

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, May 5th, 2021

6:00 p.m.

Call Meeting to Order

The meeting was called to order at 6:02pm by Mayor George Nikolados.

Pledge to the Flag

Roll Call

Mayor Nikolados-Present

Trustee Rue-Present

Trustee Massey-Present

Trustee Sabatino-Present

Trustee Banks-Present

Also Present:

Michael Davidoff, Special Counsel

Richard S. Baum, Deputy Special Counsel

Janine Gandy-McKinney, Village Clerk via Zoom

BJ Gettel, Building Department

Chuck Brodowsky, Water Department

Robert Nelson, Sewer Department

Rich Manley, Building Department via Zoom

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 in person and Video Conferencing with the Zoom App.

Motion to accept the agenda

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

Public Hearing-Continuation of 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"

Notice was read into the record:

PLEASE TAKE NOTICE that three (3) Public Hearings will be held by the Village Board of the Village of Monticello on Wednesday, May 5th, 2021 at 6:00pm via the Zoom app to discuss the following proposed Local Law #7 of 2021 to amend Chapter 236, entitled, "Towing of the Village Code". The Board will also continue the Public Hearings from the April 7th meeting, 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" & proposed Local Law #5 of 2021, entitled, "Vehicle and Traffic of the Village of Monticello" to amend Chapter 252. In person attendance will be permitted in accordance with the CDC & NYS DOH Practices limiting seating to a 50%

capacity, enforcement of Social Distancing and Face Coverings. For those who would like to view the meeting by video and/or teleconference the Zoom app is available and the following information will be needed to access the Public Hearings:

Topic: Village of Monticello Regular Board Meeting

Topic: Village Board Meeting

Time: May 5, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81525197297?pwd=ZE9CdXA0Y0dXN0d0by84aUs4UHBDdz09>

Meeting ID: 815 2519 7297

Passcode: 880514

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PLEASE TAKE FURTHER NOTICE that the economic 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**. Written comments for these three issues only will be accepted by the Village Clerk until 12:00 noon on Wednesday, May 5th, 2021 at the following email: clerk@villageofmonticello.com. Any comments received after that time regarding these two issues will not be acknowledged.

By order of the Board of Trustees of the Village of Monticello, dated Friday, April 30th, 2021.

Janine Gandy-McKinney
Village Clerk, Village of Monticello

A motion was made by Trustee Rue with a second by Trustee Sabatino to re-open the Public Hearing at 6:04pm. Upon the call of the roll, all present were in favor.

Deputy Special Counsel, Richard S. Baum, gave a recap of the previous meetings and the issues that have been mentioned by the Public which consisted of the following:

1. Water issues

2. Brown Water
3. Traffic congestion
4. Parcel Size
5. Capacity/Consumption
6. Diesel fumes due to more commercial vehicles
7. Noisy
8. Loss of neighborhood
9. Applicants should be responding for infrastructure

Mr. Baum also made the Board is aware, the Mayor, Mr. Davidoff & I had a conversation with the proposed applicants and also Barton & Loguidice in regards to doing testing of the area and site to see what is the capacity and how much more it can take in, traffic studies, they are also going to look into the brown water issues and to see if the Zone does not change, what impact that will have also on the area as a whole. We discussed all of these issues with the applicants and they are willing to take care of the cost of these items, so the Village will not have to put out any money, all of these expenses will be taken care of by the proposed applicants. As I have stated several times, once a finding from Barton & Loguidice is complete, all of the other items discussed will be handled by the Planning Board, if the Village Board makes a decision to change the zone and a plan be proposed.

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

Gordon Jenkins-made comments regarding the applicant having to pay for the evaluations & studies even if the project doesn't move forward, that it shouldn't be their expense to pay

Monica Farquhar-continued to discuss the issue of the brown water and it being a Village problem, not a home-owner issue, parcel size, capacity, infra-structure and how many years the current residents have had to deal with these problems

Joe Blum via Zoom- for, as long as everyone is following the law and going the right and being neighborly

Trustee Banks stated that as a Trustee, he's been going door to door talking to the residents about their water and different issues that has been going on and it goes beyond the brown water. He stated that this main issue has been going on for over 20 years and it's about time the Village address it and tackle a way to fix it because it's not fair to the residents.

A motion was made by Trustee Sabatino with a second by Trustee Rue to Recess the Public Hearing until the Engineering Reports are completed and reported back to the Board on May 19th, 2021. Upon the call of the roll, all present were in favor.

Public Hearing-Continuation Proposed Local Law #5 of 2021 to amend Chapter 252 entitled, "Vehicle and Traffic of the Village of Monticello"

Notice was read into thee record:

PLEASE TAKE NOTICE that three (3) Public Hearings will be held by the Village

May 5th, 2021-VOM Board of Trustees Meeting

Board of the Village of Monticello on Wednesday, May 5th, 2021 at 6:00pm via the Zoom app to discuss the following proposed Local Law #7 of 2021 to amend Chapter 236, entitled, "Towing of the Village Code". The Board will also continue the Public Hearings from the April 7th meeting, 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" & proposed Local Law #5 of 2021, entitled, "Vehicle and Traffic of the Village of Monticello" to amend Chapter 252. In person attendance will be permitted in accordance with the CDC & NYS DOH Practices limiting seating to a 50% capacity, enforcement of Social Distancing and Face Coverings. For those who would like to view the meeting by video and/or teleconference the Zoom app is available and the following information will be needed to access the Public Hearings:

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By order of the Board of Trustees of the Village of Monticello, dated Friday, April 30th, 2021.

Janine Gandy-McKinney
Village Clerk, Village of Monticello

A motion was made by Trustee Rue with a second by Trustee Massey to re-open the Public Hearing at 6:24pm. Upon the call of the roll, all present were in favor.

Michael Davidoff, Village Special Counsel announced that this hearing will have to be recessed again until the Chief of Police can be present as he is unavailable right now.

The floor was opened to the Public three (3) times and no one spoke.

A motion was made by Trustee Rue with a second by Trustee Sabatino to recess this Public Hearing until further notice. Upon the call of the roll, all present were in favor.

Public Hearing -Proposed Local Law #7 of 2021 to Amend Chapter 236, entitled, “Towing of the Village Code”

Notice was read into the record:

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Janine Gandy-McKinney
Village Clerk, Village of Monticello

A motion was made by Trustee Banks with a second by Trustee Sabatino to open the Public Hearing at 6:27pm. Upon the call of the roll, all present were in favor.

Michael Davidoff, Village Special Counsel stated that this is before the Board due to litigation and the Village can possibly be sued because we are not technically following the law in regards to what we have on the books. Some time back, the Village passed a law putting a 3.75 mile radius in place for Towers on the Village list. Since that time it has been brought to my attention that number 1, it is unlawful because there is no safety concern of why the radius was put in place and number 2, towers outside of the radius can get to troubled vehicles quicker than those within the radius at times, which negates the reason for the radius. I feel that it is in the best interest of the Village that we make this change to avoid litigation and a possible lawsuit and also because the radius does not make sense.

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

Gordon Jenkins- stated that he was the Mayor when this radius was put in place and this sounds like Shawn Brooks stirring the pot and trying to sue again. He's been trying to sue the Village for years and it's a shame that the Board is letting him do this to you guys. Where's the public, where's all of the tow companies, when I was the Mayor and we did this, it was standing room only and people was here making a fuss. Now, it's like no one gives a darn and its okay. I think you shouldn't close this hearing until you can get all of those tower's out here and let them hear and see what is going on.

Mayor Nikolados- stated that he agrees that the Public hearing should be left open, it was publicized, but maybe not enough and they all should be present, just like they was here before, giving their opinions.

A motion was made by Trustee Rue with a second by Trustee Sabatino to recess this Public Hearing until May 19th, 2021. Upon the call of the roll, all present were in favor.

Approval of minutes from the April 21st, 2021 Work Session & Regular Meeting

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

Mayor/Manager Report

There was a Litter Pluck this past weekend at De Hoyos Park and we had 26 people show up, carts were pulled out of the pond, along with 4 bags of garbage, De Hoyos was cleaned and is looking good so far.

Discussion: Basketball Courts

Mayor Nikolados stated that the Village is putting basketball courts in DeHoyos Park this summer and he would like to put basketball court in the back of the St. John Street and Broadway corner lot aka Rhulen Lot. He stated that he thinks it's a great place, it's visible to the Police so it can be easily monitored, it'll be in the back of the open lot, out of the way of traffic and it will eliminate the make-shift courts that we are finding on Village streets that are becoming a traffic hazard.

Trustee Rue responded that she doesn't think it's a good place for that. She stated that the Village needs to check with the owner of that property and see if he would allow that because there was a huge issue when former Mayor Gary Sommers wanted to put up the Ice Skating rink there, they did not want to be responsible.

Mr. Davidoff interjected and said that lot is covered under the Village's Umbrella Policy and it stated in the contract that we have with the owner that the Village is permitted to utilize the lot for recreational purposed. So, I'm not sure what you are referring to.

Trustee Rue responded, I still don't think it is a good spot, that lot is used for parking for the surrounding businesses and it's no safe and there was issues when Gary wanted to use that spot.

Trustee Banks stated that he disagrees with Trustee Rue. He feels it's the perfect spot. It will not be in the way of traffic as George said, it will be located in the back corner of the lot away from everything. It can be easily patrolled by the PD and it's in walking distance for all of those on this side of Town instead of these kids having to walk all the way to Evergreen or to DeHoyos, now it's right here for them to use.

Building Report

April	2021	2020	Difference
Permits Issued	34	4	750%
Income	\$5,415.00	\$2,700.00	101%
Valuation of Construction	\$290,855.00	\$389,000.00	-25%
Certificate of Occupancy or Compliance	2	1	100%
Open Permits	126	74	70%
Unpaid			
	74	51	45%

Complaints Module

Violations Pd	\$12,352.31	\$1,100.00	1023%
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Municipal Search

	28	5	460%
Municipal Search Pd	\$3,050.00	\$550.00	455%

Total Income			
Complaints	\$15,402.31	\$1,650.00	833%
Unpaid	\$51,258.17		
Open complaints	397	179	122%
Closed Complaints	64	31	106%

Fire Safety Inspections

Completed	28	5	460%
Income	\$7,228.75	\$1,820.00	297%
Unpaid	\$5,752.58		

Income

Total Income	\$28,046.06	\$6,170.00	355%
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Unpaid

Total Unpaid	\$57,010.75	\$47,931.08	19%
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Resolution authorizing the payment of the Village bills

Tabled until the next meeting

Resolution authorizing the purchase of 2 Impellers from Smith & Loveless (sole source provider) for the Race Track Pump Station in the amount of \$1,912.50 plus \$60.00(shipping fee) each for a total of \$3,945.80 from app#G.8120.233 (Sewer-Roads Repair/Maintenance). Current account balance is \$35,808.31 before purchase

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

Resolution authorizing the purchase of 2 Pistons from Hacker’s Packers Inc for the Sweeper Arm of Garbage Truck#11 in the amount of \$1,350.00 each plus freight not to exceed \$3,500.00 from app#CL.8160.423 (Sanitation-Truck Repairs). Current account balance is \$45,961.17 before purchase

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

Resolution authorizing the naming of two streets for the Monticello Mews Project located on SBL#119.-1-25.11 as Baxter Drive and Cooper Drive

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 Village Manager to sign the Hope VI Main Street Grant Agreement

A motion was made by Trustee Sabatino with a second by Trustee Massey to Table until the next meeting to give the Attorney a chance to review. Upon the call of the roll, all present were in favor.

Resolution authorizing the Treasurer to make payment to Police Officer, Justin Dawson, for time owed in the amount in 12(twelve) days while serving in the US Army National Guard

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

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

Resolution authorizing the Treasurer to make payment to Chief Sewer Plant Operator, Mitchell Harmin, as documented in correspondence date March 7th, 2021

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

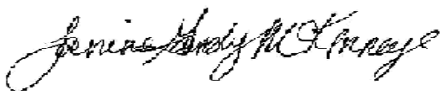
Executive Session

There was no Executive Session

Adjournment

A motion was made by Trustee Banks with a second by Trustee Rue to close the meeting at 7:27pm. Upon the call of the roll, all were in favor.

Submitted by:



Janine Gandy-McKinney, Village Clerk