

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, OCTOBER 17, 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  
Gordon Jenkins, 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  
Sue Flora, Code Enforcement Officer  
Alan Reynolds, Highway Superintendent  
Douglas Solomon, Chief of Police

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF OCTOBER 6,  
2005 AND THE SPECIAL MEETING OF OCTOBER 8, 2005.**

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the Village Board regular meeting of October 6, 2005 and the Special Village Board meeting of October 8, 2005 as presented.

**OLD BUSINESS**

**Planning Board Vacancy**

Mayor Barnicle announced that there is a vacancy on the Planning Board as Jan Van Etten tendered his resignation last week. He asked for anyone who has a name of an individual that would be interested in serving to submit their name.

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**MANAGER'S REPORT**

**New Firehouse Construction Inspections**

The Village Manager announced that the last firehouse construction meeting was held this morning.

**Halloween Parade**

The Village Manager announced that the Halloween Parade will be held on Monday, October 31<sup>st</sup> this year and a 3 on 3 Basketball Tournament. The parade will start at approximately 5:15 p.m.

**Training Summit On Emergency Preparedness**

The Village Manager announced that he, the Police Chief and the Code Enforcement Officer will attend a training summit on Emergency Preparedness given by the American Red Cross on Monday, October 24<sup>th</sup> who asked us to participate as a community to be better prepared.

The Village Manager will be composing a brochure on Emergency Preparedness which will be available to the public.

**Digital Camera**

The Village Manager explained that at the last meeting during public comment there was mention of a \$500 digital camera that the Village had bought, but the cost of that digital camera was \$99.00

**Code Enforcement Inspections**

Code Enforcement Officer gave the following report regarding complaints made during public comment at the last meeting:

In response to the complaints made at the last Village Board meeting I and my assistant Matthew Monroe inspected the following locations:

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1. Fisk Avenue garbage at the top of the hill  
Under the real estate sign: I found a small bag of garbage thrown off the road. I and my assistant removed it and disposed of it properly.
2. The complaint in reference to hypodermic needles, Garbage and debris in the closed roller skating rink on Dillon Road was not found to be true at the time of inspection. The rink was completely secured with fencing around the entire pool and rink area, the garbage container has a juice container in it and the rink was completely clean.
3. The former Head Start building on Dillon Road does have broken windows. The property has fence around it and is locked with a chain. I am asking for the Village Board's permission to have the structure boarded up if the Highway Department is unable to do so.

**Water Department Backup Generator**

Trustee Schoonmaker questioned whether the Water Department has looked into purchasing the backup generator that was included in this year's budget?

The Village Manager responded that the Village will advertise for bids shortly.

The Village Clerk suggested that the Board give her the authority to advertise for bids so it can be done shortly.

**Mobilemedic Emergency Preparedness Plans**

Albee Bockman, President of Mobilemedic explained that the plans they have are threefold.

1. Provide OSHA training annually regarding blood borne pathogens to all employees.
2. Educate employees about work hazards and material safety data sheets (MSDS).

3. Develop an Emergency Medical Disaster Plan for the Village of Monticello including purchasing and maintenance of sleeping cots for fifty (50) people, emergency food rations for fifty (50) people and an emergency generator to provide power to the Ted Stroebele Recreation Building in the event of an emergency.

He explained that these plans will take approximately one year to develop and administer.

**RESOLUTION ADOPTING LOCAL LAW NO. 7 OF 2005 AMENDING THE VILLAGE CODE TO ADD PART THREE TO CHAPTER 216, ENTITLED "WASTE MANAGEMENT FACILITIES LAW OF THE VILLAGE OF MONTICELLO" (Pending receipt of 239m review response)**

Mayor Barnicle announced that the 239m Review was not received so the matter must be tabled to the next meeting. The County has assured the Village it will have their 239m Review by the November 7<sup>th</sup> meeting.

**RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR HIGHWAY DEPARTMENT AND SEWER SURPLUS EQUIPMENT**

**WHEREAS**, the Village of Monticello has certain personal property no longer needed for Village purposes; and,

**WHEREAS**, the Village of Monticello wants to dispose of this property by soliciting bids thereof.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids to sell to the highest bidder the following surplus equipment that the Board determines to be no longer needed for Village purposes, as follows:

Equipment	Minimum Bid
(1) 1984 Chev. K3500 Pickup -	\$800.00
(1) 1989 Chev Corsica HDS	\$200.00
(1) 1994 Zone Marking Paint Machine	\$3000.00
(1) 1983 Sectional Rodding Machine	\$650.00
SRECO	

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All equipment in "As In" Condition.

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 CLERK TO ADVERTISE FOR BIDS FOR A BACKUP GENERATOR FOR THE WATER DEPARTMENT**

**WHEREAS**, the Water Department does not have a backup generator in the event there is a power outage for a prolonged amount of time; and,

**WHEREAS**, it is imperative that the Village be prepared in the event of this crisis occurring which would cripple the Village's ability to supply ample water to its residents; and,

**WHEREAS**, when the Board of Trustees became aware of this unprepared state of the Monticello Water Department it included the cost in the FY 2005/06 budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids for a backup generator for the Monticello Water Department.

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 POLICE TO ENFORCE A CURFEW ON FRIDAY OCTOBER 28, 2005 AT 9:00 P.M. TO 6 A.M. EACH NIGHT THROUGH MONDAY, OCTOBER 31, 2005**

**WHEREAS**, the Village of Monticello feels that it is in the best interest for the health, safety and welfare of the Village residents to declare a curfew as of 9:00 p.m. for all youth 18 years and younger not in the company of a parent, and;

**WHEREAS**, the Chief of Police has recommended that the curfew be extended through the weekend to avoid any potential problems.

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**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Monticello Police Department to enforce a curfew from Friday, October 28, 2005 beginning at 9:00 p.m. to 6 a.m. each evening through Monday, October 31, 2005.

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

**RESOLUTION SETTING THE DATE, TIME AND PLACE FOR VILLAGES ELECTION**

**WHEREAS**, the Village of Monticello has offices to fill in the next annual Village Election; and,

**WHEREAS**, the date of this election by law is Tuesday March 21, 2006; and,

**WHEREAS**, normally the election is held at the Ted Stroebele Recreation Center Building on Jefferson Street from 12 noon to 9 p.m. EST.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby set the next annual election to be held on Tuesday, March 21, 2006 at the TED STROEBELE RECREATION CENTER BUILDING, Jefferson Street, in said Village and hours of voting to be 12 noon to 9 p.m.

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

**RESOLUTION DESIGNATING OFFICES TO BE FILLED AND TERM THEREOF AT THE NEXT ELECTION ON TUESDAY, MARCH 21, 2006**

**WHEREAS**, the next election for the Village of Monticello Offices will be held Tuesday, March 21, 2006; and,

**WHEREAS**, the Board of Trustees hereby ratifies publication of the legal notice of the Village election noting which are to be filled in such election and the term, thereof.

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**NOW, THEREFORE BE IT RESOLVED,** that:

Section 1. That the Board of Trustees designates the following offices as vacant at the end of the current official year to be filled at the next Village Election to be held on March 21, 2006 for the following term: Two (2) Trustee for a (4) year term each and; one (1) Justice - for a (4) year term.

Section 2. The Village Clerk is hereby directed to publish this resolution in full in the Sullivan County Democrat, the official newspaper of the Village.

Section 3. This resolution shall take effect immediately.

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

**RESOLUTION APPROVING BUDGET TRANSFERS - FY 2005/06**

**WHEREAS**, the Village of Monticello has adopted its annual budget for the 2005/06 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].

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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**DISCUSSION REGARDING INCREASING LIGHTING AT SHAKER  
HEIGHTS DRIVE APARTMENT COMPLEX**

The Village Manager explained that the complex itself has installed external video security cameras and the present lighting is not enough so they are asking if the Village would increase candle power on the roadway (at the Village's expense). The proposal by NYSEG is to increase inlumen level of 10,300 per light at a yearly increase cost of \$400.74 annually or 30,600 per light at a yearly annually increase cost of \$910.10.

The Chief of Police felt increasing the lighting is always a good idea; however, it will not impact the police substantially.

Trustee Schoonmaker felt that there are locations in the Village such as parking lots that, in his opinion, have too much lighting and reducing those areas might offset the cost for this request.

The Village Manager suggested a survey be taken of all the lighting in the Village to determine if utility costs could be reduced without safety being jeopardized.

Trustee Gordon was concerned that other apartment complexes will want the same lighting increase for surveillance purposes and this would raise the utility bills even higher for the Village.

The Village Attorney suggested that she research whether the additional cost can be charged back to the apartment complex.

This discussion was tabled to the next meeting to get a report from the Village Attorney as to whether it is a cost that can be charged back to the property owner.

**DISCUSSION OF CORRESPONDENCE FOR REQUEST FOR EITHER  
OUTSIDE WATER AND SEWER SERVICE FROM THE VILLAGE OF  
MONTICELLO OR ANNEXING INTO THE VILLAGE BY AL BRAUN, V.P.  
FOR GARDEN COTTAGES ON VARNELL ROAD**



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The Mayor read a letter from Sullicon, Inc. of Kiamesha Lake requesting water and sewer services from the Village as either an "outside user" or by allowing them to annex into the Village as they are contiguous with the Village.

The Village Manager explained that in the past the Village has required that if someone wants water and sewer service and they are contiguous with the Village line they annex into the Village, however, in this particular case this is a seasonal bungalow colony and the Village law makes a bungalow colonies a nonconforming use, and as a result the legal opinion foresee a problem with something coming into the Village that is already against the Village Code. The second alternative is to offer them an outside user agreement where they would pay double the rate for water and sewer service.

The Code Enforcement Officer indicated that she has found that nonconforming uses are dangerous and difficult to enforce the codes.

The consensus of the Village Board was to turn down this proposal for either annexation or outside user services.

The Village Manager will convey the Board's stance on this request.

#### **Human Rights Commission Request**

Trustee Jenkins read a letter from Carmen Rue requesting that she be reappointed as a member of the Village of Monticello Human Rights Commission.

The Village Clerk advised the Board that the law states that the Chairman of the Human Rights Commission must first recommend the person to the Village Board prior to them making the appointment. She noted that this has been done for all the prior appointments to the Human Rights Commissions Board.

The Village Clerk was directed to ask the Human Rights Commission Chairman for his recommendation.

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**PUBLIC COMMENT**

**Dumpster Overflow**

Harry Brantz was concerned about the overflowing dumpster at the *Chase Bar* across the street from Village Hall. He felt that it should be cleaned up immediately as it is at the entrance of the Village and looks disgusting.

**Human Rights Commission**

Barbara Burton felt that the Village should disband the Human Rights Commission since the County formed a Human Rights Commission.

Carmen Rue did not feel that Alvin Dumas is performing his duties as Chairman of the Village's Human Rights Commission and that since he already served two terms he should not continue on in that capacity. She complained he doesn't answer phone calls from residents that might have a human rights complaint and no one is helping people when they have appropriate issues.

**Varnell Road Lighting**

Orville Tracy a property owner on Varnell Road asked for street lights on Varnell Road (the section that is within the Village limits) since the roadway has no street lighting and there have been numerous traffic accidents because of the poor lighting.

**Tax Questions**

Orville Tracy questioned why taxes are so high and what is the formula regarding tax values and tax rates.

**EXECUTIVE SESSION**

At 7:50 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss possible litigation.

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**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8:45 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move out of Executive Session.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE VILLAGE ATTORNEY AND THE VILLAGE MANAGER TO SIGN A STIPULATION WITH BRITT, INC., a/k/a BRIT, INC., TEMPORARILY RESOLVING THE ISSUES INVOLVED IN THE PARTIES' LAWSUIT**

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

**WHEREAS**, a lawsuit seeking a declaratory judgment and a preliminary injunction was filed in Sullivan County Supreme Court and a Temporary Restraining Order was issued preventing Brit, Inc., a/k/a Britt, Inc., from operating taxis in the Town of Thompson or Village of Monticello due to safety concerns and licensing issues; and

**WHEREAS**, the officers of Brit, Inc., met with the Village Board and agreed to address the safety concerns and licensing issues; and

**WHEREAS**, Brit has agreed to voluntarily complete and submit applications for licensure with respect to medallions 17, 18, 19, 20 and 21 to the Clerk of the Village of Monticello or to any other person designated by Monticello to receive those applications; and

**WHEREAS**, Brit has agreed to keep all for-hire vehicles it operates within Monticello and the Town of Thompson properly insured, registered and inspected in compliance with all codes and laws of the Village of Monticello, the Town of Thompson and the State of New York; and

**WHEREAS**, Brit has agreed that its President, Gary Putter, acknowledges that he does not possess a for-hire driver's license issued by Monticello and agrees that he will not drive any vehicle within Monticello on a for-hire basis; and

**WHEREAS**, Brit agreed that its Monticello medallion vehicles, when operated for-hire within Monticello, will be operated only by drivers licensed by Monticello; and

**WHEREAS**, Brit agreed not to operate non-licensed vehicles within Monticello; and

**WHEREAS**, Monticello hereby agreed to immediately forebear enforcement of the Preliminary Injunction and Temporary Restraining Order until such time as the Court vacates the Preliminary Injunction and Temporary Restraining Order issued on October 13, 2005 by the Honorable Mark M. Meddaugh; and

**WHEREAS**, Monticello agreed to expeditiously and in good faith process and review the license applications filed by Brit; and

**WHEREAS**, Monticello agreed to make a final determination with respect to Brit's license applications on or before November 7, 2005; and

**WHEREAS**, the parties desire to sign a stipulation memorializing the agreements stated above,

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello hereby authorizes the Village Attorney and the Village Manager to sign a stipulation with Britt, Inc., a/k/a Brit, Inc., memorializing the agreements stated above, which temporarily resolve the issues raised in the pending lawsuit between the parties.

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

**ADJOURNMENT**

At 8:51 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk

