

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, AUGUST 6, 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., Trustee  
Scott Schoonmaker, Trustee  
Brian VanDermark, Trustee

Also Present: Ray Nargizian, Village Manager  
John Barbarite, Deputy Village Manager  
E. Danielle Jose, Village Attorney  
Tim Havas, Deputy Village Attorney  
Clarence Decker, Water Superintendent  
Bill Bertholf, Sewer Superintendent

**APPROVAL OF MINUTES BOARD MEETINGS OF JULY 23, 2007**

A motion was made by Trustee Marinello, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the minutes of the meeting of July 23, 2007 as presented.

**MANAGER'S REPORT**

The summer of 07, I am pleased to say has been quiet regarding gang activity, violent crimes, gun usage and overall crime. This has been accomplished due to a Joint effort by our Police dept. and other law enforcement agencies throughout the State. For those of you who haven't read today's record please do so for a more detailed report of our crime enforcement.

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The total number of arrests made since its inception on Jan 1, is now 576.

Felony related arrests made during this period of time were 84

Their have been 193 drug related arrests.

42 DWI arrests.

159 arrests involving either a suspended operator license or a suspended registration.

103 arrests involving outstanding warrants.

16 firearms have been removed from our streets.

The last board meeting I mentioned a group of litter puckers found a sawed off shotgun. I neglected to mention that this group of civil minded persons were organized by Gordon Jenkins, representing CORE, The Congress of Racial Equality. CORE is opening offices in Monticello. The Village of Monticello wishes them well and looks forward to working with them for the betterment of the entire Village.

Our building Dept. and code enforcement dept. working overtime once again have impacted the Villages appearance. Fialkoff Bakery, with John Barbarite's persuasive personality have Vinyl sided their Building and landscaped along Broadway, Numerous tickets have been issued for sign and code violations, and regretfully Carl Washington has resigned from his position as a code enforcer to go on to bigger and better endeavors. Also Denise VanKeuren has resigned from her position as Court Clerk. The process of finding replacements is underway.

On July 24<sup>th</sup>, the Village of Monticello met with the Mayor of Liberty and SPECKS to discuss how to implement a comprehensive program of recycling. We have agreed to meet until we have a workable plan.

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On July 24<sup>th</sup> The Mayor, the police Chief and myself met with the DOT to discuss putting a curb cut in front of the Police station for easy access in transporting prisoners into and out of the Police Station. The DOT responded in our favor. As I speak the curb cut is being installed.

On July 25<sup>th</sup> the Village manager with our engineers met with the Capelli Group to discuss providing their project with water. Those discussions are still ongoing. On a different note we discussed the Capelli Group supporting our desire to build a Municipal Complex in the Village. They were positive in supporting this venture.

On July 26<sup>th</sup> our attorney Danielle and I met with Ira Cohen, County Attorney to discuss "the County making the Village whole issue". Ira assured us that the County was actively pursuing our request. He estimated Aug. or Sept. the process would be Complete. This week the County is traveling to other Counties to see how they handled this transition.

July 30, the village board met. This meeting was a continuance of our July 23 meeting. At the recommendation of the Village Manager, the board Voted to approve the contract proposal submitted by Trident Insurance Company. That proposal was a substantial savings from last year's insurance cost as well as far superior coverage.

The Village Board also voted to approve the purchase of 16 pre-owned pews for our under construction Court House. Subsequently those Pews have been purchased for \$3,200.00. This is a substantial savings over individual seating and a far more regal look.

On Fri. the Third, Village officials met with Glen Gidaly of Burton and Loguidice. The purpose of this meeting was to discuss the Village applying for a 2.5 million dollar grant under the Restore New York program. The Village would have to find a blighted area and a developer with a plan to develop said area. We have already started the process. Time is of the essence. Your Village manager has already met with two Developers and intends to meet with 4 more this week. We have until Aug. 20 to submit a letter of intent to the States Restore N.Y. program.

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**Concord Water Agreement**

Trustee Schoonmaker indicated that he does not remember private houses being mentioned in the agreement with the Concord.

The Village Manager responded that it was included in the original negotiations for 3,000 houses, but it has been reduced to 300 homes. The plan has gone before the Town Board who is in full agreement with that proposal.

The Mayor explained that the inside water rate would be for the commercial development as our partner, and residential development no more than 1.25% of the user rate.

**PUBLIC COMMENT**

**Traffic Violation Enforcement**

Harry Brantz was concerned with vehicles parking in the crosswalks, double parking, parking at fire hydrants and speeding on all Village streets including the side streets and continued use cell phones while driving as well. He felt there has to be more police enforcement of these traffic violations.

The Mayor noted that because of the increase drug arrests there is in excess of \$20,000 in the drug fund which the police have discretion to use and some of that funds will be used for foot patrol on Broadway. If you notice the police officers walking on Broadway it is a thank you to the drug dealers that supply that fund.

