

Board of Trustees Meeting Minutes

Village of Monticello

Wednesday, August 17<sup>th</sup>, 2022

6:00 pm

**Call Meeting to Order**

The meeting was called to order at 6:01pm by Mayor George Nikolados.

**Pledge to the Flag**

**Roll Call**

Mayor Nikolados-Present

Trustee Rue-Present

Trustee Banks-Present

Trustee Massey-Present

Trustee Jenkins-Present

**Also Present:**

Michael Sussman- Village Special Counsel

James Snowden-Village Manager

**Motion to accept the agenda**

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

**Executive Session**

A motion was made by Trustee Banks with a second by Trustee Jenkins to go into Executive Session at 6:14pm to discuss a Personnel matter. Upon the call of the roll, all present were in favor.

A motion was made by Trustee Banks with a second by Trustee Jenkins to come out of Executive Session at 6:30pm. Upon the call of the roll, all present were in favor.

**Swearing in of new Police Officers by the Village Clerk**

Darek Tyminski

Darius Buckner

Victor Agapito

**Approval of minutes from the July 29<sup>th</sup> Emergency Meeting & the August 3<sup>rd</sup>, 2022 regular Meeting**

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

Mayor Nikolados-abstain

Trustee Rue-yea

Trustee Banks-abstain

Trustee Massey-yea

Trustee Jenkins-yea

**Mayor Report**

Mayor Nikolados read the following letter from Jay Sherb, DPW into the record:

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VILLAGE OF MONTICELLO  
Building Department  
2 PLEASANT STREET  
MONTICELLO, NY 12701  
P: 845-794-6130 EXT 310, F: 845-794-2327

To: Village Mayor, George Nikolados  
Village Manager, James Snowden  
Village Trustees  
All Department Heads  
Chief Rob Mir, Police Department  
Richard Baum, Special Counsel  
Michael Sussman, Special Counsel  
Adam Garfield, Union Representative  
Owen McCain, Village Insurance Company

From: Jay Sherb, Working Supervisor for the Village of Monticello Highway  
Department

Date: August 6, 2022

Subject: Winter Maintenance and Snow Removal

With the winter months soon upon us, I am advising you that with the current staffing that we have in the Village Highway Department, I only have 3 MEO's in the Department. Two of the three are eligible to retire at any day. Over the course of the past 18 months, we have lost 6 MEO's and no replacements as of today. We are currently training people however there is no guarantee that they will make it in time for winter.

The current union Highway and Sanitation contract with the Village states that these 3 MEO individuals were hired prior to 2010 therefore OVERTIME is not mandatory for them, at the same time, the idea of bringing MEO's from the Village Sanitation Department is not possible since these current MEO'S have restricted CDL licenses that only allow for them to drive automatic vehicles and the Village only has one automatic plow truck. The Village cannot have them drive out of class for safety reasons and other factors as well.

Currently as it stands, the Village cannot man the 4 plow trucks that we have and therefore all the salt and plow runs will be much longer and will have an adverse effect on overtime if our current MEOs choose not to take the overtime. Should the

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current MEOs choose not to do overtime, the hours of operation for the Highway Department to deal with snow and ice on Village streets will be Monday through Friday 7AM to 3PM.

Complicating this matter is a lack of CDL drivers nationwide. There is a shortage of truck drivers and more to the point locally, most of the surrounding municipalities as well as State DOT, cannot staff their plow trucks currently. Granted that none of this is the Villages concern but the Villages staffing issues is worse than theirs and will affect the Village as well when it comes to clearing Broadway after a major storm.

If you should have any further questions, please feel free to contact me. Thank you for your attention for this critical matter.

Mr. Snowden made the Mayor and Board aware that this is the first time that he is hearing about this letter from Mr. Sherb and that he just hired two MEO's, one of them being the first female to ever be hired in that department. He also asked why Mr. Sherb didn't come to him first as the Village Manager, which is proper protocol? The Clerk just advertised for this position and that's how the two was hired.

Mayor Nikolados stated that he's not sure, he thought Mr. Snowden had the letter, but this letter is another reason why we made Jay the Working Supervisor, this way he can drive the trucks, he doesn't have enough MEO's especially with winter time coming. With Tommy and Ray retiring at any given moment at this point, the Village will be crippled come the winter time.

Mr. Snowden interjected that we understand the need for MEO's, but again, Mr. Sherb cannot fill that position and this is not a matter to discuss now. There is already a Foreman in that department. There is no Working Supervisor title for the DPW, under the Superintendent is the Foreman and that position is already filled by Mr. Price and you cannot have two Foreman's, so again, that leaves Jay nowhere. We can ask the Clerk, she would know, she's right here, she's been here the longest.

Mrs. McKinney responded that the Village Manager is correct. The only position under the Superintendent is the Foreman and that position is currently filled by Tommy Price. There is no Working Supervisor position in DPW.

Mayor Nikolados responded, no Tommy is the Working Supervisor, he went into that position after we hired Jay over the DPW.

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Mrs. McKinney responded, no Tommy is not, he's filling the position under Jay and it's not the Working Supervisor, because they don't have that title. Under the Superintendent is the Foreman. That's the way it's always been, there's never been a Working Supervisor title for them. I may be wrong, but I'm pretty sure I'm correct.

Trustee Rue commented that it is right in the Village Code, the Board sets the salary and being that this never came before the Board, its wrong. Only the Board can change or make the salary for the employees and that did not happen. This was done behind closed doors and never brought before the Board so it is wrong.

Mr. Sussman interjected and stated that this is a matter of Personnel and should not be discussed in Public, we can discuss this further in Executive Session.

### **Discussion-Policy & Procedures regarding Management & Department Heads**

Removed from the agenda.

### **Resolution authorizing the payment of the Village Bills in the amount of 109,131.87 for Fiscal Year ending July 31<sup>st</sup>, 2022 and \$309,581.44 for fiscal year ending July 31, 2023**

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 setting a Public Hearing date for Proposed Local Law# 2 of 22-Amending Chapter 226 Taxation-Article VI entitled, "Sale of Real Property for Delinquent Property Taxes", amending section 226-29 to amend the wording to add the Village, amending section 226-30 to add the Village as a Municipality under the County of Sullivan, the addition of section 226-34, entitled, "Sale of Properties acquired by the Village" and the addition of section 226-35 "Conveyance of subject parcels in the Village" on Wednesday, September 7<sup>th</sup>, 2022 at 6:00pm**

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

Trustee Banks asked how this local law came up.

Mr. Snowden stated that the Village opted out of putting properties into the auction that we took title to. Many of the properties are currently occupied and had they been put in the auction, the land bank would be able to take whatever parcels they wanted and the owners wouldn't have an opportunity to recover their properties and a lot of people will be homeless.

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By the Village allowing the people to repurchase these properties back, we will make the money if the prior owners want to buy it back and they will have first preference and if they cannot and/ or choose not to, we can sell it ourselves and make a profit. Janine, the Village Clerk, has been working very hard on this and once the law is passed we can get the figures together and move forward. Without this law in place, we cannot do anything. So we have got to get this done first, so we can move forward.

Mayor Nikolados stated that this is a great thing from the Village. We need the money and if this is a way to get it, we need to do it. He also stated that the Land Bank has been able to put at least two properties back on the tax role, due to the sale of the houses on Park Avenue, so that will be even more revenue coming into the Village. He stated that he knows that the Land Bank process can be long, but it does pay off. If the Village can get this law passed at the next meeting, this will also be a better way for us to recoup some of our losses.

Trustee Rue also commented that she is happy to see something like this happening and that it was very smart for the Village to not put the properties up for the auction, this way we have some say so and can make some money for the Village instead of getting what is left if they owe the County monies. This is a really good thing for the Village, thank you.

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

**Resolution authorizing payment to Hoovis Enterprises Inc. for the Emergency Repair of the HVAC System at the TSC-Mobil Medic in the amount of \$1,401.27 from app#A.1620.421(Building & Grounds-Repair/Maint). Current account balance is \$26,490.50**

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 Hoovis Enterprises Inc. for the Emergency Repair of the HVAC System at the TSC-Senior Center in the amount of \$1,630.26 from app#A.1620.421(Building & Grounds-Repair/Maint). Current account balance is \$24,860.24**

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 \$1,515.90 from app#A.5110.224(Street Maintenance-Paving Supplies) for Patch for the Village Streets. Current account balance is \$11,402.25**

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 Mayor, Village Manager & Special Counsel to pursue a change in**

**County policy for making Village's whole and to report back to the Village Board within sixty (60) days regarding this matter**

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

Mr. Sussman stated that due to the current financial state of the Village, he sees it to be fit to reach out to the County, along with the support of the Board and request them to change their policies regarding making Village's whole. He stated that he is sure that there has been discussions in the past, but the Village was not in the financial distress that it is in now, and now would be an operable time to have another talk with them.

**Resolution authorizing the Village Manger and Special Counsel to contact the Attorney for the Town of Thompson and requests that before granting of any tax exemption that the Town Assessor provide the Village notice of any such application and an opportunity to be heard on the application and timely notice of any such determination**

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

Mr. Sussman stated that again, this has come up due the current financial state of the Village. He also stated that this should be a normal procedure, but understands that the Village has never been allowed to have a say in these matters. Hopefully this can change.

**Resolution authorizing Special Counsel to pursue collection action against every outside water user that has a delinquent amount open and to allow the Water Department the ability to turn off the water if the bills is not paid in full in 20 (twenty) days of the notice**

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

Mr. Sussman stated that it has come to his attention that there are several outside users of the Village water with outstanding bills that do not get paid, but just carry over from year to year because they are not levied to the tax bills as inside users are. He stated that this is another way to bring monies into the Village to assist in getting us out of the hole we are in.

**Resolution authorizing the Mayor, Village Manager, Treasurer and Special Counsel to take all reasonable steps to gain necessary support for the implementation of a Police District to replace our existing Police Department and to define the boundaries of that district in a practical and financially responsible manner**

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

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Mr. Sussman stated that he wants it to be clear on the record, this resolution is in no way shape or form to get rid of or dismantle the Village's current Police Department. This resolution is however to increase revenue's by creating a Police District that other municipalities will contribute to so that more Police can be hired and so forth. He stated that it is currently his understanding that the Village Police Officer's currently provide service to the Town of Thompson, including Walmart, Shop Rite and the Casino, which none of them are in the Village and we are not compensated for policing those area's for the Town. So with the support of the Board and the assistance of those listed, we can create a district that would allow the Police to be responsible for a particular area that includes these places, so that they can assist in the fiscal responsibility of utilizing the Village's Police force.

Mayor Nikolados stated that he is in total agreement with this, even though he knows it's a hard fight forward. He stated that other municipalities have not even gotten a chance to get in front of the State with something like this because the State has always been totally against it. He stated that the State hasn't allowed this in over twenty (20) years, but he understands the necessity of it and is willing to assist however he can.

Mr. Sussman responded that yes, it has been a hard sell to the State, but with the proper backing behind the Village, it doesn't hurt to try again.

**Resolution authorizing the Mayor, Village Manager and Special Counsel to enter into negotiations with the County of Sullivan relating to the status of the municipal parking lots, provided whichever ultimately owns the parking lots, that they remain available for parking to support the Village's business district on the same terms as currently available and that the County pledge to retain these parking lots as such, reverting then to the Village should that intent change**

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

Mr. Sussman stated that currently the County utilizes many of the Village's parking lots and does not maintain them, nor insure them. So when the Village has need of them, they cannot be utilized. Also, with the Village's current insurance rate, we cannot afford any claims. My goal is to have a talk with them in order to see how we can mitigate this issue, either they use them and maintain them or they surrender their usage completely. My goal is not to give the Village's lots to the County, because that will defeat the purpose, we need to come up with some type of IMA and stick to it.

Trustee Banks stated that he's all for the parking lots being used, but we have to make sure that they are safe first and properly lighted, patrolled or have surveillance, something. We cannot go through all of this with the County and then we cannot even provide a safe parking lot. The

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majority of the Village lots are behind the buildings with the exception of the one in front of the Government Center. Safety is my priority, that's all I'm saying.

Mayor Nikolados stated that this is a valid resolution and safety is also important, we have to come up with something that works for everyone, because the Village keeps getting stuck holding the bag and we can't do it anymore. Our current budget proves that, hopefully the County is willing to work something out.

### **Manager's Report**

Mr. Snowden stated that Evergreen Drive has been repaved and completed, Woolworth parking lot has been restored and the parking lot behind the Bagel Bakery is next. The resolution that Michael just did regarding the parking lots with the County is very needful. Right now, we cannot afford it if someone has an accident or falls or something in those lots, our insurance is through the roof. We had a challenge even repairing the lot behind Woolworth because the County worker's use that lot also at the Center for workforce. The Village is losing all around, at least the County DPW worker's or something should have helped with in-kind services or something, but we are not getting anything from them and it's killing us slowly. We have to find a way to turn things around.

Union Negotiations were started today, Adam was here and we met with some of the Shop Stewards today.

I also need the Board to either pass a resolution or give me a yes to move forward with the following:

1. CDC Testing for COVID & Polio In the Sewer Plant  
A motion was made by Trustee Rue with a second by Trustee Banks. Upon the call of the roll, all present were in favor.
2. Add 2007 Chevy Truck Body to Surplus  
A motion was made by Trustee Rue with a second by Trustee Banks. Upon the call of the roll, all present were in favor.
3. Increase Lifeguard salary to \$21.00 per hour  
A motion was made by Trustee Rue with a second by Trustee Massey. Upon the call of the roll, all present were in favor.

Lastly, I am re-appointing Howard Perlman to the Zoning Board for another five (5) year term.

Trustee Massey announced that there will be a Community Pool Party on Sunday, August 21<sup>st</sup>, 2020 from 12-6pm, hosted by the Village at the Dillon Park Pool, everyone is invited.



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Trustee Rue encouraged the Trustees to please come in and sign the purchase orders. She stated that there are boxes of them that need signatures and that is one of our requirements by the State as a Trustee to sign the purchase orders. All of these purchases that we vote for in the meeting is the same purchase order that is not being signed, so if you vote for it in the meeting, I don't understand you won't sign the purchase order. It's the same exact thing. So please, everybody go sign the purchase orders, we are going to get into a lot of trouble when the auditors come and all of this stuff has been purchased with no signatures.

**Executive Session**

A motion was made by Trustee Massey with a second by Trustee Jenkins to go into Executive Session at 7:74pm to discuss the following:

Personnel & Union Contract Negotiations

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

A motion was made by Trustee Rue with a second by Trustee Massey to come out of Executive Session at 8:30pm. Upon the call of the roll, all present were in favor.

**Adjournment**

A motion was made by Trustee Massey with a second by Trustee Rue to adjourn the meeting at 8:37pm. Upon the call of the roll all present were in favor.

Submitted by:



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Janine Gandy-McKinney, Village Clerk