

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, November 2<sup>nd</sup>, 2022

6:00 pm

**Call Meeting to Order**

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

**Moment of Silence**

Former Village Clerk, Edith Schop

**Pledge to the Flag**

**Roll Call**

Mayor Nikolados-Present

Trustee Rue-Present

Trustee Banks-Present

Trustee Massey-Present

Trustee Jenkins-Present

**Also Present:**

James Snowden-Village Manager

Michael Sussman-Special Counsel

**Motion to accept the agenda with the add-on of the Spring Hills Water Agreement**

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

**Approval of minutes from the October 19<sup>th</sup>, 2022 Meeting**

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

**Mayors Report**

**Spring Hills Water Agreement**

This Agreement ("Agreement"), made between

VILLAGE OF MONTICELLO, a municipal corporation having its office and principal place of business at 2 Pleasant Street, Monticello, Sullivan County, New York (hereinafter referred to as the "Village")

AND

RSN DEVELOPERS CORP., a New York Corporation having its principal place of business at 7 Pinewood Road, Old Westbury, New York, 11568 (hereinafter referred to as the "Owner")

WITNESSETH:

WHEREAS, the Owner is the owner of property located in the Village of Monticello consisting of approximately 100 acres on the south side of NYS Route 17B, approximately 300' west of Kaufman Road, and the east side of Hamilton Road, (hereinafter referred to as the "Property"),

WHEREAS, on or around May 10, 2021, the Owner submitted an application for site plan and special use permit approval to the Village of Monticello Planning Board (the "Planning Board") to develop a portion the Property into 294 residential units and approximately 18,000 square feet of retail/commercial space with required parking in a project known as 'Spring Hills' (the "Project"),

WHEREAS, the Project is anticipated to connect to the Village of Monticello Central Water System (the "Water System") which, according to the Village's engineering consultants, has an estimated available surplus capacity at 112,000 gpd,

WHEREAS, Applicant's engineers Pietrzak & Pfau Engineering & Surveying, PLLC have prepared a Watermain Connection Engineering Report which indicates that under the most conservative estimates, the Project will require 130,800gpd,

WHEREAS, the Village and its engineers have expressed concerns about ability of the Water System's capacity, i.e. its ability to adequately handle inputs from the Project at times of peak demand,

WHEREAS, representatives of the Village and the Owner have discussed the potential capacity concerns and determined that modifications to the Project to alleviate potential impacts to the environment require either a) repairs to certain well pumps in the Water System need to be made to restore the Water System to its design capacity, or b) the drilling and dedication of an additional well on the Project site, which would alleviate such capacity concerns (collectively and individually the "Water System Improvements"),

WHEREAS, these concerns were discussed openly at the Planning Board's October 11, 2022 public meeting,

WHEREAS, notwithstanding the Water System's current ability to sufficiently accommodate a water connection from the Project, to alleviate potential future capacity issues, the Owner has committed to install a well on the Property to address such capacity issues, which will ultimately be connected and integrated into the Water System. Any such well installation shall be incorporated into the Project and shall be so noted on the site plans,

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WHEREAS, the Owner's commitment to such work would serve a significant public benefit to the Village at large as well as alleviate any potential Water System capacity concerns to enable final site plan and special use permit approval of the Project by the Planning Board.

WHEREAS, as consideration for the Owner paying for the Water System Improvements, the Village has agreed that the Owner will be reimbursed on a pro rata basis by future projects or development in the area which will also use the Water System Improvements to the extent those projects do not require a further upgrade of the Water System beyond its current capacity as calculated by the Village, limited to a period of five (5) years from completion of this Project; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Village and Owner agree as follows:

1. The Owner agrees, at its own expense, to promptly either make necessary repairs to the Water System or drill and dedicate an additional well for the Water System, as described in the attached specifications, upon receipt of notice from the Village's consultant(s) indicating that additional capacity or Water System efficiency is needed due to the Project's water consumption.
2. The Owner consents to jurisdiction with the Supreme Court of the State of New York in Sullivan County to resolve any issues that may arise from this Agreement.
3. The provisions of this Agreement shall be deemed severable, and the invalidity or unenforceability of any provision shall not affect the validity or enforceability of the other provisions hereof.

IN WITNESS, WHEREOF, the duly authorized representatives, on behalf of the parties, has hereunto set forth their hands and seals on the dates notated below their signature.

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

Revibe Presentation-Josh Deitchman & Mae Bonnaci-

Both parties were present and they further explained the presentation from the prior week. They stated that they have been talking to some of the property owners of the buildings as shown in their presentation booklet and most owners are receptive. Stated that they are also looking to talk to the school district to see what students would be interested in being an apprentice for the various vendors. Their hope it to have a "hub" situated on Broadway for the youth for art, culinary, photography and so on.

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**Resolution authorizing the payment of Village Bills in the amount of \$260,188.05**

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 Power Peak Systems(sole source provider) for the emergency repair of the Raceway Pump Station in the amount of \$1,587.50 from app# G.8120.421(Sanitary Sewers-Repairs/Maint). Account balance after purchase is \$24,889.56**

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 renewing the Cyber Security Insurance Policy with Westwood Insurance Group in the amount of \$11,970.36 and authorizing the Village Manager to sign the renewal policy**

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-nay  
Trustee Jenkins-nay

**Resolution setting up a Public Hearing on Wednesday, December 7<sup>th</sup>, 2022 at 6:00 pm for the renewal of the franchise agreement with Charter Communications for the provision of Spectrum Cable Services in the 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 payment to General Code for the annual maintenance and hosting of the Village's ECode360 in the amount of \$1,195.00 from app#A.1410.403(Clerk Contractual Expenses). Current account balance is \$1,750.00**

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

**Resolution authorizing the Village Manager to enforce a "No Work from Home" Policy in the Village of Monticello for all employees effective immediately and the return of all Village owned equipment**

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

Trustee Banks stated that he feels that this policy needs to be discussed in Executive Session because it involves a Village employee that has justified reasons of why he cannot come in and needs to work from home. I feel the Village needs to look at this more and add "exceptions" to this policy, like what we are facing right now, when a person feels that their safety is at risk. That is justified and we cannot just brush a person's feelings under the rug.

Trustee Rue commented, this is crazy, we've had employees in the treasury department come in here and lay on the floor because of back problems and work, other treasurers slept here in bad weather, one employee worked until her due date and then still came in while out on maternity leave and these were all justified reasons for these employees not to be here, not personal preference which is the case now, this is terrible. All of the employee's personal information is sitting in someone's house, only God knows what the person is doing with the employees' information, social security numbers and all of that. Before we had an issue with an employee having the information out in the open on their desk, but at least they were here at the Village Hall, now we have an employee working from home with no authorization from the Board. Employees were only authorized to work from home during COVID and during COVID this particular employee came into the office, now COVID is over and everything is lifted and the employee refuses to come and work in Village Hall where he was hired to work from. It's insane and doesn't make any sense, when the employee has an entire office for themselves, so there is no excuse.

Trustee Banks responded, and yes, one of those previous treasurer's was my wife and that is why she resigned from here because of the stress that it caused during her pregnancy and let us just be clear, there is an excuse, he has an excuse.

Trustee Rue stated there is no excuse. He's trying to make what happened the other day his excuse, but what has been excuse before last week and all of the times before that? Come on Michael, you were even complaining about him never being here in the office and all of the employees information, so stop it, now your defending him? Stop it, stop it.

Trustee Banks responded yes before, there was no excuse, but now I feel he has a justified excuse and we need to consider it and make an exception under the current circumstances is all I'm saying.

Mr. Sussman, the Village Special Counsel, stated that he agrees with Mr. Banks and stated that there are exceptions to every rule when necessary and applicable and we can add them to this policy as stated by law, but those exceptions do not include a person's personal feelings and if that is what we are talking about, then that is invalid. The law allows certain exceptions and

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those will be added and applied with the enforcement of this policy and if the employee or employee(s) do not fall under any of those legal exceptions as stated by law, then they are expected to comply with this policy under the enforcement of the Village Manager.

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

**Resolution setting one (1) Village Board meeting date for the months of December 2022, January & February 2023 as follows in the Village of Monticello on December 7<sup>th</sup>, 2022, January 4<sup>th</sup>, 2023 & February 1, 2023. Emergency meetings will be called as necessary**

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

Trustee Banks stated that he feels this is unacceptable. He stated that there is too much work to be done in this Village for there to be one meeting per month for the next three months. He stated that he feels that having two meetings a month is a disservice to the tax payers that elected him. The Village is in disarray and we as the Board needs to stay on top of things and going to one meeting per month for the next three months is inexcusable.

Trustee Rue stated that this has been done ever since she can remember for the winter months due to the snow, and if something is THAT important, then an Emergency Meeting can be called. We do this all the time and this is nothing new.

Mayor Nikolados stated that he doesn't have an issue with the one meeting per month as long as the Emergency Meetings if need be are held at the regular Village meeting time of 6pm instead on 9 or 10 in the morning when he can't make it.

Trustee Rue stated that is fair, but we have to consider the weather and all of the holidays, instead of trying to keep rescheduling meetings if we have storms and stuff, it's just easier to do them one per month.

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

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-nay

Trustee Massey-yea

Trustee Jenkins-yea

**Resolution authorizing the Village Special Counsel to file Quit Claim Deeds for the following properties that have been repurchased by their prior owners as listed on the attached schedule "A"**

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

Trustee Banks stated that he feels that before all I said and done that all of these numbers be given a second look because he got complaints by a few people involved in this that stated that they had already paid their taxes in full and that I myself saw receipts stating the same. So, before we go taking these people money and charging them double, all I am asking is that someone please take a look into all of this again.

Mrs. McKinney, the Village Clerk & Tax Collector stated that the Board and anyone who was interested in the numbers had ample time to come in and check whatever they wanted to. Records were searched by the Village Manager, the Village Treasurer, myself, my deputy and the County and we all came up with the same information, so I believe that if something was wrong, out of all those parties involved, *somebody* would have caught it, especially at the County. The Mayor has even checked list prior to all of this and these same names have been listed as delinquent for several years, so I don't know what you're trying to "say" Mr. Banks, but due diligence was done and it took A LOT of time and effort to make sure that there were no mistakes made.

Mr. Snowden, the Village Manager responded the Clerk is correct, all of this was done and checked since June to date and by several people and also in the County and we all came up with the same properties. So, I would hope Mr. Banks that if you are wrong, that you will be ready to apologize in public to the Village Clerk, because she's the one that made this all come together and it was not an easy job.

Mr. Banks stated, I never accused her or anyone of anything, all I'm saying is that we just need to be clear and make sure that we are correct, because from what I've seen some people are being charged twice and the Village will be responsible for returning their money or worse and I've seen paid in full receipts. There's one person in particular and another two or three people just recently approached me.

Mr. Snowden asked, well why didn't they come to the Village and speak with the Clerk or myself, we've been there working on all of this stuff daily. There was only one person that came and that individual was proven wrong and I don't know who else you are talking about.

Mr. Banks stated that according to them, they tried, but it was to no avail and according to them, they were not treated nicely and was told to just pay their taxes, especially the one person.

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Mr. Snowden replied, Michael come on with this, all you are trying to do is make somebody look bad and or make people think that “somebody” can’t be trusted or is doing something illegal, stop it, I can’t believe that you are even sitting up here doing this.

Mr. Banks replied, I’m not doing anything. I’m just looking out for the taxpayers and people that voted for me, which is my job as a Trustee. And again, I’m not accusing anybody of anything.

Mr. Sussman interjected Trustee Banks, if you have a legitimate concern, please present me with all of the necessary paperwork and I will gladly review it and if corrections are necessary or refunds are due, then we will handle them accordingly, but it’s no need to go back and forth on this.

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

Mayor Nikolados-yea

Trustee Rue-yea

Trustee Banks-abstain

Trustee Massey-nay

Trustee Jenkins-nay

### Resolution authorizing the Village Manager to advertise/hire a Forensic Auditor for the Village books and payroll

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

Mayor Nikolados asked if this will be done through an RFP or Bid Process and how much are we looking to spend on this, normally, all of those items are put in place before something like this comes to the Board. I’m not against it all, but we need to know the cost of everything.

Mr. Sussman stated that he and the Village Manager will come up with the RFP and put it out see what is being presented and go from there. But, right now, we just need the approval from the Board to move on this.

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

### Resolution authorizing the Village Attorney to file the Unit Clarification with PERB regarding Jay Sherb

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

Mayor Nikolados-nay

Trustee Rue-yea

Trustee Banks-nay



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Trustee Massey-yea

Trustee Jenkins-yea

### Resolution authorizing the Village Manager to advertise for a Village Treasurer

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

Mayor Nikolados stated that well, being that this is my appointment, shouldn't I have a say-so in this?

Trustee Rue stated that yes, this is your appointment, but you have a hold over in the position, and you need the Boards votes to re-appoint him, but you haven't even tried to re-appoint him. He's just there, not doing anything, but wreaking havoc in the Village, no one knows anything in regards to the Village funds and that also goes for you and you're just sitting there letting it happen and it's wrong. You two are holding us hostage and it's wrong.

Mayor Nikolados stated that he's asked around and been looking and no one wants to come here because of all of the chaos with this place and he Board; and what salary would you be hiring at?

Trustee Rue responded, George stop it, you know we have to hire for the salary that is in the budget, we cannot go any lower than that, you know this stuff already, stop it.

Mr. Sussman stated that Mayor, yes this is your appointment and you have the right to ask any question that you may have and get an answer, but the Manager has the right to advertise to see if anyone is even interested and being that we currently have a person that is a hold-ever, if someone is found and is interested, essentially, the new person would assume the position and the current Treasurer's time is over, no resignation or formal termination will be needed as he is currently a hold-over. It doesn't hurt to look and see what's out there.

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

Mayor Nikolados-abstain

Trustee Rue-yea

Trustee Banks-nay

Trustee Massey-yea

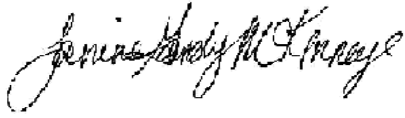
Trustee Jenkins-yea

### **Adjournment**

A motion was made by Banks with a second by Trustee Rue to adjourn the meeting at 7:09pm. Upon the call of the roll all present were in favor.

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Submitted by:

A handwritten signature in cursive script that reads "Janine Gandy-McKinney".

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Janine Gandy-McKinney, Village Clerk