

MINUTES  
SPECIAL MEETING OF THE BOARD OF TRUSTEES  
VILLAGE OF MONTICELLO, N.Y.  
THURSDAY, NOVEMBER 5, 2009

At a special meeting of the Village Board of the Village of Monticello, held at the Village Hall in said Village, County of Sullivan, State of New York.

MEETING TO ORDER

Mayor Jenkins called the meeting to order at 5:00 p.m.

PLEDGE TO THE FLAG

Roll Call

Upon call of the roll, the following were:

Present:

Gordon Jenkins, Mayor  
Victor, Marinello, Jr., Trustee  
Theodore Hutchins, Trustee  
Carmen Rue, Trustee  
Scott Schoonmaker, Trustee

Also present:

Raymond Nargizian, Village Manager  
Stacey Walker, Deputy Village Clerk, Acting Village Clerk

The Village Manager answered questions by members of the Board of Trustees about Code compliance with relation to 27 North Street after the Mayor passed out copies of a letter bearing his signature threatening legal action. He also mentioned a memo which he said had been written by the Building Inspector.

Trustee Rue asked that the matter be referred to the Deputy Village Attorney for his review and opinion. Mayor Jenkins replied, "I just gave you the paper to cover myself. That's all. You can act on it or you can throw it in the garbage. It doesn't matter to me. I'm just covering my back, that's all."

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Mayor Jenkins said he would like to wait for Trustee Hutchins to arrive before proceeding. Trustee Hutchins arrived at approximately 5:05 p.m.

The Mayor asked who called this meeting. Trustee Rue replied that she had.

Trustee Rue presented the following resolution which had been given to her and written by Deputy Village Attorney Robert Gaiman:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTICELLO AUTHORIZING THE PAYMENT OF THE BUDGETED AMOUNT FOR THE VILLAGE ATTORNEY SALARY TO BE PAID TO ROBERT S. GAIMAN WHILE HE ASSUMES THE DUTIES OF THE VILLAGE ATTORNEY**

**WHEREAS**, the position of Village Attorney became vacant upon the resignation of the former Village Attorney, Jacob Billig, effective midnight October 13, 2009, and

**WHEREAS**, the Deputy Village Attorney, Robert S. Gaiman, has assumed the duties of the Village Attorney in addition to the duties of Deputy Village Attorney since October 14, 2009; and

**NOW, THEREFORE BE IT RESOLVED**, that the Village Board hereby directs that the Treasurer of the Village of Monticello pay Robert S. Gaiman the Village Attorney's salary as budgeted for that position in the current Village budget for as long as he assumes the duties of Village Attorney.

Trustee Hutchins objected, stating he was unaware former Village Attorney Jacob Billig had resigned; he thought he was fired. Trustee Rue explained that Mr. Billig was a "hold over" as Village Attorney until being replaced, but he had subsequently resigned.

Trustee Schoonmaker pointed out that the issue at hand was whether Mr. Gaiman be paid or not for services as Acting Village Attorney while the position remained vacant, not whether Mr. Billig had resigned or was fired. Trustee Rue replied that the resolution had been written by Mr. Gaiman and if the Board of Trustees did not wish to pass it in the form that he requested, she would move to table it.

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Trustee Schoonmaker urged amending the to allow Mr. Gaiman to be paid. Trustee Rue replied that she was not willing to amend the resolution with Mr. Gaiman being present, and any payment to Mr. Gaiman will be retroactive. Trustee Hutchins asked that the motion be tabled.

**MOTION BY TRUSTEE RUE, SECONDED BY TRUSTEE HUTCHINS** to table the resolution, and after duly put to a Vote, resulted as follows:

AYES: CARMEN RUE "YES", VICTOR MARINELLO "YES", THEODORE HUTCHINS "YES"

NOES: SCOTT SCOONMAKER "NO"

The motion to table was adopted by a 3 to 2 vote.

Trustee Rue presented a resolution which was delivered by Barton & Loguidice, P.C. today. Mayor Jenkins said he would like to look the resolution over and vote at the next meeting. The Village Manager explained that the full Board of Trustees had discussed this resolution several times, and on it hinges a \$14 to \$15 million grant. Trustee Rue said she and the Mayor attended a meeting in Middletown on this subject, and if the board does not adopt the terms, the grant could be lost. The Village Manager concurred, calling the resolution "boiler plate" and, "I've been told that time is of the essence."

The Mayor objected to Glenn Gidaly springing the resolution on the board, asserting, "You don't pull that bull crap on me" and he was uninformed on the subject.

