

MINUTES
REGULAR MEETING OF THE BOARD OF TRUSTEES
VILLAGE OF MONTICELLO, N.Y.
MONDAY, DECEMBER 15, 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: Zachery Kelson, Village Manager
Clarence Decker, Water Superintendent
Douglas Solomon, Chief of Police

APPROVAL OF MINUTES OF BOARD MEETINGS OF DECEMBER 1, 2008

A motion was made Trustee Hutchins, seconded by Trustee Rue, unanimously approved on a roll call vote to approve the minutes of the Board Meeting of December 1, 2008 as presented.

EXECUTIVE SESSION

At 7:04 p.m., a motion was made by Trustee Marinello, seconded by Trustee Rue, to move into Executive Session for the sole discussion and negotiations of rate of compensation for the position of Village Manager and for a personnel matter.

RECONVENING THE REGULAR VILLAGE BOARD MEETING

At 7:40 p.m., a motion was made by Trustee Marinello, seconded by Trustee Hutchins, unanimously approved on a roll call vote to reconvene the Regular Village Board meeting.

MANAGER'S REPORT

The newly appointed Village Manager Zachery Kelson welcomed everyone present. He explained that there are a lot of hurdles to get over; however there are good Village employees who care about the Village but may have gotten the wrong message for the past number of months. He wanted to reassure all the rank and file of the Village that their jobs are safe and to continue to do the job they are doing. Many of you have been to these previous Board meetings and seen what he would consider not good behavior. His job, without pointing fingers at anybody on the Board, because I think that everybody on the Board needs to work together and that something that only works if all five of them work together.

Mayor Jenkins asked Mr. Kelson to sit down at this point. He indicated that Mr. Kelson should understand that he does not work for himself.

Mr. Kelson stated that he promises not to heckle the Mayor when he speaks so maybe we can ask him to keep quiet for a minute so I can finish what I have to say. He stated that he did not know he was living in Iran or Iraq where freedom of speech is censored. He felt that in Iran they don't allow free speech and that is what we are dealing with here.

RECESS

At 7:40 p.m., a five minute recess was called.

Trustee Hutchins felt that Sunday's meeting, in his opinion, was not right to neither the taxpayers nor the Board members. The Board had a special meeting on Friday in which Village Manager Barbarite was terminated and less than 24 hours after the Village Manager was terminated there was another special meeting called within 48 hours on Sunday. How we came up with a Village Manager that quickly behooves him. We are rushed into a Village Manager. He read the following statement into the minutes of what Trustee Rue read at the reorganizational meeting in April.

But this position should not be political. Some would like to rush into hiring without advertising, interviewing, defining the job description, seeing what we require and what we will not tolerate within a manager, not to mention salary, vacation, sick leave, vacation benefits or anything

Minutes - Regular Village Board Meeting
12/15/08

else. I say give equal opportunity consideration to all applicants not just this one. Hiring a handpicked man, handing his this important job on a silver platter is bad policy. It smells too much like political corruption. The Board's choice of a Manager is serious thing that needs to be carefully discussed in public not in closed meetings held in diners or the smoke filled back room on some store. I talked to people around the Village everyday and I don't think they like it. If we vote to hire this man tonight (John Barbarite) it will be a political payoff. I don't agree with that.No one is ever entitled to be a Village Manager because of political favors or support. If we hire anyone that way we are selling out the Village and I am not ready to do that. If you do that shame on you. Please join with me a vote to select our next Village Manager using the right process.

He continued that as for this Manager that was appointed by the Board he would appreciate it if he does not make those racial comments. He noted that some residents have family in those countries and it is an insult to them. He felt that he is no better than some of the racial comments that some of our landlords have accused Mr. Barbarite saying to them. Wrong is wrong. He noted that the Village Manager works for the Board that he speaks and Mr. Kelson listens. He felt that hiring a manager this fast feels like a rush job and although Mr. Kelson might be the best thing, it is the process in which we do things and things should not be sneaked passed the public's eye.

Trustee Marinello indicated that he agrees with Trustee Hutchins comments regarding racial comments. He agreed that this Village Board meeting has gotten off to a rough start, but as he recalled the Mayor and several Trustees have asked to give a man a chance to do his job. We gave Mr. Barbarite a chance to do his job and he did not do it according to what they thought was proper. He noted that Mr. Barbarite at an executive session two weeks ago was insubordinate in using four letter words and "f" words to him with disrespect which is grounds for firing. He felt that he had every right to do what he had to do and he has spoken to his lawyers about it. He questioned whether anyone in the audience who is a boss or an employer allows their employee to speak to them like that? He felt that Mr. Kelson came across a little too strong, but this is his first meeting and we need to start working together and treating people with respect. He felt we have to try to move forward. He felt the majority of

Minutes - Regular Village Board Meeting
12/15/08

the Board appointed a new Village Manager. He noted that any Trustee on this Board has a right to speak to another Board member one at a time, and he indicated that there has never been a quorum, he has never met with both Trustees at the same time and that is truth. He indicated that he is looking forward and trying to get the Village back on track.

Trustee Schoonmaker asked that the audience give the Board the same respect they want the Board to give them. He stated, "Mr. Kelson I will not sit here and have you belittle the public nor badger the Board under any further circumstances. If that is the case, I think we need to make a change." He noted that the Board is elected to listen to the public, but he asked that they speak to him with decent tone of voice, the way they would expect him to speak to them. He felt the Board has got to get back some decorum and start themselves and the public with some respect. He felt that he took the step to remove the source of the problem whether they agree with him or not and they have the opportunity to voice their opinion future elections.

Trustee Rue stated, "Yes, I agree that we should put it in the paper and it doesn't mean this Manager will be forever, and I agree and we say it that we are going to advertise for the professional manager. We are not staying here with Mr. Kelson we are advertising for a professional manager. That is my whole goal and I have always been pushing to do it the right way, to interview a professional manager who can manager this Village and who can direct us in a good direction and also want to tell the public that everyone comments and sometime I hear comments about Carmen. For nine months I have been coming to this Village and the only thing I hear are insults, they don't communicate with me, calling me names, and calling me witch. The last manager giving a paper to the employees not to talk to her because they are going to get fired. For nine months I been asked why I don't go to the Village Hall, because every time I go to the Village Hall I have been insulted, I been asked to resign, I have been asked to say get out of here. That is not how I treat anybody. I asked a lot of time to work together and the only thing I received was disrespect to me and I don't disrespect anybody. If the people don't want me in the

Minutes - Regular Village Board Meeting
12/15/08

next election doesn't vote for me. If I do my job when I get my agenda, my minutes, that is very important for people, I correct and ask questions and I focus on what I have to do for the people and taxpayers. I am not here to represent Carmen I there to represent the people. Trustee Hutchins is absolutely right that I said that in April and I still believe we should advertise for the professional manager for this Village who can manager and run this Village and treat everybody with respect."

Trustee Hutchins questioned when the vote was taken and the three Board members voted to appoint Mr. Kelson as manager was it temporary or interim? If you look on the Village website as well as Carmen Rue.com and the bylaws 45-9 states, "In the event that a Village Manager is unable to serve by reason of death, resignation or other vacancy of office, the Mayor of the Village of Monticello shall serve in the capacity of the Acting Village Manager and exercise the duties and the responsibility of the office until a permanent is made." He indicated that this is why he says it is illegal and now we have an interim Village Manager and we haven't even discuss his salary as an interim Village Manager.

Trustee Rue agreed that this is the law, but a Village Manager has been appointed as an interim, permanent Manager with the understanding that we are still going to find a Manager. She noted that we never locked the door and we are going to receive applications and that was said at the meeting. She felt that in the past interim managers have been appointed and then there was a process of looking for a manager and that is what is happening now.

Mayor Jenkins noted that he has been in office for about 8 months and since that time it has been nothing but an attack game. He felt he comes in to do an honest job and he gets the same people come and give negative attacks and that is what I have been facing since I was elected. He was concerned whether all this chaos is happening because he is a black mayor and he does not want to play the color role because he believes in all people, but it is so frustrating. He noted that he has been in that Village Hall every day for 6 hours a day trying to move the Village forward with Mr. Barbarite and it no one has ever

Minutes - Regular Village Board Meeting
12/15/08

questioned what kind of economic development is being done here and there are many things the he and Mr. Barbarite have been discussing such as a Main Street development, assisted housing, we have a \$10 million infrastructure for the Sewer Plant. We should be out there trying to get grants. He felt that last Sunday's meeting was an injustice to the taxpayers and it was a "push" job and an insult to people who pay taxes and very embarrassing for that to happen. He noted that he has seen Trustee Rue four times in Village Hall, Trustee Marinello maybe two times and everyone there to pick up their pay check which are always gone when they are placed in their folders. He felt the Village is being divided, and that meeting was illegal and he should assume the position as Manager. He felt they owe political payback to him and he noted he would have assumed the position for free and the taxpayers could have saved \$70,000. He felt this is a dysfunctional, payback, corrupt and a conspiracy Village Board. He noted that the media has accused him of fighting, but he feels it is not fighting because of the injustices and he is fighting to change corruption in this Village.

Trustee Marinello felt that what the Mayor just said is an absolute disgrace. Trustee Marinello stated, "He has been taking care of people all his life and been in medicine for 30 years. And I have been on this Board for 8 years and everything the Mayor said is false. I don't owe anything to Mr. Kelson and I don't owe anything to anybody in this Village and pay my own campaign expenses without getting any funds from anybody. As far as corruption what about the special meeting in the early morning hours he called to get the Village Manager's contract approved because he thought he has all the votes in his pocket." He noted that the Mayor threatened him by saying you want to go into the next room and put boxing gloves on and we will see who comes out. He felt this is not professional. He has never insulted any Board member or Village Manager and has treated everybody with respect and has never owed anybody anything as far as campaign is concerned. I am not going to let the Mayor degrade me when he is completely false in everything he says. He challenged anyone to find anything on his record that he did negative or illegal. He indicated that Sunday's meeting was not illegal and the attorneys have proven it not illegal and advertised legally.

PUBLIC COMMENT

A resident questioned what the status of the newly appointed Village Manager? He felt that one Board member appointed the Village Manager as permanent and the other two appointed him interim, so that make him illegal.

Trustee Marinello responded that this Manager is appointed as a permanent Village Manager and that is how I voted.

RESOLUTION APPROVING PURCHASE OF VEHICLE EQUIPMENT FOR THE POLICE CHEVY TAHOE FROM NYS BYRNE JAG GRANT PROVIDED BY THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES FOR A TOTAL OF \$1,600

WHEREAS, the police department is in need of particular items of equipment to properly equip the Police Chevy Tahoe for police use; and

WHEREAS, has been a recipient of a grant in the amount of \$10,000 for the purchase of said equipment; and,

WHEREAS, the equipment needed is plexi-glass partition, a duel gun rack and a wire screen.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase of vehicle equipment for the police Chevy Tahoe from the NYS Byrne Jag Grant provided by the NYS Division of Criminal Justice Services in the amount of \$1,600.

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

RESOLUTION TO JOIN AS A CO-APPLICANT WITH THE COUNTY OF SULLIVAN TO OBTAIN A LOCAL GOVERNMENT EFFICIENCY GRANT FROM THE NYS DEPARTMENT OF STATE TO ENABLE THE COUNTY TO APPLY FOR FUNDING TO ENABLE THE SULLIVAN COUNTY TREASURER TO ACT AS THE TAX LIEN ENFORCEMENT OFFICER PURSUANT TO ARTICLE 11 OF THE REAL PROPERTY TAX LAW ON BEHALF OF AND AS AGENT FOR THE VILLAGE OF MONTICELLO

WHEREAS, the Village of Monticello has signed or intends to sign an inter-municipal agreement with the County of Sullivan pursuant to a Resolution of the Village Board to enable the

Minutes - Regular Village Board Meeting
12/15/08

Sullivan County Treasurer to act as the tax lien enforcement officer pursuant to Article 11 of the NYS Real Property Tax Law, on behalf of and as the agent for the Village, and

WHEREAS, the County intends to apply for a NYS Department of State Local Government Efficiency reimbursable grant and the County will provide the local cash match; and

WHEREAS, the Village agrees that the County make said grant application and to act as co-applicant therein,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Monticello is in full support of the grant submission and hereby authorizes the County of Sullivan to apply for the NYS Department of State Local Efficiency Grant to reimburse its expenses, pursuant to the terms of said grant, to enable the County Treasurer to act as the tax lien enforcement officer pursuant to Article 11 of the Real Property Tax Law on behalf of and as agent for the Village, and to submit a copy of this Resolution along with its application for said grant.

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

RESOLUTION APPROVING THE COST FOR REPAIRS TO SANITATION TRUCK #12 IN THE AMOUNT OF \$1,730.01

WHEREAS, Sanitation Truck #12 was diagnosed to need a fuel pump in all the injectors and lines in Sanitation Truck #12; and,

WHEREAS, it was necessary to remove and replace the fuel pump in all the injectors and lines in Sanitation Truck #12 to ensure it was in good working condition; and,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the cost for repairs to remove and replace in all the injectors and lines in Sanitation Truck #12 in the amount of \$1,730.01 to Quality Bus and Truck, 201 Charles Street, Maybrook, NY 12543.

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

Minutes - Regular Village Board Meeting
12/15/08

**RESOLUTION AUTHORIZING THE VILLAGE TREASURER TO SWITCH
VILLAGE ELECTRICAL SERVICE FROM NYSEG TO MEGA ELECTRIC**

Trustee Rue asked that the matter be tabled as she did not have enough information.

The Mayor responded that he has discussed this with County Officials who have switched to this company and saved a lot of money in doing so.

The Clerk noted that the information on the cost effectiveness of this change is included in the wording of the resolution and it must be approved no later than December 31st when all changes must be made.

The former Village Manager explained that there are two components of an electric bill, the deliverer and the supplier. NYSEG runs the wires, and the supplier can be any company, but it must be picked no later than December 31st to switch suppliers. The projected savings is approximately \$50 to \$60 thousand a year.

WHEREAS, the Village presently has NYSEG as the supplier of electrical service; and,

WHEREAS, the Village Manager has determined that the Village could save significant sums of money by switching the electric supplier; and,

WHEREAS, by switching electrical power suppliers from NYSEG to Mega Electric would result in an 8% savings for a savings of \$50,000 to \$60,000.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Treasurer to switch all the Village Electrical service from NYSEG to Mega Electric.

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

Minutes - Regular Village Board Meeting
12/15/08

**RESOLUTION APPROVING THE PAYMENT IN THE AMOUNT OF \$1,516.67 TO
REPLACE WORN EQUIPMENT OF A SCALETRON AT THE PARK AVENUE
EXTENSION WELL HOUSE**

WHEREAS, the scaletron at the Park Avenue Extension has to be replaced; and,

WHEREAS, this scale weighs chlorine tanks to alert the Water Department personnel when these tanks need to be refilled to ensure that the proper chemicals are available when needed.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the payment in the amount of \$1,516.67 to replace a worn scaletron for the well house at the Park Avenue Extension Well House.

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

RESOLUTION APPROVING BUDGET TRANSFERS FOR FY 2008/09

WHEREAS, the Village of Monticello has adopted its annual budget for the 2008/09 fiscal year; and,

WHEREAS, the Village will incur expenditures that exceed the adopted line items amount authorized by the Village Board of Trustees, and;

WHEREAS, there are revenues that exceeded budgetary amounts and/or expenditures line items that may be reduced.

NOW, THEREFORE BE IT RESOLVED, that the following line items are increased/decreased as adopted, and the Village Treasurer is directed to make the following modifications to the annual budget: [see attached]

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

**RESOLUTION AUTHORIZING THE LEASE/PURCHASE AGREEMENT OF A TWO
POLICE VEHICLES THE AMOUNT OF \$44,632.00 UNDER STATE BID #40570
AWARD #20072**

Minutes - Regular Village Board Meeting
12/15/08

WHEREAS, the Police Department is in need of purchasing a two (2) new police vehicle; and,

WHEREAS, these vehicles are being under a purchased under State Bid price; and,

WHEREAS, the funds have been appropriated in the current FY budget; and,

WHEREAS, the purchase will be under a lease/purchase agreement.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby approve the purchase under a lease/purchase agreement of two (2) new police vehicles for use by the police officers in the amount of \$44,632.00 from Arkel Motors, Inc., 70 Windsor Highway, New Windsor, NY 12553.

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

RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ADVERTISE FOR NEW SIDEWALKS AND CURBING ALONG STURGIS ROAD FROM REGENCY GARDEN ENTRANCE TO THE SHORTLINE OPPOSITE WASSER WAY UNDER THE GRANT AWARDED TO THE VILLAGE FOR \$100,000 FOR THE WORK THROUGH THE NYS DOT MUTLIMEDIA NO. 4 PROGRAM

WHEREAS, the Village of Monticello was awarded a \$100,000 grant From the NYSDOT Multimedia No. 4 program for sidewalks and curbing on Sturgis Road; and,

WHEREAS, the Village needs to get bids from construction firms to get this work completed and must advertise for these bids.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Monticello does hereby authorize the Village Clerk to advertise for bids for new sidewalks and curbing along Sturgis Road from Regency Garden Apartments entrance to the Shortline Bus Terminal opposite Wasser Way under the grant awarded to the Village for \$100,000 grant from the NYSDOT Multimedia No. 4 program

Minutes - Regular Village Board Meeting
12/15/08

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

PUBLIC COMMENT

General Comments

Cookie McKinney voiced her opinion of why Carmen Rue was elected as Trustee and remarks she had heard regarding the street fair held on the last weekend in August.

Bess Davis, a Village resident explained that she has been here and listened to everything they have said, but she knows nothing has been done for her by this Village Board.

Michael Levinson questioned what the Board is doing about the raceway moving out of the Village?

The Mayor responded that he and Mr. Barbarite have been merging and combining services such as taking the water and sewer departments' secretary and combine them because there is not enough work. He noted that many of the plans will not happen now.

Sidewalks

David Gill was concerned with the lack of sidewalks along Route 42.

The Mayor noted that the Village had plans to put in a sidewalk, however with new management he does not know if these plans will continue.

Monticello Comments

Wayne Walker indicated that he speaks to many people in the minority community and he has never heard anyone say that Mr. Barbarite is a racist or makes racial remarks. He questioned why no one understands that it is all about making Monticello a better place to live.

Minutes - Regular Village Board Meeting
12/15/08

The Mayor noted that last week a village employee who failed her civil service test but in her resignation, however, Monday morning after the weekend of meetings she is back at her desk working.

Rochelle Massey felt that Trustee Rue is not telling the truth as when she campaigning it was to put Mr. Barbarite in as Village Manager. She questioned what is going to happen to these landlords who have illegal houses and the three Board members are speaking to them, although counsel told them not to have any conversations with the landlords. At the last meeting when we left Trustee Rue was with two landlords. She felt the Trustee Rue has lied to the black community and she indicated that they use their votes and then do what they want.

Francesco Davis felt that Trustee Schoonmaker is an embarrassment to this Board as he frequently breaks laws and continues to do so.

Aida felt that if taxes are going to increase the Board she should blame it on the former Manager because he has created this whole mess and a federal law suit had to be instituted. She noted that all the information she gets about what is going on in the Village she gets it from Trustee Rue and she has been working very hard for them.

Mayor Jenkins felt that this matter is under litigation so there will be no further comments.

Bob Jackson felt this is the worst Board meeting he has ever attended.

Susan Taylor was concerned with what the Mayor said at the last meeting; that he would shut down the Village is John Barbarite was not the Mayor.

Mayor Jenkins noted there are attack games and these must stop.

Cookie McKinney was concerned why the how three Board members got together within one day of Friday's night meeting and chose a new Manager. She felt they all had to talk on the phone or met in secret. She noted that she has seen Trustee Rue with

Minutes - Regular Village Board Meeting
12/15/08

Aida the woman who has a civil suit against the Village although she has been warned not to meet with them. She felt that the three Board members did another version of "musical chairs" when they hired the new Manager.

Trustee Schoonmaker explained that no matter what anyone thinks I am not out there for any personal gain. He felt the issues have to be addressed in an Executive Session. He felt the public does not have to like what he did, but respect me for the initiative to do what he thought was right.

Larissa Bennett was concerned that the new Village Manager, especially since this is his first meeting, has text messaged on his cell phone throughout the meeting and she felt it was rude.

Tommy Mack felt that someone is trying to cover up something and it needs to be investigated.

Mayor Jenkins noted that he is hiring a lawyer at this own expense to investigate what is happening in the Village.

Job Bank

Trustee Schoonmaker recommended a job bank or job fair for potential jobs that will be available when Sleepy Hollow Development changes management and extensive renovations will be occurring.

Sleepy Hollow Pilot

Sean Rieber was concerned about the PILOT Agreement with Sleepy Hollow Development that was negotiated outside the authority without the Town of Thompson. He felt that, in his opinion, the PILOT Agreement was bad for the Village, the school and the town because they will not be paying their fair share. He felt this was because the Town wasn't involved in the initial negotiations and ending up getting involved at a later date which is why it was held up so long.

Former Village Manager Barbarite responded that this comment is from when people weren't there when it takes place. First the negotiations that took place with Sleepy Hollow were at a work

Minutes - Regular Village Board Meeting
12/15/08

session with the entire Board. Second, the Village increased its share of taxes from Sleepy Hollow by about \$26,000 over what the Town got the last time the Town did it by themselves. The Village does not negotiate for the school, that's up to the Town to set the rate and the Town rolled over and let the school go down the drain. The Village was protected and got more than it would have if the Town would have done it alone.

ADJOURNMENT

At 9:45 p.m., a motion was made by Mayor Jenkins, seconded by Trustee Schoonmaker, unanimously approved on a roll call vote to adjourn the Regular Village Board meeting.

EDITH SCHOP, Village Clerk

