MINUTES

REGULAR MEETING OF THE BOARD OF TRUSTEES VILLAGE OF MONTICELLO, N.Y. MONDAY, MAY 19, 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
Victor, Marinello, Jr., Trustee
Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Also Present: John Barbarite, Village Manager

Karen Alt, Village Attorney
Douglas Solomon, Chief of Police
Phil Klemen, Sewer Superintendent

APPROVAL OF MINUTES OF BOARD MEETINGS OF APRIL 21, 2008

A motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adopt the minutes of the meeting of April 21, 2008 as presented.

EXECUTIVE SESSION

At 7:02 p.m., a motion was made by Trustee Schoonmaker, 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.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 7:27 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move out of Executive Session and reconvene the Regular Village Board meeting.

VILLAGE MANAGER'S REPORT

Telephone Billing Review

The Village Manager reported that a company is reviewing the telephone bills to find out whether the Village is being charged correctly.

Relocation of the Skate Board Park

Manager Barbarite announced that he is planning on relocating the Skate Board Park to deHoyos Park as he feels it is a more appropriate location and to provide more room in the parking spaces for businesses when the Broadway Project begins and parking will be prohibited on Broadway.

Demolition of Head Start Building-Dillon Road

The Village Manager announced that the Joint Monticello Fire Department has agreed to do a "controlled burn" to demolish the old Head Start building located on Dillon Road. He explained that the building is beyond repair and the firemen will use it as a training exercise and after it is leveled the Sullivan County Partnership has agreed to pay landfill "tipping" fees.

Use of Tasers by the Monticello Police Department

Police Chief Solomon informed the Board that he is considering the use of tasers by supervising police officers as an Alternative Method For Deadly Physical Force. He will be updating the Board and meeting with them individually to view an instructional video.

PUBLIC COMMENT - AGENDA ITEMS ONLY

27 North Street

Ray Lustig, owner of 27 North Street felt there should be segregation of responsibilities from the Village Manager's Office and the Building Department as mentioned in the letter from the State Building Department.

Cost of Architectural Engineering Services Proposal

Betty Friedland questioned whether the Village should by spending \$22,700 of taxpayers' money to pay for a study of this type.

The Village Manager responded that the Village Hall has been neglected for many year and needs a study to determine the best use of the space, conservation measures such as new windows to prevent heat escaping, air conditioner efficiency, and recommendations on using the old bays in the former fire department for the police department and as a youth building which would allow the seniors to have more space in the Ted Stroebele Recreation Center.

Relocation of Village Board Meeting

Betty Friedland again was concerned that since the Village Board meetings are attended by many more people than in the past and she felt the location of where the Board meetings are held should be moved to the Ted Stroebele Recreation Center to accommodate everyone.

Nomination To The Congressional Youth Leadership Council

Shane Jackson, a Village resident and a 7th grade student at the Robert J. Kaiser Middle School announced he has been nominated to represent his school and community as a member of the National Young Leaders State Conference (NYLSC) in Albany. He explained that his participation in the NYLSC depends on whether he can raise \$1,500 in sponsorship.

Mayor Jenkins encouraged everyone in attendance this evening to donate money towards this outstanding cause.

The Village Clerk collected the generous donations and announced that anyone wishing to contribute to Shane's trip could leave their donation with her and she will be contacting him with the proceeds.

PUBLIC HEARING WITH RESPECT TO ADOPTING A LOCAL LAW TO RECLASSIFY CERTAIN PARCELS OF REAL PROPERTY WITHIN THE VILLAGE FROM RM TO B-1 NAMELY SBL 107-1-10, 107-1-9 AND 107-1-8.1

Mayor Jenkins opened the public hearing at 7:56 p.m.

Architect Walter Priede, representing the applicant and owner of the property explained that they are requesting the B1 Zoning Boundary be moved to coincide with the property lines of the three parcel, SBL 107-1-10, 107-1-9 and 107-1-8.1 (the existing Beverage Store) located on the Westside of Pleasant Street (NYS Route 42) to allow for the two vacant lots to be developed for a proposed business.

As there were no further comments, at 7:58 p.m., Mayor Jenkins adjourned the public hearing.

RESOLUTION DIRECTING THE VILLAGE CLERK OF THE VILLAGE OF MONTICELLO TO REFER PROPOSED LOCAL LAW TO RECLASSIFY CERTAIN PARCELS OF REAL PROPERTY WITHIN THE VILLAGE FROM RM TO B-1 NAMELY SBL 107-1-10, 107-1-9 AND 107-1-8.1 TO THE SULLIVAN COUNTY DIVISION OF PLANNING AND COMMUNITY

WHEREAS, the Village Board of the Village of Monticello is presently considering the adoption of a Local La, which would rezone SBL 107-1-10, 107-1-9 and 107-1-8.1 from RM to B-1; and

WHEREAS, an initial public hearing was held by the Village Board on May 19, 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 the proposed Local Law 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.

PUBLIC HEARING REGARDING LOCAL LAW NO. 3 OF 2008 WITH RESPECT TO RESCINDING SECTIONS 45-16, 45-17, 45-18 and 45-19 OF THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO

Mayor Jenkins opened the public hearing at7:59 p.m.

The Mayor explained that this local law would rescind the Deputy Village Manager position.

As there were no comments Mayor Jenkins opened the public hearing at 8:00 p.m.

PUBLIC HEARING REGARDING LOCAL LAW NO. 4 OF 2008 WITH RESPECT TO AMENDING SECTION 105-3 OF THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO CREATING MULTIPLE CODE ENFORCEMENT OFFICERS

Mayor Jenkins opened the public hearing at 8:00 p.m.

Manager Barbarite explained that this local law would create an additional position of Code Enforcement Officer, although the Village Board does not have to hire anyone at this time. He explained that the Building Department is understaffed and needs another full time Code Enforcement Officer who has the authority to review building plans, make inspections, etc. He indicated that the person hired would have to be selected from the County Civil Service list.

As there were no further comments, Mayor Jenkins closed the public hearing at 8:01 p.m.

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 3 of 2008 WITH RESPECT TO RESCINDING SECTIONS 45-16, 45-17, 45-18 and 45-19 OF THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held by said Governing Body on May 19, 2008 at 7:00 p.m. at Village Hall, 2 Pleasant Street, Monticello, New York to hear all interested parties on a proposed Local Law entitled A LOCAL LAW

AMENDING THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO, COUNTY OF SULLIVAN, NEW YORK, by eliminating the position of Deputy Village Manager; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on May 9, 2008; and

WHEREAS, said public hearing was duly held on May 19, 2008 at or about 7 p.m. at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 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 Village Board 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 Village Board of the Village of Monticello hereby adopts said Local Law No. 3 of 2008, entitled A LOCAL LAW AMENDING THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO, COUNTY OF SULLIVAN, NEW YORK, a copy of which is attached hereto and made a part of this resolution with respect to eliminating the position of Deputy Village Manager; 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 Hutchins, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION AUTHORIZING ADOPTION BY THE VILLAGE BOARD OF THE VILLAGE OF MONTICELLO OF LOCAL LAW NO. 4 OF 2008 WITH RESPECT TO AMENDING SECTION 105-3 OF THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO CREATING MULTIPLE CODE ENFORCEMENT OFFICERS

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Monticello for a public hearing to be held by said Governing Body on May 19, 2008 at 7:00 p.m. at Village

Hall, 2 Pleasant Street, Monticello, New York to hear all interested parties on a proposed Local Law entitled A LOCAL LAW AMENDING THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO, COUNTY OF SULLIVAN, NEW YORK, regarding the creation of additional Code Enforcement Officers positions; and

WHEREAS, notice of said public hearing was duly advertised in the Sullivan County Democrat, the official newspaper of said Village, on May 9, 2008; and

whereas, said public hearing was duly held on May 19, 2008 at or about 7 p.m. at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 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 Village Board 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 Village Board of the Village of Monticello hereby adopts said Local Law No. 4 of 2008, entitled A LOCAL LAW AMENDING THE VILLAGE CODE OF THE VILLAGE OF MONTICELLO, COUNTY OF SULLIVAN, NEW YORK, a copy of which is attached hereto and made a part of this resolution with respect to establishment of additional Code Enforcement Officer positions; 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 Hutchins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS (1)THE PROPOSED GENERAL GOVERNMENT BUDGET FOR THE VILLAGE OF MONTICELLO, (2) A SUMMARY OF THE ENTIRE PROPOSED BUDGET FOR THE 2008/09 FISCAL YEAR (3) SANITATION RATES AND (4) SETTING WATER RATES FOR THE 2008/09 FISCAL YEAR FOR MONDAY, JUNE 2, 2008 AT 7:00 P.M.

