

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, AUGUUST 18, 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  
Jacob Billig, Village Attorney  
Douglas Solomon, Chief of Police

**APPROVAL OF MINUTES BOARD MEETING OF AUGUST 4, 2008**

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adopt the minutes of the meeting of August 4, 2008 with the following correction: Page 4, A motion was made by *Trustee Marinello*.

**VILLAGE MANAGER'S REPORT**

Village Manager Barbarite announced that the NYSDOT had opened the bids for the Broadway Project last Thursday and they will be awarding them in late September.

**PRESENTATION BY JAMES MARION REGARDING RECYCLING PROGRAM ANALYSIS**

James Marion, a recycling specialist with Barton and Loguidice explained the survey he would be conducting regarding the Village's recycling program as well as a survey of the entire sanitation pick-up schedule and daily routes. He explained

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that by doing this survey the Village would, as a result, save money and time. He explained they would look at the routes, the cost factors, the equipment, the manpower etc. to determine the most efficient manner that sanitation issues can be handled including recycling. This survey would also include how to educate the public on the proper way to dispose of trash and recycling materials whether in private homes or by commercial establishments. The goal would be to reduce costs and promote recycling by possibly 30 to 40 percent.

### **PUBLIC COMMENT**

#### **Recycling Information**

Roz Sharoff, a Village resident was concerned that the recycling informational sheet that was sent out with the tax bills was outdated and misleading.

The Village Manager explained that she is correct and the information was taken from an outdated County website listing those materials. Basically whatever the residents have been recycling is correct and he encouraged those that have been recycling to keep doing what they have been doing and more residents and businesses to start recycling.

#### **Broadway Street Closing**

Becky Whipple was concerned that the Village is planning to close Broadway on Saturday of Labor Day Weekend. She suggested the street fair be held on North Street.

Chief Solomon explained that Broadway has been closed on other times and this will not be a problem.

Dr. Marc Hudes agreed with Ms. Whipple that Broadway should not be closed to traffic on Labor Day Weekend.

Eric Young, a member of the CPR felt that everyone should get involved in the Block Party. He noted that since the group has organized the crime rate is down and many of the youths are changing their way of living and thinking. He felt that this organization and Block Party should be a collaborative effort by all the residents that are interested in creating a better way of living.

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**Broadway Clean-up**

Becky Whipple suggested that since the Village is awaiting the beginning of the construction of the Broadway Project a banner should be put up stating "pardon our look Broadway is under construction".

Betty Friedland felt that the least the Village can do is cut down the weeds growing in the flower pots along Broadway.

Dr. Hudes felt that the Village should focus on cleanup Broadway properties as it is the focus of the Village which should be pristine at all times.

**Payment of \$1,000 for Christopher Edling for Deed Research**

Becky Whipple questioned why this person who is not bonded was allowed to do this research?

The Village Attorney explained that all Chris was asked to do was deed research and copying so he could prepare a response to Federal and State attorneys explaining why the Village did not have to do a complete title search of each property on Broadway and thus saving the taxpayers at least a \$10,000 cost. The work needed to be done by someone who could complete the deed research of approximately 12 properties within a very short timeframe of about 12 hours so he could respond to the State and if the response was not received and accept in the time the Broadway Project would have been delayed as bids were scheduled to be opened on Thursday, August 14<sup>th</sup>.

**RESOLUTION CORRECTING THE 2008/09 TAX ROLL**

**WHEREAS**, property clean up charges were relevied to certain properties on the 2008/09 tax roll; and,

**WHEREAS**, these charges were relevied erroneously by various Village departments and the charges need to been removed.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to remove the following charges from the following properties and the Clerk is directed to send corrected bills:

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<u>SBL</u>	<u>Amount of Charges To Be Removed</u>
118A-1-3.52	Property Maintenance - \$631.56
112-5-1	Property Maintenance - \$400.00
115-2-6	Property Maintenance - \$757.29
117-2-1	Property Maintenance - \$450.00

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

**RESOLUTION CORRECTING THE 2008/09 TAX ROLL**

**WHEREAS**, penalties for utility charges were relieved to certain properties on the 2008/09 tax roll; and,

**WHEREAS**, these charges were relieved due to certain circumstances that have been reviewed by the Penalty Review Committee who recommend that the charges be adjusted.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to remove the following charges from the following properties and the Clerk is directed to send corrected bills:

<u>SBL</u>	<u>Amount of Charges To Be Removed</u>
117-2-7	\$ 36.42
117-2-1	\$329.66

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

**RESOLUTION APPROVING THE PURCHASE OF 400' OF 1" SEWER HOSE 2500 PSI FOR THE WASTE WATER TREATMENT PLANT FLUSH TRUCK IN THE AMOUNT OF \$1,000**

**WHEREAS**, the hose on their Flush Truck used by the Waste Water Treatment Plant is torn and broken in various places Waste Water Treatment Plant and in need of replacement and has not been replaced in many years; and,

**WHEREAS**, the Sewer Department has gotten quotes from three (3) vendors and the lowest quote is \$1,000; and,

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**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 400' of 1" Sewer Hose 2500 psi to replace the hose on the Waste Water Treatment Plant Flush Truck from Sewer Equipment Company of Florida, P.O. Box 186, New Smyrna, Florida 32170 in the amount of \$1,000.00.

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

**RESOLUTION APPROVING THE POLICY FOR THE USE OF TASERS BY THE MONTICELLO POLICE DEPARTMENT AS SET FORTH BY CHIEF OF POLICE DOUGLAS SOLOMON**

**WHEREAS**, the Chief of Police has determined that the implementation of the use of tasers would be in the best interest of the safety, health and welfare of the residents and the police officers; and,

**WHEREAS**, the Monticello Police Department has received a grant from the Department of State in the amount \$10,000 to purchase tasers, holsters and all other related equipment; and,

**WHEREAS**, a policy has been developed by the Chief of Police in the use of these tasers and the Village Board of Trustees has been provided with a copy of said policy as well as supporting materials and documentation.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the policy for the use of tasers by the Monticello Police Department as set forth by Chief of Police Douglas Solomon.

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

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**RESOLUTION AUTHORIZING PAYMENT TO REAL ESTATE ABTRACTOR  
CHRISTOPHER EDLING IN THE AMOUNT OF \$1,000 FOR DEED RESEARCH  
BROADWAY SIDEWALK PROPERTIES**

**WHEREAS**, the NYSDOT Project required the Village of Monticello to show "ownership" of sidewalks in the project area, and,

**WHEREAS**, without the Village establishing ownership the DOT informed the Village that the BID Opening would be delayed; and,

**WHEREAS**, a delay in opening bids and awarding the project could jeopardize the project being started this year,

**WHEREAS**, with the current fiscal crisis announced by the State, funds might not be available in next year's budget, resulting in further delay; and,

**WHEREAS**, any further delay hinders the economic development of Broadway affecting job creation and other benefits; and,

**WHEREAS**, the DOT notified the Village Friday morning August 8, 2008 that ownership must be proven by 11am on August 11, 2008; and,

**WHEREAS**, the Village Attorney could only meet this deadline if he had deed research providing statistical data as to meet and bounds of properties along Broadway; and,

**WHEREAS**, **CHRISTOPHER EDLING** was known to have this information less copies of deeds which would have to be copied at the County Clerks Office's and he was able to make copies Friday afternoon and to provide same to the Village Attorney for \$1,000.

**THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby that **CHRISTOPHER EDLING** be paid \$1,000 for deed research Broadway sidewalk properties.

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

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**RESOLUTION CHANGING THE FIRST MEETING IN SEPTEMBER FROM MONDAY, SEPTEMBER 1, 2008 TO TUESDAY, SEPTEMBER 2, 2008 DUE TO THE LABOR DAY HOLIDAY**

**WHEREAS**, the Board of Trustees of the Village of Monticello hold their regular meetings on the first and third Mondays of each month; and,

**WHEREAS**, since the first Monday of September falls on Labor Day.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby change the first meeting in September from Monday, September 1, 2008 to Tuesday, September 2<sup>nd</sup> at 7 p.m.

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

**RESOLUTION AUTHORIZING THE CLOSING OF BROADWAY ON AUGUST 30, 2008 FOR THE PURPOSE OF ALLOWING THE COMMUNITY PROGRESSIVE RESPONSE GROUP TO CONDUCT A BLOCK PARTY**

**WHEREAS**, members of the community have organized a group of concerned citizens to take collective action to promote a wholesome, nurturing environment for the youth, to promote awareness of gang violence,

**WHEREAS**, the group desires to promote their efforts and programs and unite the community in this goal; and,

**WHEREAS**, a "Block Party" consisting of organizations publicizing programs available to members of the community which help achieve these goals; and,

**WHEREAS**, vendors and merchants having booths offering goods and services will create a festive atmosphere further promoting goodwill and community; and,

**WHEREAS**, Broadway has been closed on previous occasions for organized events to promote community; and,

**WHEREAS**, the Chief of Police has no objection to closing the road as relates to traffic issues; and,

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**THEREFORE BE IT RESOLVED**, that the Village Board authorizes the closing of Broadway from Liberty Street to Jefferson Street on August 30, 2008 between the hours of 12 noon to the discretion of the Chief of Police for the purpose of a "Block Party".

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

**RESOLUTION AMENDING RESOLUTION APPROVED JUNE 2, 2008 TO CONVEY PARCELS THAT WERE ACQUIRED BY THE VILLAGE OF MONTICELLO BY VIRTUE OF AN IN REM TAX FORECLOSURE PROCEEDING TO THE FORMER OWNER(S) PURSUANT TO LOCAL LAW NO. 1 OF 2008 DATED APRIL 7, 2008**

**WHEREAS**, the Village of Monticello took title to various parcels by virtue of tax foreclosure proceedings by Deed dated the 17<sup>th</sup> day of April 2008, in Liber 3469 at Page 364; and,

**WHEREAS**, the Village has received applications requesting certain parcels (see Attached Schedule "A") be reacquired by the former owner(s) in consideration for the amount of delinquent taxes, interest and penalties; a penalty of ten (10%) percent of the delinquent taxes, interest and penalties; a penalty of five (5%) percent of the equalized full value; and other costs & charges; and,

**WHEREAS**, the former owner(s) will be responsible to pay any delinquent Town and County Taxes and special district taxes, if any, in addition to any future taxes and charges levied against the property; and,

**WHEREAS**, the conveyance of such parcels indicated on the attached Schedule "A" will restore the former owners(s) and any lien holders/claimants to the parcel(s) to their perspective status prior to the foreclosure once title is conveyed to the former owner(s).

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor of the Village of Monticello is hereby authorized to execute the necessary documents in order to re-convey the properties listed on the attached Schedule "A" to the former owners for the total sum



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of the amount of delinquent taxes, interest and penalties; a penalty of ten (10%) percent of the delinquent taxes, interest and penalties; a penalty of five (5%) percent of the equalized full value; and other costs & charges.

**Schedule "A"**

Joseph A. & Angela Magardino wishes to repurchase Village SBL 112-9-13 located at 428 Broadway for the amount of \$17,929.97.

**ORDERING BILLS PAID**

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

**PUBLIC COMMENT**

**Recycling**

Gene Weinstein was concerned that the apartment complexes are not recycling.

The Village Manager explained that this is one reason for the recycling analysis that was discussed at the beginning of the meeting. Part of that analysis will be education the residents of the proper way to recycling and the savings to Village by reducing the tipping fees at the landfill.

**Apology by Trustee Schoonmaker**

Trustee Schoonmaker apologized for some remarks made at the last meeting, however he explained at the time he was very frustrated as he cares very much about the Village. He noted that he is not an elected official for the money, just the betterment of the Village.

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**EXECUTIVE SESSION**

At 8:07 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss personnel matter regarding a particular person, a property matter and a litigation matter.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8:20 p.m., a motion was made by Trustee Rue, seconded by Trustee Schoonmaker to move out of Executive Session and reconvene the Regular Village Board meeting.

**RESOLUTION APPROVING THE STIPULATION OF SETTLEMENT IN THE MATTER OF THE BANK OF NEW YORK AS TRUSTEE FOR THE HOLDERS OF THE EQCC ASSET BACKED CERTIFICATES, SERIES 2001-2 V. VILLAGE OF MONTICELLO TO REMOVE THE ASSESSMENT FOR SANITATION FEES TO THE FAIRGROUND ESTATES HOMEOWNERS ASSOCIATION AS AGAINST UNIT 41 HARMONEY LANE, MONTICELLO, NEW YORK**

**WHEREAS**, the Village of Monticello has reached a Stipulation of Settlement with the Bank of New York and Fairground Estates; and,

**WHEREAS**, the Village of Monticello is due the sum of \$17,585.98 for payment of outstanding tax liability on premises known as Unit 41, 41 Harmony Lane, Monticello, New York in Fairground Estates Condominium I; and,

**WHEREAS**, the Bank of New York shall pay to the Village of Monticello the sum of \$13,017.87 towards the outstanding tax liability; and,

**WHEREAS**, Fairground Estates Condominium shall pay the remaining balance of \$4,568.08 in monthly increments of \$300.00.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the Stipulation of Settlement and authorizes the Village to enter into the execute the same.

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

**EXECUTIVE SESSION**

At 8:25 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 a property matter and a personnel matter regarding a particular person

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 8:40 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker to move out of Executive Session and reconvene the Regular Village Board meeting.

**RESOLUTION PERMANTENTLY APPOINTING STANLEY CALHOUN AS HIGHWAY AND SANITATION SUPERINTENDENT AND INCREASING THE SALARY TO \$62,000 PLUS CONTINUING HIS LONGEVITY PAYMENTS FOR ALL HIS YEARS OF SERVICE EFFECTIVE AUGUST 1, 2008**

**WHEREAS**, at a Village Board meeting held on March 24, 2008 Board of Trustees voted to appoint Stanley Calhoun as Highway and Sanitation Superintendent on a probationary basis; and,

**WHEREAS**, the appointment on a probationary basis was until the new fiscal year commenced on August 1, 2008; and,

**WHEREAS**, the Village Board has evaluated his performance as Highway and Sanitation Superintendent and has found it satisfactory.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby appoint Stanley Calhoun as Superintendent of the Highway and Sanitation Departments and increases his salary to \$62,000 annually plus continuing his longevity payments for all his years of service effective August 1, 2008.

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

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**ADJOURNMENT**

At 8:45 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Rue, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, VILLAGE CLERK