

MINUTES  
SPECIAL MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
TUESDAY, AUGUST 11, 2009

**MEETING TO ORDER**

Mayor Jenkins called the meeting to order at 7:05 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 (Late)  
Carmen Rue, Trustee  
Scott Schoonmaker, Trustee

**MOMENT OF SILENCE - FRED STABBERT, JR.**

The Mayor asked for a moment of silence in memory of Fred Stabbert, Jr., former publisher of the Sullivan County Democrat.

**RESOLUTION APPROVING THAT WALLACE AND BERRY BE THE BROKER OF RECORD FOR THE VILLAGE OF MONTICELLO FOR THE POLICY YEAR 2009/2010**

Discussion: Trustee Hutchins, for the record stated, "That all of this commotion could have been avoided if Mr. Nargizian without Board approval had not changed the Broker of Record and because he feels this is corruption and illegal in what he did he can't vote in favor of the resolution." He felt that Owen McKane should have continued to be the Broker of Record.

Trustee Schoonmaker was concerned that the term "corruption" is a very strong word to use in this matter, and suggested that he change the wording so this Board doesn't become libel in a law suit that can result in this action and that term actually slanders somebody.

The Village Attorney questioned why that particular term is being used but he understands the other meaning of his statement.

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Trustee Hutchins responded that for reasons he previously stated he still stands by the fact that it was an illegal act and there is corruption in this insurance deal and he doesn't want to be a part of it.

Trustee Rue stated, "That in 2008 the Village voted for the insurance, but the past manager and the clerk never explained to the Board that they were voting for another Broker that was a different person so that is the reason we are fixing this problem and the Board voted for the insurance without even knowing it was another Broker of Record.

The Village Clerk commented that when they voted for the insurance Wallace and Berry was the Insurance Broker. When former Manager John Barbarite and had been aware of some of the ways that the original RFP's had been received for that insurance year he felt that Mr. McKane had been not treated improperly. The insurance that year was awarded to Wallace and Berry since the RFP from Wallace and Berry arrived after the designated time that they were to be received by the Village Clerk. It is not true that on August 1<sup>st</sup> that the Broker of Record was changed from Wallace and Berry to Owen McKane.

The Village Manager indicated that he will not address Trustee Hutchins' comments, however I will say that this morning I did receive two emails, one that was sent by Trident to Steve Berry which simply stated that, "Given the situation with this account installment plans will not be available to keep as clean as possible on the accounting side. Once I have to go from you to complete the binder payment will be due ASAP. Steve Berry replied to the Village is simply that Trident is looking for payment in full due to what has transpired over the last month. I do believe if I am kept the Broker for the Village I can get them to give us a payment plan due to the fact that we have several municipalities in Orange County place with them. I will do everything in my power to get that done for the Village. The Manager indicated that he did not think the Village is in a financial position to pay in full this account; we do need a payment plan schedule.

The Village Clerk questioned if the premium would stay the same as the amount that Mr. McKane submitted with his proposal on July 9<sup>th</sup>.

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Trustee Hutchins indicated that he is being asked to vote on something that he has never seen anything from Wallace and Berry and the only information he has seen is from Owen McKane in the amount of approximately \$178,000. He questioned since the Village Manager has been in contact with Wallace and Berry if there is going to be an increase in the premium.

The Manager responded that he believes that it will be the same premium, but he has not seen paper work as to that amount.

Trustee Hutchins questioned how the Board can possibly vote on a Broker of Record without the pertinent information.

The Village Manager responded that Trident is the insurance company.

Mayor Jenkins felt that at the last meeting regarding this subject, Trustee Schoonmaker stated that both parties (Owen McKane and Wallace and Berry) should not be named as Broker of Record and now he is awarding the Broker of Record to Wallace and Berry for the entire fiscal year. He felt that the corruption of this Village Board will come back to bite them in the end. He felt that this is corruption.

The Village Manager indicated that what the Board must recognize is that this Village must have insurance since we have a police department, highway department, sanitation department and own various buildings and if we don't pass this resolution we might not have insurance.

The Mayor questioned why the carrier can't be Owen McKane and the law suit would probably go away also he questioned Steve Berry.

The Village Manager responded that Berry was the one that brought the Village Trident to begin with and in doing so he save the Village well over \$100,000 and for it to be taken away from him is unethical.

The Mayor asked the Manager to show him these facts in black & white instead of him changing everything after one week of becoming the Village Manager as it is his own agenda because it

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is his insurance broker for his personal business and doing this shady deal where it stinks and the only ones who know about it are the other three Board members?

The Manager felt the Mayor can ask him any question he chooses and he will give him an honest answer. He felt it is part of his job to appoint the Broker of Record.

Mayor Jenkins felt that the Manager should have to come to Board with his little deal.

The Clerk felt the Board could deal with Trident directly without a broker involved since the insurance has been awarded to the Trident Insurance Company.

The Village Manager felt that Trident Insurance would not keep the insurance without a broker, since a broker does a lot of work before a policy is issued going around to inspect all the buildings, all the vehicles and he is the one who tells Trident what the Village has.

Trustee Hutchins indicated that Wallace and Berry have not done any of the work, the work they did was in the past and this new insurance policy is from Owen McKane who did the work. He questioned how the Board votes on something that they don't have any backup for, although when he asked for backup on another subject it was provided to him by the Manager.

The Village Manager believed that whatever the amount agreed with Owen McKane will be amount with Wallace and Berry.

Scott Schoonmaker questioned whether Trident Insurance would recognize any other Broker of Record other than Wallace and Berry.

The Village Manager responded that this is correct. He explained that the Village will have to find another insurance company that will probably cost \$100,000 more for the Village. That information I got from Ed Shirick that is independent.

A motion was made by Trustee Schoonmaker, seconded by Trustee Rue, approved on a roll call vote at follows: Trustee Rue, aye;

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Trustee Marinello, aye; Trustee Schoonmaker, aye; Trustee Hutchins, nay; Mayor Jenkins, nay. Motion carried 3 ayes - 2 nays.

**RESOLUTION APPROVING THE EXPENDITURE OF FUNDS TO MAKE NECESSRY REPAIRS TO RICHARDSON AVENUE**

Discussion- Trustee Hutchins asked Bill Masters questioned when he first knew about this situation.

Bill Masters responded that this situation has been known about for almost a year.

Trustee Hutchins asked about the wrong pipe being ordered.

Bill Masters working supervisor believed that he has a drawing from Village Engineer Glenn Smith which called for three, 60 ft. lengths of 29" pipe figuring that if a bigger pipe was ordered it would alleviate the problem, but this project has to be investigated with the DEC and he found out from them what has to be done. He indicated that if the brook has a name you need a DEC permit. If the DEC permit was not issued, each day that the Village dug they would have been heavily fined.

Bonnie Carnell explained that she called DEC who would grant an emergency permit if there was imminent danger because it is normally a three month process.

Bill Masters explained that the road is not safe and feels he cannot take responsibility should an accident be caused by this condition.

Trustee Hutchins questioned Account Clerk Bonnie Carnel whether this project was budgeted in the 2009/10 FY budget?

Bonnie Carnel responded that the Highway Superintendent did not understand the scope of work. She noted that several employees including her and Bill Master worked on the budget together and nothing was budgeted.

Bill Master indicated that Glenn Smith did not give the correct information.

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The Mayor felt that there is blame and Stanley Calhoun is in the process of losing his job.

Bonnie Carnel indicated that they are blaming Stanley because he is the Highway Superintendent. She noted that Town of Thompson Highway Superintendent Richard Benjamin did all the paper work to move this project forward.

Bill Masters explained that the job must be completed no later than September 30<sup>th</sup> that is DEC Regulations.

After a long discussion the Board agreed to close Richardson Avenue to vehicular traffic as of Wednesday, August 12<sup>th</sup> at 8 a.m.

**WHEREAS**, Richardson Avenue located in the Village is in need of repairs to it on an emergency basis; and,

**WHEREAS**, the Village Board has been given all the backup information necessary to make the determination that the funds to be expended are sufficient and proper to accomplish that job; and,

**WHEREAS**, the funds needed to be expended to accomplish said repair at a cost up to \$35,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello does hereby approve the expenditure of funds to make all necessary repairs to Richardson Avenue.

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

**RESOLUTION CLOSING RICHARDSON AVENUE TO VEHICULAR TRAFFIC DUE TO UNSAFE ROAD CONDITIONS EFFECTIVE WEDNESDAY, AUGUST 12, 2009 AT 8 A.M.**

**WHEREAS**, Richardson Avenue has been deemed unsafe for vehicular traffic due to the heavy rains that have recently fallen; and,

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**WHEREAS**, it is in the best interest of the safety, health and welfare of the Village residents to close Richardson Avenue to vehicular traffic until further notice while repairs are going on.

**NOW, BE IT RESOLVED**, that the Board of Trustees of the Village of Monticello do hereby close Richardson Avenue in both ways to vehicular traffic until further notice effective Wednesday, August 12, 2009 at 8 p.m.

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

**ADJOURNMENT**

At 6:02 p.m., a motion was made by Trustee Hutchins, seconded by Trustee Schoonmaker to adjourn the Special Board meeting.

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EDITH SCHOP, Village Clerk

