

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, OCTOBER 20, 2008

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: John Barbarite, Village Manager
Jacob Billig, Village Attorney
Phil Klemen, Sewer Superintendent
Douglas Solomon, Chief of Police

APPROVAL OF MINUTES BOARD MEETING OF SEPTEMBER 2, 2008
APPROVAL OF MINUTES BOARD MEETING OF SEPTEMBER 15, 2008
APPROVAL OF MINUTES OF SPECIAL BOARD MEETING OF SEPTEMBER 24,
2008
APPROVAL OF MINUTES OF BOARD MEETINGS OCTOBER 6, 2008

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to adopt the minutes of the September 2nd, September 15th, September 24th and October 6, 2008 meetings with the corrections requested by Trustee Rue.

PRESENTATION OF CERTIFICATES OF APPRECIATION - TO MEMBERS OF THE BETA SIGMA PHI-EPSILON BETA CHAPTER 3637 SORORITY

Mayor Jenkins presented Certificates of Appreciation to the members of Beta Sigma Phi-Epsilon Beta Chapter 3637 Sorority for their efforts in maintaining the Information Booth located in

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front of the Courthouse on Broadway and assisting the residents and summer visitors by operating the structure as an Information Booth.

MANAGER'S REPORT

Sanitation Survey Report

Village Manager John Barbarite reported that while he and the Mayor followed several garbage trucks over the last week they made some observations and then met with Peter Parks in Liberty. He indicated there is quite a difference between Monticello's sanitation pickups and the Village of Liberty. He noted that presently the Village of Monticello charges residents \$416 per year for one pickup a week and Liberty charges \$240 a year for two pickups a year. Monticello charges its commercial users from \$1,200 to \$5,000 per year with some commercial locations get pickup five times per week in the winter and six times per week in the summer, etc., however, Liberty picks up all commercial users once a week. He and the Mayor observed that many of the containers that are picked up on the two, three and five times a week are only half or three quarters full and if there were no recyclable material in these dumpsters than they would not have to be pickup more than once a week. Also, in the wintertime we have three trucks going out five times a week with two men on each truck, where Liberty does there pickups with one recyclable truck that goes out five days a week and the other two trucks go out with two men on them four days a week and on Fridays those employees do highway work. He felt that this matter has to be studied further in depth and as a result there could be substantial reductions in rates and more efficiency. He felt that every route has to be remapped, restudied and recycling has to be put into effect.

Trustee Hutchins thanked the Village Manager for his efforts thus far of the analysis of the sanitation department. He was concerned that Monticello residents are paying double the amount of what Liberty residents are paying for the same or better services. He felt that the Board should immediately look into whether the fees should be reduced noting that the Sanitation Fund has a substantial fund balance and many residents are having a difficult time paying their bills. He felt the Village is not providing the type of service that they are being charged for.

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Village of Monticello Web Site

Village Manager Barbarite announced that the Village website is up and running and minutes of Board meetings as they are approved will be posted on a timely basis.

PUBLIC COMMENT - AGENDA ITEMS ONLY

Village Cleanup

Harry Brantz was concerned that people are not abiding by the littering laws which results in the Village being dirty.

RESOLUTION AUTHORIZING THE HIGHWAY DEPARTMENT TO PURCHASE ICE CONTROL ROCK SALT AND TIRES UNDER STATE BID AND THE PURCHASE OF HIQ PIPE AND SNOW PLOW CUTTING EDGES UNDER COUNTY BID

WHEREAS, the Highway Department purchases Ice Control Rock Salt and Tires in bulk and it is available on the State Bid list; and,

WHEREAS, the Highway Department purchases HIQ Pipe and Snow Plow Cutting Edges in bulk and it is available on the County Bid list; and,

WHEREAS, the Highway Department is requesting that these items be bought using the State and County bid prices.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Highway Department to purchase Ice Control Rock Salt, tires, HIQ Pipe and Snow Plow Cutting Edges under the State and County Bids.

