

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, February 10th, 2021

6:00 p.m.

Call Meeting to Order

The meeting was called to order at 6:04pm by Mayor George Nikolados.

Pledge to the Flag

Roll Call

Mayor Nikolados-Present
Trustee Sabatino-Present

Trustee Rue-Present
Trustee Banks-Present

Trustee Massey-Present

Also Present:

Michael Davidoff, Special Counsel
Richard S. Baum, Deputy Special Counsel
Janine Gandy-McKinney, Village Clerk
BJ Gettel, Building Department
Rich Manley, Building Department

Executive Order Compliance:

Mayor Nikolados acknowledged that we are compliant with all Covid-19 Health Pandemic regulations and Executive orders issued by the Governor of NYS in respect to conducting this Village Board Meeting via Video Conferencing with the Zoom App.

Motion to accept the agenda

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

Approval of minutes from the January 13th, 2021 meeting minutes

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

Mayor/Manager Report

Mayor Nikolados reported that he has been working with the Chief in regards to the Police reform to have completed by April 1st. He stated that he has also been working on a Pandemic Emergency Plan that he had to have it to the union and he just completed that. Lastly, he stated that union negotiations are starting up within the next two weeks and he will keep he Board posted.

Building Department Report

January	2021	2020	Difference
Permits Issued	6	11	-45%

Income	\$3,850.00	\$28,365.00	-86%
Valuation of Construction	\$209,900.00	\$2,139,500.00	-90%
Certificate of Occupancy or Compliance	7	2	250%
Open Permits	97	96	1%
Unpaid	\$0.00		
Complaints Module	70	5	1300%
Violations Pd	\$1,318.17	\$750.00	76%
Municipal Search	18	24	-25%
Municipal Search Pd	\$2,000.00	\$1,840.00	9%
Total Income Complaints	\$3,318.17	\$2,590.00	28%
Unpaid	\$14,952.48		
Open complaints	277	229	21%
Closed Complaints	51	31	65%
Fire Safety Inspections			
Completed	22	29	-24%
Income	\$6,668.90	\$9,510.00	-30%
Unpaid	\$3,202.81		
Income			
Total Income	\$13,837.07	\$32,730.00	-58%
Unpaid			
Total Unpaid	\$18,155.29	\$57,965.00	-69%

Resolution authorizing the payment of bills in the amount of \$933,260.07

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-abstain, bills were just given and there was no time to review them

Trustee Massey-nay

Trustee Sabatino-yea

Trustee Banks-yea

Resolution authorizing payment to Kaman Automation Inc in the amount of \$1,065.00 from app#G.8130.421 (Treatment/Disposal-Repair/Maintenance) for the Emergency Service Call for the Sewer Plants software system. Current account balance is \$5,538.66

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

Resolution authorizing payment to SUNY Ulster in the amount of \$4,474.00 for annual training for two Sewer Department Employees, Frank Jones and Jason Klein from app#G.8130.445 (Sewer/Treatment/Disposal-Training). Account balance after expense is \$2,474.00

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

Resolution authorizing the sale of Real Property located at Hay Street in the Village of Monticello (SBL#110.-3-41) owned by the Village of Monticello to Haim Sharon for \$1,000.00

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

Mr. Davidoff explained that this property along with the next one on the agenda was part of the property sale that was in the paper for a couple of weeks and these bids are the result of the notice in the paper.

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

Resolution authorizing the sale of Real Property located at Nelshore Drive in the Village of Monticello (SBL#113.-6-7.1) owned by the Village of Monticello to Haim Sharon for \$25,000.00

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

Resolution adopting the Retention and Disposition Schedule for New York Local Government Records (LGS-1)

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

Resolution setting a Public Hearing date for the CDBG Grant for Wednesday, March 17th, 2021 at 6:00pm

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

Resolution setting a Public Hearing date for Proposed Local Law #1 of 2021, entitled, "ECodes Codification" for Wednesday, March 17th, 2021 at 6:00pm

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

Resolution setting a Public Hearing date for Proposed Local Law #2 of 2021, entitled, "Continuation or Expansion of Non-Conforming Uses" to amend chapter 280-42 for Wednesday, March 17th, 2021 at 6:00pm

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

Mr. Baum was present, the Village Deputy Attorney, and he stated that this is before the Board because he and the Village Engineer, Glenn are trying to clean up a few troublesome area's in the code and this is one of them, this portion of the Code is very confusing and is not clear to anyone reading it. The current wording of Section 280-42 states that you can expand up to 25 percent of the floor space or cubical volume of a pre-existing, nonconforming use or 25 percent of a pre-existing, nonconforming use which is conducted wholly or partially in the open. In regards to the wholly or partially in the open, Glenn and I really couldn't think of what that meant, I guess outdoor

storage I don't know, our first thought was to just cut it out because we don't know what it is, but if we make that recommendation and adoption, it will then become the need of someone who has a pre-existing, nonconforming use, so we threw that in as the last sentence and we made it so its 50 percent. The more important section is that you can expand a pre-existing nonconforming use of footprint of an existing building and if you do that, you can also go up one floor. The problem is we have a lot of pre-existing nonconforming uses with relatively small cottages, bungalows, things of that sort and just to increase the floor area by 25 percent has not been economically feasible.

The new section talks about the existing footprint and compliance with horizontal separation and setbacks. They can't make it worse, if there's currently a setback and its expansion is going to violate the setback or the pre-existing nonconforming setback worse, it can't be done. If it violates horizontal separation between two buildings, it cannot be done. The big plus is economic feasibility for the applicant and also environmental concerns is all new construction must comply with the current building and energy efficient codes, so your taking some of these old buildings which may have been built in a seasonable way, not insulated, not heated year around, frozen pipes and so on, it will be an improvement all the way around and will move non-compliant structures into compliancy and give incentives to the new energy and heating regulations and taxes.

