

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, JULY 10, 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 (Late)  
Brian VanDermark, Trustee

Also Present: Richard Sush, Village Manager  
E. Danielle Jose, Village Attorney  
Tim Havas, Deputy Village Attorney  
Douglas Solomon, Chief of Police  
Clarence Decker, Water Superintendent  
Bill Bertholf, Sewer Superintendent  
Alan Reynolds, DPW Superintendent  
Brenda Galligan, Treasurer  
Sam Wohl, County Legislature

**APPROVAL OF MINUTES OF BOARD MEETING OF JUNE 19, 2006**

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of June 19, 2006 as presented.

**OLD BUSINESS**

**Fishing Derby**

The Mayor announced that the 2<sup>nd</sup> annual fishing derby will be held at deHoyos Park this Saturday, July 15<sup>th</sup>.

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**Artist Lofts**

The Mayor announced that two artists are living and have a studio above the "Peachtree Building" on Broadway and was part of Catskill's Society Art Tour this last weekend.

**RESOLUTION ADOPTING THE GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF MONTICELLO FOR THE 2006/07 FISCAL YEAR AND SETTING WATER RATES FOR THE 2006/07 FISCAL YEAR AND THE SANITATION BUDGET AND RATES FOR THE 2006/07 FISCAL YEAR**

Trustee VanDermark asked that the vote be delayed to wait for Trustee Schoonmaker to arrive.

The Mayor responded that Trustee Schoonmaker knows the meetings start promptly at 7 p.m.; he knows that this matter is first on the agenda; he has a habit of being late and if it was that important he should be on time.

**WHEREAS**, the Board of Trustees of the Village of Monticello has held numerous work sessions and a public hearing on the 2006/07 General Village Budget; and,

**WHEREAS**, the Board of Trustees of the Village of Monticello has also held a public hearing on setting water rates for the 2006/07 fiscal year in order to maintain the Water Treatment Plant as follows:

**\$3.30 per 100 cubic feet**  
**\$6.60 per 100 cubic feet (Outside)**

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby adopt the General Government budget, Sanitation Budget and rates for the Village of Monticello and does hereby set the water rates for the 2006/07 Fiscal Year.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, approved on a roll call vote as follows: Trustee Jenkins, aye; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye; Trustee Schoonmaker, absent; to adopt the above resolution. Motion carried 4 ayes - 1 absent.

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**PRESENTATION OF THE BUSINESS OF THE QUARTER**

Trustee VanDermark on behalf of the Village Board presented to owner Scott Bran, of Strictly Barbering located on Prince Street a Certificate for being recognized as the Village of Monticello Business of the Quarter.

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW 5 OF 2006 AMENDING SECTIONS 5 AND 17 OF CHAPTER 216 OF THE CODE OF THE VILLAGE OF MONTICELLO ENTITLED "SOLID WASTE"**

Mayor Barnicle opened the public hearing at 7:07 p.m.

The Village Manager explained that this local law if adopted would require all residents and businesses to use clear plastic bags when garbage and recycling is being disposed of. The reason for clear plastic bags is so the sanitation crew can quickly see whether recyclables are being separated from household trash.

Mayor Barnicle explained that as part of the law, the Village would start with residential pickups, truck route by truck route just after Labor Day and then they will go after the housing complexes and commercial stops one by one.

The Village Attorney explained that adding the routes, in her opinion, is not a substantial modification requiring a new public hearing and doing a staggered schedule becomes less restrictive on the residents. She recommended that the truck routes and the dates each route goes into effect should be part of the local law.

The Mayor directed DPW Superintendent Reynolds to supply the Village Manager with this listed time schedule. The Mayor explained that the Village's tipping fees will be reduced if more trash is recycled.

Betty Friedland suggested that the Village contact Shoprite and Wal-Mart to ensure they have enough plastic bags available for sale by the Village residents.

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The Mayor assured her that both of those stores and the convenience stores and dollar stores will also be notified.

Carmen Rue felt that the Village is raising the tax by 4.9% and now making residents spend more money to buy clear plastic bags instead of the less expensive bags. She felt the Village should supply clear plastic bags to the residents as is done in other communities.

As there were no further comments Mayor Barnicle closed the public hearing at 7:13 p.m.

**RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 5 OF 2006**

**WHEREAS**, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on July 10, 2006, 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 which would amend Sections 216-5 and 216-17 of the Code of the Village of Monticello by requiring garbage to be placed in clear plastic bags; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on June 30, 2006; and

**WHEREAS**, said public hearing was duly held on July 10, 2006, 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

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**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. 5 of 2006, amending Sections 216-5 and 216-17 of the Code of the Village of Monticello by requiring garbage to be placed in clear plastic bags; 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 SCHEDULING A PUBLIC HEARING TO BE HELD ON  
JULY 24, 2006 AT 7:00 P.M. REGARDING THE PROPOSED ADOPTION  
OF LOCAL LAW NO. 6 OF 2006 ENTITLED "DURATION OF APPROVAL"  
WHICH WOULD AMEND THE ZONING CODE SO THAT THERE ARE  
SPECIFICALLY FIXED TIME RESTRICTIONS FOR THE COMMENCEMENT  
AND COMPLETION OF ALL PROJECTS REQUIRING SITE PLAN  
APPROVAL.**

**WHEREAS**, the Village of Monticello Planning Board has given due consideration to the existing time limitations with respect to the commencement and completion of all projects requiring site plan approval;

**WHEREAS**, the Planning Board has thoroughly reviewed proposed Local Law No. 6 of 2006 entitled "Duration of Approval" which would set forth specific time limitations for commencement and completion of all projects requiring site plan approval as enumerated in the proposed law;

**WHEREAS**, the Planning Board by unanimous vote at a meeting of the Village of Monticello Planning Board conducted on June 27, 2006 recommends that the Village of Monticello Board of Trustees adopts Local Law No. 6 of 2006;

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**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Village of Monticello Board of Trustees will conduct a public hearing on July 24, 2006 to take place at the Village of Monticello Hall located on Pleasant Street in the Village of Monticello for the purpose of considering the adoption of Local Law No. 6 of 2006 entitled "Duration of Approval".

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 THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH SILVESTRE M. GOMES TO ISSUE A LICENSE FOR THE VILLAGE TO PROVIDE WATER/SEWER SERVICE TO THE PREMISES AT 131 DILLON ROAD**

**WHEREAS**, the Village Board has authorized the Village Attorney to negotiate with outside users of Village Water/Sewer service; and,

**WHEREAS**, the premises at 131 Dillon Road have requested receiving water service from the Village of Monticello; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign said agreement with Silvestre M. Gomes receive water/sewer service as an outside user at 131 Dillon Road.

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

**RESOLUTION AMENDING THE RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 7 OF 2006 AMENDING SECTION 11 OF CHAPTER 229 OF THE CODE OF THE VILLAGE OF MONTICELLO ENTITLED "HACK STANDS" ADOPTED ON JUNE 19, 2006**

**WHEREAS**, the Board of Trustees of the Village of Monticello desires to relocate various hack stands within the limits of the Village of Monticello; and

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**WHEREAS**, the Board of Trustees of the Village of Monticello has determined that it is in the best interest of the Village of Monticello to relocate said hack stands within the limits of the Village of Monticello; and

**WHEREAS**, the Board of Trustees of the Village of Monticello wishes to reschedule the time and place for a public hearing with respect to proposed Local Law 7 of 2006 amending Section 11 of Chapter 229 of the Code of the Village of Monticello entitled "Hack Stands", so that the public may be heard;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. be rescheduled for July 24, 2006, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; and it is further

**RESOLVED**, that the Village Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

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

**RECESS**

At 7:25 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to recess the Regular Village Board meeting to allow Trustee Schoonmaker to confer with the Village Attorney.

At 7:32 p.m., the meeting was called to order by Mayor Barnicle.

**PUBLIC COMMENT**

**Passage of the Budget**

Trustee Schoonmaker explained that after being advised that nothing he is going to say will change the vote on the adopted budget; he has a complete disgrace for this Board in not trying to cut this budget from 4.9% to as minimum as possible. He felt there were a lot of things that could have been done to cut the budget but nobody took the initiative to do that, but yet he and Trustee Jenkins are the bad guys because we look at everything on the budget to try to reduce the taxpayers' burden. He indicated that he is totally, totally against this budget and furthermore he has a strong lack of confidence for leadership of this Board and the other members of this Board because they are afraid to say "no" to something. He indicated that he spoke with County Legislator Chair Chris Cunningham today and he said the door has always been open for the Village to start negotiation with trying to do something as the "host" company for the landfill, however, no one from this Board went up their about any possibilities that this County could do for this Village to try to resolve the problem. He felt no one on the Board should say that a 4.9% increase is acceptable.

Mayor Barnicle explained that in a previous meeting there was a public hearing about the budget with input from the residents, and following that the Board had a work session and the Treasurer along with the State Comptroller developed the budget and the Board made cuts where they felt appropriate and everyone thought they were in agreement that all the cuts that that could be made were done. Subsequently, there were costs incurred beyond their control, such as an assessment **decrease** of \$1.4 million, anticipation of **additional loss in assessment** of \$3 million due to Apollo Mall litigation, Health Insurance **increase** of 11.5%, Workers Compensation **increase** of 22%, Retirement Benefits **increase** of 14.2%, Gas Heating Oil and Electric increase of 100% or more, **expenses mandated** by Comptroller (payment to the fire district, anticipated retirement of



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personnel). In addition to these factors the State made the Village include the complete payment to the fire district in the amount of \$56,000 and also anticipated two retiring personnel which they made us add an additional \$70,000 into the budget. He noted that these are all increases beyond the Village's control, but what they can be controlled has been slashed considerably.

Trustee Marinello explained that he spoke to Rusty Pomeroy about cutting the tipping fees before Trustee Schoonmaker was even a Board member, and he also stated that he will not compromise the health and welfare of the residents of this community to get a discount on the tipping fees.

Trustee Schoonmaker noted that his negotiations with the County are not about the expansion of the landfill.

Trustee Jenkins noted he and Trustee Schoonmaker are just trying to lower the tax increase for everyone not just individual agendas.

### **Tax Increase**

Carmen Rue felt that the Board should never had given Mobilemedic part of the Ted Stroebale Recreation building at no cost to Mobilemedic when the Village Court has no place to hold court when the Justice Court building was closed permanently.

Mayor Barnicle explained that they are rent free, but do pay their share of water, sewer and sanitation and electric.

Linesta Pohl felt that no one should be given a raise to keep the property taxes lower.

Lenore Grauer felt that department heads should not be taken Village vehicles home because of the price of gasoline and maintenance on those vehicles.

Mayor Barnicle noted that they are given these vehicles so they can respond to emergencies at any time of the day.

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Trustee Schoonmaker indicated that he agrees the department heads should not take vehicles home with the exception of the Chief of Police and the Highway Superintendent.

Mayor Barnicle indicated that the Board will review this policy prior to the next budget.

Barbara Burton felt that the three tier system of County, Town and Village governments does not work and only causes dissention. She felt no one will loss there job, but government will be in one place.

The Mayor agreed that services should be merged and the Village will continue to move in this direction.

#### **deHoyos Park Issues**

Dwayne Walker asked that the Board review their policy of inspecting the deHoyos Park BBQ area when someone has rented the pavilion for a private party. He noted that he rented out the park several weeks ago, left the park clean, but was charged \$50.00 when individuals were using the park at the same time.

The Mayor indicated that the Village will review this policy.

#### **Youth Issues**

Dwayne Walker suggested that the Village begin a program for the youth to try to educate the youngsters to try to control them to stay away from the drugs.

Mayor Barnicle explained that the Chief of Police, the Village Justice and the District Attorney are aware of the problems and are in discussion to work out a plan.

Chief Solomon explained that he is work with Youth Detective Tunno for a plan of action.

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**Waverly Avenue Problems**

Mrs. Williams was still concerned about the water running across Waverly Avenue which she has been complaining about for years and nothing has been done to remedy the situation. She felt the ditches haven't been cleaned up in years.

Mayor Barnicle indicated that the Highway Department has been continually cleaning up the ditches.

**Budget Remarks**

Betty Friedland felt the Board did not cut the budget enough and it was an easy way out to pass the budget with a 4.9% increase.

**Key Bank Steps**

Betty Friedland complained that the steps in front of Key Bank on Broadway are crumbling again and requested they be repaired again.

Mayor Barnicle responded that Broadway is technically a State Road and their responsibility. He directed the Manager to contact NYSDOT to ask them if they could repair it.

**Uncut Lawns**

Betty Friedland was concerned that residents on Atwell Lane were cited for unmowed lawns and unregistered vehicles, however nothing has changed. She asked what does it take to clean up the Village and get her neighbor to mow their lawn. People who recently visited her over the weekend commented on the deterioration of the Village and in particular her neighborhood.

Mayor Barnicle responded that they are probably waiting for a court date.

Betty Friedland responded that Ursula Tieger complained several months ago about the unregistered vehicles and nothing has changed since that time.

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**Bungalow Colonies**

Betty Friedland was concerned about the unclean conditions at the bungalow colonies and suggested that they need more dumpsters so their garbage will not lie all over the ground.

DPW Superintendent Reynolds indicated that it is up to Code Enforcement to control.

**Fire District**

Betty Friedland cautioned the Village Board not to make the creation of the fire district as the scapegoat for why the taxes were increased by 4.9%.

**Broadway Store Windows**

Becky Whipple questioned if anything is being done to improve the appearance of the vacant store windows, in particular the old Napoli Building and the former Kaplan Building?

Mayor Barnicle responded that the Code Enforcement Officer, Sue Flora, has cited them both and work is going to be done to repair that.

**Village Conditions**

Becky Whipple was concerned with the Village's poor appearance with people putting out old furniture, appliances, etc. and noted that a Monticello class union had been held and the returnees commented on the dirty conditions here.

**Personnel Matter**

Trustee Schoonmaker apologized to a Village employee for remarks he made at the last meeting regarding a stipend that they received from the Village when the Board was discussing trying to reduce the tax increase. He felt these comments were taken the wrong way and were meant to be a general statement regarding these stipends.

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**ORDERING BILL PAID**

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote that 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.

**EXECUTIVE SESSION**

At 8:18 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 a personnel matter regarding a particular person.

**ADJOURNMENT**

At 9:00 p.m., a motion was made by Trustee Schoonmaker, 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