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

RESOLUTION ELIMIATING TWO LABORER POSITIONS IN THE WASTEWATER TREATMENT PLANT AND CREATING TWO MAINTENANCE/OPERATOR TRAINEE POSITIONS

WHEREAS, at this time it has been determined that two (2) Laborer positions in the Waste Water Treatment Plant are not necessary; and,

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WHEREAS, it has been determined by the Waste Water Treatment Plant Superintendent and the Village Manager that two Maintenance/Operator Trainee positions are needed to allow the employees that fill them to attend training courses to advance one's self to obtain a Grade 3A NYSDEC Wastewater Operator's Certificate to eventually be promoted to fill positions that must have a Grade 3A NYSDEC Wastewater Operator's Certificate.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby eliminate two (2) laborer positions in the Wastewater Treatment Plant and create two (2) Maintenance/Operator Trainee Positions at a present wage scale (base pay) of Starting \$40,161.00, Intermediate \$42,422.00 and Maximum \$44,678.00, and the Village Manager is authorized to fill these positions immediately.

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

RESOLUTION APPROVING EMERGENCY REPLACEMENT OF WATER TREATMENT PLANT'S MOTOR AND PIPING ON WELL #2 IN THE AMOUNT OF \$5,959.99

WHEREAS, the Water Treatment Plant Superintendent determined that an emergency replacement of a new motor was necessary to be replaced at well #2; and,

WHEREAS, without this new motor and piping being installed immediately would have jeopardized the health, safety and welfare of the citizens of the Village of Monticello.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of a replacement of the Water Treatment Plant's motor and piping on Well #2 in the amount of \$5,959.99 from Capital Well Drilling, 1583 E. Genesee Street Road, Skaneateles, NY 13152.

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

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RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH GENERAL CODE FOR ONLINE ACCESSIBLE SERVICE (E-CODE) FOR A COST NOT TO EXCEED \$1,250

WHEREAS, the Village of Monticello's Municipal Code is an important tool for the public to have easy access to; and,

WHEREAS, General Code has available to the municipality E-Code with enhancements that make information relevant to the Code more easily accessible and useful; and,

WHEREAS, the Code will be updated as local laws are adopted so that the public will view an updated, to date code; and,

WHEREAS, access to the Village Code is as simple as adding a link to the Village website to enable users to click and review the Code on this website.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Manager to enter into a contract with General Code for Online Accessible Service (E-Code) for a cost not to exceed \$1,250.00.

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 THE POLICE TO ENFORCE A CURFEW ON FRIDAY OCTOBER 31 2008 AT 10:00 P.M. TO 6 A.M. EACH NIGHT THROUGH SUNDAY, NOVEMBER 2, 2008

WHEREAS, the Village of Monticello feels that it is in the best interest for the health, safety and welfare of the Village residents to declare a curfew as of 10:00 p.m. for all youth 18 years and younger not in the company of a parent, and;

WHEREAS, the Chief of Police has recommended that the curfew be extended through the weekend to avoid any potential problems.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Monticello Police Department to enforce a curfew from Friday, October 31, 2008 beginning at 10:00 p.m. to 6 a.m. each evening through Sunday, November 2, 2008.

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

DISCUSSION ON ETHICS LAW

The Village Attorney explained that Trustee Rue had emailed him some comments regarding the proposed ethics law. He explained that the present ethics law is fairly general that provides minimal standards of conduct as to how individuals either elected or employed by the Village should behave in terms of gifts, confidential information, representation before the agency, disclosure of interests and conflicts of official duties and private employment, etc. The draft ethics law presented to this prior to his appointment is similar to the County's ethics law which recreates a Board of Ethics. The question is whether the Trustees want to establish a Board of Ethics and the parameters of that Board as to whether they should be nominated by the Mayor with Board approval or nominated by the entire Board. He noted that most Board of Ethics statutes allows the Mayor to make the nomination with Board approval. Another issue that has been raised regarding existing volunteers of Planning Boards, Zoning Boards of Appeals, etc. should those current members be subject to the code, and he felt they should be subject to the code when it comes into effect. Regarding elected officials they cannot serve in an executive position in any political party. He explained that a Board of Ethics is only an advisory Board that assists in maintaining the standards of conduct that are in the current code.

Trustee Rue felt that the Middletown Board of Ethics is quite different from the one that was proposed by the Village Manager.

Both Trustee Marinello and Trustee Rue were concerned about the ethics of either a Mayor or Board member appointing a relative to a particular Board.

The Village Attorney responded that the Board would need to get a ruling on that appointment from the Board of Ethics to see whether or not there has been any ethical breach.

Trustee Marinello felt that a Board of Ethics is a good idea; however, the members should be completely unrelated.

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The Village Attorney felt it is not necessarily true that a relative is a conflict of interest, as a family member serving on a particular Board might have no conflict, but you may find appointing someone who is a stranger may have certain financial interests that are inappropriate is a greater harm which is the point of the disclosure.

