

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JANUARY 23, 2006

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
Sam Wohl, County Legislature

**APPROVAL OF MINUTES OF BOARD MEETING OF JANUARY 9, 2006 AND
JOINT VILLAGE/TOWN BOARD MEETING OF JANUARY 10, 2006**

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of January 9, 2006 and the Joint Village/Town Board meeting of January 10, 2006.

PRESENTATION OF POW/MIA FLAG - BAILY RICHMOND VFW POST 9588

Al Etkin presented the Village Board a new POW/MIA Flag to be displayed on the flagpole outside Village Hall. He explained that a tattered flag should not be flown and the VFW Post will gladly replace worn out flags at no charge.

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OLD BUSINESS

Trustee Marinello reported that a flood and emergency evacuation plan is being formed by the Village and Town. A committee will meet February 9th at the Town of Thompson Hall at 7 p.m. to discuss the plan.

MANAGER'S REPORT

Temporary Court Arrangement

The Village Manager announced that tomorrow he will be sending out a press release regarding the Justice Court which will be temporarily moving the Court, itself, to the County Court Building and will hold court at that location all day each Friday. When the firemen move to their new location the Court will move into the old firehouse using partitions being lent from the former Rhulen Building on Broadway, and eventually redo that area to permanent house the Village Court operations.

The Village Manager announced that the Justice Court building was tested for mold and there is a good deal of mold upstairs and in the courtroom near where the judge sits.

Former Rhulen Building On Broadway

The Village Manager announced that the new owner's of the former Rhulen Insurance Building on Broadway are considering whether to renovate the building or demolish it and rebuild in the same location. The new owner's have indicated that the renovation or new construction will fit be architecturally compatible with the other buildings on Broadway.

Indian Gaming Discussions

The Village Manager reported that he sat in at a County contract meeting today with the St. Regis Mohawk's and at some time in the near future he and the Village Attorney will have to discuss updating the Village's contract.

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The Mayor indicated that the County has agreed to keep the Village aware of anything transpiring at the Mighty M.

Code Enforcement Report

The Manager advised that Board that in their agendas is a Code Enforcement Report noting the amount of unregistered vehicles that are in the community.

Mayor Barnicle explained that in the past he has tried to arrange "car cleanup", where local auto wrecker firms remove these vehicles at no charge to the residents, but at that time no one participated. He hoped to bring this program back in the spring.

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 1 OF 2006 AMENDING THE VILLAGE CODE TO AMEND CHAPTER 216 ENTITLED WASTE MANAGEMENT

The Village Attorney explained that this amendment repeals some language that was superficially put in the law which would require the law apply only to new applications.

Deputy Village Attorney Tim Havas explained that the Village was required to refer this matter to the County for a 239m review and they recommended a *denial*. The legal inference is that the vote to pass this local law has to be by a "super majority" vote (four members must vote in favor of its passage).

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on December 19, 2005 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to hear all interested parties on a proposed Local Law entitled "**A LOCAL LAW AMENDING SECTION 216, PART 3, SECTION 12, OF THE CODE OF THE VILLAGE OF MONTICELLO BY REPEALING A PORTION OF SECTION 12 OF SAID LAW**"; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on December 9, 2005; and

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WHEREAS, said public hearing was duly held on December 19, 2005 at 7:00 p.m. at Monticello Village Hall, 2 Pleasant Street, Monticello, NY and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Board of Trustees of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

WHEREAS, the Board of Trustees of the Village of Monticello, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Monticello hereby adopts said Local Law No. 1 of 2006, entitled "**A LOCAL LAW AMENDING SECTION 216, PART 3, SECTION 12, OF THE CODE OF THE VILLAGE OF MONTICELLO BY REPEALING A PORTION OF SECTION 12 OF SAID LAW**"; and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Monticello, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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

RESOLUTION OFFERING AN OPTION TO ACTIVE EMPLOYEES TO "OPT OUT" OF THE VILLAGE HEALTH INSURANCE PROGRAM WITH A REIMBURSEMENT OF \$1,000 FOR FEBRUARY 1, 2006 TO JANUARY 31, 2007

WHEREAS, the Village of Monticello provides its active employees with full medical coverage; and,

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WHEREAS, the Village of Monticello feels that it is economically beneficial to offer active employees the option to "opt out" of the health insurance plan.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby offer all active Village employees the option to "opt out" of the Village health insurance program with a reimbursement of \$1,000 from February 1, 2006 to January 31, 2007.

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

RESOLUTION OF THE VILLAGE OF MONTICELLO TO AUTHORIZE HOLDING PUBLIC HEARINGS REQUIRED FOR PARTICIPATION IN THE NEW YORK STATE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, authorizes the Small Cities Community Development Block Grant (CDBG) Program, and

WHEREAS, the Village intends to submit an application for funding under this Program for Fiscal Year 2006, and

WHEREAS, the rules and regulations of the above Program require that each applicant provide citizens with information concerning the range of activities that may be undertaken, the amount of funds available for such community development and housing activities, the Village's plan for minimizing displacement of persons and for assisting persons actually displaced as a result of activities assisted with CDBG funds.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello Village Board will hold two public hearings at Village Hall, 2 Pleasant Street on Tuesday, February 14, 2006 at 7:00 p.m. and Monday, March 20, 2006 at 7:00 p.m.

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

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**RESOLUTION AUTHORIZING APPROVING PAYMENT #2 TO C.A. PHILIPS
CONSTRUCTION CORP IN THE AMOUNT OF \$32,680.00 AND CHANGE
ORDER #2 IN THE AMOUNT OF AN INCREASE OF \$4,735.00 FOR THE
PARK AVENUE WATERLINE REPLACEMENT PROJECT**

WHEREAS, the Village of Monticello was awarded a grant for Waterline Replacement on Park Avenue; and,

WHEREAS, the bid was awarded to the low bidder C.A. Philips Construction Corp. who is performing the work on the Park Avenue waterline replacement project; and,

WHEREAS, additional work by the contractor had to be performed on searching for and/or repairing several waterlines that were encountered during construction which were not properly mapped or marked and caused several hours time lost by the contractor in attempting to find an old water main in Broadway for connection to the Park Avenue main.

WHEREAS, the Village Engineer and the Water Superintendent recommended the Board approve the Change Order #2 in the amount of \$4,735.00 and Payment #2 in the amount of \$32,680.00 to C.A. Philips Construction Corp. for the work already completed.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the Change Order #2 in the amount of \$4,735.00 and Payment #2 in the amount of \$32,680.00 to C.A. Philips Construction Corp. for the work already completed.

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

**DISCUSSION ON PLEASANT STREET (ROUTE 42) RECONSTRUCTION
PROJECT**

Mayor Barnicle explained that he feels the Village, once the State awards the reconstruction contract, should meet with the contractor, as well as the business owners and the residents that live along that corridor to develop an alternate traffic plan.

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PUBLIC COMMENT

Harry Brantz encouraged the residents to write to their Congressmen to not be intimidated by Iran and North Korea.

EXECUTIVE SESSION

At 7:40 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 contract negotiations and personnel regarding a particular person.

ADJOURNMENT

At 8:05 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.

EDITH SCHOP, Village Clerk