

The Board of Trustees of the Village of Westhampton Beach held a Special Meeting on Tuesday, January 12, 2010 at 10:30 a.m. in the Municipal Building, 165 Mill Road, Westhampton Beach

**PRESENT: Mayor Conrad Teller
Deputy Mayor Toni Jo Birk (arrived 10:45 a.m.)
Trustee James Kametler
Trustee Joan Levan
Trustee Hank Tucker**

**Clerk Treasurer Kathleen McGinnis
Village Attorney Hermon Bishop**

Mayor Teller opened the meeting with the Pledge of Allegiance. He asked everyone to remain standing for a moment of silence for Harris Palmer. He said he was one of the Village's volunteers who attended airport meetings and noise pollution meetings and did a nice job on it for us.

Resolutions:

Accept minutes of Board of Trustees Meetings

Motion by Trustee Tucker:

RESOLVED, that the minutes of the Board of Trustees Meetings of December 2nd and Special Meeting of December 7th, 2009 are hereby accepted.

Seconded by Trustee Kametler and unanimously approved. 3 Aye, 0 Nay

Accept Departmental reports

Motion by Trustee Kametler:

RESOLVED, that the Treasurer's report for November 2009, Justice Court, Police Department's and Building Inspector's reports for December 2009, are hereby accepted.

Seconded by Trustee Levan and unanimously approved. 3 Aye, 0 Nay

Adopt Local Law 1/2010 amend Village Code to increase building fees

Motion by Trustee Levan:

WHEREAS, A RESOLUTION was duly adopted by the Board of Trustees for a public hearing to be held by the Board of Trustees at the Village Hall, 165 Mill Road, Westhampton Beach, New York at 7:00 PM on January 7, 2010, to hear all parties on a proposed Local Law entitled "A Local Law increasing Building Department fees, requiring that professional fees be paid in advance, and requiring applicants to pay approval extension fees;" and

WHEREAS, notice of said public hearing was duly advertised in the Southampton Press and posted at various public locations throughout the Village; and

WHEREAS, said public hearing was duly held at the Village of Westhampton Beach, on December 2nd, 2009, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Board of Trustees determines that this action is subject to Part 617 of the implementing regulations pertaining to Article VIII (State Environmental Quality Review Act) (SEQRA), that it resolves itself lead agency, that it has reviewed the EAF Part I, and lists this action as a Type 2 action, pursuant to 6 NYCRR Section 617.5, and accordingly, no further environmental review is necessary; and

WHEREAS, the Board of Trustees, after due deliberation, finds it is in the best interest of the Village of Westhampton Beach to adopt said Local Law;

NOW, THEREFORE, the Board of Trustees hereby adopts Local Law 1/2010 entitled "A Local Law increasing Building Department fees, requiring that professional fees be paid in advance, and requiring applicants to pay approval extension fees," a copy of which is attached hereto and made a part hereof, and the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village, and to give due notice of the adoption of said Local Law to the Secretary of State.

Seconded by Trustee Kametler and unanimously approved. 3 Aye, 0 Nay

Approve 2010 traffic signal maintenance agreement

Motion by Trustee Tucker:

RESOLVED, that the proposal submitted by Johnson Electrical Construction Corp. for the 2010 traffic signal maintenance at a cost of \$685.00 per month, plus \$5 fee per lamp replaced during the annual re-lamping and inspection, is hereby accepted.

Seconded by Trustee Kametler and unanimously approved. 3 Aye, 0 Nay

Approve 2010 service contract for Village Hall Telephone System

Motion by Trustee Kametler:

RESOLVED, that the annual 2010 service contract with CBS Technologies for the Village Hall phone system, is hereby renewed at a cost of \$7,650.00.

Seconded by Trustee Levan and unanimously approved. 3 Aye, 0 Nay

Authorize 2010/2011 Community Development Budget

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby allocate the federal fiscal year 2010/2011 Community Development Block Grant funding in the amount of \$12,000.00 as follows.

- \$9,500.00 Family Counseling provide therapeutic intervention services to at-risk individuals/families
- \$2,500.00 Village project Handicapped beach access project

Seconded by Trustee Kametler and unanimously approved. 3 Aye, 0 Nay

Approve settlement of the Ocean Dunes Condominium tax certiorari claim

Motion by Trustee Tucker:

RESOLVED, that the Board of Trustees hereby approve the settlement of the tax certiorari claim of the Board of Managers of the Ocean Dunes Condominium for property located at 279 Dune Road, tax map #s 905-19.1-2-1 through 20, for the 2008/09 and 2009/10 assessment years pursuant to the terms set forth in the Stipulation of Settlement and the refund in the amount of \$9,677.00.

Seconded by Trustee Kametler and unanimously approved. 3 Aye, 0 Nay

Approve settlement of Parnis Properties, LLC tax certiorari claim

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby approve the settlement of the tax certiorari claim of Parnis Properties, LLC for property located at 31, 37 & 47 Exchange Place, tax map #s 905-15-5-27, 28.2, 28.3 & 29, for the 2007/08 assessment year pursuant to the terms set forth in the Stipulation of Settlement and the refund in the amount of \$2,029.20.

Seconded by Trustee Kametler and unanimously approved. 3 Aye, 0 Nay

Authorize payment of small claims real property tax reductions

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees hereby authorize the payment of 2008/09 and 2009/10 real property tax reductions in the amount of \$12,573.50 as a settlement of small claims as ordered by the NYS Supreme Court to the property owners specified on the attached list.

Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay

Approve 2010/11 real property tax exemptions

Motion by Trustee Tucker:

Resolved, that the Board of Trustees hereby approve the attached list of taxpayers to receive aged exemptions, disability exemptions, veterans exemptions, clergy exemptions, and volunteer ambulance/firefighters exemptions.

Seconded by Trustee Kametler and approved as follows:

Deputy Mayor Birk	Abstain	Trustee Kametler	Aye
Trustee Levan	Aye	Trustee Tucker	Aye

Schedule Village Tax Lien Sale – March 9, 2010 @10:30 a.m.

Motion by Deputy Mayor Birk:

WHEREAS, from the accounts of unpaid taxes heretofore returned by the Treasurer of the Village of Westhampton Beach, New York, to this Board for the year 2010 or years 2009-10 both inclusive, the following taxes still remain due and unpaid after due notice and demand on each of the property owners for the payment of said taxes, to wit:

(See attached copy of unpaid taxes)

WHEREAS, no action has been commenced to recover said unpaid taxes and no sale, on

account of said unpaid taxes has heretofore been held pursuant to law, therefore let it be

RESOLVED, that such unpaid taxes shall be collected by the sale for taxes as provided in Section 1454 of the Real Property Tax Law of the State of New York; that a copy of this resolution, duly certified by the Clerk, shall be transmitted forthwith to the Treasurer of this Village with the account, affidavit and certificate of such unpaid taxes, and that the Village Treasurer, upon receiving such an account of unpaid taxes and a certified copy of this resolution is authorized and directed to cause to be published in the official newspaper of the Village once each week for three successive weeks a list of statement of the real estate upon which such taxes are unpaid, as shown in the tax list, with the amount of the tax, a twenty-five dollar (\$25) advertising fee, interest and charges thereon and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks, be determined by said Village Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge, the tax, twenty-five dollar (\$25) advertising fees, interest and charges aforesaid, which may be due thereon at the time of such sale, and that said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as above set forth, and continue at the same from day to day until the sale is completed.

BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for amount sufficient to pay the said tax, fees, interest and charges, the said premise shall be deemed to have been sold to and purchased by the said Village of Westhampton Beach, New York.

RESOLVED, that all remaining unpaid taxes for the fiscal year 2009-10 shall be collected by Public Sale to be held on Tuesday, March 9, 2010, at 10:30 a.m. in the Office of the Village Clerk-Treasurer and such unpaid taxes be advertised in the Southampton Press issues dated February 18, February 25, and March 4, 2010, in accordance with the statutory law.

Seconded by Trustee Kametler and unanimously approved. 4 Aye, 0 Nay

Schedule 2010 General Village Election

Motion by Trustee Kametler:

RESOLVED, that the General Election of the Village of Westhampton Beach, New York shall be held on Friday, June 18, 2010 at the Village Hall, 165 Mill Road, Westhampton Beach, New York between the hours of 12 noon to 9 p.m. prevailing time, and the offices to be filled are:

Mayor – one (1) for a term of two (2) years
Trustees – two (2) for a term of two (2) years

Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Approve Greater Westhampton Chamber of Commerce 2010 Events

Motion by Trustee Levan:

RESOLVED, that the Greater Westhampton Chamber of Commerce is hereby authorized to use the Village Green and Great Lawn for the events listed on the attachment.

Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Approve Peconic Community Council Classic Car Show – July 24th Great Lawn

Motion by Trustee Tucker:

RESOLVED, that the Peconic Community Council is hereby authorized to hold a Classic Car Show on the Great Lawn on Saturday, July 24th from 8:00 a.m. to 5:00 p.m.

Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

Approve warrant for January 2010

Motion by Deputy Mayor Birk:

RESOLVED, that the warrant for January 2010 in the amount of \$225,176.23 for the General Fund is hereby approved.

Seconded by Trustee Tucker and unanimously approved. 4 Aye, 0 Nay

Mayor Teller said he would like to make a motion to add on some resolutions. Seconded by Deputy Mayor Birk and voted on as follows:

Deputy Mayor Birk	Aye	Trustee Kametler	No response
Trustee Levan	No response	Trustee Tucker	No response
Mayor Teller	Aye		

Trustee Tucker asked if these resolutions were something that were an emergency type that are necessary to have immediately.

Mayor Teller responded he felt they were necessary to continue transacting business in the Police Department.

Deputy Mayor Birk asked if that resolution passed or not.

Mayor Teller replied no.

Trustee Kametler made a motion that the Board go into Executive Session to review and speak about the Mayor’s present new motions.

Village Attorney Hermon Bishop said if they go into Executive Session, they can make a motion to close the public portion of this meeting, but you have to specify one of the seven grounds that you are going to be going into Executive Session for. He then read the seven grounds to the Board and said that in order to go into Executive Session, we would have to know the substance of the resolutions that you want to go into Executive Session for or at least some indication of what you are going into Executive Session for. He said if you want to discuss the resolutions, then it has to fall under one of those categories.

Trustee Kametler said Bo, the Mayor would like you to review those....

Trustee Tucker asked the Mayor if these resolutions are something we need the advice of our labor attorney in order to be able to intelligently discuss it, since we are not prepared, not knowing what the resolutions are.

Mayor Teller responded you were prepared enough to dismiss the resolutions and tell the Chief of Police to withdraw the charges, so it is nothing more than the same rehash and I’m saying they should be on the agenda, they should be heard and a hearing officer should be appointed. He said I haven’t changed my opinions and you people had sufficient information to tell the Chief of Police to.....same set of facts.

Trustee Tucker said we’ve already voted on those resolutions.

Trustee Levan said that was right.

Mayor Teller said he believes those resolutions are illegal and he has proof here.

Trustee Tucker told the Mayor to be careful when he uses that word.

Mayor Teller asked if Trustee Tucker said to be careful using that word. He said I have a legal opinion (he gave a copy to the Board members).

Trustees Levan and Kametler said they have a legal opinion, too.

Trustee Tucker asked the Mayor if he shared that legal opinion with the Board at all. He asked if this is our labor attorney or who did this come from.

Trustee Kametler remarked to Village Clerk Kathy McGinnis that his e-mail from her had said the Board would not be discussing this today.

Mrs. McGinnis explained that she had said the resolutions would not be on the agenda and they weren't on the agenda. She said she can't prevent anyone on the Board from making a motion to add on things, right. She asked how she could do that. She said she did not know what power she would have to do that.

Trustee Levan said she would prefer meeting with our labor attorney before we have any discussion on the resolutions.

Trustee Tucker said it was an eight page document and they obviously need to review this and be able to have the same advantage the Mayor had at discussing it with our labor attorney.

Mayor Teller asked Trustee Kametler if he wanted to withdraw his motion.

Trustee Levan said yes.

Trustee Kametler said he wanted to review this and withdraw the motion to go into Executive Session.

Mayor Teller said that concluded the meeting and asked for a motion to adjourn.

Mr. Bishop said they hadn't had the public discussion.

Mrs. McGinnis said she hadn't actually meant to have that on. She had re-done the agenda and there weren't any public hearings, but she guessed there could be public discussion.

PUBLIC DISCUSSION

Mayor Teller asked if anyone would like to speak, but asked them to refer questions to him.

Dean Speir, 256 East Main Street, referred his question to the Village Attorney through the Mayor. He asked as a matter of procedure, who sets the agenda for the meeting as a matter of municipal Village law.

Mr. Bishop responded that under the rules of procedure, the agenda is prepared by the Village Clerk at the direction of the Mayor. He said that members of the Board may request that an item be placed on the agenda by filing the resolution with the Clerk and can do so at any time by a majority vote of the Board at the end of the agenda.

Mr. Speir asked if the agenda of the aborted Village meeting of last Thursday night that was here at 7:00, was there any difference between that agenda and the one he picked up at 3:00 that afternoon.

Mayor Teller asked between today and.....

Mr. Speir said no sir, at 3:00 in the afternoon I picked up an agenda at the.....

Mayor Teller said there was no difference between the 3:00 one and the 7:00 one.

Mr. Speir said so, in other words, it wasn't a last minute agenda, it was an agenda that had been made public or published at least four hours prior to the meeting.

Trustee Tucker asked how Mr. Speir received the agenda.

Mr. Speir said he had asked at the front desk for it. He said it was a public document.

Mayor Teller said it goes out about 3:00.

Trustee Kametler said the day before the meeting on a Wednesday, it wasn't.....

Mrs. McGinnis said no, it was the day of the meeting, at 3:00 Mr. Speir came into the Village Office; Liz answered the front desk and gave him an agenda. She said Trustee Kametler's agenda was in his box but it was after 2:00 though. She didn't know what he had picked up on a Wednesday.

Trustee Kametler said he didn't pick anything up on Wednesday. He said Mrs. Levan was in on Wednesday before.....

Mrs. McGinnis said she was actually in on Thursday, too, but there was no agenda that she left in any box before that. She said she didn't change the agenda.

Trustee Levan said she was here on Thursday at 2:15.

Trustee Kametler said just to clarify Mr. Dean's question, I picked up the agenda at 6:15 or 6:20 that day. The Mayor had added on seven items onto that agenda at 3:00 when you picked it up.

Mayor Teller said they were already on the agenda.

Trustee Kametler said they may have already been on the agenda but you made a statement that you had an attorney tell you to do this.

Mayor Teller said he did not. He said he had an attorney tell him his resolutions are correct.

Trustee Kametler replied you said you had an attorney tell you that they were correct. He said we have an attorney that this Village pays for. You made the statement that you were paying for your own attorney at this time.

Mayor Teller said that is right. He said neither Village attorney could give him the specific answers to his questions.

Trustee Kametler said this Board does not operate without attorney's approval, so he did not know if the Mayor was saying our attorney for the Village is a double agent.

Mayor Teller said no.

Trustee Kametler said he advised us one way and you are telling us now that he is advising you a different.....

Trustee Levan said that is a separate attorney.

Mayor Teller said I don't know where he is advising you on which specific piece of paper that you are taking the information off of. The one paper I read does not specifically say what certain people think it says and I asked our labor attorney to give me specific answers on questions concerning my duties as Mayor and he said it was a conflict of interest, he couldn't do it. Mr. Bishop couldn't do it; it was a conflict of interest. So, I contacted my own attorney and had him do a.....my specific questions which are on the paper you've got.

Mr. Speir asked for a clarification. Are we talking about two or three different attorneys here, Mr. Bishop and one or two labor attorneys?

Mayor Teller responded two labor attorneys. One is Zuckerman, which is our Village labor attorney and I contacted another one.

Trustee Kametler said well, obviously it is Vincent Toomey, because that is where the.....

Mayor Teller said it was Vincent Toomey.

Mr. Speir asked if he was a previous attorney for the Village, did he serve the Village.

Mayor Teller said he did serve the Village a ways back.

Trustee Kametler said so, right now you are taking advice from the Village attorney which we pay for, you have your own attorney which you pay for and we have Mr. Bishop who the Village pays for.

Mr. Bishop stated he does not get involved in any civil service labor law issues or disciplinary charges. No Village attorney has been involved in those matters.

Mayor Teller said there are resolutions being passed that I believe are totally erroneous. They are involving two police officers. We've got two police officers that have got allegations hanging over their head that should be heard by an independent hearing officer.

Trustee Levan said that wasn't the advice we got from Zuckerman, our labor attorney, and you were in on that meeting Conrad. You were at that meeting.

Trustee Kametler said he told us how to draft up that resolution at that meeting that you attended and we drafted it up the same way he told us.

Trustee Levan added that all four Trustees agreed.

Deputy Mayor Birk said that when she spoke to Zuckerman and asked him, she had a conversation with him about a month ago about how to get the charges in that report cleared for the two officers with the questions I asked him, I was advised the hearing process is the best way to clear those charges in the report against those officers.

Trustee Levan said that is not what you agreed to when we all sat with him for an hour and a half.

Deputy Mayor Birk said when I contacted him after that meeting.....

Trustee Levan said I find it hard to believe that he sat and gave us legal advice, then changed it.....

Deputy Mayor Birk said I had the legal advice, I will repeat it, the questions I asked him were in specific regards to clearing the charges in that report from the officers and with the questions, I don't have a list in front of me of what I asked him at that moment. But, the questions I asked him, I took what he said as the best way is to go through the hearing process.

Trustee Levan said she thinks we need to have another meeting, all of us, with our labor attorney before any decision is made. We already decided what to do based on what he said and since you are having some issues with it now, that is the way to go.

Deputy Mayor Birk said she is not having any issues. I have a total different opinion of what.....

Trustee Kametler said you are like a flounder on a fishing deck. You flip flop left and right, left and right. It has constantly been a problem with you. You go one way and then someone will speak to you and you will go the other way. And, I'm sure tomorrow you'll flip flop back the other way. I mean it's.....

Deputy Mayor Birk said that is incorrect because last Thursday when we spoke I was trying to explain to you guys what I heard from Zuckerman and you know what, Jim, I try and look at everything to make the best decision to represent the Village residents and in talking to Zuckerman after we spoke, that is where I have come to my decision and I will stand with this decision.

Trustee Kametler responded if the Village residents want to spend hundreds of thousands of dollars on a hearing, that's.....

Deputy Mayor Birk said she thinks the residents would be happy to have these charges cleared. I want the charges off these officers is what I want and I'm sure our Village residents do too, but.....

Trustee Kametler asked what are the charges.

Deputy Mayor Birk said you have the report, Jim.

Trustee Kametler said I'm telling you, you don't know the charges, what are they?

Deputy Mayor Birk said she did not wish to discuss them right now. I have a report like you do, Jim and with a hearing, there is eight against one, one against another and with a hearing there may be five, six, two, one or nothing against one and nothing against the other, but until it goes to that process.....I want the guys cleared.

Trustee Kametler responded I'm sure they want to be cleared, too.

Trustee Tucker said we've been asking for three years that I've been on the Board to have the agendas ahead of time, especially so that when there are issues that pertain to any legal matters we would have the opportunity to be able to review them, do any research we needed, discuss them with labor attorneys, which we don't have that advantage. As Bo just stated, he can't give us any advice on labor issues in that regard, so we requested that on numerous occasions, more than numerous occasions to please have the agendas ahead of time. On December 29th we received an agenda called the "tentative agenda" pertaining to what the meeting was going to be last Thursday night and I sat with you, Conrad, on Wednesday the day before the meeting in the afternoon, asked you if anything was new, you told me there was nothing new and then proceeded, I had no choice – I had to go to the doctor Thursday all day. I showed up at Village Hall at twenty of seven before the meeting, so that is when I first had the opportunity to see that the agenda, and actually I didn't think it was changed. It was as we were getting ready to walk upstairs when I noticed that the agenda was changed and made mention and I don't believe Toni or Jim or Joan had viewed the agenda at that point and there were items on there that clearly required information and discussion and attorney input that we couldn't possibly do during a meeting or even during an executive session if we went into that. So, to add those resolutions on and you say 3:00, that's fine. I wasn't around at 3:00 Thursday. But, for you to add those resolutions on, especially because we've asked you not to do that over time when it pertains to, it's okay to add a resolution on, but not when it pertains to something where we really need clarification from labor attorneys or discussions on it. The other part of that is there is, it's unfortunate that a report was released to the newspaper and to the public. It was very, very unfortunate. There are two officers out there, as everybody knows now, that are named in this report and they have rights as well. As a Village and as a Board, I feel we are treading on dangerous territory to be sitting here; we're not allowed to discuss personnel matters even if it was published in the newspaper, not allowed to discuss personnel matters in public. So, to play this out by having resolutions pertaining to these people added on when they've already been voted on and probably will, I'm guessing or assuming will, potentially get voted down again, I don't know what other motivation that you have to put those on there, to slip them on there, at the eleventh hour without, especially because we had an agenda already and that is what I was prepared for to come in when I came that Thursday. You did it to us the meeting prior to that with the resolutions and we sat with a labor attorney and met and discussed everything to do with those. That is why those resolutions were removed off the agenda in the December meeting and new resolutions were put on, based on the conversation that the whole Board had with the labor attorney and at that meeting as Jim stated, all four Trustees, which Toni you've mentioned, you've reported that in the newspaper, so I'm not saying anything from

that meeting, were in agreement on and the Mayor had slipped those resolutions in there also without us having any benefit of any advance notice. So, you took them off, you added the ones on that were decided on by the whole Board and you didn't like the outcome of those resolutions, so now you are bringing the same and other resolutions back onto the table here. Your motivation to put that on a public agenda in that regard leaves something to be questioned by the residents. We are treading on dangerous territory I feel here and we're trying to prevent lawsuits here. I thought that was what you had always told us, that was your goal these past few years as well. I apologize to the residents for not coming up to the meeting on Thursday evening, but after two meetings in a row of being blindsided, we had orally warned the Mayor that that wasn't acceptable to have his own agendas changed without any warning to us or any notice to us. If you think 3:00 is sufficient to change the agenda, on 3:00 the day of the meeting and add eight legal resolutions on there, Mr. Mayor, then so be it. I feel I was not prepared for all those resolutions. In a perfect world maybe we should have handled ourselves differently. We hadn't preplanned or discussed not coming to any meeting or anything. It was just we felt like you left us no choice at that point in time.

Deputy Mayor Birk asked Mrs. McGinnis weren't four of and I missed the last meeting, but weren't... I got the info and I don't recall it, from December's agenda to January's agenda was it an addition of three or four.

Mrs. McGinnis responded three.

Deputy Mayor Birk stated it was then an addition of three, not seven.

Mrs. McGinnis said the four were on the December agenda and at the meeting there was a motion made to just remove them, but it was.....

Mayor Teller stated all those resolutions pertained to my duties specifically.

Mrs. McGinnis said those were the ones you added.

Trustee Tucker said those resolutions were put on the same way they were put on this past Thursday, without us having the benefit that day.....

Mayor Teller said you had already put those resolutions on the same way a while back.

Trustee Tucker said those were different resolutions I'm referring to. I'm talking about the legal ones that we needed to have hearings. Our first meeting to physically discuss what we were going to do with that report was the day of the December meeting and you had added those resolutions on there already to have us vote when we hadn't even met and discussed anything to do with that and that was our first day meeting with labor counsel. You already had the resolutions on the agenda that day. That's not fair for our Board that has to vote. Maybe you already had the benefit of your own personal legal counsel that you had gone and discussed it with, but we didn't have the benefit of that.

Mayor Teller said no, what I did was the normal course of business. The Chief of Police files the charges. The officers are out on suspension. The labor attorney was contacted. The charges were served on the officers and.....

Trustee Tucker said we were promised we would have the report prior to any actions being taken by yourself, by the Chief.

Mayor Teller responded you had the report.

Trustee Levan said it was after.

Trustee Tucker said I got a hand delivered letter telling us that you suspended officers with pay before we were even notified that the report had actually come back into this Village.

Mayor Teller said he was only doing his job as the Mayor.

Trustee Levan said you are not doing your job. You are not giving us a whole legal

document from your attorney. Why wouldn't you have given it to us last week so we could at least have some semblance of why you did it and whatever?

Trustee Tucker said or yesterday.

Trustee Levan added or any day, because it is always an ambush with you.

