

MINUTES
REORGANIZATION MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, APRIL 9, 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
John Barbarite, Deputy Village Manager
Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney
Clarence Decker, Water Superintendent
Douglas Solomon, Chief of Police
Sue Flora, Code Enforcement Officer
Bill Bertholf, Sewer Superintendent

APPROVAL OF MINUTES BOARD MEETINGS OF MARCH 21, 2007

A motion was made by Trustee VanDermark, seconded by Trustee Jenkins, unanimously approved on a roll call vote to adopt the minutes of the meeting of March 21, 2007.

MANAGER'S REPORT

Once again the Numbers are staggering regarding our joint impact patrol effort. A total of 255 arrests have been made in the eleventh week of this operation.

40 felony arrests

89 Drug related arrests

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22 DWI arrests

84 suspended operator or registration arrests.

46 arrests involving outstanding warrants.

10 firearms have been removed from the streets of Monticello.

Code enforcement violations have effectively saved lives in the Village by removing potential victims from illegal multi-family dwellings. Our code enforcement initiative is having a positive effect on Village life.

On March 27, 2007 the Mayor, Danielle our attorney, and myself met with the Sullivan County real Property advisory committee. The Issue at hand was: The County making the Villages whole on real estate taxes. The Village of Monticello as well as the 5 other Villages in the County were please with the Dialog. We are hoping for a positive response to our request this April or May.

March 28th I met with Randy Grant, Director of the WMCA of Middletown. We discussed partnering and bringing a full scale WMCA to Monticello.

April 3rd I met with DA Steve Lungen He made himself perfectly clear we must move out of the County Court House and find another home for our local Court House.

On April 5th I met with David Fanslau County Manager. We agreed to Cooperate with each other and assist each other in several different ways in order to promote prosperity and improve the lifestyle of the Village, Town, and County Residents

PUBLIC COMMENT

Police Complaints and Comments

Harry Brantz was concerned that the police department is cramped for space and they need more room to function.

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Harry Brantz complained that the police are not responding when he calls them for assistance and he must call either the State Police or the Sheriff's Department when necessary. He also felt that they are not enforcing the traffic and vehicle laws by not ticketing motorists that are driving while eating, talking on handheld cell phones or other traffic infractions since drivers should have two hands on the steering wheel at all times. Lastly, he did not feel the drug houses are being closed down.

Garbage and Recycling Concerns

Betty Friedland was concerned that residents are putting garbage out in plastic bags not in trash cans with lids on them as required to keep the garbage dry and reduce the cost that is weight on the tipping fee as well as eliminating animals from ripping the bags open. Ms. Friedland question whether the Village is going to start enforcing the recycling laws as it costs the Village taxpayers money every time the landfill needs to be used.

The Village Manager reported that he and the Deputy Village Manager went to Liberty to discuss with Liberty's Mayor and Sanitation Superintendent their recycling program. He explained that they are looking into the process of how to implement a system of recycling in the Village of Monticello. Presently only 7% of the garbage is recycled as opposed to the Village of Liberty who is recycling 65% of their garbage. He felt that if the recycling program is successful the Village could recycle as much as 85%. He explained that recycling is a priority, however it will take time to set up certain systems, but it will be done soon.

Betty Friedland questioned whether the seasonal bungalow colonies have been notified that the Village has mandatory recycling that will be enforced during the summer months.

Mayor Barnicle indicated that it is too early to mail these letters, however they will be sent shortly.

Resolution Questions

Betty Friedland questioned who requested the resolution regarding payment to the Acting Village Manager and the resolution agreeing to participate in the mediation process at the dispute resolution center on the agenda and why it take 7 months to be on an agenda? She felt that the dispute resolution center is not the ones that should decide this matter; it is up to the Board to agree on a solution or a judge in the court of law.

Trustee Marinello indicated that he asked that these resolutions be on the agenda.

Trustee Jenkins explained that these resolutions are not appropriate since the Mayor has already been served with papers and the matter will go before a judge to decide.

Certificate of Occupancy

Carmen Rue was concerned that the Building Inspector did not sign the Certificate of Occupancy that was given for the Mayor's recent house addition. She claimed that the signature on the document was produced and printed from a computer since Sue Flora said she was on vacation when the document was issued.

Trustee Schoonmaker indicated that certain situations regarding the building department that are being investigated and certain documents that will be reviewed.

Repayment of Village Loans

Carmen Rue was concerned that the Mayor is not repaying the grant loan the Village gave him when he opened the Keeping Room business. She was concerned that the Village is not collecting interest on these unpaid loans as required.

RECESS

At 7:53 p.m., Mayor Barnicle called for a recess.

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RECONVENING THE REGULAR VILLAGE BOARD MEETING

Mayor Barnicle reconvened the Village Board meeting at 7:55 p.m.

Change in Monticello

Charles Sabatino felt that good changes are happening in Monticello and hoped it would continue and grow.

Graffiti Removal

Becky Whipple was concerned about the graffiti on some Village owned properties on Dillon Road including the old roller skating rink and the Head Start building.

The Mayor indicated that this will be looked into.

Rotary Clock

Becky Whipple questioned whether the clock donated by Rotary that was located in front of the Post Office will be put back.

Mayor Barnicle indicated that it is being repaired.

Trash Removal

Becky Whipple was concerned about old mattresses and other household trash that has been on the front lawn at a property on Route 42S across from the "Art Deco" sign for many weeks even though she had called the Village to make them aware of problem.

Spring Clean-up

Becky Whipple asked that the Mayor consider putting in the next budget enough funds for a Spring Cleanup like it was done many years ago.

Mayor Barnicle indicated that he will consider it for next budget.

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Village Loan Update

Becky Whipple questioned whether all the business loans the Village has given are up-to-date in repayments such as the one given for the rehabilitation of the old Napoli Pizza building?

Mayor Barnicle responded that each loan is handled separately and either these loans will be repaid or the Village Attorney will go to court to recover the money.

PRESENTATION OF A CERTIFICATE OF APPRECIATION TO ALBELLA'S RESTAURANT

Ray Nargizian explained that during the last snow storm many college students became stranded in Monticello while being transported on the Shortline Buses. The Village received a call from Shortline explaining the problem. The Village immediately opened up the Ted Stroebele Recreation Center and provided sleeping accommodations and food. On a call to Albella's Italian Restaurant the owner immediately provided pizza and soda to all and kept the restaurant open beyond his usual business hours to 1 a.m.

Mayor Barnicle on behalf of the Village Board presented the owner with a Certificate of Appreciation.

MAYOR'S APPOINTMENT FOR TERM OF ONE YEAR WITH VILLAGE BOARD APPROVAL

Village Attorney

Mayor Barnicle appointed **E. DANIELLE JOSE** as **VILLAGE ATTORNEY** for a term of one year.

Trustee Schoonmaker asked Trustee VanDermark to recuse himself from voting on this appointment because of a possible conflict of interest since his father works for the water department and the Village Attorney is married to the Water Superintendent.

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Trustee VanDermark felt that his father's position has no bearing on his life other than he is his father and there is no monetary compensation paid he will decline that request.

Mayor Barnicle asked Deputy Attorney Havas for his opinion.

Deputy Attorney Havas responded that he did not see legal conflict.

Trustee Jenkins felt that Trustee VanDermark has recused himself from other matters concerning the Water Department.

Trustee VanDermark responded that the only time that he has recused himself was regarding the dirty water complaints from Ms. Friedland and Ms. Whipple who live in the Miller Hill area and only because he resides there also and has no water problems as they claim.

On a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins; nay; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye; Appointment approved on a roll call vote, 2 nays - 3 ayes.

Deputy Village Attorney

Mayor Barnicle appointed **TIM HAVAS** as **DEPUTY VILLAGE ATTORNEY** for a term of one year. . On a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Jenkins; aye; Trustee Marinello, aye; Trustee VanDermark, aye; Mayor Barnicle, aye; Appointment approved on a roll call vote 1 nay - 4 ayes.

MAYOR'S APPOINTMENT WITH BOARD APPROVAL TO FILL THE UNEXPIRED TERM OF GARY SCHMIDT TO THE PLANNING BOARD

Mayor Barnicle appointed **Michael Levinson** to the **PLANNING BOARD** to fill the unexpired term of Gary Schmidt, who has moved out of the Village, to expire April 2011. Appointment unanimously approved on a roll call vote.

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**MAYOR'S REAPPOINTMENT WITH BOARD APPROVAL FOR A FIVE (5)
YEAR TERM TO THE PLANNING BOARD**

Mayor Barnicle reappointed **Hildy Rosenberg** to the **PLANNING BOARD** for a term of five (5) years to expire April 2012. Appointment approved on a roll call vote as follows: Trustee Schoonmaker recused himself, Trustee Jenkins; aye; Trustee Marinello, aye; Trustee VanDermark, aye.

**MAYOR'S APPOINTMENT WITH BOARD APPROVAL OF THE PLANNING
BOARD CHAIRMAN**

Matter tabled to the first Village Board meeting in May.

MAYOR'S APPOINTMENTS - One year term

Mayor Barnicle appointed **Trustee Marinello** as Deputy Mayor.

Mayor Barnicle appointed **Trustee Jenkins** and **Trustee VanDermark** as Board Auditors.

MANAGER'S APPOINTMENTS - One Year Appointments

The Manager reappointed **Stacey Walker** as **Deputy Clerk**.

The Manager reappointed **Sheri Bisland** as **Deputy Treasurer**.

The Manager reappointed **Glenn Smith** as **Village Engineer**.

The Manager appointed **Village Auditor - Irwin Gitlin**.

The Manager reappointed the **Sullivan County Democrat** as the **Official Newspaper**.

The Manager appointed Chase Bank, Key Bank, Bank of America, Catskill Hudson Bank, TD North Bank, First National Bank of Jeffersonville and Chase Manhattan Bank and M & T Bank as Village Depositories.

The Manager reappointed **Dr. Edward Epstein, Dr. Joseph Lauterstein, Dr. David Sager, Dr. Sheldon Leidner, Dr. Richard Stein and Dr. Abe Garfinkel** as Police Surgeons.

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The Manager appointed Police Chaplain - **Rev. Smith and Rabbi Chanowitz.**

The Manager appointed **Leo Glass** as **Acting Village Justice.**

The Manager reappointed **Howard Perlman** to a five (5) year term on the Zoning Board of Appeals to expire April 2012.

RESOLUTION SETTING THE DATE, TIME AND PLACE OF REGULAR VILLAGE BOARD MEETINGS

WHEREAS, the Village Board holds regular board meetings twice a month; and,

WHEREAS, the Village Board wishes to hold its Board Meetings on the first and third Monday's of each month with Village Board meetings at 7:00 p.m. except in months with five (5) Mondays, then the meeting are moved to the second and fourth Mondays of those months.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby set the regular Board meetings to be held on the first and third Monday of each month, at 7:00 p.m., in the Meeting Room at Village Hall, 2 Pleasant Street, Monticello, NY.

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

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ALLOW EMPLOYEES TO ATTEND SEMINARS AND CONFERENCES WHICH WILL BENEFIT OR FURTHER THE INTERESTS OF THE VILLAGE

WHEREAS, the Village Board of the Village of Monticello encourages their employees to attend seminars and conferences which will benefit or further the interests of the Village, and;

WHEREAS, the Village Manager reviews each of these requests from the employees.

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NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby authorize the Village Manager to allow employees to attend seminars and conferences which will benefit or further the interests of the Village if budgets permits.

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 IN ADVANCE OF AUDIT CLAIMS FOR PUBLIC UTILITY SERVICE

WHEREAS, the public utility service bills must be paid on a timely basis to avoid incurring additional penalties, and;

WHEREAS, these public utility service payments are subsequently reviewed by the auditing committee.

NOW, THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby authorize the payment in advance of audit claims for public utility service.

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

RESOLUTION AUTHORIZING THE DEPOSIT AND USE OF PROCEEDS FROM SALE OF BONDS, BOND ANTICIPATION NOTES, CAPITAL NOTES, URBAN RENEWAL NOTES OR BUDGET NOTES

WHEREAS, the Treasurer must deposit in a timely manner and have use of the proceeds from the sale of bonds, bond anticipation notes, capital notes, urban renewal notes or budget notes, and;

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby authorize the deposit and use of proceeds from sale of bonds, bond anticipation notes, capital notes, urban renewal notes or budget notes.

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

**RESOLUTION DIRECTING THE ANNUAL AUDIT OF THE VILLAGE OF
MONTICELLO JUSTICE COURT RECORDS BY THE VILLAGE INDEPENDENT
AUDITORS**

WHEREAS, the Monticello Justice Court Records must be audited annually, and;

WHEREAS, the Village Auditors have the expertise to perform this independent audit of these records with no additional cost to the Village.

NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby direct the Village Independent Auditors to do the annual audit of the Village Justice Court Records.

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

**RESOLUTION REGARDING PROCUREMENT OF ALL GOODS AND SERVICES
BY DEPARTMENTS OF THE VILLAGE OF MONTICELLO**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy of all goods and services which are not required by law to be publicly bid; and,

WHEREAS, the Village first adopted a procurement policy on September 22, 1996; and,

WHEREAS, all departments have been made aware of the guidelines of this procurement of all goods and services.

NOW, THEREFORE BE IT RESOLVED, that the Village of Monticello does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF MONTICELLO

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that

determination is made a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent of the item of supply or service is past purchases and aggregate amount spent per year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; and surplus and second hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bid. The individual will document bidding in writing making the purchase. This documentation may included written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price, except in the following circumstances: purchase contract over \$10,000 and public works contracts over \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under County contract pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

2. The following method of purchase will be used when Required by this policy in order to achieve the highest savings:

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Estimated Amount of Purchase	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$9,999	Written/fax quotation
Estimated Amount of Public Works Contract	Method
\$501 - \$2,999	Verbal quotation
\$3,000 - \$4,999	Written/fax quotation
\$5,000 - \$19,999	Written/fax quotation or written request for proposal

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotation, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings or how the offerer was not responsible. A determination that the offerer is not responsible shall be made by the purchaser and may be challenged under any circumstances.

6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Monticello to solicit quotations or document the basis for not accepting the lowest bid.
 - a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Board of Trustees of the Village of Monticello shall take into consideration the following guidelines:

(a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials.

Professional or technical services shall include but not limited to the following services: services of an attorney; services of a physician; technical maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and

computer software or programming services for customized programs, or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternative proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
 - c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auction or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
 - d. Goods or services under \$501. The time and Documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.
7. This policy is effective August 19, 1996, and will be reviewed annually.

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

RESOLUTION ADOPTING INVESTMENT POLICY FOR THE VILLAGE OF MONTICELLO

WHEREAS, the Village Treasurer has need to deposit funds in various appropriate accounts; and,

WHEREAS, the Village has, in the past, adopted such an investment policy to be used by the Treasurer or designee for administration of the investment program to provide a satisfactory level of accountability based on a data or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby adopt the attached Investment Policy for the Village of Monticello.

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 JUSTICE AND ACTING VILLAGE JUSTICE TO HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE TD NORTH BANK

WHEREAS, the Village Justice and Acting Village Justice have monies paid to the Court for fines, bail and restitution; and,

WHEREAS, this money must be deposited in accounts by the Village Justice and Acting Village Justice; and,

WHEREAS, only the Village Justice, and the Acting Village Justice, have sole authorization for deposits and withdrawals of these accounts.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Justice and Acting Village Justice to open the necessary accounts in the TD North Bank as Village Depositories.

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

RESOLUTION AUTHORIZING THE MAYOR, DEPUTY MAYOR, TREASURER AND DEPUTY VILLAGE TREASURER HAVE SOLE AUTHORIZATION OF THE ACCOUNTS IN THE CHASE BANK, KEY BANK, CATSKILL HUDSON BANK OF SULLIVAN COUNTY, BANK OF AMERICA, TD NORTH BANK, THE FIRST NATIONAL BANK OF JEFFERSONVILLE AND CHASE MANHATTAN BANK

WHEREAS, the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer are authorized to sign checks for various accounts; and,

WHEREAS, this money must be deposited in accounts by the Village Treasurer; and,

WHEREAS, only the Mayor, Deputy Mayor, Treasurer and Deputy Treasurer have sole authority of these accounts.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor, Deputy Mayor, Treasurer, Deputy Treasurer, to maintain or open the necessary accounts in Chase Bank, Key Bank, Catskill Hudson Bank of Sullivan County, Bank of America, TD North Bank, the First National Bank of Jeffersonville and Chase Manhattan Bank.

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

RESOLUTION DESIGNATING TAX SALE DATE AS TUESDAY, MAY 8, 2007 AT 10 A.M. AT THE VILLAGE OFFICE, PURSUANT TO REAL PROPERTY TAX LAW 1452 (1)

WHEREAS, the Village of Monticello has delinquent 2005/06 property taxes, and;

WHEREAS, under the NYS Real Property Tax Law 1452 (1) the Village is authorized to hold a tax sale.

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NOW THEREFORE BE IT RESOLVED, that the Village Board of the Village of Monticello does hereby designate Tax Sale date as Tuesday, May 8, 2007 at 10 a.m. at the Village Hall, pursuant to Real Property Tax Law 1452 (1).

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 MAYOR TO SIGN AN AGREEMENT FOR THE PERIOD JANUARY 1, 2007 TO DECEMBER 31, 2007 WITH THE TOWN OF THOMPSON FOR THE COLD SPRING ROAD SEWER DISTRICT IN THE AMOUNT OF \$12,270.39

WHEREAS, the Village of Monticello and the Town of Thompson desire to continue the arrangement existing to use the Village sewer lines for needs of the Cold Spring Road Sewer District; and,

WHEREAS, the parties acknowledge that the Town has, on behalf of the District connected the District sewer system and the sewage flow of the district is presently flowing through the Village system to the Village secondary treatment plant; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor to sign said contract in the amount of \$12,270.39 for the Cold Spring Sewer District in a form approved by the Village Attorney.

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 MAYOR TO SIGN TWO CONTRACTS WITH THE TOWN OF THOMPSON FOR THE COLD SPRING SEWER DISTRICT AND THE COMMUNITY GENERAL HOSPITAL, CEREBRAL PALSY OF SULLIVAN COUNTY, INC., GREENTREE PROPERTIES PARTNERSHIP & ROBINS WOODS, INC. IN THE AMOUNT OF \$113,376.94

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WHEREAS, the Village of Monticello and the Town of Thompson desire to continue the arrangement existing to use the Village sewer line for the needs of the districts; and,

WHEREAS, the parties acknowledge that the Town has, on behalf of the District connected the district sewer system and the sewage flow of the district is presently flowing through the Village system to the Village secondary treatment plant; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Mayor to sign said contracts subject to the Village Attorney and Superintendent of Waste Water approving the contents, with the Town of Thompson for the Cold Spring Sewer District in the amount of \$113,376.94 and for the Community General Hospital, Cerebral Palsy of Sullivan County, Inc., Greentree Properties Partnership & Robin Woods, Inc., in the amount of \$85,510.13 for the fiscal year 2002 in a form approved by the Village Attorney.

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

RESOLUTION APPROVING PURCHASE OF LIFT STATION DEGREASER FOR THE SEWER DEPARTMENT IN THE AMOUNT OF \$1,092.30

WHEREAS, the Sewer Department needs to purchase of a Lift Station Degreaser for the Wasterwater Treatment Plant; and,

WHEREAS, there is funds in this appropriation for the cost of this item; and,

WHEREAS, the Sewer Department has received fax quotes from 3 vendors 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 Lift Station Degreaser needed for the Lift Station Degreaser for the Sewer Department in the amount of \$1,092.30.

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO OFFERING A SALARY OF \$ _____ PER MONTH FOR THE MONTHS OF AUGUST THROUGH DECEMBER OF 2006, TO THE ACTING VILLAGE MANAGER WHO WAS SERVING AS SUCH PURSUANT TO ARTICLE 45 OF THE CODE OF THE VILLAGE OF MONTICELLO

Mayor Barnicle recused himself on this matter.

Trustee VanDermark felt that the Mayor has already been served papers and the matter is in court to be decided by a Judge.

Deputy Mayor Marinello indicated that there is no monetary amount to this resolution and this resolution should have been done seven months ago which is a error on their part.

WHEREAS, New York State Village Law §3-300(3) provides that no person shall simultaneously hold an elective and an appointive office; and

WHEREAS, a village is authorized to supercede any provision of the New York State Village Law by adopting a local law with regard to issues relating to its property, affairs or government, unless the New York State Legislature has expressly prohibited the adoption of said local law (Municipal Home Rule Law §10(1)(ii)(e)(3); Op. Atty. Gen. (Inf.) No.98-8; Op. Atty. Gen. (Inf.) No. 94-52); and

WHEREAS, on or about June 1, 1992, the Board of Trustees of the Village of Monticello passed Local Law 4 of 1992, which states:

In the event that the Village Manager is unable to serve by reason of death, resignation or other vacancy of office, the Mayor of the Village of Monticello shall serve in the capacity of Acting Village Manager and exercise the duties

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and responsibilities of that office
until a permanent appointment is made.
Code of the Village of Monticello §45-
9; and

WHEREAS, in passing said Local Law 4 of 1992, New York
State Village Law §3-300(3), was superceded; and

WHEREAS, the legislative intent of said law also makes
clear that the positions of Village Manager and Mayor are
separate and distinct;¹ and

WHEREAS, on or about August 23, 1999, the Village Board
authorized payment of Gary Sommers for serving as Acting
Village Manager during a vacancy and Mayor/Acting Village
Manager Sommers also received his pay as Mayor at the time,
though no resolution was necessary; and

¹Mayor John Diuguid who was the mayor in June of 1992 actually stated
for the record, "... [t]o leave the position open, no job function of
the manager can be performed, because they have been specifically given
to the Village Manager by the State of New York." Minutes of Village
Board Regular Meeting, June 1, 1992, p. 3. As such, the Mayor is not
performing the duties of Village Manger *ex officio* (duties that are
inherent in his position as Mayor), he is performing distinct and
separate duties on an emergency basis until the vacancy is filled. Had
the performance of the duties of Acting Village Manager been considered
to be duties of the Mayor *ex officio*, then there would be a change in
our form of government from the Mayor/Manager form of government to a
Mayoral form of government. Such a change cannot be accomplished
without, *inter alia*, a referendum.

Deputy Mayor Marinello asked for a motion and a second to
that motion. Trustee VanDermark made the motion. Motion
failed for lack of a second to that motion.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MONTICELLO AGREEING TO PARTICIPATE IN THE MEDIATION PROCESS
AT THE DISPUTE RESOLUTION CENTER ON THE ISSUE OF PAYMENT OF
THE ACTING VILLAGE MANAGER ARTICLE 45 OF THE CODE OF THE
VILLAGE OF MONTICELLO**

Mayor Barnicle recused himself on this matter.

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WHEREAS, it appears that the Board of Trustees is unable to come to an agreement regarding the issue of payment of the Acting Village Manager for the months of August through December of 2006 inclusive; and

WHEREAS, the Board of Trustees of the Village of Monticello wishes to resolve the issue in a cost-effective manner for the taxpayers; and

WHEREAS, there are currently available low/no-cost mediation services through the Dispute Resolution Center in Monticello, New York; and

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of the Village of Monticello does hereby agree to participate in the mediation process at the Dispute Resolution Center on the issue of payment of the Acting Village Manager for the months of August through December of 2006 inclusive.

Deputy Mayor Marinello asked for a motion and a second to that motion. Trustee VanDermark made the motion. Motion failed for lack of a second to that motion.

Trustee Schoonmaker felt that Trustee Marinello has to recuse himself also because he is part of the whole system here that has failed.

EXECUTIVE SESSION

At 7:45 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter involving a particular individual person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 7:53 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvening the Regular Village Board meeting.

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**RESOLUTION CREATING A PART TIME CLERICAL POSITION REQUESTED
BY THE JUSTICE COURT IN AN AMOUNT NOT TO EXCEED \$2,000
THROUGH JULY 31, 2007**

Mayor Barnicle explained that the reason for this request is because of the increased caseload with the task force and the number of cases coming before the Judge more help is need to process the paper work.

Trustee Jenkins questions where the money is coming from to pay this salary?

The Village Clerk told them it is listed in the budget transfers from the contingency fund.

Trustee Jenkins felt that the Village needs a courthouse, but we are spending money hiring additional help.

The Village Manager noted that this position is only through July 31st. He noted that as of today there is 40% more arrests this year than last year.

Trustee Schoonmaker indicated that, if in the future, a full time position is created; it should be opened to the public and filled through the civil service list.

WHEREAS, the Village Justice is in need of some additional clerical services on an *ad hoc* basis due to its expansive volume; and

WHEREAS, the Village Board wishes to create a part-time, at will, clerical position with a total stipend not to exceed \$2,000.00, said position to terminate on July 31, 2007, at the request of the Village Justice Court; and

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village to create said position.

NOW, THEREFORE BE IT RESOLVED, that the Village Board hereby creates the position of a part-time, at will, clerical position in the Village Justice Court; and be it further

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RESOLVED, that the Village Manager is hereby authorized to fill said position pursuant to Section 45-7 of the Village Code.

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

AWARDING OF BID

Water Plant Generator

Water Superintendent Clarence Decker requested that the Board reject the bid as there is not enough money in this year's budget to purchase the unit. He will try to allocate the addition funds in the next year's budget.

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to eject the bids received for the Water Plant Generator.

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2006/07

WHEREAS, the Village of Monticello has adopted its annual budget for the 2006/07 fiscal year; and,

WHEREAS, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

WHEREAS, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

NOW, THEREFORE BE IT RESOLVED, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [see attached]

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

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**RESOLUTION APPROVING PURCHASE OF A FORD F150 PICKUP FOR THE
WATER DEPARTMENT IN THE AMOUNT OF \$14,000.00**

WHEREAS, the Water Department needs to replace a worn 1995 Ford F150 vehicle and is replacing it with a new 2007 Ford F150 pickup; and,

WHEREAS, there is funds in this appropriation for the cost of this item; and,

WHEREAS, the Water Department is purchasing the vehicle from New York State bid.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a Ford F10 Pickup to replace a worn out Ford F150 vehicle for the Water Department in the amount of \$14,000.00.

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

ORDERING BILLS PAID

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to 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 8:12 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, 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 individual person.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 9:00 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

Roll Call

Upon call of the roll, the following were:

Present:

Absent:

James Barnicle, Mayor
Gordon Jenkins, Trustee
Victor, Marinello, Jr., Trustee
Brian VanDermark, Trustee

Scott Schoonmaker, Trustee

Also Present: Ray Nargizian, Village Manager
John Barbarite, Deputy Village Manager
Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH CONCORD ASSOCIATES WITH REGARD TO COMMITMENT AND/OR PROVISION OF MUNICIPAL WATER BY THE VILLAGE OF MONTICELLO AS A "BACK-UP" SOURCE FOR THEIR PROPOSED DEVELOPMENT AT THE CONCORD RESORT AS AN "OUTSIDE USER"

WHEREAS, the Board of Trustees of the Village of Monticello has received a request from Concord Associates to commit to provide municipal water as a "back-up" source for a proposed development at the Concord Resort as an "outside user"; and

WHEREAS, Concord Associates will be simultaneously developing other water sources which may benefit the Village of Monticello, said development shall be at the sole expense of Concord Associates;

WHEREAS, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to authorize the Village Manager engage in negotiations regarding the aforementioned issues;

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

1. That the Manager of the Village of Monticello shall be and hereby is authorized to gage in contract negotiations with Concord Associates regarding the Village of Monticello's commitment to provide municipal water as a "back-up" source for a proposed development at the Concord Resort as an "outside user"; and
2. That this resolution shall be effective immediately upon signature of the Village Clerk.

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

EXECUTIVE SESSION

At 9:02 p.m., a motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to move into Executive Session to discuss pending litigation and a personnel matter involving a particular individual person.

ADJOURNMENT

At 9:35 p.m., a motion was made by Trustee Jenkins, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk