

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
TUESDAY, SEPTEMBER 4, 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  
Douglas Solomon, Chief of Police

**APPROVAL OF MINUTES BOARD MEETINGS OF AUGUST 20, 2007**

A motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt the minutes of the meeting of August 20, 2007 as presented.

**PUBLIC HEARING IN COOPERATION WITH THE TOWN BOARD OF THE TOWN OF THOMPSON REGARDING PROPOSED ANNEXATION FROM THE TOWN INTO THE VILLAGE OF PROPERTY AT 1 HAY STREET, TOWN OF THOMPSON SBL# 22.-1-12**

Mayor Barnicle opened the public hearing at 7:04 p.m.

Deputy Supervisor Rieber opened the Town Board public hearing at 7:06 p.m.

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The Village Clerk explained that there are two parcels (one being a small vacant parcel and the other being the larger parcel with a house on it) adjacent to each other that are contiguous with the Village. For years the house, which lies outside of the Village boundaries, was getting water on an inside rate and remained that way with the understanding that when the original owners sold the property, the new owner would have to annex into the Village or dig their own well. The new owners have chosen to annex into the Village at this time.

Carmen Rue questioned whether this property will now pay Village taxes once it is annexed into the Village?

The Village Clerk responded that they would now be paying Village taxes.

As there were no further comments, Mayor Barnicle closed the public hearing at 7:07 p.m.

As there were no further comments, Deputy Town Supervisor closed the public hearing at 7:08 p.m.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO SETTING TIME AND PLACE FOR A PUBLIC HEARING IN COOPERATION WITH THE TOWN BOARD OF THE TOWN OF THOMPSON REGARDING PROPOSED ANNEXATION OF TWO PARCELS FROM THE TOWN INTO THE VILLAGE OF PROPERTY LOCATED ON ROUTE 17B, TOWN OF THOMPSON SBL# 18-1-19 AND 18-1-21**

The Mayor explained that there is a developer that wants to put in a motel on 17B, however, those properties presently are only in the Thompson. The Village has to approve the annexation to get all the Village's services in addition to paying Village taxes. The Town would have to create a PILOT Program establishing their full assessed tax value with the understanding the developer would be willing to pay both property taxes in full to both municipalities in order to make this development go through.

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**WHEREAS**, the Board of Trustees of the Village of Monticello has received a petition from the requisite number of owners for the annexation of certain real property designated as SBL 18.-1-19 and SBL 118-1-21 located on Route 17B, in the Town of Thompson from the Town of Thompson into the Village of Monticello in accordance with NYS General Municipal Law § 703; and

**WHEREAS**, the Village Board of Trustees must hold a public hearing regarding said proposed annexation in a joint session with the Town Board of the Town of Thompson under NYS General Municipal Law § 704;

**WHEREAS**, after consultation with the Town Board of the Town of Thompson, the Board of Trustees of the Village of Monticello does wish to set a time and place for a joint public hearing with the Town of Thompson Town Board concerning said proposed annexation, so that the public may be heard;

**NOW, THEREFORE, BE IT RESOLVED**, that a public hearing be held by the Village Board of Trustees of the Village of Monticello in conjunction with the Town Board of the Town of Thompson with respect to the aforesaid proposed annexation at 7:30 p.m. on Tuesday, October 2, 2007, at AND 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 Jenkins, seconded by Trustee VanDermark, unanimously approved on a roll call vote to adopt the above resolution.

**AGREEMENT WITH THE TOWN OF THOMPSON TO INCREASE THEIR SEWER USAGE FOR FUTURE DEVELOPMENT**

The Mayor distributed to the Town Board members a draft agreement with the Town of Thompson to increase their sewer usage for future development.

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**OLD BUSINESS**

The Mayor explained that the newly renovated Village Justice Court that will be housed in the Ted Stroebele Recreation Center will be in need of a new air conditioning unit that could cost approximately \$20,000. The Mayor asked that several department head research whether this type of unit could be purchased under state bid.

Deputy Manager Barbarite explained that he and the Village Manager were at the building today and they are looking into possibly purchasing three large room size air conditions or split unit which will be considerably lower than the \$20,000 mentioned by the Mayor.

**MANAGER'S REPORT**

Good evening and it's good to be back on US soil. This weeks report will be short due to my absence. I've been away for the last 10 days.

