

Minutes

Special Meeting of the Board of Trustees

Village of Monticello

March 22nd, 2013

12:00pm

Call Meeting to Order

The meeting was called to order at 12:17pm by Trustee Hutchins.

Pledge to the Flag

Per Trustee Rue, we have to designate one person because the Mayor is not here according to 4-400 Article 2, if the Mayor is not present or the Deputy Mayor and we do not have a Deputy Mayor, we have to appoint a member of the Board as the Deputy Mayor to run the meeting.

A motion was made by Trustee Rue and second by Trustee Bennett designating Trustee Hutchins to run the meeting. Upon the call of the roll, all present were in favor.

Roll Call

Mayor Jenkins-absent	Carmen Rue-Present	T.C. Hutchins-Present
Larissa Bennett-Present	James Matthews-Present	

Also Present: All Department Heads

Motion to Accept the Agenda

A motion was made by Trustee Rue and second by Trustee Bennett to accept the agenda. Upon the call of the roll, all present were in favor.

Trustee Hutchins stated that the agenda is to inform the Department Heads of who's going to be the liaison of what Departments until a Manager is hired as follows:

Highway & Sanitation Department-Trustee Hutchins & Trustee Matthews
Water & Sewer Department-Trustee Matthews & Trustee Hutchins
White Collar Employees-Trustee Rue
Clerk & Treasurer Department-Mayor Jenkins
Recreation Department-Trustee Bennett
Building Department-Trustee Bennett & Trustee Rue
Police Department-Mayor Jenkins & Trustee Rue
Justice Court-Trustee Hutchins & Trustee Bennett

Trustee Hutchins explained that in a meeting the previous night, March 21, 2013, there was a local law passed Repealing & Eliminating Local Law# 4 of 1992 section 45-9 entitled, "Acting

Village Manager” and giving the Board the power to appoint. The Mayor is no longer the Manager, the Board will assign or appoint someone, but until that happens, each Trustee will be responsible for a department.

Trustee Rue stated that the Board changed the Local Law automatically making the Mayor the “Acting Manager” when one is not present. Now, the Board changed that Local Law. This is only temporary. We are waiting on one proposal that we think would be good for the Village, this is only until a Manager is hired. Just for a couple of weeks.

Trustee Bennett stated that they do expect to hear from a Manager shortly, however, the Trustees will be the liaisons in the mean time.

Contact Information was exchanged between the Trustees and Department Heads

Neighborhood Facility Building

There was a discussion amongst the Board in regards to the Neighborhood Facility Building and Mr. Greco. It was decided that all funds will be received in the Village Offices and deposited into the bank. No funds will be collected at the Neighborhood Facility or by Mr. Greco.

There will also need to be changes to the fee schedule to reflect the new fees for the NFB and also the Park.

In regards to signing Personnel paperwork, it is either up to the Mayor or the Deputy to sign any and all Personnel papers. If the Mayor does not want to sign, then the Board would have to approve for the Trustee over that Department to sign for those Personnel changes.

Deputy Mayor

Per Trustee Rue, we cannot tie our hands because the Mayor did not appoint any Deputy. I called NYCOM and since he (Trustee Hutchins) has been appointed to next April 2 for (1) one year appointment, he is a hold-over really. The Mayor did not bring anybody new, he’s been appointed legally by the Board of Trustees in the last meeting, the April re-organizational meeting in the Public. The Mayor did not appoint anybody, when it comes to a situation of signing, I don’t know, you (Judge Finn) are the lawyer here. He never appointed anybody to replace the Deputy Mayor, so he was appointed for a year until April 7 when we have the reorganizational meeting; he is a hold-over really. He was appointed by the Board, the Mayor removed him himself, the Board never voted to remove him. According to NYCOM, if the Mayor never brought anyone to replace him, the person who he appointed in the re-

organization, is still a hold-over. I am just saying was has been told to me, I asked them to put it in writing.

Judge Finn stated that if you appoint someone and do not properly remove them, they are still there, that's a no brainer.

Trustee Rue commented if he put in his resignation, then that's different.

Per Judge Finn, if nothing happened as an operation of law, then they are still there until something happens.

Trustee Hutchins stated that he has no problem fulfilling his duties as the Deputy Mayor if the Board wants to appoint me.

Trustee Rue stated that the Board cannot appoint you, all the Board can do is vote that since the Mayor hasn't brought anyone forward to fill the position; that you will continue as the Deputy until the re-organizational meeting in April.

Judge Finn asked that when the Mayor makes this appointment, does he have to get the advice or consent of the Board or does he just get to appoint them all by himself?

Trustee Rue answered that only that appointment is the Mayors.

Judge Finn asked Trustee Hutchins did he ever receive an official letter stating that you were un-appointed?

Trustee Hutchins replied, yes he did.

Per Trustee Rue, we have come to a situation that if the Mayor is not present, I have the law here, he is supposed to be signing bank account and in fact, I have what it says in the law here Article 2 of NYS Law.

Trustee Hutchins read Article 2 of NYS law which stated the following:

If the Mayor and Deputy are both absent and are unable to perform their duties of the office, the Trustees shall appoint one of their numbers to act as the Deputy Mayor and in the absence or inability of the Mayor or Deputy Mayor appointed by them.

Judge Finn commented that means that you have the right to put someone else in and maybe the same person.

Per Trustee Rue, we have come upon a situation that when the Mayor is not present for anything to sign, checks, banks it has to be the Deputy.

Trustee Bennett stated that they do not expect this to last for long.

Time- Off

Questions was asked in regards to the signing of time-off slips and who would sign those. It was answered that it would be the responsibility of the Trustee of the Department to sign and make the rest of the Board members aware of the absence.

Treasury

Trustee Hutchins asked the Treasurer, what is her status? How long are you going to be on board are you still on Board, were there any arrangements made, are you still working, I mean I know that you are still working, but are you still working a 5-day week?

The Treasurer stated that she does not know what Gordon wants to do. If you want to talk to him and he can come back to me, I can't have a discussion about him and I when he's not here and I don't know what to say to you, he has to be part of this conversation because I don't have the answer.

Trustee Rue stated that Heather legally resigned and the Mayor has to come to the Board with any arrangement that he makes because it's a Mayor appointment with Board approval according to the law. Now, any settlement, any arrangement, anything that he has to do to keep you even if it's a half a day a week, he has to come to the Board. He cannot decide alone.

The Treasurer stated again, that's why as I stated, this conversation needs to be had with the Mayor. Whatever it was, if he did not accept the resignation or what it was, and then it's a conversation that has to be had with the Mayor.

Trustee Rue stated if he did not accept the resignation, then he has to bring it to the Board and vote to say I do not accept her resignation. I already told him a hundred times, but he did not do that, so practical you resign and you're really not entitled to anything in the Village because nobody is doing anything.

Trustee Hutchins stated that as of now Heather, you have been here all week, are you planning on continuing to work weekly? If the Mayor did not accept your resignation, as the Treasurer, you are still working Monday- Friday, and working your hours?

Ms. Berg responded that she has a date of resignation as stated on her resignation letter.

Trustee Hutchins asked when is your resignation?

The Treasurer responded that she doesn't have the letter.

Trustee Hutchins asked was it February 3rd? Can you give it to the Board so that everyone would know what date you are talking about?

The Treasurer stated that she filed it with the Clerk and the Clerk has a copy of it.

Trustee Hutchins asked the Clerk what is the resignation date?

The Clerk responded that she did know off the top of her head, because she did not read the letter.

Trustee Rue asked there was a second letter?

The Clerk responded that there was one on February 3rd and then she gave me a copy of the one that she gave to the Mayor.

Trustee Hutchins asked that the Clerk provide the Board with a copy of the letter from the Treasurer just so we can know and know where we are. In the meantime, Heather has there been any arrangement as to what's going to be?

The Treasurer responded that she doesn't know, you have to talk to the Mayor. I am his appointment and you're asking questions that I can't answer because Gordon has not answered those questions for me. So, I can't answer a questions that I've asked and I don't have a response and now you want me to provide a response, but I have not gotten a response, so I can't answer these questions.

Trustee Rue stated that but you can answer the question if you're really firm that you resigned completely or are you playing a game with this Village. We are not in a situation to playing games in this Village, we have to straighten this out here, the financials, the Village is broken and it's going hill and the Mayor is doing that to this Village and as a taxpayer I will not support that. I just

putting you there, because I am a taxpayer and I don't want my Village to be down because of nonsense and professional people playing games with the taxpayers. The Mayor has to come here and say and it's not only his decision to tell you what he wants to do, here is a government elected by the people and everyone here has one vote and the Mayor has one vote and he doesn't have any more power than any other five members of the Board. That's what I have to say.

Per the Treasurer, I am still the Mayor's appointment, you're asking me a question that I can't answer and that's what it is.

Per Trustee Rue, with Board approval.

Trustee Hutchins stated that the Board has the authority to hire a CPA, what we would like to know is, if you plan on resigning, we would like to get a CPA in here for a day or two or maybe even a week to be able to work with you.

The Treasurer stated that she offered that to Gordon, I've offered that and he said that he presented that to the Board and he got no response from the Board.

Trustee Rue commented that the Mayor never brought that to the Board.

Trustee Hutchins agreed.

Per the Treasurer, so this is where I am, so I don't know. I talked to him this morning, I don't know, I don't have an answer. I thought you guys had the answer.

Trustee Rue stated she has a resignation there, as Board members we have the power to appoint somebody so call the CPA in Liberty, if they have somebody, we can appoint somebody temporarily until the Mayor really makes his mind up and support the Village of Monticello People and taxpayers, that's it.

Per Trustee Hutchins that's it, we'll reach out, thank you but hopefully you will stay on Board, but if you don't, best of luck in your moving forward.

Justice Court-Alarm System

A motion was made by Trustee Hutchins and second by Trustee Rue to add the Purchase Order to pay PN Alarms for the Justice Court alarm system in the amount of \$2,475.00. Three quotes are attached and everything has been done. Upon the call of the roll, all present were in favor.

Workplace Violence Policy

The Highway Superintendent, Jim Steinberg, stated that the Village was cited back in December by the Department of Labor and one of the violations was for the Village not having a Work Violence Policy. Janine was given a couple of copies from different areas and stuff. We have to have that approved by the Village by April 22nd. If we don't it's a \$50.00 a day fine by the Labor Department, so my recommendation is we just take one of these model or sample one's that we have and approve it and then we can always modify it later on to meet the Village.

Trustee Rue asked Mr. Sternberg is he had the violations in writing?

Mr. Sternberg responded that the Clerk has everything.

The Clerk responded that everything was already given to the Board a few weeks ago.

Trustee Hutchins stated that a few meetings ago the Board was supposed to go over the information and let the Clerk know which model policy they wanted to move forward with. Since then I know that I have not reached out to her. I know that I am comfortable with whichever version.

Trustee Rue stated that the reason why it was never voted was because the version was too long and it needs to be changed, like the sections that say no guns in the workplace, we have the Police Department that have to carry guns and they have to be separate. I believe that's why we never voted, we have to look at it and change it before we can vote for it.

The Code Enforcement Officer, James Snowden, stated that in speaking with the Labor Department, we do have a deficiency with the Treasurer Department being up here. They suggested that maybe we need to put a lock on the door or something where it's not easy access.

Per Mr. Sternberg, they told me that was not a violation, just a suggestion.

Trustee Rue stated that she also spoke with them and she told them that we are in the process of getting the building renovated and that will be okay for now.

Trustee Hutchins stated that if it's alright with Trustee Matthews, Trustee Bennett and Trustee Rue, he would like to designate Trustee Rue to be the one to pick out the model we are going to use for the Workplace Violence policy to give to Janine.

Trustee Rue stated that she will use her private lawyer, because she is not a lawyer.

A motion was made by Trustee Rue and second by Trustee Bennett to approve the model written by the Department of Labor and to authorize the Clerk to make the necessary modifications. Upon the call of the roll, all present were in favor.

Justice Court Vacancy

Trustee Hutchins stated that there is a temporary vacancy in the Justice Court. I know that we have spoken about what we were deciding to do, however Judge Finn has legal information on how we need to precede with that position. She will provide us that information; in the meanwhile, we need to hire someone off of the list, but first it has to be posted with the Village. What I had suggested was maybe I can speak with the White Collar union workers to see if we can waive the 10 days, if no other White Collar employee wants the position, we can hire someone temporarily and they'll be under that understanding. I will keep everyone abreast via email, if everyone is okay with that.

A motion was made by Trustee Rue and second by Trustee Matthews to work with Judge Finn and the Clerk to temporarily fill the Account Clerk position through Civil Service in the Justice Court. Upon the call of the roll, all present were in favor.

Treasury

Trustee Rue stated that for me, nothing here is confidential first of all. When the Mayor appoints the appointments they are Public appointments, because we are talking about officials in the Village. Here it says it's confidential, we have two letters here; one says that Heather resigns as of April 12th; the Mayor said that it was the 19th of this month as well as the paper too. Then the second one says that the Mayor makes an arrangement to start in April as part-time, but the Mayor never brought this to the Board, so how can this be legal, it's not legal.

Trustee Bennett stated that being that this is new to us; we should just discuss it before we go any further. Instead of just going on, there are a lot of things that we need to figure out because they were not brought to our attention, so now that we have them in front of us, we can move accordingly. But let's not jump and do anything irrationally.

Trustee Rue stated that I never knew about any of these notes, I guess it's just a lack of communication.

Per Trustee Bennett, we can discuss this in Executive Session; we don't need to do that now. We just want to know what concerns need to be addressed now so that we can move accordingly and go on with these changes because it's a new experience for us, it's a new experience for you guys as well and we just want everything to transition smoothly.

Department Issues

The question was asked of the Department Head meeting still being the second Monday of the month?

Trustee Bennett stated that the Board Members plan to meet once a week to discuss what's going on so the Department Heads just need to relay the information to their liaison that will bring it to the Board.

Days & times were discussed with the Department Heads of when to meet to discuss their issues individually.

There was also a discussion in regards to the open positions in the Sewer Department and the Civil Service list and posting.

Recess

A motion was made by Trustee Rue and second by Trustee Hutchins to recess for a half hour at 1:50pm and returning at 2:20pm. Upon the call of the roll, all present were in favor.

A motion was made by Trustee Hutchins and second by Trustee Matthews to come out of recess at 2:45pm. Upon the call of the roll, all present were in favor.

A motion was made by Trustee Rue and second by Trustee Bennett authorizing Trustee Hutchins who is acting as the Deputy Mayor to sign the Civil Service Employment Forms(428's) for Police Officer, David Weiner, who is retiring and Mayor Jenkins restoring his salary as the Mayor only. Upon the call of the roll, all present were in favor.

Executive Session

A motion was made by Trustee Rue and second by Trustee Bennett to go into Executive Session at 2:48pm to discuss the following issues:

Personnel

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

A motion was made by Trustee Bennett and Trustee Matthews to come out of Executive Session at 3:20pm. Upon the call of the roll, all present were in favor.

Adjournment

A motion was made by Trustee Hutchins and second by Trustee Rue to close the meeting at 3:21pm. Upon the call of the roll, all present were in favor.

Submitted by:

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

Janine Gandy, Village Clerk