

MINUTES
WORK SESSION MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
THURSDAY, JANUARY 8, 2009

MEETING TO ORDER

Mayor Jenkins called the work session to order at 5:02 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were present:

Gordon Jenkins, Mayor
Theodore Hutchins, Trustee
Victor, Marinello, Jr., Trustee
Carmen Rue, Trustee
Scott Schoonmaker, Trustee

Also Present: Jacob Billig, Village Attorney

The Village Clerk announced that this meeting was duly advertised to the media via a fax as a work session and any other business that comes before the Board.

The Village Attorney explained that the Board called this work session on job responsibilities of the Village Manager and/or any advertising issues and working towards a goal that the Board agrees on.

The Board discussed the content of an advertisement for the position of the Village Manager.

Trustee Schoonmaker was concerned that when resumes are received that they are put in a secure place until all the trustees can review them at the same time.

Trustee Marinello noted that prior times when the office was vacant the applications were put in the Manager's Office and each Trustee could review them at any time before they were discussed by the entire Board.

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The Mayor felt that this work session should focus of the Mr. Kelson's duties, hours, etc.

Trustee Hutchins questioned who really is the Village Manager?

The Village Attorney responded that Mr. Kelson is the Village Manager. He explained that he hopes shortly this evening the Board can agree on an ad and then the Board is going to discuss the job requirements of a Village Manager which relate to Mr. Kelson, who is the current Village Manager, and a future person to fill that position.

Trustee Hutchins questioned how the Board could hire Mr. Kelson and then the Board is going to advertise for another Village Manager. He thought the Board was going to discuss the duties of a Village Manager and the goals of the Village Manager.

The Village Attorney responded that the Board should be speaking about the responsibility issues.

The Mayor indicated that whatever the cost, the Village should advertise extensively.

Trustee Rue felt that the ad should have a residency requirement of either the Village or the Town of Thompson.

The Village Attorney indicated that after extensive research and speaking with NYCOM he has determined there is no requirement that the Village Manager live in the Village. The Board would have to change the law for a residency requirement. He explained that the Village Manager is a quasi public officer, but it is not a public officer that is under the legal requirements of residency and it is only public officer because the Manager, like the Code Enforcement Officer, exercises a certain level of discretion in doing their job. The Manager is an "at will" employee and because he is an "at will" employee there is no statutory law under this code or under state law regarding residency. He felt that residency is a business decision by the Board.

Trustee Marinello explained that in the past the Board has permitted Village Manager's to live in the Town of Thompson because the Board had difficulty finding someone locally that was interested in the position

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The Village Attorney felt that those resolutions were probably done that the Board wanted to be careful so let's put it in the resolution.

Trustee Rue said that Cheryl Shiber a former Village Manager was made to live in the Village and when Richard Sush succeeded her the Board felt it was necessary to include the Town residency in the resolution.

The Village Attorney explained that the Board can amend the Code to include Village residency as a requirement, however is it a distraction when trying to attract someone from out of the area.

Mayor Jenkins felt that he wants the Village Manager to live in the Village because he would take more pride and be aware of what is happening here.

Trustee Schoonmaker felt that he would like to see that also because he wants to keep people accessible that are local.

The Village Attorney responded that the Code can be amended to include residency as a requirement to make it more permanent or make it specific to the individual you are hiring by including it in the contract with that person. He recommended that if the Board wants residency as a requirement than it should be clearly stated in the advertisement.

Trustee Marinello explained that the Board made an exception with Richard Sush because the Board felt that no one from the Village was qualified that applied for the position. He felt that the Board must have options.

Trustee Hutchins felt that the Village should be offering jobs to people in the Village that could fill the Manager's position.

The Village Attorney felt that it would look good if they hired someone to live in the Village.

Trustee Schoonmaker felt that the Board should have "good faith" negotiations and be upfront with that person that it was stated in the advertisement.

The Board agreed to put "residency required" in the ad and a closing date by 2/28/09.

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The Village Clerk will compose an ad for the Board's approval based on this work session's discussions.

The Village Attorney explained that since this issue is concluded the Board had decided to discuss the Village Manager's hours, job responsibilities, etc. which will relate to what the Board wants in a new Manager as well as the present manager.

Trustee Hutchins felt that if it is a full time position the Village Manager would be required, at a minimum, to put in a 40 hour week.

Trustee Rue noted that would be 8:30 a.m. to 4:30 p.m.

Trustee Marinello noted that the Village Manager is technically on the job 24 hours a day not just 40 hours per week.

Mayor Jenkins felt that the Manager has to be in Village Hall Monday to Friday from 8:30 to 4:30 to manage the Village. He felt at this time no one is supervising the employees which has been happening for 3 weeks already.

Trustee Hutchins agreed with Mayor Jenkins, and noted that the Village Justice Court closed early because of the snow storm but no other Village office closed early. He felt that it should be a requirement to work 40 hours as the Village Manager.

The Village Attorney indicated that whatever is decided would relate to the current manager as well as a manager that might be hired in the near future. He questioned whether the Village Manager has to be in Village Hall when the building is opened.

Mayor Jenkins felt that as long as the employees are in the office, than management must be present also. The Mayor noted that he is totally against Mr. Kelson standing in as a Village Manager, but he is looking ahead to the future.

The Village Attorney felt that everything they said about the next Village Manager will apply to now.

Mayor Jenkins felt that someone can't be working 3 or 4 jobs. He felt that Mr. Kelson is the Planning Board attorney for the Town of Mount Hope, as well as a full time attorney. He

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questioned how can anyone have all these other responsibilities and do a good job as Village Manager? He felt the Village needs a person that will be there 100% of the time for what their salary is. He felt that he does not mind paying someone a decent salary of \$80,000 to \$90,000 if they are doing a good job and it would be well worth it.

Trustee Marinello disagreed noting that this is a Village of 3.2 square miles with about 100 employees. He questioned how the Mayor can justify to the taxpayers a \$90,000 a year salary plus \$25,000 a year in benefits. He felt that the Town of Thompson supervisor doesn't make that much money.

Mayor Jenkins felt that the Village Manager must look at the code violations, recycling, multi dwellings and the like. He felt that this is why the Village is so far behind because there is no management watching and doing a full time job.

Trustee Schoonmaker explained that the Board has spoken in the past not to keep the Manager in Village Hall, but make him readily accessible to the public so that a Manager could be out there going to meetings, conferences etc. He noted that when Mr. Nargizian was hired the Board appointed a Deputy Village Manager so the Manager would have the availability to go and meet with various people regarding Village business, not necessarily in Village Hall. The Manager should be flexible enough, at a minute notice, to go some place and meet with whoever regarding Village business. He felt the Manager should go by a set schedule with some accountability. He felt that having a minimum hourly day there is a way to determine a form of accountability. This Board from the beginning was focused on accountability of the employees, but a manager can have the flexibility of taking on the responsibilities of going to meetings, walking the streets, etc.

The Village Attorney felt there can be a method to catalogue when the Manager is out of the office to meet someone, but that doesn't detract from the core issue, how long does the Village Manager have to be in Village Hall and what are they doing in Village Hall.

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Mayor Jenkins felt that part of the 40 hours is attending meetings out of Village Hall, but the 40 hours must be Village work related. He felt that the Manager cannot go to the Town of Crawford and be there for 2 hours and then go to their law practice, and just stop at Village Hall, however this is what is happening. He felt that the person has to be committed to their home base. He also noted that the Village Manager should be attending planning board meetings, zoning board meetings, etc. He noted that the prior manager was putting 50 hours in the Village if the person is committed to doing a good job. He felt the Village is in such terrible shape that it will take at least 10 years to straighten it out because we are so misguided in this Village and it has to be a full time manager.

The Village Attorney felt the Board has to determine what are the management systems that should be in place and then the reporting systems that occur to the Board. He felt they should consider how they are managing the office and how is the manager reporting to the Board and there should be systems in place.

Trustee Hutchins noted that when he attended a municipal meeting in Middletown every department head reported to the Board such as code violations, fines collected, police department matters, infrastructure matters, water and sewer issues, etc.

The Village Attorney explained that the Village Manager could give those reports and the department heads could come before the Board and give a report for their department. He indicated the Board has total control for making those decisions.

Trustee Schoonmaker indicated the Board has to set policy.

Mayor Jenkins asked if the Board could agree that the Village Manager should spend 40 hours a week on Village business.

Trustee Schoonmaker indicated that the Village Manager is an "at will" employee, however there should be some kind of stipulation that the Manager has to put in minimum hours in Village Hall a week. He felt the Manager cannot be accountable if he is not there.

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The Village Attorney noted that the Board clearly heard from the public the other night a concern about hours, so that is a key component and he felt he doesn't see any reason why the Board would not require that.

The Mayor felt that the Manager should be in Village Hall during business hours when the public wants access to him.

Trustee Schoonmaker asked that the Board give the Manager the flexibility to make his own hours knowing that some of the public can only meet after the Village Hall has closed or on the weekend.

Mayor Jenkins felt the Board should dictate the hours and his hours should be 40+.

Trustee Rue indicated she called the County and the County Manager is in the building, however he does go to meetings outside of the Government Center.

The Village Attorney responded that as a general rule the County Manager is in the building from 9 a.m. to 5 p.m.

The Mayor felt there is nothing wrong with a 40 hour work week.

The Village Attorney felt this evening the Board should come to an agreement on the present manager and that will effect whoever is hired.

Trustee Hutchins felt the present Manager should be in Village Hall during the day not at his law firm.

Trustee Schoonmaker indicated that he had the contracts of two prior managers and each one state that the Village Manager is the Chief Administrative Officer of the Village of Monticello and he is to be generally at Village Hall, Monday through Friday. He felt that if this is how it has to be, then this is how it has to be and if that person cannot abide that they would have to leave the position. He felt that there is no person that can do two things at one time and do them successfully. He felt there must be some kind of accountability.

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The Board agreed on the policy of 40 hours plus a week available during the general business hours of the Village.

The Village Attorney questioned how this list is going to be communicated to the Manager.

RESOLUTION THAT THE VILLAGE MANAGER'S POSITION REQUIRES THE VILLAGE MANAGER TO WORK 40 HOUR PLUS AND BE AVAILABLE AT THE VILLAGE OFFICE DURING BUSINESS HOURS

A motion was made by Trustee Hutchins, seconded by Mayor Jenkins, unanimously approved on a roll call vote to adopt this resolution.

Trustee Schoonmaker explained that the Village Manager is responsible for the budget and the zoning officer.

The Village Attorney indicated that the Village Manager does not have to do the day to day code enforcement, but do they want the Manager to have oversight, control and management in that situation.

Trustee Hutchins says when Mr. Barbarite was Manager he had oversight of this department, however at this time there is no one that has the credentials to oversee what the Code Enforcement Officer Sue Flora does.

The Village Attorney questioned whether the Board's main concern is who is giving oversight to the Code Enforcement Officer and then a communication system to the Board.

The Board unanimously responded this is correct and should be done bi-weekly.

Trustee Marinello felt that the Board should require department heads to attend Board meetings and give a report.

Trustee Schoonmaker felt that Sewer, Water, Highway Department Heads and Chief of Police should attend every Village Board meeting. He felt the Treasurer should attend the second meeting of a month and the Recreation Department Head should attend each meeting during the six months from May to September.

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RESOLUTION REQUIRING ALL DEPARTMENT HEADS TO ATTEND THE SECOND BOARD MEETING OF EVERY MONTH WITH A VERBAL REPORT TO THE VILLAGE BOARD AND TO SUBMIT A WRITTEN REPORT TO THE VILLAGE MANAGER

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt this resolution.

Trustee Schoonmaker felt the Manager should meet with the department heads once a month.

The Village Board scheduled a work session for Wednesday, January 14, 2009 at 5 p.m. to continue this discussion.

ADJOURNMENT

At 6:45 p.m., a motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the work session.

EDITH SCHOP, Village Clerk

