

**Village of Port Dickinson
Monthly Board Meeting
January 14, 2014
Port Dickinson Village Hall**

Officers Present:	Mayor	Kevin M. Burke
	Trustees	Robert Aagre Michael Cashman James DeGennaro
	Attorney	Herbert Kline
	Clerk	Susan Fox
	Treasurer	Cheryl Miller

The regular monthly meeting was called to order at 6:00 pm by Mayor Kevin Burke

APPROVAL OF MINUTES:

Motion by Trustee Cashman, seconded by Trustee Aagre, for approval of the minutes of the December 10, 2013 meeting

AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

PUBLIC COMMENT:

TREASURER'S REPORT:

Written report to be filed with the Village Clerk

AUDIT AND PAYMENT OF CLAIMS

Motion by Trustee Cashman, seconded by Trustee DeGennaro, to pay claims No. 1-22, 31-33 as listed on the Abstract of Unaudited Vouchers for the General Fund for \$45,467.27

AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

Motion by Trustee Aagre, seconded by Trustee Cashman, to pay claims No. 23-25 as listed on the Abstract of Unaudited Vouchers for the Water Fund for \$1,465.10

AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

Motion by Trustee Aagre, seconded by Trustee Cashman, to pay claims No. 5, 26-30 as listed on the Abstract of Unaudited Vouchers for the Sewer Fund for \$53,657.05

AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

COMMUNICATIONS:

1. Mayor Burke reported that Trustee Blakeslee submitted a letter of resignation effective 1/14/14.
2. Certificate of Insurance received from American Window and Floor Cleaning Co of Binghamton, Inc
3. Certificate of Insurance received from Rapp Signs
4. Certificate of Insurance received from J S Lawncare, Inc
5. Certificate of Insurance received from Suit-Kote Corp

COMMITTEE REPORTS:

Administration/Community Association: Written report on file with the Village Clerk

Parks/Public Works: Written report on file with the Village Clerk.

Planning Board: meeting 1/14/14

Public Safety: Written report on file with the Village Clerk.

Water/Sewer : No report

Zoning: meeting 1/14/14

RESOLUTIONS:

- I. Motion by Trustee Cashman, seconded by Trustee DeGennaro for a RESOLUTION APPROVING CHARGES TO BE CONSIDERED REGARDING AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN AGAINST POLICE CHIEF SEAN CROUSE**
AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

Whereas, the Board of Trustees (the “Board”) of the Village of Port Dickinson, Broome County, New York (the Village) has received information from an investigation caused to be conducted by said Board that Sean Crouse, Chief of Police of the Village (“Crouse”) has violated certain provisions of the Port Dickinson Police Department Rules and Regulations and violated certain provisions of the Penal Law of the State of New York, and

Whereas, Civil Service Law Section 75 and the Village Disciplinary Procedures provide that in certain circumstances a municipality is required to conduct a hearing prior to taking disciplinary action against certain protected classes of employees, including among others a person holding a position by permanent appointment in the competitive class of the classified civil service, and

Whereas, due to such permanent appointment in the competitive class of the classified civil service status, it would appear that Crouse is entitled to the protection of Civil Service Law Section 75 and the Village Disciplinary Procedures

Whereas, the Board on January 14, 2014 duly authorized a disciplinary hearing be conducted regarding Crouse’s said conduct

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Port Dickinson in regular session duly convened, as follows:

1. Disciplinary charges are hereby preferred against Chief of Police Sean Crouse:
2. A copy of the formal charges preferred against Crouse will be furnished to Crouse and Crouse will be allowed at least fifteen (15) days to answer the same in writing by denying the charges, admit to the charges and accept the proposed penalty of termination of employment or admit to the charges but reject the proposed penalty. Crouse may elect to proceed under either the Village’s Disciplinary procedure or Civil Service Law section 75 in such response. Such response may either be hand delivered to the Village by delivering it to the Village Clerk or Deputy Village Clerk at 786 Chenango Street in the Village during normal business hours or mailing it to the above address postmarked within said 15 day period. Failure to submit a timely response shall be deemed acceptance of the charges and the proposed penalty.
3. A hearing pursuant to Civil Service Law Section 75 and/or the Village Disciplinary Procedures will be held on February 4, 2014 at 10:00 o’clock AM at the law offices of Coughlin & Gerhart, 99 Corporate Drive, Binghamton, NY, before Joseph Peckham, Esq. a hearing officer appointed for that purpose by the Board. At that hearing, Crouse will be given an opportunity to be heard regarding said charges, to be represented by counsel at this hearing and to present such witnesses and other proof as he may wish in defense against said charges.

4. If Crouse is found guilty of any of the charges preferred against him the penalty or punishment imposed upon him may consist of any of the following: dismissal from the service of the Village, demotion in grade and title, suspension without pay for a period not exceeding two months, a fine not exceed \$100 or reprimand.
5. The Mayor of the Village is directed to communicate these charges in writing to Crouse as well as his rights pursuant to Civil Service Law Section 75.
6. This resolution shall take effect immediately

II. Motion by Trustee Cashman, seconded by Trustee Aagre, for a RESOLUTION AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN AGAINST POLICE CHIEF SEAN CROUSE AND DIRECTING SUSPENSION WITHOUT PAY PENDING CIVIL SERVICE HEARING
AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

Whereas, the Board of Trustees (the "Board") of the Village of Port Dickinson, Broome County, New York (the Village) has received information from an investigation caused to be conducted by said Board that Sean Crouse, Chief of Police of the Village ("Crouse") has violated certain provisions of the Port Dickinson Police Department Rules and Regulations and violated certain provisions of the Penal Law of the State of New York, and

Whereas, Civil Service Law Section 75 and the Village Disciplinary Procedures provide that in certain circumstances a municipality is required to conduct a hearing prior to taking disciplinary action against certain protected classes of employees, including among others a person holding a position by permanent appointment in the competitive class of the classified civil service, and

Whereas, due to such permanent appointment in the competitive class of the classified civil service status, it would appear that Crouse is entitled to the protection of Civil Service Law Section 75 and the Village Disciplinary Procedures

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Port Dickinson in regular session duly convened, as follows:

1. Appropriate disciplinary action shall be taken by the Village against Sean Crouse for his misconduct in violating certain provisions of the Port Dickinson Police Department Rules and Regulations and violated certain provisions of the Penal Law of the State of New York, and
2. The Mayor is directed to advise Crouse in writing of his rights pursuant to Civil Service Law Section 75 and the Village Disciplinary Procedures
3. A copy of the formal charges preferred against Crouse will be furnished to Crouse and Crouse will be allowed at least fifteen (15) days to answer the same in writing by denying the charges, admit to the charges and accept the proposed penalty of termination of employment or admit to the charges but reject the proposed penalty. Crouse may elect to proceed under either the Village's Disciplinary procedure or Civil Service Law section 75 in such response. Such response may either be hand delivered to the Village by delivering it to the Village Clerk or Deputy Village Clerk at 786 Chenango Street in the Village during normal business hours or mailing it to the above address postmarked within said 15 day period. Failure to submit a timely response shall be deemed acceptance of the charges and the proposed penalty.
4. A hearing pursuant to Civil Service Law Section 75 and/or the Village Disciplinary Procedures will be held on February 4, 2014 at 10:00 o'clock AM at the Law Offices of Coughlin & Gerhart, 99 Corporate Drive, Binghamton, NY, before Joseph Peckham, Esq. a hearing officer appointed for that purpose by the Board. At that hearing, Crouse will be given an opportunity to be heard regarding said charges, to be

represented by counsel at this hearing and to present such witnesses and other proof as he may wish in defense against said charges.

5. Pursuant to Civil Service Law Section 75 (3) and Village Disciplinary Rules, Crouse's employment by the Town is suspended immediately without pay for a period of thirty days while awaiting the decision of the Hearing Officer.

6. This resolution shall take effect immediately.

III. Motion by Trustee Cashman, seconded by Trustee DeGennaro RESOLUTION APPROVING CHARGES TO BE CONSIDERED REGARDING AUTHORIZING DISCIPLINARY ACTION TO BE TAKEN AGAINST POLICE CHIEF SEAN CROUSE
AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO
NAY NONE

Whereas, the Board of Trustees (the "Board") of the Village of Port Dickinson, Broome County, New York (the Village) has received information from an investigation caused to be conducted by said Board that Sean Crouse, Chief of Police of the Village ("Crouse") has violated certain provisions of the Port Dickinson Police Department Rules and Regulations and violated certain provisions of the Penal Law of the State of New York, and

Whereas, Civil Service Law Section 75 and the Village Disciplinary Procedures provide that in certain circumstances a municipality is required to conduct a hearing prior to taking disciplinary action against certain protected classes of employees, including among others a person holding a position by permanent appointment in the competitive class of the classified civil service, and

Whereas, due to such permanent appointment in the competitive class of the classified civil service status, it would appear that Crouse is entitled to the protection of Civil Service Law Section 75 and the Village Disciplinary Procedures

Whereas, the Board on January 14, 2014 duly authorized a disciplinary hearing be conducted regarding Crouse's said conduct

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Port Dickinson in regular session duly convened, as follows:

2. The attached Disciplinary charges are hereby preferred against Chief of Police Sean Crouse which charges shall remain confidential pursuant to NYS Civil Rights Law Section 50-a until such time that Crouse determines to authorize that the hearing to be held pursuant to Civil Service Law Section 75 and/or the Village Disciplinary Procedures on February 4, 2014 at 10:00 o'clock AM at the law offices of Coughlin & Gerhart, 99 Corporate Drive, Binghamton, NY, before Joseph Peckham, Esq. a hearing officer appointed for that purpose by the Board shall be open to the public

3. This resolution shall take effect immediately.

OLD BUSINESS:

- Mayor Burke met with Larry Lepak, NYSDEC, regarding status of the Watson Ave Pump Station. NYS DEC is waiting for the Army Corp of Engineers final approval for: installation of a new pump, propane storage tank, remote video monitoring by DEC, water level sensors and an access road. The proposal also included construction of an auxiliary pump sump pit in case additional pumps would be needed.
- Attorney Kline reported that he has prepared an intermunicipal agreement with the Town of Fenton acting as lead, regarding DOT work on the Service Road. The agreement has been forwarded to the Town of Fenton for review.

ADJOURNMENT: Motion by Trustee Aagre, seconded by Trustee Cashman for a motion to adjourn at 7:00 PM.

AYE TRUSTEES, AAGRE, CASHMAN, DEGENNARO

NAY NONE

Respectfully submitted,
Susan E. Fox, Village Clerk