

PATTERSON TOWN BOARD MEETING  
PATTERSON TOWN HALL  
1142 ROUTE 311  
PATTERSON, NEW YORK 12563  
AUGUST 21, 2014

MINUTES

PRESENT: CHARLES W. COOK, DEPUTY SUPERVISOR  
KEVIN BURNS, COUNCILMAN  
PETER DANDREANO, COUNCILMAN  
ANTOINETTE KOPECK, TOWN CLERK  
EMILY NAUGHTON, TOWN COUNSEL

ABSENT: SHAWN ROGAN, COUNCILMAN  
MICHAEL GRIFFIN, SUPERVISOR

Salute to the Flag and Roll Call.

Deputy Supervisor, Charles Cook called the Patterson Town Board meeting to order at 4:00 p.m. with 2 in attendance.

EXECUTIVE SESSION

Mr. Cook made a **motion** to go into Executive Session – Personnel at 4:00 p.m.

Seconded by Mr. Dandreano. All In Favor: Aye. Carried.

Mr. Cook called the meeting back to order at 4:15 p.m.

APPOINT HEARING OFFICER

Mr. Cook stated we received notice from Russ Goff, Highway Superintendent that he has designated and directed William M. Wallens, Esq. to serve as a Hearing Officer and to hold a hearing on the charges of misconduct and incompetency pending against a Town employee of the Highway Department and any mended or additional charges as may hereafter be preferred by the Superintendent of Highway.

APPROVE SCHEDULE OF FESS FOR HEARING OFFICER

Mr. Burns introduced the following **Resolution Approving Designation and Payment of Hearing Officer for Disciplinary Hearing Pursuant to Civil Service Law §75**:

**R-0814-03**

WHEREAS, an employee of the Town's Highway Department was charged with misconduct and incompetency relating to his employment for testing positive for a prohibited controlled substance (the "Charges"), and is subject to discipline, up to and including dismissal pursuant to the Collective Bargaining Agreement between the Town and the Civil Service Employees Association, Inc., specifically the "Zero Tolerance Drug and Alcohol Policy" incorporated therein, as a result of such alleged misconduct; and

WHEREAS, said employee has demanded a hearing upon said Charges pursuant to Section 75 of the Civil Service Law; and

WHEREAS, pursuant to Section 75 of the Civil Service Law, a hearing upon such disciplinary charges shall be held "by the officer or body having the power to remove the person against whom such charges are preferred, or by a deputy or other person designated by such officer or body in writing for that purpose"; and

WHEREAS, pursuant to Section 140(4) of Highway Law, the Town's Highway Superintendent has the duty and authority "to employ such persons as may be necessary for the maintenance and repair of town highways and bridges, and the removal of obstructions caused by snow" and,

similarly, has the duty and authority to dismiss Town Highway Department employees, subject to the terms of any applicable collective bargaining agreement and the Civil Service Law; and

WHEREAS, the Town's Highway Superintendent, Russell Goff, has the power to remove the subject employee from his employment, subject to the terms of the Collective Bargaining Agreement between the Town of Patterson and the Civil Service Employees Association, Inc., and the Civil Service Law; and

WHEREAS, by a written Designation of Hearing Officer dated August 21, 2014, the Town's Highway Superintendent, Russell Goff, has designated and directed William M. Wallens, Esq. to hold a hearing on the Charges against the subject employee, and provide a recommendation to the Highway Superintendent for review and decision, in accordance with Section 75 of the Civil Service Law; and

WHEREAS, the Town Board desires to authorize the payment by the Town to William M. Wallens, Esq. for his services as Hearing Officer at a rate of \$225 per hour up to \$1,500 per day;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Patterson hereby approves the designation of William M. Wallens, Esq. to serve as Hearing Officer as set forth in the Designation of Hearing Officer dated August 21, 2014 submitted by the Town's Highway Superintendent, Russell Goff; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the Town's payment to William M. Wallens, Esq. for his service as Hearing Officer at a rate of \$225 per hour up to \$1,500 per day for the purposes set forth herein; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Patterson hereby authorizes the Supervisor to execute any and all documents necessary to give effect to this resolution.

Seconded by Mr. Dandreano. Roll Call Vote: Mr. Burns, yes; Mr. Cook, yes; Mr. Dandreano, yes.

#### OTHER BUSINESS

None

#### PUBLIC RECOGNITION

None

#### ADJOURNMENT

There being no further business, Mr. Dandreano made a **motion** to adjourn the Town Board meeting at 4:30 p.m.

Seconded by Mr. Burns. All in favor: Aye. Carried.

Respectfully Submitted,

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Antoinette Kopeck, Town Clerk