

on the Hudson  
along the east  
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ing. The morn-  
ferent. It passed  
eadlight swung  
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what it was like

ad girl walking  
rote the follow-

dropped it off at Tom's Kitchen on  
Liberty Street in Monticello. Since that  
time, a number of our friends, upon

the viewing area, collected by volun-  
teers and brought to central points,

to them.

These were food kitchens, church-

necessities of life.

# COUNTERPOINT a view from a reader

## Mayor Can Serve As Manager

9/17/99

To the Editor:

*(This is the text of a memo provided to the Monticello Village board on August 12.)*

Local Law No. 4 of the year 1992 (enacted into law by a previous administration), provides as follows:

"In the event the 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 Village Manager and exercise the duties and responsibilities of that office, until a permanent appointment is made."

The Village Law of the State of New York §5-520 (4) authorizes the board of trustees, during a fiscal year by resolution, to make additional appropriations or increase existing appropriations.

The State Comptroller, in an opinion No. 88-59, in discussing increasing the salaries of village officials during their term of office, stated:

"The salaries and wages of village officers and employees must be included in the village's tentative budget (Village Law, §5-506 [1] [f]). After the public hearing on the tentative budget and any revision of the budget, the wages and salaries become fixed at the amounts shown at the time the budget is adopted (Village Law, §5-506 [4]). Section 5-520 (4) of the Village Law authorizes the board of trustees to adopt resolutions during the fiscal year to create additional appropriations and to increase existing appropriations. Based on this authority, we have concluded that the salaries of elective village officers may be increased during the fiscal year (1981 Opns St Comp No. 81-86, p. 87; 1979

Opns St Comp No. 79-413, unreported; 34 Opns St Comp, 1978, p. 114). Funds for such an increase may be provided by transfers from the unexpended balance of the appropriation, from the appropriation for contingencies, from unappropriated cash surplus or unanticipated revenues within a fund or by borrowing pursuant to the Local Finance Law (Village Law, §5-520 [4])."

As such, it is permissible for the Board of Trustees to provide additional compensation for a Board member to perform additional duties, as is the case here.

Since no separate office or position of employment is being created in this case by the Board of Trustees, no question as to the compatibility of the two officers arises. As such, there is no conflict with Village Law, §3-300 (3) which provides that no person shall simultaneously hold an elective and appointed office.

Additionally, I note that the bar established in Village Law §3-300 may, in fact be overcome if it was such a bar when the village adopted Local Law No. 4 for 1992. It is well established that a village is authorized to amend or supercede any provision of the Village Law relating to its property, affairs, or government or to other matters in relation to which it is authorized to adopt local laws, notwithstanding that the Village Law provision is a general law unless the Legislature has expressly prohibited the adoption of the proposed local law. Municipal Home Rule Law, §10 (1)(ii)(c)(3); Op Atty Gen (Inf) No.

94-52.; Op Atty Gen (Inf) No. 98-8.

As a result of the Village of Monticello Local Law No. 4 for the year 1992, the Village Board of Trustees may compensate the Mayor while he exercises the duties and responsibili-

ties of the Village Manager until a permanent appointment is made.

Michael Davidoff  
Village Attorney  
Monticello

## letters to the editor

### Your Chance to Correct a Wrong!

To the Editor:

If you feel as I do that the merger election at Delaware Valley Central School on June 10, 1999 was fraudulent, here is your chance to express your indignation and outrage.

State Attorney General Eliot L. Spitzer, in the August 26, 1999 issue of the New York Times, said he has added legal staff to correct state and local corruption! He is concentrating on upstate cases. He feels there is such cynicism in politics that he wants to correct it. Write or telephone. Tele-

phone #: 1-518-474-7124. Address: State Attorney General Eliot L. Spitzer, State Capitol, Dept. of Law Room 220, Albany, NY 12224. Flood his office with calls!

Ms. Suzanne Spears refuses to unseat those absentee voters where so many seemed illegal. We can find no law that allowed such sloppy voting procedures. Complain! It's the squealing wheel that gets the grease.

Marjorie C. Gilligan  
Long Eddy

*(The Democrat welcomes letters to the editor. We ask that they be no longer than 300 words, typewritten or neatly printed, and include the author's signature, address and a phone number for possible verification questions. With the obvious exception of the signature, this policy also applies to email. Letters longer than 300*

*words will be cut, rewritten by the author, or considered for inclusion in the "Counterpoint: A View From a Reader" column - at our discretion. In addition, the Democrat will not accept letters written specifically about a newspaper article other than those printed in the Democrat.)*

## ili Cooks

their own equip-  
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s five through 10).  
ne a contestant in  
" beauty contest.  
line for the bake-  
fest is September  
ation and reserva-  
ffer at 887-4405.

—N.C.S.