

Minutes

Emergency Meeting of the Board of Trustees

Village of Monticello

March 28th, 2013

2:00pm

Call Meeting to Order

The meeting was called to order at 2:03pm by Trustee Hutchins.

Pledge to the Flag

A motion was made by Trustee Hutchins and second by Trustee Rue designating Trustee Bennett to run this meeting. Upon the call of the roll, all present were in favor.

Roll Call

Mayor Jenkins-absent

Carmen Rue-Present

T.C. Hutchins-Present

Larissa Bennett-Present

James Matthews-Present

Motion to Accept the Agenda

A motion was made by Trustee Rue and second by Trustee Bennett to accept the agenda.

The Clerk made a statement of behalf of the Mayor, per the Mayor; for the record, he stated that he cannot make the meeting due to a previous engagement at the same time and that he feels this meeting is illegal.

Trustee Rue stated that maybe he needs to look at the NYS law, emergencies and special meetings are legal, that's all I'm going to say.

Trustee Hutchins asked the Clerk, for the record, were all of the Publications and notices were done for this meeting?

The Clerk responded, yes they were.

Upon the call of the roll, all present were in favor.

Discussion: Personnel Issues

Moved to Executive Session

Discussion: Management

Per Trustee Rue, Mr. Fanslau still has not sent anything yet. Yesterday when we met with Ira Cohen, he offered his service, so I called him and he was not there.

Per Trustee Hutchins, I did not get that impression from Mr. Cohen yesterday. I thought that he said he was busy.

Trustee Rue stated that he said that it was too short of a time to work on the budget, because really the budget is presented by the Manager and it's a short time for him to promise us that he can prepare a budget and contracts. It doesn't mean that David Fanslau won't answer; it's just that he didn't answer yet because he is out of Town due to a family issue, that's the reason he did not answer yet. I don't know who else.

Per Trustee Bennett, I also feel that we should go back through the resume's we have and contact some of them, so that we can have a permanent instead of a temporary solution, we can review those again and set up interviews for one-day next week.

Trustee Rue stated that but some of the people already said no, or accepted another job. Each one of them is the left-over from the other people that do not want to hire them and I don't like that.

Trustee Bennett stated that we still have some that we can review that may be worth giving it a shot. We have to get a Manager, so I think we need to go back through those resumes that are left.

Trustee Rue commented that there was another resume that came in, but it was an application and I have a problem with that. I don't think we should entertain it because there are issues that will cause conflict with that application.

Trustee Bennett stated that she agreed. The Board really needs to review the rest of the resumes and go from there. There are still some qualified people.

A motion was made by Trustee Hutchins and second by Trustee Bennett to set a Special Meeting for Friday, April 5, 2013 at 12:00pm to Interview additional candidates for Village Manager. Upon the call of the roll, all present were in favor.

Discussion: Various Appointments

Trustee Hutchins stated that in regards to the Manager appointments and there currently not being a manager in place that the Board of Trustee's meet and discuss these appointments prior to the Re-Organizational Meeting on Tuesday. There are appointments that we are going to be asked to make now and we are going to need everybody on Board with the appointments. The issue that we are facing is that we are going to need to do a resolution, but I think that the resolution that we already did amending and or appealing the manager piece; the Board then makes the decision as to whatever appointments the manager had to make at our Re-Organizational Meeting.

Trustee Rue commented that she looked in Boss Law section 4-412 and 4-400, the Trustees law does say anything about giving us the power to appoint, only as the Board to approve. In 4-400, it says that all appointments are done by the Mayor with Board approval, so I think that we should follow the law in 4-400. The Mayor chairs the meeting and all appointments are made by the Mayor with Board approval. It does not say anything in the Village law about the Trustees being able to appoint someone without the Mayor initiating the appointment. So, all these appointments that are done by the Manager should be given to the Mayor, with Board approval. All of the Manager appointments are just a political thing, it has never been in the Village Code, NYS Law, it's not anywhere, it was just done for politics, so all of the Manager appointments should just go to the Mayor with Board approval and the Board would have to approve them. It's not in the Village Code, it's just a resolution that we are talking about, not changing the Code.

Trustee Hutchins stated that there are not any major appointments to be made.

Trustee Rue stated that it is because you are talking about the Deputy Clerk, Treasurer, it is, it's serious because you are dealing with the Engineer and Grant Writer, it's serious.

Trustee Hutchins asked are we looking to change anyone.

Trustee Rue responded no, but we do not have the authority, if it's not initiated by the Mayor according to the law.

Trustee Hutchins stated that he is comfortable with that. If NYS Law 4-400 says that the Mayor makes the appointments, let him make the appointments, then we approve them as the Board.

Trustee Rue stated that what we should do as the Board is do a resolution stating that all resolutions that are made by the Manager, be done by the Mayor with Board approval, because

really, according to NYCOM and according to the law, the only thing the Mayor can appoint is the Deputy Mayor without Board approval, that's it. All the other appointments have to be done with Board approval.

There was a brief discussion of all the appointments by the Board members.

Discussion: Taxes & Foreclosure Procedure

The Clerk was asked to explain the Taxes & Foreclosure Procedure meeting that was attended the day prior by herself, Trustee Rue and Trustee Hutchins:

The Clerk stated that in a meeting yesterday with the County Treasurer, Ira Cohen, and his Deputy, Nancy Buck, we discussed the process involved with doing a Village Foreclosure for delinquent taxes. At this point, if the Village were to do a foreclosure, we would incur all of the advertising expenses, because those steps have already been done by the County and we are coming in late. There are also other programs such as a repurchasing and a redeeming program, a property owner can repurchase their property for an additional 5-10% of the full market value to gain more for the Village and then to put it back on the tax roll. In regards to the redeeming program, a property owner that owes taxes to the County will be subject to paying their Village taxes in order to keep their property, which again, would keep the property on the roll and continue taxes coming in for the Village. Overall, it's a good program and the Village can benefit, which would be a help to the budget also, especially for those who are redeeming their properties. Outside of the advertising expenses, the Village would incur the normal fee's that are already associated with the foreclosure and due to the County. The Village just has to sign a contract and adopt a Local Law for the Repurchasing and Redeeming Procedure and we can move forward. The County is ready and willing to include us, we just have to get the contract signed and adopt the local law and then we can move forward. A lot of things that was discussed and mentioned, such as the repurchasing program and redeeming program, were never mentioned to us prior and that is why we took the steps we did with our attorney. Now, with the knowledge of all of these things, I think it's a good opportunity for the Village and one we should look into and go forward with.

Trustee Rue stated that the Village is going to go back into contract with the County to do our foreclosure and then an auction because going with the County will make the Village whole, so we will get most of the taxes back, which is the way it was before things were messed up.

Trustee Hutchins stated that he feels that we were given another option, in which we did try and were successful, however; going through the County will give us a continual flow of funds.

Trustee Rue stated for the record that the Village Attorney, Dennis Lynch, has to stop. He works for the Board not the Village employees. No employee has a right to speak with or contact the Village Attorney without the Board. He is costing the Village a lot of money and over-stepping in a lot of ways. He is just a contractor, not the Village Attorney.

Trustee Hutchins stated that for the record, Dennis' firm has been excellent in my opinion for the Village, the majority of the Board and the Mayor voted a vote of confidence in Mr. Lynch a while back and he is doing a fine job on behalf of the Village.

Executive Session

A motion was made by Trustee Hutchins and second by Trustee Hutchins to go into Executive Session at 2:41pm. Upon the call of the roll, all present were in favor to discuss the following issue:

Personnel

A motion was made by Trustee Hutchins and second by Trustee Rue to come out of Executive Session at 3:47pm. Upon the call of the roll, all present were in favor.

Adjournment

A motion was made by Trustee Hutchins and second by Trustee Hutchins to close the meeting at 3:47pm. Upon the call of the roll, all present were in favor.

Submitted by:



Janine Gandy, Village Clerk