

MINUTES  
REGULAR MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
MONDAY, NOVEMBER 3, 2008

**MEETING TO ORDER**

Mayor Jenkins called the meeting to order at 7:02 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

Mayor Jenkins thanked everyone who had visited, sent cards and visited him during his recent convalescing from hip surgery.

**MOMENT OF SILENCE - PHIL WALTERS - JOE KATZMAN**

Mayor Jenkins asked for a moment of silence for two local businessmen, Phil Walters and Joe Katzman that passed away this weekend.

**APPROVAL OF MINUTES OF BOARD MEETINGS OF OCTOBER 20, 2008**

A motion was made Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to approve the minutes of the Board Meeting of October 20, 2008 as presented.

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**MAYOR'S REMARKS REGARDING THE PROPOSED ETHICS LAW**

In May of this year the Board was presented with a draft proposal to change the current Village Ethics law.

The reason for a proposed change in the Code of Ethics was in response to issues that have been raised in the past concerning conflicts of interests. There have been occasions where not only the public raised issues but so did members of this board. I don't want to go into specifics of what accusations have been raised, as the past is the past, and we should be looking forward.

I believe the people of Monticello deserve a government that adheres to the highest standards of ethical behavior.

The present Code of Ethics was adopted in response to mandatory requirements imposed by the General Municipal Law. The standards are minimal. We can do much better. This document provides clarity as to standards of conduct. It also provides for an Ethics Board to render opinions should there be doubt.

Since May when the draft was presented to the Board several questions were raised along with counter proposals by Trustee Rue. The Village Attorney re-wrote the draft and a copy was put in the trustees mailboxes on Thursday for consideration.

The Board never actually sat down and addressed these in detail.

I have prepared a copy of the original draft which incorporates the existing Village Code, Trustee Rue and the Village Attorneys' suggestions.

The format makes it easy to compare different proposals and language. I would hope that each of us take the necessary time and take a position on the various proposals and changes so we can vote on them at the next meeting.

If we can reach an agreement we will be able to present a proposed local law for public hearing and allow the public a chance to express their opinion.

Monticello should not be content to have an Ethics Code that meets the minimum requirements.

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I would like to see this Board take the lead in Sullivan County and have the Village of Monticello pass a Code of Ethics that stands as a model code.

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

A letter on snow removal requirements was hand delivered to stores on Broadway last week reminding them of the necessity to clean sidewalks.

A draft a letter on recycling will be sent to board members this week for comment and it is intended to do a mailing to all village residents explaining the recycling program and its implementation. Residents will be reminded of the mandatory nature of recycling and advised as to how to sort and separate the recyclables for pickup. I am in the process of canvassing the local stores to advise them that black plastic bags will no longer be acceptable for trash and that they should stock clear bags.

Also to be included will be a reminder to shovel sidewalks in front of residences where they exist. This is especially important with the children walking to bus stops.

The Halloween Parade was a success. Our Stacy Walker put quite a bit of effort into the planning with the YMCA and I'd like to take this opportunity to thank her. Much credit has to go to the YMCA and the school system for the events held at the school. I believe we can credit the lack of incidents in the village to this. When our children have wholesome activities to keep them busy they stay out of trouble. This is why it's important to work with each other promoting good activities for the youth.

Village hall study. On Wednesday there will be a meeting with the engineers to look at energy and conservation issues. Last week there was another sewer backup at the TSRC. It appears that this has been an ongoing problem. Sewer water flowed into the Justice Court offices and court room saturating the carpeting. It was necessary to hire a professional cleaner to dry out the carpet and disinfect it. We are going to put a camera into the sewer line to see if we can determine where the

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problem lies. In the past it was found to be under the floor approximately 15 feet from the building line. At that time the floor was broken and the pipe replaced. I believe we may have to break up the floor and replace the pipe. I will have more information if we can get the camera into the line.

Questions were raised as to the safety and the occupancy of the meeting room at the village Hall. Sue Flora and I calculated the occupancy permitted as prescribed by the Fire Code and Building Code. At no time was the building over occupied as it applies to the code. While looking at the room we also noted some deficiencies with respect to emergency lighting and exit signage. All of which has been corrected.

The Village has received a letter from the Town of Thompson informing us that we have 30 days to comply with a previous commitment to install metering equipment at the Town Highway Department to meter the diesel fuel we purchase from them. Apparently in 2005, the village experienced problems with our diesel fuel tanks and the DEC required the village to discontinue use of the tanks. Richard Sush and Jim Barnicle had an agreement with the Town to install measuring devices so that the amount of fuel used by the sanitation, sewer, water, and highway departments could be accurately accounted for. The Town now informs us that Audit and Control is demanding that this occur. The Monticello Fire District is also using the diesel fuel and it is stated in the letter they are willing to share the cost with the village for the purchase of necessary equipment. I have contacted Steve Kalka who specializes in this area and he is looking into options. The town has requested a measuring device which will also keep records of what vehicle the fuel was used in. This is a very costly device. Hopefully we can use a cheaper alternative.

**PUBLIC COMMENT - AGENDA ITEMS ONLY**

No comments at this time.

**RESOLUTION APPROVING THE PURCHASE OF AMMUNITION FOR THE MONTICELLO POLICE DEPARTMENT IN THE AMOUNT OF \$4,069.06**

**WHEREAS**, the Monticello Police Department annually purchases ammunition for use by the police force and at the target practice range; and,

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**WHEREAS**, this is an annual purchase that is appropriated in the 2008/09 police budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustee of the Village of Monticello does hereby approve the purchase of ammunition for the Monticello Police Department in the amount of \$4,069.06 from Gil Hebard Guns, Inc. 125 N. Public Square, Knoxville, IL 61448.

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

**RESOLUTION APPROVING THE PURCHASE OF 12 SIG-SAUER MODEL 220.45 CAL PISTOLS @ \$586.50 EACH LESS A TRADE IN VALUE OF \$375 PER PISTOL FOR A TOTAL EXPENDITURE OF \$2,538 FROM SIG SAUER UNDER STATE CONTRACT NUMBER #PC63294**

**WHEREAS**, the service weapons used by the Officers of the Monticello Police Department are now in excess of 10 years old; and,

**WHEREAS**, these weapons are now in need of replacement or repair; and

**WHEREAS**, the manufacturer has it made cost effective to replace these weapons by way of a substantial trade-in offer by reducing the cost to \$211.50 each pistol; and,

**WHEREAS**, these replacement weapons are appropriated for in the 2008/09 police budget and are being purchased under State Contract #PC63294.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of 12 Sig-Sauer Model 220.45 Cal Pistols from Public Safety Sales, 18 Industrial Drive, Corporate Park, Exeter, NH 03833.

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 APPROVING THE PURCHASE OF A USED BOX TRUCK FROM  
SCHMIDT'S WHOLESALE IN THE AMOUNT OF \$8,000 FOR USE AS A SANDER  
BY THE HIGHWAY DEPARTMENT**

**WHEREAS**, the Highway Department is in need of a sander and is interested in purchasing a used vehicle that will serve their purpose; and,

**WHEREAS**, Schmidt's Wholesale has a used truck that would fit the Highway Department's needs; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a used truck from Schmidt's Wholesale in the amount of \$8,000 for use as a sander.

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

**RESOLUTION APPROVING THE PURCHASE OF A SANDER MECHANISM FOR  
\$18,329.00 FROM ROBERT GREEN TRUCKS UNDER STATE BID**

**WHEREAS**, the Village Highway Department is in need of a sander mechanism for sand spreading; and,

**WHEREAS**, this sander mechanism will be mounted on the box truck frame being purchased from Schmidt's Wholesale.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a sander mechanism for \$18,329.00 from Robert Green Trucks under State Bid.

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 REPAIR OF THE EAST BROADWAY SEWER PLANT  
PUMP STATION IN THE AMOUNT OF \$2,021.00**

**WHEREAS**, the Sewer Plant has a pump station located on East Broadway; and,

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**WHEREAS**, the pump level control at this pump station is no longer in working condition and the parts to repair it are no longer available; and,

**WHEREAS**, as the pump level control cannot be repaired it has become necessary to install a new level control system to keep the pump station on line; and,

**WHEREAS**, it is in the best interest for the health, safety and welfare of the Village residents to install this new pump level control for the pump station to function acceptably.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the repair of the East Broadway Sewer Plant Pump Station in the amount of \$2,021.00 by R & R Pump & Control, PO Box 533, Franklin Lakes, NJ 07417.

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 BUDGET TRANSFERS FOR FY 2008/09**

**WHEREAS**, the Village of Monticello has adopted its annual budget for the 2008/09 fiscal year; and,

**WHEREAS**, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

**WHEREAS**, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

**NOW, THEREFORE BE IT RESOLVED**, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [see attached]

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

**ORDERING BILLS PAID**

A motion was made by Trustee Schoonmaker, seconded by Trustee 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**

**Youth Crime**

Harry Brantz was concerned that crimes committed by youths are rising.

Mayor Jenkins responded that many groups affiliated with the Village are working on the problem and by going to the meetings for the youth to act as a role model.

**Town & Country**

Becky Whipple was concerned that sidewalks were never installed on Route 42 in front of the new social hall at Town & County?

The Village Manager explained that the developer hasn't met all the requirements of the Site Plan, and they were issued a temporary Certificate of Occupancy which will expire and will not be renewed until they fulfill the requirements of the approved final site plan.

**Rear of DAO Restaurant**

Becky Whipple was concerned with crumbling brick in the rear of the DAO Restaurant.

**YouTube**

Trustee Schoonmaker stated that he is extremely displeased with the individual who took it upon their self to make the Village of Monticello famous on the internet. He felt that that this is one of the most despicable acts that someone could have done to this Village. He explained, for those who haven't viewed it,

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that the last Village Board meeting has been presented all over the world on the internet, and it makes the Village of Monticello look disgusting. He felt that no one would ever be chastised for saying what they feel, however, I will chastise the person, and I will deliberately go out of my way to make that individual's life miserable when they try to take a village that is trying to work together to improve it and make us look like the laughing stock of the world. He felt that whoever is responsible for putting that video on YouTube does not have a place in this Village, because you have taken this Village lower than it ever has been before.

Trustee Rue indicated that some people might point a finger at her husband, but her husband does not do YouTube, and her husband is in that video so he did not take it.

Trustee Marinello stated that the individual that is responsible should be ashamed of themselves and are a disgrace to this Village, and quite honestly if he could he would have that individual arrested.

Cookie McKinney felt that when people bring cameras into the meeting it is easy to get the recordings out to the public and the internet and the Board should not expect anything different than what occurred.

#### **Youth Concerns-YMCA**

Muriel Gitlin felt that the proposed YMCA building should be located in the Village where the majority of the youth reside. She asked that the Village Officials work with the YMCA officials to find land that suits their needs to bring the Y back into the Village and to the planned site in Rock Hill.

Trustee Hutchins indicated that the Village owns property behind deHoyos Park that would be suitable for a YMCA.

Trustee Schoonmaker noted that this Halloween had the least crime and mischief in the Village and he attributed it to the events sponsored by the YMCA at the High School. He felt this proves the need to keep the YMCA in the Village. He felt his legislators should be asked for a letter of commitment to ensure that the Y is located in the Village.

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Trustee Marinello explained that the school superintendent, along with several other individuals was the reason the YMCA came to Monticello, and it is very important that they know that the YMCA needs to continue to stay here. He asked that a letter be written to the YMCA expressing the Village's pleasure with the Halloween events and its impact on the evening.

The Village Manager noted that he has a meeting scheduled for this coming Wednesday with representatives of the YMCA regarding this issue.

Roz Sharoff questioned whether the Village has discussed with the YMCA Officials that there is property in the Village that they could use to erect a facility?

The Village Manager responded that he is meeting with directors of the YMCA because the Village is interested in partnering with them for recreation programs including Village owned property and the youth recreation budget.

### **Planning Services**

Jill Kenny Weyer offered her services free of charge as a Village resident to help them with landscape development plans to make the parks and recreation areas more attractive.

### **Food Pantry**

Vernon Horace expressed his concern that the food kitchen operated by the Federation For the Homeless is in need of filling their pantry.

### **CPR**

Tommy Mack, on behalf of the CPR organization, thanked Mayor Jenkins and Trustees Hutchins and Schoonmaker for taking the CPR seriously. He noted that many matters mentioned this evening were brought to the Board's attention by members of the CPR. He invited everyone to join this group and help the Village grow and improve. He felt the Village Manager is doing a good job and a contract should be finalized and approved by the Board.

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Debra Mack on behalf of the CPR organization explained that they are a community involvement group and thanked Mayor Jenkins and Trustees Hutchins and Schoonmaker and Village Manager Barbarite for meeting with them when they were called. She indicated that the CPR will be contacting Trustees Marinello and Rue to meet with them also. She felt the Board must talk and speak together to get the Village moving in the right direction.

**EXECUTIVE SESSION**

At 7:50 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 litigation matter, a contract and a personnel matter involving an individual person.

**RECONVENING THE REGULAR VILLAGE BOARD MEETING**

At 10:10 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move out of Executive Session in to open session.

**Roll Call**

Upon call of the roll, the following were:

Present:

Absent:

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

**RESOLUTION AUTHORIZING NEGOTIATIONS WITH THE MONTICELLO JOINT DISTRICT FIRE DEPARTMENT TO RESOLVE OUTSTANDING ISSUES INVOLVING THE BUILDING**

**WHEREAS**, there are building issues with the new firehouse since it was built several years ago; and,

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**WHEREAS**, because of these issues a Certificate of Occupancy cannot be issued by the building department and final arrangements can be made to do a final sign off of the building to the Monticello Joint Fire District from the Village of Monticello; and,

**WHEREAS**, Trustees Rue and Schoonmaker have agreed to serve on a committee to meet with the Fire Commissioners to try to resolve these issues.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustee of the Village of Monticello does hereby authorize Trustee Rue and Trustee Schoonmaker to negotiate with the Fire Commissioners from the Monticello Joint Fire District to resolve outstanding issues regarding the original construction of the fire house.

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

**RESOLUTION TO RETAIN ATTORNEY DANIELLE JOSE TO REPRESENT THE VILLAGE IN THE APPEAL OF THE 27 NORTH STREET CASE AT \$175.00 PER HOUR AND AUTHORIZES THE VILLAGE MANAGER TO SIGN A RETAINER WITH ATTORNEY JOSE**

**WHEREAS**, the Village of Monticello had instituted a law suit against the owners of 27 North Street; and,

**WHEREAS**, the owners are appealing Judge Sackett's decision regarding the vacating of this building by the Code Enforcement Officer; and,

**WHEREAS**, Danielle Jose was the Village Attorney representing the Village at that time and has the knowledge of the events leading up to the vacating of the building, as well as appearing before Judge Sackett when the case was first heard.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby agree to retain Attorney Danielle Jose to represent the Village in the appeal of the 27 North Street Case at \$175.00 per hour and authorizes the Village Manager to sign a retainer with Attorney Jose.

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

**RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO MEET WITH OFFICIALS OF THE YMCA TO DISCUSS RELOCATING THE YMCA BUILDING COMPLEX IN THE VILLAGE OF MONTICELLO**

**WHEREAS**, the YMCA has opened a branch for the youth of the area in Monticello; and,

**WHEREAS**, the majority of the youth that would be served by the YMCA facilities and activities live within the Village of Monticello; and,

**WHEREAS**, recently land located in Rock Hill was donated to the YMCA for the purpose of constructing a building for youth activities; and,

**WHEREAS**, residents and officials of the Village feel it would be very difficult for Village residents and youths to travel to a location in Rock Hill and would like the Village officials to meet with officials representing the YMCA to discuss relocating the future YMCA building complex in the Village of Monticello; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello authorizes the Village Manager to meet with Officials of the YMCA to discuss relocating the future YMCA building complex in the Village of Monticello.

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 THE VILLAGE MANAGER TO RETAIN STEVE KALKA AS A CONSULTANT AT \$75.00 PER HOUR FOR THE DIESEL FUEL ISSUE WITH THE TOWN OF THOMPSON**

**WHEREAS**, the Village of Monticello purchases diesel fuel from the Town of Thompson for village vehicles that run on diesel fuel because the Village's diesel fuel tanks are no longer able to be filled; and,

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**WHEREAS**, when the former Village officials approached Town Officials for the sharing of their diesel fuel tanks the agreement was that the Village would install a meter for accuracy in the amount of fuel being used that was to be reimbursed to the Town; and,

**WHEREAS**, the Town has agreed to share the cost of installing this metering system, but it is necessary to retain a consultant to ensure that the proper monitoring device is being installed.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to retain Steven Kalka as a consultant at \$75.00 per hour with a cap to resolve the diesel fuel oil monitoring issue with the Town of Thompson.

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 THE VILLAGE MANAGER, THE MAYOR AND TRUSTEE MARINELLO TO NEGOTIATE WITH EMPIRE ESTATES ON SEWER AVAILABILITY**

**WHEREAS**, Empire Estates to be located on Hamilton Road in the Town of Thompson have approached the Village for sewer service as an outside user; and,

**WHEREAS**, it is necessary to negotiate with the developer for establishing their usage capacity and the cost to hook into the Village sewer system; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager, Mayor and Trustee Marinello to meet with the owners and developers of Empire Estates regarding sewer availability.

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

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**Work Session Motions**

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to schedule a work session for the purpose of discussing the proposed ethics law to be held prior to the Regular Village Board meeting on Monday, November 17, 2008 at 6 p.m., at the Ted Stroebele Recreation Building.

A motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to schedule a work session (date to be announced) to discuss the proposed Village Manager's contract.

**ADJOURNMENT**

AT 10:10 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

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EDITH SCHOP, Village Clerk