

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, December 7<sup>th</sup>, 2022

6:00 pm

**Call Meeting to Order**

The meeting was called to order at 6:02pm by Mayor George Nikolados.

**Pledge to the Flag**

**Roll Call**

Mayor Nikolados-Present

Trustee Rue-Present

Trustee Banks-Present

Trustee Massey-Present

Trustee Jenkins-Present

**Also Present:**

James Snowden-Village Manager

Michael Sussman-Special Counsel

**Moment of Silence**

For the passing of Deputy Clerk, Stacey Walker's, grandson and all others that have passed over the last few weeks.

**Motion to accept the agenda**

A motion was made by Trustee Rue with a second by Trustee Banks to accept the agenda with one (1) add-on:

1. Resolution regarding the Village Clerk's salary increase

Upon the call of the roll, all present were in favor.

**Approval of minutes from the November 16<sup>th</sup>, 2022 Meeting**

A motion was made by Trustee Banks with a second by Trustee Rue. Upon the call of the roll, all present were in favor.

**Mayors Report**

Elizabeth Lang was present and gave a presentation regarding the current state of the youth in Sullivan County and the recent suicides that has taken place within our community. She would like to find a safe place that the youth can attend for help in whatever needs they may have, whether it be school work, family issues or just a place to feel safe and enjoy friends. She is sponsoring a Christmas Party on December 17<sup>th</sup> at the Community Room in Sleepy Hollow and asked the Village for their participation in whatever ways they could assist.

Attorney, Michael Sussman, stated that this is a wonderful thing and he has worked with different communities in the Hudson Valley and if she can find a location, he can assist her.

12/7/22- Village Board Meeting

**Public Hearing-Renewal of the Franchise Agreement with Charter Communications for the provision of Spectrum Cable Services in the Village of Monticello**

The Public Hearing Notice was read into the minutes as follows by Mayor Nikolados:

For the approval of a Cable Television Agreement between Spectrum Northeast, LLC and the Village of Monticello.

PLEASE TAKE NOTICE that the Village of Monticello will hold a Public Hearing on Wednesday, December 7<sup>th</sup>, 2022 at 6:00 p.m. at Village Hall located at 2 Pleasant Street, Monticello, NY regarding granting a cable television franchise agreement by and between the Village of Monticello and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications.

A copy of the agreement is available for public inspection during normal business hours at the Village/Town Clerk's office, 2 Pleasant Street, Monticello, New York. At such Public Hearing, all persons will be given an opportunity to be heard. Written and oral statements will be taken at that time. Time limitations may be imposed for each oral statement, if necessary.

Dated: Tuesday, November 22, 2022

By Order of the Village of Monticello  
Board of Trustees  
Janine Gandy-McKinney  
Village Clerk

A motion was made by Trustee Banks with a second by Trustee Rue to open the Public Hearing at 6:16pm. Upon the call of the roll, all present were in favor.

Mayor Nikolados made the Public aware that this is an annual agreement that comes around every decade or so and because it involves the Public, a hearing has to be held and the Public are allowed to speak on it as to whether they want the services that are being provided and proposed.

Attorney, Michael Sussman spoke and stated that after reviewing this agreement, and raised the following issues:

1. The carrier should pledge to provide service of the highest quality and breadth possible. I see no such commitment, only a commitment to 77 stations which, to my way of thinking, is quite inferior to the breadth available.
2. The 5% gross revenue fee to the Village seems low in light of the profits which are made

## 12/7/22- Village Board Meeting

by such companies. I would suggest demanding 10% of gross revenues.

3. The anti-discrimination language omits disabled people and discrimination based on marital status, family composition and sexual orientation and NYS law prohibits these as well. These additional prohibitions should be added
4. The agreement is for fifteen (15) years. I believe this is excessive given the changes in technology. I believe a ten (10) year agreement is more appropriate.
5. The quantum of insurance proposed, especially the umbrella insurance is inadequate. I would suggest a \$20,000,000 umbrella policy is needed.
6. The notice period for defense of a claim arising against the Village should be altered to thirty (30) days, not ten (10) days, which is too short.
7. The provision disallowing the Village from hiring its own auditor should be eliminated.
8. Judicial review if any should use an arbitrary and capricious standard used in Article 78 proceedings, not a de novo review standards provided in section 15.11
9. This agreement includes specific language which disallows a user to seek enforcement of terms, section 15.14, p. 14-that is, residents have no ability to enforce this agreement. I believe this is inappropriate and that we are entering to this agreement on behalf on the residents of the Village who ARE third party beneficiaries of it and should be able to enforce its terms.
10. The other issue of importance is that this is not a single provider or monopoly agreement and the Village could have other cable providers; this agreement commits us to charge the terms of this agreement if another carrier has more favorable terms but I do not believe that proper or necessary.

He stated that these are all of the issues he sees, but the Public Hearing should still be held and the Public should still be free to give their opinion and or comments.

The floor was opened to the Public and no one spoke.

A motion was made by Trustee Banks with a second by Trustee Rue to close the Public Hearing at 6:24pm. Upon the call of the roll, all present were in favor.

### Charter Communications Contract

A motion was made by Trustee Banks with a second by Trustee Rue authorizing Special Council to negotiate a better contract with Charter Communications on behalf of the Village. Upon the call of the roll, all present were in favor.

### Discussion-Jay Zeiger-Proposed Annexation of SBL#23.-1-19 into the Village of Monticello from the Town of Thompson

Joel Kohn was present and stated that this is a property that is located in the Town of Thompson and adjoins the Village of Monticello at the end of Waverly Avenue. It's an 8.16+/-

## 12/7/22- Village Board Meeting

acre lot and they would like to annex into the Village for the purpose of water & sewer. The applicant is also presenting this project to the Town of Thompson and at some point a Joint Public Hearing will need to be set up, but as of right now it's just a discussion item.

Joel also stated that his client purchased a lot in the Town of Thompson and would like to build a single family home on the west side of Waverly Avenue roughly 550' from the Village/Town line, but they are in need of sewer and being that the Village has a Sewer District a couple of feet away, his client is asking if the Village Board would extend their sewer district to include this parcel, 29.-2-14.

### Sewer District Extension to include Town of Thompson parcel 29.-2-14

A motion was made by Trustee Banks with a second by Trustee Rue authorizing the extension of the Village Sewer District to include parcel 29.-2-14 in the Town of Thompson. Upon the call of the roll, all present were in favor.

### **Discussion-NYS Comptroller Audit Report and the Cooper, Arias Draft 2019 Report**

Andrew Arias was present from Cooper Arias, LLP and gave a presentation regarding the Village books for the 2019 audit. He stated that due to items not being properly recorded and reconciled, it's hard to tell where the Village currently stands financially, it was difficult and took a lot of time to complete this audit because a lot of information was unavailable or not properly updated and going forward the same issue will persist unless these things are taken care of immediately.

### Bank Reconciliations

A motion was made by Trustee Rue with a second by Trustee Banks directing the Treasurer to complete all of the bank reconciliations and inter-fund transfers for 2020 & 2021 completed with a two (2) week period. Upon the call of the roll, all present were in favor.

### Treasurer Board Meeting Attendance

A motion was made by Trustee Banks with a second by Trustee Rue that the Village Treasurer must attend one (1) board meeting per month to make the Board aware of the bank reconciliations and status of the Village financials. Upon the call of the roll, all present were in favor.

### **Presentation-Stand Up Wireless**

Representatives from Stand Up Wireless Company was present. They stated that they are a wireless company that received money from the government to provide free service to low income residents and they are situated at the Ted Stroebele Center.

Trustee Banks stated that he has no problem with the company and what they are doing, but

## 12/7/22- Village Board Meeting

his issue is why they are allowed to use the Center for free without insurance and our own Village residents have to not only pay a fee, but also provide a \$1,000,000.00 liability insurance policy before they even step into the building. Gordon, every meeting you bring up the \$100,00.00 deductible that will have to be paid if someone gets hurt on Village property, so I don't understand why this is such a problem, if you want to waive the fee because they are helping the community, fine, but the least they can do is provide the insurance.

Mayor Nikolados stated that he feels the same. If the Village residents that pay taxes have to provide insurance and pay a fee, this company should have to do the same because they are working and getting paid to be there, they are providing a free service, but their time is paid just like any other employee working anywhere else.

Trustee Jenkins stated that this Board should be ashamed of themselves for even having these people come to explain themselves. This is a free government program, these individuals are not making any money off the service and this Board should be glad that these people are even giving our residents a chance to get free cell phones and laptops at no cost other than the time it takes for them to sign up. He stated that everyone is making such a big deal about it and calling it a scam and dragging his and Trustee Massey's names through the mud at the County and all over Facebook and it's wrong. They have nothing to do with it other than spreading the word around and trying to help the Village residents.

Trustee Massey stated that if the insurance is the issue, they will provide it for the company, this way everyone will be happy.

### Board Meeting date for January

A motion was made by Trustee Rue with a second by Trustee Banks changing the Village Board meeting from Wednesday January 4<sup>th</sup>, to the following week of January 1<sup>th</sup>, 2023 because the Village will just be coming back from the New Year's holiday break. Upon the call of the roll, the vote went as follows:

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-yea

Trustee Massey-nay

Trustee Jenkins-yea

### Discussion Items:

1. Status of Parking Lots offered to the County of Sullivan for repair and use

Mr. Sussman stated that he has been in discussion with the County and they are willing to take the Village parking lots over completely, but they will be closed to the residents when the

12/7/22- Village Board Meeting

County is not in session and closed and only the County workers will be allowed to utilize them. He asked if this is the direction the Board wants to take with giving the parking lots up completely?

The Board responded that since we lost so much parking with the revision of Broadway a few years ago, we can't afford to lose the parking lots completely and unfortunately, other than patching them, we do not have the finances or manpower to repair them fully. Is there another alternative that the County is willing to work out?

Mr. Sussman stated that he will go back to them to see what other options are available.

2. Status of Water Agreement with the Town of Thompson and Board direction with regard to the same

Mr. Sussman stated that he has not heard back from the Town as of yet in regards to the Water Agreement. He stated that what they presented was at the minimum and an insult to the Village and he responded aggressively and in a manner that would be profitable for the residents and he hasn't heard anything since and it's been a couple of months, is this something that the Board still wants to pursue or just abandon the issue completely?

The Board responded that the Town needs us for the water and that they are aware that their attorney, Mr. Mednick has been sick, so maybe that's why there hasn't been any response from them, but to reach out to them again to see what they are going to do.

3. Status of Village proposal that the County provide reimbursement for the Villages unpaid property taxes

Mr. Sussman stated that he discussed this issue with the Board a few months ago. He wrote a letter to the County and they have not responded, is the Village interested in taking the matter further?

The Board responded that this issue has come up before and it has been shot down, but being that the Village along with others in the State are in dire straits, maybe it does need to go further than the local County Execs, there was one place that was successful and that was over 20 years ago, so by making noise about it now, may be a good thing if we can get other Village's to rally with us.

**Resolution authorizing the payment of Village Bills in the amount of \$1,166,788.09**

A motion was made by Trustee Banks with a second by Trustee Rue. Upon the call of the roll, the vote went as follows:

12/7/22- Village Board Meeting

Mayor Nikolados-yea

Trustee Rue-yea with a comment

Trustee Rue stated that all of the bills are the same one's that we vote on for resolutions, so it doesn't make sense that no one signs the bill pay besides me.

Trustee Banks-yea

Trustee Massey-nay

Trustee Jenkins-nay

**Resolution of Adoption for the Renewal of the Franchise Agreement with Charter Communications for the provision of Spectrum Cable Services in the Village of Monticello and authorizing the Mayor to sign said agreement on behalf of the Village of Monticello**

A motion was made by Trustee Rue with a second by Mayor Nikolados to Table this resolution. Upon the call of the roll, all present were in favor.

**Resolution authorizing the Village Manager to enter into an agreement with Silvercrest Town Homes for an Easement in the amount of \$20,000.00**

A motion was made by Trustee Rue with a second by Trustee Banks. Upon the call of the roll, all present were in favor.

**Agenda Add-On:**

Resolution authorizing the increase in salary of the Village Clerk to \$67,500.00 for additional work that is not within her regular scope of duties which includes the following:

- a. Writing of the Resolutions for the Village Board effective December 7<sup>th</sup>, 2022 and going forward
- b. Setting up the Tax Installments, signing off on the agreements and depositing the monthly installment payments. The Clerk will also be responsible for depositing escrow payments for the Planning & Zoning Boards
- c. The Clerk will also take on the responsibility of being the Personnel Officer for the Village of Monticello and handle all Personnel matters only. The Village Clerk will **not** be responsible for Payroll, Health Insurance, Worker's Compensation and NYS Retirement Reporting as those matters will continue to be handled by the Village Treasury Department
- d. The Village Clerk is not currently paid or given comp time for attending Village Board, Planning & Zoning meetings, but will keep a log of all hours attended for meetings only and

12/7/22- Village Board Meeting

be allowed to flex these hours throughout the regular work hours of the Village which are 8:30am -4:30pm, Monday-Friday

Trustee Jenkins stated that this is absolutely ridiculous, the Clerk does not need a raise and these duties are hers and have always been and she just needs to do her job. We've never paid a Village Clerk \$67,500.00, this is crazy, look at our budget, we already don't have money and now she wants a raise? The problem is, too many people are friends here and are scared to tell their buddies no, but I'm not and my answer is no, I don't care who it is, this is a complete shame and whoever votes for this needs to be embarrassed and so should the Village Clerk knowing the financial shape that the Village is in. We just heard the audit report and now it's an add-on on the agenda to give the Clerk a raise, she knew what the salary was when she took the job, this is a shame.

Mayor Nikolados stated that first of all correction, that audit report was from 2019 and has nothing to do with the current state of the Village and the Clerk has been patient and these duties are not part of her regular job description or scope; just like we found the money for everything and everyone else, we'll find it for the Clerk. You guys had no problem passing a resolution to pay the Village Manager \$85,000.00 plus give him all of the benefits, which is more than any Manager has ever been paid and you all also increased the Special Councils salary more than any Village Attorney has ever been paid without knowing the budget or caring what we could or couldn't afford, so I don't see this as any different. She's been promised raises over and over again and never got them and still came to work and did her job, plus. If you remember Gordon, you cut her salary when you hired her, so maybe had that not happened, she wouldn't need such a big increase to catch up with everyone else.

A motion was made by Trustee Rue with a second by Trustee Banks. Upon the call of the roll, the vote went as follows:

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-yea

Trustee Massey-nay

Trustee Jenkins-absolutely not

### **Managers' Report**

No report given

### **Executive Session**

A motion was made by Trustee Rue with a second by Trustee Banks to go into Executive Session at 8:18pm to discuss the following:



12/7/22- Village Board Meeting

Status of Police Department Negotiations  
Status of the Village Treasurer and the Forensic Audit

Upon the call of the roll, all present were in favor.

A motion was made by Trustee Banks with a second by Mayor Nikolados to come out of Executive Session at 8:38pm. Upon the call of the roll, the vote went as follows:

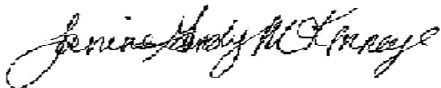
Mayor Nikolados-yea  
Trustee Rue-yea  
Trustee Banks-yea  
Trustee Massey-absent  
Trustee Jenkins-absent

**Adjournment**

A motion was made by Rue with a second by Mayor Nikolados to adjourn the meeting at 8:38pm. Upon the call of the roll, the vote went as follows:

Mayor Nikolados-yea  
Trustee Rue-yea  
Trustee Banks-yea  
Trustee Massey-absent  
Trustee Jenkins-absent

Submitted by:



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Janine Gandy-McKinney, Village Clerk