

**TOWN OF ORANGETOWN
WORKSHOP/VOTE
TUESDAY, AUGUST 9, 2016**

This Workshop Meeting was opened at 8:05 p.m. Supervisor Stewart presided and the Deputy Clerk called the roll.

Present were: Councilman Denis Troy
Councilman Thomas Diviny
Councilman Paul Valentine
Councilman Gerald Bottari

Also present: Teresa Accetta-Pugh, Deputy Clerk
John Edwards, Town Attorney
Teresa Kenny, Deputy Town Attorney
Jeff Bencik, Finance Director
James Dean, Superintendent of Highways
John Giardiello, Director of OBZPAE
Aric Gorton, Superintendent of Parks, Recreation & Building Maint.
Kevin Nulty, Police Chief

The Town Board led the Pledge of Allegiance to the Flag of the United States of America.

The Town Board reviewed and discussed Agenda items 1 thru 19 and decided to vote on the following items.

RESOLUTION NO. 389

**APPROVE TERMINATION OF FULL
PAY / EMPLOYEE NO. 2402 / § 10.1.4
OF THE LABOR AGREEMENT
BETWEEN THE TOWN AND CSEA**

Under new business, Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and on a roll call was unanimously adopted:

WHEREAS, Article 10 of the Labor Agreement between the Town and the Local CSEA provides that a covered employee who suffers a compensable work related injury or illness shall be entitled to leave with full pay for the entire period of his or her absence (§ 10.1.1), provided, however, that such leave with full pay may be withheld or terminated “if the appointing authority determines that the injury or disease is of such nature as to permanently prevent the employee from performing the duties of his or her position” (§ 10.1.4); and

WHEREAS, Employee No. 2402 (the “Employee”) has been continuously absent from work for more than one (1) year, measured from February 11, 2015, the date on which he suffered a compensable work related injury; and

WHEREAS, it appears to the Board, based on medical evidence provided, that said Employee presently is permanently unable to perform the duties of his position, with no estimate or other indication as to when, if ever, he will be capable of returning to work, able to perform the full duties of his position; and

WHEREAS, by letter dated July 27, 2016, Employee 2402 was notified that the Town Board intended to meet on August 9, at 7:30 p.m., to consider the nature and status of his injury and whether to invoke the provisions of § 10.1.4 of the Labor Agreement, inviting him to appear and to provide medical documentation, testimony or other information or documentation that he deemed relevant in order to assist the Board in making its determination; and

WHEREAS, as bargaining representative and a party to the Collective Bargaining Agreement, the CSEA also was given notice of the said meeting; and

WHEREAS, on the appointed date and time, *to wit*, August 9, 2016, at 7:30 p.m., the Town Board convened in executive session to consider the question and to afford the Employee the opportunity to be heard and to present evidence regarding his present status, and when, if at all, he would be able to return to full duty; and

RESOLUTION NO. 389 - Continued

WHEREAS, the Employee failed to appear at the noticed meeting, or to submit any evidence or documentation other than that in his file (including his Workers' Compensation file), regarding the contractual issue to be determined by the Board,

NOW, THEREFORE, BASED ON ALL OF THE INFORMATION BEFORE IT, including but not limited to a review of the medical records, reports and other information in the Employee's file, that the Employee is presently permanently disabled from performing the duties of his position, and will likely be permanently disabled going forward,

BE IT RESOLVED, pursuant to § 10.1.4 of the Labor Agreement between the Town and the CSEA, the Town Board hereby terminates further leave with full pay for Employee No. 2402, effective immediately.

This determination is not intended to, and shall not, alter or affect any benefit to which Employee may be entitled under the provisions of the N.Y.S. Workers' Compensation Law.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 390

**ADOPT/ACCOUNTING AND
PERSONNEL POLICIES AND
PROCEDURES / "SAMSHA" GRANT
FUNDED PROJECTS / SUCOSA**

Supervisor Stewart offered the following resolution, which was seconded by Councilman Diviny and on a roll call was unanimously adopted:

RESOLVED, that on recommendation of the Director of Finance and Town Attorney, the Town Board hereby adopts mandated Accounting and Personnel Policies, including a Conflict of Interest policy, to be applicable in connection with the administration of Substance Abuse and Mental Health Services Administration ("SAMSHA") grant funded projects. Copies of the said policies shall be on file with the Town Clerk and Town Finance Department.

Ayes: Supervisor Stewart
Councilpersons Diviny, Troy, Valentine, Bottari
Noes: None

RESOLUTION NO. 391

ADJOURNED

Supervisor Stewart offered the following resolution, which was seconded by Councilman Troy and was unanimously adopted:

RESOLVED, at 9:25 p.m., the Town Board adjourned this meeting.

Ayes: Supervisor Stewart
Councilpersons Troy, Diviny, Valentine, Bottari
Noes: None

Teresa Accetta-Pugh, Deputy Clerk