

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, AUGUST 8, 2005

**MEETING TO ORDER**

Mayor Barnicle called the meeting to order at 7:030 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  
Tim Havas, Deputy Village Attorney  
Douglas Solomon, Chief of Police  
Alan Reynolds, Highway Superintendent  
Sue Flora, Code Enforcement Officer  
Bill Bertholf, Sewer Superintendent  
Betsy Conaty, Director of Parks & Recreation  
Sam Wohl, County Legislator

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF JULY 18,  
2005 AND APPROVAL OF MINUTES OF JOINT VILLAGE/TOWN MEETING  
OF JULY 19, 2005**

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of July 18, 2005 and the minutes of the Joint Village/Town Meeting of July 19, 2005 as presented.

**OLD BUSINESS**

**Renaissance Project - Jefferson Street**

Mayor Barnicle commended members of the Renaissance Project for the work that they have completed just off Exit 104

Minutes - Regular Village Board Meeting  
8/8/05

from Route 17 including painting of Chic Press, The Bean Bag, Yaeger Realty, Tilly's Diner, European Dry Cleaners and the Town Barn.

**Renaissance Project - Ben Moshe Building**

The Mayor commended workers on the second project at the Ben Moshe Building including the painting of the wall on the Westside of the parking lot.

**Renaissance Project - deHoyos Park**

The Mayor also complimented the Sportsmen Federation of Sullivan County for the lovely garden at deHoyos Park.

**MANAGER'S REPORT**

**BELMONT DRIVE MEETING**

The Village Attorney and I met with people from the church and residents of the Belmont Drive area. We explained the Village's position and we had a good discussion. We left the meeting with some direction for me to find out how much it would cost to have Belmont Drive brought up to village specifications. Until we have those numbers, I respectfully ask the Village Board to table a final vote on Belmont Drive.

**BROADWAY RECONSTRUCTION PROJECT**

Members of our design firm for the D.O.T. Broadway project and our Village Engineer met a couple of weeks ago with the D.O.T. The D.O.T. asked the design firm to submit three new scenarios for the streetscape: the one already submitted, and two less expensive options. They indicated that this would delay the project until 2007.

Upon learning of the proposed delay, I contacted our state and national representatives to exert pressure on the D.O.T. to avoid any delay. There is a lot of money being

Minutes - Regular Village Board Meeting  
8/8/05

invested in Monticello and many businesspeople are waiting for Broadway to be done before investing more. Monticello's economic revival cannot wait. In addition, we have grant money to replace water and sewer lines on Broadway which we will lose if we do not do the work by August, 2006.

After contacting our representatives, the D.O.T. called me and promised that we can still get the project started by next spring.

#### **ROTARY MONSTER RUN**

The Monticello Rotary Club had its annual Monster 5K and 10K road race yesterday. By all accounts, it was another successful event for Rotary and the Village of Monticello.

#### **MONTICELLO SULLIVAN FIRST**

Judging for this year's Sullivan Renaissance competition is scheduled for next weekend, with the results being announced one week from tonight. The Monticello Sullivan First group has done an amazing job this year of sprucing up Jefferson Street, from the entrance to the village at Exit 104, to the Teddy Stroebele Recreation Center. They've painted many of the businesses and the front of the town highway department, at the owner's expense, and landscaped and planted and cleaned. They've done a beautiful job.

#### **PRESENTATION OF CERTIFICATES OF APPRECIATION TO MEMBERS OF THE LITTLE LEAGUE ALL STAR TEAM**

Mayor Barnicle presented all the members of the Little League All Star Team and the coaches with Certificates of Appreciation for going further in the Championship Rounds than any other team in the history of Monticello's Little League.

#### **PROMOTION OF POLICE OFFICERS**

Village Justice Josephine Finn promoted Roger Bisland, Jr. from Sergeant to Lieutenant and Daniel Oldfield from Police Officer to Sergeant.

Minutes - Regular Village Board Meeting  
8/8/05

**RESOLUTION BY THE BOARD OF TRUSTEES DECLARING LEAD AGENCY  
WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 7 OF  
2005 AMENDING SECTION 252-47 OF THE VILLAGE CODE BY CLOSING  
A PORTION OF BELMONT DRIVE**

Matter tabled to the next meeting.

**PART II OF THE ENVIRONMENTAL ASSESSMENT FORM - LOCAL LAW  
NO. 7 OF 2005 AMENDING SECTION 252-47 OF THE VILLAGE CODE  
BY CLOSING A PORTION OF BELMONT DRIVE**

Matter tabled to the next meeting.

**RESOLUTION DECLARING A NEGATIVE DECLARATION IN REGARD TO  
LOCAL LAW NO. 7 OF 2005 AMENDING SECTION 252-47 OF THE  
VILLAGE CODE BY CLOSING A PORTION OF BELMONT DRIVE**

Matter tabled to the next meeting.

**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE  
VILLAGE OF MONTICELLO OF LOCAL LAW NO. 7 OF 2005 AMENDING  
SECTION 252-47 OF THE VILLAGE CODE BY CLOSING A PORTION OF  
BELMONT DRIVE**

Matter tabled to the next meeting.

**RESOLUTION CORRECTING THE 2005/06 VILLAGE TAX ROLL - SLEEPY  
HOLLOW DEVELOPMENT SECTION 126, BLOCK 1, LOT 3**

**WHEREAS**, the Sleepy Hollow Development Corp. is an exempt property in Roll Section 8 of the Village Tax Roll; and,

**WHEREAS**, Sleepy Hollow Development is federally funded and receives Shelter Rents as such, and therefore, the Village is entitled to a portion of this money.

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Monticello does hereby correct the 2005/06 Village Tax Roll to reflect the additional **\$32,708.33**.

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

Minutes - Regular Village Board Meeting  
8/8/05

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MONTICELLO DECLARING USED MILLINGS AND SAND AS SURPLUS  
PROPERTY**

**WHEREAS**, the Highway Department and the Department of Public Works of the Village of Monticello makes repairs on Village roadways from time to time resulting in accumulation of used "millings"; and

**WHEREAS**, the Highway Department and the Department of Public Works of the Village of Monticello sands the Village roadways from time to time on a seasonal basis, resulting in an accumulation of used sand; and

**WHEREAS**, the Village has been informed by the Department of Environmental Protection that the Village may not reuse said used millings and sand; and

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

1. THAT the Board of Trustees of the Village of Monticello does hereby declare the used millings and sand which have accumulated in the Village of Monticello surplus property; and
2. THAT the surplus property may be disposed of by the Village of Monticello; and
3. 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.

**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;

Minutes - Regular Village Board Meeting  
8/8/05

**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].

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

**RESOLUTION AMENDING THE VILLAGE OF MONTICELLO'S PROCUREMENT POLICY AS ADOPTED ON THE REORGANIZATIONAL MEETING APRIL 4, 2005**

**WHEREAS**, the Village Board at their Reorganizational Meeting held on April 4, 2005 adopted a Procurement Policy; and,

**WHEREAS**, the Board of Trustees feels that the procurement policy should be amended to add that any single item purchase of \$1,000 or more needs board approval prior to purchase and other various changes required.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby amend the Village of Monticello's Procurement Policy add that any single item purchase of \$1,000 or more needs board approval prior to purchase and other various changes required.

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

**RESOLUTION AUTHORIZING ACCEPTANCE OF A PROPOSAL FROM CBIZ FOR VALUATION OF THE FIXED ASSETS OF THE VILLAGE OF MONTICELLO**

**WHEREAS**, it is necessary for the Village of Monticello to hire a valuation consultant for valuation of the Village's fixed assets; and

Minutes - Regular Village Board Meeting  
8/8/05

**WHEREAS**, Advance CBIZ has submitted a proposal, including its fee schedule, for consideration with respect to provision of the aforementioned services, the proposed cost of which is \$5,250.00;

**WHEREAS**, the Village Treasurer has checked the references of CBIZ and recommends using said company for said valuation;

**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 accept said proposal from CBIZ for the performance of the aforementioned valuation 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 accept a proposal from CBIZ for performance of valuation of the fixed assets of the Village of Monticello with a proposed cost of \$5,250.00; 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.

**MAYOR'S APPOINTMENT TO THE MONTICELLO HOUSING AUTHORITY BOARD FOR A FIVE (5) YEAR TERM TO EXPIRE AUGUST 2010**

Mayor Barnicle appointed Lillian Suarez to serve as a member on the Board of the Monticello Housing Authority for a five (5) year term to expire August 1, 2010.

**APPEAL OF PENALTY REVIEW COMMITTEE DECISIONS**

**Appeal By Mendel Raksin - 309 E. Broadway - Account #264**

Mr. Raksin had stated that the bills were mailed to his correct address, but he never received them.

Minutes - Regular Village Board Meeting  
8/8/05

The Village Manager explained that the Penalty Review Board denied Mr. Raksin's appeal to have the penalties waived since the delivery of the mail is not the Village's responsibility and the property owner should be aware of when the utility bills are due.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to uphold the Penalty Review Board's decision.

**Appeal By Yolanda Cruz - 11 Fisk Avenue - Account #2140**

Yolanda Cruz explained that she is appealing the Penalty Review Board's decision to deny her appeal because of her financial hardship.

The Village Manager explained that the Penalty Review Board denied Yolanda Cruz appeal to have the penalties waived, but did offer her the opportunity to make partial payment on her bill.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins, aye; Trustee Marinello, aye; Trustee VanDermark, aye; to uphold the Penalty Review Board's decision. Motion carried 4 ayes - 1 nay.

**RESOLUTION BY THE BOARD OF TRUSTEES FORGIVING THIRTY AND 98/100 (\$30.98) DOLLARS IN PENALTIES RELEVIED ON THE PROPERTY AT 36 FORESTBURGH ROAD, SUITE #4, VILLAGE OF MONTICELLO TAX MAP # SBL 110-3-21.2**

**WHEREAS**, MV Eagle Enterprises is the owner of Eagle Plaza, Suite 4, where a water, sewer and sanitation bill of \$1,794.35 (including penalties) was due on or before July 14, 2005, which had been the responsibility of the previous tenant, Cream & Sugar Cafe; and

**WHEREAS**, the previous tenant did not pay the water, sewer and sanitation bill of \$1,794.35 (including penalties), and it was assessed to the property owner; and



Minutes - Regular Village Board Meeting  
8/8/05

**WHEREAS**, the property owner applied to the Penalty Review Committee of the Village of Monticello to be forgiven the bill and penalties; and

**WHEREAS**, the Penalty Review Committee denied said request on June 8, 2005, giving the property owner thirty (30) days to appeal to the Board of Trustees; and

**WHEREAS**, the property owner attempted to pay the bill in full (including penalties) within thirty days of June 8, 2005; and

**WHEREAS**, in the interim, the water, sewer and sanitation bill of \$1,794.35 plus 14% in additional penalties of THIRTY AND 98/100 (\$30.98) DOLLARS had been relieved on the property tax bill for 36 Forestburgh Road, Suite 4, Village of Monticello Tax Map # SBL 110-3-21.2; and

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that 14% in additional penalties of THIRTY AND 98/100 (\$30.98) DOLLARS was inappropriately charged to the property owner under the circumstances.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Board of Trustees of the Village of Monticello THAT the Board of Trustees of the Village of Monticello does hereby forgive THIRTY AND 98/100 (\$30.98) DOLLARS in penalties relieved on the property at 36 Forestburgh Road, Suite #4, VILLAGE OF MONTICELLO TAX MAP # SBL 110-3-21.2; and this resolution shall be effective immediately upon signature of the Village Clerk. The Village Clerk is directed to send a corrected bill to the property owner.

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

**ORDERING BILL PAID**

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved of 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.

Minutes - Regular Village Board Meeting  
8/8/05

**PUBLIC COMMENT**

**Ted Stroebele Recreation Center**

Roz Sharoff, President of the Senior Citizens complimented and thanked Barbara Sush and other members of the Monticello Renaissance group for continuing to keep up the grounds and building.

**Conversion of Single Family Homes**

Betty Friedland was concerned that a number of single family homes are being converted illegally into two and three family dwellings in R-2 Zones.

**Repaving Concerns - Atwell Lane - Lloyd Lane**

Betty Friedland was very concerned that the repaving of Atwell Lane was not done correctly and will cause rain water to flood her house causing extensive damage to her premises. She explained that she spoke to the Highway Superintendent about it and was told that no more paving would be done on that section of roadway.

Becky Whipple had a similar complaint in front of her house on Lloyd Lane.

**Speeding and Cell Phone Use**

Harry Brantz was concerned with the continued use of the use of cell phones while driving and speeding vehicles. He asked the these laws be strictly enforced.

**West Broadway Stripping**

Dick Kelly questioned when the Village would stripe newly paved West Broadway?

**4 Way Stop Sign**

County Legislator Sam Wohl commended the Village for changing the intersection at Wood Avenue and East Dillon Road a 4 Way Stop.

Minutes - Regular Village Board Meeting  
8/8/05

**"Operation Support Our Troops"**

Stephanie Johnson asked permission to put yellow ribbons on all the trees on Broadway to show support for our troops in Iraq.

The Board all agreed that the yellow ribbons could be placed on the trees on Broadway.

**Landfill Concerns**

Many residents from Mountain Lodge Estates, South Woods Drive, East Broadway, Joyland Road and Towner Road spoke at the Board meeting urging the Village Board to pass a law banning a planned expansion of the County Landfill.

Mayor Barnicle indicated that he opposes passing a law immediately to avoid expensive litigation with the County looking into alternatives, such as turning the landfill into a transfer station.

Deputy Village Attorney Havas advised the Board that they can't legally vote of this matter this evening. He will discuss the matter further in Executive Session under client/attorney privilege.

**EXECUTIVE SESSION**

At 8:55 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 labor negotiations, attorney/client discussion and a personnel matter regarding a particular person.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 9:35 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move out of Executive Session into open session.

Minutes - Regular Village Board Meeting  
8/8/05

**RESOLUTION APPROVING A SALARY INCREASE FOR THE VILLAGE JUSTICE**

**WHEREAS**, the Village Board adopted there 2005/06 fiscal year budget in June 2005; and,

**WHEREAS**, the budget did not include a 3% raise for elected officials, the Treasurer, the Grant Coordinator, the Village Attorney and Deputy Village Attorney; and,

**WHEREAS**, the Village Board has reconsidered the salary of the Village Justice Josephine Finn because of the heavy workload in her Court.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve a 3% raise to Village Justice Josephine Finn for FY 2005/06.

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

**RESOLUTION SETTING THE SALARY FOR THE JUSTICE COURT ACCOUNT CLERK "A" IN THE AMOUNT OF \$39,542.00**

**WHEREAS**, there is a vacancy in the Justice Court for the position of Account Clerk "A"; and,

**WHEREAS**, the salary for that position was \$39,542.00 for FY 2005/06 and the Board has established that the salary for that position be continued at that amount; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby set the salary for the Justice Court Account Clerk "A" position in the amount of \$39,542.00 for FY 2005/2006.

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

Minutes - Regular Village Board Meeting  
8/8/05

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF  
MONTICELLO RATIFYING THE PROPOSED COLLECTIVE BARGAINING  
AGREEMENT BETWEEN THE VILLAGE OF MONTICELLO AND THE  
PERMANENT FIREFIGHTER'S ASSOCIATION FOR THE PERIOD BETWEEN  
AUGUST 1, 2005 AND JULY 31, 2006**

**WHEREAS**, there is presently a collective bargaining agreement between the Village of Monticello ("Village") and the Permanent Firefighter's Association ("PFA") which governs labor relations between contractually employed firefighters and the Village for the period between August 1, 2001 and July 31, 2005; and

**WHEREAS**, said contract will expire on July 31, 2005; and

**WHEREAS**, the Village and the PFA have negotiated a proposed contract for the government of labor relations between contractually employed firefighters and the Village for the period between August 1, 2005 and July 31, 2006; and

**WHEREAS**, said proposed contract incorporates the attached revisions to the contract currently in effect; and

**WHEREAS**, the Board of Trustees of the Village of Monticello has reviewed the proposed revisions and finds that they are in the best interest of the Village of Monticello.

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

4. THAT the Board of Trustees of the Village of Monticello does hereby ratify the proposed collective bargaining agreement between the Village of Monticello and the PFA; and
5. THAT the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to execute the above referenced agreement, the final form of which shall be approved by the Village Attorney; and
6. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

Minutes - Regular Village Board Meeting  
8/8/05

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO RATIFYING THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE OF MONTICELLO AND THE DISPATCHER'S UNION FOR THE PERIOD BETWEEN AUGUST 1, 2005 AND JULY 31, 2009**

**WHEREAS**, there is presently a collective bargaining agreement between the Village of Monticello ("Village") and the Dispatcher's Union which governs labor relations between contractually employed police dispatchers and the Village for the period between August 1, 2001 and July 31, 2005; and

**WHEREAS**, said contract will expire on July 31, 2005; and

**WHEREAS**, the Village and dispatcher Patty Diuguid have negotiated a proposed contract for the government of labor relations between contractually employed police dispatchers and the Village for the period between August 1, 2005 and July 31, 2009; and

**WHEREAS**, said proposed contract incorporates the attached revisions to the contract currently in effect; and

**WHEREAS**, the Board of Trustees of the Village of Monticello has reviewed the proposed revisions and finds that they are in the best interest of the Village of Monticello.

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

7. THAT the Board of Trustees of the Village of Monticello does hereby ratify the proposed collective bargaining agreement between the Village of Monticello and the Dispatcher's Union; and

Minutes - Regular Village Board Meeting  
8/8/05

8. THAT the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to execute the above referenced agreement, the final form of which shall be approved by the Village Attorney; and
9. THAT this resolution shall be effective immediately upon signature of the Village Clerk.

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

**RESOLUTION AUTHORIZING THE VILLAGE ATTORNEY TO NEGOTIATE A TAX SETTLEMENT WITH BUCKLES REALTY FOR TAX MAP SECTION 109, BLOCK 1, LOT 1.2**

**WHEREAS**, presently there is litigation in court regarding a taxes on Tax Map SBL 109-1-1.2; and,

**WHEREAS**, the Village is desires to settle this matter with the owner of the property Buckles Realty.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Attorney to negotiate a tax settlement on behalf of the Village to avoid litigation fees.

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

**ADJOURNMENT**

At 9:50 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

---

EDITH SCHOP, Village Clerk

