

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 4, 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
Tim Havas, Deputy Village Attorney
Douglas Solomon, Chief of Police
Clarence Decker, Water Superintendent
Sue Flora, Code Enforcement Officer
Bill Bertholf, Sewer Superintendent
Sam Wohl, County Legislator
Ron Hyatt, County Legislator

APPROVAL OF MINUTES OF BOARD MEETING OF NOVEMBER 20, 2006

A motion was made by Trustee VanDermark, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the minutes of November 20, 2006 as presented.

BUSINESS OF THE QUARTER - RANCHO DEL GORDO

Mayor Barnicle on behalf of the Village Board presented to the owners of Rancho Del Gordo located on Forestburgh Road a Certificate for being recognized as the Village of Monticello Business of the Quarter.

Minutes - Regular Village Board Meeting
12/04/06

MAYOR/MANAGER REPORT

New Businesses

Mayor/Manager Barnicle announced that there are two new businesses, Daddy's Restaurant and a new dry cleaner in the former Ellery Dry Cleaners location in the Eagle Plaza located on the Forestburgh Road.

Emergency Pickup - Tree Limbs & Branches Pickup

The Mayor read the following press release:

Due to the cooperation all available manpower from the Department of Public Works, the Water Department and the Sewer Department union personnel the Village will be picking up all tree limbs and branches (no entire trees) for **one day only on Friday, December 8th** for the entire workday.

The tree limbs and branches should be place by the roadsides.

PRESENTATION OF THE FINAL DRAFT OF THE TOWN OF THOMPSON/VILLAGE OF MONTICELLO COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

Mayor Barnicle acknowledged recent by the Board of the final draft of the Town of Thompson/Village of Monticello Comprehensive Emergency Management Plan. He announced that the Board would review it at the next meeting.

PUBLIC COMMENT

Safety Concerns

Connie Keller, Director of the Literacy Volunteers of Sullivan County, an explained that her organization is now located in the former Social Security building on North Street. She indicated that she is representing the Literacy's Board and their concern is the lighting in the rear of their property. She explained that the new

Minutes - Regular Village Board Meeting
12/04/06

skateboard park is located behind their building and in the evening the youths park their cars in that lot and shine the car headlights on the skateboard park area to continue using it into the night when it is dark. She was also concerned that there are no rules posted as to hours and type of gear required. She noted that a vehicle was vandalized in their parking lot, as well as in the Crawford Housing parking lot, although she did not believe the skateboarders caused the damage. Ms. Keller felt this entire area is a concern and there should be more police patrols and more lighting as this is now a safety issue.

The Mayor responded that the rules will be posted by the end of the week. He indicated that he will take Ms. Keller's comments seriously and will investigate the cost of additional lighting.

Ms. Keller felt that the Board should have included additional lighting when they were getting estimates on the skateboard park which is a key element of the safety of that area.

Broadway Surveillance Cameras

Dr. Marc Hudes asked that the Board apply grants to cover the cost of cameras on Broadway.

Mayor Barnicle responded that all the utility poles on Broadway will be replaced, so until the Broadway project is completed cameras could not be installed, however, the Village will apply for that type of grant during the construction period.

Village Manager Position

Dr. Marc Hudes was concerned that comments have been made that Village Manager candidate Ray Nargizian should not be chosen because he is "too political". He felt this is a ridiculous statement and should not prevent Mr. Nargizian from being appointed the new Village Manager. He also

Minutes - Regular Village Board Meeting
12/04/06

heard a rumor that he wouldn't be appointed because he is a "Hudes" follower. He felt that it appears that some people in the Village aren't happy with the fact that his group is trying to notice the problems that are here, and have been here for years, and previous administrations have neglected. He continued to say that Mr. Nargizian has stated publicly that there will be no ties to his appointment and he cannot appoint anyone without the Village Board's approval. Mr. Nargizian is a very successful businessman and is willing to take on this challenge with no contract, a low salary and owns five pieces of property which makes him a concerned that this Village look and runs better.

