

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, DECEMBER 19, 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  
Bill Bertholf, Sewer Superintendent  
Clarence Decker, Water Superintendent

**APPROVAL OF MINUTES OF REGULAR BOARD MEETING OF DECEMBER 5,  
2005 AND SPECIAL BOARD MEETING OF DECEMBER 9, 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 December 5, 2005 and the Special Board meeting of December 9, 2005 as presented.

**OLD BUSINESS**

**Holiday Schedule - Meeting Schedule**

Friday, December 23<sup>rd</sup> - All offices close at noon  
Monday, December 26<sup>th</sup> - All Offices closed

Normal Office schedule resumes December 27<sup>th</sup> at 8:30 a.m.

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Friday, December 30<sup>th</sup> - All offices close at noon  
Monday, January 2<sup>nd</sup>, 2006 - All Offices closed

Normal Office schedule resumes January 3<sup>rd</sup> at 8:30 a.m.

### **January Meeting Schedule**

Village Board meetings will be held on the second and fourth Mondays of January, January 9<sup>th</sup> and January 23<sup>rd</sup> and a joint Village/Town Board meeting to be held at the Ted Stroebele Recreation Building at 7 p.m. on Tuesday, January 10<sup>th</sup> for a presentation by WetSystems as alternative to the present landfill.

### **MANAGER'S REPORT**

#### **New Firehouse Update**

The Village Manager reported that some issues that were pending have not been resolved such as a leaky roof. There was meeting held this morning that included Mayor Barnicle, Trustee Schoonmaker, himself, the Town Board, volunteer firemen, etc. and none of the issues still outstanding are major issues, but they are troublesome issues. He expected the firemen to be in the building by January 1, 2006.

### **PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW No. 9 OF 2005 AMENDING LOCAL LAW NO. 7 OF 2005 ENTITLED "WASTE MANAGEMENT FACILITIES LAW OF THE VILLAGE OF MONTICELLO"**

Mayor Barnicle opened the public hearing at 7:05 p.m.

Village Attorney Danielle Jose explained that the purpose of this law is that there is language at the end of the current local law that indicates that this law is applicable to new applications submitted on or after the date that the law came into effect. She felt that language is unnecessary and misleading and one of the concerns that it could be misconstrued to be apply to the County's permit to the DEC for expansion of the landfill which it doesn't. The only reason for passing this law, if the Board is so inclined, if to clean up the language at the end of the law.

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Harry Brantz felt that the County needs to enforce recycling laws, close the landfill and privatize the sanitation collection to a company such as Taylor Recycling which is a gasification system. He felt the County is will not listening to any of these suggestions or presentations by these types of operations.

The Mayor reminded the public that on January 10<sup>th</sup> there is a joint Town/Village meeting to be held at the Ted Stroebele Recreation Building at 7 p.m. for a presentation of an alternative WetSystems to the present landfill.

As there were no further comments, at 7:09 p.m., Mayor Barnicle closed the public hearing.

Deputy Village Attorney Tim Havas recommended that this change in the Local Law be referred to the County Planning Department for a 239m Review.

The Clerk was directed to send the information to the County Planning Department.

The Mayor asked that this matter regarding the adoption of this proposed local law be put on January 23<sup>rd</sup> agenda which gives the County 30 days to respond.

**RESOLUTION GIVING PERMISSION FOR THE LANDFIELD AVENUE  
SYNAGOGUE TO PUT UP AN EIRUV IN THE VILLAGE**

**WHEREAS**, in accordance with the Jewish religion, the Laws of Sabbath contain commandments prohibiting carrying except within certain specified boundaries and under certain specified conditions; and that these conditions include specifying certain natural or artificial boundaries, and the letting of use of the common domain; and,

**WHEREAS**, the Village has received a request from the Rabbi of the Landfield Avenue Synagogue on behalf of himself and the congregation to grant for a period of twenty years at a rental of One Dollar (\$1.00) the rights to the public domain within the boundaries of the Synagogue, the Mikvah and the surrounding houses associated with the Synagogue

for the purpose of "carrying" on the Sabbath and other Jewish Holy Days; and,  
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**WHEREAS**, the Board of Trustees of the Village of Monticello deem it to be in the public interest that those of its residents of the Jewish faith for whom the petition has been presented be granted the rights requested in the petition.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello do hereby grant the rights requested by the petitioners, to those of the Jewish faith, for the purpose set forth in the petition, for a period of twenty (20) years from this date, at a rental of One Dollar (\$1.00) in order to define the Sabbath bounds in accordance with Jewish Law in the area of the Synagogue, the Mikvah, and the surrounding houses associated with the Synagogue.

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

**REAPPOINTMENT OF DESIGN REVIEW BOARD MEMBER - JILL KENNY-WEYER**

Mayor Barnicle reappointed Jill Kenny-Weyer as a member of the Design Review Board for a 3 year term to expire December 2008 with the unanimous approval on a roll call vote of the Trustees.

**RESOLUTION AUTHORIZING THE SEWER DEPARTMENT PURCHASE REQUEST IN EXCESS OF \$1,000 FOR A CHLORINE WATER PUMP AND TELEPHONE SYSTEM TO REPLACE AN OUTDATED SYSTEM IN THE AMOUNT OF \$1,600**

**WHEREAS**, the Sewer Department is in need of a Chlorine Water Pump and a new telephone system; and,

**WHEREAS**, Bill Bertholf, Sewer Superintendent gotten three (3) written estimates for purchase of a Chlorine Water Pump and the lowest responsible bidder was Pump Service & Supply for a cost of \$1,033.00; and,

**WHEREAS**, Bill Bertholf, Sewer Superintendent has also requested replacement of an outdated telephone system that can no longer be repaired at a cost of \$1,600.00; and,

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**WHEREAS**, the anticipated purchase of these items was included in the 2005/06 Fiscal Year budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of the following:

Pump Service & Supply Chlorine Water Pump	-	\$1,033.00
Bedik Communications NEC Digital Telephone System	-	\$1,600.00

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

**DISCUSSION REGARDING APPEAL OF A PENALTY REVIEW COMMITTEE DECISION**

Mayor Barnicle explained that the owner of the property Abraham Lowy is asking the Board to overturn the Penalty Review Committee's denial of his request to waive the administrative fee of \$150.00.

Trustee Schoonmaker questioned whether this administrative fee is applied to every property violation that is billed when the Village or a private contractor remedies the situation.

The Village Manager responded that this fee is placed on all bills and is included on the Village's fee schedule.

The Board questioned who sets the rates when this work is being done and whether a detailed bill is submitted by an independent contractor doing the job?

The Village Manager indicated that the Code Enforcement Officer has that information on file in her office.

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The Village Attorney noted that the property owner's legal argument is that he did not get notice, however, the Village Code is on file at the Village Hall and is on our website.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AFFIRMING THE NOVEMBER 30, 2005 DECISION OF THE PENALTY REVIEW COMMITTEE WITH REGARD TO 24 BURTON AVENUE**

**WHEREAS**, a decision was made by the Penalty Review Committee not to waive the administrative fee for the mowing of grass at 24 Burton Avenue; and,

**WHEREAS**, said decision was appealed by Abraham Lowy, the owner of said property alleging that he had insufficient notice "as to the Village Code of grass mowing"; and,

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that notice of the Village Code was proper at the time of the violation, as the Village Code is readily accessible both at Village Hall and on the Village of Monticello website; and,

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that the assessment of an administrative fee to the property owner was proper.

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Trustees of the Village of Monticello that the November 30, 2005 decision of the Penalty review Committee with regard to 24 Burton Avenue is hereby affirmed.

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

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**RESOLUTION AUTHORIZING THE ISSUANCE OF \$75,000 SERIAL BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE IMPROVEMENT OF THE CHLORINATION FACILITIES AT THE DILLON ROAD WATER TREATMENT PLANT IN AND FOR SAID VILLAGE**

**WHEREAS**, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

**WHEREAS**, it is now desired to authorize the financing of such capital projects;

**NOW, THEREFORE, BE IT BE IT RESOLVED**, by the Board of Trustees of the Village of Monticello, Sullivan County, New York, as follows:

Section 1. For the purpose of paying the cost of the improvement of the chlorination facilities at the Dillon Road water treatment plant, in and for the Village of Monticello, Sullivan County, New York, there are hereby authorized to be issued \$75,000 serial bonds of the Village of Monticello, Sullivan County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of the aforesaid specific object or purpose is by the issuance of the \$75,000 serial bonds of said Village authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is therefore hereby further determined that the maximum maturity of the serial bonds herein authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including

renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of

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such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Village of Monticello, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Monticello, Sullivan County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the



recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing

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and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of the Village Treasurer, providing for the manual countersignature of a fiscal agent or of a designated official of the Village), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Village Treasurer shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise

set aside with respect to the permanent funding of the object or purpose described herein.

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Section 11. This resolution, which takes effect immediately, shall be published in full in the Sullivan County Democrat, the official newspaper, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

**PUBLIC COMMENT**

**Call For Freedom In The World**

Harry Brantz felt that the world needs freedom even if terrorist are trying to thwart it. He wanted people to understand that we need to keep fighting so freedom and democracy will always rule.

**Dead Tree Limb Dangers**

Steve Podell explained that after visiting other communities he found that they do not have many of this Village's problems such as property owners not trimming dead tree limbs which are dangerous if they fall on passing vehicles or pedestrians. He requested that the Code Enforcement Officer notify property owners when these dead limbs become a hazard and pointed out a dangerous situation near his home at 5 High Street.

Mayor Barnicle indicated that he would give the complaint to the Code Enforcement Officer.

**Handbill Question**

Maureen Hermenez explained that she wants to preach the gospel on Broadway.

The Clerk explained that when Ms. Hermenez spoke to her she indicated that she wanted to hand out religious materials to pedestrians.

The Board explained that if she only preaches on Broadway and does not give any handouts there is no law against it.  
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**EXECUTIVE SESSION**

At 7:46 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move into discuss contract negotiations, a personnel matter and possible litigation.

**ADJOURNMENT**

At 8:50 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk