

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, June 19th, 2019

6:00 p.m.

Call Meeting to Order

The meeting was called to order at 6:00pm by Mayor Sommers

Pledge to the Flag

Roll Call

Mayor Sommers-Present

Trustee Nikolados-Present

Trustee Rue-Present

Trustee Massey-Absent

Trustee Sabatino-Present

Also Present: Michael Davidoff, Village Special Council

Motion to accept the agenda

A motion was made by Trustee Nikolados with a second by Trustee Rue to accept the agenda with the following add-ons:

1. Resolution authorizing payment to NGS Construction
2. The omission of the minutes

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

Approval of Minutes from the June 7th, 2019 Emergency Meeting

Omitted

Mayor/Manager Report

No Report

Resolution authorizing Budget Transfers & Amendments for fiscal year ending July 2019

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

Resolution setting a Special Meeting for a Public Hearing for the 2019/2020 Village Budget Wednesday, June 26th, 2019 at 6:00pm

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

Resolution re-setting a Public Hearing date for Proposed Local Law#4 of 2019 entitled, "A Local Law authorizing a property tax levy in excess of the limit established in the General Municipal Law Section 3C" for Wednesday, June 26th, 2019 at 6:00pm

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

Mayor Sommers-yea
Trustee Nikolados-yea
Trustee Rue-nay
Trustee Sabatino-yea
Trustee Massey-absent

Resolution to accept Bids made at the June 2019 Public Auction for Real Property Acquired by virtue of the In Rem Tax Foreclosure Proceedings as attached in "Schedule A"

A motion was made by Trustee Nikolados with a second by Mayor Sommers.

Attorney, Henry Shawn was present and stated that his client, Gabrielle Bertonazzi, is before the Board for one of the properties that went through the auction process, the property is 14 Michelle Drive. The property is Mr. Bertonazzi's grandfathers and he was unaware of the back taxes being owed. He was paying the quarterly water bills, but had no clue of the taxes. In 2016 he made a mistake and paid the water bill which was almost the identical amount of the taxes, so he was under impression that the taxes were paid for that year. He never received any notification from the County regarding the foreclosure until he went by there in April of this year and saw the auction sign. Once he saw the sign, he immediately went to the Village Clerk and tried to pay the taxes. The Village Clerk made him aware that he was passed the deadline and that all of the unpaid parcels had already been reported to the County and it was out of her hands. Mr. Bertonazzi then went to the County and offered to pay the taxes in full and the necessary penalties to remove the property out of the auction, they also refused and said that it was up to the Village to make that decision. So, the auction process ensued and it is our understanding that the property was purchased, but the Board still can reject the bid and allow Mr. Bertonazzi to keep his property and that is why we are here.

Michael Davidoff, Village Special Council commented in response to Mr. Shawn that the property located at 14 Michele Drive went through the auction process and a substantial bid of \$30,000.00 plus was received on this parcel and there was only about \$12 to \$1,500.00 due in delinquent taxes. The property was before the judge at a court hearing and the judge stated that this property and all others that were in the auction was not to be removed. There was another property in a similar situation and the judge made the same decision. Also the County has made us aware on several occasions that if we move forward with removing properties and allowing the owners to have these properties back, we are in breach of our MOA and they will no longer continue to do our foreclosures. So, I am not sure why they told you that it was a Board decision, they have made it clear and so did the Judge, this is a court ordered decision that we cannot go against. Mr. Shawn went and tried to talk to all of the Board members and gave them letters without my knowledge and in spite of the Court Ordered decision. Reversing this will be a great injustice to the Village. It is my understanding that Mr. Bertonazzi has done this before and been in many cases like this before and I do not advise the Board to again allow this to happen.

Trustee Rue stated that this is wrong and it is not the County's decision it is the Boards decision. It is a Village property and the Village can make whatever decision they want. I don't see why the property even went to foreclosure for such a small amount and if Mr. Bertonazzi is here and willing to pay the taxes in full, the Village should let him keep his property and pay the taxes. We did the same thing last year when there was another property like this, the Board allowed

the people to keep their property and this is no different.

Mr. Davidoff interjected that there is a difference because Mr. Bertonazzi does not own the property, it belongs to someone else. His name is nowhere on the deed, nor the property. In the other instance that Trustee Rue is talking about the people owned and lived in the property. Plus, all of the proper paperwork was sent out by the County and there was no response by the owner, who is not Mr. Bertonazzi. There is a Court Decision in place and we need to follow that decision before we lose out completely with the County.

Trustee Rue commented that Michael you are wrong, the Village has the final say. All they want to do is take this property and give it to the land bank like they did the property on Washington Street and give it to their friends. Soon the whole Village is going to be owned by the land bank. This is a disgrace, we owe it to our constituents to keep properties in the Village, why give it to somebody else, when Mr. Bertonazzi is right here and ready to pay, and this does not make any sense.

Trustee Nikolados commented that this is nothing new with Mr. Bertonazzi, he comes in every year at this time and does this same thing, wait until the last minute and then wants the Board to do what he wants. I sat here a few months ago along with Trustee Massey and the Mayor and we all agreed that we would always vote to keep property owners in their homes and work with them, but this is not where Mr. Bertonazzi lives, nor does he own it. So, it's a completely different situation compared to what happened last year with the person that owned and lived in their home, that property also went through the auction process and that homeowner bid on it through the auction and the Village voted to have them pay a lesser amount than what it was auctioned for, so we still got what was owed in taxes and money on top. Mr. Bertonazzi only wants to pay what's owed in the taxes and penalties, the other party was willing to pay whatever number the Village came up with and they owned and occupied the property.

Mayor Sommers commented that there is a Court Order in place and all of the proper steps was followed on behalf of the Village and County and we cannot afford to mess up this opportunity, because we cannot do the foreclosures on our own.

Trustee Rue re-iterated that this is wrong and the Village should not let the County make decisions for them. He is here and willing to pay.

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

Mayor Sommers-yea

Trustee Nikolados-yea

Trustee Rue-nay

Trustee Sabatino-yea

Trustee Massey-absent

Resolution to reject a Bid made at the June 2019 Public Auction for Real Property Acquired by virtue of the In Rem Tax Foreclosure Proceedings as attached in "Schedule A"

A motion was made by Trustee Nikolados with a second by Mayor Sommers.

Mr. Davidoff commented that at the advice of the County, these two parcels should be rejected, the bids came in very low and one is a vacant lot.

Trustee Rue interrupted and said, here it is again, doing what the County said, the County does not run the Village and we should not listen to them, these properties too will end up in the land bank, watch what I say, it will happen, just wait and see.

Mr. Davidoff interjected Mayor please take a vote, we have spent way too much time on this already. We need to move the meeting ahead.

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

Mayor Sommers-yea

Trustee Nikolados-yea

Trustee Rue-nay

Trustee Sabatino-yea

Trustee Massey-absent

Resolution authorizing WQIP Draw #16 for the Water Resource Recovery Facility Disinfection Improvement Project

A motion was made by Trustee Nikolados with a second by Mayor Sommers. Upon the call of the roll, all were in favor.

Resolution authorizing payment to Peak Power Systems (sole source provider) in the amount of \$1,487.95 from app#G.8120.421 for an Emergency Repair to the Raceway Pump Station for the Sewer Department. Current account balance after purchase is \$1,392.86

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

Resolution authorizing payment to Badger Meter (sole source provider) in the amount of \$1,305.63 for an Orion Cellular Lte Service Unit for the Water Department from app#F.8320.459. Account balance is \$19,462.23

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

Resolution authorizing a refund to Dean Balser/Balser Contracting for a Building Permit Application that was cancelled in the amount of \$1,136.00 from app#A.2590

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

Resolution authorizing a tax refund to Kose Enterprises Ltd in the amount of \$5,527.85 from app#A.0250 for an assessment reduction from \$ 68,900.00 to \$49,000.00 for SBL#'s 118.-5-3.18, 3.25, 3.26, 3.27, 3.28, 3.30 and from \$62,600.00 to \$49,000.00 for SBL#119.-6-22

A motion was made by Trustee Nikolados with a second by Mayor Sommers.

Trustee Sabatino asked what this is.

The Village Clerk responded that this property owner went to the Town Assessment Review Board and petitioned a reduction in his property assessments, it was granted and now the Village along with the Town and school have to refund this property in accordance with his new

assessment. The Village has no say-so in this matter because we do not have our own Assessor. Michael has reached out to the Town Assessor several times to at least have a conversation to no avail. At this time, you have no choice but to do the refund because the longer we wait, the amount will increase due to the increase in time. We have always had these issues with the assessments, but there's nothing that we can do to fight it.

Michael Davidoff stated that I echo the Clerk and she is absolutely correct, our hands are tied and the longer we wait, the bigger the amount will be. The Town will not even have a conversation with us regarding this issue. I've tried even prior to this Board.

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

Mayor Sommers-yea
Trustee Nikolados-yea
Trustee Rue-abstain
Trustee Sabatino-yea
Trustee Massey-absent

Resolution authorizing payment to NGS Construction LLC in the amount of \$6,887.86 for additional work completed on the Low Lift Pump from app#F.8320.421 for the Water Department

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

Mayor Sommers-yea
Trustee Nikolados-yea
Trustee Rue-abstain
Trustee Sabatino-yea
Trustee Massey-absent

Resolution authorizing payment to Schmidt's Wholesale Inc in the amount of \$25,345.99 for various invoices from app#F.8320.421

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

Mayor Sommers-yea
Trustee Nikolados-yea
Trustee Rue-abstain
Trustee Sabatino-yea
Trustee Massey-absent

Resolution of the Village Board referring 271 east Broadway, SBL#117.-3-20 to the Planning Board for a Zoning Change recommendation

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

Resolution authorizing the payment of bills in the amount of \$318,035.67

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

Executive Session

A motion was made by Trustee Sabatino with a second by Trustee Nikolados to go into Executive Session at 7:10pm. Upon the call of the roll, all were in favor.

Water Bill Adjustments

A motion was made by Trustee Rue with a second by Trustee Nikolados to come out of Executive Session at 7:25pm. Upon the call of the roll, the vote went as follows:

Mayor Sommers-yea

Trustee Nikolados-absent

Trustee Rue-abstain

Trustee Sabatino-yea

Trustee Massey-absent

Mayor Sommers stated that the Village Clerk will make the Account Clerk for the Water Department aware of the Board's recommendations as far.

Adjournment

A motion was made by Trustee Rue with a second by Trustee Sabatino to close the meeting at 7:35pm. Upon the call of the roll, all present were in favor.

Submitted By:



Janine Gandy-McKinney, Village Clerk