

**The Board of Trustees of the Village of Westhampton Beach held a Special Meeting on Monday, May 17, 2010 at 10:30 a.m. in the Municipal Building, 165 Mill Road, Westhampton Beach**

**PRESENT: Mayor Conrad Teller  
Deputy Mayor Toni Jo Birk  
Trustee James Kametler  
Trustee Joan Levan  
Trustee Hank Tucker**

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

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Mayor Teller opened the meeting with the Pledge of Allegiance. He then made a motion to go into Executive Session to discuss these items first. Trustee Levan seconded the motion. It was unanimously approved. 4 Aye, 0 Nay

Trustee Tucker made a motion to re-open the regular meeting. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

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**Resolutions:**

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**Determination Step 2 PBA Grievance on Overtime Pay**

Motion by Trustee Tucker:

RESOLVED, that having reviewed the Step II Grievance filed by the Westhampton Beach Police Benevolent Association, pursuant to Section 24 of the collective bargaining agreement, the Board of Trustees hereby determines that the appeal is denied because it does not establish a breach of contract.

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

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**Determination Step 2 PBA Grievance – Restrictive Duty**

Motion by Deputy Mayor Birk:

RESOLVED, that having reviewed the Step II Grievance filed by the Westhampton Beach Police Benevolent Association, pursuant to Section 24 of the collective bargaining agreement, the Board of Trustees hereby determines that the appeal is denied because the underlying grievance was not timely filed and even if it was, it does not establish a breach of contract.

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

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**Determination Step 2 PBA Grievance – Duty Tour Swap**

Motion by Trustee Kametler:

RESOLVED, having reviewed the Step II Grievance filed by the Westhampton Beach Police Benevolent Association, pursuant to Section 24 of the collective bargaining agreement, the Board of Trustees hereby determines that the appeal is denied because the underlying grievance was not timely filed and even if it was, it does not establish a breach of contract.

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

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**Appoint two members to Labor Management Committee**

Motion by Trustee Tucker:

RESOLVED, that the following Village Board Members are hereby appointed to serve on the Labor Management Committee pursuant to Section 30 of the PBA contract.

Trustee Hank Tucker  
Trustee Joan Levan

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

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**Appoint Hearing Officers to conduct a hearing of Police Disciplinary charges**

Motion by Deputy Mayor Birk:

RESOLVED, that the Village Board hereby appoints itself to conduct a hearing with respect to disciplinary charges filed against a Village Police Officer.

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

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**Approve transcription/stenographic services for Police disciplinary hearing**

Motion by Trustee Kametler:

RESOLVED, that the Board of Trustees hereby authorize legal counsel to use Five Star Reporting for transcription/stenographic services relating to the Police Department disciplinary charges, at the per page cost of \$3.45 for transcription or \$4.25 for stenographic services plus associated fees pursuant to Suffolk County Contract # SS-041709.

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

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**Authorize suspension of employee pending hearing Re: disciplinary charges**

There was a brief discussion as to the details of the suspension, whether it would be with or without pay. Mayor Teller explained that you can only suspend an officer for thirty days without pay, but this officer would be suspended with pay until a hearing was held. There was further discussion as to what would happen if the Workers' Compensation Board were to reimburse the Village for the employee's time under a comp case, since the Village has been taking his sick time. It was determined that the employee would be suspended with pay and none of his time would be used.

Chief Dean asked for a quick Executive Session to address something. Mayor Teller made a motion to go into Executive Session. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Mayor Teller made a motion to re-open the Special Meeting. Seconded by Trustee Birk and unanimously approved. 4 Aye, 0 Nay

Motion by Trustee Levan:

RESOLVED, that the Board of Trustees of the Village of Westhampton Beach hereby authorize the suspension with pay of this employee "A" effective May 18, 2010 and pending the determination of those charges.

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

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Trustee Kametler made a motion to close the Special Meeting. Seconded by Deputy Mayor Birk and unanimously approved. 4 Aye, 0 Nay

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Respectfully submitted,

Christine Owen  
Deputy Clerk