

A Public Hearing was held Monday, April 26, 2010, at 6:30pm at Town Hall, 18 Russell Avenue, Ravena, New York

PRESENT: Henry C. Traver, Supervisor
Dawn Rogers, Councilwoman
Thomas A. Boehm, Councilman
James C. Youmans, Councilman
Richard N. Touchette, Councilman

ALSO PRESENT: Cindy Vatalaro, Deputy Town Clerk
Deana Ferrusi, Clerk
Greg Darlington, Chief of Police
David Wukitsch, Attorney for the Town

Supervisor Traver opened the Public Hearing and led the Pledge of Allegiance.

OPENING COMMENT

Supervisor Traver stated that the purpose of the Public Hearing was to receive comments from the public on Proposed Local Law #3-2010 relating to clarifying and salary and benefits of the Chief of Police of the Town of Coeymans. He continued by asking that Deputy Clerk Vatalaro read the Notice of Public Hearing.

Deputy Clerk Vatalaro continued by reading the following:

**LEGAL NOTICE
PUBLIC HEARING
PROPOED LOCAL LAW #3-10**

NOTICE IS HEREBY GIVEN, that the Town of Coeymans will conduct a Public Hearing for the purpose of receiving comments on proposed Local Law #3-2010 Clarifying the Salary and Benefits of the Chief of Police of the Town of Coeymans. The Public Hearing will be held on April 26, 2010 at 6:30pm prior to the Town Board Meeting at 18 Russell Avenue, Ravena, NY.

Be it enacted that the Town Board of the Town of Coeymans as follows:

Section 171-11 of the Coeymans Town Code is hereby amended by deleting the present paragraph or subsection M and replacing it with the following:

- M. The Chief of Police is a Supervisor and Department Head excluded from coverage by any applicable Collective Bargaining Agreement. Salary and benefits, including vacation time, provided to the Chief of Police shall be Set by the Coeymans Town Board at its sole discretion.

The Local Law shall take effect immediately upon filing in the Office of the New York Secretary of State.

**By Order of the Town Board
Of the Town of Coeymans
Diane L. Millious
Town Clerk**

PUBLIC COMMENT

Supervisor Traver invited the public to comment at this time.

A member of the audience inquired as to what they are changing.

Deputy Clerk Vatalaro interjected that there is a sign-in sheet for anyone wishing to comment.

Supervisor Traver asked if anyone from the Board wanted to respond to what the change is.

Councilman Boehm told Supervisor Traver that he could respond.

Supervisor Traver stated that the Town Board brought it up in his absence and he has no clue what they are doing.

Councilman Boehm stated that it is for clarification of the Chief's salary and how it is negotiated in the Collective Bargaining Agreement and added that they scheduled a Public Hearing and now they are looking for input specifically on the item that was just read. He continued by saying that if anyone has any comments about how the Chief's salary is made up by the Town Board in Proposed Local Law #3-2010, they would appreciate the input.

A member of the audience inquired as to what they are deleting.

Deputy Clerk Vatalaro advised that she needed names of those speaking.

Collectively the Town Board advised that anyone wishing to speak would have to go to the microphone to address the Board and give their name.

Councilwoman Rogers interjected that there is a sign-in sheet for anyone wishing to speak.

Deputy Clerk Vatalaro inquired as to the names of the members of the audience who had inquired about the change.

Barbara Thompson and Dolly Spoor identified themselves.

Councilman Boehm suggested that in the absence of anymore comments they should take the audio portion of the Public Hearing down.

Mr. Daniel Boomer stated that he had a comment and continued by saying that he lives at 210 Biechman Road. He added that he wanted to know what they were striking from the previous paragraph M and how the Chief's salary is determined now and then asked what the point of the Local Law is.

Councilman Boehm stated that the point of the Local Law is to reinforce the Town's position to be able to control the Chief's salary and added that there is some controversy over General Municipal Law 207, which says that the Chief is entitled based on a Collective Bargaining Agreement with the officers, to a raise. He continued by saying that the Board contends that the salary should be in the Town Board's hand and by strengthening paragraph M, it clarifies that the Chief's salary is a component made up by the Town Board.

Mr. Boomer inquired as to the Chief's present salary.

Chief Darlington stated that it is \$75,800.00.

Mr. Boomer stated that in a way this could possibly save the Town money by holding the line on spending, maintaining the spending freeze rather than having to honor a Collective Bargaining Agreement and added that it could be a good thing. He went on by saying that he really isn't trying to start trouble.

Councilman Boehm stated that the intent of the provision is to strengthen the Town's position and not give a raise when the Town Board didn't give a raise to any of the Department Heads.

Mr. Boomer stated that they already made an exception for police vehicles and added that they weren't going to spend money this year but did buy a new Police SUV.

Councilman Youmans stated that they didn't buy one this year but there is money budgeted for one.

Mr. Boomer thanked the Town Board.

Supervisor Traver asked if anyone else wanted to comment.

Ms. Barbara McMullen stated that she speaks as a resident and continued by saying that she is under the understanding that there are raises given out every year and the Board controls the Chief's salary as it stands and continued by asking what the difference is and why is the amendment being put in.

Councilman Boehm stated that the amendment is proposed to keep control of the Chief's salary at the Town Board level.

Ms. McMullen stated that they do that by agreeing to a percentage of increase for employees and continued by asking if anything else is going to be changed to alter this.

Councilman Boehm stated that the intent of the law was to allow the Town Board to decide the Chief's salary and benefit package. He added that the Chief brought to the Town Board's attention General Municipal Law 207, which ties it directly to the Collective Bargaining Agreement for the Police Union. He continued by saying that in his opinion he didn't think that it was appropriate so he proposed the Local Law.

Ms. McMullen stated that taxes are going crazy and continued by asking if anyone, including the Town Board had received a raise.

Councilman Boehm stated that Elected Officials and Department Heads did not receive a raise this year.

Chief Darlington asked if he could speak.

Councilman Boehm stated that he certainly could.

Greg Darlington introduced himself as a Town resident as well as Police Chief and continued by saying that it is his understanding that the amendment of the Code that they are trying to amend was in fact abolished in a 1996 resolution by the Town of Coeymans Town Board when they adopted the Employee Handbook. He continued by saying that it states that the Employee Handbook supersedes and manages all employee policies and went on by saying that it is his understanding that even with the passing of any Local Law, NYS General Municipal Law will stay in effect, which requires them to provide the Chief of Police with any raise that is given to the highest ranking Officer in the Collective Bargaining Agreement.

Councilman Touchette asked Chief Darlington what the impact of the raise would be.

Chief Darlington stated that he did not know and added that he didn't tally it up. He continued by saying it is his understanding that the Internal Control Officer has provided it to payroll. He went on by saying that he would further add that even if he were not to bring this up, if the Town were audited and it was found they would still be required to provide it. He concluded by saying that a State Law is a State Law.

Supervisor Traver asked if there were any other comments, hearing none he asked that Mr. Horton take the sound down and added that the Regular Town Board Meeting would be starting in 20 minutes.

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Attorney for the Town Wukitsch stated that there has to be a motion to close the Public Hearing.

Supervisor Traver asked for a motion to close the Public Hearing.

MOTION

On motion of Councilwoman Rogers, seconded by Councilman Touchette, the Public Hearing was adjourned.

VOTE – AYES 5 – NAYS 0 – SO MOVED

Time 6:40pm

Respectfully Submitted,

APPROVED:

Diane L. Millious, Town Clerk