Dr. Hudes does not understand why it has taken so long to hire a Village Manager since the former Manager Richard Sush announced in July that he would be leaving in mid August. He asked that the Board consider a good quality Village Manager who has no strings and could be fired immediately if the Board feels he is not the doing the job. He felt the Board would make a major mistake if this decision is based on politics.

Trustee Schoonmaker responded explained that during the interview process Mr. Nargizian was upfront with the Board on all areas of his employment. Speaking only for him and Trustee Jenkins only cares that he can do the job and that is his only concern. He was concerned that leaks are coming out of Executive Session.

Gary Tugender felt it is time for the Board to make a decision on who is hired as Village Manager and move forward.

Code Enforcement Report

The Mayor explained that there is a "ride with", that includes the Chief of Police, the Mayor and the Code Enforcement Department and the last ride around was on November 29th in quadrant four where they identified 15 unregistered vehicles, 18 garbage and debris, 2 high weeds and grass, and 3 illegal signs. In addition to these

Minutes - Regular Village Board Meeting
12/04/06

violations being issued by the Assistant Code Enforcement Officer, it frees up the Code Enforcement Officer to do building and fire safety inspections and for the month of November she has brought in to the Village \$700.00 in fire inspections in complexes within the Village and something she did not have time to do before. Also, we now have two scheduled court dates for citations that have been issued.

PUBLIC HEARING ORDERING THE REMOVAL AND/OR DEMOLITION OF A STRUCTURE REGARDING MODIFICATION AND/OR AFFIRMANCE OF SAID ORDER LOCATED AT 121 EAST BROADWAY, KNOWN AS MOUNTAIN MALL - TAX MAP #117-1-1

Mayor Barnicle opened the public hearing at 8:35 p.m.

Mayor Barnicle explained that this is in reference to the fence adjacent to the Big Ben Jeweler/First Class Formalware Building adjacent to the Mountain Mall.

Attorney Marvin Newberg representing Mountain Mall owned by Mountain Pacific Realty explained that the notice they received is a notice on an unsafe building. He indicated that the Board is proceeding on their Unsafe Building Code which is Section 119.3 of the Village Code. He noted that this structure is a fence that is in perfect structural condition and under the Village's law this fence is not an unsafe structure. The Village is proceeding only under the Village Code and it is defined as: *any building structure, shed or fence or other manmade structure or portion thereof which because of its structural condition is, or may become dangerous or unsafe to the public.* He indicated that this fence is not unsafe because of its structural condition, the impudence to this and ground being given is that it is too close to the building on the adjoining property and allegedly a fire hazard, but it is not unsafe building or structure under your own law and any determination to take it down as unsafe building or structure is not authorized under your own law as a pure legal matter. He also explained that he represents a client who owns Mountain Mall and he thought the Board would acknowledge that since Shoprite moved that mall has been improved and has become

Minutes - Regular Village Board Meeting
12/04/06

an integral and important part of the community for people in Monticello to have a place to shop, as well as providing jobs and tax dollars. He did not feel that this law was intended for this type of action. Attorney Newberg has heard an allegation that this is a "spite" fence that was put up because a tenant moved out and a fence was put up. He explained that it was put up between the back driveway to the old Frankie's building which is now the tuxedo and jewelry store as there was always a curb between that property and the parking lot of Mountain Mall, but that curb was taken out and paved over by the owner's of the Jewelry Store and the Tuxedo store even though they were told not to do it, that they couldn't do it, but they wanted to have access and people use the Mall parking lot and they did it anyway, and then the fence went up, but it wasn't because they moved out of the mall. He indicated that it would be more difficult to fight a fire because there is a fence on one side of the building than if it wasn't there, but throughout the Village where there are buildings that were built before there was zoning and before there were side yard requirements, almost every building has a front and a rear entrance on Broadway and just because there is a fence that is put up there, it does not make it a fire hazard considering what you have throughout the Village where there is usually a front and rear entrance. If there is a fire in this neighboring facility there is a front access on Broadway with a parking lot and perhaps they should have rear doorways if they do not and there is room on their driveway next to the Fastenal building. He felt that because there is a fence it does not make this an unsafe structure. Attorney Newberg felt that this is a private matter and he has been threatened with lawsuits from Big Ben's attorneys unless the fence is not taken down, and if there are disputes between neighbors it should be decided in a civil court over property rights.

The Mayor asked that Attorney Newberg give the Village Attorney that correspondence.

Minutes - Regular Village Board Meeting
12/04/06

Attorney Newberg suggested that if the Board is going to make a determination on the fence issue, it is to either order its removal or to say how to make it safe. He concluded by saying that he believes this is a private matter, it is not an unsafe structure and it is a property rights matter since his clients have improved their property, provided employment, and have a right to put a fence around their property just like anyone would have a right to put a fence around their property or their home even though it may be inconvenient or may cause some problems outside of the realm. He did not feel any violations is his clients, if there is a problem with some fire access then it may well be on the neighboring property whose made it that way.

Trustee Schoonmaker indicated that at the last meeting he asked Attorney Newberg to make a proposal to his client about a compromise, and he questioned whether that compromise proposal was made.

Attorney Newberg responded that he discussed it with the Mall's Manager George Handforth and one of the principals and no decision was made.

Code Enforcement Officer Sue Flora explained that the first violations she had issued stated that to rectify the violations you may remove the front part of the fence to meet the end of the building.

Mayor Barnicle asked that Attorney Newberg confer with his client to see if this compromise is acceptable. He questioned if his clients would be willing to end the fence at the back building line and no run it adjacent to the building.

Attorney Newberg responded that one of the reasons the fence goes to Broadway is to prevent the patrons of the store next door from using the parking lot which they had been using. The fence stops them from parking in the Mall parking lot near the video store. In other words that

Minutes - Regular Village Board Meeting
12/04/06

fence inhibits people from the using the Mall parking lot which doesn't belong to them which was a problem.

Trustee Schoonmaker questioned whether anyone has determined if this fence is in violation of the NYS Uniform Fire and Building Code.

Code Enforcement Officer Sue Flora responded that she did, and has spoken to someone from the Department of State. It is in violation of the NYS Uniform Fire and Building Code Section 103.1.3 Obstruction which states that furnishing or other objects shall not be placed to obstruct exits, to access thereto or egress therefrom or visibility thereof.

Trustee Schoonmaker questioned the Code Enforcement Officer if in her opinion the fence is violation of the Fire Code.

Code Enforcement Flora responded, "yes".

Trustee Schoonmaker indicated that in that case the fence must come down.

Attorney Newberg responded that the fire code that was just cited states that you cannot have a structure (fence) that obstructs an exit (which this doesn't), access to the property (which this doesn't), egress, it doesn't or visibility (the business is still able to be seen). He respectfully disagreed because then you can say any fence that anyone puts up restricts somebody's visibility.

Trustee Schoonmaker advised Attorney Newberg as a former Fire Chief of the Village Fire Department that training now is being done, that any window can now become a means of egress in an emergency situation, so therefore his concern is if someone is trapped in the building the first thing he is going to do is to get access through the window which is blocked by that fence.

Attorney Newberg indicated that under the Village Code this is not an unsafe structure.

Minutes - Regular Village Board Meeting
12/04/06

Village Attorney Jose indicated that the structural condition does not necessarily have to do with its state of repair or disrepair. Structural condition can be do to its height, its proximity, etc. and she felt that is what the problem is with this fence. She felt that the resolution passed at the last meeting had to do with its proximity to the building in not allowing firefighters with their air packs on to get in between or get through to the building.

Mayor Barnicle asked Attorney Newberg to go back to his client to reach a compromise to take part of the fence down.

Trustee VanDermark indicated that earlier in the meeting the attorney indicated that his clients are unwilling to compromise, so as far as he is concerned this matter has continued long enough and will make the motion to affirm the removal of the fence.

Trustee Jenkins felt that he agrees with the Mayor that only part of the fence is the safety issue.

Attorney Newberg asked how long his client has to remove the fence without the Village coming in to do it and access the cost to the property owner.

The Village Attorney responded that if his client has not removed the fence after 15 days the Village has the right to do it and access the cost to the property owner.

As there were no further comments, Mayor Barnicle closed the public hearing at 9:02 p.m.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AFFIRMING AN ORDER OF THE BOARD OF TRUSTEES AFTER A FULL HEARING BEFORE THE BOARD ORDERING THE REMOVAL OF A STRUCTURE PURSUANT TO '119-3 OF THE CODE OF THE VILLAGE OF MONTICELLO

WHEREAS, a written report was presented to the Board of Trustees of the Village of Monticello by Sue Flora, the Building Inspector regarding an unsafe structure, to wit: a

Minutes - Regular Village Board Meeting
12/04/06

chain link fence with green vinyl, located at 121 East Broadway, Monticello, New York, Village of Monticello Tax Map #117.-1-1; and

WHEREAS, said report was supplemented by written reports from Doug Solomon, Chief of the Monticello Police and Carl Houman, Director of Fire Safety for the Monticello Joint Fire District; and

WHEREAS, evidence was received by the Board that the fence is unsafe, in that it is a fire hazard and does not allow for access to the neighboring building for emergency services personnel, in the event of an emergency; and

WHEREAS, evidence was received by the Board that the name of the owner or person in possession as appears from the tax and deed records is County of Sullivan IDA and/or Mountain Pacific Realty, LLC; and

WHEREAS, the Board had previously determined that it is in the best interest of the residents of the Village of Monticello to remove and or demolish said fence; and

WHEREAS, a public hearing was held to review said determination, with proper notice to the owners of said structure, and said determination and order were affirmed by providing for removal of the structure in question; and

NOW, THEREFORE, BE IT RESOLVED THAT, the property in question is an unsafe structure as defined by the Code of the Village of Monticello, '119-3, to wit: a chain link fence with green vinyl, located at 121 East Broadway, Monticello, New York, Village of Monticello Tax Map #117.-1-1; and

THAT the fence is unsafe, in that it is a fire hazard and does not allow for access to the neighboring building for emergency services personnel, in the event of an emergency; and

Minutes - Regular Village Board Meeting
12/04/06

THAT by order of the Board of Trustees, said fence is hereby ordered to be removed, and in the event said fence is not removed by the owner of said property, removal of said structure shall commence within 15 days of the service of this notice and shall be completed within 60 days thereafter; and

THAT, in the event that such owner, occupant or other person having an interest in said premises shall fail to comply with same, the Village Board will order the repair or removal of such building or structure by the village and that the village will assess all costs and expenses incurred in such removal or repair against the land on which such building or structure is located; and

A motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker to adopt the above resolution as follows: Trustee Schoonmaker, aye; Trustee Jenkins, nay; Trustee Marinello, nay; Trustee VanDermark, aye; Mayor Barnicle nay. Motion failed 3 nays - 2 ayes.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO MODIFYING AN ORDER OF THE BOARD OF TRUSTEES AFTER A FULL HEARING BEFORE THE BOARD ORDERING THE PARTIAL REMOVAL OF A STRUCTURE PURSUANT TO '119-3 OF THE CODE OF THE VILLAGE OF MONTICELLO

WHEREAS, a written report was presented to the Board of Trustees of the Village of Monticello by Sue Flora, the Building Inspector regarding an unsafe structure, to wit: a chain link fence with green vinyl, located at 121 East Broadway, Monticello, New York, Village of Monticello Tax Map #117.-1-1; and

WHEREAS, said report was supplemented by written reports from Doug Solomon, Chief of the Monticello Police and Carl Houman, Director of Fire Safety for the Monticello Joint Fire District; and

Minutes - Regular Village Board Meeting
12/04/06

WHEREAS, evidence was received by the Board that the fence is unsafe, in that it is a fire hazard and does not allow for access to the neighboring building for emergency services personnel, in the event of an emergency; and

WHEREAS, evidence was received by the Board that the name of the owner or person in possession as appears from the tax and deed records is County of Sullivan IDA and/or Mountain Pacific Realty, LLC; and

WHEREAS, the Board had previously determined that it is in the best interest of the residents of the Village of Monticello to remove and or demolish said fence; and

WHEREAS, a public hearing was held to review said determination, with proper notice to the owners of said structure, and said determination and order were modified by providing for removal of the structure in question to the extent it is adjacent to the building containing First Class Formal Wear and Big Ben Jewelers; and

WHEREAS, to the extent the structure in question is not adjacent to the building on the adjacent lot, the Board of Trustees has determined that the structure is not a danger as defined by the Code of the Village of Monticello, '119-3; and

NOW, THEREFORE, BE IT RESOLVED THAT, the property in question, to the extent that it is adjacent to the building containing Big Ben Jewelers and First Class Formalwear on the adjacent lot is an unsafe structure as defined by the Code of the Village of Monticello, '119-3, to wit: a chain link fence with green vinyl, located at 121 East Broadway, Monticello, New York, Village of Monticello Tax Map #117.-1-1; and

THAT, the fence, to the extent that it is adjacent to the building containing Big Ben Jewelers and First Class Formalwear on the adjacent lot, is unsafe, in that it is a fire hazard and does not allow for access to the neighboring building for emergency services personnel, in the event of an emergency; and

Minutes - Regular Village Board Meeting
12/04/06

THAT, by order of the Board of Trustees, said fence, to the extent that it is adjacent to the building containing Big Ben Jewelers and First Class Formalwear on the adjacent lot, is hereby ordered to be removed, and in the event said fence is not removed by the owner of said property, removal of said structure shall commence within 15 days of the service of this notice and shall be completed within 60 days thereafter; and

THAT, in the event that such owner, occupant or other person having an interest in said premises shall fail to comply with same, the Village Board will order the repair or removal of such building or structure by the village and that the village will assess all costs and expenses incurred in such removal or repair against the land on which such building or structure is located; and

A motion was made by Mayor Barnicle, seconded by Trustee Jenkins, approved of a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins, aye; Trustee Marinello, aye; Trustee VanDermark, nay; Mayor Barnicle aye to adopt the above resolution. Motion carried 3 ayes - 2 nays.

Attorney Newberg explained that it is his understanding that since the Village has modified its order that it the property owners' responsibility to remove that portion of the fence within 15 days after this date and complete it within 60 days.

**RECONVENING THE PUBLIC HEARING TO REVIEW AND DISCUSS
PROPOSED LOCAL LAW NO. 10 OF 2006 WHICH WOULD CREATE A
SPECIAL BENEFITS ASSESSMENT WITH RESPECT TO THE CRYSTAL
RIDGE PROJECT**

Mayor Barnicle opened the public hearing at 9:05 p.m.

Mayor Barnicle explained that this matter came before the Planning Board, and at that time the Mayor asked their attorney to put there reasons in writing why those properties in the Town of Thompson are not being annexed into the Village of Monticello.

Minutes - Regular Village Board Meeting
12/04/06

Project Attorney Audrey Scott gave the Board her written response noting that there are four major points why the property is not being annexed into the Village:

Establishment of the special benefit assessment area entails a two step process:

1. Annexation of the Thompson parcel, including the the land containing the stormwater basin, does not eliminate the need for a mechanism to fund its operation and maintenance. Under the proposed plan, the Village will own the parcel containing the stormwater basin and maintain it with funds collected from the 50 benefited lot owners in the Village. The need for a method of funding the basin's operation and maintenance exists whether the basin is on land in the Town owned by the Village, or on Village land.
2. Annexation of the Thompson parcel into the Village would leave the Herskovitz parcel (Town of Thompson SBL 13-5-7), located on the south side of Crystal Street, as an "island" of Town land surrounded by Village land, which would violate the common law principle that an annexation should not result in asymmetrical municipal boundary.
3. The matter of annexation has not been raised by the Town, so we are unaware of what position it might take in the event annexation is proposed. Therefore, there is no guarantee of cooperation from the Town, and any opposition, by the Town or Town residents, would only add to the amount of time and expense necessary to accomplish an annexation and rezoning - and then approvals.
4. An annexation and rezoning procedure will add significant time delay and cost to the procedure by requiring additional public hearings and other municipal procedures.

Minutes - Regular Village Board Meeting
12/04/06

Attorney Scott asked that this public hearing be adjourned to the first meeting in January after the Planning Board has made their SEQUA determination. She also explained that even if this property is annexed into the Village there would still have to be a Special Benefits Assessment since no Homeowner's Association is being planned.

Deputy Attorney Havas indicated that the Planning Board is the Lead Agency; however there would be a SEQUA determination on this matter also.

Trustee Jenkins indicated that if the three properties are not annexed into the Village he is not interested in passing the Special Benefits Assessment.

Trustee VanDermark questioned whether the developer has approached the Town of Thompson regarding annexation and rezoning since it has been a month that the Board has been discussing annexation proceedings. He indicated that one of the reasons stated for not starting the annexation process is because it is a lengthy process, however the developer has not even looked into whether it is feasible or not. He felt that both parcels should be annexed into the Village including the road that will go to the storm water basin that will be dedicated to the Village.

Attorney Scott responded that they have not because they made their own determination in house that this is their position to not seek annexation.

Mayor Barnicle also noted that the developer will be improving Hillcrest Avenue.

Mayor Barnicle adjourned the public hearing at 9:22 p.m. to the first meeting in January.

PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 11 OF 2006 ENTITLED "FENCES"

Mayor Barnicle opened the public hearing at 9:22 p.m.

Dr. Marc Hudes had some concerns with the local law as it was presented and recommended the following modifications.

Minutes - Regular Village Board Meeting
12/04/06

1. Section 9E. Exception to Electrically charged fences. There are underground fences to keep dogs in the yard. Should be a sign indicating this type of fencing.
2. Section 9H. Should be further reviewed as there are snow fences on Broadway that look horrible and are never removed.
(Need a definition of Temporary)
3. Section 9J. Should add Concrete Barriers such as already erected on Route 42S. Those barriers have never been approved and NYSDOT should be notified of their existence since this is a State route.

The Village Attorney suggested that the Mayor adjourn the public hearing to the next meeting so the local law can be modified to include some of these suggestions.

As there were no further comment, Mayor Barnicle closed the public hearing at 9:28 p.m.

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR THE REHABILITATION OF TWO (2) SAND FILTER TANKS IN THE FILTER ROOM OF THE VILLAGE OF MONTICELLO WATER TREATMENT PLANT

WHEREAS, the Village of Monticello Water Treatment Plant is in need of rehabilitation of two (2) sand filter tanks in the filter room; and,

WHEREAS, the rehabilitation includes the removal of existing sand and gravel filter media and bottom under drain piping and fittings; installation of new pipe under drain laterals and replacement of filter media in each of two - 13' diameter filter tanks

Minutes - Regular Village Board Meeting
12/04/06

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 the Rehabilitation of two (2) Sand Filter Tanks in the Filter Room of the Village of Monticello Water Treatment Plant.

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

ORDERING BILLS PAID

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, 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 9:25 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, sale of Village owned property, a personnel matters involving individual persons and possible litigation.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 11:15 p.m., Mayor Barnicle reconvened the Regular Village Board meeting.

Mayor Barnicle explained that the Board has narrowed the choice down to one candidate; however the Board wants to make sure that financially they can make a commitment to this individual.

Minutes - Regular Village Board Meeting
12/04/06

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO TO SELL PROPERTY NO LONGER NEEDED FOR PUBLIC
PURPOSE AND CONSIDERED SURPLUS PROPERTY AND DESIGNATED AS
VILLAGE OF MONTICELLO 111-4-41.2 TO THE SEVENTH DAY
ADVENTIST CHURCH**

WHEREAS, the Village of Monticello owns property designated as Village of Monticello 111-4-41.2 and located on North Street being 0.52 acres; and

WHEREAS, this property owned by the Village of Monticello is no longer needed by the Village for public purposes and is considered surplus property; and

WHEREAS, The Seventh Day Adventist Church has offered to purchase this property owned by the Village of Monticello for the sum of FIVE HUNDRED FIFTY (\$550.00) DOLLARS, as the property is adjacent to their parcel; and

WHEREAS, it is in the best interest of the residents of the Village of Monticello to sell this surplus property owned by the Village of Monticello to Seventh Day Adventist Church for the sum of FIVE HUNDRED FIFTY (\$550.00) DOLLARS; and