**Trustee RUE, made a motion, seconded by Trustee MARINELLO,**

to adopt the following resolution to appoint the law firm of Squire, Sanders & Dempsey L.L.P. (the "Firm") to serve as bond counsel and to approve and accept the terms contained in the attached engagement letter (the "Engagement Letter"):

**RESOLVED**, by the Board of Trustees of the Village of Monticello in regular session on November 5, 2009 as follows:

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**WHEREAS**, the Board of Trustees of the Village has determined that an immediate need has arisen to engage a nationally recognized bond counsel firm, including attorneys with special expertise in the area of finance law, public procurement law, construction law, administrative law and environmental law, among others, in connection with the funding, construction, acquisition and installation of a proposed \$15 million waste water treatment plant in and for the Village (the “Project”)’ and

**WHEREAS**, the Firm has been recommended to the Village and the Board of Trustees has determined that it is in the best interest of the Village to appoint the Firm to provide bond counsel services in accordance with the terms contained in the Engagement Letter and to cause the same to be executed.

**NOW, THEREFORE**, be it resolved by the Board of Trustees of the Village as follows:

1. The Village hereby appoints the law firm of Squire, Sanders & Dempsey L.L.P. to serve as bond counsel to the Village pursuant to the terms contained in the Engagement Letter.
2. The Village approves the Engagement Letter and authorizes the Mayor or the Village Manager to execute and deliver same.
3. This resolution shall become effective immediately.

Trustee Marinello stated that he would agree to give the Mayor time to read the resolution, but if the Village loses a \$15 million grant as a result of this delay, he will not be responsible, the Mayor will. Mayor Jenkins said he was right.

Trustee Schoonmaker asked if Barton & Loguidice had said this resolution must be passed “forthwith”. The Village Manager said yes, he had.

While the meeting progressed, Trustee Rue attempted to telephone Glenn Gidaly of Barton & Loguidice. There was no answer, so she hung up. Trustee Rue redialed the number. Trustee Marinello left a message asking Mr. Gidally to please call immediately to advise the board concerning the urgency of adopting bond counsel.

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**MOTION BY TRUSTEE RUE, SECONDED BY TRUSTEE, MARINELLO,**  
and after being duly put to a Vote, resulted as follows:

AYES: CARMEN RUE "YES", VICTOR MARINELLO "YES", THEODORE  
HUTCHINS "NO"

NOES: SCOTT SCOONMAKER "YES"

Mayor Jenkins asked if there were any other items of business for the  
Special Meeting.

Trustee Rue said that she would like to go into Executive Session to  
discuss a specific matter of pending litigation, and inasmuch as Mayor  
Jenkins is suing the remainder of the Board of Trustees and the Village  
Manager, Mayor Jenkins should not attend the Executive Session and  
was ethically obligated to excuse himself from voting on the matter.  
Trustee Hutchins disagreed, asserting that the Mayor should vote on the  
matter.

Trustee Hutchins asked whether any attorneys had advised that  
members of the Board of Trustees and the Village Manager or the Village  
Manager may be indemnified by the Village for the cost of attorney fees.  
Trustee Rue said she would not discuss matters of litigation in public.  
Trustee Hutchins stated he would like it on record that he believes that if  
the Court finds that members of the Board of Trustees broke the law,  
they should pay personally. Trustee Rue replied, also for the record, that  
if the Mayor's suit is dismissed that he should reimburse the Village for  
all costs associated. Trustee Hutchins asked that it be entered into the  
record, "For the record, Mr. Hutchins do not need an attorney because  
Mr. Hutchins did not do anything wrong."

MOTION BY TRUSTEE RUE, to enter Executive Session

The Village Manager said he did not see a need for an Executive Session.

**MOTION WITHDRAWN BY TRUSTEE RUE.**

Trustee Hutchins said he did not have a copy of the resolution. Trustee  
Marinello replied that he had passed copies to every Trustee. Trustee  
Hutchins said he did not receive it, so he was given a second copy.

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Trustee Hutchins said he would like several days to read the resolution. Trustee Rue said she planned on making the motion. Trustee Hutchins complained that he could not understand Trustee Rue. Trustee asked Trustee Hutchins to read the resolution. Trustee Hutchins said he would not read it.