I'm pleased to report in my absence our police dept. kept up their stamina in pursuing those who break the law.

The total number of arrests since the beginning of the year is 648.

Their have been 88 felony arrests.

212 drug related arrests.

This week we had no arrests involving DWI's. The word is out their. Drink and drive, drug and drive you will be arrested.

Their have been 174 arrests involving either a suspended operators license or a suspended registration.

121 arrests involving outstanding Warrants.

Total number 16 firearms have now been removed from our streets.

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15 search warrants have been executed since the beginning of the year. This week a search warrant was executed at Dillon Rd. on 9/2/2007 as a result of information developed during the joint impact patrol. The search warrant resulted in 3 arrests and the seizure of \$1,500.00 in currency and a quantity of cocaine.

Over the past several months, significant quantities of crack cocaine, power cocaine, heroin, marihuana and ecstasy pills have been seized. To date over 4 ½ ounces of cocaine and crack cocaine have now been seized as a result of arrests and search warrant investigations.

I have a meeting scheduled with the County this week regarding "making the Village whole".

There is a request to add 5 more medallions to our existing 21 Village Cab medallions.

397 Broadway formally known as the Miller Automatic Building as of Sept 1<sup>st</sup> has been rented to The Trading Post for a period of 4 months. Our building dept. has been instructed not to give any preferential treatment to the tenant. It should be noted that I am a principal owner of said building.

SK8 Contest at the Monticello Skate Park, is Sunday, Sept. 16<sup>th</sup> at 1:00 pm. Their will be cash prizes. This event is sponsored by the Monticello PBA & the Vita ball Gr8 Skate giveaway

#### **PUBLIC COMMENT**

##### **Senior Citizen Concerns**

Roz Sharoff, President of the Monticello Senior Citizen group explained that in preparation to the upcoming Senior Games she found that the senior citizens have deplorable conditions especially with the lack of room remaining on the lower lever so that the shuffle board court is so small that the players will have to walk across the court to get from one side to the other. She felt that seniors have been done a disservice and the members are very angry.

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**Village Concerns**

Harry Brantz was concerned with the condition of unsafe buildings that are still operating, as well as drug houses still opened and that there are too many illegal guns on the street. He felt the police are doing a good job, however something must be done to cut down of speed vehicles, residents putting out their trash in opened garbage containers and no taking them in after the trash has been picked up.

**Boxing School**

Ray Shennig from Smallwood explained that he has started a boxing academy in March in Monticello which is becoming very popular with the youth. The owner of Gleason's Gym recently is considering donating a \$7,000 boxing ring, however there is no place to put that ring. He asked if the Village has any location that they could use for this purpose as presently they are housed in the basement of St. John's Episcopal Church which will not accommodate this size ring.

The Mayor responded that he is in full support, however unfortunately as you heard earlier the Village's recreation center has no room to spare. He suggested that he work with the Betsy Conaty, the Village's Park and Recreation Director and the Boys and Girls Club that are now using the old Middle School where there is a full size gymnasium.

Carmen Rue questioned why they don't go to the Town to try and find space as she felt the Village always asked to provide similar services.

**Appreciation Certificates**

Carmen Rue asked again that the youths that spent a Saturday cleaning up the Village be given Certificates of Appreciation to the youths who gave up their Saturday to clean the Village when other similar persons were presented with this type of recognition.

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### **Village Concerns**

Betty Friedland thanked the Mayor and the Deputy Village Manager to fixing the hazardous condition behind the Village Hall.

### **Recycling**

Betty Friedland explained that she contacted the Village of Liberty and she was sent a packet that was sent out to all their residents explaining the proper way to recycle. She noted that the Village of Liberty is saving approximately \$80,000 a year on their tipping fees because of this stringent recycling program. She felt the Village of Monticello is taking this money and throwing it in the garbage and there is no reason that this should continue. Ms. Friedland noted that she drove by some seasonal bungalow colonies over the Labor Day weekend and the garbage was littered, as well as all the trash that could have been recycled in the pile with the garbage near their dumpsters. She felt that in has been two and half years that the Village officials have been discussing the recycling program, have met with SPECS and had Liberty Village officials before this board to discuss the program. She questioned why the Village can't begin a rigid recycling program and save the taxpayers some money. She also noted that her daughter in law had recycling items in front of home and it was picked up and thrown in the garbage trucks.