NOW, THEREFORE, it is hereby

RESOLVED, that the property designated as Village of Monticello 111-4-41.2 is hereby declared to be surplus and no longer needed for public purposes; and it is further

RESOLVED, that the Village Manager is hereby authorized to execute the Contract of Sale between the Village of Monticello and Seventh Day Adventist Church or its designee for the purchase of Village of Monticello 111-4-41.2 for the sum of FIVE HUNDRED FIFTY (\$550.00) DOLLARS; and it is further

RESOLVED, that the Village Manager is hereby authorized to execute the necessary documents to convey the property designated as Village of Monticello 111-4-41.2 to Seventh Day Adventist Church or its designee pursuant to the terms of the Contract of Sale; and it is further

Minutes - Regular Village Board Meeting
12/04/06

RESOLVED, that the documents executed by the Village Manager will be in a form approved by the Village Attorney.

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

RECESS

At 11:20 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to recess the meeting to 8 a.m. on Friday, December 8, 2006.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING - FRIDAY,
DECEMBER 8, 2006**

MEETING TO ORDER

Mayor Barnicle called the meeting to order at 8:00 a.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
Tim Havas, Deputy Village Attorney

Minutes - Regular Village Board Meeting
12/04/06

EXECUTIVE SESSION

At 8:01 a.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 a personnel matter on a particular person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:47 a.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to move out of Executive Session and move into open session.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO OFFERING THE POSITION OF VILLAGE MANAGER TO RAY NARGIZIAN WITH A SALARY OF \$5,000.00 PER MONTH AND A FAMILY PLAN BENEFITS PACKAGE AND PERMITTING HIM TO RESIDE IN THE TOWN OF THOMPSON

WHEREAS, the position of Village Manager is currently vacant, with Mayor James Barnicle presently serving as Acting Village Manager pursuant to §45-9 of the Village Code; and

WHEREAS, the Village Board wishes to offer Ray Nargizian the position of Village Manager commencing January 1, 2007, with a salary of \$5,000.00 per month and family plan health insurance benefits at an approximate cost of \$10,000.00 for the balance of this fiscal year; and

WHEREAS, New York State Village Law §3-300(2) permits the Village to appoint a Village Manager who resides outside of the Village of Monticello but within the Town of Thompson; and

WHEREAS, the position would not be a contractual appointment but will be considered "at will", with Mr. Nargizian serving at the pleasure of the Board; and

WHEREAS, the previous Village Manager was entitled to 25 vacation days, 4 family leave days, 5 personal leave days and 14 sick days, and the position offered to Mr. Nargizian

Minutes - Regular Village Board Meeting

12/04/06

would include 14 vacation days, 2 family leave days, 3 personal leave days and 8 sick days, said amounts being prorated based upon the time remaining in the fiscal year; and

WHEREAS, in the event Mr. Nargizian accepts the offer, the Village Board wishes to appoint Mr. Nargizian to the position of Village Manager only as outlined above.

NOW, THEREFORE BE IT RESOLVED, that the Village Board hereby offers Ray Nargizian the position of Village Manager commencing January 1, 2007, with a salary of \$5,000.00 per month and family plan health insurance benefits at an approximate cost of \$10,000.00 for the balance of this fiscal year; and be it further

RESOLVED, that should Ray Nargizian accept the position, he shall be permitted to reside outside of the Village of Monticello but within the Town of Thompson; and be it further

RESOLVED, that the position being offered is an "at will" position, with Mr. Nargizian to serve at the pleasure of the Board; and be it further

RESOLVED, that the position being offered includes 14 vacation days, 2 family leave days, 3 personal leave days and 8 sick days, said amounts being prorated based upon the time remaining in the fiscal year; and be it further

RESOLVED, that in the event Mr. Nargizian accepts the offer only as outlined above, he shall be appointed to serve as Village Manager as outlined above at the December 18, 2006 Regular Village Board Meeting scheduled for 7:00 p.m.

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

Minutes - Regular Village Board Meeting
12/04/06

ADJOURNMENT

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

EDITH SCHOP, Village Clerk