

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, February 1st, 2023

6:00 pm

Call Meeting to Order

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

Pledge to the Flag

Roll Call

Mayor Nikolados-Present Trustee Rue-Present Trustee Banks-Present at
6:05pm
Trustee Massey-Present Trustee Jenkins-Present

Also Present:

James Snowden-Village Manager
Michael Sussman-Special Counsel

Motion to accept the agenda

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

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

**Approval of minutes from the January 11th, 2023 Regular Meeting & the January 23rd, 2023
Emergency Meeting**

January 11th, 2023 Regular Meeting

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

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

January 23rd, 2023 Emergency Meeting

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

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

2/1/23-Village Board Meeting Minutes

Trustee Jenkins-yea

Mayors Report

Discussion-2024 Village Election-Mayor Nikolados stated that we have to figure out what we are going to do in regards to the Election in 2024. The County Board of Elections do not do Village elections anymore and the only way that they will do it is if we move our Election to November with the General Election. If we were to do this, we would not incur any expenses and everything will be done on the County's tab. Also, in my opinion, we would get a better turn-out of voters because more people will vote. I spoke with NYCOM and they said essentially it's up to the Village, because it will extend terms and possibly change the budget years. Being that I & Trustee Banks terms started late, in September of 2020 because of COVID, I think that it's only fair that we get the extra times to complete our terms. Michael, how would we do this if that was the decision of the Board?

Trustee Rue stated that before Mr. Sussman responds, it is my opinion *not* to give it to the County and do it in November, but to do it in June with all of the other Villages and let the Clerk run it. In November, it will be too many people and the Village will be all the way at the bottom of the ballot and people will not vote, we will not get the attention that doing it alone gives us. I think she did a great job last year, everything was done legally and there was very minimal problems, but she has to be paid. Also, we have everything that we need for the elections, all of the equipment and everything that had to be bought, so it's no need for all of that stuff to go to waste. I also called NYCOM and spoke with Mr. Beltramo and Mr. Mancini, who are the authorities for the Village on these type of matters and they said that it is up to the Village because it would involve the budget year changing all also the terms being extended, so we need to talk to our Attorney.

Mr. Sussman, the Village Special Counsel, stated that there are actually a couple of issues that needs to be considered here. First, the actual moving of the Election date, second, the Budget dates and lastly the length of the terms, whether it be to June or November. In hearing all of this I have to first find out if maybe a Permissive Referendum is needed because this is something that will affect the entire Village, will a Local Law suffice, or can a resolution be done and if that will be acceptable and I agree, the Clerk should be paid for this as it is a duty on top of what she currently does, which is already a lot, and it is very time consuming. If the Board would allow, I would have to look up the laws and see how it was handled in other municipalities that also fell into this predicament, so that I can be sure that we are doing everything correctly and legally. In my opinion, I would think that a Permissive Referendum would be needed, but I have to look into it.

Trustee Banks stated that, nothing against the Clerk, but I think we should do it in November also, this way it is handled by professionals. The Clerk did a great job for it being her first time, but I fell that there were some possible illegal things done in the counting and things seemed to

2/1/23-Village Board Meeting Minutes

be a little fishy and I am not confident in the paper ballots. Janine, why were paper ballots used, we should have gotten the machines from the County.

The Village Clerk responded, the County would not allow us to use their machines and every other municipality uses paper ballots. I called several of them and they all stated that they use paper ballots.

Trustee Banks stated again, it's nothing towards you. It just seems that some of the people used were not trained and had no clue what they were doing. I don't know why the County was not used in getting competent people, but they should have at least been contacted for that. I'm just saying, I don't think we will get a fair election if it not done by the County.

The Clerk responded that the list of the people that worked were trained by the County Board of Elections and they provided me with the list of those eligible to hire, so I had nothing to do with that.

Trustee Banks stated, well no matter what, we'd save money by them doing it and in my opinion, it will bring out more voters if we do it in November and people will have more time to vote because they start at 6am.

Mayor Nikolados stated that I agree with Trustee Banks, it's nothing at all against you Janine, you did a great job, I just wonder about the integrity of some of those working and the counting of the ballots. I know the County will not allow any municipality to use their machines, but there has to be another way besides paper ballots, that's more so my issue, the paper ballots. Also, with the Budget year, if it's done in June, it will not be fair to new people being elected for them to vote on a budget that was already in the process, what if they want to make changes? That's why I think everything should just be pushed to November.

Trustee Rue responded, Janine did a great job, everything she did was legal and very professional and all of the other Villages that do their own elections, use paper ballots. There's nothing else to use. We already have everything, all of the equipment, everything for the absentee's, Janine put a lot of work into everything and if we don't use it, what's going to happen to it, now that becomes a waste. Also, in regards to the Budget year, when I spoke to Mr. Mancini at NYCOM, he said that we don't need a Permissive Referendum, a local law or resolution will be fine. It's up to the Board to make the changes and if you think you will be getting more votes, that's not going to happen, you're going to get less and there's going to be a lot of confusion and you will have people that are not in the Village voting for the wrong things and everything will be a complete mess because it's the General Election. I trust Janine, she did a great job and she should be doing it and we need to pay her, that's it, we already have everything we need to do it.

2/1/23-Village Board Meeting Minutes

Mr. Sussman said, well before any decisions are made, we have some time, not a lot, but enough to make a conscious decision, so let me look into it and see what I come up with, report back to the Board and then we can go from there.

Resolution authorizing the payment of Village Bills

A motion was made by Trustee Banks with a second by Mayor Nikolados. 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 payment to Emmons Metro LLC in the amount of \$6,740.00 for the Emergency Repair for the #2 Homa Pump from app#G.8120.233 (Sanitary Sewers-Equipment) for the Sewer Department. Current account balance after expense is \$105,509.71

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

Trustee Massey stated that it's just a suggestion, but the Clerk needs to start adding the invoice in as part of the resolution, this way, we know what we are paying and everything matches.

Special Counsel, Mr. Sussman, stated that the Clerk has everything numbered and listed in your packet, I don't see the need to now add more work to her, buy asking that the invoice numbers be part of the resolution, everything you need to pass the resolution is already presented in your packet.

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

Resolution authorizing payment to Busy Bee Septic and Excavating LLC for the Emergency Sewer Main Backup at 20 Krier Lane in the amount of \$2,700.00 from app#G.8120.233(Sanitary Sewers-Equipment). Current account balance after expense is \$102,809.71

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

Mayor Nikolados asked was this bid out.

The Village Manager, Mr. Snowden responded that this was an emergency, and this company responded the fastest.

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

Resolution authorizing payment of the Village's insurance deductible in the amount of \$10,000.00 for the settlement in the lawsuit of Ridge Jr., Melbourne v. Village of Monticello

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 purchase of Smith & Loveless Double Mechanical Seals from Sur-Seal Inc. in the amount of \$1,213.84 from app#G.8120.421 (Sanitary Sewers-Repairs/Maintenance). Current account balance after expense is \$12,408.84

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 designating the following Street names in the Village of Monticello for Meadowbrook Gardens aka BL#117.-3-2 as Bereshit Way, Dushinsky Ln, Shalom Ln, & Boy Way

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

Resolution authorizing payment in the amount of \$1,400.00 to Busy Bee Septic and Excavating for the Emergency Service Call for the Vacuum Truck in the Sewer Department from app#G.8120.233(Sanitary Sewers-Equipment). Current account balance after expense is \$101,409.71

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 payment to Callanan Industries Inc. in the amount of \$1,232.85 for Patch for the Village Streets from app#A.5110.224 (Street Maintenance-Paving Supplies). Current account balance after expense is \$82.02

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 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 Trustee Banks to Table due to the finalized document not being available at the request of Special Counsel. Upon the call of the roll, all present were in favor.

2/1/23-Village Board Meeting Minutes

Managers' Report

MHA Candidate

Mr. Snowden stated that he met with Village resident, Stella Butler, and he feels that she would be a good fit for the Monticello Housing Authority and she has been appointed for a term of five (5) years.

Credit Card

Mr. Snowden made the Board aware that he had to spend money out of his own pocket to get some things done in the Village over the weekend due to the frigid weather. He stated that he needs a credit card for general purchases within his procurement with Executive privileges.

Mayor Nikolados stated that he totally agrees, the Manager should have a credit/debit card because he had to do the same thing several times and that's not how a business runs or works and plus it takes a while to get the funds back from the Village.

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

Code Books

Mr. Snowden stated that the Village does not have any code books for the Building Department and even though everything is on the computer, the actual books are still needed. He asked that he make the purchase of the Code Books not to exceed \$1,500.00.

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

Village Owned Property

The Village Manager made the Board aware that he has been getting a lot of calls in regards to Village property for sale and although we have the parcels, we need to do everything legally. I was told that before, everything was done through bids, I don't know if that's the way you all want to do it or not, but something needs to be done because we are sitting on properties that can be making us money that the Village needs right now.

Trustee Banks stated that he feels that the Village needs to do an RFP for a Broker, like Michael Davidoff did and do it that way, this way we can get the best value and assessments for these properties, going through a bid, we are going to have to start at the lowest price and we may end up cutting off our noses despite our faces, let's do it the right way and get the most we can according to the assessments.

2/1/23-Village Board Meeting Minutes

Mayor Nikolados stated that he agrees, a bidding process will do us no good. We need the properties listed at their fair market value, so they can be sold for what they are actually worth.

Trustee Rue said she also agrees, use a broker, have the attorney write up the RFP and the Clerk will list it in the paper and we will do it that way.

A motion was made by Trustee Banks with a second by Trustee Rue to have Mr. Sussman write up an RFP for Brokerage Services for the Village owned properties. Upon the call of the roll, all present were in favor.

Melbourne Resolution

Mr. Sussman made the Board aware that he has an additional resolution for the Board to consider regarding the Melbourne resolution. He stated that this resolution will be authorizing Special Counsel to investigate the Police Department for any additional claims that any be currently pending alleging excessive force by the Police. He stated that he is not looking to get the Police Department in any trouble, he stated that he has full faith the Police Department and feels that they do their jobs legally and effectively, but when cases like this Melbourne one comes up, he cannot successfully defend the Police Department without his own investigation to see what took place.

Mayor Nikolados stated that he understands the position that Special Counsel is trying to take, but he doesn't feel that this is necessary for cases that are currently underway, going forward, yes, but not with cases that are already in litigation and pending.

Mr. Snowden responded, Special Counsel is trying to assist the Village at no extra cost. This will help the Village, especially with our insurance, so you all not understand, that as soon as a claim is filed, we have to pay a \$100,000.00 deductible if we want to settle it, that's crazy. If these things can be prevented and he has a mechanism to do that, I don't understand what the problem is. The insurance company advised that we take these measures, what is the problem, we don't have that kind of money to put out and if it goes to trial, we have to pay anyway. This is a precautionary measure to cover ourselves.

Trustee Banks stated that he completely gets it, but he agrees with the Mayor, going forward yes, but not on pending cases, what's the need to go backward? Upcoming or going forward, definitely, but back stuff, no.

Trustee Jenkins stated that we need to just let everything go to trial and give people the chance to prove their own innocence. I get what Mr. Sussman is saying, but just let it go to trial and play out that way.

2/1/23-Village Board Meeting Minutes

Trustee Rue stated and if it goes to trial and we lose, we have to pay even more. I think that the resolution that Mr. Sussman has before us is the right way to go and it may come out that it may not even be our fault and it's no extra charge. Let him do this to help the Village, anything that can be a help, we need it, especially with the high insurance deductible. He's offering this for free and we need to save however we can.

Resolution Authorizing Special Counsel Investigation

Whereas, Melbourne Ridge has claimed in federal litigation that members of the Village police department used excessive force against him;

Whereas, the insurance carrier and defense counsel recommended settlement of that lawsuit for \$50,000;

Whereas, this Board is the fiduciary of public funds and as importantly has the responsibility to ensure that its police department and members are operating in a manner consistent with federal and state law, including the constitutional guarantee to be free from excessive force;

It Is Resolved, that the Village Board directs its special counsel, Michael H. Sussman, Esq., to review the allegations made by Mr. Ridge and any other outstanding allegations of excessive force filed with the Village Clerk or the Police Department and to provide it with a report within sixty days concerning the actions and omissions of any of the Village officers named as defendants in this case or as respondents in any others and to make any recommendations which appear appropriate and proper to ensure the lawful operation of the Department and the Village, and

It Is Further and Finally Resolved that the Village Board directs the Police Chief and all members of the police department to fully cooperate with the review it has directed Mr. Sussman to perform.

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-abstain

Trustee Rue-yea

Trustee Banks-nay

Trustee Massey-yea

Trustee Jenkins-yea

Executive Session

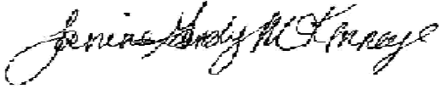
There was no Executive Session

2/1/23-Village Board Meeting Minutes

Adjournment

A motion was made by Trustee Rue with a second by Trustee Banks to adjourn the meeting at 7:07pm. Upon the call of the roll, all present were in favor.

Submitted by:

A handwritten signature in black ink, appearing to read "Janine Gandy-McKinney". The signature is written in a cursive style and is positioned above a horizontal line.

Janine Gandy-McKinney, Village Clerk