### **Changing the Code**

Betty Friedland questioned whether the Board is considering amending the Code when there is a vacancy in the Village Manager's position since there is now a Deputy Village Manager who could succeed into that position instead of the Mayor.

### **Graffiti**

Betty Friedland noted that she had spoken to the Village Manager several weeks ago about the graffiti that has been on the Promenade building that he owns and hasn't been

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removed in over two years. She questioned how the Manager expects other people to clean up their buildings when he is not willing to remove the graffiti within three days as the Village law requires.

### **Tractor Trailer Parking**

Betty Friedland was concerned about the tractor trailer blocking the sidewalk for more than four days in front of the old Miller Automatic building, especially since she watched a child riding a bicycle almost get hit. She felt the trailer should be unloaded and then moved to another location that doesn't block the sidewalk.

### **Acting Manager's Salary**

Betty Friedland was concerned that first the Mayor said he polled the Village Board which under New York State law is illegal and said he was willing to accept \$1,500 per month as a salary for the period that he was Acting Village Manager. She questioned why the Board voted for \$2,000 and why the taxpayers had to pay the extra \$500 per month since the Mayor was willing to accept \$1,500.

### **Manager's Behavior**

Betty Friedland noted that she has attended many, many Board meeting over many years but at the last meeting she saw something she has never seen before. A Manager jump out of his seat while the meeting is going on to follow the gentlemen who was present regarding the Concord water contract even though he had his cell phone number.

### **Concord Water Contract**

Betty Friedland noted that she has a request for a copy of the Concord Water contract which she was told she cannot receive until it has been signed. She did not understand why there was such a hurry to sign it and only give the Board members less than 12 hours to read it and digest it before it was approved.



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The Mayor indicated that the Village has signed the contract and are waiting for it to be returned with their signature.

**Trustees Behavior**

Lenesta Pohl was concerned about several Board members alibi that they were trying to save the Board money. She felt that Trustee Jenkins wanted the position that he could not get. She also felt that the Board knew about the \$10,000 legal fee that the Village would have to pay to the insurance company to defend the Mayor, and since the decision by the Supreme Court Judge that the Mayor did nothing wrong and is entitled to the \$2,000 per month for the five months he served as Acting Village Manager. He felt that Trustee Schoonmaker's behavior was like a child who cannot get his way so he throws a temper tantrum and at many Board meeting if he can't get his way he responds with filthy vile language and then turns his chair around and looks out the window. She felt this is an insult to the people who voted for him and his arrogance is irresponsible and he owes the citizens an apology. Ms. Pohl felt the Mayor Barnicle was a gentleman by not accepting his resignation; however she would have accepted it as well as many other citizens who would have done the same. She felt he has caused dissention on this Board for sometime and votes against matters when the majority of the Board is in favor of an issue. She advised him that if he can't take the heat get out of the kitchen and she felt the other Board members would feel likewise and a replacement could be easily found.

Trustee Schoonmaker responded that he apologized to the citizens for storming out of the meeting, however this whole concept of this whole procedure is not about money, it is that the Village Board is governed by a set of codes and rules and the these rules were not followed in regard to payments that were made without the majority of the Board's approval. The matter could not be resolved by the Board so he and Trustee Jenkins decided to let the Court decide and he will abide by that decision even though he is not happy with this decision. He noted that he and Trustee Jenkins pay for their attorney out of their own pocket.

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Trustee Jenkins questioned why Lenesta Pohl never thanks the Board for the help she has been given with problems in her neighborhood as well as her own house, especially what he personally did.

Rochelle Massey questioned why people on gripe about what happens in the Village, never the problems the County has when the Government Center was set afire as well as other issues that cost the taxpayers tons of money, only the \$8,000 that was spent by the Village regarding this law suit. She felt the law suit was about principals.

#### **DISCUSSION ON AMENDING THE PEDDLER'S LAW**

Deputy Village Manager Barbarite explained that the Village has had a long tradition of banning to the greatest extent it could peddle within Village limits for the purpose of protecting the local business owners. For years the Village has only granted peddler permits to honorably discharged veteran and before that only to honorably discharged disabled veterans. At this time the question is how vigorously does the Village want to enforce this law, since recently someone who wanted to peddle and did not qualify found a veteran who got a license under his name, although he is not peddling within the terms of that license. He felt the Board must make a decision to change the peddling law or continue enforce it as it is. He noted that one of the concerns of peddling from ice cream trucks is the safety of the children who run out to these trucks and the state now has guidelines that are similar to school bus regulations such as an arm that swings out and says stop and that the service is only from the sidewalk side, etc. He asked that the Board to give him some feedback on this issue and whether they want to be presented with changes to the present law. Some administrative that have been instituted is putting a photo on the license to make it easier to identify the peddler and requiring proof of workmen's comp.

The Mayor suggested that the Village Board address all the Village codes and asked for volunteers from the community for their recommendations.

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Trustee Schoonmaker felt the Board should give this committee guidance as to what they feel needs to be changed.

The Village Clerk suggested that the Village contact General Code since they recodified them several years ago.

The Mayor directed the Village Clerk to contact them for their input.

**PUBLIC HEARING FOR AUTHORIZATION TO APPLY FOR A GRANT FROM RESTORE NY IN THE AMOUNT OF \$2.5 MILLION PROGRAM**

The public hearing for the RESTORE NY Grant has been canceled due to a change in properties that were advertised for the public hearing.

**RESOLUTION APPROVING ANNEXATION PETITION FOR PROPERTY AT 1 HAY STREET AND ADOPTING LOCAL LAW NO. 16 OF 2007 TO ANNEX PROPERTY TO THE VILLAGE OF MONTICELLO AT 1 HAY STREET AND FORMERLY KNOWN AS TOWN OF THOMPSON TAX PARCEL SECTION 22, BLOCK 1, LOT 12 TO BE ZONED R-2**

**WHEREAS**, the Board of Trustees have held a joint public hearing with the Town of Thompson Town Board to review and discuss the annexation of property into the Village of Monticello formerly known as SBL 22-1-12; and

**WHEREAS**, the Village of Monticello Board of Trustees hereby approves the annexation petition; and

**WHEREAS**, simultaneously with the Village's approval of said petition, the Town of Thompson Town Board has approved the annexation petition; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Board of Trustees of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQRA, and

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**WHEREAS**, the Board of Trustees of the Village of Monticello, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello hereby adopts said Local Law No. 7 of 2006, entitled a A Local Law Annexing Property into the Village of Monticello and Formerly Known as Town of Thompson Tax Parcel Section 22, Block 1, Lot 12 and Property to Be Referred to the Zoning Officer for Proper Zoning; and be it further

**RESOLVED**, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Monticello, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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

**RESOLUTION CORRECTING RESOLUTION ADOPTED ON AUGUST 7, 2006  
ADOPTING LOCAL LAW NO. 7 OF 2006 TO ANNEX PROPERTY TO THE  
VILLAGE OF MONTICELLO AND FORMERLY KNOWN AS TOWN OF  
THOMPSON TAX PARCEL SECTION 22, BLOCK 2, LOT 1 AND PROPERTY  
TO BE REFERRED TO THE PLANNING AND ZONING OFFICER FOR  
PROPER ZONING**

**WHEREAS**, the Board of Trustees had previously held a joint public hearing with the Town of Thompson Town Board to review and discuss the annexation of property into the Village of Monticello formerly known as Town of Thompson SBL 22.-2-21, LOCATED AT 35 Highland Avenue in the Town of Thompson; and

**WHEREAS**, both the Village of Monticello Board of Trustees and the Town of Thompson Town Board had approved the annexation petition; and

**WHEREAS**, it was subsequently discovered that there was a typo in the petition, resulting in rejection of the annexation by Sullivan County Real Property Tax Services; and

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**WHEREAS**, the Board of Trustees of the Village of Monticello wishes to correct any deficiencies to ensure that said parcel is properly annexed; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Board of Trustees of said Village that adoption of said proposed Local Law 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 in the best interest of said Village to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello hereby corrects Local Law No. 7 of 2006, to be entitled a "Local Law Annexing Property into the Village of Monticello and Formerly Known as Town of Thompson Tax Parcel Section 22, Block 2, Lot 21 and Property to Be Referred to the Zoning Officer for Proper Zoning"; and be it further

**RESOLVED**, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Monticello, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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 CLERK TO ADVERTISE FOR BIDS REHABILITATING FILTER TANKS #1, 2 AND 3 LOCATED AT THE WATER TREATMENT PLANT**

**WHEREAS**, the Clarence Decker, Water Treatment Plant Superintendent has recommended that filter tanks #1, 2 and 3 at the plant on Kiamesha Lake be rehabilitated; and,

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**WHEREAS**, tanks #4, 5 and 6 were previously rehabilitated in 2004 and 2006.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids rehabilitating filter tanks 1, 2 and 3 at the plant on Kiamesha Lake.

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 VILLAGE CLERK TO READVERTISE FOR BIDS FOR A WATER TREATMENT PLANT GENERATOR**

**WHEREAS**, the Monticello Water Plant is in need of an emergency backup generator to ensure that in case of an emergency such as an extended power outage the plant can continue to function; and,

**WHEREAS**, the Village solicited for bids for the water plant generator and only one bid was received and the cost of the generator has risen; and,

**WHEREAS**, other companies have shown an interest in bidding and additional funds are available in the new fiscal year budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to readvertise for bids for the Water Treatment Plant Backup Generator.

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 EMERGENCY PURCHASE FOR A TRANSMISSION REPLACEMENT FOR HIGHWAY DEPARTMENT TRUCK #22 IN THE AMOUNT OF \$3,000**

**WHEREAS**, Truck #22 in the Highway Department needs a transmission to replace the old transmission that is not longer working; and,

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**WHEREAS**, there are funds in this appropriation line in the FY 2007/08 Water Budget; and,

**WHEREAS**, the Superintendent has received three written quotes and the lowest quotation is from Roaches Garage.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the emergency purchase of a replacement transmission for Truck #22 in the amount of \$3,000.00.

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

**DISCUSSION REGARDING REQUEST FOR ADDITIONAL TAXI MEDALLIONS**

Trustee Jenkins explained that when he calls for a cab for one of his customers they have had to wait to up to 30 minutes for a cab to get there. He felt more medallions are needed.

The Manager felt that the Board must decide on a fair price for those medallions, although he agreed there is a need for more medallions.

The Clerk noted that he the past a study was done as to whether additional medallions are needed.

Trustee VanDermark asked that the taxi companies advise them of how many taxis are not on the road even though they have these medallions and the problem might be solved by them hiring more employees to get these additional cabs on the road. He felt that perhaps the solution is switching drivers to shifts when cabs are more in demand.

The Mayor requested that the two taxi companies give the Board a copy of their log sheets records for the month of August to discover how many drivers are on the road on their twelve hour shifts to address Trustee VanDermark's concerns.

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Sureway owner Gary Putter felt the Board would not get an accurate view of the necessary taxis for the month of August. He felt the problem exists year round, although there is a seasonal nature of the business. He felt that the needs of the community must be met during the entire year with his cabs at the beginning of each month, during rush hours times; during adverse weather conditions it is very difficult to get a cab. He felt that his company would like to grow as is the Village and there is a need for more medallions.

Yellow Cab owner Alan Kesten explained that his sixteen medallions are used everyday, all day, 24 hours a day if his employees come to work. He noted that during the day he has all his cabs on the road unless they are being repaired.

The Mayor questioned whether Mr. Kesten sees a need for more medallions to be issued?

Alan Kesten responded that except for the summer months he does not.

The Mayor requested that the matter be put on the next Board's agenda when the public can give their input. He also felt that the Manager get a sampling from other communities on the cost of adding additional medallions.

#### **ORDERING BILLS PAID**

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and appearing on the Abstracts of the bills herewith submitted are ordered paid.

#### **EXECUTIVE SESSION**

At 8:10 p.m. a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person, potential litigation, sale of village property and contract negotiations.



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**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8;20 p.m., a motion was made by Trustee VanDermark, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to reconvene the regular Village Board meeting.

**RESOLUTION AUTHORIZING THE MAYOR OF THE VILLAGE OF MONTICELLO TO SIGN A N EASEMENT AGREEMENT WITH JUAN Q. LINFOR THE PURPOSES OF INSTALLING AND MAINTAINING A 1,000 GALLON PROPANE TANK IN PROPERTY OWNED BY THE VILLAGE OF MONTICELLO**

**WHEREAS**, Juan Q. Lin has requested an easement to install, operate and maintain a 1,000 gallon propane tank in a parcel of land on Broadway, Village of Monticello, Sullivan County, New York, further described as Village of Monticello Tax Map No. SBL 111.-3-9.1, said property being owned in fee simple by the Village of Monticello; and

**WHEREAS**, said underground portion of the property referenced above is not needed by the Village for public purposes and is considered surplus property; and

**WHEREAS**, prior to the existing owner's acquisition of the property, there existed an underground fuel tank which should be removed; and

**WHEREAS**, in order to grant an easement for removal of the old tank, installation of a new tank and maintenance of the new tank on Village property, it will be necessary for the Mayor of the Village to execute and record an easement agreement between Juan Q. Lin and the Village; and

**WHEREAS**, the Board of Trustees of the Village of Monticello finds that it is in the best interest of the Village of Monticello to grant an easement to Juan Q. Lin to install, operate and maintain a 1,000 gallon propane tank in a parcel of land on Broadway, Village of Monticello, Sullivan County, New York, further described as Village of Monticello Tax Map No. SBL 111.-3-9.1;

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

1. The underground portion of property identified as Village of Monticello Tax Map No. SBL 111.-3-9.1 is not needed by the Village for public purposes and is considered surplus property; and
2. That the Mayor of the Village of Monticello shall be and hereby is authorized to sign an easement agreement with Juan Q. Lin whereby the Village shall grant an easement to install, operate and maintain a 1,000 gallon propane tank in a parcel of land on Broadway, Village of Monticello, Sullivan County, New York, further described as Village of Monticello Tax Map No. SBL 111.-3-9.1; and
3. 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.

**RESOLUTION AUTHORIZING ATTORNEY FOR THE VILLAGE OF MONTICELLO, E. DANIELLE JOSE, ESQ., TO APPEAR IN A DISTRIBUTION PROCEEDING IN THE NEW YORK STATE COURT OF CLAIMS AND SEEK A PRIORITY, ON BEHALF OF THE VILLAGE OF MONTICELLO, AGAINST THE STATE OF NEW YORK WITH REGARD TO PROPERTY ACQUIRED BY THE STATE THROUGH ITS EMINENT DOMAIN POWERS FOR WHICH THE VILLAGE HAS AN INTEREST**

The Board of Trustees of the Village of Monticello, duly convened in regular session, does hereby resolve as follows:

1. The Board of Trustees of the Village of Monticello hereby authorizes E. Danielle Jose, Attorney for the Village of Monticello, to appear in a distribution proceeding in the New York State Court of Claims and seek a priority on behalf of the Village of Monticello as a

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Claimant, against the State of New York as Defendant. In said distribution proceedings, the Village of Monticello, as a Claimant, shall, among other things, ask the Court for the amount of \$2,545.85, together with such other and further relief as to the Court may seem just and proper.

2. This Resolution shall take effect immediately.

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 ATTORNEY FOR THE VILLAGE OF MONTICELLO, E. DANIELLE JOSE, ESQ., TO COMMENCE A DISTRIBUTION PROCEEDING IN THE NEW YORK STATE COURT OF CLAIMS, ON BEHALF OF THE VILLAGE OF MONTICELLO, AGAINST THE STATE OF NEW YORK WITH REGARD TO PROPERTY ACQUIRED BY THE STATE THROUGH ITS EMINENT DOMAIN POWERS FOR WHICH THE VILLAGE HAS AN INTEREST**

The Board of Trustees of the Village of Monticello, duly convened in regular session, does hereby resolve as follows:

1. The Board of Trustees of the Village of Monticello hereby authorizes E. Danielle Jose, Attorney for the Village of Monticello, to commence a distribution proceeding in the New York State Court of Claims on behalf of the Village of Monticello and to appear as the attorney for the Village of Monticello as Claimant, against the State of New York as Defendant.

In said distribution proceedings, the Village of Monticello, as the Claimant, shall, among other things, ask the Court for the amount of \$1,996.33, together with such other and further relief as to the Court may seem just and proper.

2. The Village Treasurer is hereby authorized to issue a check to the New York State Court of Claims for FIFTY and 00/100 (\$50.00) DOLLARS, representing the filing fee.

3. This Resolution shall take effect immediately.

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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.

**EXECUTIVE SESSION**

At 8:30 p.m. a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person, potential litigation, sale of village property and contract negotiations.

**ADJOURNMENT**

At 9:40 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.

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EDITH SCHOP, Village Clerk