**Code Enforcement**

Becky Whipple was concerned with the unattractive properties including the remains of the former Rhulen building, the Napoli building with broken glass hanging, windows unreplaced and rain pouring in, etc. and the former Kaplan's building where the roof is leaking and the brown paper on the windows is shredding and looks disgusting.

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She felt that the new engineering company cannot help the Village if we can't help ourselves. She felt that both the Napoli building and the Kaplan building have been in that poor conditions for many years with no improvements.

The Mayor indicated that they Village is working with the new owner's of the Rhulen property to see that it is cleaned up, and he asked the Deputy Village Manager to notify the owners of the Napoli building to make remedy the outstanding violations.

The Manager noted that the Village is seeking a 2.5 million dollar grant and some of the structures she has mentioned maybe part of this grant.

### **Neighborhood Problems**

Ceil Plotkin who resides at 14 Fraser Avenue was concerned with the problems with the house next door as there is garbage in the back of the building, although renovations were being done, no one has worked on it two weeks, the windows of the second floor were left opened, the front screen door is opened and a child could get in where they have a refrigerator in a rear vestibule. She was concerned with the foul odor coming from the landfill. Another concern was motorists turning on a right when the traffic light is red although a sign indicates "no right turn on red" at both Fraser Avenue and Richardson Avenue. Ms. Plotkin commented the Deputy Village Manager for responding to some of her concerns and the police for their quick response when they are called.

### **Landfill Concerns**

Janet Newberg, representing SPECS explained that their mission is to protect the environment in Sullivan County and prevent the expansion of the Sullivan County Landfill and stop importation of out-of-county waste. She noted that the landfill is in a residential area and poses a significant threat to the health, safety and welfare of the Village of Monticello and phase two will perpetuate the detrimental effects of the landfill for future generations.

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Eugene Weinstein felt the Village needs to strictly enforce the recycling laws. He explained after viewing aerial photographs on the internet of the landfill it was found that many trees had been removed and the land cleared. He felt without these trees the properties surrounding the landfill will not be protected.

A representative of Mountain Lodge Estates Mothers made a statement that the people of Monticello have the power to stop the expansion of the Sullivan County Landfill. She asked that the Village Board see that the landfill is not expanded.

### **Traffic Signage**

Eugene Weinstein asked that the Village put "Yield To Pedestrians" in the crosswalks on Broadway.

Mayor Barnicle explained that Broadway is a State roadway and the Village is not allowed to put any signage up without their approval.

### **Police Officer Visibility**

Carmen Rue indicated that she never sees police officers on Broadway and she was also concerned that there are no traffic strips on the roadway to guide vehicles.

### **Concord Water Concerns**

Carmen Rue felt the Village should remedy the brown water concerns throughout the Village before water is sold to outside users such as the Concord who would be using large quantities. She noted that she has to buy bottled water to drink and cook presently and if a property wants our water they should annex into to the Village and be part of the system.

Ralph Bonfiglio questioned if the Village has enough water to supply water to the Concord? He was concerned what it will cost the Village taxpayers if the water department must be expanded to accommodate the additional usage.

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The Mayor explained that there will be an exploration of wells and there will be a limit of water they can use in this first agreement.

**Peddler's Permits**

Deputy Manager Barbarite explained that over six administrations covering a period of twenty seven years there has always been opposition to peddling within the Village in order to protect the merchants who pay taxes and have substantial investments. The State and the Village require veteran's to be veterans, however, over the past week we had a peddler who is not a peddler who was peddling with an expired permit that was given to his partner that was a veteran and continued to peddle two years after the permit expired, and last Saturday he caught him peddling again.

**PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING THE ORDER FOR REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 115-7-11, 38 ST. JOHN STREET (BEDFORD AVENUE AND ST. JOHN ST.)**

**PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING THE ORDER FOR REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 115-2-13, 45 SUMMIT AVENUE**

**PUBLIC HEARING REGARDING MODIFICATION OR AFFIRMING THE ORDER FOR REMOVAL AND/OR DEMOLITION OF A STRUCTURE - SBL 113-6-7.2, BROADWAY AND NELSHORE DRIVE**

The Deputy Village Manager requested that these hearings be rescheduled for the following Village Board meeting to hold on Monday, August 23, 2007.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO ADJOURNING HEARINGS WITH RESPECT TO THREE (3) ORDERS OF THE BOARD OF TRUSTEES WITH RESPECT TO UNSAFE STRUCTURES WITH THE FOLLOWING VILLAGE OF MONTICELLO SECTION, BLOCK AND LOT NUMBERS: 113.-6-7.2, 115.-7-11, AND 115.-2-13 TO MONDAY, AUGUST 20, 2007**