The Village Manager questioned whether it would be constitutionally permitted to have an anti nepotism clause?

The Village Attorney indicated that he has never heard of this; however he will research the question.

Trustee Marinello felt that before an ethics law is voted on, all the issues should be researched and studied thoroughly.

Mayor Jenkins felt that if the ethical law that was presented last May was in effect there might have been some unethical behavior that could have been prevented. He felt it is imperative that an ethical law be adopted as quickly as possible.

Trustee Rue felt that the ethical law should be distributed to the employees, union representatives and the volunteer board members so everyone has a chance to study it and possibly give input into its contents.

The Village Attorney indicated that he will present a final draft to include all the Board's comments and concerns for the Board's review by the next meeting to allow for further discussions.

Trustee Marinello felt that the present ethic code is sufficient, but he will have an open mind to changes to it.

DISCUSSION AND ADOPTION OF RULES AND PROCEDURES AT VILLAGE BOARD MEETINGS

The Village Manager indicated that he believes that the last modification was during Mayor Barnicle's administration.

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Mayor Jenkins felt that Board members should be respected by the public and not have to take personal attacks from these individuals which is why he changed public comment from 5 to 3 minutes for speakers.

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote that the Board of Trustees of the Village of Monticello would adopt the Rules and Procedures at the Village Board meetings with the following corrections:

1. There would be two public comments - First public comment would be for agenda items only, the second for any comments from the public.
2. Five (5) minutes for each speaker with the provision that the comments are respectful to the Board members.
3. Meetings start at 7 p.m. throughout the year.

PUBLIC COMMENT

Many Village residents raised concerns about the tone of Village Board meetings and the dysfunctional current Village Board not performing the duties that they were elected to carry out although they are being paid a salary from Village taxes. The speakers all felt the Board must work together with the Village Manager to encourage businesses to open up on Broadway and the public's concerns voiced this evening should be addressed. Several residents suggested that the Village Board should look into dissolving the Village which might reduce taxes to Village residents.

Residential/Commercial Usage Of Broadway Buildings

The owner of the Peachtree Building asked the Board to reinvestigate the parameters set forth in the Village Code with respect to permitted uses for properties along State Route 42 (also known as Broadway) in the Village of Monticello.

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The Mayor requested that he call him at Village Hall tomorrow.

RESOLUTION TO TERMINATE JOHN BARBARITE AS VILLAGE MANAGER

Trustee Schoonmaker made a motion to terminate John Barbarite, seconded by Trustee Rue to terminate John Barbarite as Village Manager.

Mayor Jenkins noted that he will become the Village Manager if the current Village Manager is terminated in accordance with the Village Code. He felt that Mr. Barbarite is doing a good job as Village Manager and the Board has no cause to terminate him.

Village resident Debra Mack felt that the Board is publicly disgracing Mr. Barbarite by doing this in public and felt the Code of Ethics does not give the Board the right to do this to anyone in this manner and any person who is an employee position should be notified of the Board's displeasure and given a chance to change. She felt this is only being done because of a personality conflict.

Mayor Jenkins felt that the taxpayers will suffer if John Barbarite is terminated.

Roz Sharoff was concerned that the Board would fire Mr. Barbarite and within a short time appoint someone from the Village to replace him without advertising the position.

Village resident Bess Davis questioned if there is anyway a Trustee can be removed since she felt they are only trying to have the Village Manager removed because of a personality conflict. She felt that Mr. Barbarite is the best Manager the Village has ever had who knows all the Village Codes.

Village resident Beverly Santarelli also felt that Mr. Barbarite was doing a good job and only the "slum" landlords that have had their building closed are causing the problem.

EXECUTIVE SESSION

At 9:00 p.m. a motion was made by Trustee Schoonmaker, seconded by Trustee Hutchins, unanimously approved on a roll call vote to move into Executive Session to discuss a personnel matter regarding a particular person.

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RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 9:35 p.m., a motion was made by Trustee Schoonmaker, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvene the public session.

Trustee Schoonmaker indicated that he is rescinding his motion at the time regarding the termination of the Village Manager and asked that the Board move into Executive Session to further discuss the personnel matter.

EXECUTIVE SESSION

At 9:35 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to move into Executive Session continue the discussion on the personnel matter involving an individual person.

ADJOURNMENT

At 11:00 p.m., a motion was made by Trustee Marinello, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to move out of Executive Session and adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk