

MINUTES
SPECIAL MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
WEDNESDAY, NOVEMBER 21, 2007

MEETING TO ORDER

Mayor Barnicle called the meeting to order at 8:00 a.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were present:

James Barnicle, Mayor
Gordon Jenkins, Trustee
Victor, Marinello, Jr., Trustee
Scott Schoonmaker, Trustee
Brian VanDermark, Trustee

Also Present: Ray Nargizian, Village Manager
John Barbarite, Deputy Village Manager
E. Danielle Jose, Village Attorney
Tim Havas, Deputy Village Attorney

**RESOLUTION APPROVING PURCHASE OF CARPET AND ADHESIVE FOR
VILLAGE OF MONTICELLO JUSTICE COURTROOM IN THE TED
STROEBELE RECREATION CENTER IN THE AMOUNT OF \$4,210.53**

Discussion: The Mayor explained that at this time the Village has written notice from Arlene Glass that the Village was awarded a grant specifically to be used for the courtroom renovations which totals \$20,000.

Trustee Schoonmaker questioned whether the carpeting has been laid already?

The Village Manager responded that it has already been installed.

Trustee Schoonmaker indicated that only a \$20,000 grant was received to complete the courtroom renovations at the Ted Stroebele Recreation Center.

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The Manager responded that the Village has been awarded a \$20,000 grant and there is a \$30,000 and \$50,000 grant pending.

Trustee Schoonmaker felt that until the Village has received confirmation of being awarded those grants technically the Village should not precede any further because there the additional funding is not in place at this time which includes the heating system, the air conditioning system and any other additional items that might come up during the construction. He felt that the Village might be criticized by the State Comptroller's Office since the Village has spent money on a grant that hasn't been awarded.

The Manager responded that there is a contingency fund for emergencies and he feels this is an absolute emergency as the County Courthouse is no longer available for use by the Village Justice Court.

Trustee Schoonmaker indicated that there is a difference between State run courts and local run courts. There are absolutely no guidelines for a local justice court and how it is to be constructed, maintained, etc., and he checked with Chief Clerk of the Courts yesterday and he also knows of no such guidelines or specifications that are available for a local village justice court.

The Manager responded that he did not dispute Trustee Schoonmaker.

The Mayor responded that the Village Judge required and strongly suggested on how she wanted the court constructed for her to hold court.

Trustee Schoonmaker indicated that he has spoken to Justice Finn and the problem is the Village has very limited funds. His understanding is that after the construction was done, the judge did not like it and a portion was ripped out. He felt that the Indians are running the reservation, not the chiefs. He felt that she can make suggestions, but the

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judge does not have the final say since the funding comes out of the general fund. He felt this courtroom is supposed to be temporary and the renovations should be at a minimum cost.

The Village Manager explained that the reconstruction did not cost the Village anything except its labor and that there wasn't an outlay of cash to change the alteration for the height of the judge's bench.

Trustee Schoonmaker questioned why the justice courtroom needed to be carpeted and if so why the carpeting was not purchased at Home Depot.

The Manager responded that the floor needed to be carpeted because the tile was chipped and it would have to be scrapped up and new tile put down. He indicated that his background is carpeting and what was purchased is a commercial carpeting used in a large area and only a professional can lay commercial carpeting as it has a lot to do with seaming and stretching and the Village employees are not capable of doing this job. As far as purchasing the carpeting from Home Depot, their premise is to give the customer cheap carpeting, and in order to do so they substitute quality. He noted he sold to Home Depot and negotiated with their CEO's in terms of contracts and it is always, cut, cut, cut, and cut. He explained that the carpeting was bought from a legitimate broadloom carpet dealer who has been in business for many years and has a reputation of being honest and forthright. He indicated that the carpeting that was purchased is a 26 oz. piece of commercial carpeting from a manufacturer in North Carolina, and it is not damaged or seconds goods that is first quality goods off a roll of carpeting not an end piece of carpeting.

Trustee Schoonmaker was concerned that there were no specifications for this carpeting and neither proposal states what the Village is ordering.

Mayor Barnicle explained that both the Ray Nargizian and John Barbarite to be our managers and now the Board is "micro managing". He felt the Board entrusted them to run

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this Village and if the Board has a question their process that is alright to ask, but not questioning their duties to run the Village.

Trustee Schoonmaker was concerned that the Board doesn't give the managers any guidelines on how to do anything. He felt that if he had known the bid was going to be over \$4,000 and we didn't have the approval or whether the funds were available or should the money be spent. He felt that the public keeps calling him about the carpeting being laid or the Manager's new vehicle that he is unaware of, because the Board is not on top of things and makes the Board look stupid.

The Village Manager explained that the reason the carpeting had to be laid this week is because next week the pews are being delivered and if the pews were delivered and needed to be stored than it would have cost more money for storage.

Trustee Schoonmaker questioned whether the Manager knew the carpeting was being laid as of Monday evening and if he did know why the Board wasn't made aware of it and just apologize for the oversight?

The Manager responded that he was aware the carpeting was being put down at that time. He explained that his door has been opened for the last ten months and truthfully I have only seen you in my office asking questions twice in that time. He indicated that the other Trustees come in or call and he should not be putting the burden on the Village Manager.

Trustee Schoonmaker felt that the Manager said an untrue statement by saying the carpeting was ordered and not stating it was being laid.

The Mayor indicated that Monday's meeting was chaotic and he wanted to finish the meeting as fast as possible and he felt the Manager did the right thing by not adding to the confusion. He felt the Board would fully understand knowing the time restraints put on the Village by the State Court system to leave that building, to pay for this carpeting so construction could be completed.

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Trustee Jenkins felt that it is up to him as a trustee to question the amount of the expenditure and the bigger issue is that the carpeting was ordered and installed prior to the Board approving the funding.

Trustee Schoonmaker felt that if this was such an emergency than a special meeting should have been called earlier as it is being done this morning.

The Village Attorney indicated that this may have been done procedurally inappropriately, and there is probably a feeling of anger that it was done properly, however practically there is a \$4,000+ bill that the Village will be liable for whether or it has been installed or not and it covered by a grant, and the reality is, is to adopt the resolution and strictly instruct management in the future to call special meetings and the Board should make themselves available for these special meetings for these occasions.

Trustee Schoonmaker agreed with the Village Attorney as the Village has already received the carpeting and accepted it so the Village is liable to pay the bill. He questioned whether there is an accounting of the total cost of the courtroom renovations and whether the \$20,000 grant covers the entire cost.

Ralph Bonfiglio, a Village resident explained that he has been in the carpeting business for 35 years as an inspector for J.C. Penny's. He questioned why the Manager does not feel Home Depot is qualified to buy carpeting from and why the Board wasn't given the carpet specifications such as the amount of ounces, the wear warranties, etc.

The Mayor responded that the Board entrusts the managers to make those decision and in this case the Village Manager has been in the carpeting business and presented the Board with the best deal based on his expertise.

The Village Manager indicated that he is not going to get into bad mouthing any box store and at one time he was a wholesaler that sold to box stores, but after the meeting he will discuss the particulars with him.

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WHEREAS, the Monticello Justice Court is being relocated to the Ted Stroebele Recreation Center; and,

WHEREAS, the courtroom had to be refitted and renovated to be used as a courtroom and carpeting is need to complete the renovations.

WHEREAS, these is funds will come from a grant.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of carpeting and adhesive for installation in the Justice Courtroom in the Ted Stroebele Recreation Center in the amount of \$4,210.53.

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

Village Treasurer Galligan indicated that the Village Manager does negotiate on all purchases for the lowest cost to the Village and reduced the amount paid for insurance and the independent accountants, etc.

The Village Manager asked the Treasurer to explain the impact to the Village financially for the County taking over the collection of delinquent taxes and eventually foreclosing on properties that have more than 2 years owed.

The Village Treasurer responded that the Village has not foreclosed on any properties for many years, but starting this year there is a system setup to program where the County Treasurer's Department takes the lead and each year the Village will be able to participate in a foreclosure sale.

Trustee VanDermark asked that the Village Treasurer update the Board on what has already been spent out of the grant money. He also directed the Village Manager to contact the Board prior to having anything installed that may not necessarily be considered an emergency at the time whether these items are being paid through or a grant or not.

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**RESOLUTION APPROVING COST OF UPGRADING THE HEATING SYSTEM
FOR VILLAGE OF MONTICELLO JUSTICE COURTROOM IN THE TED
STROEBELE RECREATION CENTER IN THE AMOUNT OF \$4,160.00**

WHEREAS, the Monticello Justice Court is being relocated to the Ted Stroebele Recreation Center; and,

WHEREAS, the courtroom had to be refitted and renovated to be used as a courtroom and the heating system is in need of upgrading.

WHEREAS, these funds will come from a grant.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the upgrading the heating system for the Justice Courtroom in the Ted Stroebele Recreation Center in the amount of \$4,160.00.

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

Future Purchase Policy

A motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote that in the future that if the Board needs to meet in emergency session to approve expenditures because of timing that it be done ahead of time instead of taking the stance that it will just be done as a formality at the next Village Board meeting.

ADJOURNMENT

AT 8:45 a.m., a motion was made by Trustee VanDermark, seconded by Trustee Marinello, unanimously approved on a roll call vote to adjourn the special Village Board meeting.

EDITH SCHOP, Village Clerk

