Environmental Conservation and to the New York State Conservative Council.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, 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 TO SELL PROPERTY NO LONGER NEEDED FOR PUBLIC
PURPOSE AND CONSIDERED SURPLUS PROPERTY AND DESIGNATED AS
TOWN OF THOMPSON 106-1.3.1 TO TRI-STATE FISHERY, INC. OR
ITS DESIGNEE**

WHEREAS, the Village of Monticello owns property designated as Town of Thompson 106-1-3.1 and located on Sturgis Road being 1.29 acres; and

WHEREAS, this property owned by the Village of Monticello is no longer needed by the Village for public purposes and is considered surplus property; and

WHEREAS, Tri-State Fishery, Inc. has offered to purchase this property owned by the Village of Monticello for the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS for the purpose of constructing a building on said property; and

WHEREAS, it is in the best interest of the residents of the Village of Monticello to sell this surplus property owned by the Village of Monticello to Tri-State Fishery, Inc. for the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the property designated as Town of Thompson 106-1-3.1 is hereby declared to be surplus and no longer needed for public purposes; and it is further

RESOLVED, that the Village Manager is hereby authorized to execute the Contract of Sale between the Village of Monticello and Tri-State Fishery, Inc. or its designee for the purchase of Town of Thompson 106-1-3.1 for the sum of FIFTY THOUSAND (\$50,000.00) DOLLARS conditioned upon the Village of Monticello cleaning up the property and Tri-State Fishery, Inc. obtaining site plan approval from the Village of Monticello Planning Board; and it is further

RESOLVED, that the Village Manager is hereby authorized to execute the necessary documents to convey the property designated as Town of Thompson 106-1-3.1 to Tri-State Fishery, Inc. or its designee pursuant to the terms of the Contract of Sale; and it is further

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RESOLVED, that the documents executed by the Village Manager will be in a form approved by the Village Attorney.

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

RESOLUTION ACCEPTING AN OFFER OF SETTLEMENT FROM NEW YORK STATE DEPARTMENT OF TRANSPORTATION ("NYSDOT") REGARDING NYSDOT'S ACQUISITION OF A TEMPORARY EASEMENT ON PLEASANT STREET

WHEREAS, the New York State Department of Transportation ("NYSDOT"), in cooperation with the Village of Monticello ("Village") has proposed a plan for the reconstruction of Pleasant Street in the Village;

WHEREAS, according to the proposed plan, it is necessary for NYSDOT to temporarily appropriate 667 square feet of vacant land along Pleasant Street in the form of a Temporary Easement;

WHEREAS, an appraisal of the rental value of the Temporary Easement has been conducted and the value has been determined to be \$550.00;

WHEREAS, NYSDOT is willing to pay the Village \$550.00 as per its Offer of Settlement and has promised to repair or replace any improvements in the Temporary Easement area that are destroyed during the reconstruction project;

WHEREAS, the Board of Trustees of the Village of Monticello finds that NYSDOT's offer is fair and reasonable and in the best interest of the Village.

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

1. That the Village of Monticello hereby accepts NYSDOT's Offer of Settlement regarding NYSDOT's acquisition of a temporary easement on Pleasant Street and authorizes the Village Manager to complete the NYSDOT agreement form and return it to NYSDOT forthwith; and

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2. That this resolution shall be effective immediately upon signature of the Village Clerk.

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

PUBLIC COMMENT

Police Department Comments

Harry Brantz complained that the Monticello Police Department does not give him any respect.

Snow and Ice Removal

Harry Brantz was concerned that the snow and ice is not being removed from sidewalks and walkways in a timely manner.

Broadway Store Vacancies

Harry Brantz felt that there are too many empty stores on Broadway and the Village should be doing more to attract businesses to that area.

New Jobs For Monticello

Jeff Sternberg complimented the Village Board their action in selling vacant Village property to the Tri-State Fishery which will build a new business and bring at least 35 new jobs in the Village.

Dirty Water Concerns

Becky Whipple reminded the Village Board that the water is running yellow from the taps in that neighborhood and asked what the status of the new rechlorination station on Dillon Road will be completed.

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The Village Manager reported that the Village is meeting with representatives of Temple Shalom to secure an easement. After the easement has been approved the Village must bid out the project, however the specifications are ready to be released. He felt the project could be completed within three months. The Manager also noted that the Temple is requesting a 4 way Stop Sign at the intersection of Dillon Road and Wood Avenue. The Chief of Police will review this request.

ADJOURNMENT

At 7:32 p.m., a motion was made by Trustee Escobar, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk