

MINUTES
REORGANIZATIONAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, APRIL 4, 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:

Absent:

James Barnicle, Mayor
Gordon Jenkins, Trustee
Victor, Marinello, Jr. Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

Also Present: E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Alan Reynolds, Highway Superintendent
Clarence Decker, Water Superintendent
Carl Houman, Director of Fire Service
Bill Bertholf, Sewer Superintendent
Betsy Conaty, Director of Parks & Recreation
Douglas Solomon, Chief of Police

MOMENT OF SILENCE - POPE JOHN PAUL II

Mayor Barnicle asked for a moment of Silence for Pope John Paul II who was a great leader of the world for the last 26 years.

HEALTH WISHES

Mayor Barnicle wished a speedy recover to Trustee Schoonmaker and Village Manager Sush, both absent due to health related problems.

The Mayor noted that any of the Manager's annual appointments will be made at the next meeting.

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SWEARING IN - GORDON JENKINS

The Village Clerk administered the Oath of Office to newly elected Trustee Gordon Jenkins.

WEATHER RELATED EVENTS

Mayor Barnicle recounted the events over the weekend regarding the heavy rains that caused flooding in the Village and the entire region. He thanked the paid and volunteer firemen, highway employees, the Police Department Red Cross volunteers and everyone who came to the aid of those who needed rescuing from the rising water and a safe, dry place to spend the night at the Ted Stroebele Recreation Center.

MAYOR'S APPOINTMENT FOR VILLAGE ATTORNEY OF ONE YEAR WITH VILLAGE BOARD APPROVAL

Mayor Barnicle appointed **E. DANIELLE JOSE** as **VILLAGE ATTORNEY** for a term of one year.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to appoint E. Danielle Jose as Village Attorney for a term of one year.

MAYOR'S APPOINTMENT FOR DEPUTY VILLAGE ATTORNEY FOR A TERM OF ONE YEAR WITH VILLAGE BOARD APPROVAL

Mayor Barnicle appointed **TIM HAVAS** as **DEPUTY VILLAGE ATTORNEY** for a term of one year.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to appoint Tim Havas as Deputy Village Attorney for a term of one year.

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APPOINTMENT OF HUMAN RIGHTS COMMISSION MEMBERS - TWO YEAR TERM

Mayor Barnicle explained that Human Rights Commission Chairman must step down as Chairman has he has served two consecutive years in that position, but he is asking that he be reappointed to a two (2) year term. He asked that Human Rights Commissioner Carmen Rue be replaced with Lillian Suarez for a two year term.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, approved on a roll call vote as follows: Trustee Jenkins, nay, Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye.

APPOINTMENT OF CHAIRMAN OF THE HUMAN RIGHTS COMMISSION FOR A ONE YEAR TERM

Mayor Barnicle nominated Will Lewis to serve as Chairman of the Human Rights Commission. A motion was made by Trustee Marinello, seconded by Trustee VanDermark, approved on a roll call vote as follows: Trustee Jenkins, nay, Trustee Marinello, aye; Trustee VanDermark, abstain (asked for a resume before approving); Mayor Barnicle, aye. Motion failed for lack of a majority. Chairman Dumas will remain as a "holdover".

MAYOR'S APPOINTMENT WITH BOARD APPROVAL FOR A FIVE (5) YEAR TERM TO THE PLANNING BOARD TO EXPIRE APRIL 2010

Mayor Barnicle reappointed **Jan Van Etten** to the **Planning Board** for a five year term to expire **April 2010** with the unanimous approval on a roll call vote of the Trustees.

MAYOR'S APPOINTMENTS

Mayor Barnicle appointed **Trustee Marinello** as **Deputy Mayor**.

Mayor Barnicle appointed **Trustee VanDermark** and **Trustee Jenkins** as **Board Auditors**.

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**RESOLUTION SETTING THE DATE, TIME AND PLACE OF REGULAR
VILLAGE BOARD MEETINGS**

WHEREAS, the Village Board holds regular board meetings twice a month; and,

WHEREAS, the Village Board wishes to hold its Board Meetings on the first and third Monday's of each month with Village Board meetings at 7:00 p.m.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby set the regular Board meetings to be held on the first and third Monday of each month, at 7:00 p.m., in the Meeting Room at Village Hall, 2 Pleasant Street, Monticello, NY.

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

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ALLOW
EMPLOYEES TO ATTEND SEMINARS AND CONFERENCES WHICH WILL
BENEFIT OR FURTHER THE INTERESTS OF THE VILLAGE**

WHEREAS, the Village Board of the Village of Monticello encourages their employees to attend seminars and conferences which will benefit or further the interests of the Village, and;

WHEREAS, the Village Manager reviews each of these requests from the employees.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby authorize the Village Manager to allow employees to attend seminars and conferences which will benefit or further the interests of the Village if budgets permits.

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

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**RESOLUTION AUTHORIZING PAYMENT IN ADVANCE OF AUDIT CLAIMS
FOR PUBLIC UTILITY SERVICE**

WHEREAS, the public utility service bills must be paid on a timely basis to avoid incurring additional penalties, and;

WHEREAS, these public utility service payments are subsequently reviewed by the auditing committee.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby authorize the payment in advance of audit claims for public utility service.

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

**RESOLUTION AUTHORIZING THE DEPOSIT AND USE OF PROCEEDS FROM
SALE OF BONDS, BOND ANTICIPATION NOTES, CAPITAL NOTES,
URBAN RENEWAL NOTES OR BUDGET NOTES**

WHEREAS, the Treasurer must deposit in a timely manner and have use of the proceeds from the sale of bonds, bond anticipation notes, capital notes, urban renewal notes or budget notes, and;

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby authorize the deposit and use of proceeds from sale of bonds, bond anticipation notes, capital notes, urban renewal notes or budget notes.

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

**RESOLUTION DIRECTING THE ANNUAL AUDIT OF THE VILLAGE OF
MONTICELLO JUSTICE COURT RECORDS BY THE VILLAGE INDEPENDENT
AUDITORS**

WHEREAS, the Monticello Justice Court Records must be audited annually, and;

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WHEREAS, the Village Auditors have the expertise to perform this independent audit of these records with no additional cost to the Village.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby direct the Village Independent Auditors to do the annual audit of the Village Justice Court Records.

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

**RESOLUTION REGARDING PROCUREMENT OF ALL GOODS AND SERVICES
BY DEPARTMENTS OF THE VILLAGE OF MONTICELLO**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy of all goods and services which are not required by law to be publicly bid; and,

WHEREAS, the Village first adopted a procurement policy on September 22, 1996; and,

WHEREAS, all departments have been made aware of the guidelines of this procurement of all goods and services.

NOW, THEREFORE BE IT RESOLVED, that the Village of Monticello does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF MONTICELLO

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent of the item of supply or service is past purchases and aggregate amount spent per year. The following items are not subject to competitive bidding pursuant to Section 103 of the

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General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bid. The individual will document bidding in writing making the purchase. This documentation may included written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price, except in the following circumstances: purchase contract over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contract pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

2. The following method of purchase will be used when Required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$9,999	Written/fax quotation

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Estimated Amount of Public Works Contract	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$4,999	Written/fax quotation
\$5,000 - \$19,999	Written/fax quotation or written request for proposal

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotation, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible. A determination that the offerer is not responsible shall be made by the purchaser and may be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Monticello to solicit quotations or document the basis for not accepting the lowest bid.

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- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees of the Village of Monticello shall take into consideration the following guidelines:

(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not limited to the following services: services of an attorney; services of a physician; technical maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals

may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auction or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
 - d. Goods or services under \$501. The time and Documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
7. This policy is effective August 19, 1996, and will be reviewed annually.

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

RESOLUTION ADOPTING INVESTMENT POLICY FOR THE VILLAGE OF MONTICELLO

WHEREAS, the Village Treasurer has need to deposit funds in various appropriate accounts; and,

WHEREAS, the Village has, in the past, adopted such an investment policy to be used by the Treasurer or designee for administration of the investment program to provide a satisfactory level of accountability based on a data or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby adopt the attached Investment Policy for the Village of Monticello.

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

RESOLUTION AUTHORIZING THE VILLAGE JUSTICE AND ACTING VILLAGE JUSTICE TO HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE BANK OF NEW YORK

WHEREAS, the Village Justice and Acting Village Justice have monies paid to the Court for fines, bail and restitution; and,

WHEREAS, this money must be deposited in accounts by the Village Justice and Acting Village Justice; and,

WHEREAS, only the Village Justice, and the Acting Village Justice, have sole authorization for deposits and withdrawals of these accounts.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Justice and Acting Village Justice to open the necessary accounts in the Bank of New York as Village Depositories.

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

RESOLUTION AUTHORIZING THE MAYOR, DEPUTY MAYOR, TREASURER AND DEPUTY VILLAGE TREASURER HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE BANK OF NEW YORK, KEY BANK, COMMUNITY BANK OF SULLIVAN COUNTY, BANK OF AMERICA, HUB, THE FIRST NATIONAL BANK OF JEFFERSONVILLE AND CHASE MANHATTAN BANK

WHEREAS, the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer are authorized to sign checks for various accounts; and,

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WHEREAS, this money must be deposited in accounts by the Village Treasurer; and,

WHEREAS, only the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer have sole authority of these accounts.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor, Deputy Mayor, Treasurer, Deputy Treasurer, to maintain or open the necessary accounts in the Bank of New York, Key Bank, Community Bank of Sullivan County, Bank of America, HUB Bank, the First National Bank of Jeffersonville and Chase Manhattan Bank.

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

RESOLUTION DESIGNATING TAX SALE DATE AS TUESDAY, MAY 10, 2005 AT 10 A.M. AT THE VILLAGE OFFICE, PURSUANT TO REAL PROPERTY TAX LAW 1452 (1)

WHEREAS, the Village of Monticello has delinquent 2004/05 property taxes, and;

WHEREAS, under the NYS Real Property Tax Law 1452 (1) the Village is authorized to hold a tax sale.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby designate Tax Sale date as Tuesday, May 10, 2005 at 10 a.m. at the Village Hall, pursuant to Real Property Tax Law 1452 (1).

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

ANNUAL REPORT - MOBILMEDIC

Mayor Barnicle reported that the President of the company Albee Bockman had been injured responding to an emergency call during last weekend's rain storm and he asked that his report be rescheduled to the next meeting.

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**RESOLUTION SCHEDULING A PUBLIC HEARING TO BE HELD ON
MONDAY, APRIL 18, 2005 AT 7:00 P.M. REGARDING AN
APPLICATION SUBMITTED BY ARON WEINBERGER REQUESTING THAT
THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES ADOPTS LOCAL
LAW NO. 2 OF 2005 WHICH WOULD AMEND THE ZONING CODE TO
ALLOW FOR RE-ZONING OF A 3.124 PORTION OF AN EXISTING 11.1
ACRE PARCEL LOCATED ON THE EASTERLY SIDE OF PARK AVENUE
WITH A TAX MAP DESCRIPTION OF SECTION 118A-1-3.1 FROM AN R2
(SINGLE-FAMILY RESIDENCE) DESIGNATION TO AN RM (MULTIPLE
DWELLINGS) DESIGNATION.**

WHEREAS, an application has been submitted by Aron Weinberger requesting that the Village of Monticello Board of Trustees adopts Local Law No. 2 of 2005 which would amend the Zoning Code to permit the re-zoning of a 3.124 portion of an existing 11.1 acre parcel located on the easterly side of Park Avenue with a Tax Map Description of Section 118A-1-3.1 located in the Village of Monticello, New York, from an R2 (Single-Family Residence) designation to an RM (Multiple Dwellings) designation;

WHEREAS, the Village of Monticello Planning Board has conducted a public hearing and has given full consideration to this application on March 1, 2005;

WHEREAS, the Village of Monticello Planning Board recommends the adoption of Local Law No. 2 of 2005 subject to the condition that the applicant subdivide the 3.124 portion of the 11.1 acre parcel;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Monticello Village Board of Trustees fix a date for a public hearing regarding whether to adopt the aforementioned Local Law No. 2 of 2005 which would amend the Zoning Code to re-zone a 3.124 acre portion of an existing 11.1 acre parcel located at the aforementioned place from an R2 (Single-Family Residence) designation to an RM (Multiple Dwellings) designation.

The public hearing is scheduled for April 18, 2005 at 7:00 p.m. to take place at the Village of Monticello Hall located at 2 Pleasant Street, Monticello, New York at which time all interested parties will be afforded an opportunity to be heard.

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO BE HELD ON MONDAY, APRIL 18, 2005 AT 7:00 P.M. REGARDING AN APPLICATION REQUESTING THAT THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES ADOPT LOCAL LAW NO. 3 OF 2005 WHICH WOULD AMEND THE ZONING CODE TO ALLOW FOR A ZONING CHANGE TO A B-1 DISTRICT FOR THE SPECIFIED PARCELS IDENTIFIED BY THEIR SECTION, BLOCK AND LOT NUMBERS THAT ARE LOCATED ON ST. JOHN STREET IN THE VILLAGE OF MONTICELLO AND ENUMERATED AS FOLLOWS:

Proposed change from R-2 District (one-family dwelling, accessory buildings) to B-1 District for:

116-1-34	116-1-33	116-4-1	116-4-16
116-4-15	116-4-14	116-3-23	116-3-22
116-3-21	120-2-1	120-2-24	120-2-22

Proposed change from R-M District (one-family dwelling, two-family dwelling, boarding houses, accessory buildings) to B-1 District for:

115-6-19	115-6-20	115-7-11	115-7-12
115-7-13	115-8-11	115-8-12	115-8-13
115-8-14	120-1-2		

WHEREAS, an application has been submitted requesting that the Village of Monticello Board of Trustees adopts Local Law No 3 of 2005 which would amend the Zoning Code to allow for a zoning change to a B-1 District for the above enumerated parcels identified by their section, block and lot numbers that are located on St. John Street in the Village of Monticello;

WHEREAS, a public hearing was conducted by the Planning Board on March 1, 2005, regarding this proposed zoning change;

WHEREAS, the Village of Monticello Planning Board not only considered a zoning change to a B-1 District but also considered a change to a B-2 and B-1-O District; and

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WHEREAS, the Village of Monticello Planning Board, after having had an opportunity to consider this application and are making a recommendation that this application be denied in its entirety;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Village of Monticello Board of Trustees fix a date for a public hearing regarding whether to adopt the aforementioned Local Law No. 3 of 2005 which would amend the Zoning Code to permit a zoning change to a B-1 District for the above specified parcels that are located on St. John Street in the Village of Monticello.

The public hearing is scheduled for the 18th day of April, 2005, at 7:00 p.m. to take place at the Village of Monticello Hall located at 2 Pleasant Street, Monticello, New York. The Village Clerk is authorized to advertise the notice of hearing.

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

RESOLUTION AMENDING THE REGULATIONS FOR USE OF THE TED STROEBELE RECREATION CENTER

WHEREAS, the Board of Trustees of the Village of Monticello ("Village") had previously restricted the hours of operation for use of the Ted Stroebele Recreation Center to Monday through Friday from 9:00 a.m. to 9 p.m.; and,

WHEREAS, the Village has recently received a number of requests from responsible community groups to use the facility during the weekend; and,

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the residents of the Village to amend the hours of operation for use of the Ted Stroebele Recreation Center to include Saturday and Sunday.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby amends the hours of operation for use of the Ted Stroebele Recreation Center to include Saturday and Sunday.

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

DEDICATION OF THE TED STROEBELE RECREATION CENTER

Mayor Barnicle announced that the dedication of the newly named Ted Stroebele Recreation Center building will be held on Thursday, May 26, 2005 at 1 p.m.

BASKETBALL TOURNAMENT

Betsy Conaty, Director of the Parks and Recreation Department announced that this department in conjunction with the Monticello High School's Academy of Finance will be holding a 3 "b" 3 (half court, 3 players against 3 players) basketball tournament at the High School Gym.

RESOLUTION AMENDING THE FEE SCHEDULE IN REGARD TO RAISING THE SEWER CONNECTION FEES

WHEREAS, the Sewer Department has reviewed the fee schedule in regard to sewer connection fees for both residential and commercial properties; and,

WHEREAS, the fee schedule has not been increased in many years, but the cost of manpower to oversee that these connections are done correctly and also inspected when necessary; and,

WHEREAS, Bill Bertholf, the Sewer Superintendent is recommending that these fees be increased to cover the cost to his department.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve amending the fee schedule in regard to raising the Sewer Connection fees as recommended by the Sewer Superintendent, effective immediately. See attached.

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

RESOLUTION IN SUPPORT OF THE COLLATERAL SOURCE BILL

WHEREAS, the Board of Trustees of the Village of Monticello has been made aware of the Collateral Source Bill which is pending in both houses of the New York State Legislature; and,

WHEREAS, the Collateral Source Bill seeks to amend Section 4545 of the New York State Civil Practice Law and Rules to end the current inequity under which only public employers must pay a public employee for lost future earnings without reducing such award by whatever collateral source of compensation, such as an accidental disability pension, that the public employee will receive to replace those earnings.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby supports the enactment of the Collateral Source bill (S.1544/a.4354), and urges the New York State Legislature to consider its adoption and that the Village Clerk be authorized to write letters of support on behalf of the Village Board to the Governor's Office, Senator Bonacic and Assemblywomen Gunther.

The Village Attorney indicated that she would write the letters to be forwarded to these State representatives.

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

RESOLUTION CHANGING THE FIRST AND SECOND MEETINGS IN MAY FROM MONDAY, MAY 2nd AND MAY 16th TO MONDAY, MAY 9th AND MONDAY, MAY 23rd THE SECOND AND FOURTH MONDAYS OF MAY

WHEREAS, the Board of Trustees of the Village of Monticello hold their regular meetings on the first and third Mondays of each month; and,

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WHEREAS, the month of May has (5) five Mondays in it and in order to not to have a three week gap between Village Board meetings.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the first and second Board meeting in May from Monday, May 2 to Monday, May 9th and from Monday, May 16th to Monday, May 23rd 2005 and in the future when there are five(5) Mondays in the month and then the meetings will be held on the second and fourth Mondays on that month in order to not have longer than a two week period between the bi-monthly meetings.

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

RESOLUTION APPROVING PURCHASE OF A USED 1993 GMC TRUCK FOR USE FOR STREET CLEANING PURPOSES IN THE AMOUNT OF \$8,000.00

WHEREAS, the Highway Department is replacing a sander cab and chassis; and,

WHEREAS, the Highway Department needs to replace this equipment for use in treating the roads in the winter; and,

WHEREAS, the Village Highway Superintendent has located a used 1993 GMC truck that will replace a 1983 vehicle presently used for the above purpose.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a used 1993 GMC Truck in the amount of \$8,000.00.

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 APPROVING PURCHASE OF A MONROE MSV 156 84-86
STAINLESS STEEL 10/7 GAUGE MATERIAL SPREADER FOR USE BY THE
HIGHWAY DEPARTMENT IN THE AMOUNT OF \$9,195.00**

WHEREAS, the Highway Department needs to replace this equipment to be used to spread salt and sand when necessitated by the weather; and,

WHEREAS, the price is lower at this time of the year because it is considered a "left over" for this season and the price will increase by at least one third; and,

WHEREAS, the Village Highway Superintendent has recommended that this equipment be purchased and noted that it is made of a more durable, long lasting stainless steel material.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase a Monroe MSV 156 84-86 Stainless Steel Spreader for use by the Highway Department in the amount of \$9,195.00.

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

RESOLUTION APPROVING BUDGET TRANSFERS

WHEREAS, the Village of Monticello has adopted its annual budget for the 2004/05 fiscal year; and,

WHEREAS, the Village will incur expenditures that exceed the adopted line item amounts authorized by the Village Board of Trustees, and;

WHEREAS, there are revenues that exceeded budgetary amounts and/or expenditure line items that may be reduced.

NOW, THEREFORE BE IT RESOLVED, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [See attached].

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

PROCLAMATION - YOUTH WEEK

Mayor Barnicle read aloud the proclamation, proclaiming the week beginning on the 1st Sunday in May as Youth Week.

ORDERING BILL PAID

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, 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.

PUBLIC COMMENT

County Landfill Meeting

Harry Brantz reported that the County will hold a meeting on the third Thursday in April at 2 p.m. regarding the Landfill. He noted that he is against Cell 6, Phase II.

Condition of the Village

Harry Brantz was concerned with the dirty street conditions from Park Avenue to Wood Avenue, as well as throughout the Village. He felt the property owners should be held responsible for the condition of their property. He also complained about the first house on the south side off Park Avenue that has a pile of garbage 4 ft. wide and 5 ft. high that hasn't been cleaned up.

Village Youth Program

Alvin Dumas commended the Village Board for making a difference for the youth.

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Jefferson Street Roadway Conditions

Becky Whipple was concerned that the roadway on the newly paved Jefferson Street, at the intersection of Jefferson Street and Broadway is already eroding.

Mayor Barnicle indicated that the Village will be repairing the roadways that have damage caused by the harsh winter.

Village Conditions

Betty Friedland explained that the Village is not enforcing their own laws. She noted that in driving to work this morning throughout the residential areas no one is putting their household garbage in garbage cans, but instead just putting it on the curbside in plastic bags so animals can rip them open or they get heavy from the rain. She felt that the Village has a law that says that garbage must be placed in a container with a tight lid and each household is allowed only two cans although most houses had mounds of garbage out in plastic bags which could not possibly all fit in two cans. She questioned whether this law could be strictly enforced.

The Mayor responded that the Village has instituted a program several weeks ago that will be done slowly route by route to enforce this law.

Tractor Trailer Comments

Betty Friedland questioned why tractor trailers are allowed to travel and park in residential streets when the Village passed a law in January 2004 prohibiting trucks from using residential street? She questioned how this local law differs from tractor trailers parking overnight on these streets when they have to go through residential areas to get to their homes. She felt if the Village does not allow trucks that weigh as much as a tractor trailer, than why are tractor trailers allowed.

Executive Session Concerns

Betty Friedland noted that it has taken 3 meetings to try to correct giving an employee a raise that was done in

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Executive Session and not in public as required by law. She noted that first the officials denied a raise had been given to any employee and then the next day in the Sullivan County Democrat the Village Manager admitted a raise had been given to Assistant Grant Administrator Caroline Hayes.

Hiring Practices

Betty Friedland noted that she saw an ad in the Sullivan County Democrat for an Assistant Part time Code Enforcement Officer, however there was a part time secretary that was hired by another department full time and there is another person that has already been hired in that part time position without advertising for the vacancy. She felt that in fairness the Village should advertise for this position to let all the residents have an equal opportunity to be hired. She did not feel this was done on a fair basis.

Landfill Concerns

Mendel Blizinsky, owner of a unit in Mountain Lodge Estates on Rose Valley Road and representing the 64 families that come up to this area in the summer explained that Phase II abuts their properties. He noted that the landfill cannot expand in the other direction because of the "wetlands" which protects wild life and is given more consideration than hundreds of people who live right there. He pleaded with the Village officials to put a stop to the proposed expansion.

Orietta Accardo explained that she feels putting a landfill close to people's homes is a mistake because of all its known and unknown health hazards and hazards to the environment.

Jeff Reno was noted that the landfill has been non-compliant for many years and it is the County' job to control the odors and not coming off their property into the surrounding community. He noted that the County has been ignoring the residents for years and just recently

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starting listening to their concerns. He felt that Sullivan County does not need Phase II nor does it belong in the Village. He asked the Village Board to consider passing a law against the proposed expansion and any incinerating plants that are combustible and send emissions into the air.

Eugene Weinstein was concerned with the health issues in regard to the landfill.

Marie Ng asked the Board to adopt a law to stop Phase II. She displayed a chart showing the current height of the landfill and the final size of the landfill mountain. She was also concerned with the related to health issues caused by the odors and particulars coming from the landfill.

Ken Goldfarb displayed visual aids to give the Board and the public a drawing of what the landfill will look like in the future.

Mayor Barnicle announced that at the next Board meeting the Village will schedule a public hearing to be held at the May 9th meeting to discuss and review a local law to prevent any future expansion of the landfill in the Village.

EXECUTIVE SESSION

At 8:45 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter, contract negotiations and union negotiations.

ADJOURNMENT

At 9:20 p.m., a motion was made Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Reorganizational meeting.

EDITH SCHOP, Village Clerk

