

MINUTES
SPECIAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
THURSDAY, JULY 30, 2009

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 7:05 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: Ray Nargizian, Village Manager
Jacob Billig, Village Attorney

**RESOLUTION TO AUTHORIZE FILING A GRANT APPLICATION TO THE NYS
UNIFIED COURT SYSTEM FOR A JUSTICE COURT ASSISTANCE PROGRAM
GRANT**

WHEREAS, the NYS Unified Court System has requested applications for the next cycle of the Justice Court Assistance Program grants; and

WHEREAS, the Village is interested in applying for funds to upgrade equipment currently in use at the Justice court; and

WHEREAS, the program requires the Village to adopt a resolution authorizing the application.

NOW, THEREFORE, BE IT RESOLVED, that the Monticello Village Board authorizes that an application be filed with the NYS Unified Court System; and

BE IT FURTHER RESOLVED, that the Village Mayor be authorized and empowered to certify the application in the name of the Village of Monticello.

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

AWARDING OF BID - INSURANCE LIABILITY

Mayor Jenkins asked the Village Clerk to explain the situation to the Village Board.

The Village Clerk explained that Owen McKane is presently our Broker of Record and Trident Insurance is the insurance company. Mr. McKane submitted one day later an insurance quote (on July 9th) from an RFP that was due on July 8th. She noted that on July 7th the newly installed Village Manager signed a Change of Broker of Record effective August 1, 2009.

Trustee Hutchins questioned the date Mr. Nargizian was appointed Village Manager?

The Clerk responded that he was appointed at the Monday, July 8, 2009 Village Board meeting.

Trustee Hutchins was concerned that he was hired on July 6th and automatically he changed the Broker of Record.

The Village Attorney recommended that this matter be discussed in Executive Session because there is a Notice of Claim and there are some legal issues.

EXECUTIVE SESSION

At 7:14 p.m., a motion was made Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss litigation and contract negotiations.

RECONVENING THE SPECIAL BOARD MEETING

At 8:52 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvene the Special Village Board meeting.

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RESOLUTION AWARDING THE VILLAGE'S INSURANCE LIABILITY COVERAGE

Discussion - Mayor Jenkins noted that the Village must have insurance coverage; however he did not want the Broker of Record with the company that the Village Manager has his personal insurance with for his home and businesses. He felt the majority of the Board seems to favor the Village Manager's decision only and that is the way they are going to vote.

Trustee Hutchins explained that the Village Attorney seems to feel that there is no violation of Article 18; however it was also explained about the degree of a higher standard of conduct.

The Village Attorney explained that some courts have, although there weren't technical violations of either municipality's ethical code of the State General Municipal Law they hold public officials to a higher standard and would negate certain transactions because of that.

Trustee Hutchins indicated that upon hearing this criterion at the advice of the Village Attorney and knowing that there may be conflicts with Mr. Nargizian doing business with Wallace & Berry to be the carrier and how can they be the carrier when they haven't even submitted any type of documentation saying that they would like to be the carrier, no kind of information that they can put together a package better than Mr. McKane from Trident Insurance. He felt the Village has to start doing things in a more ethical way and award the 2009/10 insurance to Trident Insurance and the Broker of Record for that FY continue to be Owen McKane III of the DeForest Agency who is the only person who submitted a quote for the 2009/10 FY insurance.

A motion was made by Trustee Hutchins, seconded by Mayor Jenkins, defeated on a roll call vote as follows: A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Hutchins, aye; Trustee Marinello, nay; Trustee Rue, nay, to adopt the above resolution. Motion carried 1 aye - 3 nays.

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Resolution introduced by Trustee Schoonmaker as follows:

Resolved, that the Board of Trustees of the Village of Monticello eliminate, because of information relayed to them through the prior meeting in Executive Session, that both parties (Broker's of Record) be eliminated and the Board be held to a higher standard and ask for a new Broker of Record to be installed with the Trident Insurance Company.

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye, to adopt the above resolution. Motion carried 3 ayes - 1 nay.

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO SIGN A CONTRACT WITH MOBILEMEDIC

The Village Attorney indicated that he hasn't seen this version of the contract.

Mayor Jenkins stated, "Again, sitting in the Mayor's seat, not seeing the proposed contract about Mobilemedic nor has the Village Attorney seen this contract, yet we sit here and we make a decision on something that no one has seen, but it always keep coming to the same three Board members. He felt that are secret meetings being held.

Trustee Marinello felt that it is nonsense about private meetings being held and it is baloney. He is sick and tired of every time the Mayor and Trustee Hutchins don't get their way they scream and complain like a bunch of kids. The bottom line is that the Village has to move forward. Mobilemedic provides an excellent service to the Village of Monticello and they need to be put in place for the Village of Monticello. He challenged any Board member to take a lie detector test and then we will find out who is telling the truth. He stated, "There are no private meetings going on". We only want to get business done in the Village of Monticello and the longer we sit here and argue with the Mayor and Trustee Hutchins, nothing is getting done."

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Trustee Hutchins stated, "That the only contract that he is aware of is the contract that he received from the Village Attorney on June 26, 2009 and it was for Mobilemedic to pay a sum of \$18,000 a year for the use of the Ted Stroebele building signed by the President of Mobilemedic Albee Bochman." He did not know where another contract came from and he is willing to negotiate with Mr. Bochman further. He felt that there has to be other meetings going on because Trustee Marinello and Trustee Schoonmaker knows what is going on. He felt there is no need for a Village Attorney if the Trustees are going to make their own contracts and negotiate on their own.

The Village Manager indicated that he has only met with Mr. Bochman once, but he felt that seven months is too long for any decision to be made, and if the Board has come to an agreement, then follow through on it.

Trustee Hutchins questioned who negotiated the contract with Mobilemedic if it wasn't the Village Attorney, because the Attorney was charged to do the negotiations.

The Village Attorney indicated that this Board voted to accept a \$18,000 a year amount which was done on several occasions and a motion was made by Trustee Schoonmaker was for 50% of repair of the building which the Board felt on retrospect would be unfair to ask Mobilemedic to pay for that when the intent was that there would be 50% paid for the door. One of the reasons that the matter wasn't finalized was that he had to go back and revise the document with Mr. Bochman so that it would only reflect 50% payment of the door. Subsequent to that it asked that some of the items from the original contract, the rations, the generator and the cots be brought to the Village and a side letter was done. That is the last contact he has had with it. He indicated that he hasn't seen the document that you have before them.

Trustee Rue felt that the Village Attorney added more items to the contract and that is wrong.

The Village Attorney explained that there was only a side item to bring those items to the Village.

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The Village Manager indicated the one time he spoke to Mobilemedic, Mr. Bochman was unhappy with the contract and he would come back to the Village after he conferred with his Attorney with other suggestions

Resolved, that the Board of Trustees of the Village of Monticello to sign a contract with Mobilemedic for EMS Service in the amount of \$12,000.

A motion was made by Trustee Rue, seconded by Trustee Schoonmaker, approved on a roll call vote as follows: Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; Trustee Rue, aye, to adopt the above resolution. Motion carried 3 ayes - 1 nay.

ADJOURNMENT

At 9:15 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the Special Village Board.

EDITH SCHOP, Village Clerk