Mr. Speir asked a question through Mayor Teller to Trustee Tucker. He asked how Trustee Tucker reconciles his lengthy comments just now with last months carry on resolution. You talk about ambush. That was one that wasn't only not on the agenda; it was brought in and inserted by Mr. Kametler right in the middle of the meeting effectively negating the resolutions that the Mayor had on later on, I assume it was the Mayor, later on the agenda.

Mayor Teller explained that came from the meeting that we had with the labor attorney that day.

Mr. Speir asked if that was Mr. Kametler's resolution.

Trustee Tucker said that was the whole Board.

Trustee Kametler said that was the whole Board that met with the labor attorney. We didn't do that because we felt like it. We were told by the attorney to do that.

Mr. Speir asked what time was that meeting.

Mayor Teller said it was 1:00 because we had it before labor negotiations.

Mr. Speir said it lasted six hours; you could have put it.....

Mayor Teller said no, no, it lasted an hour, hour and a half maybe.

Mr. Speir said but, you had time to put that resolution on the agenda, didn't you.

Trustee Tucker said the Mayor chose not to do it.

Mayor Teller said I didn't.....

Trustee Tucker said he chose to do it the way he handled it in that meeting.

Mayor Teller said he never even had that resolution.

Trustee Levan said yes, you did.

Mayor Teller said no, I did not.

Trustee Tucker said, what, the one we discussed with the labor attorney.

Mayor Teller said I had my own resolution, not the one Jim had.

Trustee Kametler said I got mine from Richard Zuckerman.

Trustee Levan said Zuckerman had it at that meeting. We all looked at it.

Mayor Teller said I didn't see it.

Mr. Speir said this brings me back to a question I asked of the three, Mrs. Levan, Mr. Kametler and Mr. Tucker last month and before Mr. Bishop jumps in, I'm not asking about the substance of the communications. I'm just asking, I had asked the three of you if you had some sort of legal authority or consultation that advised you that what you were doing was proper. Was that and I didn't ask you who.....

Trustee Tucker said the whole Board sat down.....

Mr. Speir said I'm asking you now was that Mr. Zuckerman. Was that your legal authority on that?

Trustee Tucker asked what's the relevance.

Trustee Kametler said that's who we picked. That's who we used.

Mayor Teller said our meeting with Zuckerman, whether he gave that exact explanation or not, I have no notes of the meeting and I don't fully recollect every word he said.

Trustee Tucker said yes, it was based on, like we told you at the last meeting.

Mr. Speir said no, you didn't, because I didn't ask you who it was. I asked you did you have legal authority.

Trustee Kametler said the response is absolutely. I think I answered that response.

Mr. Speir said yes, you did, but I didn't ask who it was.

Trustee Kametler said now you're asking. The answer is yes. It was Mr. Zuckerman.

Mr. Speir said thank you very much. That shouldn't be contentious. That should be a matter of record. I'm just clarifying for the record exactly who that came from. So, it was the Village's labor attorney.

Trustee Tucker responded that at this point in time, I feel as a Board, where these are serious legal issues, I feel that we should not be discussing this in open session anymore, with all due respect to the residents, because there are a lot of other issues that people aren't aware of besides just what was printed in the newspaper – things that happened before, during and after. And, that is what goes into decisions that were made by everyone on this Board and that is why you have a Board so that one person or two people don't make their own decisions. You have people voting and majorities of a Board representing elected officials make decisions.

Mr. Speir stated that Trustee Tucker had just talked about the issue of dollars.

Trustee Tucker said he did not talk about any issue of dollars.

Mr. Speir said, I beg you pardon. I think the minutes will reflect you talked about the cost.....

Trustee Levan said, Jim Kametler did, Hank didn't, Jim did.

Trustee Kametler said I did.

Trustee Tucker stated I did not talk about cost. I've never talked about cost. You've never heard those words out of my mouth. Halley from the newspaper has never heard those words out of my mouth at all. So, you've never heard me say it would cost too much, or the cost is this or the cost is that.

Mr. Speir said I stand corrected then. It was Mr. Kametler. But, I would like you to explain the cost of not having the hearings versus the cost of now having two police officers who are on restricted duty and are costing the Village a quarter of a million dollars on a per annum basis. Have you figured out on an actuarial basis what the cost of one is versus the other?

Mayor Teller said, Dean, I would leave that. He asked Mr. Bishop if he would contact the labor attorney and take my stuff and the Board's and have him recapitulate and tell if I'm nuts or the Board is crazy or we're all crazy.

Mr. Bishop asked what exactly are you asking me to do. Are you asking me to contact labor counsel to review these resolutions and the prior resolutions passed by the Board?

Mayor Teller responded yes, and his memo to the Board members. I think there is a letter November 2nd or something to that effect.

Mr. Bishop stated there was a prior resolution by this Board that no one was to have communications with Mr. Zuckerman other than Trustee Tucker. That resolution is still pending. I noted my objections to the resolution, but it has not been rescinded as of this time.

Mayor Teller said that is one of the ones I just presented.

Mr. Bishop said whether the resolution is legal or not legal is a matter either before the courts or for independent counsel to advise the Board or Mr. Zuckerman to advise the Board, so I don't know what direction the Board of Trustees.....I represent the Board as an entity, not as individual members, so I have to have a sense from the entire Board what it is they would like me to do, what direction they want me to go.

Trustee Kametler said, let me interject there for a second, Bo. Conrad, wasn't it your idea that you didn't want all the Board members calling Zuckerman so you wanted us to pick someone that would contact Zuckerman solely and exclusively get the information and get back to the Board and we decided to pick Hank Tucker. Correct me if I'm wrong in that, but I thought that was your idea.

Deputy Mayor Birk said in the spring it was Kathy McGinnis. He wanted us to go through Kathy, for the labor attorney, last spring.

Trustee Kametler said, I'm asking the Mayor.

Mayor Teller said, I don't think so.

Trustee Kametler asked Trustee Levan if she would like to speak up on this, because.....

Trustee Levan stated that's what he said, everybody's calling him and we shouldn't be doing it.

Trustee Kametler added you didn't want the bill to get that high with the labor attorney because people were calling him all the time.

Mayor Teller said I believe I put out a memo to go through me or Kathy.

Deputy Mayor Birk said that was in the spring, correct.

Trustee Tucker responded the problem was you weren't sharing the information. You were meeting with the labor attorney. You were gathering information you weren't sharing with the rest of the Board. So, that resolution was done not to hamstring or stop government from operating. That resolution was done so that we would all have the benefit of labor counsel's information that is being paid for by the Village residents. Not just you, so that you could create your own resolutions and show up and spring them on us. That is how that was done. And, we never said that no one else could talk. What we said, was I would be the point person gathering information so that we wouldn't have three or four people calling and getting charged for the same questions. That was the purpose of that.

Trustee Levan said, I think we need to meet with Zuckerman.

Trustee Tucker said, okay. And the other resolution, the second one that we had brought up wasn't something that was sprung on. It was something that was discussed with the Mayor. It was discussed with all the Trustees prior to the meeting and on an individual basis, not on a group basis and that was that when the report came back, we would get a copy of the report before any actions were taken. And, as the Chief assured us that he would when he was standing up there and as the Mayor had assured us throughout the whole process that we would, I think it is clear and evident now that we did not get the report prior to actions being taken. And, that was suspending the officers with pay, without any discussion with us at all as to that.

Mr. Speir asked are you talking about the IA report, Mr. Tucker.

Trustee Tucker said yes.

Mayor Teller said the PDIA report.

Trustee Tucker said yes. So, that is where those two resolutions that we put on came from. They weren't sprung on.

Trustee Levan asked Mr. Bishop, so you'll.....

Mr. Bishop said the purpose of the meeting will be an Executive Session and will be for purposes of discussing these resolutions and prior resolutions.

Trustee Levan said, correct.

Mr. Bishop said it falls under the criteria of exceptions to the open meetings law and what you would have to do is, you would have to schedule a Special Meeting, probably downstairs or you could come up here and do it. But, in an open meeting make a resolution to close the public portion of that meeting to go into Executive Session.

Trustee Kametler made a motion at 11:18 a.m. to adjourn the meeting. Seconded by Trustee Levan and unanimously approved. 4 Aye, 0 Nay

Respectfully submitted,

Christine Owen
Deputy Clerk