

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, JANUARY 5, 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 THE SPECIAL VILLAGE BOARD MEETING OF
DECEMBER 12, 2008 AND DECEMBER 14, 2008 AND THE REGULAR VILLAGE
BOARD MEETING OF DECEMBER 15, 2008**

Trustee Rue felt that she did not have enough time to review these minutes and indicated that there might be some corrections to them.

Trustee Hutchins questioned whether Trustee Rue had a copy of the preliminary minutes?

Trustee Rue responded that the Clerk had emailed them to her, however, some corrections were made, but there might be other parts that might need further corrections.

Trustee Hutchins was concerned that the original preliminary minutes emailed to only Trustee Rue, and the Village Attorney resulted in a Notice of Claim.

Minutes - Regular Village Board Meeting
01/05/09

Trustee Rue responded that the person filing the Notice of Claim came to the Clerk who provided a copy of those preliminary minutes on Monday morning.

The Clerk responded that she in puzzled how the person in question knew what was in the preliminary minutes when they weren't published anywhere other than an email to Trustee Rue and the Village Attorney. Those minutes when given to the person in question and were marked "preliminary" and "unapproved".

A motion was made by Trustee Rue, seconded by Trustee Marinello, approved on a roll call vote to table the approval of the Village Board minutes the Special Village Board meeting of December 12, 2008, December 14, 2008 and the Regular Village Board meeting of December 15, 2008 as follows: Trustee Rue, aye; Trustee Marinello, aye; Trustee Schoonmaker, aye; Trustee Hutchins, nay.

MANAGER'S REPORT

Village Manager Zachary Kelson wished everyone a happy and healthy New Year. He noted that the meeting held prior to this meeting with Robert Freeman from the Committee on Open Government was a good meeting and he hoped there were many more to follow.

MAYOR'S REPORT

Mayor Jenkins wished everyone a Happy New Year and thanked the CPR Group for inviting Mr. Freeman to the Village and the public for attending the prior meeting with him.

PUBLIC COMMENT - AGENDA ITEMS ONLY

There were many questions asked by the public regarding the Village Manager's residency, salary, hours, etc.

RESOLUTION ADOPTING ROBERT'S RULES OF ORDER AS THE BOARDS PROCEDURE FOR CONDUCTING MEETINGS

Village Manager Kelson noted that there are certain agenda items are the topic only.

Minutes - Regular Village Board Meeting
01/05/09

Mayor Jenkins questioned why there are no wordings of the resolutions so the Board can know what they are voting on?

The Village Attorney responded that the Board doesn't have the "Whereas" clauses, the resolution is the lead sentence.

Trustee Schoonmaker moved to adopt the current edition of Robert's Rules of Order which is supposed to be the governing of the Board of Trustees meetings of the Village of Monticello and is consistent with the rules of procedure that the Board has previously adopted. The motion was seconded by Trustee Rue.

Trustee Hutchins questioned the Clerk as to whether the Village owns a copy of the Robert's Rules of Order?

The Clerk responded that the Village does not own a copy.

Trustee Hutchins noted that he borrowed a copy of the Robert's Rules of Order from the public library and it contains 570 pages. He noted he is not saying that the Robert's Rules of Order is a bad thing, however, the Board couldn't even vote on a 13 page ethics law, and now we are going to adopt this book not knowing which edition. The Robert's Rules of Order states how you can discipline Board members and the Board cannot be disciplined as is written in these rules. He questioned whether each Board member is familiar with its content.

Trustee Schoonmaker responded that he is familiar with the content.

Trustee Marinello responded that he is not familiar, nor has he read it.

Trustee Rue responded that she has a copy and it is on the internet also.

Trustee Hutchins asked the Village Attorney for his legal advice and NYCOM's opinion of a Board adopting Robert's Rules of Order?

The Village Attorney responded that he called NYCOM and spoke to them, and NYCOM does not recommend that a municipality uses Robert's Rules of Order because they find them very cumbersome and very hyper-technical document and NYCOM specifically states

that. He questioned the Board's purpose for adopting them.

Minutes - Regular Village Board Meeting
01/05/09

Trustee Rue responded that the NYCOM book says, "some sample rules of procedure. The following examples of rules of procedure for the Village Board of Trustees may be used exclusively or in addition to Robert's Rules of Order. The Village still has rules of procedures and at the same time we have the Robert's Rules of Procedure also.

Mayor Jenkins questioned whose idea was it for the Board to adopt Robert's Rules?

Trustee Schoonmaker responded that the prior Board previously had spoken about adopting Robert's Rules of Order.

Trustee Hutchins indicated that before the Board makes these hasty decisions, at least the Board should have a work session to decide if all of the Robert's Rules will be used or just parts of them and gives him a copy of the edition the Village will be adopting.

Trustee Schoonmaker indicated that he wanted to include in his motion that the Village purchase Robert's Rules of Order and distribute them to each Board member.

Mayor Jenkins felt that if NYCOM and the Village Attorney do not recommend adopting Robert's Rules of Order than the Board should not do it at this time.

A motion was made by Trustee Rue to table the motion.

The Village Manager advised her that there is already a motion on the floor to adopt the Robert's Rules of Order that must be voted on first.

The Mayor felt that although Mr. Kelson is an attorney he should only act as Village Manager and let the Village Attorney respond to the legal areas otherwise there will be conflicts.

The Village Attorney advised the Board that a motion can be made to table the original motion to address some of the comments made by Trustee Hutchins and the Mayor and to have a work session to discuss this matter further. He indicated that he can give the Board other samples of rules.

Minutes - Regular Village Board Meeting
01/05/09

On a roll call vote as follows: Trustee Rue, aye; Trustee Schoonmaker, aye; Trustee Hutchins, nay; Trustee Marinello, aye; to adopt Robert's Rules of Order. Motion carried 3 ayes - 1 nay.

**RESOLUTION RECONFIRMING THE APPOINTMENT OF THE VILLAGE MANAGER
AND TO FIX COMPENSATION**

A motion was made by Trustee Marinello, seconded by Trustee Rue.

On advice of the Village Manager Trustee Marinello withdrew his motion.

Trustee Schoonmaker made a motion reconfirming the appointment of Zachary Kelson as a full time Village Manager at an annual salary of \$59,900 a year without any benefit package what so ever effective December 14, 2008.

The motion was seconded by Trustee Rue. She explained that she seconded the motion for a salary of \$59,900 with no contract, no health insurance, no benefits, no sick time, no personal time, nothing. She further explained that this is a permanent appointment and the Board is still receiving applications for the position.

Mayor Jenkins indicated that he and Trustee Hutchins did not know anything about this.

Trustee Rue indicated that this was discussed in executive session at the last meeting; however no action on salary was taken because the Village Attorney was not present.

Trustee Hutchins felt that this looks real bad. The questioned how the Board can pay him \$59,900 and the Board hasn't even worked 3 hours since we hired him. He questioned whether Mr. Kelson is giving up his law practice? Trustee Hutchins noted that before the entire Board Mr. Kelson stated that if he needed to do his law practice in the Village Hall, he was going to do it. He questioned if the Board is going to allow that.

The Mayor felt the Board should reconsider voting on this motion at this time. He felt the Mr. Kelson has no commitment to the

Minutes - Regular Village Board Meeting
01/05/09

Village as he has been in Village Hall more than three times since his December appointment and the Village Manager is a full time job. He felt the taxpayer is losing out because they are paying good money for someone to be there, however there is no accountability.

On a roll call vote as follows: Trustee Rue, aye; Trustee Marinello, aye; Trustee Schoonmaker, aye; Trustee Hutchins, nay. Motion carried 3 ayes - 1 nay.

RESOLUTION TO DENY APPLICATION OF NYSEG FOR AN EXTENSION OF GAS FRANCHISE

The Mayor felt the Board needs the wording of the resolution so the Board is aware of all the facts.

The Village Attorney explained that the Board has in front of them the title of the resolution for the motion, and previously the Board had "whereas clauses" which does not technically have to be part of the motion for the resolution and sometimes the "whereas" clauses aren't correct or not necessary to the resolution and the motion is basically the captioned sentence that the Board has in front of them. Previously the Village Board had another gas line company that addressed them and the Board took no action and now the IDA attorney has contacted the Village Manager that Millennium is coming through and they will probably not seek any compensation in providing the gas infrastructure.

Trustee Hutchins asked that in the future the Board be presented with all the information including contracts, etc.

The Village Manager explained that having the franchise is a valuable thing and sometime it is a valuable thing not to use it. NYSEG has had either two or three extension and they haven't taken any action. The IDA attorney did contact him and they will be coming through the Village and do want to negotiate about providing gas and the Board has the right to negotiate to receive a sum and percentages and amounts that would go into the Village coffers. He felt that NYSEG should not be able to monopolize a franchise without doing anything in 20 years.

Minutes - Regular Village Board Meeting
01/05/09

The Village Attorney indicated that the NYSEG franchise agreement was not written in the Village's favor.

A motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to adopt to deny application of NYSEG for an extension of the Gas Franchise.

