

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, May 18<sup>th</sup>, 2022

6:00 pm

**Call Meeting to Order**

The meeting was called to order at 6:00pm by Mayor George Nikolaos.

**Pledge to the Flag**

**Roll Call**

Mayor Nikolados-Present

Trustee Rue-Present

Trustee Banks-Present

Trustee Massey-Present

Trustee Jenkins-Present

**Also Present:**

Richard S. Baum-Acting Village Special Counsel

**Motion to accept the agenda**

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

**Motion to Change the Order of the Agenda and do Item #8- Presentation-Man Up for God**

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

**Presentation-Man Up for God**

Pastor Rich from Man Up for God Ministries was present, he stated that they are an outreach ministry that does outreach in the local communities by doing programs and events. The last event they did was in Port Jervis and it was a great event, and they had the support of the community along with the churches in that area. They would like to do that same type of program here in the Village on August 6<sup>th</sup>, 2022 in the parking lot across from Chase bank. We provide all the necessary things such as entertainment, port-o-pottys, security, food and drinks, medical services, everything; we are here to promote unity and we hope that the local businesses will come out and support, we've been doing this for (5) five years in other communities and now we'd like to do it here. This is a free event and the purpose is to bring people together for a good cause.

Alan Weir was also present and stated that he is part of this group and this event will be bring the County Resources together with the local business people and churches all in one space to provide assistance to our local community. We want to let the community know that we are there for them and that we have resources to assist them. As it was previously stated, there is absolutely no cost to the Village, all we ask is that you all show up and show your support.

The Board made comments in support of the event.

Mr. Snowden stated that before a resolution is done, the Village needs to make sure that this space is available and get more information regarding the event.

The Board responded that this lot has been used many times, and we have done resolutions for things like this in the past.

Mr. Snowden stated that that he has to check with the various departments, ie: Police, Fire and others to make sure of their availability. I have no problem with the event, I just want to make sure that we are covered. I will let them know, just let me check with these agencies first regarding this date in particular.

**Motion to resume the regular Order of the Agenda**

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

**Continuation of Public Hearing-Proposed Local Law #1 of 2022- To adopt a Local Law to Change the Zoning of Property Located on the North Side of Starr Avenue and on the East Side of Fraser Avenue from R1 to RM**

The Public Hearing Notice was read into the minutes:

PLEASE TAKE NOTICE that the Village of Monticello will continue the Public Hearing on Wednesday, May 18<sup>th</sup>, 2022 at 6:00pm at Village Hall, 2 Pleasant Street, Monticello, New York 12701 to discuss the following proposed local law:

Local Law #1 of 2022, -To adopt a Local Law to Change the Zoning of Property Located on the North Side of Starr Avenue and on the East Side of Fraser Avenue from R1(Residential One-Family) to RM (Residential Multi-Family)

PLEASE TAKE FURTHER NOTICE that the economical significance of said proposed Regulations & Local Laws will be reviewed by the Village Board of Trustees incident to and as a part of said public hearing. Copies of said proposed Regulations & Local Laws are available for review at Monticello Village Hall, 2 Pleasant Street, Monticello, New York 12701.

By Order of the Village Board of the  
Village of Monticello, New York  
Janine Gandy-McKinney, Village Clerk

A motion was made by Trustee Rue with a second by Trustee Banks to open the Public at 6:13pm. Upon the call of the roll, all present were in favor.

The floor was opened to the Public and the following people spoke:

Leo Glass-against  
Monica Farquhar-Brennan-against  
Trustee Rue  
Trustee Banks

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Jody Farquhar-against  
Mrs. Perlmutter-against  
Joel Kohn-owner of property being discussed-for  
Many others spoke that did not give their names  
Attorney Jay Zeiger-Council for the project owner  
Mayor Nikolados  
Trustee Jenkins

Mr. Baum, Deputy Special Council to the Village gave an overview of the Public Hearing and the actions taken since the initial hearing date of April 7<sup>th</sup>, 2021. Mr. Baum made the Public aware that the Village of Monticello Board of Trustees declared Lead Agency and there were no objections filed against this action. He also made the Public aware that GML 239 was completed and returned with a local determination. Several public hearings were held, each with the public concerns all surfacing around the following:

1. Water capacity & usage issues
2. Over crowding
3. Traffic
4. Flooding due to the removal of the trees on the slope of the current property

Assessments were completed by the Village's Engineering firm, September 1<sup>st</sup>, 2022, Barton & Loguidice which determined that with the re-routing of some piping and other infrastructural changes, the Village would be able to sustain a project of this size. He also made the Board aware of their options of either to adopt or no adopt the local law as requested or other options of changing the zone in question to an R2 instead of the requested RM.

A motion was made by Trustee Banks with a second by Trustee Jenkins to close the Public Hearing at 6:55pm. Upon the call of the roll, all present were in favor.

**Approval of Minutes from the April 20<sup>th</sup> Regular Meeting, April 27<sup>th</sup> Emergency Meeting and May 4<sup>th</sup>, 2022 Regular 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.

**Motion to Change the Order of the Agenda and do Item #13-15- SEQR part 2 Evaluation for proposed Local Law #1 of 2022, Resolution adopting a Negative Declaration for proposed Local Law #1 of 2022 & Resolution of Adoption for Proposed Local Law #1 of 2022- To adopt a Local Law to Change the Zoning of Property Located on the North Side of Starr Avenue and on the East Side of Fraser Avenue from R1 to RM**

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

Trustee Jenkins stated that he's not going to make any rush decisions, he has to take a look at everything first to make a conscious decision.

There was a discussion of the Board in regards to their options of adopting the proposed Local

Law as is, modifying it, or not making any changes and leaving the zone as it currently is. Mr. Baum and Mr. Snowden explained the difference between the different zones and what is allowed in each zone in the Village. Mr. Baum also explained the procedure of what has to be followed by the applicant if they are granted anything from this Board and then through the Planning Board. He also made them aware that if at any time the project becomes stalled, updated evaluations can be requested at the expense of the applicant.

Other discussions from the Board included who will be tracking these projects and making sure that the work is getting completed, the correct materials are being used, qualified people are doing the work, etc.

A motion was made by Trustee Jenkins with a second by Trustee Rue to make the proposed zone an R2 instead of the requested RM. Upon the call of the roll, the vote went as follows:

Mayor Nikolados-abstain

Trustee Rue-yea

Trustee Banks-nay

Trustee Massey-yea

Trustee Jenkins-yea

**Motion to re-organize the Agenda starting with Item #16-21**

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

**Resolution authorizing the payment of the Village Bills in the amount of \$302,340.42**

A motion was made by Trustee Banks with a second by Trustee Rue for a discussion.

Trustee Rue stated that they are getting the abstract of the bills too late. Most times they are getting them right before the meeting and it does not give them enough time to review them before having to make a vote on them. It's not fair to the Board.

Trustee Jenkins agreed and stated that he has asked the Treasurer for information several times and his response is that he does not work for him, he works for the Board, and now he comes to us with a bill pay over \$300,000.00 and expects us to just pass, something that I don't even know of half of the things he has on here. I been here a month and the man refuses to answer any questions, or do anything. I've asked him for payroll and different things and he looks at me like I don't even exist. The election is over and we are here in this Village and we all need to work together to get this Village moving. I need information and I am not getting anything. I've already said, I'm not voting on anything when it comes to the Treasurer until I see the information that I am asking for.

Trustee Banks responded that last month, he presented that there is X amount of dollars in the bank and the Village has bills and we have to pay the bills, so we have the money to pay the bills and we owe them, so they need to be paid. You have a right to do that, make your decision, but we do have legitimate bills that need to be paid.

The Board continued to discuss the issue concerning the bill pay and other financial issues.

Upon the call of the roll, the vote went as follows:

Mayor Nikolados-yea

Trustee Rue-nay

Trustee Banks-yea

Trustee Massey-nay

Trustee Jenkins-nay

**Resolution authorizing the Village Clerk to charge the applicable fees and to issue Medical Transportation Medallions to Mom's Car Service LLC**

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

**Resolution requesting an RFP for the Welding of the Village of Monticello Pool at Dillon Park to be issued on May 25<sup>th</sup>, 2022 and opened on June 1<sup>st</sup>, 2022 at 2:00pm**

A motion was made by Trustee Banks with a question and a second by Trustee Rue.

Trustee Banks asked what exactly is wrong with the pool, is the pump and filtration system functional and how much is it costing the Village to get this done?

Mr. Snowden replied that there are about 4 or 5 places in the pool that need welding, all of the pumps and filters have been stored at the water department and are in good shape and the pool will be safe to use once those minor issues are corrected.

Trustee Jenkins thanked Mr. Snowden for getting the pool together for this summer season.

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

**Resolution authorizing the attached "Schedule A" as surplus items for the Village of Monticello Highway Department and rescinding the noted items as list on the attached, "Schedule A" from the July 14<sup>th</sup>, 2021 resolution**

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

**Resolution authorizing the settlement of the Military Leave dispute with Justin Dawson and for the next Village Attorney to draft a new Military Leave procedure with the Chief of Police**

Acting Special Counsel Richard S. Baum, stated that he is completely recused from this issue.

A motion was made by Trustee Banks with a second by Trustee Jenkins.

Mr. Snowden stated that he spoke with Officer Dawson and he agreed to take a reduction from \$9,000.00 to \$6,000.00 and also agreed to cancel the court date and settle this way if the Board agrees. Once this is settled, I will sit with the new Village Attorney and Police Chief and come up with a new and more efficient Military Leave Policy.

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

**Resolution adding a \$500.00 Escrow Fee to Chapter A290 "Schedule of Fee's" for Sign Permits to pay for the Village Attorney and Village Engineer**

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

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

**Mayor Report**

A motion was made by Mayor Nikolados appointing Antoinette Williams as the Village Attorney with a second by Trustee Banks. Upon the call of the roll, the vote went as follows:

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

**Zoning Officer-James Snowden, Village Manager**

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

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

**Retaining Michael Sussman, Esq.**

A motion was made by Trustee Massey appointing Michael Sussman as the Village Attorney & Special Counsel with a second by Trustee Rue.

The following resolution was read into the record:

Whereas, the Village's prior Special Counsel has submitted his resignation;

Whereas, the Mayor and Village Board recognize the need to hire experienced counsel to provide legal advice and counsel regarding Village business;

Whereas, on May 18<sup>th</sup>, 2022, the Village Board voted to retain Michael H. Sussman Esq. as Special Village Counsel;

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Whereas, Michael H. Sussman, Esq., an attorney admitted to practice law in the State of New York and in good standing to do so, has now agreed to accept this offer commencing May 27<sup>th</sup>, 2022, and has agreed to accept a retainer of \$5,500/month for legal services commencing on June 1, 2022;

Whereas, Mr. Sussman and his firm shall represent the Village in all matters pending in Village Justice Court and in matters before the Planning Board and Zoning Board of Appeals in which Richard Baum, Esq., has a conflict, and Mr. Sussman shall provide general advice to the Village Manager and members of the Village Board on any matter of public concern, provided that for any litigation matter in state or federal court to which the Village assigns him, the Village and he shall negotiate a fair and appropriate legal fee;

Whereas, Mr. Sussman has acknowledged that this is an “at will” appointment which may be terminated as provided by state law;

It is now resolved that the Village Board retains Mr. Sussman on the above terms and for the afore stated purposes.

Upon the call of the roll, the vote went as follows:

Mayor Nikolados-nay

Trustee Rue-yea

Trustee Banks-nay

Trustee Massey-yea

Trustee Jenkins-yea

**Adjournment**

A motion was made by Trustee Rue with a second by Trustee Massey to adjourn the meeting at 8:16pm. Upon the call of the roll, all present were in favor.

Submitted by:

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Janine Gandy-McKinney, Village Clerk