

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, MARCH 23, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:02 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: Zachary Kelson, Village Manager
Douglas Solomon, Chief of Police

APPROVAL OF MINUTES OF SPECIAL VILLAGE BOARD MEETING DECEMBER 12, 2008, THE DECEMBER 14, 2008 SPECIAL VILLAGE BOARD MEETING, THE REGULAR VILLAGE BOARD MEETING OF DECEMBER 15, 2008, THE REGULAR VILLAGE BOARD MEETING OF JANUARY 5, 2009, THE WORK SESSION OF JANUARY 8, 2009, THE REGULAR VILLAGE BOARD MEETING OF FEBRUARY 2, 2009 AND THE SPECIAL MEETING OF FEBRUARY 5, 2009

A motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker, approved on roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, nay to approved the minutes the Special Village Board meeting of December 12, 2008, the December 14, 2008 Special Village Board meeting, the Regular Village Board meeting of December 15, 2008, the Regular Village Board meeting of January 5, 2009, the Work Session of January 8, 2009, the Regular Village Board meeting of February 2, 2009 and the Special meeting of February 5, 2009 as presented.

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MAYOR' S REPORT

Spring Clean up will be held May 14th to May 17th. Additional details can be gotten from the Highway Department 794-4911.

The Broadway Construction will begin Monday, March 30th weather permitting.

There will be two informational meeting conducted by the NYSDOT at the Ted Stroebele Recreation Building at 10 Jefferson Street between the hours of 5:30 p.m. to 8:30 p.m. mainly for the Broadway merchants. Letters have been sent out by the Village Clerk to each Broadway property owner from Spring Street to West Broadway inviting them to this meeting so they can come at their convenience and DOT representatives will be there to answer any of their questions or concerns. It will not be a formal presentation, but meeting will DOT reps.

I will also be hand distributing these notices to all the merchants of both sides of Broadway myself to ensure that the businesses that do not own the building are made aware of these meetings. Mainly the merchants and property owners on the South side of Broadway merchants will be invited to the Tuesday, March 31st meeting and the north side of Broadway merchants will be invited to the Monday, March 30th meeting. The two meetings were scheduled by the NYSDOT to ensure everyone has ample time to meet with their representatives.

Mayor Jenkins reported that Trustees Rue, Schoonmaker and Marinello rescinded the Village Manager's 40 hour work week at Village Hall at the Special Village Board meeting held on Saturday, March 7, 2009. He felt that the Village definitely needs a 40 hour manager in this position. He felt that Mr. Kelson is being paid almost \$60,000 a year and the Village is literally falling apart. He felt it was a bad decision for those three board members to rescind that 40 hour work week. The Mayor felt that someone has to work in this Village to get this Village cleaned up and if you look around the Village it is dirty and that is because we don't have a 40 hour paid manager to do the job.

MANAGER'S REPORT

Appointment Announcement

The Manager announced that he appointed Alvin Dumas to the position of Groundskeeper for the Highway Department.

Sewer Plant Improvements

The Village Manager noted that he received a copy of Barton & Loguidice's report with respect to the Sewer Plant. He felt the Board needs to start thinking policy wise about some improvements that need to be made to the Sewer Plant. Also, there have been apparently some changes in the County with respect to the landfill that may have a substantial effect on the Village. Sewer Superintendent Phil Klemens has advised him that some personnel changes need to be made in that department. DEC representative John Sansalone has recommended that more NYS licensed Wastewater Treatment Plant Operators.

Fuel Maintenance Agreement

The Manager advised the Board that the Fuel Maintenance Agreement between the Village, Town of Thompson and the Joint Monticello Fire District has been signed.

Justice Courtroom Issues

The Village Manager explained that there is a problem with a door in the Justice Court. The replacement of that door will cost approximately \$3,500, but Judge Finn will be applying for a JCAP Grant to pay for the cost of the door replacement.

PUBLIC COMMENT - AGENDA ITEMS ONLY

Sturgis Road Traffic Signal

Several senior citizens living in Regency Manor questioned whether the Village is considering putting in a traffic signal at the intersection of Sturgis Road and Jefferson Street rather than the blinker light that is presently there?

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The Manager responded that this area is not part of the Broadway Reconstruction project; however, he will be discussing that area with the NYSDOT Officials tomorrow. He felt that some traffic control is needed in that area.

Trustee Hutchins was concerned that Jim's Auto Repair at that intersection has vehicles blocking site vision making it more difficult to make a left hand turn from Sturgis Road onto Jefferson Street.

Trustee Rue noted that installing a traffic signal at that location would cost approximately \$200,000 so the Village will be checking whether there any grants available or stimulus money.

Village Conditions

David Gillman, a Village resident explained that back in the 50's & 60' Monticello was in disarray and he felt now it is worse than ever and he is ashamed of Village's horrible condition. He noted that when he drives on the back streets he sees houses that are abandoned, boarded up, streets filled with potholes and garbage, with every other property having either a "for sale" sign or "auction" sign in front of it. He questioned how the Board allows landlords to maintain houses that are falling apart, boarded up or abandoned. The property owners should be made to fix them up or tear them down. He noted there are more empty storefronts than rented storefronts which make it look like a ghost town. He felt the Board bickers over nonsense instead of addressing the issue that Monticello is falling apart.

Mayor Jenkins responded that Mr. Gillman is correct that it is embarrassing how this Village looks and last April the Board was on top of things; however these Board members have to do their job and get strict with code enforcement. He felt the residence deserve more than they are getting.

Trustee Schoonmaker asked the Village Attorney to look into eminent domain proceedings can be lodged against the owners of these dilapidated buildings.

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**RESOLUTION TO SET A DEADLINE FOR APPLICATIONS FOR REPURCHASE
PROGRAM ALL FOR UNREDEEMED PROPERTIES BY APRIL 20, 2009**

WHEREAS, the Village of Monticello has entered into an agreement with the County of Sullivan to authorize the County of Sullivan to commence an action to enforce the collection of 2006/07 and/or other delinquent real property taxes as of 1/1/95 or thereafter or other lawful charges which have accumulated and become liens on real property contained in the Verified List of Delinquent taxes for 2006 and other tax liens for the Village of Monticello filed in the Sullivan County Clerk's Office; and,

WHEREAS, the redemption period for all parcels contained on the Verified List of Delinquent Taxes for 2006/07 and other tax liens ended on March 31, 2009; and,

WHEREAS, once the redemption period ended in this foreclosure proceeding any person having a right to redeem or answer was forever barred and foreclosed of all of his or her right title and interest and equity of redemption in and to the parcels, and;

WHEREAS, the Sullivan County Legislature has adopted a local law, known as Article II of Chapter 164 of the Sullivan County Code to permit the previous owner of record to purchase the parcel through a release of the County's interest after the redemption period ends for a limited time, and;

WHEREAS, the Village of Monticello seeks to allow prior owners of record to take advantage of this repurchase program.

NOW, THEREFORE BE IT RESOLVED, that the deadline to make complete applications for repurchase of real property, and submit them to the Sullivan County Treasurer's Office including full payment is no later than April 20, 2009 at 5:00 p.m., and

BE IT FURTHER RESOLVED, that an application is deemed fully completed once the application and recording documents are fully executed by the applicant and full payment of delinquent taxes, interest and charges is received by the Sullivan County Treasurer's Office; and,

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BE IT FURTHER RESOLVED, that following the expiration of the repurchase program, all unredeemed properties shall be sold by the County on behalf of the Village at its public auction commencing on June 10th 2009 or as otherwise authorized by the Sullivan County Legislature.

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

RESOLUTION AUTHORIZING MAYOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF SULLIVAN TO ACT AS THE VILLAGE'S AGENT TO COMMENCE AND COMPLETE TAX FORECLOSURE PROCEEDINGS ON BEHALF OF THE VILLAGE PURSUANT TO ARTICLE 11

A motion was made by Trustee Schoonmaker. The Board asked that the matter be tabled to the next meeting as they just received the revised agreement. Trustee Schoonmaker withdrew his motion.

RESOLUTION SCHEDULING A PUBLIC HEARING TO REVIEW AND DISCUSS LOCAL LAW NO. 1 OF 2009 TO AMEND SECTION 105-4 (K) OF THE VILLAGE CODE REGARDING THE ISSUANCE OF BUILDING PERMITS UNTIL ALL CHARGES FEES AND TAXES HAVE BEEN PAID IN FULL FOR APRIL 6, 2009 AT 7 P.M.

Resolved, that the Board of Trustees of the Village of Monticello does hereby schedule a public hearing to review and discuss Local Law No. 1 of 2009 to be held on Monday, April 6, 2009 at 7 p.m. at the Ted Stroebele Recreation Building, 10 Jefferson Street, Monticello, New York.

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

RESOLUTION AUTHORIZING THE ISSUANCE OF \$46,000 BONDS OF THE VILLAGE OF MONTICELLO, SULLIVAN COUNTY, NEW YORK TO PAY THE COST OF VARIOUS CAPITAL PURPOSES, IN AND FOR SAID VILLAGE

A motion was made by Trustee Schoonmaker.

Trustee Hutchins felt that he was advised by the Village Treasurer that had advised him that there was money put away to

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pay Barton & Loguidice and avoid issuing bonds. He asked that the matter be tabled until the Treasurer could clarify the situation. Trustee Schoonmaker withdrew his motion.

RESOLUTION AUTHORIZING THE PURCHASE OF REPLACEMENT OF AUTOCLAVE DRYER BY THE WATER DEPARTMENT IN THE AMOUNT OF \$4,495.00 FROM THOMAS SCIENTIFIC

Trustee Marinello questioned the cost of this equipment and felt that if the Department Head was present his concerns could be answered to during the meeting.

Trustee Hutchins felt that the Village Manager oversees the department heads and it is the Village Manager's duty to be able to answer the Board's questions.

The Village Manager responded that the Water Superintendent told him that he needed it and he told him to purchase the item at the lowest price available.

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of replacement of Autoclave Dryer by the Water Department in the amount of \$4,495.00 from Thomas Scientific.

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

RESOLUTION AUTHORIZING THE PURCHASE OF E-Z RIDER K-9 VEHICLE INSERT FOR POLICE VEHICLE IN THE AMOUNT OF \$1,824.95 FROM LYCAN TOUGH K-9 PRODUCTS PAID FOR BY THE POLICE DRUG FUND ACCOUNT

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of E-Z Rider K-9 Vehicle insert for Police Vehicle in the amount of \$1,824.95 from Lycan Tough K-9 Products paid for out of the Police Drug Fund Account.

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

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RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) 2 WAY RADIOS FOR THE HIGHWAY DEPARTMENT FROM K.J.B.L. ELECTRONICS IN THE AMOUNT OF \$2,448.00

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of four (4) 2-way Radios for the Highway Department from K.J.B.L. Electronics in the amount of \$2,448.00.

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

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR SCRAP METAL PICKUP

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for Scrap Metal Pickup.

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

RESOLUTION AUTHORIZING THE EMERGENCY PURCHASE OF 30 TONS OF COLD PATCH FROM CALLANAN INDUSTRIES IN THE AMOUNT OF \$2,600

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the purchase of 30 Tons of Cod Patch from Callanan Industries in the amount of amount of \$2,600.00.

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

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR BIDS FOR VARIOUS SUPPLIES AND CHEMICALS FOR THE HIGHWAY, WATER AND SEWER DEPARTMENTS FOR FISCAL YEAR 2009/10

Resolved, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise

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for bids for various supplies and chemicals for the Highway, Water and Sewer Departments for Fiscal Year 2009/10.

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

RESOLUTION OF THE VILLAGE OF MONTICELLO TO AUTHORIZE HOLDING A PUBLIC HEARING REQUIRED FOR PARTICIPATION IN THE NEW YORK STATE RESTORE NY ROUND 3 COMMUNITY INITIATIVE PROGRAM ON MONDAY, APRIL 20, 2009 AT 7 P.M.

WHEREAS, there are a number of vacant and underutilized buildings in the downtown, core area of the Village; and,

WHEREAS, the Village Board is committed to the revitalization and economic development of the Village; and,

WHEREAS, the Village of Monticello has been approached by private sector property owners who are interested in upgrading their buildings and creating employment in the Village; and,

WHEREAS, the Village is eligible to serve as a "pass through" for Restore NY Funding.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello will hold a public hearing on Monday, April 20, 2009 at 7:00 p.m., in the Ted Stroebele Recreation Building located at 10 Jefferson Street, Monticello, NY 12701.

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENTS #4 TO STATE SYSTEM PROJECT AGREEMENT (D011576)

Authorizing the Design of the Reconstruction of Route 42 on the State Highway System, the performance and funding in the first instance 100% of the cost of design thereof, to be reimbursed by the State and appropriating funds therefor.

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WHEREAS, the State of New York has requested the **Village of Monticello** to design the improvements to **New York State Route 42 in the Village of Monticello**; and,

WHEREAS, the **Village of Monticello** has previously executed State System Project Agreement (D011576) and Supplemental Agreement #1 and #2 for the **Preliminary Engineering** work and has appropriated \$720,000 as per Resolution #98-106 which was adopted on May 4, 1998 and appropriated \$1,000,000 as per a resolution adopted on August 23, 2004 and appropriated \$295,580.61 as per Resolution #07-200 which was adopted on July 23, 2007; and it is further

NOW, THEREFORE, the **Village Board of the Village of Monticello**, duly convened does hereby;

RESOLVE, that the **Village Board of the Village of Monticello** hereby approves the Project; and it is hereby further

RESOLVED, that the **Village Board of the Village of Monticello** hereby authorizes the **Village of Monticello** to pay in the first instance 100% of the costs of the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$170,967.76** is hereby appropriated and made available to cover the cost increase of participation in the above phase of the Project; and it is further

RESOLVED, that the **Mayor, of the Village of Monticello** be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the **Village of Monticello** with the New York State Department of Transportation in connection with the implementation of the Project, and reimbursement of the approved costs thereof by the State, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connections with the Project, and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

AWARDING OF BIDS - STURGIS STREET SIDEWALKS

A motion was made by Trustee Marinello, seconded by Trustee Rue, unanimously approved on a roll call vote to award the bid for the construction of new sidewalks and curbing on Sturgis Road to **Poley Paving Corp.** in the amount of **\$82,611** with funds received from a \$100,000 NYSDOY Multi- Model Program grant.

RESOLUTION FOR NEOCURVE, LLC TO CONTINUE TO MAINTAIN THE VILLAGE OF MONTICELLO'S WEBSITE WITHOUT INTERRUPTION UNDER TERMS AMENDED IN NEOCURVE'S PROPOSAL DATED MARCH 16, 2009

The Village Attorney explained that this resolution make total economic sense since if the site is taken down it will be costly to reconstruct it.

Resolved, that the Board of Trustees of the Village of Monticello does hereby resolve for Neocurve, LLC to continue to maintain the Village of Monticello's Website without interruption under terms amended in NeoCurve's proposal dated March 16, 2009 and directing the Village Treasurer to pay the outstanding unpaid balance due to NeoCurve, LC; and to pre-pay at a rate of \$75.00 per month, for the service of updating meeting minutes and all other information; plus \$8.95 per month for web hosting; for the coming 12 months in one lump sum; plus \$29.95 per year for domain registration, all payable immediately.

A motion was made by Trustee Marinello, seconded by Trustee Rue, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, abstain; Trustee Marinello, aye; Trustee Rue, aye to adopt the above resolution.

RESOLUTION TO PAY A \$2,500 STIPEND TO THE HIGHWAY DEPARTMENT ACCOUNT CLERK FOR EXTRA DUTIES ADMINISTRATING THE SANITATION AND RECYCLING PROGRAM

Trustee Rue explained that this an additional stipend amount from the \$2,000 stipend she is presently receiving for those duties.

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The Village Manager explained that this particular employee has more than one job and is multitasking, although many employees are doing that. After several meetings she has been looking to change the way the recycling is done and he feels she is the best person to coordinate all this. He indicated that in his opinion is performing these extra services without compensation and the idea is for her to do these tasks with compensation.

The Mayor felt that stipends are unacceptable. He indicated that many employees do extra tasks, but they are getting no extra pay, so this would open the door to many similar situations. He recommended to the Board that no stipends be awarded to any employee.

The Village Manager indicated that these are additional funds and he agrees that some of the employees do a little extra and don't get paid for it and once you do it for one the Board feels they should do it for all, but in this particular situation this particular employee not only does it all, but she does the job of four people. He felt if she doesn't do it, it won't get done.

The Mayor explained that he is willing to assist her with no cost to the Village, but the Village cannot afford this extra pay at this time.

A motion was made by Trustee Rue. As there were no second the motion died.

DISCUSSION REGARDING REZONING OF BROADWAY TO ALLOW FOR MIXED USE WITH COMMERCIAL USE ON GROUND FLOOR AND APARTMENTS ON UPPER FLOORS

The Village Manager explained that in the old days it was the way that the property owner paid for their building by living above the building and their business below. Those uses, if they still exist, are permitted because they are "grandfathered" in. The issue is that based upon the vacancy rate that we have in Monticello people who own the buildings who cannot afford the taxes or the utilities they cannot continue to maintain the properties. The question is will it be benefit to the community

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to now allow for example, a building that used to have apartments above the ground floor to allow them now to have apartments again even though there has been a period of time that they have lost their "grandfather" status. One of the issues will be available parking and very strict fire codes that will require fire escapes, fire suppression systems and fire separation walls all of which can be quite costly.

Mayor Jenkins suggested that this be referred to the Planning Board.

Project Engineer Wes Illing explained this is project is for the Strong Building and putting in a "mixed use" to get back the foot traffic on Broadway for the businesses and get people to walk to work instead of driving to their job. The apartments would be one bedroom catering to the "empty nesters" or the "single" professionals.

Trustee Marinello was concerned with the appearance that would detract from the downtown area.

Mr. Illing indicated that only professional offices will face Broadway.

Trustee Rue was concerned about the availability of parking.

Trustee Schoonmaker was concerned about the small size of each apartment unit.

Mayor Jenkins felt that this matter should be referred to the Planning Board.

The Village Manager indicated that the Board should decide whether this is something they want to discuss conceptually and if it is desirable than the Board has to pass a local law changing the zoning code.

John Barbarite noted that if the law was amended it would affect every building on Broadway. He felt there would be issues with parking, the type of apartments that would be created and who would be the tenants living in these units.

DISCUSSION OF SANITATION SURCHARGES

Village Attorney Billig explained that back on February 17th he submitted a memo to the Village Board on an issue regarding the current surcharges being placed on a property owner's tax bill where they may not have complied with the law relative to dumpsters or garbage cans. He explained that those charges cannot be relieved on to a property owner's tax bill under the General Municipal Law and must be issued violations to appear in Justice Court.

DISCUSSION AMENDING THE COMMERCIAL SANITATION CHARGES FOR THREE (3) DUMPSTER PICKUPS

The Village Manager explained that the Federation of the Homeless has questioned the cost charged for three dumpster pickups per week and the Manager found that the fees are not a consistent variation and not equitable. He suggested that the sanitation fees be amended across the board.

Mayor Jenkins felt that before any rates are changed some of the users should try to recycle to reduce the amount of garbage that goes into the landfill.

The Village Clerk reminded the Board that during the budget process all fee charges are reviewed and that probably would be the best time to revise the fee schedule if necessary especially since the fiscal year is drawing to an end.

Trustee Hutchins felt that the Manager, as part of his job, should go out and speak to the commercial users.

REPORT BY VILLAGE ATTORNEY ON UNSAFE BUILDING LAWS

The Village Attorney explained that the Village Manager had suggested an analysis of the unsafe building laws and he has reviewed the Town of Thompson unsafe building laws. He noted that the Village's Unsafe Building Code is 119 and the statutes when compared to the Town's are vary identical procedurally and in substance also.

A MOTION TO CONDUCT A SPECIAL MEETING SOLELY FOR THE PURPOSE OF CONDUCTING AN EXECUTIVE SESSION TO INTERVIEW CANDIDATES FOR THE VILLAGE MANAGER POSITION

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to schedule a Special Meeting solely for the purpose of conducting an Executive Session to interview candidates for the Village Manager's position for Thursday, April 2, 2009 at 6 p.m. at the Village Hall, 2 Pleasant Street, Monticello, NY.

PUBLIC COMMENT

Review of Resumes

John Barbarite suggested that the Board read the resumes and weed out those that they do not feel qualify for the position and then schedule interviews.

