

JULY 5, 2011

A Special Meeting of the Town Board of the Town of Greenwich, Washington County, New York was held at the Town Office Building, 2 Academy Street, Greenwich, New York on Tuesday, July 5, 2011 at 8:00 p.m. This meeting was called to discuss employment /personnel issues as well as to conduct any other business that may come before the Board.

PRESENT:	Sara Idleman	Supervisor
	Bob Jeffords	Councilman
	Steven Patrick	Councilman 8:28
	George Perkins	Councilman
	Eric Whitehouse	Councilman

Others Present: Elaine Kelly, Attorney Alan Wrigley and Tim Tefft.

Dispensing with formalities, Supervisor Idleman opened the meeting.

- Highway Superintendent's decision to demote working foreman:

Supervisor Idleman updated the Board on the latest happenings in the highway department. This morning Highway Superintendent Rick Sullivan came in to pick up the information that she had for him regarding the minimum qualifications for the foreman position. Rick told Supervisor Idleman it was too late that he had already told Stanley that he was no longer the foreman and that he had appointed Brian Barbur. She asked him if he realized what he was doing. Rick replied that he had already offered to keep Stan if the Board would give him tires. With that remark Supervisor Idleman decided she would not continue the conversation.

- Discussion with Barb Winchell regarding change in job description:

Supervisor Idleman reviewed with the Board her discussions with Barb Winchell regarding job title, job description and Barbara's concern about adding minimum qualifications. Councilman Jeffords recalled asking Barb for assistance in the past but never for qualifications. Attorney Wrigley stated he believes the Board was looking for a title for a particular job and that may be why we went to her but it was nothing to do with her approving a position. After a long discussion regarding the job description, the Board decided to remain with their original decision that was made on June 30, 2011 which was clarifying the job description so it lined up with Section 54-15 of the Town Code.

- Highway Superintendent's decision to demote working foreman (con't):

Supervisor Idleman researched this and said that Rick could not demote Stanley without due process. Removing someone from this position requires the same procedure as would be required to remove someone from employment who had more than 5 years of service. Documentation would be required and the employee would have to be notified what the removal was for, misconduct, incompetence, etc. Councilman Jeffords then questioned for verification that someone cannot be demoted for political reasons. Supervisor Idleman stated no, he can't and that is public knowledge and George and I will testify to that.

JULY 5, 2011

- Requested leave of absence:

Supervisor Idleman stated that Stanley has since considered asking for a 4 month leave of absence and that the Board can grant him that. Councilman Perkins asked if the Board grants the leave of absence does this leave the position open for appointment by Rick. Attorney Wrigley stated yes a temporary appointment. Attorney Wrigley continued by talking about parameters and setting up some sort of policy for leaves of absence. This was discussed but not acted upon.

- Atmosphere in town garage: Supervisor Idleman stated that the Board knows the atmosphere at the garage is volatile and abusive. She is considering getting a lawyer that specializes in this. Supervisor Idleman stated that Rick has said time and time again that he is not going to back down, he has said this to everybody, if somebody gets in his face he's not going to back down and he'll keep fighting. She continued by saying she is really concerned with what's happening at the garage and that we have a sense of responsibility to our employees.

- Highway Superintendent's decision to demote working foreman (con't): Discussion returned to Rick's appointment of the new foreman who is still on probation and does not meet the qualifications for the job. Councilman Perkins stated that before he votes to approve somebody who is not qualified by what's in Section 54-15, he would vote in favor of wiping the position completely out. If he has to control taking twenty cents off the hourly rate between an MEO and MEO foreman, he would vote in favor of that before he would he put in somebody who he believes has not shown qualifications for the job. Taxpayers expect more from us; to be able to do good things for this Town not deal with things like this.

Supervisor Idleman said she thinks the situation is dire and what they are experiencing out there is a form of extreme abuse. She knows they are not angels but by the same token she's seen evidence of how this person behaves. He has done it to her. She is inclined to agree with the leave of absence and that Stanley should be told that he is still the foreman. Councilman Perkins thinks the leave of absence is good for the Town.

Attorney Wrigley stated the Board can create a policy and make it as simple as they want, something like any town employee can ask for a leave of absence for up to four months.

Supervisor Idleman also stated that Barb Winchell said the request for the leave of absence should be given to the Highway Superintendent and if he denies it then the individual could bring the request to the Town Board.

Councilman Whitehouse stated that with the conflict and friction between these two individuals and being that the request for the leave of absence is due to one of the parties involved, that he feels the request could come to the Town Board directly.

Supervisor Idleman reminded the Board that Rick had said he was demoting Stanley for political reasons and that is a public statement.

Councilman Perkins said he doesn't see how the Board can ignore the human cost that's going on out there and he doesn't see any help from any other agencies.

RESOLUTION NO. 83-11
Highway – Leave of Absence

Resolution by Councilman Whitehouse
Seconded by Councilman Jeffords

JULY 5, 2011

and passed unanimously by said Board,

RESOLVED, that the Town Board grants a leave of absence to Stan Mattison beginning July 7, 2011 and not to exceed the date of December 29, 2011, and that he may return to service at his present job and level of work which is Motor Equipment Operator Foreman without question and that he may return to work sooner if he so chooses.

RESOLUTION NO. 84-11
Highway – Leave of Absence Coverage

Resolution by Councilman Jeffords
Seconded by Councilman Perkins

and passed unanimously by said Board,

RESOLVED, that the Highway Superintendent shall be permitted to hire any necessary worker or workers on a temporary basis, during the aforementioned leave of absence, to fulfill duties while remaining within his budget.

Supervisor Idleman told the Board that Rick had called her today to ask if the Town was going to pay the \$900 that his lawyer was charging him for his appearance at the Board of Ethics meeting. Sara told him that she could not answer that question. He asked her if she would call Alan Wrigley and she declined.

Attorney Wrigley stated that Rick had called him and he returned the call but has not heard back from him. Attorney Wrigley said he sees no reason to pay it as Rick was under investigation but was not up for charges where he could have lost his job. There was nothing at stake here. The Ethics Board was just doing its job handling an investigation. Rick was given the opportunity to present if he wanted to but he didn't have to.

- Hardscrabble Lane: Supervisor Idleman asked if anyone knew whether or not anymore work had been done there. Councilman Jeffords stated that Rick had told the crew that once they get to a certain point they weren't going to be working on it full time. They would work on it as they had time as long as they got it done before the end of the year. Councilman Patrick said he would imagine that the Engineer would like to see it get done as soon as possible. There was a big hurry to work on it for the last month so he doesn't understand why they would slow down now.

- Old Business: Councilman Whitehouse stated that next week's agenda would include discussion for going out to bid for this year's paving. The Board is concerned with the quality of the pavement that was put down last year and wants to ensure that they are spending tax money for good products that will last as they should. Councilman Patrick said North Road is in bad shape in less than a year and that if you didn't know that it had been paved last year, that by driving on it one would think that it had been there for ten years. Peckham uses millings in their blacktop. Councilman Whitehouse estimated 15-30% millings. The millings absorb the asphalt oil and then there is no cohesiveness for the material. Councilman Jeffords asked if other companies would allow our crew to

JULY 5, 2011

be involved and Councilman Whitehouse stated that would be part of the bid process. Discussion followed and Councilman Whitehouse will contact Ken Luskin to discuss the issue and make him aware of our concerns. Supervisor Idleman questioned shouldn't this be a concern of our Highway Superintendent? Councilman Whitehouse said if lay people such as ourselves, that don't know that much about it, notice it and are concerned, then one would think that it should be first and foremost in the Highway Superintendent's mind.

Motion by Councilman Perkins
Seconded by Councilman Patrick

and passed unanimously by said Board,

that the meeting be adjourned at 9:28 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk