

Mayor
DAVID ROSENBERG

Village of Monticello



Trustees
GLORIA CAHALAN
EVELYN L. VANDERMARK

2 Pleasant Street
Monticello, New York 12701

Village Clerk
EDITH SCHOP

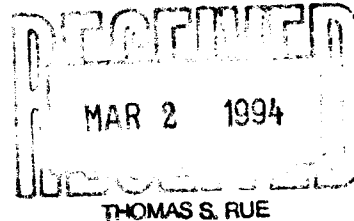
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February 28, 1994



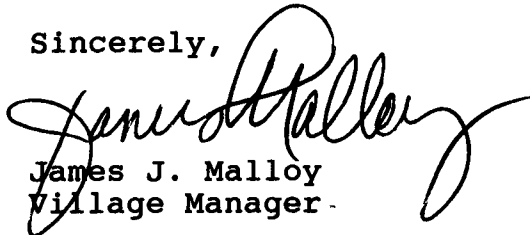
Thomas Rue
23 Fisk Avenue
Monticello, NY 12701

Dear Mr. Rue:

Enclosed please find a copy of the Monticello City Charter as requested at the last village board meeting. A copy is being provided at no charge to residents that make a request for a copy to review.

Should you have any questions, please do not hesitate to contact me. Thank you for your interest.

Sincerely,


James J. Malloy
Village Manager

Charter of the
City of Monticello

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CHARTER FOR THE
CITY OF MONTICELLO

CHAPTER 1

GENERAL PROVISIONS

§ 1-1. Incorporation.

Upon the adoption of this Charter, the inhabitants of the City of Monticello, in the County of Sullivan, State of New York, within the boundaries herein described, shall continue to be incorporated as a Municipal Corporation with perpetual succession.

§ 1-2. Name.

The corporate name of the city shall be the City of Monticello.

§ 1-3. Boundaries.

The boundaries of said City shall be as follows:

All that tract or parcel of land located within the corporate bounds of the Village of Monticello, Sullivan County, New York and further described as follows:

BEGINNING at a point in the center of Broadway (Newburgh - Cohecton Turnpike), said point being exactly 3/4 mile east of the former County Courthouse front door, and ±545' east of the intersection of the centerlines of Waverly Avenue and Broadway; and proceeding thence the following courses and distances:

- 1). In a northerly direction perpendicular to the line of Broadway 1,320' (1/4 mile) to a point; thence
- 2). In a westerly direction perpendicular to the previous course and parallel to Broadway, 7,920' (1 1/2 mile) to a point in the center of Old Liberty Road; thence
- 3). In a southerly direction perpendicular to the previous course ±450' to a point; thence
- 4). In a westerly direction ±1,550' to a point; thence
- 5). In a southwesterly direction ±450' to a point situated on the southerly bounds of Jefferson Street; thence
- 6). In a northwesterly direction along the south bounds of Jefferson Street ±350' to a point situated on the easterly bounds of N.Y.S. Route 17B; thence
- 7). In a southwesterly direction along the easterly bounds of N.Y.S. Route 17B ±170' to a point; thence
- 8). In a northwesterly direction across N.Y.S. Route 17B, ±220' to a point; thence
- 9). In a westerly direction ±350' to a point; thence

- 10). In a northwesterly direction $\pm 600'$ to a point; thence
- 11). In a westerly direction $\pm 450'$ to a point; thence
- 12). In a northeasterly direction $\pm 400'$ to a point; thence
- 13). In a northwesterly direction $\pm 430'$ to a point on the southerly bounds of N.Y.S. Route 17; thence in a northwesterly direction along said highway bounds the following distances;
- 14). $\pm 190'$ to a point; thence
- 15). $\pm 480'$ to a point; thence
- 16). $\pm 920'$ to a point; thence
- 17). $\pm 200'$ to a point; thence
- 18). $\pm 600'$ to a point; thence
- 19). In a westerly direction $\pm 1,400'$ to a point situated approximately 75' east of the easterly bounds of Kaufman Road (County Road #59); thence in a southerly direction approximately parallel to and $\pm 75'$ distant from the easterly bounds of Kaufman Road (County Road #59) the following distances:
- 20). $\pm 150'$ to a point; thence
- 21). $\pm 270'$ to a point; thence
- 22). $\pm 500'$ to a point; thence
- 23). $\pm 900'$ to a point; thence
- 24). $\pm 1,250'$ to a point on the south side of N.Y.S. Route 17B; thence.
- 25). In a westerly direction $\pm 100'$ to a point; thence
- 26). In a southerly direction $\pm 150'$ to a point; thence
- 27). In a westerly direction $\pm 270'$ to a point; thence
- 28). In a northerly direction $\pm 250'$ to a point; thence
- 29). In a westerly direction $\pm 40'$ to a point; thence
- 30). In a northerly direction $\pm 100'$ to a point; thence
- 31). In a westerly direction $\pm 50'$ to a point; thence
- 32). In a northerly direction $\pm 30'$ to a point on the southerly bounds of N.Y.S. Route 17B; thence.
- 33). In a westerly direction along said Route 17B highway bounds $\pm 280'$ to a point; thence
- 34). In a southerly direction $\pm 420'$ to a point; thence
- 35). In a westerly direction $\pm 100'$ to a point; thence
- 36). In a southerly direction $\pm 50'$ to a point; thence
- 37). In a westerly direction $\pm 150'$ to a point; thence
- 38). In a northerly direction $\pm 150'$ to a point; thence
- 39). In a westerly direction $\pm 100'$ to a point; thence
- 40). In a southerly direction $\pm 150'$ to a point; thence
- 41). In a westerly direction $\pm 320'$ to a point; thence
- 42). In a southerly direction $\pm 2,000'$ to a point; thence
- 43). In an easterly direction $\pm 1,450'$ to a point; thence
- 44). In a northerly direction $\pm 250'$ to a point; thence
- 45). In an easterly direction $\pm 360'$ to a point; thence
- 46). In a northerly direction $\pm 2,100'$ to a point; thence
- 47). In an easterly direction along a line south of, parallel to and approximately 200' distant from the southerly bounds of N.Y.S. Route 17B, $\pm 1,580'$ to a point; thence
- 48). In a southerly direction $\pm 100'$ to a point; thence

- 49). In a southwesterly direction ±530' to a point; thence
- 50). In a southeasterly direction ±500' to a point; thence
- 51). In a northeasterly direction ±350' to a point; thence
- 52). In a southeasterly direction ±300' to a point; thence
- 53). In a northeasterly direction along a line westerly of and parallel to the westerly bounds of Varnell Road (Town Road #56) ±900' to a point; thence
- 54). In a southeasterly direction ±100' to a point on the westerly highway bounds of Varnell Road (Town Road #56); thence
- 55). In a northeasterly direction along the westerly bounds of Varnell Road ±200' to a point; thence
- 56). In a southeasterly direction across Varnell Road ±400' to a point; thence
- 57). In a southwesterly direction ±80' to a point; thence
- 58). in a southeasterly direction ±670' to a point; thence in a southwesterly, southerly and southeasterly direction along a curve approximately parallel to Harmony Lane the following distances:
 - 59). ±70' to a point; thence
 - 60). ±150' to a point; thence
 - 61). ±100' to a point; thence
 - 62). ±100' to a point; thence
 - 63). ±100' to a point; thence
 - 64). ±150' to a point; thence
 - 65). ±120' to a point; thence
 - 66). ±170' to a point; thence
- 67). In a southwesterly direction ±480' to a point on the south bounds of Hillside Avenue; thence
- 68). In a southerly direction ±420' to a point on the northerly bounds of Hay Street, thence
- 69). In a westerly direction ±420' to a point; thence
- 70). In a southeasterly direction ±140' to a point; thence
- 71). In a westerly direction ±700' to a point in the center of a tributary stream to Mullers Pond; thence in a generally southerly direction along the centerline of said stream the following distances:
 - 72). ±300' to a point; thence
 - 73). ±300' to a point; thence
 - 74). ±190' to a point; thence
 - 75). ±150' to a point; thence
 - 76). ±130' to a point formed by the intersection of said stream with the centerline of Dillon Road; thence in a northeasterly direction along the centerline of Dillin Road the following distances:
 - 77). ±200' to a point; thence
 - 78). ±700' to a point; thence
 - 79). ±120' to a point; thence
 - 80). In a northerly direction ±410' to a point; thence
 - 81). In an easterly direction along a line parallel to Dillon Road, ±1,500' to a point; thence
 - 82). In an northeasterly direction, across Hay Street, ±130'

- to a point on the northerly bounds of Hay Street; thence
- 83). In a southeasterly direction along the northerly bounds of Hay Street $\pm 740'$ to a point; thence.
 - 84). In a southerly direction, across Hay Street and Dillon Road, $\pm 400'$ to a point on the southerly bounds of Dillon Road; thence.
 - 85). In a westerly direction along the southerly bounds of Dillon Road $\pm 200'$ to a point; thence.
 - 86). In a southwesterly direction $\pm 500'$ to a point; thence
 - 87). In a southerly direction $\pm 1,030'$ to a point; thence
 - 88). In a westerly direction $\pm 700'$ to a point; thence
 - 89). In a southerly direction $\pm 300'$ to a point; thence
 - 90). In a westerly direction, $\pm 1,770'$ to a point; thence
 - 91). In a southerly direction, $\pm 1,000'$ to a point; thence
 - 92). In a westerly direction, $\pm 500'$ to a point; thence
 - 93). In a southerly direction, $\pm 750'$ to a point on the centerline of Hamilton Road (Town Road #50); thence
 - 94). In an easterly direction along the centerline of Hamilton Road, $\pm 2,650'$ to a point on the centerline of N.Y.S. Route 42; thence
 - 95). In a southerly direction along the centerline of N.Y.S. Route 42, $\pm 1,250'$ to a point; thence
 - 96). In an easterly direction $\pm 2,450'$ to a point; thence
 - 97). In a northerly direction $\pm 500'$ to a point; thence
 - 98). In an easterly direction $\pm 800'$ to a point; thence
 - 99). In a southerly direction $\pm 1,350'$ to a point; thence
 - 100). In an easterly direction, $\pm 2,550'$ to a point; thence
 - 101). In a northerly direction, $\pm 800'$ to a point; thence
 - 102). In a westerly direction $\pm 35'$ to a point; thence
 - 103). In a northerly direction $\pm 650'$ to a point; thence
 - 104). In an easterly direction $\pm 35'$ to a point; thence
 - 105). In a northerly direction, $\pm 100'$ to a point; thence
 - 106). In a westerly direction $\pm 500'$ to a point; thence
 - 107). In a southerly direction, $\pm 50'$ to a point; thence
 - 108). In a westerly direction $\pm 450'$ to a point; thence
 - 109). In a southeasterly direction $\pm 250'$ to a point; thence
 - 110). In a southwesterly direction $\pm 200'$ to a point; thence
 - 111). In a northwesterly direction, $\pm 420'$ to a point; thence
 - 112). In a southeasterly direction, $\pm 200'$ to a point; thence
 - 113). In a northerly direction $\pm 400'$ to a point; thence
 - 114). In a westerly direction $\pm 160'$ to a point; thence in a northerly direction the following distances:
 - 115). $\pm 200'$ to a point; thence
 - 116). $\pm 150'$ to a point; thence
 - 117). $\pm 120'$ to a point; thence in a westerly direction the following distances:
 - 118). $\pm 150'$ to a point; thence
 - 119). $\pm 170'$ to a point; thence
 - 120). $\pm 150'$ to a point; thence
 - 121). In a northeasterly direction across Richmond Avenue, $\pm 250'$ to a point; thence
 - 122). In an easterly direction $\pm 50'$ to a point; thence

- 123). In a northeasterly direction $\pm 300'$ to a point; thence
- 124). In a northwesterly direction $\pm 120'$ to a point; thence
- 125). In a northeasterly direction, across Woodcliff Avenue, $\pm 960'$ to a point; thence
- 126). In an easterly direction, across St. John Street; $\pm 950'$ to a point; thence
- 127). In a southerly direction, $\pm 150'$ to a point; thence
- 128). In a southerly direction, $\pm 120'$ to a point; thence
- 129). In a northeasterly direction $\pm 150'$ to a point on the westerly bounds of Colonial Road; thence
- 130). In an easterly direction across Colonial Road and Harvey Road, $\pm 1,250'$ to a point on the easterly bounds of Harvey Road; thence
- 131). In a southerly direction along a projection of Harvey Road $\pm 510'$ to a point; thence
- 132). In an easterly direction $\pm 550'$ to a point; thence
- 133). In a northerly direction $\pm 450'$ to a point; thence
- 134). In an easterly direction across Waverly Avenue $\pm 1,830'$ to a point; thence
- 135). In a southerly direction $\pm 160'$ to a point; thence
- 136). In a northeasterly direction $\pm 830'$ to a point; thence
- 137). In a southerly direction $\pm 450'$ to a point; thence
- 138). In an easterly direction $\pm 900'$ to a point; thence
- 139). In a southerly direction $\pm 1,300'$ to a point; thence
- 140). In an easterly direction $\pm 1,720'$ to a point; thence
- 141). In a southerly direction $\pm 380'$ to a point; thence
- 142). In an easterly direction across Rose Valley Road, $\pm 6,230'$ to a point approximately 100' westerly of the west bounds of South Woods Drive (Town Road #75), thence in a northerly direction along a line approximately parallel to the westerly bounds of South Woods Drive and $\pm 100'$ distant, the following distances:
 - 143). $\pm 280'$ to a point; thence
 - 144). $\pm 170'$ to a point; thence
 - 145). $\pm 200'$ to a point; thence
 - 146). $\pm 630'$ to a point; thence
 - 147). In a westerly direction $\pm 460'$ to a point; thence
 - 148). In a northerly direction $\pm 190'$ to a point; thence
 - 149). In a westerly direction $\pm 2,160'$ to a point; thence
 - 150). In a northerly direction $\pm 1,580'$ to a point; thence
 - 151). in a northwesterly direction $\pm 390'$ to a point on the southerly bounds of Old Route 17 (County Road #173); thence
 - 152). In a southwesterly direction $\pm 350'$ to a point; thence
 - 153). In a northwesterly direction $\pm 50'$ to a point; thence
 - 154). In a westerly direction $\pm 640'$ to a point in the center of Rose Valley Road (Town Road #83); thence in a southerly direction along the centerline of Rose Valley Road the following distances:
 - 155). $\pm 1,340'$ to a point; thence
 - 156). $\pm 380'$ to a point; thence
 - 157). $\pm 600'$ to a point; thence
 - 158). In a westerly direction $\pm 150'$ to a point; thence in a

northerly direction along a line parallel to and approximately 100' distant from the westerly bounds of Rose Valley Road the following distances:

- 159). ±510' to a point; thence
- 160). ±350' to a point; thence
- 161). ±1,060' to a point; thence
- 162). In a westerly direction ±230' to a point on the easterly bounds of Plaza Drive; thence
- 163). In a northerly direction along the easterly bounds of Plaza Drive ±750' to a point; thence
- 164). In an easterly direction ±320' to a point on the westerly bounds of Rose Valley Road; thence
- 165). In a northerly direction along the westerly bounds of Rose Valley Road ±300' to a point on the southerly bounds of East Broadway (County Road #173); thence
- 166). In a northwesterly direction along the south bounds of East Broadway ±400' to a point on the east bounds of Plaza Drive; thence
- 167). In a southerly direction along the east bounds of Plaza Drive ±140' to a point; thence in a northwesterly direction across Plaza Drive and along a line parallel to and approximately 130' distant from the south bounds of East Broadway the following distances:
 - 168). ±650' to a point; thence
 - 169). ±630' to a point; thence
 - 170). In a southerly direction ±400' to a point; thence
 - 171). In a westerly direction ±700' to a point; thence
 - 172). In a northerly direction, across East Broadway (Old Route 17), ±870' to a point; thence in a northwesterly direction the following distances:
 - 173). ±70' to a point; thence
 - 174). ±50' to a point; thence
 - 175). ±50' to a point; thence
 - 176). ±60' to a point; thence
 - 177). ±80' to a point; thence
 - 178). In a westerly direction ±550' to a point; thence
 - 179). In a southerly direction ±100' to a point; thence
 - 180). In an easterly direction ±130' to a point; thence
 - 181). In a southerly direction ±300' to the center of East Broadway (Old Route 17); thence
 - 182). In an easterly direction along the centerline of East Broadway ±30' to a point; thence
 - 183). In a southerly direction ±1,100' to a point; thence
 - 184). In an easterly direction ±970' to a point; thence
 - 185). In a southerly direction ±180' to a point; thence
 - 186). In a northwesterly direction ±470' to a point; thence
 - 187). In a southerly direction ±550' to a point; thence
 - 188). In a westerly direction across Landfill Road ±1,960' to a point; thence
 - 189). In a northerly direction ±670' to a point in the centerline of Tannery Brook; thence in a westerly and northwesterly direction along the meandering course of the brook the following

distances:

- 190). ±170' to a point; thence
- 191). ±180' to a point; thence
- 192). ±100' to a point; thence
- 193). ±170' to a point; thence
- 194). ±100' to a point; thence
- 195). In a southerly direction ±450' to a point; thence
- 196). In a westerly direction ±760' to a point; thence
- 197). In a northerly direction ±2,320' to the Point or Place of Beginning on the centerline of East Broadway (Old Route 17), containing approximately 2,518 acres.

ALSO including a separate parcel situated adjacent to the northerly bounds of the above described city limits although separated by N.Y.S. Route 17, comprising a single tax map parcel #105A-1-1 and further described as follows

- 198). BEGINNING at a point on the westerly bounds of Old Liberty Road (Town Road #107) said point located ±1,280' north of a point formed by the intersection of the centerlines of Old Liberty Road and N.Y.S. Route 17, and running thence in a northerly direction along said highway bounds ±1,520' to a point; thence
- 199). In a westerly direction ±1,600' to a point; thence
- 200). In a southerly direction ±980' to a point on the northerly bounds of N.Y.S. Route 17 (Quickway); thence in an easterly and southeasterly direction along said highway bounds the following distances:
 - 201). ±200' to a point; thence
 - 202). ±250' to a point; thence
 - 203). ±170' to a point; thence
 - 204). ±200' to a point; thence
 - 205). ±500' to a point; thence
 - 206). In a southeasterly direction ±90' to a point; thence
 - 207). In an easterly direction ±250' to a point; thence
 - 208). In a northerly direction ±50' to a point; thence
 - 209). In an easterly direction ±360' to a point; thence
 - 210). In a northeasterly direction ±120' to the Point or Place of Beginning on the westerly bounds of Old Liberty Road, containing approximately 49.3 acres.

Total village area is approximately 2,567 acres.

§ 1-4. Powers of City.

The City of Monticello shall have all the general and specific powers conferred upon cities under the General City Law of the State of New York.

§ 1-5. Election districts.

The city shall be divided into election districts as determined by the Sullivan County Board of Elections, pursuant to the Election Law of the State of New York.

§ 1-6. Separability.

If any clause, sentence, paragraph, word, section or part of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

§ 1-7. Municipal year.

The municipal year of the City of Monticello shall begin on the first day of January. The terms of all officers, departments, boards, commissions and agencies appointed as provided in this Charter for a year or series of years shall be computed by municipal years. For the purpose of determining when a term of office shall end, the municipal year in which an officer, department, board, commission or agency shall take office shall be deemed to be the entire year, although such officer, board or commission may not have taken office until after the municipal year shall have begun, so that the terms of office of all such officers, departments, boards, commissions and agencies shall terminate at the end of the municipal year in which their term expires.

§ 1-8. Definitions.

CHARTER - shall mean the Charter of the City of Monticello herein set forth, the Municipal Home Rule Law of the State of New York and such other state statutes as are lawfully applicable to the city.

CITY COUNCIL - shall mean the local legislative body of the city elected in the manner provided by this Charter.

DEPARTMENT - shall mean an organization unit of the city government established or designated by or pursuant to this Charter as a department.

LAW - shall mean a state statute, charter, local law, ordinance or resolution.

LOCAL LAW - shall mean a law adopted pursuant to the Municipal Home Rule Law or to other authorization of a State Statute or this Charter by the City Council or proposed by a Charter Commission or by petition, and ratified by a popular vote, as provided in Article IV of the Municipal Home Rule Law or as provided by State Statute, this Charter or Local Law; but shall not mean or include an Ordinance, Resolution or other similar acts of the City Council or

of other boards or bodies of this city.

MANAGER - shall mean the chief administrative officer of the city government appointed pursuant to this Charter or the Acting Manager temporarily serving in place of the Manager pursuant to this Charter or Local Law.

ORDINANCE - shall mean a legislative act of the City Council which is permanent in nature unless specifically self-limiting, general in its application and may or may not contain penal provisions for its violation and must be in written form. It shall be enacted in accordance with the provisions hereinafter provided.

RESOLUTION - shall mean a legislative act of the City Council which is limited in its application or of a temporary nature or both, or as otherwise provided by law.

CHAPTER 2

OFFICERS AND ELECTIONS

§ 2-1. City Council.

The legislative power of the city shall be exercised by the City Council, which shall have power to adopt, amend and repeal Local Laws under the provisions of the Municipal Home Rule Law or otherwise, except where the approval of the electors is required by this Charter.

§ 2-2. Composition and Qualifications.

The City Council shall consist of the Mayor and six (6) Council members, to be elected from the city at large. The Mayor shall be a voting member of the City Council. Members of the City Council shall be bona fide electors and residents of the city for a period of one year prior to their election. Except as specifically provided by this Charter, members of the City Council, while a member of the body, shall hold no other public office except the office of Notary Public. If a member of the City Council shall cease to possess such qualifications, or shall be convicted of a felony or a misdemeanor involving a crime of moral turpitude while in office, the office shall immediately become vacant.

§ 2-3. Prohibitions.

- (A) Holding other office. Except where authorized by law, no member of the City Council shall hold any other public office during the term for which the member was elected to the City Council. No member of the City Council shall hold any other City office or city employment during the term for which the member was elected to the City

Council. No former member of the City Council shall hold any compensated appointive office, or employment with the city until one (1) year after the expiration of the term for which the member was elected to the City Council, except as a member of the Planning Board, the Zoning Board of Appeals, the Board of Assessment Review, or as a replacement to fill the vacancy of an elected office. Nothing in this section shall be construed to prohibit the City Council from selecting any current or former council member to represent the city on the governing board of any regional or other intergovernmental agency.

- (B) Appointments and Removals. Neither the City Council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the City Manager or any subordinate of the City Manager is empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- (C) Interference with administration. Except for the purpose of inquiries and investigations, the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

§ 2-4. Term; vacancies.

The Mayor and council members shall be elected at the general election in the odd numbered years, each to serve for a term of four years. The term of office of each council member shall commence on the first day of January next following the election. If a vacancy shall occur in any elective office of the City otherwise than by expiration of term, the City Council shall appoint a person to fill such vacancy who shall hold office until the first day of January, succeeding the next general election held in the City, at which election a successor to such appointee shall be elected for the remainder of the term. If the Mayor and Deputy Mayor are absent, the senior council member shall serve as Mayor.

§ 2-5. Compensation of Council members.

The Council members shall serve with compensation as fixed by the City Council and may be reimbursed for actual expenses incurred in the performance of their official duties.

§ 2-6. Continuing body.

The City Council shall be a continuing body and no measure pending before it shall abate or be discontinued by reason of expiration of the term of office or removal of the members thereof.

§ 2-7. Organization and Procedure.

The City Council shall organize annually at the meeting of the first Monday following the New Year, or if that is a public holiday, the Wednesday thereafter.

§ 2-8. Mayor.

The Mayor shall be the presiding officer of the City Council, be an advocate on behalf of the City in intergovernmental relationships and shall have a vote on all matters before the City Council. The Mayor shall be recognized as the head of the City government, but shall have no administrative powers or duties. The Mayor shall at the organizational meeting, appoint one of its members to serve as Deputy Mayor during the absence or disability of the Mayor, and who, if a vacancy occurs in the office of the Mayor, shall serve as Mayor until the office is filled as provided in § 2-4 of this Charter. The Mayor, while serving as Mayor, shall also serve as the Supervisor representing the City as provided by § 150 of the County Law. While so serving, the Mayor shall possess and be eligible to exercise all of the powers and perform all of the duties of Supervisor.

§ 2-9. Meetings.

The City Council shall meet regularly on the first and third Monday of each month, or if that is a public holiday, the Wednesday thereafter. Any special meetings shall be provided for in accordance with applicable State Statutes. All meetings of the City Council shall be public except as otherwise authorized by State Statute.

§ 2-10. Quorum.

Four (4) members of the City Council shall constitute a quorum to do business. Except where a greater number is required by law, the affirmative vote of at least four (4) members of the City Council shall be necessary to adopt any Local Law, Ordinance, or Resolution.

§ 2-11. Legislative Powers.

The City Council shall act in relation to legislative matters by Local Law or Ordinance. In the exercise of the local legislative power, the City Council may, subject to the Charter, the Constitution and Laws of the State of New York, adopt, amend and repeal local laws to:

- (A) Organize and regulate the property, affairs and government of the city and to establish, alter and abolish offices, positions and employments and define the functions, powers and duties thereof and to fix the term, tenure and compensation thereof.
- (B) Exercise the authority for the good rule and government of the city; for the order, protection and government of persons and property; for the preservation of the public health, safety, welfare, comfort, peace and prosperity of the city and its inhabitants; and to effectuate the purposes and provisions of this Charter or of the other laws relating to the city.
- (C) Construct, acquire, operate or maintain any and all properties, public improvements, projects or enterprises, for any public purpose, which is in the best interests of the City of Monticello, subject to referendum requirements imposed by law.
- (D) Provide for the exercise of all powers of local government vested in the city by Charter or otherwise.
- (E) Provide for the enforcement of Local laws by legal or equitable proceedings, prescribe that violations thereof shall constitute misdemeanors and provide for the punishment of such violations by civil penalty, fine, forfeiture or imprisonment or by two or more of such punishments. Any enumeration of powers in this Charter shall not be held to limit the legislative power of the City Council except as otherwise specifically provided herein.
- (F) Provide for the reapportionment of representation within the city as provided by applicable laws of the State of New York, based upon the population.

§ 2-12. Ordinances and Resolutions, generally.

- (A) All ordinances for any purpose and all resolutions involving the expenditure of money, shall be introduced in the City Council only in typewritten, printed or other duplicated form. Copies thereof shall be made available to the public, upon request, immediately following introduction. No ordinance shall be passed at the same meeting at which it is introduced, except upon the unanimous consent of all the members of the City Council. Ordinances and resolutions shall be confined to one subject and such subject shall be clearly expressed in the title. The Yeas and Nays shall be taken upon the passage of all Ordinances and Resolutions and entered upon the journal of the proceedings of the City Council.

- (B) Ordinances and resolutions shall take effect immediately, unless such ordinance or resolution states otherwise.

§ 2-13. Local laws; Generally.

All local laws shall be introduced, considered and enacted in accordance with the procedure prescribed by the Municipal Home Rule Law of the State of New York. Notice of public hearing on Local laws shall be given by publication in the official newspaper at least three (3) days prior to such hearing.

§ 2-14. Local laws; Mandatory Referendum.

A local law shall be submitted for the approval of the electors at the next general election held not less than sixty days after the adoption thereof, and shall become operative according to its terms only upon the approval of a majority of those voting thereon at such election, if such local law:

- (A) Abolishes or changes the form or composition of the City Council or the vote to which any member of the City Council is entitled or delegates or transfers any appointive or legislative power of the City Council;
- (B) Abolishes, transfers or curtails the authority of any department head created by Charter or creates a new elective office except as expressly provided in this Charter;
- (C) Changes the manner of appointment or removal or the tenure of office of the Manager, or abolishes, transfers or modifies the functions, powers or duties of the Manager;
- (D) Modifies any provision of this section; or is required by the Municipal Home Rule Law of the State of New York to be submitted to referendum.

CHAPTER 3

CITY COURT

§ 3-1. City Court.

There shall be a Monticello City Court of civil and criminal jurisdiction which shall be organized pursuant to Section 2104 of the City Court Act of the State of New York.

§ 3-2. City Judge and Acting City Judge.

There shall be one elected part-time City Court Judge who

shall be elected for a term of six (6) years and one appointed Acting City Court Judge who shall be appointed by the Mayor for a term of six (6) years. The City Court Judge and Acting City Court Judge shall be attorneys who have been admitted to the practice of law for a period of at least five (5) years and residents of the City of Monticello and shall exercise all jurisdiction possessed by the court.

§ 3-3. Vacancy in Office.

Whenever a vacancy in the office of city court judge occurs other than by expiration of term it shall be filled as herein provided:

- (A) If the office is elective, the acting city court judge of the court on which the vacancy has occurred or, if there be more than one acting city court judge of such court, the acting city court judge senior in service, shall fill the vacancy temporarily until the thirty first day of December following the next general city election at which the vacancy can be filled. At such an election, a successor shall be elected to fill the vacancy for a full term of office, to commence on January first next thereafter. If there is no acting city court judge on the court on which the vacancy has occurred or if the incumbent acting city court judge declines to serve as provided herein or if the vacancy is in the office of the acting city court judge, the mayor of the city in which the court on which the vacancy has occurred is located shall appoint a qualified person to fill it temporarily. Where an acting city court judge fills a vacancy in the office of city court judge:
- (1) He or she shall not be deemed to have vacated the office of acting city court judge, his or her term in such office shall nor be deemed to have been interrupted and, upon expiration of service as city court judge hereunder, he or she shall resume service as acting city court judge for the remainder of such term;
 - (2) For the duration of such service, he or she shall be paid the compensation provided by law for the office of city court judge thereby filled; and
 - (3) The mayor may appoint a qualified person to serve as acting city court judge in his or her stead for a period not to exceed the period during which he or she serves as city court judge hereunder.
- (B) If the office is appointive, a successor shall be selected for a full term by the mayor of the city for

which the court on which he or she will serve has been established, with the advise and consent of the city counsel.

§ 3-4. Cases carried over.

No action and/or proceeding pending in the Village of Monticello Justice Court at the time this charter takes effect, or appeal taken therein, shall abate by virtue of the creation of the city court.

§ 3-5. Justice Court.

The Village of Monticello Justice Court shall be deemed dissolved at the time that this charter takes effect.

§ 3-6. Transfer of All Matters.

All matters, actions and proceedings pending before the Village of Monticello Justice Court at the time this charter takes effect, shall be transferred to the city court and shall be heard and determined therein.

CHAPTER 4

ADMINISTRATIVE ORGANIZATION

§ 4-1. City Council Action.

The City Council shall be responsible to the electorate for the efficient and economical management of the city government. It shall deal with legislative matters as a body and effectuate its policy decisions solely through the office of the City Manager, as hereinafter established. There shall be no administrative committees of the City Council. Council members shall not negotiate individually with the Manager or with any department head regarding any matter for which the City Council as a whole is responsible under this Charter.

§ 4-2. Departmental Organization.

The administrative, executive and judicial functions, powers and duties of the city government shall be exercised and discharged by the following departments, offices and agencies, as provided in this Charter:

- (A) City Manager
- (B) City Attorney
- (C) City Clerk
- (D) City Treasurer
- (E) City Assessor
- (F) City Engineer

- (G) Department of Police
- (H) Department of Fire Safety
- (I) Department of Code Enforcement
- (J) Department of Public Works
- (K) Department of Wastewater Systems
- (L) Department of Parks and Recreation
- (M) Department of Health
- (N) Planning Board
- (O) Zoning Board of Appeals
- (P) Board of Assessment Review

§ 4-3. Department Heads.

The head of a department of the city government, in addition to such other powers and duties as are elsewhere provided by this charter, shall:

- (A) Plan, organize and administer the work of the department, subject to the direction and supervision of the Manager.
- (B) Prepare and justify the annual requests of the department for budgetary appropriations.
- (C) Review and where appropriate, approve all purchase orders chargeable to appropriations made for the department, and certify that the work, labor or services for which payment is demanded has been rendered, or that the goods, materials or equipment have been received and delivered, and that to the best knowledge, information and belief that the amount demanded is lawfully due and owing by the City.

§ 4-4. Power to modify Department Structure.

Should it serve the best interest of the city to combine or separate departmental functions, the City Council may, upon the recommendation of the City Manager, modify department structures for the more efficient administration of the city as provided by this Charter.

Chapter 5

CITY MANAGER

§ 5-1. Appointment; Compensation; Qualifications.

The City Council shall appoint a City Manager for an indefinite term and fix the compensation annually. The City Manager shall be appointed solely on the basis of executive and administrative qualifications for the duties of the office as established by the City Council. The City Manager need not reside in the City at the time of appointment, but shall become and remain

so during the term of office. The City Manager shall not serve on any committee, commission or board that is funded in whole or part by the City. No elected official shall be appointed City Manager during the term for which elected or within one (1) year after the expiration of the term.

§ 5-2. Removal and Resignation.

The City Council may remove the City Manager with just cause shown, from office by a resolution approved by two-thirds majority of the total membership of the City Council which shall set forth the reasons for the removal. Otherwise, the City Council may remove the City Manager by a resolution approved by two-thirds majority of the total membership of the City Council without just cause, but shall provide three (3) months severance in addition to any unused accrued leave time. Additionally, should the City Manager resign from the position, he/she shall provide three (3) months notification to the City Council.

§ 5-3. Acting City Manager.

During the annual reorganization meeting, the City Manager shall appoint, subject to approval of the City Council, a city employee to exercise the powers and perform the duties of the City Manager during the Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another individual to serve until the City Manager returns. The Mayor or other elected officials shall not serve as Acting City Manager.

§ 5-4. Powers and Duties of the City Manager.

The City Manager shall be the chief administrative officer of the city, and shall be responsible to the City Council for the administration of all city affairs placed in the City Manager's control by or under this Charter. Except as otherwise provided in the Consolidated Laws of the State of New York, any reference in the Consolidated Laws to the chief executive officer of the City of Monticello shall mean the City Manager, and the City Manager shall be the chief executive officer of the city for all said purposes. The City Manager shall:

- (A) See that all laws, provisions of this charter, acts of the City Council, and all State laws subject to enforcement by city action, are effectively enforced in a consistent manner.
- (B) Have, exercise and perform all functions, powers and duties vested by State or Local law or Ordinance in the chief administrative officer of the City of Monticello.
- (C) Represent the city and assert its proper interest in

relation to the State of New York and other political subdivisions, and with respect to municipal contracts and franchises.

- (D) Appoint, suspend or remove any city employee and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter, personnel rules adopted pursuant to this Charter or collective bargaining agreements, and shall authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that department, office or agency.
- (E) Attend all meetings of the City Council with the right to take part in the discussions, but without the right to vote.
- (F) Serve as the chief financial officer of the City of Monticello.
- (G) Serve as the personnel officer of the City of Monticello.
- (H) Serve as the zoning officer of the City of Monticello.
- (I) Prescribe and enforce a general accounting system for the city government and each of its offices, departments and agencies.
- (J) Provide for the exercise of budgetary control for each separate appropriation account; establish procedures and practices for the pre-auditing and control of all city revenues and expenditures; provide for the safety and investment of all city funds; provide for the management of the city debt; develop policies to safeguard the city's financial interest in the fullest extent.
- (K) Prepare the current expense and revenue estimates for the annual budget in cooperation with department heads.
- (L) Compile the capital expenditure estimates for the annual budget.
- (M) Keep the City Council advised of the financial condition of the city; make reports to the City Council as requested by it; and at least once a year make an annual report to the City Council and the citizens on the administration of the city government.
- (N) Study the governmental and administrative operations and needs of the city government, and prepare and recommend to the City Council necessary and desirable plans and

programs to meet present and foreseeable needs.

- (O) Assign and transfer administrative functions, powers and duties among and within departments, as the best interest of the city may appear, subject to the Charter and local law.
- (P) Delegate to department heads such powers as may be deemed necessary for efficient administration.
- (Q) Perform such other duties as are specified in this Charter or may be required by the City Council.

CHAPTER 6

CITY ATTORNEY

§ 6-1. Powers and Duties.

There shall be a full-time City Attorney who shall be appointed by the City Council for an indefinite term, and may be removed by a majority vote of the full membership of the City Council. The City Attorney shall not maintain a private practice. He/she shall be an attorney licensed in the State of New York and shall be appointed solely on the basis of professional qualifications for the duties of the office as established by the City Council. The City Attorney shall be and act as the attorney and counsel for the City Council, the City Manager, and all departments, officers, boards, commissions, and agencies of the city. He/she shall upon request, furnish them with a written opinion on any question of law involving their respective powers and duties. He/she shall appear for and protect the rights of the city in all actions, suits, or proceedings brought by or against it or any department, officer, board, commission or agency. He/she shall have power with the approval of the City Council, to appeal from orders, decisions, or judgements in such cases, and to compromise and settle any claims by or against the city. He/she shall prepare all local laws, ordinances, and resolutions, contracts, deeds and other instruments for the city except in such instances where special counsel has been retained to perform such duties and as otherwise provided by the local finance law. Before the execution of any contract other than those prepared by special counsel, he/she shall endorse on each his/her approval of the form and correctness thereof. He/she shall, at the expiration of his/her term of office, deliver personally to his/her successor all records and files pertaining to the office, and the record or register of all suits or proceedings in which the city or any of its officers, departments, boards, commissions, or agencies may be a party and all the papers pertaining to such suits or proceedings.

§ 6-3. Employment of Special Counsel.

The City Council may, upon the request of the City Attorney, employ bond counsel and other special counsel and experts at such compensation as may be authorized by the City Council to handle or assist him in difficult and unusual, or specialized matters or proceedings in which the city is interested or in which the City is a party. The City Council may employ the City Attorney as special counsel to perform such duties in such matters aforesaid which are not within the scope of his normal or usual employment.

CHAPTER 7

CITY CLERK

§ 7-1. City Clerk.

The City Clerk shall be appointed by the City Council and shall hold office for a two year term and may be removed by majority vote of the full membership of the City Council. The City Clerk shall be the Clerk of the City Council and shall perform such other duties as are prescribed by this Charter, the City Council, the City Manager or by law.

§ 7-2. Powers and duties.

The City Clerk subject to the direction and supervision of the City Manager shall:

- (A) Be the official custodian of all records, books and documents.
- (B) Receive, file, and index all books and papers as required by law or by the City Council.
- (C) Upon request and payment therefor of a fee as prescribed by the City Council, make certified copies of all records and documents in his possession or under his control.
- (D) Cause the official corporate seal of the City to be affixed to such instruments and writings as may be authorized by Local law or Ordinance, or as may be required by general law.
- (D) Be the registrar of vital statistics.
- (E) Serve as Clerk of the City Council and shall:
 - (1) Attend all meetings of the City Council, and when required, of its boards and commissions.
 - (2) Keep full and accurate minutes of each meeting of

the City Council, and arrange for their preservation in properly bound and indexed volumes.

- (3) Record, bind and preserve the Local laws, Ordinances and Resolutions of a permanent character passed by the City Council; and the Mayor or other presiding officer shall sign, and the Clerk shall certify each such Local law, Ordinance or Resolution attesting that it was duly adopted upon a date stated; and the copy so signed and certified shall be deemed to be a public record of the Local law, Ordinance or Resolution.
- (4) At the close of each year, with the advise and approval of the City Attorney, bind, compile and codify all the Local laws, Ordinances and Resolutions or true copies thereof, which then remain in force and effect, and properly index such record, compilation or codification.
- (F) Upon the expiration of the tax warrant, the City Clerk shall make and deliver to the City Treasurer a return of unpaid taxes.
- (G) Have such other, different and additional functions, powers and duties as may be prescribed by State Law, Local law or Ordinance, or delegated by the City Manager.

CHAPTER 8

CITY TREASURER

§ 8-1. City Treasurer.

The City Treasurer shall be appointed by the City Council and shall hold office for a two year term and may be removed by majority vote of the full membership of the City Council. The City Treasurer shall perform such duties as are prescribed by this Charter, the City Council, the City Manager or by law.

§ 8-2. Powers and Duties.

The City Treasurer, subject to the direction and supervision of the City Manager, shall:

- (A) Exercise commonly accepted or statutorily required accounting functions as are necessary to confirm that the financial records are kept in accordance with standard municipal accounting procedures and that all necessary financial reports are made by all officers and employees.

- (B) Have such other, different and additional functions, powers and duties as may be prescribed by State Law, Local law or Ordinance, or delegated by the City Manager.

§ 8-3. Commitments and Disbursements.

- (A) No department, office or agency of the city government shall expend or commit any funds of the city unless the Treasurer shall first certify that there is an unencumbered balance of appropriation and funds available for the purpose.
- (B) Prior to payments of any bill, claim or demand against the city, the appropriate department head shall certify that the materials, supplies, or equipment have been received according to purchase order or that the work, labor or services have been rendered according to order or contract.
- (C) Disbursements in payment of bills, claims and demands shall be made by the Treasurer upon pre-audit and warrant of the City Manager. Each warrant shall bear the signature of the Treasurer or Acting Treasurer, and the Mayor or Acting Mayor.

§ 8-4. Unpaid City Charges to be added to Tax Rolls.

All sewer, water and sanitation charges and other special charges for municipal services, and assessments on real property are due and payable when billed and, if unpaid for thirty (30) days or longer by the first day of December, shall be added by the City Treasurer to the tax rolls for the ensuing fiscal year against the proper delinquent parcels of taxable property. Items thus added to the tax rolls shall become in all respects part of the tax levy and subject to the same penalties.

CHAPTER 9

CITY ASSESSOR

§ 9-1. City Assessor.

There shall be a part-time City Assessor, who shall be appointed by the City Manager for a term of six(6) years pursuant to section 310(2) of the Real Property Tax Law of the State of New York. The City Assessor shall possess the qualifications, training and certification required by Article 3 of the Real Property Tax Law of the State of New York. The Assessor shall have and perform all duties conferred upon and required of an assessor of a city under the Real Property Law of the State of New York.

§ 9-2. Assessment Roll Calendar.

The City Assessor shall assess property in the City of Monticello in accordance with the calendar established in the Real Property Law of the State of New York for Towns.

§ 9-3. Revaluation.

It is intended that the assessment of all properties within the City be maintained in uniform relationship to current market value. The City Council may, from time to time, provide for professional consultant services to meet this objective.

CHAPTER 10

CITY ENGINEER

§ 10-1. City Engineer.

There is hereby created the part-time contractual position of City Engineer, which position shall be under the direction and supervision of the City Manager. The City Engineer shall be appointed by the City Manager, with City Council approval. The City Engineer shall not represent any project before the City of Monticello or any of its boards or agencies.

§ 10-2. Requirements.

No person shall be eligible for the position of City Engineer unless he shall be a professional engineer licensed and qualified under the laws of the State of New York. The City Engineer shall perform all duties and functions assigned or delegated to the City Engineer by the City Manager.

CHAPTER 11

POLICE DEPARTMENT

§ 11-1. Police Department.

There shall be a Police Department, the head of which shall be the Chief of Police. The Chief of Police shall be appointed by the City Manager, with City Council approval.

§ 11-2. Chief of Police.

The Chief of Police shall under the directions and supervision of the City Manager. Prior to appointment, the City Manager shall be satisfied that the Chief of Police possesses the training, education and experience necessary to perform the duties of the position.

§ 11-3. Powers and Duties.

The Chief of Police, under the direction of the City Manager shall:

- (A) Perform the duties and assignments as outlined in the job description maintained by the Personnel Officer.
- (B) Enforce laws and ordinances adopted by the City Council and applicable State and Federal Statutes.
- (C) Perform such other functions as may be determined by the City Manager to be the responsibility of the Chief of Police.

§ 11-4. Term of Service and Removal of Police.

The City Council shall determine the number of superisory officers, police officers and civilian employees who shall constitute the Police Department. The City Manager shall appoint, ~~superisory officers, all officers and employees thereof~~ All employees of the Police Department shall be appointed and be subject to suspension and removal in accordance with the Civil Service Law of the State of New York, unless otherwise provided.

§ 11-5. Powers and duties of Police Officers.

The members of the Police Department shall enforce the Local laws and Ordinances of the City, serve criminal process pursuant to the law, execute orders and commitments of the City Court, enforce all applicable State Laws within the City; and shall have all the common law and statutory powers of constables, except that they may serve civil process only on behalf of the City or any department or officer thereof.

CHAPTER 12

DEPARTMENT OF FIRE SAFETY

§ 12-1. Department of Fire Safety.

There shall be a Department of Fire Safety, which shall be divided into two main divisions: 1) The paid career fire division, and; 2) The volunteer fire department. The head of the paid career division shall be the Director of Fire Safety. The head of the volunteer division shall be the Fire Chief. The Director of Fire Safety shall be appointed by the City Manager with City Council approval.

§ 12-2. Director of Fire Safety.

The Director of Fire Safety shall be under the direction and supervision of the City Manager. Prior to appointment, the City Manager shall be satisfied that the Director of Fire Safety possesses the training, education and experience necessary to perform the duties of the position.

§ 12-3. Powers and duties.

The Director of Fire Safety shall, except as otherwise provided by this charter or by law:

- (A) Perform the duties and assignments as outlined in the job description maintained by the Personnel Officer.
- (B) Perform such other functions as may be determined by the City Manager to be the responsibility of the Director of Fire Safety.
- (C) Have such other, different and additional functions, powers and duties as may be prescribed by State Law, Local law or Ordinance, or delegated by the City Manager.

CHAPTER 13

CODE ENFORCEMENT

§ 13-1. Code Enforcement Department.

There shall be a Code Enforcement Department, the head of which shall be the Code Enforcement Officer. The Code Enforcement Officer shall be appointed by the City Manager, with City Council approval.

§ 13-2. Code Enforcement Officer.

The Code Enforcement Officer, under the direction of the City Manager shall:

- (A) Perform the duties and assignments as outlined in the job description maintained by the Personnel Officer.
- (B) Enforce the Local laws, Codes and Ordinances adopted by the City Council and applicable State and Federal regulations.
- (C) Perform such other functions as may be determined by the City Manager to be the responsibility of the Code Enforcement Officer.

- (D) Have such other, different and additional functions, powers and duties as may be prescribed by State Law, Local law or Ordinance, or delegated by the City Manager.

CHAPTER 14

DEPARTMENT OF PUBLIC WORKS

§ 14-1. Department of Public Works.

There shall be a Department of Public Works, the head of which shall be the Director of Public Works. The Director of Public Works shall be appointed by the City Manager, with City Council approval.

§ 14-2. Director of Public Works.

The Director of Public Works shall be appointed by, and shall be under the direction and supervision of the City Manager. Prior to appointment, the City Manager shall be satisfied that the Director of Public Works possesses the training, education and experience necessary to perform the duties of the position.

§ 14-3. Powers and Duties of the Director of Public Works.

The Director of Public Works shall, except as otherwise provided by this Charter or by law:

- (A) Manage, maintain and operate all of the public works and physical properties of the City.
- (B) Direct and supervise all divisions within the Department of Public Works.
- (C) Perform duties and assignments as outlined in the job description maintained by the Personnel Officer.

§ 14-4. Divisions.

Within the Department of Public Works there shall be the following divisions: Street Maintenance, Buildings and Grounds, Central Garage, Street Cleaning, Street Lighting, Sanitation, and Water. Divisions may be added, consolidated or re-aligned by the City Council upon recommendation of the City Manager to provide for fulfillment of the departmental duties and responsibilities.

CHAPTER 15

DEPARTMENT OF WASTEWATER SYSTEMS

§ 15-1. Department of Wastewater Systems.

There shall be a Department of Wastewater Systems, the head of which shall be the Director of Wastewater Systems. The Director of Wastewater Systems shall be appointed by the City Manager, with City Council approval.

§ 15-2. Director of Wastewater Systems.

The Director of Wastewater Systems shall be appointed by, and shall be under the directions and supervision of the City Manager. Prior to appointment, the City Manager shall be satisfied that the Director of Wastewater Systems possesses the training, education and experience necessary to perform the duties of the position.

§ 15-3. Powers and Duties of the Director of Wastewater Systems.

The Director of Wastewater Systems shall, except as otherwise provided by this Charter or by law:

- (A) Manage, maintain and operate all of the sanitary sewers and physical properties relating to sewage collection of the city.
- (B) Manage, maintain and operate the wastewater treatment plant of the city.
- (C) Perform duties and assignments as outlined in the job description maintained by the Personnel Officer.

CHAPTER 16

DEPARTMENT OF PARKS AND RECREATION

§ 16-1. Department of Parks and Recreation.

There shall be a Department of Parks and Recreation, the head of which shall be the Director of Parks and Recreation. The Director of Parks and Recreation shall be appointed by the City Manager with City Council approval. Prior to appointment, the City Manager shall be satisfied that the Director of Parks and Recreation possesses the training, education and experience necessary to perform the duties of the position.

§ 16-2. Powers and Duties.

The Director of Parks and Recreation, under the direction and supervision of the City Manager shall:

- (A) Perform those duties and assignments as outlined in the job description maintained by the Personnel Officer.
- (B) Exercise general management responsibility over all city parks, playgrounds, and other recreational facilities.
- (C) Be responsible for the maintenance of all city parks, playgrounds, and recreation facilities. This responsibility shall be coordinated with the Director of Public Works, and be assisted by the Department of Public Works with its personnel and equipment.
- (D) Perform such other functions as may be determined by the City Manager to be the responsibility of the Director of Parks and Recreation.

CHAPTER 17

DEPARTMENT OF HEALTH

§ 17-1. Department of Health.

There shall be a Department of Health, the head of which shall be the Health Officer.

§ 17-2. Health Officer.

The head of the Department of Health shall be the Health Officer, who shall be a resident of the City of Monticello and a licensed physician appointed by the City Manager, with City Council approval for a term of four years.

§ 17-3. Powers and Duties.

The Health Officer shall perform such duties as may be required by the provisions of the Public Health Law of the State of New York and the Ordinances of the City of Monticello.

CHAPTER 18

PLANNING BOARD

§ 18-1. Planning Board.

There shall be a City Planning Board of five members constituted and empowered pursuant to General City Law.

§ 18-2. Term and appointment.

Members of the Planning Board shall be appointed by the City Manager with City Council approval, each to serve for a term of four (4) years. Any vacancy occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term only.

§ 18-3. Powers and Duties.

The members of the Planning Board shall select a chairman from among the Planning Board. The Planning Board shall have such powers and duties as are prescribed in the Charter, Statute, Local law or Ordinance.

CHAPTER 19

ZONING BOARD OF APPEALS

§ 19-1. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals of five (5) members, which shall be constituted and established pursuant to law, and the members of which shall be appointed by the City Manager, with City Council approval, for the respective terms prescribed by law. The Board shall have such powers and duties as are conferred by Statute, Charter, Local Law or ordinance.

§ 19-2. Term and appointment.

Members of the Zoning Board of Appeals shall to serve for a term of four (4) years. Any vacancy occurring otherwise than by expiration of term shall be filled by appointment for the unexpired term only.

§ 19-3. Powers and Duties.

The members of the Zoning Board of Appeals shall select a chairman from among the Zoning Board of Appeals. The Zoning Board of Appeals shall have such powers and duties as are prescribed in the Charter, Statute, Local law or Ordinance.

CHAPTER 20

BOARD OF ASSESSMENT REVIEW

§ 20-1. Board of Assessment Review.

There shall be a Board of Assessment Review, for the purpose of reviewing assessment complaints made in accordance with the Real Property Tax Law of the State of New York. The Board of Assessment Review shall consist of five members appointed by the City Council.

Members shall have a knowledge of local property values. Neither the Assessor nor any member of his/her staff may be appointed to the Board of Assessment Review. A majority of such board shall consist of members who are not officers or employees of the city. Each member of the City Board of Assessment Review shall attend the training required by the Real Property Tax Law of the State of New York. The terms of office of the Board of Assessment Review shall be as set forth in the Real Property Tax Law of the State of New York. The members of the Board of Assessment Review shall annually chose one of their number to serve as Chair of such board.

CHAPTER 21

BUDGET AND FINANCE

§ 21-1. Fiscal Year.

The fiscal year of the city shall be the calendar year.

§ 21-2. Budget Preparation.

The City Manager shall prepare the City Budget for each fiscal year. Each department head is required to appear before the City Manager to submit requests for appropriations for the ensuing budget year. Prior to submitting the recommended budget to the City Council, the City Manager shall give each department head the opportunity to review and comment on the recommended budget.

§ 21-3. Budget Document.

Upon the basis of the departmental requests, an analysis of the needs and resources of the city and such policy guides as may be prescribed by resolution of the City Council, the City Manager shall prepare a recommended budget in such form as may be approved by the City Council, subject to any requirements of state law. On or before the statutory date for submission of budgets to local governing bodies, the City Manager shall present to the City Council a budget document consisting of:

(A) The recommended budget, and

(B) A budget message.

§ 21-4. Recommended Budget.

The budget shall consist of a balanced program of expenditures and revenues for the budget year, classified and presented by object and purpose of expenditure, having separately stated the amount to be raised by taxation of property, and shall be discussed at a public hearing prior to its adoption by the City Council.

§ 21-5. Budget Message.

The budget message shall consist of such explanatory comments, exhibits and schedules concerning the budget as the City Manager may deem desirable, together with:

- (A) An outline of the proposed financial policies for the ensuing budget year, including explanations of the important features of the budget and of any major changes in policy.
- (B) An analysis of revenues and expenditures and of work performances contemplated by the budget so far as appropriate units of measurement may have been developed and installed.
- (C) A statement of pending capital projects and proposed new capital projects, relating the amounts required for capital purposes to the down payments and other expenditures financed from current appropriations and to the amount of bonds to be issued during the budget year.

§ 21-6. Budget Adoption: Tax Levy.

Following the submission of the recommended budget, and at least two weeks prior to adoption, the City Council shall hold at least one public hearing in addition to the regularly scheduled meetings, to consider the recommended budget. The City Council may modify the budget submitted by the City Manager by a majority vote of the whole number of council members and shall annually on or before the statutory date, adopt said budget by such vote. The adoption of said budget shall constitute an appropriation of the amounts stated therein, a levy of the amount to be raised by taxation therein stated, and a warrant to the City Treasurer to extend such levy upon the current assessment tax rolls and to collect the same.

§ 21-7. Expenditures without appropriation.

No expenditure shall be made or obligation authorized by the City Manager, or by any officer or board, unless an appropriation thereof has previously been made and there is at the time a sufficient unencumbered balance of such appropriation. The term "appropriation" shall mean an appropriation for a specific object, purpose, department, or major organizational unit in the annual budget as finally adopted in the annual budget resolution. No transfer of funds shall be made without previous approval of the City Council.

§ 21-8. Transfer of Appropriation.

At any time during the fiscal year the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriation for other departments or major organizational units.

§ 21-9. Sales Tax.

The City of Monticello elects to exercise its right to preempt (have a prior right to impose) the sales tax imposed by the County of Sullivan within the territorial limits of the City of Monticello, as it presently exists and annexations thereto, to the extent it is permitted and provided by the Tax Law of the State of New York.

§ 21-10. Amount to be raised by Taxation of Property.

Except as otherwise provided by the Charter, the amount to be raised annually by taxation of property shall be levied, assessed, apportioned and collected in accordance with the provisions of the Real Property Tax Law of the State of New York.

CHAPTER 22

OFFICERS AND EMPLOYEES

§ 22-1. Elections.

The Mayor and members of the City Council shall be elected at the general election in the even numbered years pursuant to the Election Law of the State of New York. The provisions of the Election Law of the State of New York shall apply to and govern all elections of city officers of the city.

§ 22-2. Appointive Officers and employees.

In addition to the offices created by Charter, there shall be such other offices and employees of the city, and they shall receive such compensation, as the City Council may provide by resolution, ordinance or local law. Except as otherwise specifically provided by this Charter, subordinate officers and employees shall be appointed and subject to removal by the head of the department in which they are employed, subject to the provisions of the Civil Service Law of the State of New York and regulations, when applicable.

§ 22-3. Surety bonds.

Unless otherwise provided by law, each officer of the city who has possession of or control over any funds of the city shall give bond for the faithful performance of their duties in such sum as

may be fixed and with such sureties as may be approved by the city Council. Such bonds shall run to the city and shall be subject to approval as to form and sufficiency by the City Attorney. The premium shall be paid out of city funds.

§ 22-4. Conflicts of Interest.

Any city officer or employee who has a substantial financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the city or in the sale of any land, material, supplies or services to the city or to a contractor supplying the city, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such a contract of sale. Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office and shall forfeit their office or position. Violations of this section with the knowledge expressed or implied of the person or corporation contracting with or making the sale to the city shall render the contract voidable by the City Manager or the City Council.

CHAPTER 23

CLAIMS AND ACTIONS

§ 23-1. Limitations of Actions against the City.

All claims for injury to the person or property alleged to have been caused or sustained by reason of any defects in, want of repair or obstruction of any of the highways, streets, alleys, sidewalks or crosswalks or public places of the city, shall be presented in accordance with the General Municipal Law of the State of New York. The City Clerk shall at the next meeting of the City Council present all such notices of claim to the City Council. Nothing contained in this section shall be held to repeal or modify existing requirements or statute of limitations which is applicable to this class of actions, but on the contrary shall be held to be an additional requirement for the right to maintain such action; nor shall anything herein contained be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the city any greater duty or obligation than that it shall keep its streets and public places in a reasonably safe condition for public use and travel. A majority of the City Council shall have the power to pay, compromise or settle any such claim is presented within the time and in the manner hereinbefore prescribed and the sum or sums so expended shall be included in available appropriations.

§ 23-2. Actual notice of defects.

(A) The City of Monticello shall not be liable, and no action

shall be maintained against it for damages for injuries to person or property sustained by reason of any street, sidewalk, roadway, highway, bridge, culvert, drain, sewer, crosswalk, public park, trees, or public place being out of repair, unsafe, dangerous, defective or obstructed, unless it appear that written notice of such defective, unsafe, dangerous or obstructed condition, specifying the particular location thereof, has been served upon the City Clerk unless there was a failure or neglect by the city to repair or remove the defect, danger or obstruction complained of, within a reasonable time after the service of such notice.

- (B) The City of Monticello shall not be liable, and no action shall be maintained against it, for damages for injuries to person or property sustained in consequence of the existence of snow or ice, or both, upon any sidewalk, crosswalk, street, highway, roadway, bridge, culvert, public park or particular place unless written notice thereof, specifying the particular place and location of the snow or ice, or both, complained of, has been served upon the City Clerk and there was a failure or neglect by the city to cause such snow or ice, or both, to be removed, or the place to be otherwise made reasonably safe, within a reasonable time after the service of such notice.

§ 23-3. Civil action to recover penalties.

Civil actions to recover any penalties or forfeiture incurred under the Charter may be brought in any court having jurisdiction thereof. Such action shall be brought in the corporate name of the city, and in any action in the City Court it shall be lawful to complain generally for the amount of such penalty or forfeiture stating the section of the Charter or of the local law or ordinance of the City under which the penalty is claimed, and to give the special matter in evidence, and the defendant may answer by simply denying the truth of the complaint and give the special matter in evidence. If such action be brought in the City Court against an alleged owner of real property, the fact that title to real property comes in question of the pleadings or appears on the trial shall not deprive the court of jurisdiction but may be litigated and determined by the judge as the right of the case may appear; but such judgement shall not be evidence concerning the title of real property in any other action or proceeding. The first process, in any such action brought in the City Court, shall be by summons, which may be made returnable forthwith, and an execution may be issued immediately on the rendition of judgement. All penalties and forfeitures shall upon collection be paid to the City Clerk. When any judgement shall be rendered in the City Court in favor of or against the City of Monticello, in any action brought for the recovery of any penalty, or for forfeiture or any other

action in which the City of Monticello shall be party, the City Judge shall, within ten (10) days thereafter, file with the City Clerk, a transcript of such judgement for which the City Judge shall be entitled to charge a fee to be determined by the City Council, and include the same in the costs of said judgement. Whenever a judgement in favor of the city shall be recovered for twenty-five dollars or upwards, exclusive of costs, a transcript thereof may be filed in the office of the Clerk of Sullivan County, and thereupon the same shall become a lien upon the property of the defendant in such judgement to the same extent and may be collected and enforced in the same manner, as other judgements in the County Court.

CHAPTER 24

CHARTER REVIEW

§ 24-1. Charter Review Commission.

Immediately following the five-year period of the approval of this charter, and every ten years thereafter, the City Council, shall appoint a Charter Review Commission or place on the ballot the election of a Charter Review Commission. Such appointed or elected Commission shall consist of seven (7) members. It shall be the duty of said Commission to review this charter in the light of prevailing conditions and make recommendations to the City Council.

CHAPTER 25

TRANSITIONAL PROVISIONS

§ 25-1. Schools.

The public school systems now existing in the Village of Monticello and the organization, government and maintenance thereof, and the title to all school property connected with or constituting part of the public school systems as they now exist, are continued.

§ 25-2. Charter supersedes certain laws.

Local laws and resolutions saved. Upon the adoption of this Charter, all laws and parts of laws relating to or affecting the Village of Monticello remaining in force when this Charter shall take effect are hereby repealed and superseded, but only to the extent that they or any of them are inconsistent with the provisions of this Charter. All Local laws and Codes of the Village of Monticello in effect on the effective date of this Charter shall remain in full force and effect thereafter to the extent that they are not inconsistent with any of the provisions of this Charter.

§ 25-3. Administrative Rules and Regulations.

All administrative rules and regulations adopted prior to the effective date of this Charter shall remain in full force and effect to the extent that they are not inconsistent with the provisions of this Charter. Any reference in any such rule or regulation to any office, board or body which is abolished by the Charter shall be deemed to refer to such office, board or body to which the respective functions, powers and duties are transferred by the Charter.

§ 25-4. Tenure of Office of Village Elected Officers.

The Mayor and the Board of Trustees of the Village of Monticello holding office when this act takes effect shall continue to perform the duties of their respective offices, until the council members of the City of Monticello have been elected and qualified.

§ 25-5. Officers and employees.

Except as otherwise provided, nothing in this Charter shall affect or impair the rights or privileges of any officer or employee of the city, an agency existing at the time when this Charter shall take effect, or any provision of law in force at the time when this Charter shall take effect that is not inconsistent with the provisions of this Charter. Wherever this Charter provides for an office, board or commission by the same name or title as existed under the village, the incumbent or incumbents of such prior office, board or commission shall continue as officers or members of the board or commission under this Charter for the remainder of their unexpired terms.

§ 25-6. Transfer of personnel and functions.

- (A) Wherever any provision of this Charter functions, powers, or duties are assigned to any department or officer which have been heretofore exercised by any other department or officer, all officers and employees in the classified civil service who at the time when this Charter shall take effect are engaged in the performance of such functions, powers or duties shall be transferred to the department to which such functions, powers or duties are assigned by this Charter, without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employees.
- (B) The Sullivan County Civil Service Commission shall administer the provisions of the Civil Service Law of the

State of New York and rules and regulations of the Sullivan County Civil Service Commission for the City of Monticello.

§ 25-7. Continuation of powers and duties.

Any department or officer to whom are assigned by this Charter any powers and duties shall exercise such powers and duties in continuation of their exercise by the department or officer which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such powers or duties and applicable to the agency or officer formerly exercising such powers and duties shall, so far as not inconsistent with the provisions of this Charter, apply to the department or officer to which such powers and duties are assigned by this Charter.

§ 25-8. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any agency or officer, shall be affected or abated by the adoption of this charter or by any thing therein contained; but all such action or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by this Charter be assigned or transferred to another agency or officer; but in that event the same may be prosecuted or defended by the head of the department to which such functions, powers and duties have been assigned or transferred by this Charter.

§ 25-9. Transfer of Property.

In consideration of the foregoing provision hereby the City of Monticello as hereby constituted assumes as aforesaid the valid debts, obligations and liabilities of the corporation of the Village of Monticello and to carry out the purposes of this act. All of the public buildings, institutions, parks, water works and property of every character and description whether of a public or private nature, heretofore owned and controlled by the said Village of Monticello wherever situated, and all the right, title and interest of the said Village of Monticello and the use of such property are hereby vested in the City of Monticello and divested out of the said Village of Monticello and the owner of the said Village of Monticello to become indebted shall cease upon the consummation and taking effect of this act.

§ 25-10. Funds of Village of Monticello to Belong to City.

All funds and moneys held shall be held by or be payable to the treasurer or other official of the Village of Monticello be

deemed to be held be and be payable to the City of Monticello constituted by this act, solely as the funds and moneys of the said city, shall be delivered to the City Treasurer to hold and control the same; all taxes levied or to be levied shall be collected and payable according to the provisions of the existing laws, except as otherwise provided in this Charter.

§ 25-11. Acts and Proceedings of Village of Monticello Confirmed.

All proceedings matters and things which were begun or regarding which any action or preliminary steps had been taken by the Village of Monticello or its departments, officers agents or servants prior to the day this act takes effect, are hereby ratified and confirmed and shall be continued, carried on and completed under the provisions of this act, the same as if such proceedings, matters and things, and such action and step had been taken in conformity with the provisions of this act. Proceedings for the levying of taxes and assessments and the collection of the same and the sale of lands for non-payment of the same pending and incomplete on the day this act takes effect shall be carried on and completed under the provisions of this act. All acts and proceedings of the Village of Monticello or its departments, officers agents or servants regarding or affecting such proceedings, matters and things since and including the day this act takes effect are hereby ratified and confirmed; and all acts or the officers in any department, before the provisions of the act hereby applicable to such department were in full operation, are hereby declared to be valid and legal and ratified and confirmed. Provided, however, that this act shall not affect any proceeding, matter or thing which has begun, or regarding which any action or preliminary steps have been taken by the Village of Monticello or its departments officers, agents or servants or any proceedings for the levying of taxes and assessments and the collection of the same concerning which any suit or special proceeding is not pending in any court, but the validity and effect of all said proceedings matters and things, taxes and assessments, shall be adjudged and determined in said suit and proceedings as the same would be adjudged if this act had not been passed.

§ 25-12. Succession of Rights and Liabilities.

The corporation known as the "Village of Monticello," and included in the boundaries heretofore described and set forth, is hereby declared to be dissolved on and after the first day of January 1996; and all property, real and personal, rights, powers, privileges and contracts at the time of this dissolution possessed, owned, occupied, exercised or enjoyed by, as well as all the duties, contracts, obligations and liabilities imposed upon, said Village of Monticello are, on and after the first day of January 1996, hereby transferred to, vested in and imposed upon said City of Monticello; and all ordinances, rules and regulations of the Board of Trustees of said Village of Monticello then in force shall

be and remain valid and effectual as the ordinances, rules and regulations of said city and its council until repealed, modified or changed, subject, however, to the provisions of this act; and said council is hereby authorized and empowered, in the name, for and in behalf of the City of Monticello, to enforce all such contracts, ordinances, rules and regulations, including collection of debts and demands, imposition and collection of fines and penalties, prosecution and defense of all suits, and to do, take and perform other acts and proceedings that may be or become necessary and proper to carry out and enforce said contract, ordinances, rules and regulations, with the same force and to the full extent as might have been done by or on the part of the Board of Trustees and the Village of Monticello, or either; and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to or by reason of any such contract, ordinance, rule or regulation, or otherwise, as well as any liability that may have arisen by reason thereof, shall remain and be the same under this act as they would have been under said village charter; and all rights and liabilities of said village existing on the 31st day of December 1995 shall be in no way affected or changed thereby; but all actions and proceedings which may be thereafter commenced to enforce or protect any such accrued or existing rights, privileges or liabilities shall be brought and prosecuted or defended by or in the name of the City of Monticello. All actions or proceedings then pending for or against said village may be continued by or against and in the name of said village, or at the option of the parties thereto, the name of said city may be substituted, and in such name all such actions or proceedings may be continued. All rules and regulations pertaining to the organization and government of the Fire Department of the Village of Monticello in force on the effective date of this Charter, shall, except as hereinafter in this act provided, remain, be and continue the same under the said city as under said village government until repeal thereof and the adoption of other or further rules and regulations in relation thereto, and all officers and members of said Fire Department shall be such officers and members of the Fire Department of the City of Monticello and shall perform all the duties devolving upon them as such firemen and have and retain all their rights and privileges in the same manner and in all respects as if this act had not been passed, subject, however, to the further provisions of this act. The ownership and control of all property and effects pertaining to or connected with the Fire Department of the Village of Monticello shall, by virtue of this act, vest in the City of Monticello and in the Fire Department thereof, respectively, in the same manner and to the same extent in all respects as the same is now vested in said village and its Fire Department, respectively.

§ 25-13. When Terms of Village Officers Expire; City Council Members; Organization, Oath of Office.

Upon the effective date of this Charter, the offices and terms

of office of the boards of trustees and of all other officers, boards or commissions or appointees or employees of any of said boards officers or commissions of the Village of Monticello shall terminate and their powers and duties derive on the appropriate officers of the City of Monticello as provided in this act, in so far as the same or similar powers and duties are continued or modified by this act. On or before the time above provided for such devolution of powers and duties, the council members of such city chosen at the first general municipal election in the year nineteen hundred and ninety-five shall take the oath of office before a person authorized to administer oaths and shall enter upon the discharge of their official duties upon the effective date of this Charter and the City Council shall meet and organize at that time. The absence of one or more council members from such first meeting shall not affect the organization of such City Council. Any person entitled to take the oath of office who was not present at the time above fixed therefor may take the same at any time thereafter.

§ 25-14. The First Assessment Roll- How prepared.

The assessor of the City of Monticello shall, on or before the first day of January, nineteen hundred and ninety six, make up an assessment roll of the taxable property, real and personal, in the said city by copying so much of the last preceding assessment roll of the Town of Thompson as relate to persons residing in and property included and taxable within the City of Monticello. Upon the completion of the said assessment roll the said assessor shall annex thereto a certificate under his/her hand that the said assessment roll contains so much of the assessment rolls of the aforesaid Town of Thompson as relates to persons residing in and property included and taxable within the said City of Monticello and shall deposit the same in his office. He shall immediately have published the notice and perform the duties required by this Charter, except that such assessment roll, as corrected and completed shall be filed by said assessor in the office of the City Clerk on or before the twelfth (12th) day of February, nineteen hundred and ninety six. On or before the twenty-ninth day of February, nineteen hundred and ninety-six, the City Clerk shall deliver said assessment roll to the City Treasurer for the purpose of extending the tax thereon. The filing of such roll with the board of supervisors of the county of Sullivan shall not be required. The sums adopted by the city council in the tax budget for the fiscal year beginning January first, nineteen hundred and ninety six, shall be assessed on all real and personal estate in the city (except city property and property exempt by law) according to the valuation of the same in the assessment roll for said year, and shall be extended by the City Treasurer. The amount thus extended shall be regarded and known in all proceedings as "tax" and become due in one installment on the first day of April, nineteen hundred and ninety-six. The City Treasurer shall complete the roll and deliver it to the City Clerk on or before the

twenty-ninth day of March, nineteen hundred and ninety-six. The city clerk shall re-deliver said roll to the commissioner of finance on or before the thirty-first day of March, nineteen hundred and ninety-six, with a warrant in the form and executed in the manner prescribed by this act. All of the provisions of this act relating to the collection and enforcement of taxes shall apply, except as otherwise provided in this section.

§ 25-15. Repealer.

The Charter of the Village of Monticello enacted effective April 20, 1830 is hereby repealed.

§ 25-16. Dissolution of Village of Monticello.

The corporations known as the Village of Monticello and included in the boundaries hereinbefore described, are hereby dissolved, and all offices, elective and appointive, existing under the government of the Village of Monticello, are hereby abolished, and all such village offices shall immediately deliver and turn over all books, papers, money and property of every description to the City of Monticello, and the title thereto and also the title of said village, in and to any and all real estate, leases, tax leases and any interest in real estate and personal property belonging to the Village of Monticello is hereby vested in the City of Monticello.

§ 25-17. First Fiscal Year.

The budget, appropriations and tax levy for the fiscal year 1996 shall be governed by the provisions of this Charter from and after a favorable referendum thereon, and to that end, the dates prescribed for action to be taken with respect to such budget, appropriations and tax levy shall be deemed directory only for such first fiscal year.

§ 25-18. Salary, Mayor and Council.

Notwithstanding the general rule that the salary of an officer may not be increased or diminished during his/her term, the salaries of the first Mayor and City Council elected under this Charter may be fixed by local law after they take office.

§ 25-19. Effective date.

This Charter shall take effect January 1, 1996.

§ 25-20. Elections.

There shall be elected at an election to be held on the Tuesday next succeeding the first Monday of November in the year

City of Monticello would better serve county

The Village of Monticello I believe Sullivan County and the Town of Thompson should be supporting the proposal.

The creation of a city government that offers low, steady property taxes combined with proper zoning will attract new, positive development resulting in a benefit to all county residents. Monticello could be the first new city in the state in 52 years. The historic significance of a new city established through intergovernmental cooperation with resulting lower property taxes will provide the basis in which the effort established by the creation of the Sullivan County Partnership may be founded.

The motivation in making the transition from village to city is obviously tax relief and perceived tax equity. Monticello serves as a full-service municipality providing a full range of services. These services combined with the village's location and status as the county seat have placed Monticello in a position of providing a high level of services to all county residents with the cost levied on village taxpayers. The sales tax raised by businesses in Monticello is collected by the state and county. Monticello does not receive any of the sales tax revenues to offset the costs of providing services to the business and government base in Monticello.

Monticello has many problems that over the years have culminated in the present need to alter the form of government to provide relief and increased services. Monticello has the highest tax rate of any village in the state, the highest crime rate per capita of any village in



James J. Malloy is Monticello village manager.

“my view” James J. Malloy

the state. Service levels are on the increase while employees and available tax dollars are decreasing. The Monticello Police Department has experienced a 23 percent increase in calls over the past five years and presently receives more than 12,000 calls for service per year. Monticello has one of the busiest courts in the county. The Monticello Fire Department handles more than five hundred calls annually, which is more than the City of Middletown Fire Department.

As a local government manager, and former county manager, I understand the county's concern with losing some of the sales tax revenues. In my former position as Alamosa County (Colo.) manager, 60 percent of the county sales tax revenue was distributed to municipal government and the county retained 40 percent. This was done to provide taxing equity and to pay for the municipal services that created the sales tax base.

The impact to county properties and town properties is minimal compared with the tax rate of over \$17 per thousand in Monticello (at full value). A main concern of the Village Board of Trustees was to limit the impact on the county and town. After reviewing the effects, the village has offered the following concessions to mitigate the impact on the county and town:

- First, in regard to the county, the village has offered to phase in the sales tax pre-emption authority over a period of years so that the 66 cents per thousand impact to the county tax rate would be further decreased (over a five-year period, it would amount to approximately 13 cents per thousand per year).

- Second, regarding the town, the village has offered to assume the full burden of some programs and services

that are presently provided jointly through the town and village. Even with these concessions, and the city paying the unpaid portion of school taxes, the city would still be able to reduce taxes over 50 percent and increase services.

The state would become responsible for the operation costs of the city court; other than that, state costs would not increase. As explained to village officials, the state's concern is to insure that the City Charter document itself was consistent with present state laws and Constitution and to insure proper regional planning. The Monticello City Charter was modeled after several existing cities in New York to eliminate constitutional or statutory issues.

Through the Route 17 corridor there is no city between Middletown and Binghamton or in the Catskill region and Sullivan County. The statutory and constitutional issues, planning and economic benefits of creating a hub of activity in which the entire county and region can prosper should be the priority for decision makers at the state level. The Monticello City Charter should not become a political football between state, county and village officials.

The decision to support or oppose the Monticello City Charter should be based on the full impact that it will have on the citizens of the entire county. I do not believe that there is a single more important issue that could face us in Sullivan County than creating a pocket of growth that can serve as a hub of economic prosperity for the entire county. The village has offered that should it become a city, concessions to limit the impact on both the county and town. These concessions the village is offering, brings the annual property tax impact of county properties to approximately 13 cents per thousand of assessment and of the Town of Thompson of approximately 20 cents per thousand of property assessment.

The Monticello City Charter should not become an issue of Sullivan County versus the Village of Monticello. Monticello has served as a city government in all but name and taxing authority for years, this is an idea and proposal that is timely and must not be dismissed for base political or provincial reasons.

CITY OF MONTICELLO



YES!

HOW DOES THE CITY CHARTER AFFECT ME?

Presently, the Village operates as a full service municipality that provides police, fire, water, sewer, street maintenance, street lighting, parks & recreation, code enforcement as well as other municipal services. At this time, 82% of the Village budget is provided for through property taxes (of a \$4,326,945 budget - \$3,560,639 comes from property taxes). It is estimated that as much as \$3,000,000 may be raised through sales tax to offset the present property taxes. The result would be a property tax reduction of about 50% and an increase in services.

IS THERE A NEED TO CHANGE TO A CITY?

The Village Board has watched the tax rates increase in the Village over the past several years as the costs of services increased. The actual costs of continuing to provide services increased quicker than the property taxes and this led to the Village's deficit in 1993. A sales tax base would diversify the tax base in which the Village receives revenues. The Village would then be in a position to begin competing economically with other communities in the region.

WHAT CHANGES WILL THERE BE IN THE LOCAL GOVERNMENT?

Monticello has been a "Manager form of government" since 1956. This means there is a Mayor and a four member elected board that sets policies and passes laws, and there is a professional manager that oversees the daily operations of the Village government. The City Charter proposes to keep the manager form of government that has been in place for nearly forty years. The "City of Monticello" would have a Mayor and six City Council persons. As a city, Monticello would no longer be a part of the Town of Thompson. The Monticello School District would remain intact, except that instead of Sullivan County paying the unpaid portion of school taxes, the "City of Monticello" would pay the unpaid portion. In summary, the type of government will not change, but the tools to provide improved services at a lower cost to residents will be in place.

WHY SHOULD I VOTE FOR IT?

As many long-time residents of the Village of Monticello have noticed, the Village has suffered from deterioration. Businesses are moving away and the downtown area is suffering. As a resident or business owner in Monticello, you are paying the highest taxes of any Village in the State of New York. Based on the estimated sales tax generated in Monticello, the 1993/94 tax rate of \$17.08 per thousand of assessment would be reduced to \$2.56 per thousand of assessment. Additionally, since the "City of Monticello" would not be part of the Town of Thompson, you would no longer be responsible for paying taxes to the Town. To insure the Town is not hurt financially, the Village has discussed with the Town Supervisor ways in which the affect on the Town will be minimized. After the Village accepts the additional responsibilities of being a "City" and increases the level of services provided to the community, the tax rate in the "City of Monticello" should settle at approximately \$8.00 per thousand of assessment (or half of the present tax levy).

HOW WILL IT CHANGE THE COMMUNITY?

In the last five years, crime in Monticello has increased over 23%. The Village used to have 27 officers in the police department, now there are 19 officers in the department. One of the biggest concerns in Monticello has been the crime problem, by providing the means to increase the police force to its past strength, will provide the opportunity to begin to take back the streets. The downtown area of Monticello has deteriorated and needs a major downtown redevelopment project to revitalize Broadway. By lowering

taxes substantially, business owners will be able to afford to reinvest in their businesses and the "City of Monticello" will be able to rebuild the public infrastructure in the downtown area. Additionally, public works projects that have been on hold for years can once again be started and a process of rebuilding Monticello can begin.

HOW DOES THE PROCESS WORK FROM THIS POINT?

On February 7, 1994 the Village Board of Trustees passed a resolution requesting Assemblyman Jacob Gunther and Senator Charles Cook to introduce special legislation on behalf of the Village of Monticello to permit the Village to become a City. On March 15, 1994 the Village Board of Trustees has scheduled a local election that will give residents of Monticello an opportunity to show their support for becoming a City. If the legislation passes the Assembly and Senate, it must be signed by Governor Cuomo to become effective. The "City of Monticello" if approved, would take effect January 1, 1996.

WHAT ARE THE CHANCES OF THE VILLAGE BECOMING A CITY?

The chances are perhaps 50/50 at this point in the process. Getting the charter written and adopted by the Village Board was a major step in the process. However, to get the Assembly, Senate and Governor Cuomo to introduce and approve the city charter is another concern. To demonstrate how important it is to the residents it is important that you vote on the issue and show overwhelming support to Senator Cook, Assemblyman Gunther and Governor Cuomo.

WHAT CAN I DO TO HELP THE VILLAGE BECOME A CITY?

Talk to your neighbors, display a sign, write to Assemblyman Gunther, Senator Cook and Governor Cuomo. But most importantly vote yes on the proposal.

WILL THE COUNTY AND TOWN SUPPORT THE CITY PROPOSAL?

The County and Town are concerned with how the proposal will affect their tax bases. This is a very important concern and one that the Village did not consider lightly. Regarding taxes, the County would have to increase taxes about 66¢ per thousand and the Town would have to increase taxes about 52¢ per thousand. The City would be able to decrease taxes at least \$8.50 per thousand. If the Village, Town and County work together on Monticello becoming a City, the historic significance and lower taxes will help create positive growth countywide. There are other reasons that the Town and County should support the proposal, Monticello is the County seat and a main crossroads of the county. The present condition of Monticello reflects on all of Sullivan County. By providing the opportunity to improve Monticello, all of Sullivan County will benefit.

Right now, the Village of Monticello has the fifth highest per capita crime rate in the State of New York. The Fire Department handles more calls than the City of Middletown Fire Department. The Village Police Department handles over 12,000 calls per year. The Village has the highest tax rate of any village in the State of New York.

Write to:

Mario Cuomo, Governor
State of New York
New York State Capitol
Albany, NY 12224

Senator Charles Cook
Legislative Office Building
Room 512
Albany, NY 12247

Assemblyman Jacob Gunther
20 Anawana Lake Road
Monticello, NY 12701

**REMEMBER - VOTE YES ON THE CITY CHARTER
ON MARCH 15, 1994**