Stipend Concerns

John Barbarite felt it was very insulting to the members of the Board to be handed a motion to have a stipend approved at the last minute. He felt it could have been given to the Board a week ago to consider and secondly he feels all stipends are illegal. He felt there are union contracts and the Village is paying specific people extra money without talking to the union and creating a "bargaining unit" position. He felt that is an unfair labor practice to pay employee money more than the contracts allow. He noted that position was examined, not to have 8 hours a day and it was just proven now that someone could add all those extra duties and still work an 8 hour day.

Village Manager's Position

Thomas Mack, a Village resident stated, "Village Trustees we voted you in this office because the public had confidence in you. Until a Village Manager is selected for taxpayers' sake, if the Mayor does not want it, another Board member should take this Manager's position." He stated that the Village is paying \$5,000 a month for an interim Manager until he can be replaced.

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He indicated that any of the Board members can do the job and he is confident that they could do it for less money. He was concerned that the other Board members just learned about the \$2,500 stipend to a Village employee, and questioned what else is going on behind the Board's back. He asked that an investigation be started because the Board is responsible for the taxpayer's money and they are responsible if anything is going wrong. He questioned how an individual can do the job of Village Manager from his law office. He felt a Village Manager has to be involved including driving around the Village to survey the area. He asked that the Board take control of this situation.

Rochelle Massey felt that the Board should keep to the regular schedule of meetings on the first and third Mondays of each month. She also noted that this Village is filthy.

Bess Davis, a Village resident felt that it is unfortunate that the taxpayers money has to be spent this way when the Mayor said he could do this job the same way the Gary Sommers did it and he would do it at no additional salary. She felt that the Board is spending taxpayer money for someone who has another full time job. She suggested that the Village be dissolved if the Board cannot get along and do things for the residents. She felt the employees are getting well paid and the residents are living in garbage.

David Gillman questioned that time that Board meetings are being scheduled at 8 a.m. in the morning.

Susan Taylor, a Village Manager felt that the Manager is doing a great job, since at least we are not getting a \$86,000 Code Enforcement Officer, we are now getting someone who looking to manage the Village. She felt that the department heads should manager their departments rather than him micromanage.

Another resident spoke on behalf of the Village Manager.

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**A MOTION TO CONDUCT A SPECIAL MEETING SOLELY FOR THE PURPOSE OF
CONDUCTING AN EXECUTIVE SESSION TO INTERVIEW CANDIDATES FOR THE
VILLAGE MANAGER POSITION**

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to conduct a special meeting solely for the purpose of conducting an Executive Session to interview candidates for the Village Manager position on Thursday, April 2, 2009 at 6 p.m., a Village Hall, 2 Pleasant Street, Monticello, New York.

EXECUTIVE SESSION

At 9:25 p.m., a motion was made by Trustee Rue, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session to discuss contract negotiations with Empire Estates, police contract negotiations, possible litigation, a personnel matter involving a particular person and discussion on firehouse funds.

EDITH SCHOP, Village Clerk

See attached minutes following Executive Session and written by Trustee Rue.

MINUTES OF THE
REGULAR MEETING OF THE
VILLAGE OF MONTICELLO BOARD OF TRUSTEES
FOLLOWING EXECUTIVE SESSION
MARCH, 23, 2009

The board came out of executive session at 11:07 PM, called to order by Deputy Mayor Schoonmaker. Mayor Jenkins and Trustee Hutchins left the building and did not rejoin the meeting.

Present:

Deputy Mayor Scott Schoonmaker
Trustee Victor Marinello
Trustee Carmen Rue

Also present:

Village Attorney Jacob Billig
Pedro Tweed

Absent:

Mayor Gordon Jenkins
Trustee Theodore Hutchins
Village Manager Zachary Kelson
Village Clerk Edith Schop

The Village Attorney and Trustee Rue stated that Trustee Rue was recording the proceeding.

Deputy Mayor Schoonmaker stated that he did what he thought was right by attempting to amicably resolve differences with the other members of the board. He stated that Mayor Jenkins had said he planned on filing papers tomorrow to sue the Village of Monticello, stating the the Mayor and Trustee Hutchins clearly have a personal agenda to try and oust the Village Manager.

New York State Village Law §3-300(2) allow the Village to appoint a Village Manager who resides outside of the Village of Monticello but within the County

MOTION by Trustee Schoonmaker, allowing the Manager, Zachary Kelson, to live outside the Village.

SECONDED by Trustee Rue. This resolution is for Zach Kelson to live outside the Village, within the limits of the Town of

Thompson, effective as of the date of the Village Manager's hiring, nunc pro tunc.

Deputy Mayor Schoonmaker called for a roll call vote.

Trustee Schoonmaker: Aye.
Trustee Marinello, Aye.
Trustee Rue, Aye.
Trustee Hutchins, Absent.
Mayor Jenkins, Absent.

The motion was declared passed.

The Village Attorney stated that he would like the Board of Trustees to authorize the Village Engineer and department heads for water and sewer to conduct a structure study on the capacity of the Village sewer system in conjunction with the Manager, Village Attorney, and any other personnel.

MOTION by Trustee Schoonmaker.

SECONDED by Trustee Marinello.

Deputy Mayor Schoonmaker called for a roll call vote.

Trustee Schoonmaker: Aye.
Trustee Marinello, Aye.
Trustee Rue, Aye.
Trustee Hutchins, Absent.
Mayor Jenkins, Absent.

The motion was declared passed.

The Village Attorney stated that stated that there was a matter which he forgot to bring up in executive session, but he did not mind it being on the record. Mr. Billig reported that he obtained an appraisal for a "railroad strip" which has been discussed previously.

Trustee Rue say that the Village should sell the parcel we losing money to many appraisal.

The Village Attorney concurred, but out of respect for the absent members recommended voting on the sale at the next regular meeting. He said the appraisal he got was in the same ball park as the appraisal previously given.

Trustee Rue said she had read very carefully the contract with Mobile Medic and she wanted to make a motion to renew the existing terms of contract.

MOTION by Trustee Rue to give the Manager to execute the contract with Mobile Medic for the building at 10 Jefferson Street, to continue on the same terms.

The Village Attorney stated that he had not read the contract and he would be able to give a report in two weeks.

Trustee Marinello stated for the record that he is no longer employed by Mobile Medic, stating that he would like the Attorney to look at the contract.

Trustee Rue said it was simply a renewal (a continuation) of terms which have existed for years, and it is not something the board can afford to fight over. "We cannot live without ambulance in this Village."

Trustee Marinello agreed that the Board of Trustees has a responsibility to provide ambulance service, but he would like the Village Attorney to look at the contract.

Trustee Schoonmaker stated he would like it in the minutes that any Village Manager candidate should assure the Board of Trustees that they will work with the entire board. "Business is being conducted behind this board's back." He said he does not think this is ethical.

MOTION by Trustee Schoonmaker to continue the agreement for two weeks.

SECONDED by Trustee Marinello to continue the agreement.

Trustee Rue asked the Attorney if this was legal. He replied that it is legal to renew the contract for two weeks, and it may allow for automatic extension.

Trustee Marinello said he agrees with renewing the contract, but he agreed to the attorney's request to look at the contract.

Deputy Mayor Schoonmaker said he felt "what was pulled tonight was a total disgrace", adding that if Mr. Kelson should cease to be Village Manager he would be willing to serve as Acting Village Manager without pay.

Trustee Marinello stated "we have to work together as a team," adding he would also be willing to serve as Acting Village Manager without pay. He stated that he does not serve on the Board of Trustees for the money, but because he want to be here for the community.

The Village Attorney asked Trustee Rue to turn off the tape.

Trustee Rue suggested closing the meeting.

The Village Attorney advised, "Just close the tape," stating that he wanted to talk about the point being discussed.

MOTION by Deputy Mayor Schoonmaker to adjourn the meeting.

SECONDED by Trustee Rue.

Deputy Mayor Schoonmaker called for a roll call vote.

Trustee Schoonmaker: Aye.

Trustee Marinello, Aye.

Trustee Rue, Aye.

Trustee Hutchins, Absent.

Mayor Jenkins, Absent.

The meeting adjourned at 11:15 PM.

Respectfully submitted,

Carmen Rue, Village Trustee