

MINUTES  
SPECIAL MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
SATURDAY, OCTOBER 8, 2005

**MEETING TO ORDER**

Mayor Barnicle called the meeting to order at 11:10 a.m.

**PLEDGE TO THE FLAG**

**Roll Call**

Upon call of the roll, the following were

Present:

Absent:

James Barnicle, Mayor  
Victor, Marinello, Jr. Trustee  
Scott Schoonmaker, Trustee  
Brian VanDermark, Trustee

Gordon Jenkins, Trustee

Also Present: Richard Sush, Village Manager  
E. Danielle Jose, Village Attorney

**RESOLUTION AUTHORIZING HOLDING A SPECIAL BOARD MEETING ON  
SATURDAY, OCTOBER 6, 2005**

**WHEREAS**, a matter needs to come before the Village Board that must be discussed prior to the next regular Village Board meeting; and,

**WHEREAS**, the Clerk of the Board has been notified by the Mayor asking that a Special meeting be held, and;

**WHEREAS**, the Clerk has notified all of the media of this Special meeting to discuss matters of community concern.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize and approve holding this Special Board meeting on Saturday, October 6, 2005 at 11:00 a.m.

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE VILLAGE ATTORNEY TO COMMENCE A LAW SUIT AGAINST BRIT, INC. A/K/A BRITT, INC. SEEKING A DECLARATORY JUDGMENT AS A TEMPORARY RESTRAINING ORDER REGARDING WHETHER BRIT, INC. A/K/A BRITT, INC. IS VALIDLY LICENSED TO OPERATE TAXIS IN THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON SINCE THE SALE OF THEIR CORPORATE STOCK AND THE CORPORATE OFFICES HAVE CHANGED**

Discussion - The Village Attorney disclosed that she worked for Greenwald Law Offices at a prior time when Gary Putter, one of the interested parties, was arrested for operating a taxi without a license. She felt that this current case will not present a conflict of interest because it is an entirely new set of facts and an entirely new issue.

The Mayor also noted that she has not been with that firm for more than eighteen months.

The Village Attorney explained that Brit, Inc. is a domestic business corporation doing business in the State of New York and they are registered with the Secretary of State. She indicated that the application they filled out in September 2005 put their d/b/a as Ronnies Taxi LLC. She reported that she did a computer search this morning at the New York Department of State website and no such entity exists, so therefore, in addition to the fact that she thinks that the sale of corporate stock and the change of their corporate officers is an issue, also their application might have been fraudulently submitted because there is no such entity. She explained that the next step is to get some guidance from the courts and get a determination from judge in the form of a declaratory judgment and get a temporary restraining order while that lawsuit is pending that this is the smartest and most efficient route to take. She explained that Brit, Inc.'s contention will be that it is just the sale of corporate stock with the same name and they do not need to reapply for new taxi medallions which is why a judge determine if they are validly licensed or not.

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Trustee Schoonmaker was concerned that the Village Attorney had recused herself from prior proceedings brought by the Village against Mr. Putter prior to this action being commenced and felt it might be wise that she recuse herself in the beginning of this action and turn the matter completely to the Town of Thompson Attorney Michael Mednick and let him proceed with it.

The Village Attorney felt this is a new matter and she does not have to recuse herself since there is nothing that the law firm knows about Gary Putter confidentially wise that would be imputed to her that she could use against him is this case.

Trustee Schoonmaker felt that in order to avoid any suggestion of a conflict she should recuse herself and let the Town Attorney handle this matter because the first issue that will be raised by their attorney is the fact that she did work for Greenwald Law Offices and have prior knowledge of proceedings with Gary Putter, and therefore, she should be disqualified.

The Mayor suggested that the resolution be amended to state authorizing the Village Attorney or the Village Attorney's designee.

**AMENDED RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE VILLAGE ATTORNEY OR HER DESIGNEE TO COMMENCE A LAWSUIT AGAINST BRITT, INC., a/k/a BRIT, INC., SEEKING A DECLARATORY JUDGMENT AND A TEMPORARY RESTRAINING ORDER REGARDING WHETHER BRITT INC., a/k/a BRIT INC., IS VALIDLY LICENSED TO OPERATE TAXI'S IN THE VILLAGE OF MONTICELLO AND THE TOWN OF THOMPSON SINCE THE SALE OF THEIR CORPORATE STOCK AND THE CORPORATE OFFICERS HAVE CHANGED**

**WHEREAS**, the Village of Monticello is the licensing entity for taxicabs in the Town of Thompson and Village of Monticello; and

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**WHEREAS**, Brit, Inc., a/k/a Britt, Inc., applied for licenses for taxis operating under medallions 12, 13, 17, 19 & 21, on September 26, 2005; and

**WHEREAS**, at the time the licenses were issued, Brit, Inc., d/b/a Ronnie's Taxi, LLC, owned the medallions, and Phil Vallone was the only officer listed on said applications;  
**and**

**WHEREAS**, On September 30, 2005, Phil Vallone sold the corporate stock to Gary Putter, and Gary Putter became President of Brit, Inc.; and

**WHEREAS**, On October 3, 2005, the Village of Monticello received a fax from Gary Putter indicating that Brit, Inc., had changed its d/b/a to Sureway of Monticello; and

**WHEREAS**, the Village of Monticello informed Mr. Putter that he must file new applications with the Village as, the name, officers and character of Brit, Inc., had changed;  
and

**WHEREAS**, Brit, Inc., informed the Village that they believe they are the same entity; and

**WHEREAS**, the Village Board has determined that a serious dispute exists between the Village and Brit, Inc., with respect to their rights, powers, privileges, duties, obligations and liabilities, and that a judicial determination thereof is necessary and desirable.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello hereby authorizes the Village Attorney or her designee to commence a lawsuit seeking a declaratory judgment and a Temporary Restraining Order with regard to whether Britt Inc., a/k/a Brit Inc., is validly licensed to operate taxi's in the Village of Monticello and the Town of Thompson since the sale of their corporate stock and the corporate officers have changed.

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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**ADJOURNMENT**

At 11:25 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Special meeting of the Village Board.

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EDITH SCHOP, Village Clerk