

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, APRIL 21, 2008

**MEETING TO ORDER**

Mayor Jenkins 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:

Gordon Jenkins, Mayor  
Theodore Hutchins, Trustee  
Carmen Rue, Trustee  
Scott Schoonmaker, Trustee

Absent:

Victor, Marinello, Jr., Trustee

Also present: John Barbarite, Village Manager  
William Frank, Village Attorney  
Douglas Solomon, Chief of Police  
Bill Bertholf, Sewer Superintendent  
Betsy Conaty, Director of Parks & Recreation

**APPROVAL OF MINUTES BOARD MEETING OF APRIL 7, 2008 AND SPECIAL BOARD MEETING OF APRIL 14, 2008**

A motion was made by Trustee Hutchins, seconded by Carmen Rue, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Rue; aye; Mayor Jenkins, aye; to adopt the minutes of April 7, 2008 with the following corrections requested by Trustee Rue: To correct a wrong statement that was made about me by the Mayor. "I never asked for or promised political favors or jobs to anyone-only to do the right thing for the residents of Monticello. To say I asked anyone for favors or a job is simply a lie". Also, she wanted to correct the reason given for going into Executive Session. There were no contract negotiations. No Village

Minutes - Regular Village Board Meeting  
4/21/08

employees were discussed. There is no contract and no contract was mentioned. One or more Board members found it embarrassing to discuss the selection process in public, but there were no contract negotiations. In fact there were no negotiations at all, of anything.

The Village Attorney responded that there was discussion in Executive Session of selecting a particular person as an employee to be appointed for the Village of Monticello and this is a valid reason to go into Executive Session.

**AWARDING CERTIFICATES OF COMMENDATION TO ROBERT VENDITTI AND DENNIS STAFFORD - MONTICELLO RECREATION DEPARTMENT**

Mayor Jenkins on behalf of the Village Board awarded Certificates of Commendation to Robert Venditti and Dennis Stafford for the many hours of volunteering to help with the Youth Hoop Clinic each Saturday from January to March.

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO APPOINTING ROBERT GAIMAN, ESQ. AS A DEPUTY VILLAGE ATTORNEY**

**WHEREAS**, the Village of Monticello Zoning Board of Appeals is in need of legal counsel to advise it with respect to its legal obligations and duties; and

**WHEREAS**, the Village of Monticello Building Department is in need of legal counsel to prosecute violations of the Village Code; and

**WHEREAS**, Robert Gaiman, Esq., has expressed a desire to serve as Deputy Village Attorney in the aforesaid capacities and fulfills the requirements of knowledge, skill, experience and residency within Sullivan County to so serve; and

**WHEREAS**, it is the opinion of the Mayor and the Village Trustees that Robert Gaiman, Esq., is qualified to serve as a Deputy Village Attorney;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Monticello hereby appoints Robert Gaiman, Esq., to serve as Deputy Village Attorney to advise the Village Zoning Board of Appeals and to prosecute violations of the Village Code; and be it further

**RESOLVED**, that the Village Clerk is hereby directed to forward a copy of this Resolution to the Village Zoning Board of Appeals.

Minutes - Regular Village Board Meeting  
4/21/08

A motion was made by Trustee Mayor Jenkins, seconded by Trustee Schoonmaker, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Theodore Hutchins, aye; Trustee Rue; nay; Mayor Jenkins, aye. Motion carried 3 ayes - 1 nay.

#### **VILLAGE MANAGER'S REPORT**

Barbarite gave the following report:

##### **Elimination of Enforcement Officer Position**

He eliminated the position of Enforcement Officer in the Building Department as the position was not meeting the needs of the Village.

##### **Hiring of New Employee At the Water Department**

The Mayor, Clarence Decker, Water Superintendent and himself interviewed five applicants whose names appeared on the County's Civil Service list for the vacant operator trainee position at the Water Department. Rudolph Brodowsky was selected to fill this position.

He reported that the Village is in the midst of hiring three new employees namely one (1) MEO in the Sanitation Department; two (2) groundskeepers. These employees moved up into other positions upon the retirement of Village employees.

Trustee Schoonmaker questioned whether the Village tries to hire employees from a Village list if possible? He felt that Village residents should get preference for any job openings.

The Village Manager explained that for this particular position there were no enough people on the Village list for the Water Department on the Village list. The Manager explained that every attempt is made to hire from the Village list first. These three positions are not on any list because they are not required to be on any list. He indicated that the press will be notified and a Help Wanted ad will be placed in the Sullivan County Democrat. He also had application forms for anyone in the audience who wanted to apply.

Minutes - Regular Village Board Meeting  
4/21/08

### **Cappelli Group Meeting**

He, Trustee Hutchins and the Mayor attended a meeting took place at the Lodge in Rock Hill by the Cappelli Group in which they spoke about the proposed Entertainment City to located at the Concord Resort property. After the meeting they met with the Cappelli Group and Assemblywoman Gunther and expressed the Village's concerns about the impact of relocating the raceway from the Village would have and they will continue to have conversations with the Cappelli Group on how to mitigate the damages of this move out of the Village.

### **Village Hall Renovations**

There was a meeting with Glen Gidley and Matt Furman and did a walkthrough of the Village, pointing out the deficiencies and the needs in this building and asked them to submit a proposal to do a study as to the cost to rehabilitate this building. He noted they also went through the old Justice Court building and from what they could see they felt that the building could be rehabilitated but at this time no study will be done. Besides the building deficiencies they are looking into the best usage of the firehouse space noting that the police department is cramped for space, the boxing club is doing very well and the senior building has suffered an impact because of Justice Court relocating into the Ted Stroebele Recreation Center so there is consideration as to whether the recreation facilities into the fire department area and then give the seniors back most of their building.

Trustee Hutchins questioned the Village could offer additional recreation activities for the Village youth if the fire house area becomes available?

The Village Manager explained that everything that is now offered to the youth would be moved to the firehouse.

Trustee Rue questioned whether the asbestos is a problem since she understands that is why the fire department moved?

Trustee Schoonmaker explained that the fire department moved when Route 42 was being reconstructed and the roadway was widened cutting the apron in front of the firehouse so it was no longer usable by the fire department.

Minutes - Regular Village Board Meeting  
4/21/08

### **Recycling Meeting**

He and the Mayor went to Liberty and met with the Mayor of Liberty and Peter Parks who is the head of the their sanitation department and they were introduced to an individual who has offered to purchase from the Village of Monticello our recyclable materials instead of bringing them to the County at no cost, he would buy them.

Trustee Schoonmaker questioned whether the Village baler is still usable?

The Village Manager responded that the baler still works, however if it needs repairing, it will be repaired at his cost or he will buy the Village an additional baler at no cost to the Village. He also agreed to take televisions, computers and car batteries which we currently pay the landfill to dispose of. This company agreed to pay the Village for the batteries and take the computers and televisions for free.

### **Senior Work Program**

The Manager met with the Senior Work Program were senior citizens 55 years and older who are unemployed are employed by an agency which finds work for them. The Village is interested in having several of them work in Village Hall providing clerical services at no cost to the Village.

### **Spring Cleanup**

The Manager responded that a date for the Spring Cleanup will be announced shortly, as well as picking up metal in front of residents homes at no cost to the homeowner. This year handicap and seniors will have home pickup at no cost either.

### **State Police Initiative**

The State Police Initiative has started at the beginning of April.

Chief Police Solomon announced that the Impact Tools Grant that the Village was awarded last year was renewed this year for

Minutes - Regular Village Board Meeting  
4/21/08

\$54,000 mostly for overtime and a portion will be used to replace the officers' portable radios and a small portion to the District Attorney's Office. On May 29<sup>th</sup> there will be a Gang Awareness and a Violence Prevention that his department is co hosting with United Way and it will be held at the Sullivan County Community College from 8 a.m. to 2 p.m. free of charge.

### **CTC Meeting (Community That Cares)**

The Mayor and the Manager attended a Community That Cares meeting last Saturday at the Ted Stroebele Recreation Building in which young people were encouraged to meet with elected officials, church leaders, etc. to give their input as to what they thought they needed and what we were failing to do for them.

### **State Building Inspectors**

The State sent two inspectors to go through three of the buildings where complaints were raised that the owners were being treated unfairly and signaling them out and being frivolous in our charges. The State has upheld the Village's position on the condition of the buildings.

### **PUBLIC COMMENT**

#### **Village Manager's Contract**

Harry Brantz felt that the Village Manager John Barbarite should have a contract and believes the Village needs him in that position.

#### **Condition of Broadway**

Harry Brantz explained that there are too many vacant buildings on Broadway and the Mayor and the Board should do something quickly before it is too late to revive it.

#### **Village Web Site**

Roz Sharoff, a Village resident questioned the status of the Village website and why it has not been updated with the latest minutes.

Minutes - Regular Village Board Meeting  
4/21/08

The Village Manager responded that in January the Village Board approved a contract with a company called NeoCurve to design a new website; however nothing was done with this company until last week when he contacted them. Presently there is a temporary website that only he can see and they are getting input from all of the departments. These department inputs will be forwarded to the webmaster by week's end, and the website will eventually include various application forms for people to download such as a building permit, etc.

### **Air Conditioning - Ted Stroebele Recreation Center**

Roz Sharoff questioned if arrangements have been made so the smaller rooms on the main floor of the Ted Stroebele Recreation Center are air conditioned before the weather gets warmer?

The Village Manager explained that nothing has been done yet, but it will have to be addressed shortly.

### **Work Sessions**

Dr. Marc Hudes recommended that the Village Board hold work sessions to discuss the important items that are on the agenda for the following meeting.

The Village Attorney explained that at his first meeting with the Mayor he discussed having work sessions to discuss upcoming agenda items where they would be opened meetings, but at a work session there is no public participation.

### **Broadway Project**

Dr. Marc Hudes questioned if the consultants hired by the Village regarding the Broadway Project were going to hold additional informational meetings regarding the design since once the project is completed the residents will live with the result for the rest of their lives. He cautioned the Board to make sure the NYSDOT does the right job and not cut corners and take into account the needs of the residents and the business owners.

Minutes - Regular Village Board Meeting  
4/21/08

The Village Manager explained that the previous administration has already signed off on the design of the plan that will go out to bid this May and to incorporate new changes would probably require this project to be scrapped and start over again.

**Deputy Village Attorney**

Bob Kunis questioned what kind of due diligence the Board did prior to hiring Mr. Gaiman. He questioned if the Board is aware that this attorney hasn't practiced law for quite awhile and he was disbarred for a wrong doing?

**Village Manager Remarks**

Tom Rue made a public statement regarding his views on the newly appointed Village Manager which are on file in the Village Clerk's Office for anyone wishing to review them.

**Supporting the Newly Elected Mayor**

Donald Thomas, a Village resident felt that Mr. Rue did not show the Mayor any respect and he doesn't believe what he said is in the best interest of the residents to better improve the Village.

**Justice Court Building**

Betty Friedland questioned whether the Village Manager said the old Justice Court building is safe?

The Village Manager responded that he said the building is structurally sound, could be rehabbed and it would be less expensive to rehab it than to tear it down and build a new building. He explained that before the building is ready for public use the mold problem would be fully remedied.

She advised the Board that if the old Justice Court building is open without an environmental air quality test this Village will be held liable.

**Code Enforcement Violations**

Mark O'Bannon, Sr. questioned why violations are being given to property owners on High Street?

Minutes - Regular Village Board Meeting  
4/21/08

The Village Manager responded that the Village is in favor of people buying properties and repairing them, however many of the repairs do not meet code, do not provide safety, do not provide the sanitation that is required to have legal apartments that can be occupied and when they get the violations it is because they did not do the work in a good workmanship manner according to the building code.

The Village Attorney explained that steps are being taken to remedy these situations; however violations must be issued to try and go forward with the rehab process.

### **27 North Street**

Ray Lustig, owner of 27 North Street made a public statement regarding his the reasons for his building being vacated and his interpretation of the letter received from the NYS Department of State regarding their finding which are on file in the Village Clerk's Office for anyone wishing to review them.

### **39 High Street**

Joseph Kowalczyk owner of 39 High Street made a public statement regarding his the reasons for his building being vacated and these remarks are on file in the Village Clerk's Office for anyone wishing to review them.

### **MOMENT OF SILENCE - TIM HILL - SULLIVAN COUNTY BOARD OF ELECTIONS COMMISSIONER**

Mayor Jenkins asked for a moment of silence in memory of Tim Hill, Sullivan County Board of Elections Commissioner who passed away today.

### **Banner Purchase-Grant Information**

Becky Whipple, a Village resident questioned whether it is necessary that the Village spend an additional \$1,400 for more banners? She also suggested that the Village reach out to the businesses outside of the downtown area to advise them of available grants and find out what their needs are.

Minutes - Regular Village Board Meeting  
4/21/08

**Comments On Arguments At Board Meetings**

Timothy Gray, a Village resident explained that this is the first Village Board meeting he has ever attended and feels that it is disgraceful with the petty arguments and political paybacks and because of this the residents are suffering, as well as the youth. He felt the allegations should be answered.

The Mayor felt that the Village has to move on.

**Additional Taxi Medallions**

Gary Putter, owner of Sureway Taxi again asked the Village Board to pass a local law giving him the five (5) additional taxi medallions he has been requesting for the last 8 months. He indicated that no one else has asked for additional medallions, except Mr. Kesten who has opposed the request.

The Village Attorney indicated that he would take this matter with the Village Board and he will contact him after the Board has given him some direction.

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 2 OF 2008 FOR A SIX MONTH MORATORIUM ON NEW USED CAR SALES LOTS**

Mayor Jenkins opened the public hearing at 8:47 p.m.

At 8:50 p.m., as there were no comments Mayor Jenkins closed the public hearing.

**PUBLIC HEARING WITH RESPECT TO ADOPTION OF PROPOSED LOCAL LAW NO. 3 OF 2008 WITH REGARD TO NEW USED CAR SALES LOTS IN THE VILLAGE OF MONTICELLO**

Mayor Jenkins opened the public hearing at 8:51 p.m.

At 8:52 p.m., as there were no comments Mayor Jenkins adjourned the public hearing.

Minutes - Regular Village Board Meeting  
4/21/08

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2008 FOR A SIX MONTH  
MORATORIUM ON NEW/USED CAR SALES LOTS**

**WHEREAS**, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held on Monday, April 21, 2008, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to hear all interested parties on said proposed Local Law 1 of 20087 enacting a six month moratorium on new/used car sales lots; and

**WHEREAS**, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on April 11, 2008; and

**WHEREAS**, said public hearing was duly held on April 21, 2008, at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York 12701, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof, and

**WHEREAS**, the Board of Trustees of the Village of Monticello has pursuant to part 617 of the implementing regulations pertaining to article 8 State Environmental Quality Review Act (SEQRA) determined by that adoption of said proposed Local Law appears to constitute a Type II action and has determined that the proposed local law would not have a significant negative 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 proposed local law would not have a significant negative effect upon the environment; and be it further

**RESOLVED**, that the Board of Trustees of the Village of Monticello hereby adopts said Local Law No. 2 of 2008; and be it further

Minutes - Regular Village Board Meeting  
4/21/08

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

**RESOLUTION DIRECTING THE VILLAGE CLERK OF THE VILLAGE OF MONTICELLO TO REFER PROPOSED LOCAL LAW NO. 3 OF 2008 TO THE SULLIVAN COUNTY DIVISION OF PLANNING AND COMMUNITY**

**WHEREAS**, the Village Board of the Village of Monticello is presently considering the adoption of Local Law No.3 of 2008, which would regulate the establishment and operation of used car dealers and used car lots within the Village, and

**WHEREAS**, an initial public hearing was held by the Village Board on April 21, 2008 after proper notice of said meeting was both published in the Sullivan County Democrat and properly posted within the Village, and

**WHEREAS**, the proposed Local Law is one which regulates zoning within the Village and is therefore subject to the requirements of General Municipal Law §239-m, and

**WHEREAS**, the Village Board wishes to refer the proposed Local Law to the Sullivan County Division of Planning and Community in order to advance the process of adopting said Law after full compliance with all legal requirements,

**NOW THEREFORE, BE IT RESOLVED**, that the Village Clerk be and she hereby is directed to refer proposed Local Law No.3 of the Village of Monticello, and all required attachments, to the Sullivan County Division of Planning and Community pursuant to General Municipal Law §239-m.

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

Minutes - Regular Village Board Meeting  
4/21/08

**RESOLUTION APPROVING THE PURCHASE OF BANNERS FOR DISPLAY ON PLEASANT STREET IN THE AMOUNT OF \$1,400**

**WHEREAS**, there are brackets on the utility poles for the purpose of hanging banners for welcoming visitors to the Village of Monticello; and,

**WHEREAS**, these poles are located on Pleasant Street (NYS Route 42) a main entrance into the Village of Monticello; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of 16 banners from Rileighs Outdoor, P.O. Box 4365, Bethlehem, PA 18018 for display on Pleasant Street in the amount of \$1,400.

A motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, aye; Trustee Rue, nay; Mayor Jenkins, aye. Motion carried 3 ayes - 1 nay.

**RESOLUTION APPROVING THE PURCHASE OF REPLACEMENT DRAINAGE PIPE AND BASINS FOR THE HIGHWAY DEPARTMENT IN THE AMOUNT OF \$2,150.00**

**WHEREAS**, the Highway Department is replacing drainage pipe and basins throughout the Village; and,

**WHEREAS**, the Highway Department must purchase piping and basins to make the necessary repairs to ensure that there is proper drainage and flooding does not occur and,

**WHEREAS**, the quoted price of the drainage piping and basins is being purchased under County bid, and,

**WHEREAS**, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello to prevent flooding and drainage problems within the Village.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of drainage piping and basins for the Highway Department in the amount of \$2,150.00 from Chemung Supply Corporation PO Box 527, Elmira, New York 14902 under County bid 2008.

Minutes - Regular Village Board Meeting  
4/21/08

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

**RESOLUTION APPROVING THE PURCHASE OF REPLACEMENT OF PARTS FOR WEMCO MODEL C TORQUE-FLOW GRIT PUMP FOR THE WASTE WATER TREATMENT PLANT IN THE AMOUNT OF \$5,068.00**

**WHEREAS**, the Sanitation Department is replacing the Wemco Model C Torque - Flow Grit Pump at the Waste Water Treatment Plant; and,

**WHEREAS**, the Highway Department must this flow grit pump in order for the equipment to function properly and,

**WHEREAS**, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Waste Water Treatment Plant to function within the Village.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a Wemco Model C Torque - Flow Grit Pump for the Sewer Department in the amount of \$5,068.00 from Dave Heiner Associates, Inc. 3799 Route 46, Suite 102, PO Box 6016, Parsippany, New Jersey, 07054.

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

**DISCUSSION REGARDING ALLOWANCE FOR A SECOND PUBLIC COMMENT AT THE END OF THE VILLAGE BOARD MEETING**

The Village Attorney explained that Trustee Rue has requested this item be placed on the agenda.

Trustee Rue explained she felt it is a good policy for a second public comment period at the end of the meeting and is a good opportunity for the public to remark on votes taken by Board members during the meeting and perhaps, limit the amount of time a person has to comment during each public comment period.

There was no further discussion.

Minutes - Regular Village Board Meeting  
4/21/08

**DISCUSSION REGARDING PROPOSED EQUAL EMPLOYMENT OPPORTUNITY  
RESOLUTION**

The Village Attorney explained that he believes that Trustee Rue's goal is to make sure that in all of the practices of the Village, whether it is the procurement policy or hiring, advertising for positions that the goal is to ensure that the Village Board and all employees are adhering to equal opportunity standards and regulations. He indicated that he has started reviewing the Village Code and seeing what there is regarding equal opportunity. It is everyone's intent is to observe all equal opportunity practices and standards.

**EXECUTIVE SESSION**

At 9:05 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person.

**ADJOURNMENT**

At 9:55 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk