

Minutes

Board of Trustees

Village of Monticello

May 20th, 2014

7:00pm

Call Meeting to Order

The meeting was called to order at 7:00pm by Mayor Jenkins.

Pledge to the Flag

Roll Call

Mayor Jenkins-Present

Carmen Rue-Present

Jill Weyer-Present

Larissa Bennett-Present

Douglas Solomon-Present

Also Present: Michael Davidoff-Village Attorney

Ray Nargizian-Village Manager

James Snowden-Code Enforcement Officer

Motion to Accept the Agenda

A motion was made by Trustee Solomon with a second by Trustee Rue to accept the agenda with the following add-ons:

1. Resolution approving Conveyance of a parcel of property to the County of Sullivan for Highway Purposes
2. Resolution authorizing payment to Jeff Bank in the amount of \$6,093.75 for a 2010 bond payment from the Sewer fund. Monies previously budgeted for.
3. Resolution extending the application deadline for Medical Medallions from May 31st, 2014 to June 30th, 2014
4. Tabling agenda item #16 and moving it for a discussion to Executive Session

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

Public Hearing- Local Law #2 of 2014-Amending the Village Code, Section 280-57, Local Law #11 of 1994 regarding the "Appointment of the Planning Board Members" for the Village of Monticello

The Village Attorney, Michael Davidoff explained that this proposed Local Law will remedy the inconsistencies in the law regarding who makes appointments. There are some appointments that were given to the Mayor at some time or another and under the Manager form of government that the Village follows, NYS Village Law 15-A, the Village Manager

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makes any and all appointments, so this needs to be fixed to remedy any and all issues regarding these appointments.

Mayor Jenkins commented that prior to the new Board; the appointment of the Planning Board members was always that of the Mayor's with Board approval for a five (5) year term. According to Mayor Jenkins, he made an appointment to the Planning Board, Mr. Oswald Allen, back in March of this year with Board approval and Mr. Allen has already sworn in by the Clerk and signed the Oath Book and now Mr. Allen is being told by the Village Manager, Mr. Nargizian he is no longer on the Board. I don't think this is fair to Mr. Allen or right. I have always made those appointments since I have been in office and prior Mayor's before me and all of a sudden now everybody wants to change it.

Mr. Davidoff responded that he will look into it and see if this law will affect any of the appointments that were made by the Mayor previously, but it will definitely affect any and all appointments going forward and from the time that this law is adopted and going forward.

A motion was made by Trustee Rue with a second by Trustee Bennett to open the Public Hearing at 7:05pm. Upon the call of the roll, all were in favor.

Mayor Jenkins opened the floor to the Public three (3) times and the following people spoke:

Rochelle Massey
Trustee Rue

A motion was made by Rue with a second by Trustee Weyer to close the Public Hearing at 7:10pm. Upon the call of the roll, all were in favor.

Motion of Adoption for Local Law #2 of 2014

A motion was made was by Trustee Rue with a second by Trustee Weyer to adopt Local Law #2 of 2014-Amending the Village Code, Section 280-57, Local Law #11 of 1994 regarding the "Appointment of the Planning Board Members" for the Village of Monticello. Upon the call of the roll, the vote went as follows:

Trustee Rue-yea
Trustee Bennett-yea
Trustee Solomon-yea
Trustee Weyer-yea
Mayor Jenkins-nay

Approval of Minutes from the April 16th, 2014 & May 6th, 2014 meetings

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A motion was made by Trustee Bennett with a second by Trustee Solomon to approve the previous meetings minutes. Upon the call of the roll, all were in favor.

Presentation of the 2014-2015 Tentative Budget to the Board

The 2014-2015 Tentative Budget was presented to the Board by the Village Clerk

Mayor's Comments

No comment

Manager's Report

The Village Manager, Ray Nargizian, commented that on Thursday, May 8th, he met with the Marcia Fink from the SC DPW and in order to proceed with the necessary rehabilitation work on a portion of East Broadway, the Village in its best interest has been asked to gratuitously offer the County a small parcel for the purpose of the rehabilitation to the locally administered Federal Aide project.

On Monday, May 12th, Trustee Jill Weyer and I met with Thompson Town Supervisor, Bill Rieber and Councilman, Richard Sush to discuss the consolidation of services between the Village and the Town.

On Tuesday, May 13th, USDA Representative, George Pop, stopped by the Village to review if we had addressed all of our responsibility regarding our Sewer System Improvement Grant. Present at this meeting was I, Lili Li, our Treasurer, Anthony Egan, our Project Engineer and Andrew Arias, our Independent Auditor and Glenn Smith was also there acting as our local Engineer. I am pleased to say that the USDA concerns have been addressed in an appropriate manner.

The Monticello Housing Authority Board members have been appointed and are as follows:
Myrtle McKinney
Dorothy McCoy
Julian Dawson

The Village thanks them for their volunteer service.

Approval of bills to paid in the amount of \$405,350.40

A motion was made by Trustee Solomon with a second by Trustee Weyer to pay the bills. Upon the call of the roll, all were in favor.

Resolution approving Budget Transfers for Fiscal Year ending July 31, 2014

A motion was made by Trustee Solomon with a second by Trustee Rue. Upon the call of the roll, all were in favor.

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Resolution authorizing payment to Drew, Davidoff & Edwards Law Offices, LLP in the amount of \$3,999.84 for various Legal Services from app#A.1420.400-Current account balance after expense is \$11,048.91

A motion was made by Trustee Rue with a second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution authorizing the purchase of a Water Jeter Pump assembly from Vantage Equipment(sole source provider) for the Vac-All in the amount of \$2,124.82 from app#A.1640.421-Current account balance is \$8,271.38

A motion was made by Trustee Rue with a second by Trustee Solomon. Upon the call of the roll, all were in favor.

Resolution authorizing the purchase of 6 new screens from Vantage Equipment (sole source provider) for the repair to the Vac-All in the amount of \$479.93 each, for a total of \$2,879.58 from app#5110.224-Current account balance is \$23,391.67

A motion was made by Trustee Solomon with a second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution authorizing the representation of Drew, Davidoff & Edwards Law Offices, LLP in pending litigation at \$175.00 plus reimbursement for costs and disbursements

A motion was made by Trustee Rue with a second by Trustee Solomon. Upon the call of the roll, the vote went as follows:

Trustee Rue-yea
Trustee Bennett-yea
Trustee Solomon-yea
Trustee Weyer-yea
Mayor Jenkins-nay

Resolution retaining the services of Walter Fedun, Jr. as Deputy Village Manager

Tabled

Resolution rescinding and voiding the two (2) year contract of James Snowden, Building Inspector, Code Enforcement Officer & Zoning Officer

A motion was made by Trustee Solomon with a second and question by Trustee Bennett.

Trustee Bennett questioned if this resolution will rescind the contract between you and him?

Mayor Jenkins responded you and him, the Board. That's approved with resolutions from the Board. You have the wrong information. It's approved by the Board. Again, the Board makes that decision; the Mayor cannot make any decisions without a vote.

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Trustee Bennett stated let the record show that I have never seen this contract until tonight.

Michael Davidoff stated that to his knowledge, this contract was never approved by the Board, it is laid out in the "Whereas" clause.

Mayor Jenkins stated that it was approved by the Board and that there is are minutes and resolutions to prove that. Things should be looked at carefully before you just take a hatchet to the guy and cut him down. James do you have a copy of it?

Mr. Snowden commented that he gave a copy of everything to Jill and Doug and he has a copy of the minutes, a copy of the resolutions. There's also a copy of an independent opinion from his Attorney and also an opinion from the NYS Attorney General's office.

Trustee Rue asked where is the resolution authorizing the Mayor to sign the contract?

The Clerk responded that it's in the minutes as a motion.

Trustee Rue commented that it was never presented to the Board and the Board has to authorize the Mayor to sign the contract. I never saw the contract until I got it with this resolution. I have the tape.

Mayor Jenkins stated that there are minutes.

Trustee Rue stated that it was never presented to the Board to vote on the actual contract. The minutes never passed, they were never approved, March 12th and 14th, was never approved or passed.

Mayor Jenkins commented that maybe the Attorney needs to look into that, that's something that the Attorney needs to look into instead of rushing to judgment and taking a hatchet to the man. I know that there are those that would love to do the hatchet job to the gentleman but we had a Board that did things prior with a vote, just like this Board is doing. You're here today and are not here tomorrow. Things change, whether you like it or not, but should you amend and rescind everything that they did, no, I don't think that's right and I don't think that's law. We are not going to always be here, these Boards change just like underwear.

Trustee Rue commented that you changed a lot of laws too from the past.

Mayor Jenkins replied that he knows, but they were valid.

Trustee Weyer stated that we need to find out if there was an actual resolution in addition to it being a motion in the minutes, and then if the minute's not passing hold any validity.

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The Village Clerk responded that she spoke to NYCOM and she was advised and even the Village Attorney, Michael had also stated in the meeting that the minutes themselves do not have to be approved as long as the resolutions and everything on that agenda was passed with a three (3) Board vote, and this was passed with a three (3) Board vote.

Trustee Rue commented that she went and looked in all of her papers and she never missed a meeting and a contract was never given to the Board and it was never authorized the Mayor to sign it, that's my point.

Mr. Snowden stated that the motion was made by Trustee Massey with a second by Trustee Matthews.

Trustee Rue replied that she is not talking about that, the resolution was to allow the Manager to write a contract for the Code Enforcement Officer, but there was never a resolution authorizing the Mayor to sign the contract and it's all on the tape. I kept listening to the tape to see if I missed anything, but it was never there.

Mayor Jenkins responded that if you want to or the Attorney wants to look at it, but there are certain things that you want to do and you think you can do, but you can do them and you have to respect what prior Boards have done, no matter what it is. If you like them or love them, we are not here to like everyone; it's about just doing what's right. Not about liking someone and then not liking them and taking their job away. I thought we went past that and was at a place where all of the retaliation and hatred and nonsense had stopped. I thought we were supposed to move forward, these guys have a job to do and we're here today and gone tomorrow. Enough is enough, this shouldn't be about anything personal and getting the man's job and his place upon the hill there, he has a job to do and is doing it. Let's stop the nonsense and move forward. I know that you and Mr. Snowden don't have love for each other and I don't expect it, but one thing we have to do is respect each other and that's something that we have to do and give is respect.

Trustee Bennett commented that it has to be given first, and then received.

Mayor Jenkins responded that then you have to speak with Mr. Snowden about that, if you feel that's an issue.

Trustee Solomon commented that he never seen anything.

Mr. Davidoff stated that he's never seen anything; I'll do whatever the Board wants. But there are other things that are incorporated in this resolution that the Board needs to consider, besides the Board never seeing it. Number one (1) is whether one Board can pass a contract that goes two (2) years and was done a month before a new Board went in, which goes an additional two years. That was one of the things that was in the decision of Judge

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Meddaugh regarding someone else and that's also laid out. Also and it's hard to understand, if there's an intention in that contract that his salary would continue no matter what and that Judge Meddaugh also said in that decision that was improper and will be an illegal gift. I am not sure in reading it if that is what was intended, but there is language in there and I really don't understand a lot of that contract if he's a Building Inspector or what so it's all laid out in the "whereas" part of the resolution. It's not only that the Board didn't approve it, but there are other things that in my opinion were violated based upon the decision by Judge Meddaugh recently made in another decision.

Mayor Jenkins commented that he sat here with the Concord and EPT and I signed a contract with Adelaar and then you are telling me that according to Judge Meddaugh's decision that is also invalid and all of that has to be changed because that for years to come.

Mr. Davidoff responded that is totally different, any municipality is entitled to sign contract with companies, with organizations with whatever but this is totally different. This was an attempt to insert the ability of subsequent Board to make appointments and have people appointed to various positions and that's what you can't do.

Trustee Rue stated that those contracts that were done with the Concord and EPT are different. The Board authorized the Mayor/Manager to sign them and they were brought before the Board. This is different; it never came back before the Board to authorize him to sign it. I never saw the contract until I got it from the lawyer.

Mr. Snowden commented that we just told you that a contract was signed. You have the resolution in front of you that was passed, you have the minutes where it was approved for the Manager to sign the contract, and you have the opinion of the Attorney General about the contract. Now, with all due respect to Michael, he's talking about a whole different case, what does that have to do with me? At least give me my just do in Court if you're going to rule on something, at least let a judge rule on it.

Trustee Rue posed the question can a civil service employee without being a union employee can have a contract, just civil service, without being a union employee? Most of the employees here have are civil service, but they have a contract with the union, they are union employees and those are the only employees with contracts. Now, my understanding from civil service is that if you are not a union employee and hired under civil service, you cannot have a contract because you follow the rules under civil service, so that's my understanding and I would like you to look at that.

Trustee Weyer responded that he could still have a contract, that's allowed, but it just has to be done right.

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Mr. Davidoff commented that he can have one, but it cannot be in violation of civil service and you cannot change any of the civil service requirements by a contract.

Trustee Weyer also commented that you cannot put the burden of the contract on a future Board and that's my understanding.

Mayor Jenkins stated that it was done to save money and it was run by Civil Service and they said it was legal. We combined his department with the parks and stuff and we are saving \$30,000.00. That's all we are trying to do is save money. It's no favors or friendships where James is getting something that no one else is getting. Look at the Sewer and Water Department, we combined them and Phil Klemen is making \$80,000.00, it's the same thing.

Trustee Rue commented that this is different and that was done by local law and Public Hearing, this wasn't.

Mr. Davidoff also responded that with all due respect Mayor. But I contacted civil service myself and spoke with Nancy and she told me that one person cannot hold two civil service positions. In civil service now, the only position he has is Code Enforcement, not the Recreation Director and that was taken off by the civil service.

Mr. Snowden responded that you are right. I am not the Recreation Director. I have nothing to do with recreation. I am the administrator of the Building and the Parks.

Mr. Davidoff responded I thought you said that the departments were combined. So then what was combined?

Mr. Snowden responded that we combined the parks and the Ted Stroebele Building. We have someone for the recreation.

Trustee Rue interjected but it has to be done by a local law, the Code Enforcement is a local law and there is a local law for Recreation. We never did a local law to combine the two.

Mr. Davidoff responded that the term limit rule prohibits one governing body from contractually binding their successors in area's relating to government unless specifically authorized by statue or charter provision to do so. That is called the term limit rule.

Upon the call of the roll, the vote went as follows:

Trustee Rue-yea
Trustee Bennett-abstain
Trustee Solomon-yea

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Trustee Weyer-yea
Mayor Jenkins-nay

Resolution setting up Budget Workshop Meetings for the 2014/2015 Fiscal Year

A motion was made by Trustee Solomon with a second by Trustee Bennett.

Budget Workshop dates were set as follows: Friday, May 15th at 5:30pm, Tuesday, May 20th at 5:30pm & Thursday, May 29th at 8:00am.

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

Resolution approving Conveyance of a parcel of property to the County of Sullivan for Highway Purposes

A motion was made by Trustee Rue with a second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution authorizing payment to Jeff Bank in the amount of \$6,093.75 for a 2010 bond payment from the Sewer Fund. Monies previously budgeted for

A motion was made by Trustee Rue with a second by Trustee Bennett. Upon the call of the roll, all were in favor.

Resolution extending the application deadline for Medical Medallions from May 31st, 2014 to June 30th, 2014 and set a Public Hearing date for Tuesday, June 17th, 2014 at 7:00pm to discuss the fee's for Medical Medallions

A motion was made by Trustee Rue with a second by Trustee Solomon. Upon the call of the roll, all were in favor.

Resolution setting a Public Hearing date for Public Input regarding the Community Block Development Grant for Tuesday, June 3rd, 2014 at 7:00pm

A motion was made by Trustee Rue with a second by Trustee Bennett. Upon the call of the roll, all were in favor.

Executive Session

A motion was made by Trustee Solomon with a second by Trustee Bennett to go into Executive Session at 8:15pm to discuss the following:

Retaining the services of Walter Fedun, Jr. as Deputy Village Manager

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

A motion was made by Trustee Bennett with a second by Trustee Weyer to come out of Executive Session at 8:40pm. Upon the call of the roll, all were in favor.

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A motion was made by Trustee Rue with a second by Trustee Solomon to retain the services of Walter Fedun, Jr. as Deputy Village Manager with a salary of \$55,000.00/year. Upon the call of the roll, the vote went as follows:

Trustee Rue-yea
Trustee Bennett-yea
Trustee Solomon-yea
Trustee Weyer-yea
Mayor Jenkins-nay

Adjournment

A motion was made by Trustee Solomon with a second by Trustee Bennett to close the meeting at 8:42pm. Upon the call of the roll, all were in favor.

Submitted by:



Janine Gandy, Village Clerk