

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, MARCH 5, 2007

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., Deputy Mayor
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Ray Nargizian, Village Manager
Danielle Jose, Village Attorney
Clarence Decker, Water Superintendent
Douglas Solomon, Chief of Police
Sue Flora, Code Enforcement Officer

MOMENT OF SILENCE

There was a moment of silence for Rocco Bellatoni a Village employee for eight years and Barbara Goldfarb, Town of Thompson Tax Collector.

**APPROVAL OF MINUTES BOARD MEETINGS OF FEBRUARY 5, 2007 AND
FEBRUARY 20, 2007**

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the meetings of February 5, 2007 and February 20, 2007.

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OLD BUSINESS

Boys & Girls Club

Mayor Barnicle announced that he met separately with the Superintendent of Schools and the Boys and Girls Club and there will be a follow up meeting this week.

East Broadway Road Project

Mayor Barnicle reported that he met with the Village Engineer Glenn Smith about the pending East Broadway road improvement project which will run the intersection of Broadway and Pleasant Street to the Mobile Gas Station on East Broadway near the entrance ramp to Route 17 East. He explained that there will be a traffic signal at the corner of Waverly Avenue which will be activated during the summer months. This project is to be done in 2008/09.

Alternative To Incarceration

Mayor Barnicle reported that he met with the Alternative to Incarceration for non-violent criminals to form a crew of persons that will be utilized to help improve our Village.

Empire Zone

Mayor Barnicle announced that he met with the new employee in the County that is in charge of the Empire Zone and he gave us the expanded footprint of the Empire Zone which now extends all the way down East Broadway, Broadway corridor, on Forestburgh Road and Route 17B and the Raceway.

Route 17 Exit

Mayor Barnicle announced that the NYSDOT will begin the eastbound 106 exit this summer which should help to develop and rehab the Apollo Plaza.

VILLAGE MANAGER'S REPORT

I am pleased to report as of the 21st of Feb. John Barbarite has been hired to fill the seat of the newly formed position of Deputy Village Manager. He has picked up the

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Baton of Deputy manager with gusto. I couldn't be more pleased with his enthusiasm, his hands on abilities, and knowledge of the inner workings of the Village. In my absence early last week the responsibilities delegated to John were carried out.

Once again our Police force has served the public with remarkable results. In conjunction with other law enforcement agencies, the seventh week of patrol initiative targeting guns-drugs and gangs has resulted in a total of 166 arrests.

30 felony arrests
65 drug related arrests
13 DWI arrests
24 arrests for outstanding warrants
3 illegal firearms

On Thursday Feb 22, I attended the Patterns for progress breakfast with our Assembly Woman, Aileen Gunther. Guest Speaker was Patrick J. Foye, Down State Chairman of Governors Spitzer Empire State Development Corporation.

The Economic Development Budget includes \$300 million for new investment and job creation Programs which will be competitively awarded to economic development projects that will produce significant regional economic development benefits or that will provide economic improvements to distressed areas. You bet your life we qualify. I'll do whatever I can to bring the bacon home.

On Sunday the 26th -28th of Feb. I attended NY conference of Mayors meeting in Albany.

I meet with and thanked Governor Spitzer for signing the Casino compact. He pledged that he would diligently follow through with his support for a casino at the track.

I also networked with several mayors and to my amazement I found out, Sullivan County is one of two counties that does not make its Villages whole regarding past due real estate taxes. Past due real estate taxes total over 1.2 million

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dollars. This Village is cash strapped. I hope to have a resolution passed tonight that will put the ball in the County's court. I hope the County will pass a county resolution to make its villages whole.

Several hours ago I met with a group of concerned citizens, Liberty officials, our Grant Staff, and our Deputy Manager to discussing implementing an aggressive program for recycling in Monticello. Everybody is urged to participate and join in this effort.

PUBLIC COMMENT

Ted Stroebele Recreation Center

Harry Brantz was concerned that the senior citizens feel they own the building after the remarks made at the last meeting by Senior Citizen President Roz Sharoff that they want the court offices and the Youth Division to be relocated out of that building.

Gang Seminar

Barbara Burton noted that she will be attending the Gang Seminar tomorrow which will be held tomorrow, March 6th at the Lodge in Rock Hill.

Grant Concerns

Carmen Rue felt the Grant Department was unprofessional because they did not meet with all the departments to make them aware of what can be applied for and to inquire of each departments needs. She felt the Grant Department should be moved back into Village Hall and the Village would be able to get the 10% administration fee in total. She was also concerned with the Grant inspectors that are being paid from the Grant funds, and suggested why the Building Department doesn't do the inspections themselves and save that money.

The Mayor explained that the administration fee is used to pay Caroline's salary so no money is lost.

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The Village Manager indicated that he and the Deputy Manager are scrutinizing all Village departments to make them more efficient.

Mobilemedic Concerns

Carmen Rue did not feel that Mobilemedic was giving the Village residents their services for free as indicated in their presentation at the last meeting, since they house the ambulances in the Ted Stroebele Recreation Center at no cost and they also charge the patient when they use their services.

Trustee VanDermark responded that the Village gets many services at no cost such as all the blood work they do after a DWI arrest is made which saves the Village sending two officers to the hospital which takes them out of service for about two hours.

Snow Removal

Becky Whipple felt the Village did a poor job in snow removal on Broadway and was slow to begin the process.

The Mayor noted that the snow froze which made it difficult to remove.

Training Personnel

Trustee Schoonmaker questioned whether the Village is training personnel such as the Assistant Grant Administrator and the Deputy Village Treasurer to eventually take over those departments and bring them both back to the Village as was indicated when the Mayor appointed them in April of 2004?

The Mayor responded that this arrangement is saving the Village money since the Village is not fiscally sound. He noted that if Grant Administrator Arlene Glass writes a grant for the Village and it is awarded the Village get the full amount of the administration fees.

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Carmen Rue questioned whether Arlene Glass is paid \$15,000 by the Village to be Grant Administrator?

Mayor Barnicle indicated that she is paid out of the Village budget not from the administrative fees.

The Village Manager indicated that he is meeting with both Caroline and Arlene on a weekly basis, and the entire process will be changed.

Trustee Schoonmaker questioned whether there is a conflict of interest in the grant writing process since the Village lies within the Town?

The Manager indicated that he is looking into this very matter.

**PUBLIC HEARING FOR PARTICIPATION IN THE NEW YORK STATE
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Mayor Barnicle opened the public hearing at 7:27 p.m.

Mayor Barnicle indicated that the grants will probably go for Community Block Grants, but at this time the Village is still putting together a grant application.

Matty Anderson questioned whether the Housing Authority is eligible for these grants?

As there were no further comments, Mayor Barnicle closed the public hearing at 7:34 p.m.

**CONSOLIDATED PUBLIC HEARING ON ESTABLISHING OPERATION AND
MAINTENANCE OF THE CRYSTAL RIDGE STORMWATER BASIN AS A
LOCAL IMPROVEMENT AND ASSESSMENT OF COSTS**

Mayor Barnicle opened the public hearing at 7:40 p.m.

Audrey Scott explained that this is a 50 family attached dwelling proposed project within the Village and three single family dwelling lying within the Town and one lot to be dedicated to the Village for stormwater retention pond

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and the drainage would be directed towards that parcel in the town. The developer is proposing to the Village that the Village assess only those 50 lots that are within the Village which will offset the cost of maintaining this area such as mowing it and cleaning out of some sediment that might be trapped there on a semi yearly basis. This hearing is to establish the cost to be assessed to the property which at this time is one single lot and eventually distributed among the 50 lots.

Trustee Schoonmaker indicated that when the public hearing was scheduled at an earlier meeting he requested that the developer be present at this public hearing.

Attorney Audrey Scott indicated that she asked the client and has spoken with the Village Attorney and both agreed that is the identity of the client is a matter of privilege. She noted that she has appeared before the Village Board as their representative and given the Board as much information and responded to the Boards concerns.

Trustee Schoonmaker did not agree and felt that if they do not have the decency to appear before the Village Board to support their own project, than how do they expect him to approve their request. He felt it is total lack of disrespect that they do not appear before the people that he wants to approve his request.

The Village Attorney asked for a short recess to give Trustee Schoonmaker legal advice.

Trustee VanDermark indicated that the Board will discuss in Executive Session the final amount to be assessed, not necessarily the amount the developer's engineer has suggested.

Trustee Marinello stated that Attorney Scott has been very informative on the information that the Board needed as far as this matter is concerned, and although he would like to meet the individuals involved, he felt the process has been done properly, the planning board is handing their part of this matter, and he feels her efforts are appreciated.

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As there was no further comments, Mayor Barnicle closed the public hearing at 8:06 p.m.

**RESOLUTION OF THE VILLAGE OF MONTICELLO BOARD OF TRUSTEES
ESTABLISHING OPERATION AND MAINTENANCE OF CRYSTAL RIDGE
STORMWATER BASIN AS LOCAL IMPROVEMENT**

WHEREAS, Section 22-2200 of the New York Village Law provides for the authorization of local improvements, the cost of which may be assessed upon the lands benefited; and,

WHEREAS, Classic Realty Associates, LLC, the owner of property in the Village of Monticello designated as Monticello Tax Map parcels 106-3-1.2 has an application pending before the Village of Monticello Planning Board for a proposed residential development known as "Crystal Ridge" which is required to include a detention basin for collection of drainage from the proposed development pursuant to state and federal law; and,

WHEREAS, the Board of Trustee has considered the operation and maintenance of the drainage detention basin for proposed Crystal Ridge residential development project in order improvement pursuant to New York Village Law Section 22-2200; and,

WHEREAS, a single property (Village of Monticello SBL #106-3-1.2) will be benefited by the local improvement and therefore the map of the assessment area will include only a single parcel and the entire cost of the local improvement will be assessed to a single property owner; and,

WHEREAS, the owner of the benefited property (Village of Monticello SBL #106-3-1.2) Moses Braver, consented to a consolidated public hearing pursuant to the New York Village Law Section 22-2200; and,

WHEREAS, a consolidated public hearing was duly noticed and held by the Board of Trustees on March 5, 2007, with respect to the following matters:

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1. Whether to authorize the operation and maintenance of the Crystal Ridge detention basin as a local improvement.
2. The percentage or share of the cost to be assessed against the lands benefited thereby and the percentage or share, if any, to be borne by the Village at
3. The lands that will be benefited by such local improvements.
4. The map or plan of the proposed assessment area, showing the lands so determined to be benefited.
5. Review of the proposed assessment map and roll and hearing and consideration of objections to the apportionment of costs and to the assessment map and roll.

AND WHEREAS, the Village of Monticello Planning Board, as Lead Agency for the environmental review of the proposed Crystal Ridge residential development project pursuant to the State Environmental Quality Review Act (SEQRA) made a determination of non-significance, i.e. a negative declaration, for the project on December 27, 2006.

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

1. Operation and maintenance of the Crystal Ridge detention basin is hereby authorized as a local improvement.
2. The annual estimated operation and maintenance of cost is \$5,200 and the lands deemed benefited by such local improvement shall be assessed the entire annual cost.
3. The following property will be benefited by such local improvement:

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4. The assessment map and roll, showing the assessment apportionment of costs against the benefited property is completed and affirmed. The final assessment map and roll shall be filed in the Village Clerk's office and the Village Clerk is directed to publish notice of such completion and filing.

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, approved on a roll call vote to adopt the above resolution as follows: Trustee Schoonmaker, aye; Trustee Jenkins, nay; Trustee Marinello, aye; Trustee VanDermark, aye. Motion carried 3 ayes - 1 nay.

RESOLUTION APPROVING PURCHASE OF A 2003 CHEVY IMPALA FOR THE MONTICELLO POLICE DEPARTMENT IN THE AMOUNT OF \$8,000

WHEREAS, the Monticello Police Department is in need of replacing the unmarked vehicle; and,

WHEREAS, there is funds in this appropriation will be taken out of the Drug Fund; and,

WHEREAS, the Chief of Police has received a bids from three (3) car dealers as required by the Village's Procurement Policy.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a 2003 Chevy Impala from Robert Green to be used by the Monticello Police Department in the amount of \$8,000.00.

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 THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH VERIZON REGARDING THE PAY PHONES

BE IT RESOLVED, by the Board of Trustees of the Village of Monticello, that said Village Board hereby authorizes the Village Manager to enter into a contract with Verizon on behalf of the Village of Monticello, for the provisions of

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certain public payphones services in the Village of Monticello for twenty-four month period the terms of said contract being annexed hereto and incorporated herein by reference.

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 ADVERTISEMENT OF BIDS FOR VARIOUS SUPPLIES AND CHEMICALS FOR THE HIGHWAY, WATER AND SEWER DEPARTMENTS FOR FISCAL YEAR 2007/08

WHEREAS, the Village of Monticello advertises for bids for various supplies and chemicals for the Highway, Water and Sewer Departments; and,

WHEREAS, these supplies and chemicals are purchased each fiscal year for these departments.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for Highway, Water and Sewer supplies and chemicals for the 2007/08 fiscal year.

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

RESOLUTION CHANGING THE FIRST AND SECOND MEETINGS IN APRIL FROM MONDAY, APRIL 2, 2007 TO MONDAY, APRIL 9, 2007 AND FROM MONDAY, APRIL 16, 2007 TO MONDAY, APRIL 23, 2007

WHEREAS, the Village Board meets on the first and third Monday's of each month; and,

WHEREAS, when a month has five (5) Monday's in a month, the Board's policy is to hold their monthly meetings on the second and fourth Monday of that month.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby change the dates of the meetings in the month of April to Monday, April 9, 2007 and Monday, April 23, 2007.

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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 OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO REQUESTING THE COUNTY OF SULLIVAN TO COLLECT DELINQUENT VILLAGE TAXES PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 1442

WHEREAS, there are certain properties situate in the Village of Monticello for which the taxes are unpaid and have become delinquent; and,

WHEREAS, although the remedies of Real Property Tax Law Article 11 are available for the Village of Monticello to pursue *In rem* foreclosure on properties having delinquent taxes, the procedures are often duplicative of municipal work being performed by the Sullivan County Treasurer on behalf of the County of Sullivan, Town of Thompson and Monticello School District; and,

WHEREAS, pursuant to Real Property Tax Law Section 1442, the County of Sullivan, upon the passage of a local law by the legislature, may collect delinquent village taxes if such collection is requested by a resolution of the Board of Trustees of any Village within Sullivan County; and,

WHEREAS, pursuant to Real Property Tax Law Section 1442, Sullivan County would be required to pay out all monies collected with regard to unpaid and/or delinquent taxes and interest to the respective village, except for an additional 5% penalty (and sometimes an additional 2% penalty) which would be assessed against individual property owners, not the villages; and,

WHEREAS, approximately 986% of the counties in New York State presently operate under the procedures outlined in Real Property Tax Law Section 1442.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO

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1. That the Board of Trustees of Monticello hereby Requests the County of Sullivan to collect delinquent village taxes pursuant to Real Property Tax Law Section 1442; and,
2. That this resolution shall become effective immediately.

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

ORDERING BILL PAID

A motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to approved of 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 Schoonmaker, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter involving an individual person and contract negotiations.

ADJOURNMENT

At 9:30 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk