

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 1, 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
Douglas Solomon, Chief of Police

EXECUTIVE SESSION

At 7:04 p.m., a motion was made by Trustee Hutchins, seconded by Mayor Jenkins, to move into Executive Session to discuss litigation and a personnel matter involving a particular person. On a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Hutchins, aye; Trustee Marinello, nay; Trustee Rue, nay. Motion denied 2 ayes - 3 nays.

APPROVAL OF MINUTES OF BOARD MEETINGS OF NOVEMBER 17, 2008

A motion was made Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to approve the minutes of the Board Meeting of November 17, 2008 as presented.

MANAGER'S REPORT

The kitchen freezer at the neighborhood facility broke down and has since been replaced. I was able to convince the County to

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pay for the replacement inasmuch as they use it for the meals on wheels program.

Tonight you'll be asked to make a fee amendment. When we established the artist loft law, it called for payment of a fee that the village board never set. I will be making additional recommendations with respect to the artist loft legislation as that it also requires inspections of the lofts that have never been done. The language needs to be cleared up and I will be working with the village attorney to do that.

I have enrolled the village of Monticello in the LENS program. This is a program administered by the Department of Motor Vehicles in which they monitor driver license performance of employees and notify us whenever tickets, accidents, suspensions, etc. occur. This will allow us to hopefully obtain a lower insurance costs as we set up an effective driver safety program.

On November 22 a Thanksgiving dinner was prepared at the TSRC by the CPR group and they fed more than 400 people. Many thanks should be given for such a generous support toward those who are less fortunate.

I regret to inform the board that Caroline Hayes has submitted a letter of resignation. She has accepted a job upstate closer to her family and I wish her well.

I have had discussions concerning the consolidation of water and sewer secretary positions that will take place January 1. We will be missing the secretary of the water department who is retiring. We will be moving the highway secretary and the newly created water and sewer secretary upstairs in the main office. This will have several advantages and streamline operations. It will also ensure there will always be someone at the main office to address public needs. It is anticipated that this consolidation will save the village more than \$50,000 per year.

Today interviews started for the mechanics position. An advertisement has been placed in the newspaper and proper notice will be placed on employee bulletin boards. Hiring a mechanic is necessary as Herb Smith is retiring at the end of December.

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At the planning board on November 25 Alliance Realty presented plans for the development of the Rialto Movie Properties . This project although started as a Restore New York program is moving forward whether or not the grant program is initiated. Phase one of the project calls for a 100 unit assisted living complex. This will be the first assisted living project in Sullivan County.

We received a request to purchase Village land located near Cantrell Road. The Village owns the railroad bed of the O&W line from Ripple Road just past Cantrell Road. We owned this since 1973. Deed research shows this property to be 66 feet wide by approximately 2 miles in length. In 2005 the Village sold a section to a bungalow colony and effectively cut the strip in half. The request is only to purchase the smaller section closer to Cantrell Road.

Trustee Marinello noted that the Federation For the Homeless also had their Thanksgiving Dinner and it was well attended.

**RESOLUTION ESTABLISHING AN ESCROW ACCOUNT TO BE PAID FOR BY
EMPIRE ESTATES TO PAY ALL CONSULTING FEES RELATED TO DEVELOPMENT
OF EMPIRE ESTATES IN THE AMOUNT OF \$7,500**

WHEREAS, Empire Estates to be located on Hamilton Road in the Town of Thompson have approached the Village for sewer service as an outside user; and,

WHEREAS, it is necessary to negotiate with the developer for establishing their usage capacity and the cost to hook into the Village sewer system; and,

WHEREAS, consultants will be necessary for the Village Engineer to review engineering plans and the Village Attorney will need to review legal documents.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby establish an escrow account to pay all consulting fees to be paid for by Empire Estates related to development of Empire Estates in the amount of \$7,500.

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

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PUBLIC COMMENT - AGENDA ITEMS ONLY

There were no public comments at this time.

RESOLUTION TO RELEASE OF JOHN BARBARITE AS HIS POSITION AS VILLAGE MANAGER EFFECTIVE IMMEDIATELY

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue to adopt a resolution to release the Village Manager of his duties effective immediately.

Discussion

Trustee Schoonmaker explained that at this time the Village Manager does not have a contract so he is an "at will" employee and the Board does not need a reason to relive him from his duties.

Mayor Jenkins felt that Trustee Schoonmaker has his own agenda with some personal problems and is being coerced by certain members of the public. He noted that if the manager is removed from office he will become the Village Manager and this will put the Village one year behind the progress that could be made for the betterment of the Village.

The Village Attorney advised the Board to move into Executive Session to further this matter.

EXECUTIVE SESSION

At 7:35 p.m., a motion was made by Mayor Jenkins, seconded by Trustee Hutchins, approved on a roll call vote as follows: Trustee Schoonmaker, nay; Trustee Hutchins, aye; Trustee Marinello, aye; Trustee Rue, nay; Mayor Jenkins, aye to move into Executive Session to discuss a personnel matter regarding a particular person. Motion carried 3 ayes - 2 nays

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 8:35 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Marinello, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

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Trustee Schoonmaker asked for a suspension of the Village Manager for thirty (30) days with pay until this matter is resolved.

Trustee Hutchins was concerned with the financial crisis that the country, state and village are in and are the Board members willing to give the Village Manager a month's salary with no duties. He felt this is not fair to the taxpayers to give this money away for the Village Manager to take a paid vacation.

Trustee Schoonmaker rescinded his motion regarding the firing of Village Manager Barbarite at this time.

The Mayor explained that it will take about 6 months to replace the Village Manager which will put the Village into total chaos.

RESOLUTION APPROVING THE EMERGENCY PURCHASE OF A REPLACED CARD READER, LIGHT TO GAS TRACKING SYSTEM IN THE AMOUNT OF \$1163.54 IN THE HIGHWAY DEPARTMENT

WHEREAS, the Village owned vehicles fill their gas tanks at the Highway Department garage using a credit card type system to track how much each vehicles is using; and,

WHEREAS, the card reader and light to gas tracking system was not functioning; and,

WHEREAS, the State's Audit and Control Department requires that the gas tanks have this monitoring system; and,

WHEREAS, this is was deemed an emergency and needed to be replaced immediately.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the emergency purchase of a replaced card reader, light to gas tracking system at the Highway Department's gasoline tanks in the amount of \$1,163.54 to Snyder Maintenance LLC, 7853 Taxkabury Road, Canastota, NY 13032.

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

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RESOLUTION AMENDING THE VILLAGE FEE SCHEDULE

WHEREAS, the Village has an Artist's Loft Law that requires a fee be collected for issuance of a Special Permit that is issued by the Code Enforcement Officer for Artist's Lofts; and,

WHEREAS, a fee has never been established.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello do hereby amend the fee schedule as follows effective immediately.

Artist's Loft Law Special Permit - \$200.00

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

Discussion Regarding Diesel Fuel Issue with the Town of Thompson

Trustee Rue indicated that Town Supervisor Tony Cellini has contacted her regarding the Diesel Fuel Issue and that if it isn't resolved soon the Town will no longer supply diesel fuel to the Village or the fire department.

The Village Manager responded that he spoke to the Town Supervisor on November 11th and explained to him that the Village has hired a consultant to get the cost of the equipment and installation of this monitoring device and once it was ordered it would take longer to order and then install and the Supervisor understood and agreed to wait until the consultant give his findings and the Village Board does the approvals.

RESOLUTION ADVISING THE THOMPSON TOWN BOARD THAT THE VILLAGE AGREES AND IS IN THE PROCESS OF ACQUIRING THE NECESSARY EQUIPMENT TO COMPLY WITH THE REQUEST OF THE STATE AUDITORS TO INSTALL A DIESEL GAS PUMP AND MONITORING DEVICE

WHEREAS, the Village of Monticello diesel fueled vehicles are using the diesel pumps of the Town of Thompson and paying a share of the fuel pumped; and,

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WHEREAS, the New York State Auditors have advised the Town that the Village needs to install a diesel gas pump that will be able to measure and allocate the gas used to the various departments.

NOW, THEREFORE BE IT RESOLVED, that the Village agrees and is in the process of acquiring the necessary equipment to comply with the request of the State Auditors to install a diesel gas pump and monitoring device.

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

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.

Scheduling A Work Session - Proposed Ethics Law

Mayor Jenkins noted that numerous special meetings and work sessions have been scheduled recently and there has not been a quorum that attends so no matters can be resolved. He felt that several Board members are anxious to fire the Village Manager but those members never come into Village Hall to see what he is doing. He felt that this is very disturbing to try to fire a man when there is no accountability.

A motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to schedule a Work Session regarding the proposed Ethics Law on Monday, December 8, 2007 at 7 p.m.

PUBLIC COMMENT

Manager's Performance

Harry Brantz felt that he feels the Village Manager is doing his job and should be kept on as the Village Manager.

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East Broadway Eyesore

A resident of Nelshore Drive complained about the building on the corner of East Broadway and Nelshore Drive being an eyesore and a monstrosity that has been there for years. He felt the Village should either make the owner complete the construction or have it demolished.

The Mayor explained that this is what the Village Manager is trying to clean up the Village and this is what he is fighting for.

Trustee Hutchins indicated that he also lives on Nelshore Drive and noted that the person that owns that property is in the audience this evening.

Apartment Issues

Ken Sanders who rents an apartment in the Village and felt the landlords should abide by the codes and fix up these houses to current standards. He noted most of them are infested with roaches and rats and inadequate heat and water and felt the landlords are prostituting the system by getting high rents from Section 8 Housing but not maintaining their properties. He felt that the problem stems from the fact that these landlords needed to be confronted sooner to stop the unsafe conditions on apartments being rented to lower income tenants.

Highway Department Office Issues

Aida explained that when she dropped off food for the Thanksgiving Food Drive she was concerned about the poor air quality conditions in that office that the clerk has to endure 8 hours a day without a proper fan that might ventilate the area.

The Village Manager responded that the Clerk will be relocated upstairs to get her out of that environment sometime early next month.

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Landlord Concerns

Many landlords that are have lawsuits against the Village continued to voice their concerns regarding the code violations filed by the Code Enforcement Officer against their multiple dwelling houses.

Mayor Jenkins replied that no one can comment against this because of the litigation.

Trustee Marinello felt that everyone has a right to speak and the Board should listen to what they have to say.

The Village Manager responded that this evening several members of the Board have wanted to fire him, however, Trustee Marinello has never come into his office and sit down and talk about these lawsuits, review the property folders and the documentation on file and see the actions the Village has taken to correct these problems and he is inviting him at this time to do so.

Trustee Marinello responded that he is presently attending a class that takes his time away, however this class ends in the middle of this month and he will be there.

Trustee Rue explained that she comes into Village Hall to pick up her agenda and does her homework on all issues regarding the Village.

Tommy Mack complimented Trustee Rue and Trustee Marinello for finally meeting with members of the CPR to discuss topics regarding Village issues. He asked everyone work together for the betterment of the Village.

ADJOURNMENT

At 9:32 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

