

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, AUGUST 21, 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: E. Danielle Jose, Village Attorney
Douglas Solomon, Chief of Police
Sam Wohl, County Legislator
Clarence Decker, Water Superintendent
Bill Bertholf, Sewer Superintendent
Brenda Galligan, Treasurer

APPROVAL OF MINUTES OF BOARD MEETING OF AUGUST 7, 2006

A motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of August 7, 2006 as presented.

MANAGER'S REPORT

Dunbar Towers - West Broadway

Mayor/Manager Barnicle announced that construction for the new 7 story apartment house known as Dunbar Towers will begin within two weeks.

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Manager's Ad

Mayor Barnicle announced that the ad for the Village Manager position was be advertised in online at Hudson Valley.com, NYCOM, the Sullivan County Democrat and the Times Herald Record beginning this Friday.

Renaissance Awards

Mayor Barnicle announced the winners of Monticello Renaissance Award winners as follows:

School Category Winners:

Monticello Schools - 1st place
Cooke, Middle and High School. (3 out of 4 awards given)

Category B

Recovery Center - 1st place - \$10,000 prize
Federation of Sportsmen Club - 2nd place - \$7,000 prize
DeHoyos Park - Gazebo & Plantings
Both winners won a maintenance award - \$1,000 each

All prizes will be used to reinvest in Monticello next year for beautification.

Quadrant Ride Thru

Mayor Barnicle announced that the first monthly quadrant ride thru took place last Friday with Sue Flora, CEO, Doug Solomon, Chief of Police and himself. They drove around Quadrant One which is the northwest part of the Village from 17B, Sturgis Road, North and High Streets section and 14 garbage citations were issued, 7 unregistered vehicles (2 have already been moved), 19 high grass, 2 unsafe buildings, 2 opened and accessible buildings, one graffiti and 3 out of code signs. He explained that the procedure is that next month they revisit the properties that have been cited to see if action has been taken to remedy the violations and continue to the next quadrant.

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Skateboard Park

Mayor Barnicle unveiled a mockup of the soon to be erected skateboard park in the vicinity of the basketball courts.

Mayor Barnicle announced that the Grants Department was able to get permission to use unused Grant funds in the amount of \$30,000 by Senator Bonacic, plus an additional \$30,000 in matching funds because the project is being completed along with additional donations from the Foundation called Project Dream founded by Robert Berman in the amount of \$5,300 for repaving the skateboard location and a donation from the Union Workers and committed a donation of \$2,500 for fencing.

**RESOLUTION CORRECTING THE 2006/07 VILLAGE TAX ROLL -
SECTION 119 BLOCK 7, LOT 3**

WHEREAS, penalties were added to water, sewer and sanitation charges and included in the relevy of water, sewer and sanitation charges when the resident tried to pay her utility bill, although it was on a timely basis but do to some miscommunication the total amount was relevied to the 2006/07 tax bill; and,

WHEREAS, because the error occurred by the Village do to a clerical error.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby correct the 2006/07 Village Tax Roll to remove the charges in the amount of from the tax bill SBL 119-7-3 in amount of \$23.81 and the Village Clerk is directed to send a corrected bill to each property owner.

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

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**RESOLUTION CORRECTING THE 2006/07 VILLAGE TAX ROLL -
SECTION 111 BLOCK 10, LOT 2**

WHEREAS, a charge for property cleanup and an administration fee was charged and relieved to Osborne Street, however the correct owner of the above captioned property was not served properly for a violation; and,

WHEREAS, because the error occurred by the Village do to a clerical error.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby correct the 2006/07 Village Tax Roll to remove the charges in the amount of \$215.00 from the tax bill SBL 111-10-2 and the Village Clerk is directed to send a corrected bill to each property owner.

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 PURCHASE OF TWO POLICE VEHICLES
UNDER A LEASE PURCHASE AGREEMENT WITH M&T BANK IN THE
AMOUNT OF \$28,241.50 EACH**

WHEREAS, the Monticello Police Department is in need of replacing two (2) police vehicles at a cost of \$28,241.50 each under State bid; and,

WHEREAS, the Village Treasurer has recommended a lease purchase agreement with M&T Bank at a rate of 5.88% for a total lease purchase price of \$56,483.00; and,

WHEREAS, by buying these vehicles under the lease purchase option the Village will be saving money by not having to pay for bonding fees and legal notices.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of two (2) police vehicles under a lease purchase agreement with M&T Bank with the total lease purchase price of \$56,483.00.

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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 ATTORNEY TO HIRE APPRAISAL SERVICE IN AN AMOUNT NOT TO EXCEED \$500.00

WHEREAS, the Village is interested in selling a parcel of land that the Village currently owns located on Dillon Road in the Town of Thompson to determine the market value of these premises, that is no longer necessary for Village purposes.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Attorney to obtain an appraisal of the parcel identified as the former Head Start building in the Town of Thompson located on Dillon Road for a sum not to exceed \$500.00

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 PAYMENT #3 TO GRANT STREET CONSTRUCTION FOR THE BROADWAY SEWERLINE REPLACEMENT PROJECT IN THE AMOUNT OF \$314,340.41

WHEREAS, the Village of Monticello received a grant for Sewerline Replacement on Broadway; and,

WHEREAS, Grant Street Construction was awarded the bid and have completed the entire length of the project along Broadway, and;

WHEREAS, the Village Engineer and Bill Bertholf, Waste Water Treatment Plant Superintendent has recommended that the third payment in the amount of \$314,340.41 be paid to Grant Street Construction for the work already completed with \$28,287.03 being held as retainage.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve payment

No. 3 in the total amount of \$314,340.41 to Grant Street Construction for the work completed for the construction on the Broadway Sewerline Replacement Project.

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

DISCUSSION ON NAMING STREETS FOR NEW MOUNTAINVIEW ESTATES DEVELOPMENT

Mayor Barnicle asked that each Board member give their suggestions for the naming of three streets in the new Mountainview Estates Development. The Mayor recommended that the streets be named with names that are synonymous with to the region.

Trustee Schoonmaker suggested that these streets be named after some police officers or other renowned persons such as Howard Morgan, etc.

DISCUSSION REGARDING FENCE ORDINANCES

Mayor Barnicle indicated that presently the Village does not have any fence regulations except for intersection site distance locations. He noted that one location in particular is the fence adjacent to the Mountain Mall that was in very close proximity to the Big Ben/First Class Formal Ware building. He felt along with aesthetics, safety should also be a factor. The Mayor has asked the Village Clerk and Village Attorney to get sample local laws from other communities for the Board to review.

Marc Hudes asked that the fence laws include commercial zones also since he was concerned with a property on Route 42 near the Monticello Photo store.

Bob Kunis suggested that the Village contact the NYSDOT since that fence is probably in the State's Right of Way.

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The Village Attorney indicated that she would discuss the matter with the NYSDOT are report back to the Village Board.

PUBLIC COMMENT

Rhulen Building Demolition

Ronnie Moss a resident of Lincoln Place was concerned about asbestos not being handled correctly at the ongoing demolition of the Rhulen building on Broadway. He was concerned that asbestos is escaping into the air and could potentially cause health hazards to the public, surrounding businesses, a school and the County Court House.

The Mayor responded that he has looked into his complaint and all the proper paperwork was done and a meeting prior to the beginning of the demolition with the Water, Sewer, Code Enforcement heads and the Chief of Police. At this time, due to his complaint the only work that will be done is to cap off the water and sewer lines and the building will remain untouched until certified documentation is received that it is safe to proceed with the demolition.

Trustee Schoonmaker explained that a representative from the DEC is coming to do an investigation of the complaint after he made a phone call to that agency. He is also trying to obtain an "asbestos abatement" report that was done of that building when the County occupied the building. He explained that a demolition permit was given by the Village of Monticello and signed by former Village Manager Richard Sush. Trustee Schoonmaker indicated that the demolition permit will have to be revamped so that more information will be obtained prior to one being issued.

Thomas Mack felt that the properties in the vicinity of the Rhulen building should be made aware of the potential asbestos hazards.

Trustee Jenkins indicated that DEC will be investigating other issues that are occurring throughout the Village, and felt that the residents will begin to see results to some problems.

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Roz Sharoff felt that it is sad that a private citizen has to bring a potential problem to the Board when there are many Village Officials that are paid to investigate these problems.

Mayor Barnicle indicated that it could be a potential problem, but is hasn't been determined that it is as serious as it appears.

Multiple Dwelling Residents

Rochelle Massey questioned why so many single family residents are being converted into multiple dwellings homes in R-2 zones and it has resulted in additional traffic, not enough parking spaces and loud music, etc.

Mayor Barnicle explained that if it is the proper zoning, it is allowable, but it must meet the proper zoning regulations including enough off street parking spaces. He felt the heart and soul of the community is our neighborhoods and single family dwelling homes are the most important product of these neighborhoods.

Housing Complaint

Ceil Plotkin complained about the conditions at 12 Fraser Avenue adjacent to her home, where there are 9 to 11 single men who are not a family living in that house who are not related, and causing many problems including noise, the lawns not being mowed, parking a large dump truck in front of the house, etc.

Mayor Barnicle responded that the Village has investigated the problem and it is being rented as a "group home".

Ursula Tieger indicated that she has the exact same problem in her neighborhood on Atwell Lane.

EXECUTIVE SESSION

At 7:55 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a

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roll call vote to move into Executive Session to discuss Village owned property, potential litigation and a personnel matter involving a particular person and

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 9:18 p.m., Mayor Barnicle reconvened the Regular Village Board meeting.

Request For Rezoning Michelle Drive and Park Avenue

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to not send this rezoning request for property on Michelle Drive and Park Avenue to be rezoned from R-2 (single family residence to RM (Multiple Dwellings) to the Village of Monticello Planning Board.

RESOLUTION OF THE BOARD OF TRUSTEE OF THE VILLAGE OF MONTICELLO AUTHORIZING THE VILLAGE ATTORNEY TO COMMENCE REVERTER PROCEEDINGS TO RECOVER POSSESSION OF PROPERTY AT 446 BROADWAY DESIGNATED AS VILLAGE OF MONTICELLO SBL 111-5-13, PREVIOUSLY CONVEYED TO ERI KASHAN SUBJECT TO A CONDITION SUBSEQUENT

WHEREAS, surplus property at 446 Broadway designated Village of Monticello SBL 111-5-13 was previously sold to Eric Kashan on July 6, 2004; and,

WHEREAS, the conveyance was made subject to the occurrence of a condition subsequent that Eric Kashan construct his proposed economic development project within two (2) years; and,

WHEREAS, Eric Kashan has not constructed his proposed economic development project; and,

WHEREAS, the condition subsequent has not occurred; and,

WHEREAS, the Village is authorized by the deed, which was consented to and agreed by Eric Kashan, to begin reverter proceedings; and,

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WHEREAS, the Village Board finds that it is in the best interest of the residents of the Village to re-acquire said property.

NOW, THEREFORE BE IT RESOLVED, by the Board of Trustees of the Village of Monticello that:

1. That the Village Attorney of the Village of Monticello is hereby authorized to begin reverter proceedings forthwith on behalf of the Village of Monticello to re-acquire property designated as SBL 111-5-13 and be it further resolved
2. that this resolution shall take effect immediately upon filing with the Village Clerk.

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

ADJOURNMENT

At 9:20, 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