**WHEREAS**, several unsafe structures were ordered removed by the Board of Trustees of the Village of Monticello on or

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about June 18, 2007, said structures on properties with the following Village of Monticello Section, Block and Lot numbers: 113.-6-7.2, 115.-7-11, and 115.-2-13; and

**WHEREAS**, the owners of said structures were duly served notices to appear for a hearing on July 23, 2007; and

**WHEREAS**, the owners of said structures having agreed with the Deputy Village Manager to adjourn the hearing date until August 20, 2007 for the purposes of determining whether the structures can be repaired in compliance with the applicable codes; and

**WHEREAS**, the Board of Trustees of the Village of Monticello having determined that it is in the best interest of the Village of Monticello if said structures can be repaired in compliance with the applicable codes;

**NOW, THEREFORE, BE IT RESOLVED THAT** the hearings scheduled for July 23, 2007, with respect to structures located on properties with the following Village of Monticello Section, Block and Lot numbers: 113.-6-7.2, 115.-7-11, and 115.-2-13, are hereby adjourned until August 20, 2007; and

**BE IT FURTHER RESOLVED THAT** said hearings shall be held at:

Monticello Village Hall  
2 Pleasant Street  
Monticello, New York 12701

A motion was made by Trustee VanDermark, 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 SETTING A TIME AND PLACE FOR A PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 15 OF 2007 TO IMPOSE A SIX MONTH MORATORIUM ON NEW USED CAR SALES LOTS**

**WHEREAS**, Board of Trustees of the Village of Monticello is interested in researching the areas within Monticello that used car sales lots can be located; and

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**WHEREAS**, there is a need to study this subject prior to any further used car sales lots being given approval to begin operation; and

**WHEREAS**, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing with respect to proposed Local Law 15 of 2007 to impose a six month moratorium on new used car sales lots to be held on Monday, August 20, 2007 at 7 p.m.;

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that a public hearing be held by the Board of Trustees of the Village of Monticello with respect to the aforesaid proposed Local Law at 7:00 p.m. on August 20, 2007, at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701; and it is further

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

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

**RESOLUTION APPROVING PEDDLER'S LICENSE TO HOSEA ARMSTRONG**

**WHEREAS**, Hosea Armstrong has applied to the Village Clerk for a peddler's license to vend watches, hats and shirts; and,

**WHEREAS**, Hosea Armstrong has submitted documentation that he has been issued a Sullivan County Peddler's License, as well as proof of being an honorably discharged veteran as required by Village Law.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby grant a peddler's license to Hosea Armstrong to vend watches, hats and shirts on the Village roadways with the exception of Broadway.

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

**RESOLUTION APPROVING PEDDLER'S LICENSE TO WILLIAM NIMCHICK**

**WHEREAS**, William Nimchick has applied to the Village Clerk for a peddler's license to vend ice cream; and,

**WHEREAS**, William Nimchick has submitted documentation that he has proof of being an honorably discharged veteran as required by Village Law.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby grant a peddler' license to William Nimchick to vend ice cream on the Village roadways with the exception of Broadway.

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

**RESOLUTION CORRECTING THE 2007/08 VILLAGE TAX ROLL - SLEEPY HOLLOW DEVELOPMENT SECTION 126, BLOCK 1, LOT 3**

**WHEREAS**, the Sleepy Hollow Development Corp. is an exempt property in Roll Section 8 of the Village Tax Roll; and,

**WHEREAS**, Sleepy Hollow Development is federally funded and receives Shelter Rents as such, and therefore, the Village is entitled to a portion of this money.

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board of the Village of Monticello does hereby correct the 2005/06 Village Tax Roll to reflect the additional **\$33,872.25**.

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

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**RESOLUTION PURCHASING THE MONTICELLO'S CHAMBER OF COMMERCE  
"GATOR" FOR ONE DOLLAR (\$1.00)**

**WHEREAS**, there is presently a "Gator" available for purchase from the Chamber of Commerce; and

**WHEREAS**, the "Gator" is being offered for purchase for \$1.00; and

**WHEREAS**, the "Gator" is clearly worth more than \$1.00; and

**WHEREAS**, the various Village Departments will clearly be able to use said vehicle and it is not in excess of the Village's needs.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Village of Monticello is authorized to purchase a Gator from the Chamber of Commerce for \$1.00.

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

**REQUEST FOR ZONING CHANGE FROM RM TO B1-O- ROBERT S.GREEN  
AND JACQUELINE RICCIANI**

Attorney Walter Garigliano representing the applicants explained that this is a request for a zone change involving a very limited number of properties. It would change the zoning map to reflect a B1-O (Business Office District) with the configuration shown on the cover of the booklet in each trustees' agenda. This zone would change the back of the properties fronting on Broadway in the B-2 district which have a section of their rear yards zoned RM to B1-O extending to St. John Street. The proposal is for two parcels on the Westside of St. John Street and one parcel on the eastside of St. John Street and the back portion of properties whose front are zoned B-2 and the rear RM.

Trustee Jenkins felt that the Mayor should not vote on this matter because he has a conflict of interest since the Village Attorney is his appointment and the rezoning is for her office building.

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A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote send the zoning request to the Planning Board for their recommendation.

**REQUEST FOR ZONING CHANGE -SBL 118-7-3.1; 118-8-4.1 AND 118-9-1.1 FROM R2 TO RM ZONE**

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote send the zoning request to the Planning Board for their recommendation.

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN AN AGREEMENT WITH SYSTEMS EAST, INC. FOR APPLICATION SOFTWARE SUPPORT SERVICES**

**WHEREAS**, the Village has a software tax program for the collection of taxes; and,

**WHEREAS**, the Village needs a maintenance agreement which allows for software and support and maintenance for fiscal year 2007/08 and as part of the agreement, Systems East will continue to be available to assist the staff in the general use of the microcomputers and networks as well as in the resolution of problems if and as required.

**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 with Systems, East, Inc. for Application Software Support Services in the amount of \$1,250.

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

**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,

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**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 Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the above resolution.

**ORDERING BILLS PAID**

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, 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.

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO VEHICLES UNDER A LEASE PURCHASE AGREEMENT WITH CHASE BANK**

**WHEREAS**, the Village is in need of replacing two (2) police vehicles each under State bid; and,

**WHEREAS**, the Village Treasurer has recommended a lease purchase agreement with Chase Bank; and,

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

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of two (2) police vehicles under a lease purchase agreement with Chase Bank.

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

**RESOLUTION BY THE BOARD OF TRUSTEES REMOVING A LIEN IN THE AMOUNT OF FIVE HUNDRED EIGHTY-ONE AND 77/100 DOLLARS FROM SBL 111-4-15 7 COTTAGE STREET AND RELEVING TO 7 COTTAGE STREET EXTENSION, SBL TAX MAP 112-1-27**

**WHEREAS**, there was an erroneous lien in the amount of \$581.77 on property located at 7 Cottage Street, SBL 111-4-15 for property maintenance by the Village of Monticello Building Department; and

**WHEREAS**, the property maintenance lien should have been correctly charged to 7 Cottage Street Extension, SBL 112-1-27 in the amount of \$581.77; and

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that these charges in the amount of (Five Hundred Eighty-One and 77/100) Dollars was inappropriately charged to the wrong property owner for property maintenance services.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Board of Trustees of the Village of Monticello THAT the Board of Trustees of the Village of Monticello does hereby relevy FIVE HUNDRED EIGHTY-ONE AND 77/100 (\$581.77) DOLLARS FROM 7 Cottage Street SBL 111-4-15 to 7 Cottage Street, SBL 112-1-27 and this resolution shall be effective immediately upon signature of the Village Clerk. The Village Clerk is directed to send a corrected bill to the property owner.

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

**EXECUTIVE SESSION**

At 8:22 p.m., a motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move into Executive Session to discuss the sale of Village owned property, contract negotiations and a personnel matter involving a particular person.

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**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8:30 p.m. a motion was made by Trustee VanDermark, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move back into open session.

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AFFIRMING A DETERMINATION OF THE PENALTY REVIEW BOARD WITH RESPECT TO PROPERTY LOCATED AT 2 HOLMES STREET, VILLAGE OF MONTICELLO SBL # 111.-10-9, ACCOUNT NO. 970**

**WHEREAS**, a late payment penalty of \$150.00 was assessed to the water bill of Denise Hirsch; and

**WHEREAS**, Ms. Hirsch requested that the penalty be negated; and

**WHEREAS**, the Penalty Review Board having duly met and denied Ms. Hirsch's request; and

**WHEREAS**, the Board of Trustees of the Village of Monticello having received an appeal of the determination of the Penalty Review Board; and

**WHEREAS**, the Board of Trustees of the Village of Monticello having reviewed the appeal and the determination of the Penalty Review Board, and having determined that the Penalty Review Board did not abuse its discretion by denying Ms. Hirsch's request.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Board of Trustees of the Village of Monticello that the Board of Trustees of the Village of Monticello does hereby affirm the determination of the Penalty Review Board with respect to property located at 2 Holmes Street, Village of Monticello SBL # 111.-10-9, Account No. 970; and this resolution shall be effective immediately upon signature of the Village Clerk.

**EXECUTIVE SESSION**

At 8:22 p.m., a motion was made by Trustee Marinello, seconded by Trustee Jenkins, unanimously approved on a roll call vote to move into Executive Session to discuss the

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sale of Village owned property, contract negotiations and a personnel matter involving a particular person.

**ADJOURNMENT**

At 9:15 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.

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EDITH SCHOP, Village Clerk