Trustee Schoonmaker pointed out that the Village Code requires that the Board of Trustees be indemnified. Trustee Hutchins gave it as his opinion that if the board did something illegal, offering apologies to Trustee Schoonmaker and Marinello. Trustee Rue asked if she was included in the apology as well. Mayor Jenkins interrupted her, asking if she was "insane". Trustee Rue pointed out that the Mayor had a conflict of interest inasmuch as he filed the lawsuit against the Board of Trustees, and he should not participate in discussion of this matter. Trustee Hutchins asked for several minutes to read the resolution in silence, which was granted.

Trustee Hutchins asked who agreed on McCabe & Mack. Trustee Schoonmaker stated he was aware. Trustee Hutchins asked Trustee Rue to read clearly, "so I can understand". Trustee Rue replied that she was insulted by Trustee Hutchins remarks. Mayor Jenkins replied, "Go ahead Carmen. You're the boss. You read it."

Trustee Rue asked Trustee Marinello to read the motion, which he agreed to do.

**RESOLUTION OF THE VILLAGE OF MONTICELLO**

Trustee VICTOR MARINELLO offered the following Resolution, who also moved for its adoption;

**WHEREAS**, Gordon Jenkins has previously commenced an action in the Supreme Court of the State of New York, County of Sullivan, against each Village Trustee and the Village Manager; and

**WHEREAS**, the acts alleged in the Complaint involve the Trustees and the Village Manager acting within their actual and/or apparent scope of authority,

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**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of the Village of Monticello that the Village of Monticello does hereby provide a defense and indemnification

Of the aforesaid Defendants pursuant to §12-4 of the Village Code of the Village of Monticello and §18 of the NYS Public Officer's Law; and it is further.

**RESOLVED** that the Village of Monticello shall be responsible for and shall pay the Costs of legal fees at \$225.00 PER HOUR

**AND AUTHORIZES THE VILLAGE MANAGER TO SIGN A RETAINER WITH ATTORNEY** and disbursements incurred by said Defendants and the law firm of:

**McCabe & Mack LLP**, with an address of:

63 Washington St. Box 509, Poughkeepsie, NY 12603

Be and they hereby are authorized to proceed to defend said action.

**DISCUSSION:**

Mayor Jenkins asserted that this lawsuit would not have been filed if it were not for Mrs. Rue. He threatened to file additional lawsuits against the municipality seeking "to have Mrs. Rue terminated or removed" from her elected position as a Village Trustee because she has papers that he has not seen, stating, "Lawsuits are gonna fly as long as she's on this board... I would have a lawsuit every day..." Mayor Jenkins threatened to spend "every penny I have" to "bankrupt this Village" by filing multiple additional lawsuits against the village of Monticello, "all because of Mrs. Rue" and he wanted this to appear in the minutes, and specifically added that he would like Mrs. Rue to include his statement for the record on the audio recording of this meeting posted on carmenrue.com.

Trustee Rue pointed out that Trustee Marinello had distributed copies of the resolution to every Trustee. Trustee Marinello confirmed this. Trustee Rue pointed out, for the record, that the Mayor's frivolous lawsuit was not filed by her and she is not suing the Village.

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SECONDED BY TRUSTEE CARMEN RUE and after being duly put to a Vote, following discussion, resulted as follows:

AYES: CARMEN RUE "YES", VICTOR MARINELLO "YES", SCOTT SCOONMAKER "YES"  
NOES: THEODORE C. HUTCHINS "NO"

The motion was declared adopted by a vote of 3 to 1, with one abstention.

The Mayor asked Trustee Rue if that was it. Trustee Rue replied that he was the Mayor and he chairs the meeting.

Mayor Jenkins said he had another item. He said the Village Manager had asked him to sign a Federal home improvement grant application, but he was unwilling to sign it, and the Village Manager should sign it. The Village Manager explained that the information arrived two days ago, and he was distributing it tonight; that this is an existing grant. Mayor Jenkins replied that he has no power over grants so he did not see why he should sign the document. "That's why I'm taking you to court, because of what you guys are doing," Mayor Jenkins said. Trustee Rue pointed out that the Village has received these federal block grants for many years and signature by the Mayor is a formality. Trustee Hutchins suggested that the Village Manager meet with the Mayor about the matter.

**ADJOURNMENT**

At 5:47 a motion was made by Trustee Hutchins to adjourn the meeting, seconded by Trustee Rue, and after duly put to a Vote, resulted as follows:

AYES: CARMEN RUE "YES", VICTOR MARINELLO "YES", SCOTT SCOONMAKER "YES"  
NOES: THEODORE C. HUTCHINS "YES"

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STACEY WALKER, Deputy Village Clerk  
Acting Village Clerk