WHEREAS, the Board of Trustees of the Village of Monticello has prepared a proposed general Village budget and appurtenant summary of the entire Village budget for the fiscal year 2008-2009, which commences August 1, 2008; and

WHEREAS, the Board of Trustees of the Village of Monticello has prepared proposed sanitation rates for the fiscal year 2007-2008; and

WHEREAS, the Board of Trustees of the Village of Monticello has prepared proposed water rates for the fiscal year 2008-2009; and,

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing for said proposed budgets for the 2008-2009 fiscal year, so that the public may be heard;

NOW, THEREFORE, it is hereby RESOLVED, that a public hearing be held by the Village Board of Trustees with respect to the aforesaid proposed budgets at 7:00 p.m. on June 2, 2008, at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 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 Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 5 OF 2008 ESTABLISHING THE VILLAGE OF MONTICELLO SEWER RENTS FOR 2008/09 FOR MONDAY, JUNE 2, 2008 AT 7:00 P.M.

WHEREAS, the Board of Trustees of the Village of Monticello has prepared proposed schedule of sewer rents for the fiscal year 2007-2008; and,

WHEREAS, said sewer rents are established annually by local law; and,

WHEREAS, the Board of Trustees of the Village of Monticello wishes to set a time and place for a public hearing for said proposed village sewer rates schedule for the 2008-2009 fiscal year, so that the public may be heard.

NOW, THEREFORE, it is hereby RESOLVED, that a public hearing be held by the Village Board of Trustees of the Village of Monticello with respect to the aforesaid proposed sewer rents schedule at 7:00 p.m. on June 2, 2008, at Monticello Village Hall, 2 Pleasant Street, Monticello, NY 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 Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution.

RESOLUTION APPROVING THE PURCHASE OF REPLACEMENT AND REPAIR TRANSMISSION TO TRUCK #21 IN THE AMOUNT OF \$1,295.00

WHEREAS, the Highway Department needs to replace and repair the transmission to Truck #21; and,

WHEREAS, without the new replacement transmission the vehicle cannot be operate, and,

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Monticello Highway to replace street signs and stop signs and posts.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase of replacement street signs, stop signs and posts from John's Truck Parts, 12 O'Gorman Road, Wurtsboro, New York 12790.

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 STREET SIGNS IN THE AMOUNT OF \$2,700

WHEREAS, the Highway Department needs to replace street signs, stop signs and posts; and,

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of the Village of Monticello for the Monticello Highway to replace street signs, stop signs and post to function within the Village.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase to replace and repair the transmission to Truck #21 from Econo Signs, 1816 Louisville Road, Bowling Green, KY 42101.

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

RESOLUTION APPROVING THE PURCHASE OF DRIVE MOTOR FOR SLUDGE BELT PRESS FOR THE WASTE WATER TREATMENT PLANT IN THE AMOUNT OF \$1,270.00

WHEREAS, the Monticello Waste Water Treatment Plant is in need of replacing the Belt Press used to dewater the sludge; and,

WHEREAS, this is a most important piece of equipment in solids handling and the plant cannot operate without it and the current drive motor is 25 years old, and,

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Village of Monticello does hereby approve the purchase of a Drive Motor for the Sludge Belt Press to be installed on the Magnum Press Variable Speed Drive, from MECO Motors, 22L Commerce Road, Fairfield, NJ 07004.

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

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 6 OF 2008 AMENDING CHAPTER 18 OF THE VILLAGE CODE ENTITLED" ETHICS, CODE OF" TO BE HELD ON MONDAY, JUNE 2, 2008 AT 7 P.M.

A motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to table the motion at this time.

RESOLUTION ACCEPTING PROPOSAL FOR ARCHITECTURAL ENGINEERING SERVICES FOR RENOVATION OF VILLAGE HALL BUILDING IN THE AMOUNT NOT TO EXCEED \$22,700

WHEREAS, the Village Hall Complex located at 2 Pleasant Street is in dire need of renovations to produce a more efficient layout and flow of operations in the facility; and,

WHEREAS, some of the space has become available since the fire department relocated to their new complex to allow the expansion of the police department and youth programs; and,

WHEREAS, Barton & Loguidice have submitted a proposal to the Village that the Scope of Services for a time and expense fee not to exceed Twenty Two Thousand Seven Hundred Dollars (\$22,700) for the services described herein as follows:

- a. Existing Building & Building System Evaluation \$6,900
- b. Asbestos Pre-Renovations Survey: \$3,300
- c. Space Planning & Functional Program: \$7,100
- d. Conceptual Design, Opinion of Probable Construction Cost Estimate and Phasing: \$5,400

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby accept the proposal for Architectural Engineering Services for renovation of the Village Hall Complex from Barton & Loguidice, 290 Elwood Davis Road, Syracuse, New York 13220 in the amount no to exceed \$22,700.

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

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING CHRISTOPHER R. EBLING TO PERFORM CERTAIN TITLE SEARCHING SERVICES ON BEHALF OF THE VILLAGE

Trustee Rue was concerned that Mr. Ebling was not bonded and if he was awarded the bid it would leave the Village at risk legally should a problem arise. She felt that since the Village Attorney advised the Board that the Village should only hire someone that is bonded in the event a problem arises.

Trustee Schoonmaker felt the Village has to be protected because the Village is dealing with the State in this matter.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Hutchins, nay; Trustee Marinello, nay; Trustee Rue; Motion denied 4-0

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR REQUESTS FOR PROPOSALS TO PERFORM TITLE SEARCHING SERVICES TO ASCERTAIN THE OWNERSHIP OF EACH PARCEL OF REAL PROPERTY ON BROADWAY

WHEREAS, New York State Department of Transportation is commencing a reconstruction project of Broadway in Monticello, New York, which shall include extensive work on the sidewalks located on Broadway; and

WHEREAS, it is necessary to ascertain which portions of the sidewalks on Broadway are owned by the Village and which parts are owned by private property owners in order to insure that the Village and/or the New York State Department of Transportation has the legal authority to enter onto said sidewalks for the purposes of reconstruction of said sidewalks; and

WHEREAS, the Village Attorney has recommended that the Title Search Company be bonded to protect the Village from a future

law suit to ascertain the ownership of each parcel of real property onto which the Village and State must enter to complete the sidewalk reconstruction; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for Requests for Proposals to perform the title searches to ascertain the ownership of each parcel of real property onto which the Village and State must enter to complete the Broadway sidewalk reconstruction project.

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

PUBLIC COMMENT

Expansion of the Landfill

Janet Newberg asked that the Board not repeal the local law to allow the Sullivan County Landfill to expand. She indicated that this local law was adopted to protect the safety and welfare of local residents.

27 North Street

Ray Lustig, owner of 27 North Street, was concerned that the Village Building Department has not submitted their annual report of their activities to the Secretary of State as required by law.

Trustee Schoonmaker asked that Mr. Lustig meet with Village officials to resolve the problems. He noted that the Village is obligated to protect its residents and he wants to see evidence that the building owners are cooperating to comply with the building codes.

Beverly Santarelli explained that she has been in Mr. Lustig's building at 27 North Street prior to it being shut down by the Village and it was a bug infested firetrap and no one should have lived there under those conditions.

Marie Ng was concerned that someone is living on the 3rd floor as she has seen someone coming out of that building. She also noted that when people were living in that building they were parking illegally in her husband's parking lot behind that building.

Mr. Lustig responded that if this is the case these vehicles should be ticketed or towed away.

Fairground Estates

Chris McLeod, President of the Fairground Estates Homeowner's Association explained that the residents of that housing complex have noticed the decline of the quality of life in their immediate residential area which they feel is being caused by the close proximity of and saturation of low income housing developments namely Horizon Apartments and Moon Manor. He described various incidents that have occurred recently between youths of both of those complexes.

Charles Stalter, owner of a single family home on Dollard Drive agreed with the vandalism and crime in the area and explained that although he bought his house last year, it is already up for sale.

Village Hall Meeting Room Capacity

Betty Friedland was again concerned about the meeting room during Village Board meetings being over legal room capacity.

Recycling Laws

Mrs. Stafford questioned whether the Village's recycle rules will be enforced?

Betty Friedland was also concerned about the Village not enforcing the mandatory recycling laws.

The Mayor responded that they will begin to enforce them by the beginning of September. He indicated that Ms. Friedland she call him directly and question what the Village will be doing

regarding recycling. He felt that she comes to the meeting making it sound like the Mayor is not doing anything and felt she should be more positive at Board meetings instead of looking to just meddle.

Tom Mack, a Village resident felt that if a resident has a problem they should call Village Hall and setup a meeting to iron out the problems before they air their grievances in public.

Sue Anthony referred to an article in the newspaper regarding the rejuvenation of Livingston Manor's Main Street, and questioned why this can't happen in Monticello. She felt it can happen if the residents work together and don't have self centered agendas.

EXECUTIVE SESSION

At 9:25 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move into Executive Session to discuss personnel matters regarding particular persons.

ADJOURNMENT

At 10:15 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.

EDITH SCHOP, Village Clerk