RESOLUTION AUTHORIZING EMERGENCY PURCHASE AND INSTALLATION OF SANDER UNDER STATE BID FROM ROBERT GREEN IN THE AMOUNT OF \$2,695.00

The Village Manager explained that the Highway Superintendent called him just before the last ice storm indicating that one of sanders had broke and could not be fixed. The Highways Superintendent indicated that he could not borrow one from the Town of Thompson nor could he lease it, so therefore it was an emergency, however he could purchase the sander off the State Bid list which is usually the lowest cost. Also, the amount of the purchase was lower than would be required to go out for bid or solicit three quotes. On this information he authorized the emergency purchase subject to the Village Board's approval.

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adopt the above resolution for the emergency purchase and installation of a Sander under State Bid from Robert Green in the amount of \$2,695.00.

RESOLUTION CANCELLING THE SECOND MEETING IN JANUARY DUE TO THE MARTIN LUTHER KING HOLIDAY

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to cancel the second meeting in January due to Martin Luther King Holiday on January 19th with the next meeting being the regularly scheduled meeting on Monday, February 2, 2009 at 7 p.m.

ORDERING BILLS PAID

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, unanimously approved on a roll call vote that the bills audited by the Auditing Committee of the Board of Trustees and

appearing on the Abstracts of the bills herewith submitted are ordered paid.

Minutes - Regular Village Board Meeting
01/05/09

PUBLIC COMMENT

Village Manager Comments

Roz Sharoff, a Village resident felt the Board can't be trusted since at least two Trustees have advocated advertising for a Village Manager when they just appointed one without an advertisement.

Jeanette Williams questioned what's the purpose of accepting applications for the Village Manager when the Board has said that Mr. Kelson is a permanent appointment. She felt that the community cannot look forward when there is so much chaos in front of the public.

John Barbarite noted that when Ray Nargizian was the Manager he worked 40+ hours each week and he convinced Trustee Schoonmaker, Trustee Marinello and then Trustee Jenkins that he needed a Deputy Manager because there was so much work. During his 8 months as Village Manager he put in 50 each and every week and left work on his desk every night that he could not complete. He questioned how this Board now says we can have a manager that come in 3 or 4 or 5 hours a week that Mr. Nargizian couldn't do in 40 hours and he could not complete in 50 hours a week.

Bess Davis questioned whether Mr. Kelson was giving up his law practice to be the Village Manager?

Many residents expressed displeasure that the Village Manager was being paid \$59,900 annually and also keeping his full time law practice.

Trustee Schoonmaker indicated that the Village Manager has been given the day to day operation of the Village and told to look for economic development and try to do what is best for the Village after a question from the audience regarding the Village Manager's job description. He indicated that his plan is to reevaluate the policy of the Village Manager on what his job function is to allow the Board to get some direction for him such as economic development with a definite job description. He explained that at this time the Village Manager has no set hours.

Minutes - Regular Village Board Meeting
01/05/09

A resident wanted to know the Village Manager's hours so she could meet with him.

Trustee Rue responded if someone wants to meet with the Village Manager they can call his secretary who will arrange a meeting.

Beverly Santrelli, a Village resident questioned why the Village Board is throwing their money away.

Raceway Track Move

Michael Levinson questioned how the Board is going to fill the void of tax loss when the raceway moves out of the Village?

Trustee Rue responded felt the Board has to wait since they promised to help the Village.

Dissolving The Village Of Monticello

John Barbarite felt that after the conduct and attitude of the Village Board over the last several weeks and the financial irresponsibility it is time to seriously consider dissolving this Village.

Teresa Peterson was concerned that the public is not getting any answers to their questions, which she felt frustrates the public as they feel they are in the dark.

Motion to Schedule a Work Session

A motion was made by Trustee Hutchins, seconded by Mayor Jenkins, unanimously approved on a roll call vote to schedule a work session on Thursday, January 8, 2009 at 5 p.m. at the Ted Stroebele Recreation building to discuss the duties, goals and hours of the Village Manager.

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR A VILLAGE MANAGER AND VILLAGE TREASURER

A motion was made by Mayor Jenkins, seconded by Trustee Hutchins, approved on a roll call vote as follows: Trustee Rue, nay; Trustee Marinello, nay; Trustee Hutchins, aye; Trustee

Minutes - Regular Village Board Meeting
01/05/09

Schoonmaker, aye; Mayor Jenkins, aye, to authorize the Village Clerk to advertise for a Village Manager and a Village Treasurer. Motion carried 3 ayes-2 nays.

EXECUTIVE SESSION

At 9:15 p.m. a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss a contract with respect to Empire Development and to invite County Treasurer into Executive Session to discuss tax foreclosures.

ADJOURNMENT

At 9:35 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk