

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 18, 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:

Absent:

James Barnicle, Mayor
Gordon Jenkins, Trustee
Victor, Marinello, Jr. Trustee
Scott Schoonmaker, Trustee

Brian VanDermark, Trustee

Also Present: Tim Havas, Deputy Village Attorney
Douglas Solomon, Chief of Police
Brenda Galligan, Treasurer
Sue Flora, Code Enforcement Officer
Sam Wohl, County Legislator

APPROVAL OF MINUTES OF BOARD MEETING OF DECEMBER 4, 2006

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the minutes of December 4, 2006 as presented.

MAYOR/MANAGER REPORT

New Businesses

Mayor/Manager Barnicle announced that there is a new restaurant called Daddy's located at the Eagle Plaza on the Forestburgh Road.

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PUBLIC COMMENT

Safety Concerns

Harry Brantz was concerned with the police not doing their job by not giving tickets to drivers that are speeding and using their cell phones. He felt that safety should be their main concern.

Richardson Avenue Traffic Signal

Sam Wohl questioned whether the traffic signal at the intersection of East Broadway, Richardson Avenue and Fraser Avenue can be upgraded?

Mayor Barnicle responded that the East Broadway corridor will be completely renovated in 2008 and possibly that entire intersection will be realigned.

Village Conditions

Carmen Rue indicated that she feels the Village is very dirty. She also asked if street signs can be reinstalled on Pleasant Street as they were removed this summer when the State was reconstructing the roadway. She explained it is difficult for people to find locations without this signage.

Open Meeting Law Violation

Carmen Rue felt that the Village Board violated the open meeting law by giving the Mayor an additional \$2,000 for becoming the interim Village Manager, when it should have been done by resolution in open session.

**REPORT ON THE TOWN OF THOMPSON/VILLAGE OF MONTICELLO
COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

Stewart "Peppy" Satenstein, co-chairman of the committee presented the final draft of the Town of Thompson/Village of Monticello Comprehensive Emergency Management Plan to the Village Board explaining that this document will be continually updated on a yearly basis. He noted that

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the committee was comprised of four persons. The plan calls for shared manpower and equipment with the Town of Thompson, however, if a disaster occurs in the Village, than the Village would take the lead position. He advised the Board that they must appoint an Emergency Manager Coordinator that would act should the Manager and Mayor be unavailable. He suggested that Trustee Marinello should be appointed to this position as he is the most familiar with this document since he sat of this committee to develop it.

Trustee Jenkins was concerned that Albee Bockman, CEO of Mobilemedic was allowed to use part of Ted Stroebele Recreation Center rent free if he provided the Village with this type of document.

The Mayor responded that Mr. Bockman has lived up to his part of the agreement by buying cots and having food available to people in the event of an emergency when that building is opened should a calamity occur. He felt that the Joint Comprehensive Emergency Management Plan is different than the one presented by Albee Bockman.

The adoption of this document will be voted on at the next Village Board meeting.

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

Mayor Barnicle opened the public hearing at 7:30 p.m.

Mayor Barnicle explained that the comments given at the last meeting will be incorporated into the revised local law and unless there are any additional ideas the Village Attorney will present the Board with the amended local law for adoption at the next Board meeting.

The Code Enforcement Officer indicated that she is working with the Village Attorney on some outstanding issues regarding the final draft of the local law.

At there were no further comments Mayor Barnicle closed the public hearing at 7:35 p.m.

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**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO APPOINTING RAY NARGIZIAN AS VILLAGE MANAGER 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 appoint Ray Nargizian to 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 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, the Village Board wishes to appoint Mr. Nargizian to the position of Village Manager only as outlined above; and

WHEREAS, the position, as outlined above, has been offered to Ray Nargizian, and, by letter dated December 11, 2006, Mr. Nargizian has accepted the position.

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NOW, THEREFORE BE IT RESOLVED, that the Village Board hereby appoints Ray Nargizian to 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, Ray Nargizian 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 is an "at will" position, with Mr. Nargizian to serve at the pleasure of the Board; and be it further

RESOLVED, that the position 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.

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH PARTNERS IN SAFETY, INC. FOR DOT RANDOM TESTING PROGRAM FOR 2007

WHEREAS, U.S. Department of Transportation requires all CDL truck drivers to be randomly tested for drug and alcohol; and,

WHEREAS, it is necessary for the Village to retain a professional company to provide for such random testing for drug and alcohol use and Partner's In Safety, Inc. meet the compliance requirements of the U.S. Department of Transportation to perform these tests; and,

WHEREAS, Partner's In Safety have had an agreement with the Village of Monticello to perform these random tests and desire to renew this agreement.

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NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to sign an agreement in a form acceptable by the Village Attorney with Partner's In Safety, Inc. for Drug and Alcohol Testing Agreement for 2007.

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO DETERMINING THAT IT WISHES TO CONDEMN THE PROPERTY LOCATED ON FISK AVENUE AND MORE PARTICULARLY DESCRIBED AS VILLAGE OF MONTICELLO TAX MAP NO. SBL 113-1-2 OWNED BY UPSTATE EQUITIES, LLP

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on December 5, 2005 regarding a proposed condemnation of property located on Fisk Avenue and more particularly described as Village of Monticello Tax Map No. SBL 113-1-2 owned by Upstate Equities, LLC; and,

WHEREAS, a public hearing was held at the Village of Monticello Village Hall on December 5, 2005, notice having been given pursuant to New York State Eminent Domain Procedure Law Section 202(A) and (C), and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed condemnation; and,

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Law (SEQRA) it has been determined by the Board of Trustees of said Village that said proposed condemnation is an unlisted action, and after having completed a short Environmental Assessment Form ("EAF"), it has been determined that the proposed action 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 is in the best interest of said Village to obtain by eminent domain the property located on Fisk Avenue and more particularly

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described as Village of Monticello Tax Map No. SBL 113-1-2 owned by Upstate Equities, LLC, for the public project of repairing and reconstructing the storm sewer system in the Village of Monticello.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello has determined that it wishes to obtain by eminent domain the property located on Fisk Avenue and more particularly described as the Village of Monticello Tax Map No. SBL 113-1-2, owned by Upstate Equities, LLC, for the public project of repairing and reconstructing the storm sewer system in the Village of Monticello; and it is further

RESOLVED, that the Village Attorney is authorized to obtain an appraisal of the aforementioned property for the purposes of preparing a written offer to purchase said property, pursuant to Eminent Domain Procedure Law Section 301; and it is further

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

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

RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MONTICELLO TO EXECUTE AN AGREEMENT FOR THE TRANSFER OF REAL PROPERTY TO THE MONTICELLO JOINT FIRE DISTRICT MONTICELLO

The Deputy Village Attorney explained that this is just a reaffirmation of the resolution adopted last May.

The Code Enforcement Officer explained that a conditional Certificate of Occupancy is being issued until several outstanding matters are resolved.

Trustee Schoonmaker felt that the agreement should not be signed until these outstanding issues have been resolved.

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Mayor Barnicle noted that it is in the best interest of the Village to transfer the building to the Monticello Fire District.

WHEREAS, the Village of Monticello ("Village") owns property designated as Village of Monticello SBL 116.-2-10.5 and located on Richardson Avenue being 7.71 acres consisting of a lot with a newly constructed firehouse situate on said lot; and

WHEREAS, this property owned by the Village is no longer needed by the Village for public purposes, as the function of the Monticello Fire Department has been transferred to the Monticello Joint Fire District ("Fire District"), and is considered surplus property; and

WHEREAS, the Fire District has offered to purchase this property owned by the Village for the sum total of the bonds obtained by the Village plus any and all interest accruing on said bonds from the date financing was obtained until the closing of title when it vests with the Fire District inclusive, said amount to be determined as of the date of closing; 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 to the Fire District for the sum total of the bonds obtained by the Village plus any and all interest accruing on said bonds from the date financing was obtained until the closing of title when it vests with the Fire District inclusive, said amount to be determined as of the date of closing; and

NOW, THEREFORE IT IS HEREBY RESOLVED, that the property designated as Village of Monticello, SBL 116.-2-10.5 is hereby declared to be surplus and no longer needed for public purposes; and it is further

RESOLVED, that the Village Mayor is hereby authorized to execute the Contract of Sale between the Village and the Fire District or its designee for the purchase of Village of Monticello SBL 116.-2-10.5 for the sum total of the

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bonds obtained by the Village plus any and all interest accruing on said bonds from the date financing was obtained until the closing of title when it vests with the Fire District inclusive, said amount to be determined as of the date of closing; and it is further

RESOLVED, that the Village Mayor is hereby authorized to execute the necessary documents to convey the property pursuant to the terms of the Contract of Sale; and it is further

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

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins, aye; Trustee Marinello; aye, Mayor Barnicle, aye; to adopt the above resolution.

RESOLUTION CHANGING THE FIRST MEETING AND SECOND MEETINGS IN JANUARY FROM MONDAY, JANUARY 1st TO JANUARY 2nd AND JANUARY 15th TO TUESDAY, JANUARY 16th 2006th DUE TO THE NEW YEAR'S DAY HOLIDAY AND MARTIN LUTHER KING DAY HOLIDAY

WHEREAS, the Board of Trustees of the Village of Monticello hold their regular meetings on the first and third Mondays of each month; and,

WHEREAS, the first Monday in January is New Year's Day a national day of celebration; and,

WHEREAS, the second Monday in January is Martin Luther King Day a national day of celebration; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the first Board meeting in January from Monday, January 1st to Tuesday, January 2nd 2006 and Monday, January 15th to Tuesday, January 16th, 2006.

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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AWARDING OF BIDS - SURPLUS VEHICLES

A motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to sell to the highest bidder:

The *1987 Nissan Sentra* to *Douglas Solomon* in the amount of *\$455.00*.

The *2000 Ford Crown Vic* to *Grace Quality Used Cars* in the amount of *\$1,646.00*.

The *1995 Ford Windstar* to *Steve Plotkin* in the amount of *\$1,062.62*.

EXECUTIVE SESSION

At 7:52 p.m., a motion was made by Trustee Jenkins, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations, pending litigation and a personnel matter involving a particular person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:10 p.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 into open session.

RESOLUTION AUTHORIZING THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO TO ENTER INTO A TAX INSTALLMENT AGREEMENT WITH THE COUNTY OF SULLIVAN FOR THE PAYMENT OF OVERDUE TAXES

WHEREAS, the Village of Monticello ("Village") currently owes the County of Sullivan ("County") real property taxes for the parcels identified in the attached schedule; and

WHEREAS, said taxes have been accruing for several years on said parcels; and

WHEREAS, the County currently operates a tax installment program for payment of overdue taxes; and

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WHEREAS, the Village and the County are desirous of settling this long-standing, overdue matter by entering into a tax installment program for the payment of overdue real estate taxes on the parcels identified in the attached schedule for the amounts indicated on the attached schedule.

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

That the Village Mayor/Acting Village Manager is hereby authorized to execute a Tax Installment Agreement between the County of Sullivan and the Village of Monticello for the payment of overdue taxes pursuant to the attached schedule; and

That the documents executed by the Village Mayor/Acting Village Manager will be in a form approved by the Village Attorney.

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

EXECUTIVE SESSION

At 8:15 p.m., a motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move back into Executive Session to discuss pending litigation and a personnel matter involving a particular person.

ADJOURNMENT

At 9:00 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move out of Executive Session and adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