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

Resolution setting a Public Hearing date for Proposed Local #3 of 2021, entitled, "Parkland Fees in the Village of Monticello" to supplement Chapter 280-40.6 for Wednesday, March 17th, 2021 at 6:00pm

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

Resolution setting a Public Hearing date to adopt a Proposed Local Law #4 of 2021, entitled, "Zoning Change for the area located at Fraser Avenue headed towards Rock Ridge Avenue and the Northern portion of Starr Avenue from R1 to RM" for Wednesday, March 17th, 2021 at 6:00pm

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

Trustee Massey asked how we are supposed to stop spot zoning. Soon all of the R1 zones will be taken over by these RM's and we will lose the whole Village.

Mr. Baum responded that first, we need to change the term of spot zoning, which is loosely used by the Public. Spot Zoning is when someone wants to come in and change a zone to a completely different zone despite the fact that the surrounding or adjacent zones has nothing to do with the change they are trying to make happen. What is before you is not spot zoning, there is another RM Zone adjacent to this zone that the applicant desires to change. No decisions have been made and all we are here to do tonight is to set up a Public Hearing date for the Publics input on the proposed change. This item was before you all in December and was referred to the Planning Board and they gave their input which was to only allow the Northern portion as stated and to leave the Southern portion as an R1 zone.

Trustee Rue stated that this is not fair to the taxpayers and the Village is losing all of its single family zones and that is what's hurting us. She stated that she never seen any of this until today

and wanted to know why the Board wasn't notified about the change prior to tonight. She also asked what is being put in that area that is requesting or desiring this change.

Mayor Nikolados and other Board members responded that the Board did know about it and that it did come before the Board in December and it was referred to the Planning Board for their review and comments which is procedure and now it is back before us to set up the hearing and hear what the Public has to say.

Mr. Baum responded that this is the procedure and it was on the December 18th agenda of the Board of Trustees, the Planning Board discussed it in their January meeting and Janine provided you all with an excerpt from their meeting minutes in your packets, so this is nothing new to anyone. Whatever the applicant is proposing to put in the area is completely irrelevant to the Public Hearing and whatever they present providing the Village Board grants their request and Changes the zone, then they will have to go to the Planning Board for full site plan review. If you all decide not to change the zone after hearing from the Public, then whatever the applicants plans are become null and void. Remember, the zone as it sits right now is a R1, they are requested a change to RM, all of the surrounding areas are R1 and RM and I believe that one end of this touches the point of another RM, so we would have to make a finding that it is consistent with the Comprehensive Plan. The Comprehensive Plan is fairly generic encouraging business, construction and you'd have to find that is an appropriate and positive change. The issue that the Village is confronting is in the last zoning changed several R2-residential two family zone into R1, changed several RM areas into R2 and we have had many, many developers come in that find the RM zone more feasible than the R2 zone and given the tax structure and the other things in the Village, the likelihood of the single family is not as popular as we had hoped when he had originally changed the zoning, so that is why thy these requests keep coming up.

Trustee Massey stated that she doesn't feel that anything should be decided tonight, she asked that the Board hold off on this until she had more time to review it and ask questions.

Mr. Davidoff stated that this resolution is only to set a Public Hearing date and in his opinion the hearing shouldn't be the seventeenth of March because we already have four (4) other hearings and being that this may draw some Public comment, I think we should move it to the first meeting in April. I would ask that the Clerk put it back on the agenda for next meeting for further discussion at the request of Trustee Massey, but the Public Hearing date can be set at this meeting. The Clerk will have to send out notices to the surrounding properties, so that everyone is aware.

A motion was made by Trustee Rue with a second by Trustee banks to set the Public Hearing date for Wednesday, April 7th, 2021 at 6:00pm. Upon the call of the roll, all were in favor.

Resolution authorizing the Village Clerk to send a 239GML Referral to the County and mailings declaring the Village of Monticello Board of Trustees as Lead Agency for all 4 proposed Local Laws

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

Resolution declaring various items as Surplus as listed in the attached Schedule "A"

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

Executive Session

A motion was made by Trustee Sabatino with a second by Trustee Banks to go into Executive Session at 6:55pm for the following:

Personnel

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

A motion was made by Trustee Rue with a second by Trustee Banks to come out of Executive Session at 7:40pm. Upon the call of the roll, all were in favor.

Employee Bryan Walker-Health Insurance

A motion was made by Trustee Sabatino with a second by Trustee Rue to allow Mr. Walker the ability to enroll into the Village's health insurance despite his probation due to him being a former employee with the Village for more than two (2) years in a different position. Mr. Walker will still remain on his 180 day probationary period in his new department. Upon the call of the roll, all were in favor.

Extension of Mobil Medic Lease

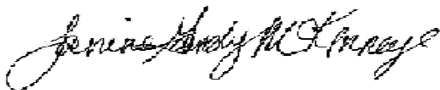
A motion was made by Trustee Sabatino with a second by Trustee Rue to extend the Mobil Medic Lease that expired on November 1st, 2020 in the amount of \$3,000.00 a month for use of the Ted Stroebele Recreation Center. Upon the call of the roll, the vote went as follows:

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

Adjournment

A motion was made by Trustee Rue with a second by Trustee Sabatino to close the meeting at 7:45pm. Upon the call of the roll, all were in favor.

Submitted by:



Janine Gandy-McKinney, Village Clerk