

Board of Trustees Special Meeting Minutes

Village of Monticello

Wednesday, June 28th, 2023

6:00 pm

Call Meeting to Order

The meeting was called to order at 6:03pm by Mayor Nikolados.

Pledge to the Flag

Moment of Silence

Moment of Silence for William “Buck” Walker, employee Stacey Walker’s father who passed away.

Roll Call

Mayor Nikolados-Present

Trustee Rue-Present

Trustee Banks-Present

Trustee Massey-Present

Trustee Jenkins-Present

Also Present:

James Snowden-Village Manager

Antoinette Williams-Village Attorney

Michael Sussman-Special Counsel

Chief Mir-Monticello Police Department

Gary Lasher-Village Treasurer

Anthony Dworetsky-Highway Superintendent

Motion to accept the agenda

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

Approval of Minutes from the June 7th, June 12th, June 14th, & June 20th, 2023 Meetings

June 7th, 2023

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

June 12th, 2023

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-abstain

Trustee Massey-yea

Trustee Jenkins-yea

June 14th, 2023

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

present were in favor.

June 20th, 2023

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

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-abstain

Trustee Massey-yea

Trustee Jenkins-yea

Richard Baum-PUD Review from Planning Board

Village Deputy Special Counsel, Richard S. Baum was present and stated that this was an issue that came before the Village Board. Joel Kohn & Thomas Shepstone were the presenters. They wanted to form a Planned Unit Development in the Village off of Shaker Heights Road where they currently own 70+ acres of land. They likened it to Camelot Woods in the Town of Thompson and being that the Village does not have any PUD, this is a great opportunity for the Village to set the standard and regulations. The Village Bard sent it to the Planning Board for review and the ability to set the regulations. The planning Board has a few meetings and set the following standards:

§ 280-40.1. Planned unit development.

- A. Purpose. It is the intent of this section to permit the establishment of a use classification entitled "Planned Unit Development" (PUD) where the following objectives are sought:
 - 1) Creation of a more desirable community environment than would be possible through strict application of the zoning regulations found elsewhere in this Chapter 280.
 - 2) Preservation and enhancement of community natural resources such as water bodies, wetlands, forests, significant topographic and geological features and other areas of scenic and ecological value.
 - 3) Efficient use of a site to facilitate adequate and economical construction and maintenance of streets and drainage facilities and water supply and sewage systems.
 - 4) Innovation and variety in the type and design of residential development, providing a wide choice of living environment, occupancy tenure and housing cost.
 - 5) Open space allocation and maintenance by private initiative as an integral part of residential development.
- B. Site area and location. The minimum site area for a PUD shall be 20 acres and it shall be located within a residential district.
- C. Common open space. Not less than 25% of the gross area of a PUD shall be devoted to common open space. Such land is to be owned or controlled jointly by all residential property owners within the PUD and is to be used for recreational purposes or preserved

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in its natural state. The common open space shall include lands having significant ecological, aesthetic and recreational characteristics, with topography, shape, dimension, location, access and improvements suitable for its intended purpose.

D. Permitted uses.

- 1) Residential: may be any type, including related accessory uses as provided elsewhere in this Chapter 280.
- 2) Nonresidential: may be permitted or required where such uses are designed to serve primarily the residents of the PUD District.

E. Maximum number of dwelling units.

- 1) The maximum number of dwelling units that may be approved in a PUD shall be computed by multiplying the total acreage of the site as provided for in the district regulations by the appropriate number of dwelling units per acre for the district in which such site is located as provided in District Regulations, Use and Bulk Tables. The maximum number of dwelling units shall not be approved if, in the judgment of the Planning Board, the site plan does not indicate adequate design and management of open space areas according to the following criteria:

- a) Provision of recreation facilities;
- b) Protection or enhancement of wildlife habitats;
- c) Protection of surface water quality; and
- d) Protection or enhancement of scenic quality.

- 2) The Planning Board shall determine the maximum number of dwelling units, the size and scope of any commercial or retail uses, that the site is capable of supporting without causing adverse effects on the resources of the Village.

F. Other zoning regulations. With the exception of minimum lot areas, building heights (which shall not exceed three (3) stories plus basement, regardless of District in which the PUD is to be located) and lot and yard requirements, the PUD shall comply with all other provisions of this Chapter 280. The PUD may be located in any district allowing Residential Use. In the event Commercial uses are not permitted in the District in which the PUD is applied for, the Commercial Use shall be governed by the B-1-0 Use and Bulk requirements for "Business/Office" and "Eating and Drinking Establishments". In addition, Applicant shall be entitled to the right to Appeal to the Zoning Board of Appeals for a determination as to whether the proposed use is allowed as a matter of right or by Special Permit pursuant to Section 280-10(B).

G. Utilities. All uses situated in a PUD shall be served by Village water and sewer systems. All water, sewer and gas lines, and all other lines providing power and communication service, shall be installed underground in the manner prescribed by the state and local agencies having jurisdiction.

H. Ownership. The land proposed for a PUD may be owned, leased or controlled either by an individual, corporation or by a group of individuals or corporations. The applications shall be filed by the owner or jointly by all owners of the property included in the

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application. In the case of multiple ownership the approved plan shall be binding on all owners. Ownership structure shall be set forth the Approval Resolution and Local Law.

- I. Organization. A PUD shall be organized as one of the following:
 - 1) A homeowners' association approved by the Federal Housing Administration for mortgage insurance, by the Attorney General of the State of New York or by the Village Board.
 - 2) A homeowners' association approved by the Village Board upon recommendation of the Village Attorney or Village Special Counsel. Whenever a homeowners' association is proposed, the Village Board shall retain the right to review and approve the articles of incorporation and charter of said homeowners' association and to ensure that the intent and purpose of this section are carried out.
 - 3) Any other arrangement approved by the Village Board, upon recommendation of the Village Attorney or Village Special Counsel, as satisfying the intent of this section, including condominiums and special districts.
- J. Procedure.
 - 1) A PUD may be approved only by resolution adopted by the Village Board upon recommendation of the Planning Board. A PUD application shall be considered by the Village Board only after receiving preliminary approval from the Planning Board.
 - 2) Prior to the issuance of a building permit in a planned unit development, a site plan shall be submitted to and approved by the Planning Board in accordance with Chapter 265.
 - 3) Said site plan shall include areas within which buildings and structures are proposed to be located, the height and spacing of buildings, open spaces and landscaping, off-street parking, open and enclosed parking spaces, driveways and any other physical features relevant to the proposed plan.
 - 4) Nothing contained in this section shall relieve the owner or his agent or the developer of a proposed planned unit development from receiving subdivision plat approval in accordance with Chapter 270, Subdivision of Land. In approving the final plat for a planned unit development the Planning Board may modify the acreage requirement for recreation areas of Chapter 270, Subdivision of Land, provided that the common land dedicated in accordance with this section meets all other requirements of Chapter 270, Subdivision of Land.
 - 5) Prior to site plan approval, the developer shall file with the Planning Board a performance bond to ensure the proper installation of all park and recreation improvements shown on the site plan and a maintenance bond to ensure proper maintenance of all common lands until the homeowners' association is established. The amount and period of said bonds shall be determined by the Planning Board, and the form, sufficiency, manner of execution and the surety shall be approved by the Village Attorney or Village Special Counsel and by the Planning Board.

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- 6) Minor building additions to individual residential units in a PUD up to 50% in size of the original unit will be permitted upon application and issuance of a building permit, provided all New York State Building and Fire Code, as amended and any such expansion shall not increase the level of a preexisting nonconformity or with any dimensional requirements in the use and bulk table, in which the PUD is located, and shall comply with Section 280-42. The applicant shall provide written evidence to the officers and employees of the Building Department that the proposed building addition has the approval of the local homeowners' association or other local body with jurisdiction within the PUD or cluster development. Written evidence shall consist of a letter to the Village, signed by a duly authorized officer of the homeowners' association, indicating that all homeowners have been advised of the proposed minor addition. Subsequent additions or other modifications to the approved site plan shall be submitted to the Planning Board for approval.

239 GML Review

A motion was made by Trustee Rue with a second by Trustee Banks authorizing the Village Clerk to send the proposed PUD regulations to the County for 239 GML Review. Upon the call of the roll, all present were in favor.

Intent to declare Lead Agency

A motion was made by Trustee Rue with a second by Trustee Banks for the Intent of the Village of Monticello Board of Trustees to be declared as Lead Agency. Upon the call of the roll, all present were in favor.

Public Hearing

A motion was made by Trustee Rue with a second by Trustee Banks setting a Public Hearing date for Wednesday, August 16th, 2023 at 6:00pm. Upon the call of the roll, all present were in favor.

Roy Richards-SEQR for Water Treatment Plant Project

Roy Richardson & Donald Fletcher were present from Barton & Loguidice were present and stated that the Village is ready to move forward with the Water Plant Project. The next step is the Intent to declare Lead Agency for the purposes of SEQR.

Don stated that they are still waiting for the Village to get the bonding in place by September 2023 because scheduling is very important and then to have the construction to be completed by October 2024. The bank reconciliations have to be done and current in order to get the bonding in place; without that completed and current, you will lose the entire project.

Roy also stated that the Village was granted 4 million dollars through the Stag Award for water system improvements, but that will not be announced and or given for a long time, so that's not

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really funds that we can count on for this project.

Intent to declare Lead Agency

A motion was made by Trustee Banks with a second by Trustee Massey for the Intent of the Village of Monticello Board of Trustees to be declared as Lead Agency. Upon the call of the roll, all present were in favor.

Public Hearing-2023/2024 Village Budget

The following notice was read into the minutes by Mayor Nikolados:

NOTICE IS HEREBY GIVEN, that the Board of Trustees of the Village of Monticello will hold two (2) Special Meetings for Public Hearings to consider the Annual Budget for the fiscal year commencing August 1st, 2023 and ending July 31st, 2024, said hearings will take place on Tuesday, June 20th, 2023 and Wednesday, June 28th, 2023 at 6:00pm. All are welcome to attend.

Dated: Tuesday, June 16th, 2023
By Order of the Board of Trustees
Village of Monticello
Janine Gandy-McKinney, Village Clerk

A motion was made by Trustee Banks with a second by Trustee Rue to open the Public Hearing at 6:32pm for the 2023/2024 Village Budget. Upon the call of the roll, all present were in favor.

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

Trustee Massey- questioned the hiring the security officer & why is there two Working Supervisors in the budget. Trustee Massey stated that Mr. Dworetsky was hired as a Highway Superintendent and that is the position that we have in the Village. The Working Supervisor is not in our titles, it is Highway Superintendent for him and Jay, and Highway Superintendent for Anthony.

Special Counsel, Mr. Sussman responded that the record need to be clear in that Mr. Dworetsky was hired under the title of Highway Superintendent, and that is the title from my understanding that has always been used in the Village. As far as Mr. Sherb, that matter is in front of PERB and we will get an answer from them in the near future and we cannot discuss his matter because he is an employee of the Village and is currently out. But in my legal opinion, the title of Highway Superintendent is what stands and the title that Mr. Dworetsky was hire under.

Trustee Banks stated that he's on the record that he has no parts in discussing any of this concerning the Highway Superintendent or Working Supervisor.

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Mayor Nikolados stated that what we call someone here does not matter, what matters is when we send the information over to Civil Service, when that happens it has to go over as Working Supervisor which is the title that is acknowledged by them and Janine can back me up on this.

Village Counsel, Antoinette Williams stated that she feel that it is an issue of schematics. What we call them in the Village is not really the issue, it's what Civil Service recognizes. If you want to put both titles in the contract that's fine, but he is still doing the same job under both titles.

Other discussions of the Board included budgeting for Lifeguards, trucks and vehicles for various departments, Chips monies balances, and salaries for part-time individuals being steady across the Board, Longevity, Health Insurance buyouts, paving of streets.

Mattie Anderson-questioned PILOT Payments and how long do they continue?

Mr. Lasher responded that PILOT Payments are from the IDA. Some of them will be phasing out soon, but most of them will continue for a while. These were set up before a lot of us that are here now, were here, so we get the brunt of these until they are complete. Taxes are only being raised \$100,000.00 in the General Fund, which is a 0.002, and that's not a lot of money.

Debbie Mack-referenced a comment made, said that it was not directed to the Clerk and wanted to make it clear that it was a general comment. Also questioned how can the budget be passed in a deficit? How do you plan to get out of this situation and how many years have we been in the deficit?

Mayor Nikolados responded that even though the budget is showing a 2 million dollar deficit that hole is usually closed through money that doesn't get spent, things being purchased at a lesser price, tax foreclosures or property sales, so as bad as it looks right now, we end up better. Plus, everyone is passing budgets in a deficit, it's not just us, but also the school and County did the same things. The state is confident that we will close this gap within the next couple of years due to the upswing in property sales and also people retiring and new employees coming in at lower salaries. The Village has been in this deficit I believe since 2018 mostly due to the lack of not raising of taxes. In the last five years taxes have not been raised over 1%, which has technically been a hurt and those changes that were discussed, were in Water & Sewer, none of those changes affects the General Fund which is the fund that is hurting the most. It's an issue that is not the blame of anyone, it's the recession, COVID, a lot of factors.

Other questions from the Public included the similarity in the Village Manager and Treasury salary and if they shared duties, contracted salaries and a Youth Center.

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A motion was made by Trustee Rue with a second by Trustee Banks to close the Public Hearing at 7:35pm for the 2023/2024 Village Budget. Upon the call of the roll, all present were in favor.

Resolution of Adoption for the 2023/2024 Village Budget with a 0.02% Property Tax Increase with the discussed changes that have been made by the Board

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-nay

Mayors Report

There was no report from Mayor Nikolados

Resolution authorizing the payment of the Village Bills in the amount of \$178,090.33

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-nay
Trustee Jenkins-nay

Resolution authorizing payment to Siewert Equipment- A Division of Cummins-Wagner for the Emergency Repair of the Jail Pump Station in the amount of \$3,749.59 from app#G.8130.421 (Treatment/Disposal-Repairs/Maintenance). Current account balance before expense is \$4,202.66

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-nay
Trustee Jenkins-nay

Resolution authorizing a refund to Idriz Musovic for a credit on his water bill in the amount of \$1,185.27 from the Water Fund

A motion was made by Trustee Banks with a second by Trustee Rue. Upon the call of the roll, the

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vote went as follows:

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-yea

Trustee Massey-nay

Trustee Jenkins-nay

Resolution authorizing payment to Jeanne O'Connell, RPR in the amount of \$1,108.80 from app#A.1420.404 (Attorney-Litigation) for the PERB Hearing. Current account balance is \$37,418.35 after expense

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-abstain

Trustee Massey-yea

Trustee Jenkins-yea

Resolution authorizing payment to Springbrook (KVS) in the amount of \$2,268.00 from app#1325.402 (Treasure-Contractual Expenses) for the KVS Server Migration. Current account balance is \$6,230.10 before the expense

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-nay

Trustee Jenkins-nay

Resolution accepting the quote from Peak Power Systems for a Portable Generator in the amount of \$64,000.00 from app#G.8120.233. Current account balance is \$82,478.75

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-nay

Resolution authorizing the Correction of Errors of a sewer amount for SBL#119.-6-19.3 aka Edward Avenue owned by the Sullivan County Land Bank

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-nay

Resolution authorizing the purchase of two (2) 2023 RAM D28L62, 3500Reg Cab, 4x4, 8' Bed, 56" CA, SRW Trucks for the Sewer Department in the amount of \$65,251.80 from app#G.8120.233 (Sanitary Sewers-Equipment Purchase & Water Department) \$63,000.00 from app#F.8340.459 (Transmissions-Truck Equipment/Tools) from State Bid. Current account balance is \$82,478.75 in Sewer & \$103,486.49 in Water before purchase

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-nay

Resolution authorizing the Employment Contract of Highway Superintendent, Anthony Dworetzky

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-nay

Resolution authorizing the payout of vacation time of the Highway Forman, Thomas Price, in the amount of \$5,942.32

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

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Trustee Massey-nay

Trustee Jenkins-nay

Resolution authorizing the Correction of a Clerical Error for a Property Maintenance Fee of \$58.05 and a portion of a Water, Sewer & Sanitation Relevy in the amount of \$946.76 for SBL#112.-9-7 aka 418 Broadway (Key Bank) which is currently owned by the Sullivan County Land Bank for the 2021/2022 Tax Bill

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-nay

Resolution authorizing the Correction of a Clerical Error for a Property Maintenance Fee Relevy of \$840.00 for SBL#12.-9-14.1 aka 430 Broadway which is currently owned by the Sullivan County Land Bank for the 2021/2022 Tax Bill

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-nay

Add-Ons:

Resolution authorizing the High Superintendent/DPW Working Supervisor to take the Village truck home for his Department

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-nay

Resolution memorializing the salary of \$64,000.00 in the White Collar CBA for an Account Clerk in the Village of Monticello that has been employed for a minimum of twenty (20) years or more

A motion was made by Trustee Rue with a second by Trustee Banks. Upon the call of the roll, the

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vote went as follows:

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-yea

Trustee Massey-nay

Trustee Jenkins-nay

Managers' Report

There was no report from Mr. Snowden

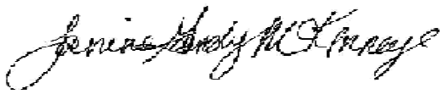
Executive Session

There was no Executive Session

Adjournment

A motion was made by Trustee Banks with a second by Trustee Rue to close the meeting at 8:45pm. Upon the call of the roll, all present were in favor.

Submitted by:



Janine Gandy-McKinney, Village Clerk