

JUNE 30, 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 Thursday, June 30, 2011 at 8:00 p.m. This meeting was called to discuss job descriptions and two code enforcement issues as well as to conduct any other business that may come before the Board.

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| PRESENT: | Sara Idleman | Supervisor |
| | Steven Patrick | Councilman |
| | George Perkins | Councilman |
| | Eric Whitehouse | Councilman |
| ABSENT: | Bob Jeffords | Councilman |

Others Present: Elaine Kelly.

Dispensing with formalities, Supervisor Idleman opened the meeting.

1) Martin Hanehan had been served a notice of violation from Code Enforcement Officer Dan O'Connor regarding a mobile home/manufactured home/travel trailer/construction trailer on property on Thomson Road. The date to come into compliance has now passed and Code Enforcement Officer Dan O'Connor stated that he is in the process of giving Mr. Hanehan an appearance ticket to appear before the Judge. Councilman Whitehouse stated that Mr. Hanehan's concern to him was that the trailer in question is not any type of residence. Mr. Hanehan wants to make it clear that he will do whatever he needs to do to comply but he would like to know what it is being classified as and that he doesn't feel it falls into the category that the Town has placed it. Dan read the a section of the ordinance which states that no manufactured home shall hereafter be parked or otherwise placed in the Town of Greenwich outside of a licensed manufactured home park. Councilman Whitehouse stated that Mr. Hanehan's argument is that it is not a manufactured home. Dan stated that if you look at the definition of a manufactured home in the ordinance, it fits that. Councilman Whitehouse said that Mr. Hanehan feels that it is a storage trailer and that someone happens to throw a sleeping bag down in it during hunting season. Dan stated that it has a chimney and a stove. Councilman Whitehouse stated that Mr. Hanehan told him that the chimney had been removed. Dan disagreed stating that the chimney was still there as of yesterday and that if Mr. Hanehan wanted to build some sort of structure or camp he could do that but he can't have that type of mobile home. A long discussion followed about mobile homes, manufactured homes, campers, construction trailers, storage trailers, etc. and the regulations for each and if this were to go to court whether this particular one would even fall under any of our definitions. Dan stated that he will enforce the law in whatever way the Board interprets it. The Board decided that if Mr. Hanehan classifies it as storage then the Town has the right to check it out and if there are no facilities in it then the Town compromises and calls it a storage trailer. It was further stated that Mr. Hanehan would have to move it out into the woods and if he were to have people stay in it then he would have to abide by the camper rules. If it is used for any other purpose that would violate the Town's ordinances then he will be cited. Dan stated that he will call Mr. Hanehan and tell him that it will be considered a storage trailer and that he needs to move it

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back so that it is not visible from the road and that if he is going to be there for more than 14 consecutive days that he would need to comply with the travel trailer ordinance.

2) Sheila Byrnes has now replaced the mobile home on her property which was destroyed by fire. It was brought to the Assessor's attention by Tom Foster that he felt the home did not comply with the ordinance because it was older than five years. The Board reviewed this and this is not a requirement when an existing mobile home is being upgraded. The only requirement is that it is newer than the one that was originally there and this home is.

3) Supervisor Idleman stated Councilman Perkins had called her and that Highway Superintendent Rick Sullivan wanted to remove Stanley Mattison from the Working Foreman's position and put Brian Barbur in his place. She said that she and Councilman Perkins met with Rick this morning and that Rick very clearly said that he wanted to do this and that he was doing this for political reasons. Supervisor Idleman said that they encouraged Rick not to do it that it didn't make sense and that if someone asks her publicly that she will tell them that it doesn't make sense, that Brian is still in his probationary period and that he hasn't proved himself as a worker, that Rick himself has said that Stanley has done a good job and finally that Rick was saying that it was for political reasons. She told Rick that she couldn't support any of that. She questioned Rick that he was doing it for political reasons and he said absolutely yes and explained why.

Councilman Perkins reiterated to the Board that Rick was told that he and Supervisor Idleman couldn't support that. Councilman Perkins stated for the record, that for him this has nothing to do with politics, that it is something to do with what is good for the Town of Greenwich and for the people of the Town of Greenwich. Councilman Perkins stated that the Mr. Barbur is still in his probationary period, he hasn't even gotten to the second step from laborer to motor equipment operator and now Rick wants to move him into the foreman position and he hasn't proven that he can run people and run the equipment. Councilman Perkins continued by stating that he is opposed to it from a business stand point, it just makes no sense.

Supervisor Idleman said she had spent a lot of time on this today and one of the things that can be done is to add an experience qualification to the job description.

Councilman Whitehouse stated that he agrees with Councilman Perkins and that it is nothing political but what is best for the Town. It doesn't matter who the people involved are but that it just doesn't make sense. It has nothing to do with those involved personally but it has everything to do with the strategy and the reasoning.

Councilman Perkins stated that he read to Rick section 54-15 of the Town Code that deals with the progression of employee's pay going from one step to the next as they gain experience. He tried to explain to Rick that he feels that it is saying that an employee needs to move along to different positions as they gain ability and show good faith to the Town. Rick said that it was just pay treatment and that he doesn't care about it. Councilman Perkins continued by saying that there is nothing in our personnel policy that specifically says what the timeframe is that you have to be in a specific grade or what the qualifications are before you can move out of that grade. He feels that section 54-15 says that you have to have specific things before you can go to the next step and that someone shouldn't be

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allowed to be named foreman if he hasn't gone through any of this. Section 54-15 talks about a year's time and in a year someone could very well could be seen as qualified and would be a motor equipment operator and be able to operate all the equipment. In a year maybe, at this particular time he doesn't think so and stated that he is basing his thinking on Section 54-15.

Councilman Whitehouse stated that again leaving out the specific people involved because that has nothing to do with it, but it is the principal of a new hire and after only three months, all of a sudden being in charge of people that have been there for years.

Councilman Patrick questioned how someone could become a foreman if they can't even become a motor equipment operator for nine more months? It seems almost impossible for someone to be appointed foreman until at least a year.

Supervisor Idleman said that Rick said that he had called the County and the Association of Towns and they both said he could do whatever he wants.

Councilman Perkins stated he is frustrated because these employees are the Town of Greenwich employees and he understands that Rick, as an elected official, runs them but these are our employees. They aren't just highway department employees, they aren't a separate thing, they are Town of Greenwich employees and we are obligated to our employees. We are obligated to somebody who is in the position, and with nothing other than a political reason, how do we say we are going to take you out of there and put somebody in who is not qualified. That is not a good enough reason.

Supervisor Idleman agreed and added that on top of it all the morale is horrible. Councilman Perkins said we need to gain control of our employees and just because someone is an elected official doesn't mean he can do whatever he wants. Supervisor Idleman said that the welfare of our employees is our concern. Councilman Perkins stated that the total package of our employees is our concern. We have an obligation to our employees; you put them in a title and if there is a good reason to get rid of them then give me the good reason. I'm not hearing any good reasons.

Supervisor Idleman said Rick is standing by his political reasons and that he was asked several times and he said over and over again that he was doing it purely for political reasons.

Councilman Perkins said it's election time and he understands that there are feelings of anxiousness but still we have an obligation to operate this as a business and what is good for our employees. This is no way to treat an employee for whatever reason.

Councilman Whitehouse said it is in the best interest of the Town to maintain quality employees so that things get done properly and jeopardizing too much for juvenile reasons is just not acceptable.

Discussion followed about the current job description. It was noted that the other job descriptions also need to be reviewed. The Board took the following action:

RESOLUTION NO. 82-11
Highway- Foreman

Resolution by Councilman Whitehouse
Seconded by Councilman Perkins

and passed unanimously by said Board,

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RESOLVED, that effective immediately, the Town of Greenwich amends the current job description for Working Foreman to change it to:

MOTOR EQUIPMENT OPERATOR - FOREMAN
Job Description

A Motor Equipment Operator - Foreman performs manual work of ordinary difficulty involving responsibility for acting as a work leader over a small group of laborers and/or motor equipment operators. A Motor Equipment Operator Foreman actively participates in the work being done. In the absence of the Superintendent of Highways, his supervisory responsibilities are generally restricted to ensuring that the employees working with him are performing their duties properly and diligently.

Minimum Qualifications: The employee must be a Motor Equipment Operator for the Town of Greenwich requiring a minimum of one year of service, pursuant to Section 54-15 of the Code of the Town of Greenwich.

Councilman Patrick stated that the thing he is very comfortable with is that we aren't making up any new rules it's just making this consistent. Councilman Whitehouse stated that this also serves for the future to avoid any of this.

Councilman Whitehouse stated that he feels that we are doing the right thing for the Town and that is why we are here. Supervisor Idleman agreed.

Motion by Councilman Perkins
Seconded by Councilman Patrick

and passed unanimously by said Board,

that the meeting be adjourned at 9:05 P.M.

Respectfully submitted,

Elaine A. Kelly, RMC, CMC
Town Clerk